STATE OF CALIFORNIA–THE RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, *Governor*

SANTA MONICA MOUNTAINS CONSERVANCY
RAMIREZ CANYON PARK
5750 RAMIREZ CANYON ROAD
MALIBU, CALIFORNIA 90265
PHONE (310) 589-3200
FAX (310) 589-3207

**SMMC ATTACHMENT 11/10/08 ITEM 14**

June 14, 2004

# OLD SMMC LETTER

Mr. James Hartl
County of Los Angeles
Department of Regional Planning
320 West Temple Street
Los Angeles, California 90012

**County of Los Angeles General Plan Update**

Dear Mr. Hartl:

The Santa Monica Mountains Conservancy (Conservancy) offers the following comments on Los Angeles County's proposed General Plan Update and related documents, including the Draft Significant Ecological Areas Proposed Regulatory Changes (from the County Department of Regional Planning website). The Conservancy provided related comments in an April 30, 2001 letter to the County on the Significant Ecological Areas Update Study, and in a December 23, 2002 letter to the County on the Notice of Preparation for Comprehensive Update and Amendment to the Los Angeles County General Plan (enclosed). (Throughout this letter, underlined means to add, ~~strike-out~~ means to delete, and repeated periods means the text should remain unchanged.)

**Conservation/Open Space Element**

It is critical to add the following policy to the Conservation/Open Space Element (e.g., after Policy O-6.3) to ensure adequate protection of Significant Ecological Areas (SEAs), given the potential for significant adverse environmental impacts from developments in SEAs.

> Proposed developments in SEAs shall include mitigation for unavoidable impacts to SEAs from the removal, conversion, or modification of natural habitat for new development, including required fuel modification and brush clearance. Mitigation measures include permanent preservation of existing habitats, habitat restoration, and habitat enhancement. Mitigation areas shall be protected in perpetuity by fee simple dedications and/or conservation easements.

Similar to proposed policies O-10.8 and O-12.1, which address recreational opportunities and watershed protection, the following policy should be added after Policy O-5.4 to promote proactive conservation efforts to protect sensitive biological resources:

> Pursue and encourage public and/or private funding for the purchase of parcels and/or conservation easements within SEAs to preserve significant ecological resources.

The County is not in the position of advocating development; rather the County responds to and regulates development proposals. Policy O-5.1 should be amended to read: "~~Advocate~~ Restrict development that ~~is highly compatible with~~ compromises biotic resources."

Policy O-5.3 addresses maintaining the integrity of the County's diverse plant communities. Other sensitive and declining plant communities, including coastal sage scrub and native grasslands, should be considered in this policy, in addition to those already listed. Coastal sage scrub is recognized as very threatened in southern California by the California Department of Fish and Game (CDFG).[1] It has been estimated that about 70-90 percent of the presettlement coastal sage scrub in southern California has been destroyed mostly by residential development.[2] Coastal sage scrub also supports a suite of sensitive wildlife and plant species. With respect to native grassland, it has been estimated that there has been about 99 percent loss of native grassland in California.[3]

Policy O-6.3 for SEAs should be amended as follows: "Site roads and utilities to avoid sensitive ~~critical~~ habitat areas or migratory paths." If "critical" habitat is retained, this may appear to limit the analysis to only habitat designated by the United States Fish and Wildilfe Service as "critical habitat," when other areas also provide significant habitat values.

The following language should be added to Policy O-6.3 for SEAs, and this policy should also be added to the Circulation Element:

> Site roads to avoid significant adverse impacts to wildlife movement. Mitigate adverse impacts to wildlife (such as roadkill) during continued

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[1] See sensitivity rankings, "Sensitivity of Top Priority Rare Natural Communities in Southern California," determined by the California Department of Fish and Game.

[2] As cited in Noss et al. 1995

[3] Kreissman 1991, as cited in Noss et al. 1995

> operation of existing roadways and construction of new and expanded roadways.

As stated in the Conservancy's December 23, 2002 letter, the General Plan should show where potential habitat linkages remain to connect large regional open space areas, for example, specifically (a) across State Route-14 between Santa Clarita and Palmdale, and (b) across Interstate 5, north of Castaic to the Los Angeles County/Kern County line. The Missing Linkages study (SCWP 2000) addressed numerous habitat linkages, including these two. These areas must receive special wildlife corridor designation in the General Plan.

The Conservancy supports Policy O-10.9 which states in part "[a]dvocate development of... equestrian, biking and hiking trails..." The following policy should added after Policy O-10.9: "Where feasible and consistent with public safety and operational uses, encourage joint use for public access on infrastructure access roads, and under utility lines."

The Conservancy supports Policy O-8.1, which states:

> Protect the visual quality of scenic hillsides, including but not limited to ridgelines, hillside slopes and natural vegetation, to preserve the integrity of existing terrain–particularly areas located at key vantage points from public roads, trails and recreation areas.

**Significant Ecological Areas Proposed Regulatory Changes**

The comments in this section refer to the draft document from the Los Angeles County website, entitled Significant Ecological Areas Proposed Regulatory Changes, proposed as part of the General Plan Update. The Conservancy notes that the proposed SEA boundaries are substantially larger than those currently adopted. The Conservancy continues to commend the County and the consultant team on the excellent work done for designating the boundaries of the SEAs and specifically on the efforts to propose more inclusive and biologically sound SEAs. The Conservancy also appreciates the County's efforts to incorporate some of the Conservancy's previous recommendations regarding SEA boundaries (see the Conservancy's April 30, 2001 and December 23, 2002 letters enclosed).

However, the Conservancy is concerned that the proposed changes to the SEA Regulatory Review Procedures will not provide the needed protections for either the existing or the new expanded SEAs. Notably, additional exemptions to the SEA review process have been added, and many activities would be not be required to be reviewed by Significant

Ecological Areas Technical Advisory Committee (SEATAC), nor would they require a public hearing. The proposed regulations would result in four categories of SEA review: (1) exemptions from SEA review process (no SEATAC review, no public hearing), (2) Director's Review (no SEATAC review, no public hearing), (3) Minor Conditional Use Permit (CUP) (no SEATAC review, sometimes a public hearing is required), and (4) CUP (with SEATAC review and public hearing). (According to the SEAs Proposed Regulatory Changes, these SEA regulatory procedures do not apply to those areas within the Santa Monica Mountains Coastal Zone boundary; those projects are subject to a Coastal Development Permit.)

The Conservancy stresses that a community-level Biological Constraints Analysis must be required for all development projects requiring grading of more than 5,000 sq. ft.within SEAs. This is more consistent with current requirements (as stated in County of Los Angeles Department of Regional Planning Biological Constraints Analysis Guidelines, p. 1, from the County website). This is a key step as part of a proactive approach to adequately protect SEAs. This should be required for all projects grading over 5,000 square feet (sq. ft.) of surface area within SEAs, even those proposed to be exempt from SEA review (see below).

*SEA exemptions (no SEATAC review, no public hearing)*: Under the SEAs Proposed Regulatory Changes, some exemptions would include new individual single-family homes, grazing, vegetation removal less than one acre (provided that no more than one acre is removed within a single calendar year), and grading of slopes less than 8 percent (provided that no more than 2,500 cubic yards of earth is moved).

There are uncountable scenarios in which these proposed exempt activities could result in significant, adverse environmental impacts, either individually , or cumulatively, without adequate avoidance, mitigation, or public review. For example, single family homes are being built in the Simi Hills, in or near areas known to support the rare plant, Santa Susana tarplant, without adequate environmental review. There are cases where a new single-family home may be proposed in a visually sensitive area (e.g., visible from scenic roads, trails, parkland, etc.), resulting in significant adverse project-related impacts, or resulting in significant, adverse cumulative impacts from several single-family homes being built in the area. Also, extensive grazing over a large area, can result in significant degradation to native plant communities and sensitive species. Vegetation removal of one acre per year over several years, can also result in significant loss of native habitat and watershed protection. These types of activities can be particularly problematic if the development and vegetation removal occur in sensitive habitat areas near water sources used by wildlife (such as mammals), or near a habitat linkage chokepoint. The proposed new regulations would let such projects through like a super coarse sieve.

These procedures also state that projects on parcels located partially within an SEA (provided the development area is outside of the SEA) are exempt. It appears this may allow fuel modification and other harmful indirect effects on the SEA without consideration of simple avoidance alternatives that would be obvious from a constraints report.

The SEAs Proposed Regulatory Changes document states that several of these activities are not subject to a building or grading permit, thus are not under the scrutiny of zoning review. The Conservancy recommends that the County require SEATAC review for these activities. However, if the County proceeds with considering these activities exempt, then at the very least, the following changes should be made to the SEA exemption procedure. As stated above, a biological constraints analysis should be prepared for all of these aforementioned activities resulting in grading of over 5,000 sq. ft. of surface area within SEAs. The proposed exemptions should be modified as follows:

- New single-family residences, that will result in less than 5,000 square feet of surface area grading....
- Projects on parcels partially within a SEA, provided the development area (including the fuel modification areas) is outside of the SEA, the applicant proposes and commits to implement measures to minimize indirect effects to the SEA, and the County biologist has approved these measures.
- Grazing of horses...provided that the grazing and corrals occupy less than ½ acre.
- Vegetation removal less than ~~one~~ ½ acre total, ~~provided that no more than one acre is removed within a single calendar year~~ (in all years combined on a single property)...
- Grading of land with a slope of less than 8 percent provided that no more than ~~2,500~~ 1,000 cubic yards of earth is moved.

The Conservancy recommends that at the very least the County biologist review these projects to ensure compliance with the exemption requirements.

*SEA Director's Review (no SEATAC review, no public hearing):* According to the SEAs Proposed Regulatory Changes, a "Director's review" would consist of a site visit by the County biologist, review of a checklist, and the possibility for recommended changes by the biologist, and/or recommendation to the Minor CUP process (which also does not require SEATAC review). These types of activities would have greater impacts than those proposed

under the exemption category, and they have the potential for significant, adverse environmental impacts, individually and cumulatively. The Conservancy recommends that these activities listed in this paragraph be subject to SEATAC review and that the public be afforded the opportunity to comment. If the County elects to maintain these activities in this SEA Director's Review category (with no SEATAC review and no public hearing), at the very least, the following changes should be made:

- Grading of land with a slope of less than 8 percent and over ~~2,500~~ 1,000 cubic yards but less than ~~5,000~~ 2,500 cubic years of earth of moved.
- Vegetation removal of ~~1.0 to 2.5~~ ½ to 1.0 acre...

Also, on the checklist for those projects in the SEA Director's Review category, all streams, not just United States Geological Survey (USGS) blue-line streams, should be considered.

*Minor CUP (no SEATAC review, sometimes a public hearing is required):* The Minor CUP process would require certain Development Standards Applicable to Small Subdivisions and a Burden of Proof to be met, with no SEATAC review required. The Conservancy *strongly* recommends that all small subdivisions (4 units or less) within SEAs be required to be subject to SEATAC review, and that the public be afforded the opportunity to comment. The other activities proposed in this category should also be subject to SEATAC review, including relocation of two or more property lines between three or more contiguous parcels; grading under certain conditions, and vegetation removal under certain conditions. However, if the County proceeds with considering these activities under the proposed Minor CUP process, at the very least, the following changes should be made to the thresholds for this category, to the Development Standards Applicable to Small Subdivisions, and to the Burden of Proof.

If the County elects to maintain these activities in this category, the following changes should be made to the thresholds for this category:

- Grading of land with a slope of 8 percent or greater, but less than ~~25~~ 15 percent in an amount between ~~5,000~~ 2,500 cubic yards and ~~10,000~~ 5,000 cubic yards.
- Vegetation removal greater than ~~2.5~~ 1 acre~~s~~ but less than 20 percent of gross project area, or vegetation removal greater than 1 acre, but less than 2.5 acres....

Additional specificity is warranted for the phrases: "...maintain the remaining portions of the site in a natural undisturbed site..." (in 1.a. Development Standards Applicable to Small

Subdivisions, p.8), and "...setting aside appropriate and sufficient undisturbed areas..." (in 2.a. Burden of Proof, p. 9). The following language should be added to these two sections:

> This shall be accomplished by dedicating the land in fee simple to an appropriate public entity capable of managing open space for resource protection and recreational use, or by granting conservation easements, or recording a offer to dedicate conservation easements, to the County and to an appropriate public entity capable of managing open space for resource protection and recreational use, prior to vegetation removal or grading.

In 1.c. Development Standards Applicable to Small Subdivisions, the language appears to allow development of a majority of the floodplain or stream, as long as a small portion is not altered. This language should be clarified so as to emphasize avoidance of the majority of the floodplain or stream. From a financial investment standpoint, it seems illogical to build in the floodplain. Also, avoidance of streams is preferred to protect the biological functions and values of the stream. This language should be changed as follows:

> Not alter, grade, fill or build within the ~~entire extent of the~~ hydrological floodplain or biological margins of a river corridor, a blue line stream, or other perennial or intermittent watercourse to reduce the need for bank stabilization, unless no other alternative is feasible, the floodplain and watercourse have been avoided to the maximum extent, and appropriate mitigation measures will be implemented.

The proposed 100 foot buffer around wetland areas is not sufficient (1.d. Development Standards Applicable to Small Subdivisions, p. 8) to protect functions and values of the wetland. A buffer of 200-300 feet is more appropriate given the sensitivity of wetlands and the typical buffer recommended by the California Department of Fish and Game.

*CUP (with SEATAC review and public hearing):* The SEA Regulatory Review Procedures for CUPs (including SEATAC review), should provide the highest level of protection because presumably these activities could potentially result in the greatest impacts to the SEAs. Key protections should be added to Section 2. Burden of Proof (p. 11). Additional specificity regarding land dedications and conservation easements should be added to the language in Section 2.a., "...setting aside appropriate and sufficient undisturbed areas..." The language regarding land dedications and conservation easements proposed on page 7 of this letter for the Burden of Proof for Minor CUPs should be added to the requirements for CUPs. Language from Development Standards Applicable to Small Subdivisions relating

to providing wildlife-permeable fencing (1.e., f., p. 9) should be added to the requirements for CUPs. A requirement should be added to the Burden of Proof for CUPs (Section 2.a.) so that access roads are designed to minimize disturbance and avoid and minimize impacts to sensitive resources. Also, "..., protect habitat linkages and protect movement corridors" should be added to end of Section 2.e., Burden of Proof for CUPs, regarding preserving habitat connectivity. In addition, buffers of 200-300 feet to wetlands and streams should be a requirement in Section 2.d. Burden of Proof for CUPs.

*Other SEA Considerations:* The Conservancy supports the Specific Considerations for Individual SEAs (Section III., pp. 13-18 of SEAs Proposed Regulatory Changes). These include retaining connectivity and linkage values between the Santa Monica Mountains and Simi Hills, and maintaining linkages between large canyons of the Santa Monica Mountains SEA (p.17), limiting new development to outside the existing floodplain margins for the Santa Clara River SEA (p. 16), and retaining connectivity and habitat linkage values throughout the Santa Susana Mountains and Simi Hills for the Santa Susana Mountains/Simi Hills SEA (p. 18).

**Land Use Element**

The Conservancy supports the intent of Policy L-2.2 and Policy L-3.1. Nothwithstanding, the Conservancy supports the recommendation by San Gabriel & Lower Los Angeles Rivers and Mountains Conservancy to make the following wording changes in these policies:

> Policy L-2.2: Promote designs that preserve ~~significant~~ plant and animal habitats, natural scenery–including hillsides and ridgelines–cultural sites, public parklands and open space.
>
> Policy L-3.1: ~~Promote~~ Establish improved inter-jurisdictional coordination of land use and transportation policy matters between the county, cities, adjacent counties, special districts, and regional and subregional agencies.

The following policy should be added to the Land Use Element after Policy L.2-11:

> Require that it be demonstrated in development applications that developments are consistent with existing adopted plans including trails plans, parks plans, watershed plans, and river master plans.

**Housing Element**

The Conservancy supports Policy H-5.8.A, which states in part: "Santa Monica Mountains: Limit housing due to the widespread presence of natural hazards, valuable natural resources..."

**Circulation Element**

The Conservancy supports Goal C-6, and associated policies. This goal is a scenic highway system that preserves and enhances natural resources within its corridors while serving the public through various transportation modes and access to recreational opportunities.

Goal C-1 should be amended to read:

> A balanced, multi-modal transportation system, coordinated with established and projected land use patterns, to serve the mobility needs of residents and commerce ~~and~~ , improve air and water quality~~.~~, and protect natural resources.

The following policy should be added to the Circulation Element, after Policy C-1.6:

> Site roads and utilities to avoid significant adverse impacts to wildlife movement. Mitigate adverse impacts to wildlife (such as roadkill) during continued operation of existing roadways and construction of new and expanded roadways.

The Conservancy acknowledges that the County has deleted a large portion of the extension of Pico Canyon Road from the proposed Highway Plan, compared to the existing Highway Plan, consistent with the recommendation made in the Conservancy's December 23, 2002 letter (enclosed). The Conservancy strongly recommends that this road not be extended on any County Highway Plans, or other plans.

**Safety Element**

Policy S-3.2 should be expanded to emphasize avoidance of fuel modification practices within public parklands. The following underlined language should be added:

> Promote fuel modification practices that balance safety with natural habitat protection and that help reduce the risk of damaging runoff and erosion. For developments adjacent to parklands, site and design developments to allow required fire-preventative brush clearance to be located outside park boundaries unless no alternative feasible building site exists on the project site and the project applicant agrees to pay for required fuel modification within the parkland. Maintain a natural vegetation buffer of sufficient size between the necessary fuel modification area and public parkland.

The Conservancy appreciates the opportunity to comment. Please direct any questions or future documents to Judi Tamasi of our staff at (310) 589-3200 ext. 121 and at the above Ramirez Canyon Park address.

Sincerely,

Jerome C. Daniel

JEROME C. DANIEL
Chairperson

**Literature cited**

Kreissman, B. 1991. California, an environmental atlas and guide. Bear Klaw Press, Davis, Calif.

Noss, R.F., E.T. LaRoe III, and J.M. Scott. 1995. Endangered Ecosystems of the United States: A Preliminary Assessment of Loss and Degradation. U.S. Department of the Interior, National Biological Service, Biological Report 28. February.

South Coast Wildlands Project (SCWP). 2000. Missing Linkages: Restoring Connectivity to the California Landscape-Proceedings. San Diego Zoo, San Diego. November 2.