

**SANTA MONICA MOUNTAINS CONSERVANCY**

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August 26, 2019

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Department of Regional Planning  
Land Division Section  
320 West Temple Street, Room 1362  
Los Angeles, California 90012

**Notice of Preparation Comments**  
**Sterling Ranch Estates Residential Project VTPM No. 0602257**

Dear Mr. Jones:

The Santa Monica Mountains Conservancy (Conservancy) offers the following comments on the Notice of Preparation for the Sterling Ranch Estates Residential Project proposal to construct 222 single family homes on approximately 114 acres in the most easterly extent of the Sierra Madre Mountains north of Highway 126 and east of Interstate 5. The Conservancy opposes the project as proposed because both the ratio of permanent natural open space to development area and the poor connectivity of the proposed dedicated open space are not adequate to offset the loss of habitat from the greater Los Padres and western Angeles National Forest core habitat areas. To reduce these potential significant biological impacts to a less than significant level, the Conservancy offers the following comments to shape the range of alternatives and mitigation measures.

**Biological Resources**

The Initial Study fails to recognize high biological value plant communities located over large portions of the subject property. The Initial Study asserts, based on the Draft Biological Technical Report, that the “Project site is not considered an oak woodland ... [and] does not contain riparian habitat or coastal sage scrub.” However, data layers from GAP/LANDFIRE National Terrestrial Ecosystems dataset produced by the United States Geological Survey documents that mixed oak savanna and coastal sage scrub and chaparral (CSS/C) exist within the Project site. A cursory review of Google Earth also indicates CSS/C exists on northern slopes throughout the Project site. Further, many northern-facing slopes with CSS/C in this immediate area also contain a soil crust of lichens and bryophytes that take over 100 years to fully develop. Venturan sage scrub is increasingly rare in the Santa Clara River watershed. As proposed the project would eliminate scores of acres of

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ecologically valuable habitat that remains well connected to core habitat of statewide significance.

Areas south of Del Valle Road appear to contain a low shrub and grassland habitat sometimes termed “Box Springs Goldenbush-grassland” that typically blooms in late August through September and may have been missed by biologists performing Spring surveys. Supplemental biological surveys should be required to ensure this unique and rare habitat is accounted for in the DEIR.

Grasslands (including non-native annual) and scrub-grassland complexes are essential to many raptors for prey hunting. In addition, burrowing owl (*Athene cunicularia*) could well use the grassland habitats onsite to hunt and nest. A focused survey for burrowing owl using California Department of Fish and Wildlife protocol must be conducted prior the release of the Draft EIR.

Because of its regional sensitivity Venturan sage scrub (CSS) should be avoided where possible and set back over 200 feet from homes to prevent inclusion on fuel modification zones. The DEIR should include at least one alternative that, in part, is specifically designed to avoid and permanently protect a minimum 20-acre contiguous block of sage scrub - grassland complex within the 114-acre project boundary. No more than 2 acres of that preserved onsite area should be within any part of a fuel modification zone.

As a Condition of Approval for the nearly adjacent Sterling Gateway Industrial Park, the construction and maintenance of an ephemeral pond was required to mitigate for impacts to western spadefoot toad (*Spea hammondi*) habitat. Regular monitoring visits to this toad pond by Mountains Recreation and Conservation Authority (MRCA) staff have documented intermittent occurrences of western spadefoot toad tadpoles. Given this propensity for western spadefoot toads in the Project site’s vicinity (less than one-half mile), additional surveys and mitigation measures for avoidance and potential compensatory loss of this species are recommended. The MRCA holds conservation easements over the pond and its watershed as shown on the attached figure.

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### **Need for Habitat Replacement Mitigation**

Time and time again the Regional Planning staff is seeing that the creation and enhancement of upland habitat types as compensatory mitigation is cost prohibitive because of water/irrigation costs, weeding costs, herbivory exclusion, inadequate nursery stock and timing, and susceptibility to drought. The myth of successful upland habitat creation and restoration is near fully exposed. Can the Regional Planning staff or the DEIR preparers identify a single example of a fully successful upland habitat restoration project that is greater than a quarter-acre in size in any County watershed let alone the Santa Clara River watershed? If not, how can such mitigation continue to be allowed to be used in EIRs overseen by County staff?

The formation of upland habitats with their soil composition and fauna and age classes of perennial vegetation cannot be cost effectively created even in 5-7 year mitigation time windows. The establishment of either container plants or of all forms of seeding in all types and disturbances states of upland habitats does not adequately mitigate for the elimination of established plant communities – even at high replacement ratios. Upland plant community habitat restoration cannot be included as a mitigation measure to offset habitat loss until the success of such restoration has been demonstrated.

For any impacted chaparral, coastal sage scrub, or shrub-grassland complex onsite, the County should maintain its consistency with conditioning Santa Clara River watershed projects and require that permanent offsite preservation of ecologically equivalent habitat of equal or greater acreage. Required protection of replacement habitat is the only effective mitigation. Furthermore, the long-term efficacy of that replacement habitat mitigation requires permanent protection via conservation easements or fee simple transfers to public park agencies prior to any grading or grubbing impacts. In addition, for that level of ecological mitigation to be sustainable, the property must have a permanently funded form of oversight to both prevent and remedy human-caused degradation. The DEIR mitigation for open space dedications and the requirement of replacement habitat would remain deficient until it includes both permanent protection and a permanent oversight funding source that adjusts for inflation.

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### **Wildlife Movement**

As proposed the Project would sever all onsite wildlife movement from regionally significant core habitat area to the northwest to key habitat resources to the south that include protected MRCA habitat, the project's proposed fee simple open space dedication, and habitat linkages that reach both lower Haskell Creek and Castaic Creek. The rights-of-ways for high tension power lines help facilitate these habitat linkages that each only cross one paved road. The DEIR must address the existence and value of these habitat linkages to nearby unchannelized stream courses. How else will wildlife from the Los Padres National Forest ecosystem reach the either the Santa Clara River or Castaic Creek in Los Angeles County given the immense barriers approved with the total Newhall Ranch project?

The project's complete barrier to wildlife movement through the site in any direction is an avoidable significant biological impact. At least two project alternatives must include permanently protected habitat linkages free of all fencing and all other barriers that would adversely affect movement of mule deer, bobcats, and grey foxes from the northern project boundary to the southeastern project corner. Such linkages should include a wildlife underpass beneath De Valle Road that is at least ten feet tall and fifteen feet wide. Attached is a figure that shows such a habitat linkage centerline through the middle of the project aligned with a potential road underpass location. To remain permanently effective, the onsite designated habitat linkage must be covered by a conservation easement.

The proposed 37.9-acre fee simple open space dedication would lose significant ecological value if it is not connected to larger habitat blocks to the north in particular. A near ecologically isolated 37.9 acres habitat block has only a fraction of the wildlife habitat value as a moderately well connected habitat block of the same size and composition. The project proponent cannot control land use on adjoining private properties, but the Draft EIR must at least analyze and disclose what specific real estate ownership offsite protection measures could secure permanent habitat connectivity between the project site and the subject 37.9-acre proposed dedication. Without such information, decision makers cannot adequately assess the ecological value of the 37.9-acre proposed dedication.

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The DEIR should also analyze alternatives that incorporate permanent native vegetation growth in additional and/or larger debris or infiltration basins in order to provide cover habitat for species to move through the proposed Project site. Considering the high number of housing units in the project and the total volume of grading required to build the Project as proposed, such additional or larger detention basins and a wildlife crossing structure are project costs that should be easily absorbed. In short, well designed detention and retention basins can be part of a functional wildlife corridor if fencing requirements can be addressed—such as by gentle sloping sides and post and rail fencing.

A dedicated wildlife corridor would also provide opportunities to incorporate additional open space to help mitigate for urbanized heat island effects as climate change continues to raise temperatures in Southern California.

### **Fee Dedicated Open Space and Long-term Management Funding**

In order to ensure long-term protection and mitigation value of the proposed non-contiguous off-site open space dedication, a permanent funding source must be set up as a condition of approval. The options for a permanent funding source to monitor and protect fee simple open space include a developer-funded long-term management account, landscape maintenance district, or community facilities district. Home Owners Association funding via CC&Rs for non-tract-contiguous fee simple open space is not reliable enough over decades to ensure adequate open space oversight and protection.

The optimal ecosystem benefit would come from the fee simple dedication of the off-site open space dedication to a public agency as a condition of tract map recordation. To maintain the ecological value of said dedication, the public agency must have a permanent dedicated funding source from the project via its conditions of approval. The open space will be in close proximity to residential neighborhoods and people like to explore, walk dogs, and revisit open lands near where they live. A guaranteed annual payment of \$5,000 with a CPI inflation adjustor to the fee simple holding public agency is essential to ensure the integrity of the open space over the course of decades and increasing pressures from humans and domestic pets.

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Please address any future correspondence to Paul Edelman, Deputy Director Natural Resources and Planning, at the above letterhead address, by email at [edelman@smmc.ca.gov](mailto:edelman@smmc.ca.gov), or by phone at (310) 589-3200 ext. 128.

Sincerely,

IRMA MUÑOZ  
Chairperson