



**Puente Hills  
Habitat Preservation Authority**

Endowment Provided by the Puente Hills Landfill

WCCA  
5/8/2017  
Agenda Item VIII

May 4, 2017

County of Los Angeles  
Department of Regional Planning  
Attn: Alejandrina Baldwin  
Regional Planning Department  
13<sup>th</sup> Floor  
320 W. Temple Street  
Los Angeles, CA 90012  
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**Comments on Draft 7 - Significant Ecological Area Ordinance released March 30, 2017**

Dear Ms. Baldwin:

The Puente Hills Habitat Preservation Authority (Habitat Authority) appreciates the opportunity to comment on Draft 7 of the Significant Ecological Area (SEA) Ordinance (released March 30, 2017).

The Habitat Authority is a joint powers authority established pursuant to California Government Code Section 6500 *et seq.* with a Board of Directors consisting of the City of Whittier, County of Los Angeles, Sanitation Districts of Los Angeles County, and the Hacienda Heights Improvement Association. According to its mission, the Habitat Authority is dedicated to the acquisition, restoration, and management of open space in the Puente Hills for preservation of the land in perpetuity, with the primary purpose to protect the biological diversity. Additionally, the agency endeavors to provide opportunities for outdoor education and low-impact recreation. The Habitat Authority owns and or manages over 3,800 acres which lie within the Cities of Whittier and La Habra Heights, as well as in the County unincorporated area of the Puente Hills known as Hacienda Heights.

The Habitat Authority thanks and acknowledges the Department of Regional Planning for the incorporation of certain comments on the previous SEA Ordinance Summary Draft dated June 2012, December 20, 2012, December 5, 2013 and March 25, 2014. These comments included suggested language for development standards within SEAs, such as exclusion of invasive plants, fencing to promote wildlife movement, and avoidance of habitat impacts from fuel modification. However, certain comments were not addressed in the current Draft Ordinance and are included below for reference, along with additional comments.



## SEA ORDINANCE

Those comments with an asterisk (\*) are reiterated from a previous Habitat Authority comment letter on an earlier draft but still apply.

### 22.52.2910 – Definitions

1. Addition: Constriction Area – in previous SEA Ordinance drafts there were discussions and a definition of “Constriction Area”. This is an important concept associated with “Connectivity Areas”. Since “Connectivity Areas” are defined as being a minimum of 1,000 feet wide, the concept of “Constriction Areas” should be kept in the SEA Ordinance since they are crucial points between large undisturbed areas of habitat. Additionally, since the size of “Connectivity Areas” has been amended to be a minimum of 1,000 feet wide, “Constriction Areas” should be defined as less than 1,000 feet wide.
2. B. Development, 1. – Alteration to existing vegetation, such as brush clearance for fire safety and planting for restoration should not fall under “development”. Please include language that states “Excluding activities in open spaces such as Wilderness Preserves”.
3. B. Development, 2. – Alteration to topography, including tillage and disking; and any grading, for habitat restoration should not fall under “development”. Please include language that states “Excluding activities in open spaces such as Wilderness Preserves”.
4. H. Priority Biological Resources – Please add priority biological resources to include those that are listed on the California Native Plant Society (CNPS) Inventory of Rare and Endangered Plants.

### 22.52.2920 – Applicability

5. Subsection A. Please remove the Hacienda Heights area from being a conceptual SEA to having the SEA officially apply since the Hacienda Heights Community Plan Update was adopted in May 2011. Additionally, please clarify if the San Gabriel Valley Plan supersedes other plans such as the Roland Heights and Hacienda Heights plans.

### 22.52.2930 – Permit Required

6. \*Subsection A.1.a. Non-native vegetative removal programs. Please allow non-native vegetative removal programs to be exempt from the permit process (currently under ministerial site plan review) for local, State or federal agencies that are managing open space preserves since weed removal is likely part of ongoing preserve management activities.
7. Subsection A.1.b Native habitat restoration programs. We recommend that CEQA and U.S. Fish and Wildlife Service (USFWS) Section 7 and Section 10 mitigation be exempted from the permit process since the restoration would be conducted per requirements, and under the review, of state and federal law and personnel.
8. \*Subsection A. Native habitat restoration programs. Please also consider indicating in the ordinance that the Ministerial Site Plan approval has no term limits.

9. \*Subsection A. Ministerial Site Plan Review. If activities remain as requiring Ministerial Site Plan Review (see comments under Subsection D. Exemptions below), it is our understanding that such review would only apply to new or existing programs, and would not be required for every individual project, some of which are quite small and isolated. For example, the Habitat Authority has an existing Resource Management Plan (RMP) which includes non-native vegetation removal and habitat restoration programs; it is our understanding that the RMP could be submitted for Ministerial Site Plan Review and approval, and that any subsequent activities consistent with that RMP would be permitted without additional site plan review.
  
10. Subsection B.3. Minor Conditional Use Permit. Testing and Survey activities. We recommend that species surveys as well as land surveying for land managers be listed under “exemptions”. These activities do not always occur along existing roads but care is always taken to limit habitat disturbance and minimize habitat impacts. Additionally, activities such as sensitive species surveys contribute to the knowledge base on the abundance and distribution of sensitive species. Therefore, an exemption for the Ministerial Site Plan Review and CUP processes is reasonable.
  
11. Subsection D. Exemptions. Please broaden the exemptions. We suggest that activities involving removal of non-native vegetation (including by herbicide) and habitat restoration (including, but not limited to, seeding, planting of container plants, and irrigation) be exempted activities by open space management government agencies. We also recommend that scientific studies, erosion control, and construction, maintenance or demolition of trails, structures or facilities necessary for open space management activities be exempt for open space management government agencies. Please broaden the exemptions so public funds are not spent unnecessarily on processes like Ministerial Site Plan Review and the CUP process and can be spent on habitat management. The requirement for open space management activities (such as non-native vegetation removal or demolition of trails) to undergo a Ministerial Site Plan Review or Conditional Use Permit process would needlessly cost the County, and land management agencies (which are already struggling with limited resources) additional unanticipated funds which could be used for actual improvement of biological resources and would unnecessarily delay safety, maintenance, and educational management actions on properties enjoyed daily by the public. If these activities are not exempt then the intent of the Ordinance may be defeated by the abundance of County staff resources necessary to follow up and make site visits that would be required per this proposed Ordinance due to the many activities of governmental land management agencies county-wide. These activities described above are integral to the management of biological resources, and often have minor impacts compared to other permitted uses such as single-family residences. By making these activities exempt for land managers, this allows for activities, such as those mentioned above, to be conducted to improve the quality of biological resources and for the benefit of habitat improvement in an SEA.

#### **22.52.2940-Application Requirements**

12. \*Please clarify whether this section applies to Ministerial Site Plan Review, minor CUPs or CUPs or all three.
  
13. \*Please include the length of time each permit track may take for planning purposes.

### **22.52.295-Review Procedures**

14. \*B.1.Required Review. Please clarify “discretionary permits” and if Ministerial Site Plan Review projects need to undergo review by SEATAC.

**22.52.2960 - Development Standards** This section lists the development standards that non-exempt activities would need to adhere to when conducted within SEAs.

15. Draft 6 22.52.2925 Subsection F removed. We encourage language from this section to be added back into the Ordinance with suggested edits below. Draft 6 of the Ordinance Section 22.52.2925 Subsection F stated that “Development within a Connectivity Area shall not be located within portions that are less than 1,000 feet in width, or reduce the width of a Connectivity Area to less than 1,000 feet at any point”. Given that the spatial scale of corridors required to maintain viable populations can be partially determined by the species using that corridor, we suggest language that guides the width **and length** of Connectivity Areas to be appropriate for the suite of species, or focal species, at specific sites since some of these may be less than 1,000 feet.
16. Draft 6 22.52.2925 Subsection G removed. In a previous comment we recommended adding back language regarding “Constriction Areas”. Therefore, we encourage language from this section to be added back into the Ordinance with suggested edits below. Draft 6 of the Ordinance Section 22.52.2925 Subsection G stated “Development within a Construction Area shall not be located within portions that are less than 200 feet in width, or reduce the width of a Constriction Area to less than 200 feet at any point”. Given that the spatial scale of corridors required to maintain viable populations can be partially determined by the species using that corridor, we suggest language that guides the width **and length** of Constriction Areas to be appropriate for the suite of species, or focal species, at specific sites. For example, long corridors may not provide suitable conditions for the safe passage of animals, especially if predators are present.
17. Subsection A. Given that County fire codes may require fuel modification practices/brush clearance for new structures or additions to existing structures, please state that the designs must include space fuel modification boundaries on the developing parcel and not extend onto adjacent public lands.
18. \*Subsection L table. Please consider adding language for the setback to clarify that when measuring the setback distance, measurements begin at the ordinary high water mark or watershed boundary.

### **22.52.2970-Findings and Decision**

19. Subsection D. Please define “wildlife movement corridors” or change language to “Connectivity Areas” and “Constriction Areas”. The Ordinance already defines “Connectivity Areas” and we recommend, in a previous comment, adding “Constriction Areas”.

## 22.52.2980-Conditions of Approval

20. \*Subsection B.2.e. Prioritizing land to be provided as Open Space on the same lot or parcel as the impact may not always result in the highest conservation value, especially if the resulting open space is small or isolated. Rather, preference should be given to preserving open space that is contiguous with other preserved lands, or to areas that will create or strengthen a habitat linkage or wildlife corridor. This type of strategic conservation will promote the viability of SEAs more than a piecemeal approach.
21. \*Subsection B.2. In addition, the Habitat Authority recommends adding a priority for preservation of Connectivity and Constriction Areas as Open Space. Since it is important that those Connectivity and Constriction Areas have suitable habitat, restoration in those Areas should also be encouraged as part of maintaining the land in perpetuity.

## Appendix for Part 27

22. 8. Puente Hills SEA. Given that Coastal Sage Scrub (CSS) habitat within the Puente Hills has been designated as Critical Habitat Unit 9 by the USFWS for the coastal California gnatcatcher (*Polioptila californica californica*), a species listed as threatened species under the Endangered Species Act, please value CSS habitat as high and increase the Preservation Ratio to 3:1, especially in coastal California gnatcatcher occupied habitat.

Lastly, it is our understanding that a new draft of the SEA Ordinance not currently available for review (Draft 8) will be under consideration at the Planning Commission hearing of May 17, 2017. We request that no action be taken at that time to allow for adequate review by agencies and municipalities of that Draft 8.

Thank you for your consideration of our comments on Draft 7. Feel free to contact me or Lizette Longacre, Ecologist, at (562) 945-9003 for further discussion.

Sincerely,



Bob Henderson  
Chairman

cc: Board of Directors  
Citizens Technical Advisory Committee  
Hillside Open Space Education Committee  
Wildlife Corridor Conservation Authority  
Hills for Everyone