



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
3883 Ruffin Road
San Diego, CA 92123
(858) 467-4201
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



August 21, 2020

Governor's Office of Planning & Research

Ms. Tahirah Farris
Los Angeles County Regional Planning
320 W Temple St., 13th Floor
Los Angeles, CA 90012
Email: tfarris@planning.lacounty.gov

Aug 21 2020

STATE CLEARINGHOUSE

Subject: Green Zones Program Ordinance, Notice of Preparation of a Draft Program Environmental Impact Report, SCH #2020060242, Los Angeles County Regional Planning, Los Angeles County

Dear Ms. Farris:

The California Department of Fish and Wildlife (CDFW) has reviewed the above-referenced Notice of Preparation (NOP) of a Draft Programmatic Environmental Impact Report (DPEIR) for the Green Zones Program Ordinance (Project). The NOP's supporting documentation includes [Ordinance No. Draft 05/22/2020](#) and [Los Angeles County Green Zones Program Initial Study](#). Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW's Role

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State [Fish & G. Code, §§ 711.7, subdivision (a) & 1802; Pub. Resources Code, § 21070; California Environmental Quality Act (CEQA) Guidelines, § 15386, subdivision (a)]. CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Id., § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect state fish and wildlife resources.

CDFW is also submitting comments as a Responsible Agency under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 *et seq.*). Likewise, to the extent implementation of the Project as proposed may result in "take", as defined by State law, of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 *et seq.*), or CESA-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish & G. Code, §1900 *et seq.*), CDFW recommends the Project proponent obtain appropriate authorization under the Fish and Game Code.

Conserving California's Wildlife Since 1870

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Project Description and Summary

Objective: Los Angeles County Regional Planning (Planning) proposes adoption of Los Angeles County's Green Zones Program Ordinance by amending Title 22 of the Los Angeles County's Planning and Zoning code (Zoning Code). The goal of the Project is to promote environmental justice by providing zoning requirements for industrial, vehicle-related, and recycling and solid waste land uses that may disproportionately affect the health of residents living in communities surrounding these land uses. The Project would not involve any new construction or physical development and would not result in increased density. The Project consists of five elements and the associated amendments to the Zoning Code:

Element 1 – Green Zones Districts

Add Chapter 22.84 to establish 11 Green Zone Districts, identified as the unincorporated communities of Avocado Heights, East Los Angeles, East Rancho Dominguez, Florence-Firestone, South San Jose Hills, Walnut Park, West Athens-Westmont, West Carson, West Whittier-Los Nietos, West Rancho Dominguez-Victoria, and Willowbrook. Green Zone Districts would establish new development standards and/or more stringent entitlement processes for specific industrial, recycling, or vehicle-related uses if properties are located within a 500-foot radius of a sensitive use of another unincorporated area property or a residential use on a property within incorporated city boundaries.

Element 2 – New Sensitive Uses

Add Chapter 22.130 to regulate and set development standards for new sensitive uses proposed adjacent to or adjoining an existing, legally established industrial, recycling, or solid waste, or vehicle-related uses (non-sensitive uses). New sensitive uses that are located adjacent to or adjoining non-sensitive uses would be required to comply with development standards including landscaping, buffering, and open space.

Element 3 – Recycling and Waste Management Revisions

Revisions to Recycling and Waste Management standards and regulations, including supermarket accessory recycling collection centers (Zoning Code Chapter 22.140). Revisions would allow for permitting of new types of facilities including organic waste that would aid in the reduction of greenhouse gases and comply with State requirements. The new development standards and/or more stringent entitlement process for future recycling and solid waste facilities would be subject to a Conditional Use Permit (under Los Angeles County Significant Ecological Areas Program), and would include requirements for construction of improvements consisting of landscaping barriers, enclosures, fencing, solid walls, paving, signage, lighting, air filtration, building height restrictions, vehicle circulation, storage areas, and cleaning and maintenance standards. The proposed revisions would prohibit automobile dismantling yards, pallet yards, recycling collection facilities, recycling processing facilities, organic waste, and solid waste facilities from Hillside Management Areas (HMAs), Significant Ecological Areas (SEAs), and Very High Fire Hazard Severity Zones (VHFHSZs). Additionally, in-vessel organic waste facilities are prohibited in Agricultural Resource Areas (ARAs).

Element 4 – Storage Enclosures for Recycling and Solid Waste Revisions

Add Chapter 22.128 to regulate and set development standards for storage enclosure requirements for recycling and solid waste facilities. The revisions would add additional requirements to current development requirements including increased enclosure wall height, a

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roof, paving, cleaning and maintenance, requirements for distance from adjoining doorway, and enhanced circulation.

Element 5 – Addition of New Uses and Re-defining/Categorizing Uses Title 22

Supplemental Revisions to Chapter 22.172; Sections 22.172.050; 22.172.060; Division 10, sections 22.300.020; 22.308; 22.308.040; 22.308.080; 22.308.090; 22.316.040; 22.316.080; 22.324.020; 22.324.040 and chapters 22.14; 22.16; 22.18; 22.20; 22.22; 22.24; 22.26 include the addition of specific recycling and solid waste uses into Title 22 definitions to be regulated countywide. This includes new organic waste facilities such as anaerobic digestion, chipping and grinding, mulching, and composting. This also includes re-categorizing junk, salvage, and auto-dismantling yards under recycling facilities to allow for improved regulation with new development standards for these types of uses.

General Plan Amendment and Zone Change

In addition to the revisions to Title 22, the proposed Project would also include a General Plan Amendment to ensure consistency with the proposed revisions to Title 22. In order to retain consistency with the General Plan and Title 22, 28 parcels are proposed for a zone change from M-2 (Heavy Manufacturing) to M-1 (Light Manufacturing). Similarly, as part of the General Plan Amendment Revisions, 15 of the 28 parcels proposed for a zone change within the Green Zone Districts area are proposed to be changed from the land-use designation of Heavy Industrial (IH) to the Light Industrial (IL) General Plan designation. The 28 parcels in the zone change are proposed to occur in the same geographic locations as the Green Zone Districts.

Location: The Project would be implemented throughout Los Angeles County. Eleven Green Zone Districts would be established for the unincorporated communities of Avocado Heights, East Los Angeles, East Rancho Dominguez, Florence-Firestone, South San Jose Hills, Walnut Park, West Athens-Westmont, West Carson, West Whittier-Los Nietos, West Rancho Dominguez-Victoria, and Willowbrook.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist Planning in adequately identifying, avoiding, and/or mitigating significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources resulting from the Project. Comments and recommendations provided below should be considered at a programmatic level and, as necessary, for actions carried out to comply with the Project. CDFW looks forward to commenting on the DPEIR when it is released. CDFW may have additional comments to the DPEIR not addressed in this letter.

Specific Comments

- 1) Recycling and Solid Waste Facilities. CDFW considers indirect impacts to sensitive and special status plants, wildlife, and vegetation a significant effect without implementing appropriate avoid and/or mitigation measures. CDFW recommends Planning consider the following:
 - a) According to Element 3, the Project would prohibit a variety of recycling and solid waste facilities from HMAs, SEAs, VHFHSZs, and ARAs. New facilities installed outside, but immediately adjacent to sensitive areas, may have short-term and

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potentially long-term impacts, either directly or indirectly, on biological resources. In addition to restricting new facilities from sensitive areas, which should include sensitive vegetation communities, habitat for special status plants and wildlife, and riparian and wetland areas, a setback from sensitive areas may minimize impacts on biological resources.

CDFW recommends the DPEIR evaluate of the possibility of incorporating setbacks to the Project/Title 22 Zoning Code. Setbacks should be appropriate to each sensitive natural area type and based on the specific facility type. Setbacks from wetland resources should start from the edge of herbaceous vegetation, woody vegetation, and woodlands. CDFW recommends incorporating any proposed setback requirements to Table 1.IV.2 Development Standards, or a similar table, in the DPEIR.

- b) Organic Waste Recycling Facilities would include chipping, grinding, or mulching, and composting of green waste both outdoors and in-vessel. Organic waste facilities may receive green waste such as non-native invasive plants and natural materials (e.g., leaves, wood chips, lumber, wood). These types of green waste may be infected by invasive insects, diseases, and pathogens, which then may spread to adjacent sensitive areas when the material is being transported to the facility and unloaded, and when the material is being processed. Sensitive plants, wildlife, and vegetation communities may be susceptible to impacts of invasive plants, insects, diseases, and pathogens where an organic waste facility is installed adjacent to SEAs.

CDFW recommends the DPEIR evaluate the potential for organic waste facilities to impact sensitive areas with respect to spreading invasive plants, insects, diseases, and pathogens. CDFW recommends the DPEIR evaluate the possibility of incorporating a setback from sensitive areas to the Project/Title 22 Zoning Code to further reduce potential ecological and biological impacts resulting from organic waste facilities. CDFW recommends incorporating any proposed setback requirements to Table 1.IV.2 Development Standards, or a similar table, in the DPEIR.

- 2) Landscaping. Page 2.4-8/25 in the IS states, “the inclusion of additional landscaping and fencing could result in a modified environment and could lead to impacts to sensitive natural communities that overlap with the boundaries of the zone revisions.” Per Table 1.IV.2, Development Standards would require landscaping around existing and new recycling facilities and sensitive uses adjacent to non-sensitive uses. Landscaping would consist of turf grass, shrubs, trees, vertical landscaping, and drought tolerant plants. CDFW recommends Planning consider the following:

- a) Where landscaping would occur adjacent to sensitive natural communities, CDFW recommends the DPEIR evaluate the possibility of incorporating setbacks to avoid and/or reduce impacts of landscaping on sensitive plants, wildlife, and habitats. Impacts may occur from spread of non-native species; plant material/stock carrying pests, pathogens, and diseases; and runoff contaminated with fertilizer applied to landscaped areas. CDFW recommends incorporating any proposed setback requirements to Table 1.IV.2 Development Standards, or a similar table, in the

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DPEIR.

- b) CDFW strongly recommends Planning consider a landscaping plant palette that includes a diversity of drought tolerant native plants, lawn grass alternatives, and plants that benefit and invite birds, beneficial insects, pollinators, and butterflies. See **General Comments** below for additional information on landscaping and native plants. CDFW recommends the DPEIR include the Project's landscaping plan for review and commenting. Species should be listed by growing duration (annual, perennial), life form (grasses, shrubs, trees, vines), and structure (ground cover, shrubs, tree canopy).
 - c) Incorporating native plant landscaping may dovetail with the City of Los Angeles' (City) ongoing biodiversity work and initiative. In 2015, the City set a goal of "no net loss" of biodiversity by 2035. In 2017, the City Council passed a Biodiversity Motion which directs the development of a biodiversity index for Los Angeles, focused on conservation and access to nature and biodiversity in urban areas. The City's biodiversity work is being led by the Los Angeles Sanitation and Environment, which recently publish a [Draft 2020 Biodiversity Report](#). [Access to Biodiversity](#) in urban areas is a theme in the City's biodiversity index. Access will be measured by metrics such as the amount of neighborhood landscaping; tree canopy; vegetated space on school campuses; education gardens and areas; and certified biodiversity-friendly areas. Landscaping, as part of this Project, in historically disproportionately affected communities may help to achieve the City's [Access to Biodiversity](#) goals, while potentially providing ecological and biological benefits.
- 3) Impacts of Design Features and Alternatives. To enable CDFW to adequately review and comment on the proposed Project from the standpoint of the protection of plants, fish, and wildlife, the DPEIR should provide an impact analysis of proposed design features on biological resources, and a range of feasible alternatives to ensure that alternatives to design features are fully considered and evaluated (CEQA Guidelines, § 15126.6). Design features described in the IS include (but not limited to) landscaping; permeable pavement; enclosures; fencing; solid walls; lighting; and building heights. Alternatives should avoid or otherwise minimize direct and indirect impacts to sensitive biological resources and wildlife movement areas.

General Comments

Landscaping. Habitat loss and invasive plants are a leading cause of native biodiversity loss. Invasive plant species spread quickly and can displace native plants, prevent native plant growth, and create monocultures. CDFW recommends the Project avoid planting, seeding, or introducing invasive exotic plant species to landscaped areas that are adjacent and/or near native habitat areas. Invasive/exotic plants should be restricted from use in landscape plans for all actions associated with this Project. The California Invasive Plant Council (Cal-IPC) provides a [Cal-IPC Inventory](#) of non-native and invasive plants that threaten the State's natural areas. CDFW strongly recommends restricting species with a "High" rating from landscaping plans.

Information on alternatives for invasive, non-native, or landscaping plants may be found on the [Cal-IPC's, Don't Plant a Pest](#) webpage. Native plants could help to reduce water consumption and use of fertilizers. The [Audubon Society's Native Plants Database](#) is a resource to identify

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native plants and trees that will attract and benefit birds. Birds may help to control and reduce insects, reducing the need for pesticides. The [California Native Plant Society's Gardening](#) and [Xerces Society's Pollinator-Friendly Native Plant Lists](#) webpage has information on native plant species that invite insects and pollinators. Pollinators are critical components of our environment and essential to our food security. Insects – and primarily bees – provide the indispensable service of pollination to more than 85% of flowering plants.

CONCLUSION

CDFW appreciates the opportunity to comment on the NOP to assist Los Angeles County Regional Planning in identifying and mitigating the Project's potential impacts on biological resources. If you have any questions or comments regarding this letter, please contact Ruby Kwan-Davis, Senior Environmental Scientist, at Ruby.Kwan-Davis@wildlife.ca.gov.

Sincerely,

DocuSigned by:

Erinn Wilson-Olgin

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Erinn Wilson

Environmental Program Manager I

cc: CDFW

Victoria Tang – Los Alamitos – Victoria.Tang@Wildlife.ca.gov
Barron Barrera – Los Alamitos - Baron.Barrera@Wildlife.ca.gov
Andrew Valand – Los Alamitos – Andrew.Valand@Wildlife.ca.gov
Felicia Silva – Los Alamitos – Felicia.Silva@Wildlife.ca.gov
Susan Howell – San Diego – Susan.Howell@Wildlife.ca.gov
CEQA Program Coordinator – Sacramento – CEQA@Wildlife.ca.gov

State Clearinghouse - state.clearinghouse@opr.ca.gov