Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

January 17, 2013

TO: Supervisor Mark Ridley-Thomas, Chairman
Supervisor Gloria Molina
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich

FROM: Richard J. Bruckner DLS for RJB
Director

RESPONSE TO BOARD MOTION REGARDING THE SIGNIFICANT ECOLOGICAL AREA PROGRAM AND THE SIGNIFICANT ECOLOGICAL AREA TECHNICAL ADVISORY COMMITTEE (NOVEMBER 27, 2012, ITEM NO. 22)

SUMMARY

On November 27, 2012, your Board adopted the Santa Clarita Valley Area Plan Update (Area Plan Update), a component of "One Valley, One Vision," a joint planning effort with the City of Santa Clarita. The Area Plan Update included an expansion of Significant Ecological Areas (SEAs) within the unincorporated areas of the Santa Clarita Valley. This expansion of SEAs is related to the update of the County's Significant Ecological Areas Program (SEA Program), a component of the County's General Plan Update.

Before adoption of the Area Plan Update, members of your Board expressed concerns related to the expansion of SEAs within the unincorporated areas of the Santa Clarita Valley prior to completion of other components of the update of the SEA Program. The other components include an expansion of SEAs within other unincorporated areas, a comprehensive update of County Zoning Ordinance (Zoning Ordinance) provisions related to SEAs (SEA Ordinance Update), and improvements to the organization and protocol of the County's Significant Ecological Area Technical Advisory Committee

(SEATAC). Therefore, as part of your Board's motion to adopt the Area Plan Update, your Board requested that this Department (DRP) provide a report on its recommendations related to the SEA Program and SEATAC.

This report is in response to your Board's motion and is organized into five segments:

1. Background on the County's existing SEA Program;
2. Background on the effort to update the County's SEA Program;
3. A summary of the latest draft of the SEA Ordinance Update, which is currently undergoing public review and comment;
4. A progress report on implementation of improvements to the organization and protocol of SEATAC; and
5. Relationship to other long-range planning efforts, such as the Antelope Valley Area Plan Update and the Climate Action Plan.

BACKGROUND ON EXISTING SEA PROGRAM

The SEA Program has a long history. In 1970, your Board adopted the Environmental Development Guide (EDG), which served as the County's General Plan until the current General Plan was adopted in 1980. The EDG included an Open Space Concept Plan which identified important ecological resource areas and provided a basis for future studies. After more than 40 years of studies, the areas identified in the General Plan Update's proposed SEA map (see Attachment 1) remain remarkably similar to the areas identified by the Open Space Concept Plan.

In 1976, the County began a study of 115 ecological resource areas as a component of its efforts to create the current General Plan. Ultimately, the County proposed 62 SEAs based on this study. In 1980, your Board adopted the current General Plan, which included 61 of the 62 SEAs proposed at that time. These 61 SEAs are not open space or wildlife preserves. Instead, these SEAs are areas of known biological significance where development must be balanced against the County's obligation to preserve a representative sample of its cumulative biodiversity, especially those habitats and species which are rare and endangered. The current General Plan states, in part, "Significant ecological areas include lands with important biological resources, including the habitats of rare and endangered species, sites with critical fish and game values, relatively undisturbed areas of typical natural habitats and regionally scarce biotic resources. The intent is to preserve and/or enhance the ecological resources present." The current General Plan also includes goals and policies related to SEAs and establishes SEATAC as an advisory committee.

In 1982, your Board adopted an amendment to the Zoning Ordinance that provided regulations pertaining to development within the 61 SEAs identified in the current General Plan. Pursuant to these regulations (Section 22.56.215 of the Zoning Ordinance), most types of development within these SEAs require a Conditional Use Permit (CUP). In addition, any development that requires a CUP must be reviewed by SEATAC before a public hearing can be conducted. Section 22.56.215 of the Zoning Ordinance states, in part, "It is not the purpose to preclude development within these areas but to ensure, to the extent possible, that such development maintains and where possible enhances the remaining biotic resources of the significant ecological areas."

Although some SEAs contain critical habitat where State and federal resource agencies have jurisdiction over species, the Zoning Ordinance regulations are oriented towards land use, as only the County has jurisdiction over land use matters. Therefore, the Zoning Ordinance regulations are not redundant with any relevant State and federal regulations.

In summary, the County's current SEA Program consists of the study begun in 1976, the SEAs mapped in the current General Plan which are based on that study (plus those within the Santa Clarita Valley adopted by your Board on November 27, 2012), the goals and policies in the current General Plan related to SEAs, and the Zoning Ordinance regulations pertaining to development within SEAs. Each component of the current SEA Program works together with the other components to achieve the aims of the current General Plan in preserving and enhancing the biological resources within the County.

BACKGROUND ON SEA PROGRAM UPDATE

In 1999, your Board directed DRP to update the current SEA Program as a component of the General Plan Update. In 2000, pursuant to your Board's direction, DRP released an SEA Update Study (Update Study). The Update Study evaluated existing SEAs to determine any changes in biotic conditions, evaluated additional areas for inclusion as SEAs, and proposed a comprehensive update to the SEA boundaries as well as guidelines for managing and conserving biological resources within SEAs. The Update Study was based on scientifically grounded concepts regarding the size and type of linkage systems necessary to sustain the biologically diverse plant and animal species that are found within the County.

The comprehensive update to the SEA boundaries recommended by the Update Study was evaluated and refined in 2001 and 2002 after consideration of feedback from the public, resource agencies, the development community, and other stakeholders. In 2002, following this evaluation and refinement, DRP released a proposed SEA map as part of the General Plan Update and solicited additional feedback. The proposed SEA map continued to be refined and subsequent drafts were released in 2003, 2007, and 2008, providing additional opportunities for feedback.

In 2010, DRP convened an expert panel of biologists, with a wide range of background and experience, to review the proposed SEA map. The panel largely validated the comprehensive update to the SEA boundaries but made some recommendations that were incorporated into subsequent drafts of the SEA map. These subsequent drafts were released in 2011 and 2012, providing additional opportunities for feedback. In summary, the proposed SEA boundaries have been extremely well vetted over the last decade, which is one of the reasons that DRP recommended that your Board adopt the proposed SEA boundaries within the Santa Clarita Valley as part of the Area Plan Update.

The most recent version of the proposed SEA map, released in 2012, significantly expands the size of the currently adopted 61 SEAs and reorganizes them into 27 larger SEAs and two Coastal Resource Areas (see Attachment 1). This proposed expansion and reorganization of the SEAs is based on current best practice approaches to biological resource protection, which links larger areas together to preserve genetic diversity and increase wildlife movement across regions. These larger SEAs can support some level of development without compromising their long-term sustainability.

The proposed SEA map is supported by the technical descriptions of SEA resources that are provided in Appendix E of the 2012 Draft General Plan Update. These technical descriptions identify the biological resources and other special features present within each proposed SEA. The 2012 Draft General Plan Update also provides updated goals and policies related to SEAs and outlines new approaches to the SEA Program, including support for implementation actions that would prioritize conservation of SEAs through fair market acquisition of SEAs as mitigation lands, partnership with other governmental agencies and non-profit conservancies, and renewed commitments to monitoring the changing biological resources within SEAs to ensure the that the SEA Program balances preservation against development rights.

SEA ORDINANCE UPDATE

DRP is preparing an SEA Ordinance Update as a component of its efforts to update the SEA Program. Several drafts have been released for review and comment by the public, resource agencies, the development community, and other stakeholders. The first draft was released in November 2011, the second draft was released in June 2012, and the third and most recent draft was released in December 2012 (December 2012 Draft). The public review period for the December 2012 Draft ends on April 1, 2013. Subsequently, DRP will revise the December 2012 Draft pursuant to public feedback and will release a revised draft for further review and comment.

The Zoning Ordinance regulations pertaining to development within SEAs are currently provided in Section 22.56.215. However, that Section of the Zoning Ordinance also provides regulations pertaining to development within Hillside Management Areas (HMAs). In an effort to provide greater clarity, the December 2012 Draft proposes to separate SEA regulations from HMA regulations. SEA regulations will be provided in a new Part 25 of Chapter 22.52 of the Zoning Ordinance, whereas HMA regulations will continue to be provided in Section 22.56.215 of the Zoning Ordinance.

The December 2012 Draft (see Attachment 2) proposed several significant changes to the manner in which the County approaches regulation of development within SEAs. These changes are intended to meet the following goals:

1. Provide more flexibility than provided by current regulations;
2. Include more objective criteria for determining the compatibility of development within the SEA; and
3. Make the level of review commensurate with the anticipated level of impact to the SEA. A higher level of review should only be required of projects with a higher level of anticipated impacts.

The current regulations require a CUP for all development in SEAs with exemptions only for accessory buildings, additions and modifications to single family residences, and the construction of a single family residence. The current regulations also specify that any CUP must be reviewed by SEATAC. In order to meet the three goals listed above, the December 2012 Draft provides an expanded and refined list of exemptions from SEA regulations, allows a Site Plan Review instead of a CUP for certain development projects that are subject to SEA regulations, and allows for two different types of CUP review, only one of which requires SEATAC review. These changes are explained in greater detail below.

The December 2012 Draft exempts pending applications (such as applications for Site Plan Reviews, Director's Reviews, CUPs, Cemetery Permits, Mobilehome Permits, Oak Tree Permits, and Housing Permits) from the updated SEA regulations, provided that such applications were filed prior to the effective date of the updated SEA regulations. If the pending application was subject to current SEA regulations at the time it was filed, it may continue to be processed under the current SEA regulations even after the updated SEA regulations take effect. This important exemption provides clarity and certainty to applicants with pending projects.

Other exemptions are provided to increase flexibility. Any development project that contains an SEA on a portion of the site would be exempt from SEA regulations if that portion of the site remains undeveloped. By contrast, the current SEA regulations apply even if that portion of the site remains undeveloped. The December 2012 Draft also exempts a lot line adjustment between two parcels, mining projects that require Surface Mining Permits, and vegetation removal or other hazard management activities requested by government agencies for the purpose of public safety. Lastly, the December 2012 Draft does not apply to projects within Coastal Resource Areas mapped on the proposed SEA map. The two Coastal Resource Areas, the Coastal Zone of the Santa Monica Mountains and Santa Catalina Island, are already regulated by Local Coastal Programs that include provisions to protect biological resources within these areas. Exempting these two areas will simplify the development process without compromising the protection of the County's biological resources.

The December 2012 Draft allows a Site Plan Review instead of a CUP for certain projects that are not exempt. A Site Plan Review would be required for single family residences, accessory structures, additions to single family residences, and habitat restoration projects conducted by qualified agencies. A Site Plan Review would also be required to reestablish a use requiring discretionary approval (such as uses requiring Variances, CUPs, Mobilehome Permits, Cemetery Permits, and Housing Permits) where a pervious discretionary approval for such use has expired. Lastly, a Site Plan Review would be required for projects within areas that have already been identified as developed or disturbed on the SEA Developed or Disturbed Areas Map. Allowing a Site Plan Review instead of a CUP for these projects, which generally would have limited impacts to the SEA, ensures that the level of review is commensurate with the anticipated level of impact.

The Site Plan Review would include an inspection by a staff biologist to assess the biological resources present on the development site. The inclusion of this inspection will increase the County cost incurred for a Site Plan Review, in comparison to costs incurred for a Site Plan Review when the project is outside an SEA, and therefore may require a higher application fee. The inclusion of this inspection is intended to ensure that the proposed project complies with the relevant development standards in the December 2012 Draft. For example, when a water resource, such as a vernal pool, is found during the inspection, development on the site would need to comply with a minimum setback from the boundary of that vernal pool. Through this Site Plan Review process, applicants for small scale projects can meet objective criteria to ensure that their projects are compatible with the SEA without having to go through the CUP process, which is more expensive and lengthier.

The December 2012 Draft proposes to establish two different types of CUP reviews for projects that are not exempt and do not qualify for a Site Plan Review. The "Type A" SEA CUP will not undergo a review by SEATAC and will be reviewed by a Hearing Officer instead of the Regional Planning Commission (RPC). The "Type B" SEA CUP will undergo a review by SEATAC and will be reviewed by the RPC. By virtue of this distinction, the Type A SEA CUP is intended to provide a less expensive and less lengthy review process and is expected to have a lower application fee than that required for the Type B SEA CUP.

To ensure that the level of review is commensurate with the anticipated level of impact, the December 2012 Draft provides criteria to distinguish the two types of CUP reviews. Pursuant to these criteria, a Type B SEA CUP would only be required for projects with a higher level of anticipated impacts, such as those projects that would impact species of importance to the SEA; projects that would likely create isolated habitat areas within the SEA; projects that would impact water sources or mapped habitat linkages; or projects that would permanently convert large areas of unpaved land to paved surfaces. In recognition of these potential impacts, a project requiring a Type B SEA CUP larger than one acre in size would be required to provide open space at a ratio of twice the area that is newly developed or disturbed by the project. This requirement is intended to achieve the goal of balancing preservation and development by ensuring that the most impactful development projects mitigate the losses to SEA habitat in a uniform ratio that will be equitably and consistently applied to all projects.

Both types of CUP reviews include a new phase of review prior to submittal of a completed CUP application. The "initial project appraisal" is a meeting between a prospective applicant and DRP's staff biologists and planners to review conceptual information related to a proposed project. The meeting would occur before the applicant incurs significant expense in designing the details of the project and is

intended to facilitate early collaboration toward the mutual goal of a superior project that minimizes impacts by design. This process is modeled after the "One Stop," a voluntary early review process that DRP currently offers to applicants, which has proven to be a very successful means to communicate requirements to applicants in the earliest phases of project development.

The SEA Ordinance Update entails the preparation of supporting materials to accompany the regulations summarized above and ensure that they are properly implemented. These materials include checklists for the staff biologist to use when conducting site inspections; an SEA Design Manual that outlines best practices for ecologically sensitive site design and provides lists of species referenced in the regulations; the SEA Developed or Disturbed Areas Map referenced in the regulations; and a map of habitat linkages and wildlife corridors. DRP is currently undertaking preparation of these materials.

IMPROVEMENTS TO THE ORGANIZATION AND PROTOCOL OF SEATAC

On February 28, 2012, your Board indicated its intent to adopt the Area Plan Update and directed DRP to provide recommendations to improve the organization and protocol of SEATAC. In response to your Board's motion, DRP provided a report with 13 recommendations on May 2, 2012 (see Attachment 3). The May 2, 2012 Report divided these recommendations into four main categories:

1. Procedural improvements: Changes to the SEATAC process, including documents, checklist, meeting times, etc.;
2. Ethical standards: Conflict of interest disclosure and rights of applicants;
3. Technological improvements: Electronic information, meeting location, etc.; and
4. Forthcoming SEA Program changes: Further changes proposed in the draft SEA Ordinance and General Plan language.

The following is a progress report on implementation of the 13 recommendations provided in the May 2, 2012 Report and is organized into the same four categories.

1. PROCEDURAL IMPROVEMENTS

1a. Improved Comment Documentation *(Completed)*

This recommendation pertains to improving the process by which SEATAC provides comments to applicants regarding the various materials that are submitted to SEATAC, as well as recommendations to applicants regarding project design. DRP has

created a new template (see Attachment 4) which clearly outlines the minutes of the SEATAC meeting at which such comments and recommendations are provided, and identifies any additional relevant notes for the applicant. This document is currently in use and is completed after each SEATAC meeting. Once it is circulated and approved for accuracy, it is sent to applicants and posted to DRP's Web Site.

1b. Ruling of Compatibility *(Completed)*

This recommendation states that SEATAC should clearly outline and document the reasoning behind its compatibility rulings. As discussed above, DRP's new template contains a section for SEATAC recommendations, as well as final compatibility rulings and any notes pertaining to these rulings. Once SEATAC makes a verbal compatibility ruling for each project, the ruling is documented, along with any recommendations and a detailed reasoning for whether or not the project is compatible with the SEA. As discussed above, this template is currently in use.

1c. Guidance Materials *(In Progress)*

This recommendation aims to provide more clarity regarding the role and procedures of SEATAC through preparation of easy-to-understand outreach materials that explain the SEATAC process. These outreach materials, such as brochures, will include explanations for the purpose of SEATAC and the method they employ to provide technical assistance to projects in SEAs. DRP is currently in the process of developing these materials and anticipates they will be completed within 60 days of the date of this report. Once completed, these materials will be made permanently available on DRP's Web Site and at all DRP offices, resulting in greater public awareness and understanding of the SEATAC process.

1d. SEATAC Procedures Manual Update *(In Progress)*

This recommendation pertains to an update of the SEATAC Procedures Manual (Procedures Manual). SEATAC procedures were first established in 1980 and the current Procedures Manual dates to 2004. This recommendation was classified as having a mid-to-long term completion date and was scheduled to be completed within 6 to 12 months of the May 2, 2012 Report. Accordingly, DRP is currently in the process of updating and revising the Procedures Manual in order to clearly define the SEATAC process and guide staff planners, biologists, and members of the public in developing documents for SEATAC review.

1e. SEATAC Capacity *(In Progress)*

This recommendation is aimed at addressing the difficulties in obtaining a quorum of at least three SEATAC members required to conduct a SEATAC meeting.

This recommendation was classified as having a mid-to-long term completion date and was scheduled to be completed within 6 to 12 months of the May 2, 2012 Report. Because SEATAC members serve as volunteers, receiving compensation only for their parking, DRP is exploring two options to secure compensation for SEATAC members in consultation with County Counsel. These options are an ordinance to amend the County Code to provide an honorarium for SEATAC meeting attendance (similar to the honorarium provided to RPC members), and the issuance of a Request for Statement of Qualifications, or RFSQ. DRP is also exploring other ways to increase capacity, such as increasing the number of SEATAC members and/or employing a rotating membership attendance scheme.

2. ETHICAL STANDARDS *(In Progress)*

Because SEATAC is a volunteer committee of biologists who occasionally consult professionally on development projects, it is possible for a member of SEATAC to have conflicts of interest related to a project being reviewed. Accordingly, this recommendation entails the creation of a set of ethical guidelines that clearly defines conflicts of interest and requires disclosure of any personal interest that a SEATAC member may have in a project. After consultation with County Counsel, DRP has created an Ethical Guidelines and Conflict of Interest Form (see Attachment 5). DRP will request that SEATAC adopt this form at its meeting on February 4, 2013. Once adopted by SEATAC, each member will have to complete the form prior to each SEATAC meeting in order to disclose all potential conflicts of interest and ensure they are handled appropriately.

3. TECHNOLOGICAL IMPROVEMENTS

3a. Meeting Location *(Completed)*

This recommendation pertains to relocating SEATAC meetings to DRP's Hearing Room in order to increase and improve public access and afford more tools for project review. This recommendation has been completed and each SEATAC meeting is currently held in the Hearing Room.

3b. Meeting Recording/Transcription *(Completed)*

This recommendation aims to more efficiently produce SEATAC meeting minutes and ensure transparency by digitally recording all SEATAC meetings. This recommendation has been completed. Each SEATAC meeting is currently recorded and the videos are posted on DRP's Web Site under the corresponding date of the SEATAC meeting.

3c. SEA CUP Database *(In Progress)*

This recommendation pertains to consolidating and organizing SEA CUP documents for current projects which are maintained electronically, including copies of determinations of compatibility, meeting minutes, and copies of Biota Reports and Biological Constraints Analyses. This would be accomplished through an online database searchable by project number, type of project, and Assessor's Parcel Number in order to improve applicant and public access to information about SEA CUP projects, and ensure that applicants with similar projects can use existing information to assist in their completion of SEA CUP materials. This recommendation was classified as having a mid-to-long term completion date and was scheduled to be completed within 6 to 12 months of the May 2, 2012 Report. Accordingly, DRP is currently in the process of consolidating this information and creating this database.

3d. Public SEA CUP Maps *(In Progress)*

This recommendation pertains to the creation of a new map layer within DRP's publicly-accessible Geographic Information System (GIS) applications, identifying all parcels with approved or denied SEA CUP applications, as well as applications currently in process. This recommendation was classified as having a mid-to-long term completion date and was scheduled to be completed within 6 to 12 months of the May 2, 2012 Report. DRP has generated lists of all SEA CUPs available through its internal electronic database and is currently working to convert this data into a GIS layer to be made available to the public.

3e. Clerical Support *(In Progress)*

This recommendation pertains to obtaining clerical support in order to assist DRP's staff biologist, who is solely responsible for collecting meeting materials, preparing meeting agendas, transcribing meeting minutes, and coordinating meetings. This recommendation was classified as having a mid-to-long term completion date and was scheduled to be completed within 6 to 12 months of the May 2, 2012 Report. This recommendation has been partially completed in that other staff members now assist

the staff biologist with these tasks until such time that clerical staff support can be secured.

3f. Archival Scanning *(In Progress)*

This recommendation is to index all hard copies of previously prepared Biota Reports and Biological Constraints Analyses in storage and to create an electronic archive of these documents. This recommendation was classified as having a mid-to-long term completion date and was scheduled to be completed within 6 to 12 months of the May 2, 2012 Report. DRP has organized and indexed these files and has sent them to a contractor to be scanned into a searchable electronic format. After the contractor completes this task, DRP will proceed to create an electronic archive of these documents.

4. FORTHCOMING SEA PROGRAM CHANGES *(In Progress)*

Please refer to the previous two segments of this report regarding the SEA Program Update and the SEA Ordinance Update. These efforts are tied to the General Plan Update. DRP anticipates that public hearings regarding the General Plan Update will begin later in 2013, with adoption by your Board anticipated in 2014.

RELATIONSHIP TO OTHER LONG-RANGE PLANNING EFFORTS

The update of the SEA Program is closely related to other long-range planning efforts that were recently completed or are currently underway. The Update Study included guidelines for managing and conserving biological resources within SEAs that help inform land use designations. Specifically, the Update Study states "High intensity and/or extensive land uses, by their nature, are not generally compatible with SEA resources...As a general rule, lands within SEAs should be used for low rural density development."

As previously mentioned, the proposed SEA boundaries within the Santa Clarita Valley were incorporated into the Area Plan Update adopted by your Board on November 27, 2012. DRP, in collaboration with the City of Santa Clarita, used the proposed SEA boundaries and the Update Study to help inform the Area Plan Update's land use designations. Accordingly, most SEAs in the Santa Clarita Valley were designated for low rural density development, with densities as low as one residential unit per 20 acres of land.

DRP has used a similar approach to help inform the Antelope Valley Area Plan Update's land use designations. Most proposed SEAs in the Antelope Valley have been designated for low rural density development, typically one residential unit per 20 acres of land but as low as one residential unit per 40 acres of land when other constraints, such as the San Andreas Fault, are present. Although the proposed SEAs in the Antelope Valley have not been adopted, they have been thoroughly studied and vetted over the past decade and DRP believes it is appropriate to use them to help inform land use designations.

Many SEAs in the Santa Clarita Valley and the Antelope Valley also contain safety constraints, such as HMAs (slopes of 25% or greater), Landslide and Liquefaction Zones, Federal Emergency Management Area Flood Zones, Very High Fire Hazard Severity Zones, Fault Traces, and Earthquake Fault Zones. Therefore, designating proposed SEAs for low rural density development serves a public safety purpose by limiting development in areas that pose a risk to life and property. This public safety purpose benefits County taxpayers by limiting future expenses related to disaster response and relief in the unfortunate but likely event that fires, earthquakes, and other events will occur in these areas.

Pursuant to previous direction from your Board and a policy in the recently adopted Area Plan Update, DRP is preparing a Climate Action Plan for all unincorporated areas. The greenhouse gas (GHG) emissions inventory and forecast for this Climate Action Plan is based on the land use designations in the adopted Area Plan Update and the proposed Antelope Valley Area Plan Update, which combined represent a majority of unincorporated areas. Designating SEAs in the Santa Clarita Valley and the Antelope Valley for low rural density development helps reduce GHG emissions over the long term, as many of these SEAs are located in remote areas that are distant from employment centers, commercial services, schools, public transit, and other amenities, necessitating a high amount of vehicle miles traveled.

In summary, the update of the SEA Program has been integrated into other long-range planning efforts. This integration has resulted in many benefits beyond the aim of preserving and enhancing biological resources, such as limiting development in hazardous areas, reducing taxpayer costs, and helping the County address the emerging issue of climate change.

CONCLUSION

Your Board's adoption of the Area Plan Update, including the expansion of SEAs in the Santa Clarita Valley, represented an important first step in completing the County's long-running effort to update the SEA Program and the General Plan. DRP is working

with the public, resource agencies, the development community, and other stakeholders to complete the other components of the update of the SEA Program. Public hearings regarding the General Plan Update and the SEA Ordinance Update will begin later in 2013 following release of the Environmental Impact Report for the General Plan Update and the Antelope Valley Area Plan Update.

If you have any questions regarding this report, please contact Mitch Glaser at (213) 974-6476 or mglaser@planning.lacounty.gov.

RJB:JS:MWG:EH/BM:ems

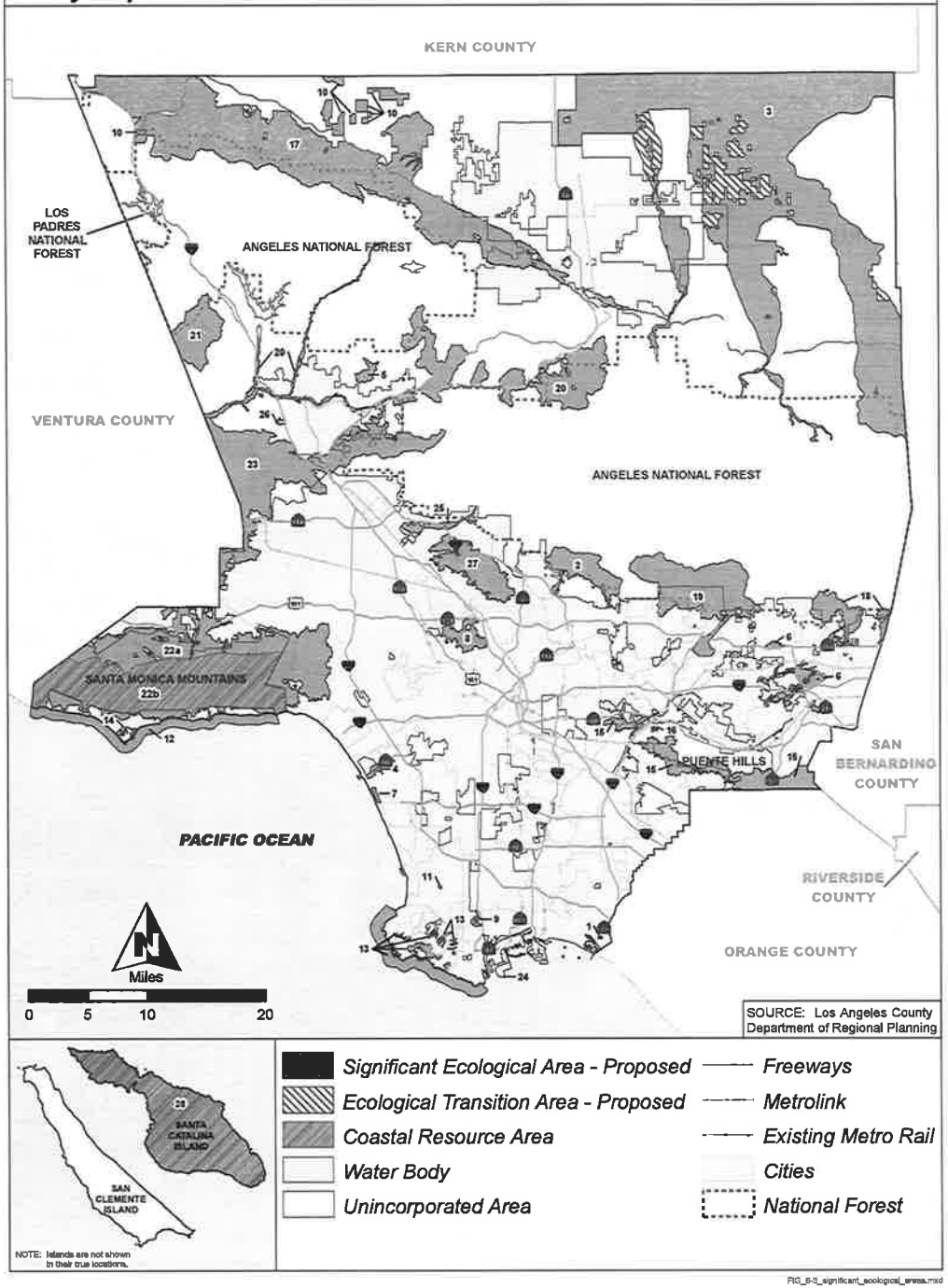
Attachments:

1. Proposed SEA Map (Figure 6.3 in the 2012 Draft General Plan Update)
2. December 2012 Draft SEA Ordinance Update
3. May 2, 2012 Report Regarding Organization and Protocol of SEATAC
4. SEATAC Meeting Minutes Template
5. SEATAC Ethical Guidelines and Conflict of Interest Form

c: Executive Office, Board of Supervisors
Chief Executive Office
County Counsel
Fire
Public Works

Significant Ecological Areas and Coastal Resource Areas Policy Map

Figure 6.3



PROPOSED SEA

1. Alamitos Bay
2. Altadena Foothills and Arroyos
3. Antelope Valley
4. Ballona Wetlands
5. Cruzan Mesa Vernal Pools
6. East San Gabriel Valley
7. El Segundo Dunes
8. Griffith Park
9. Harbor Lake Regional Park
10. Joshua Tree Woodlands
11. Madrona Marsh Preserve
12. Malibu Coastline
13. Palos Verdes Peninsula and Coastline
14. Point Dume
15. Puente Hills
16. Rio Hondo College Wildlife Sanctuary
17. San Andreas
18. San Dimas Canyon / San Antonio Wash
19. San Gabriel Canyon
20. Santa Clara River
21. Santa Felicia

22a. Santa Monica Mountains

23. Santa Susana Mountains / Simi Hills
24. Terminal Island (Pier 400)
25. Tujunga Valley / Hansen Dam
26. Valley Oaks Savannah
27. Verdugo Mountains

COASTAL RESOURCE AREA

22b. (Portions of the) Santa Monica Mountains

28. Santa Catalina Island

The Coastal Zone of Santa Catalina Island and the Santa Monica Mountains are indentified as Coastal Resource Areas. The Coastal Resource Area designation is intended to identify the biological resources of each area as equivalent in significance with SEAs, while recognizing that that the protection of these areas is regulated differently from other SEAs, through their individual Local Coastal Programs, instead of through the SEA ordinance.

ORDINANCE NO. _____

An ordinance amending Title 22 – Planning and Zoning – of the Los Angeles County Code related to the update of regulations for Significant Ecological Areas.

...

SECTION 1. Section 22.08.190 is hereby amended to read as follows:

...

-- "SEATAC" means an expert advisory committee which assists the Department of Regional Planning and the Regional Planning Commission in their administration of Part 25 of Chapter 22.52. The members of the committee are appointed by the Director of the Department of Regional Planning.

~~"SEATAC" means the significant ecological area technical advisory committee.~~

...

-- "~~s~~Significant ~~e~~Ecological ~~a~~Area" means~~:~~ any portion of a lot or parcel of land containing an ecologically important land or water system that supports valuable habitat for plants and animals integral to the preservation of rare, threatened or endangered species and to the conservation of biological diversity in the County. Significant Ecological Areas are identified on the Significant Ecological Areas and Coastal Resource Areas Policy Map of the General Plan. The regulations applicable to uses and projects in Significant Ecological Areas are established in Part 25 of Chapter 22.52.

~~A. Significant ecological areas/habitat management areas designated on the special management areas map of the general plan.~~

~~B. Environmentally sensitive habitat areas, sensitive environmental resource areas, and rare plant habitat areas, identified in the Santa Catalina Island Local Coastal Program depicting any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.~~

...

SECTION 2. Part 25 of Chapter 22.52 is hereby added to read as follows:

PART 25

SIGNIFICANT ECOLOGICAL AREAS

SECTIONS:

22.52.2600 Purpose.

22.52.2610 Definitions.

22.52.2620 Applicability.

22.52.2630 Applicability of zone and supplemental district regulations.

22.52.2640 Development Standards.

22.52.2650 Permitted Uses.

22.52.2660 Uses Subject to SEA Conditional Use Permit.

22.52.2670 SEA Conditional Use Permit Review.

22.52.2680 County Project Review.

22.52.2690 Voluntary Review.

22.52.2600 Purpose.

This Part 25 is established to regulate development within the County's Significant Ecological Areas ("SEAs"), as defined by Section 22.08.190. These regulations are intended to ensure a process whereby proposed developments meet the following three objectives: :

A. Assess and disclose biological resources present on a proposed development site, and the potential impacts to such resources from a proposed development;

B. Apply environmentally sensitive design practices and development standards to proposed developments; and

C. Prevent impacts to biological resources which would compromise the conservation of the County's biological diversity by affecting either the size or the connectivity of an SEA such that species populations of significance, as described within that SEA's Description within the General Plan, become unsustainable.

The purpose of this Part 25 is not to preclude development within SEAs but to equitably reconcile the potential conflicts between conservation and development and to ensure that development maintains and potentially enhances biotic resources within SEAs.

22.52.2610 Definitions. For purposes of this Part 25, the following definitions shall apply:

A. "Coastal Resource Area" means any portion of a lot or parcel of land containing an area located within the County's Coastal Zone and identified on the Significant Ecological Areas and Coastal Resource Areas Policy Map of the General Plan. Coastal Resource Areas include biological resources equivalent in significance

with SEAs, which are regulated in this Title 22 by Coastal Programs pursuant to Part 2 of Chapter 22.46, the Santa Catalina Island Specific Plan and Part 6 of Chapter 22.44, and the Malibu Coastal Program District.

B. "Ecological Transition Area" means any portion of a lot or parcel of land within an SEA where the natural ecological features or systems have been degraded as a result of past or on-going land use activities but are deemed functionally integral to the SEA or support important plant or animal populations. Ecological Transition Areas are a subset of SEAs and are identified on the Significant Ecological Areas and Coastal Resource Areas Policy Map of the General Plan.

C. Fencing, Wildlife Impermeable. "Wildlife Impermeable Fencing" means a fence, wall or gate which prevents the bypass of species living within an SEA.

D. Fencing, Wildlife Permeable. "Wildlife Permeable Fencing" means a fence or gate which may be bypassed by all species living within an SEA.

E. "Ground Disturbance" means any removal or thinning of vegetation, clearing to bare earth, agricultural discing, earthworks of any cubic yardage, or any other activity which would alter topography or affect areas of indigenous vegetation.

F. SEA Conditional Use Permit, Type A. "Type A SEA Conditional Use Permit" means a permit for a conditional use, as defined by Section 22.56.010, that is required by Section 22.56.2640 for those conditional uses expected to have lower potential impacts to an SEA pursuant to the criteria provided in Section 22.52.2670.C.

G. SEA Conditional Use Permit, Type B. "Type B SEA Conditional Use Permit" means a permit for a conditional use, as defined by Section 22.56.010, that is

required by Section 22.56.2640 for those conditional uses expected to have higher potential impacts to an SEA pursuant to the criteria provided in Section 22.52.2670.C.

H. "SEA Developed or Disturbed Areas Map" means the map maintained by the Department of Regional Planning that identifies all developed or disturbed areas within SEAs prior to the effective date of the ordinance establishing this Part 25 and all areas within SEAs subsequently approved for development or ground disturbance pursuant to this Part 25.

I. "SEA Design Manual" means the manual maintained by the Department of Regional Planning that includes species lists referenced in this Part 25 as well as additional guidance on best practices and recommended approaches for site design within the SEAs.

J. "SEA Habitat Linkages and Wildlife Corridors Map" means the map maintained by the Department of Regional Planning that includes habitat linkages and wildlife corridors referenced in this Part 25.

22.52.2620 Applicability. The provisions of this Part 25 shall apply to any ground disturbance wholly or partially located within an SEA and to any use or project, including construction activities, storage, Fuel Modification Zones, and related off-site and off-site improvements such as grading, roads, sewer lines, water lines, and drainage facilities wholly or partially located within an SEA, except for:

A. Any complete SEA Conditional Use Permit application filed with the Department of Regional Planning prior to the effective date of the ordinance establishing this Part 25. Such application shall be processed in accordance with

Section 22.56.215 as it existed prior to the effective date of the ordinance establishing this Part 25.

B. Any valid SEA Conditional Use Permit granted in accordance with Section 22.56.215 as it existed prior to the effective date of the ordinance establishing this Part 25, including any SEA Conditional Use Permit granted in accordance with subsection A above. In such cases, the ground disturbance, use or project shall be governed by the SEA Conditional Use Permit during the life of that permit. Any modifications to the SEA Conditional Use Permit shall be subject to the provisions of this Part 25.

C. Any complete application for a Site Plan Review, Director's Review, Variance, Conditional Use Permit, Cemetery Permit, Mobilehome Permit, Oak Tree Permit, or Housing Permit filed with the Department of Regional Planning prior to the effective date of the ordinance establishing this Part 25 which was not subject to Section 22.56.215 as it existed prior to the effective date of the ordinance establishing this Part 25. Such application shall not be processed in accordance with this Part 25.

D. Any Site Plan Review, Director's Review, Variance, Conditional Use Permit, Cemetery Permit, Mobilehome Permit, Oak Tree Permit, or Housing Permit which was not subject to Section 22.56.215 as it existed prior to the effective date of the ordinance establishing this Part 25, including any such Site Plan Review, Director's Review, Variance, Conditional Use Permit, Cemetery Permit, Mobilehome Permit, Oak Tree Permit, or Housing Permit granted in accordance with subsection C above. Any modifications to any such Site Plan Review, Director's Review, Variance, Conditional Use Permit, Cemetery Permit, Mobilehome Permit, Oak Tree Permit, or Housing Permit shall be subject to the provisions of this Part 25.

E. Any ground disturbance, use or project designed such that the entire footprint of the ground disturbance, use or project, including construction activities, storage, Fuel Modification Zones, and related off-site and off-site improvements such as grading, roads, sewer lines, water lines, and drainage facilities, is located outside of the SEA.

F. Lot line adjustment of one property line between two parcels.

G. Mining projects and reclamation plans that require a Surface Mining Permit, as provided in Part 9 of Chapter 22.56.

H. Any of the following activities required, requested, or permitted by a governmental agency:

1. Removal or thinning of vegetation for fire safety; and

2. Hazard management activities in response to public safety concerns.

22.52.2630 Applicability of zone and supplemental district regulations. If this Part 25 applies to any ground disturbance, use or project pursuant to Section 22.52.2620, all provisions of the zone and any supplemental district in which such ground disturbance, use or project is located shall also apply, except where a provision of this Part 25 is more restrictive than a provision regulating the same matter in any such zone or supplemental district.

22.52.2640 Development Standards. The following development standards shall apply in addition to all other applicable development standards of this Title 22:

A. Landscaping. Landscaped areas within an SEA shall not include invasive species listed in the Invasive Species List of the SEA Design Manual.

B. Outdoor Lighting. Outdoor lighting within an SEA is only permitted in areas approved for development or ground disturbance. All outdoor lighting shall comply with the standards established in Part 9 of Chapter 22.44.

C. Fencing.

1. Wildlife Impermeable Fencing. Wildlife impermeable fencing is permitted in areas approved for development or ground disturbance in order to protect structures and residences from wildlife incursions and to prevent livestock and companion animals from accessing undisturbed natural areas. Wildlife impermeable fencing is also permitted, on a temporary basis, at construction sites, in conjunction with uses authorized by a Temporary Use Permit in accordance with Part 14 of Chapter 22.56, or in conjunction with restoration or revegetation projects that would require protection from other species.

2. Wildlife Permeable Fencing. Wildlife permeable fencing is permitted to delineate lot boundaries or to section off project features such as roads or trails. Such fencing shall include a consistent gap of at least 18 inches, as measured from the ground up, between fence posts, shall not exceed four feet in height, and shall leave at least two feet between any vertical or horizontal rails or boards.

3. Prevention of Wildlife Injury. All fencing in an SEA shall be constructed with materials that are not harmful to wildlife. Prohibited materials include, but are not limited to, spikes, glass, razor, or barbed wire. All hollow fence posts or fences with top holes, such as metal pipes, shall be capped to prevent the entrapment of bird species.

D. Construction. Construction activities shall comply with the following State and Federal regulations, if applicable:

1. The Migratory Bird Treaty Act (16 U.S.C. Section 703); and

2. California Fish and Game Code Sections 3503 and 3513.

E. Fuel Modification Zones. The following standards shall apply when Fuel Modification Zones are required by a governmental agency for fire safety:

1. New structures and other infrastructure requiring Fuel Modification Zones shall share such zones with those already created for existing structures and infrastructure on the same lot or parcel of land or on adjoining lots or parcel of land, if possible.

2. New structures or infrastructure requiring Fuel Modification Zones shall not be located in such a way that any portion of the required Fuel Modification Zone will include dedicated open space areas on the lot or parcel of land or on adjoining or adjacent lots or parcels of land. In addition, such structures or infrastructure shall not be located in a way that any portion of the required Fuel Modification Zone will include undisturbed natural areas on adjoining or adjacent lots or parcels of land, if possible.

F. Streets and Highways. New streets or highways which bisect habitat linkages and wildlife corridors on the SEA Habitat Linkages and Wildlife Corridors Map shall include construction of wilderness crossing points for the safe passage of species. Where improvements are made to a street or highway which bisects a previously existing habitat linkage or wildlife corridor, such improvements shall include features to restore the previously existing habitat linkage or wildlife corridor through the construction of wilderness crossing points for the safe passage of species.

G. Trees. New structures or infrastructure shall be set back by at least 50 feet from the dripline of any mature tree identified on the Tree Species List of the SEA Design Manual and identified during the biologist site visit required by Section 22.52.2650.B.1. Oak trees shall also be subject to the provisions of Part 16 of Chapter 22.56.

H. Habitat Linkages. New ground disturbances may not encroach upon a habitat linkage identified on the SEA Habitat Linkages and Wildlife Corridors Map and identified during the biologist site visit required by Section 22.52.2650.B.1. For the purposes of this subsection H, encroachment is defined to occur when the area of ground disturbance, plus required Fuel Modification Zones related to such disturbance, would narrow the width of the habitat linkage to fewer than 1,000 feet at any point along the habitat linkage.

I. Wildlife Corridors. New ground disturbances may not encroach upon a wildlife corridor identified on the SEA Habitat Linkages and Wildlife Corridors Map and identified during the biologist site visit required by Section 22.52.2650.B.1. For the purposes of this subsection I, encroachment is defined to occur when the area of ground disturbance, plus required Fuel Modification Zones related to such disturbance, would narrow the width of the wildlife corridor to fewer than 200 feet at any point along the wildlife corridor.

J. Species. When any ground disturbance, use, or project may encroach upon a likely to occur species of special status identified in the SEA's Description in the General Plan and discovered during the biologist site visit required by Section 22.52.2650.B.1, such ground disturbance, use or project shall not impact an area of

exceeding 50 percent of the habitat area for the species of special status on the lot or parcel of land.

K. Water Resources.

1. Following the biologist site visit required by Section 22.52. 2650.B.1, the applicant shall prepare a map identifying water resources, including the width, depth and location of all natural watercourses and artificial drains or conduits for the drainage of stormwater located on the lot or parcel of land as well as any natural watercourses on adjoining lots or parcels of land.

2. The applicant shall demonstrate to the satisfaction of the Department of Regional Planning that runoff created by the ground disturbance, use or project will not materially affect water resources located on the lot or parcel of land and on adjoining lots or parcels of land, as identified during the biologist site visit required by Section 22.52.2650.B.1and on the map required by subsection K.1 above, either by increasing or diminishing the supply of natural watercourses or by adding pollutants.

3. All water resources on the lot or parcel of land and on adjoining lots or parcels of land identified in the biologist site visit required by Section 22.52. 2650.B.1 and identified on the map required by subsection K.1 above, shall be adequately set back from any ground disturbance or use. The following setbacks shall apply:

a. Vernal Pools. The setback shall be 150 feet or the watershed boundary, whichever is greater, as measured from the vernal pool extent;

b. Marshes, Seeps, and Springs. If the water resource is less than one half acre in size, the setback shall be 75 feet as measured from the edge of the saturated soil. If the water resource is greater than one half acre and up to one acre

in size, the setback shall be 150 feet as measured from the edge of the saturated soil. If the water resource is greater than one acre in size, the setback shall be 300 feet as measured from the edge of the saturated soil.

c. Riparian Resources. If the watercourse is less than 50 feet wide in a wet year, the setback shall be 75 feet as measured from the outer edge of riparian habitat on each side of the watercourse. If the watercourse is 50 to 100 feet wide in a wet year, the setback shall be 150 feet as measured from the outer edge of riparian habitat on each side of the watercourse. If the watercourse is greater than 100 feet wide in a wet year, the setback 300 feet as measured from the outer edge of riparian habitat on each side of the watercourse.

22.52.2650 Permitted Uses.

A. The following uses are permitted, provided that a Site Plan Review application is approved pursuant to subsection B below:

1. Individual single-family residences, accessory structures, and additions to individual single-family residences and accessory structures, including all related ground disturbance, on one lot or parcel of land and subject to all applicable development standards of Section 22.52.2640;

2. Any use or project designed such that the entire footprint of the use or project, including all ground disturbance, construction activities, storage, Fuel Modification Zones and related on-site and off-site improvements, is located within developed or disturbed areas identified in the SEA Developed or Disturbed Areas Map, subject to the development standards provided in Sections 22.52.2640.A, 22.52.2640.B, and 22.52.2640.C;

3. Any use or project requiring a Variance, Conditional Use Permit, Cemetery Permit, Mobilehome Permit, or Housing Permit on a site where a previously granted Variance, Conditional Use Permit, Cemetery Permit, Mobilehome Permit, or Housing Permit has expired, provided that the use or project is deemed a fundamentally similar use to the use or project authorized by the previous grant. Such use or project shall be subject to all applicable development standards of Section 22.52.2640;

4. Modifications to any use or project previously approved by a Site Plan Review, Director's Review, Variance, Conditional Use Permit, Cemetery Permit, Mobilehome Permit, Oak Tree Permit, or Housing Permit, provided that the modification does not propose expanding the ground disturbance beyond that authorized by the previous approval. Such modifications shall be subject to all applicable development standards of Section 22.52.2640;

5. Any of the following activities to improve the quality of biological resources in an SEA conducted by a governmental agency or a non-profit land conservation organization that meets the Statement of Qualifications of Non-Profits Requesting to Hold Mitigation Land according to Government Code Section 65965, subject to all applicable development standards of Section 22.52.2640:

a. Non-native vegetation removal programs;

b. Native habitat restoration programs; and

c. Construction of wildlife under and overpasses for habitat linkages and wildlife corridors.

B. Site Plan Review. The following provisions shall apply to the Site Plan Review application in addition to any site plan procedures and submission materials

required by the zone and any supplemental district or in which the use is located, as provided in Section 22.52.2620:

1. Biologist Site Visit. A Department of Regional Planning staff biologist shall conduct a site visit to assess the location of biological resources and physical conditions prior to approval of the Site Plan Review application. Such site visit shall include appraisal of habitat types, observed or likely to occur species indentified in the SEA's description in the General Plan, location of tree species, and identification of water resources. Any identified resources shall be subject to the development standards of Section 22.52.2640 where applicable.

2. When instances of an observed or likely to occur species of special status officially listed by the State or Federal Governments as Endangered, Threatened or Rare are discovered during the biologist site visit, the application shall be referred to the California Department of Fish and Game and the applicant shall comply with all relevant State and Federal laws and obtain all necessary State and Federal permits.

22.52.2660 Uses Subject to SEA Conditional Use Permit. The following uses shall require an SEA Conditional Use Permit:

A. Any ground disturbance, use or project that is not otherwise permitted by Section 22.52.2630, including development of new single-family residences on two or more lots or parcels of land in a coordinated effort, regardless of the ownership of the involved lots or parcels and regardless of whether the developments are applied for concurrently or through multiple successive applications;

B. Any ground disturbance, use or project that is otherwise permitted by Section 22.52.2650 but does not comply with the applicable development standards of Section 22.52.2640; and

C. Any ground disturbance, use or project that is otherwise permitted by Section 22.52.2650 but which may encroach upon an observed species of special status identified in the SEA's description in the General Plan, or upon an undiscovered or previously thought extinct species, as discovered during the biologist site visit required by Section 22.52.2650.B.1.

22.52.2670 SEA Conditional Use Permit Review. The following provisions shall apply when an SEA Conditional Use Permit ("SEA CUP") is required pursuant to Section 22.52.2660:

A. Initial Project Appraisal.

1. All prospective applicants for a SEA CUP shall complete an initial project appraisal before a complete SEA CUP application may be submitted to the Department of Regional Planning. An initial project appraisal consists of a preliminary review meeting with a Department of Regional Planning staff biologist and a Department of Regional Planning staff planner to discuss conceptual information regarding the prospective ground disturbance, use or project. The initial project appraisal is intended to ensure that the prospective applicant is clearly advised of the requirements of this Part 25.

2. To initiate an initial project appraisal the prospective applicant shall prepare and submit the following information to the Department of Regional Planning:

a. All information required by Sections 22.56.030.A.1, 22.56.030.A.3, 22.56.030.A.5, and 22.56.030.A.6. When submitting the information required by Section 22.56.030.A.5, the prospective applicant shall identify any anticipated site design and construction measures intended to protect biological and ecological resources;

b. The number of acres on the project site located within the SEA;

c. The number of acres on the project site located within the SEA that would be retained as natural open space and any associated management provisions; and

d. Panoramic or composite photographs taken from each from corner of the project site and from the highest elevated points within the project site, along with a photograph key.

B. SEA CUP Application. A complete SEA CUP application shall consist of the following:

1. Documentation that an initial project appraisal has been completed in accordance with subsection A.1 above;

2. All information required by Section 22.56.030, a burden of proof statement that substantiates the findings required by subsection G below, and any other information that the Department of Regional Planning determines to be necessary for adequate evaluation;

3. All information required by subsections A.2.a, A.2.b, and A.2.c above;

4. Panoramic or composite photographs, as required by subsection A.2.d above, provided that such photographs are taken no more than 90 days prior to application submission. Additional photographs and/or a photographic simulation of the project site may be required at the discretion of the Department of Regional Planning; and

5. An SEA Site Assessment Report and an SEA Site Impacts Report. The required contents of these reports are provided in the SEA Design Manual. The Department of Regional Planning shall accept a finalized SEA Site Assessment Report prior to submission of a preliminary SEA Site Impacts Report.

C. SEA CUP Criteria. The following criteria shall be applied to an SEA CUP application using the information submitted as part of the complete application required by subsection B above, including a preliminary SEA Site Assessment Report, but prior to completion of a finalized SEA Assessment Report:

1. Significant Ecological Area Sites. A Type A SEA CUP shall be required unless the SEA CUP application meets one or more of the following criteria, in which case a Type B SEA CUP shall be required:

a. The proposed project is a subdivision as defined by Section 21.08.170;

b. The project may result in the creation of a habitat area which no longer maintains connectivity with the rest of the SEA's natural areas;

c. The project or the construction activities accompanying the project may result in adverse effects to species listed in the SEA's description in the General Plan, or to species identified as candidate, sensitive, or special status species

by the California Department of Fish and Game or the United States Fish and Wildlife Service;

d. The project may result in a transformation of land use where land which is in a natural state, or land which is being used for outdoor agricultural activities in an unpaved, unimproved state, is converted into land characterized by permanent hardscaping, including but not limited to pavement, parking lots, concrete drainage structures, or building pads, where such permanent hardscaping covers an area of at least one acre in size or an area of half the project site, whichever is greater;

e. The project may encroach upon a habitat linkage identified on the SEA Habitat Linkages and Wildlife Corridors Map and identified during the biologist site visit required by Section 22.52.2650.B.1. For the purposes of this subsection C.1.e, encroachment is defined to occur when the area of ground disturbance, plus required Fuel Modification Zones related to such disturbance, would narrow the width of the habitat linkage to fewer than 1,000 feet at any point along the habitat linkage; and

f. The project may create adverse impacts to a water source, water course or drainage, either through removal or addition of waters on the site, alteration of the hydrology and drainage to the majority of the lot or parcel of land, or construction activities within the setback areas for water resources provided in Section 22.52.2640.K.3.

2. Ecological Transition Area Sites. If the SEA CUP application relates to a site wholly within the SEA subset of Ecological Transition Area, as defined by Section 22.52.2610.B, a Type A SEA CUP shall be required unless the SEA CUP application

meets one or more of the following criteria, in which case a Type B SEA CUP shall be required:

a. The proposed project is a subdivision as defined by Section 21.08.170;

b. The proposed project may result in the creation of an undisturbed habitat area which no longer maintains connectivity with the rest of the SEA's undisturbed habitat areas on the subject lot or parcel of land and/or on adjoining or adjacent lots or parcels of land; and

c. The project may create adverse impacts to a water source, water course or drainage, either through removal or addition of waters on the site, alteration of the hydrology and drainage to the majority of the lot or parcel of land, or construction activities within the setback areas for water resources given in Section 22.52.2640.K.3.

D. Significant Ecological Area Technical Advisory Committee Review. The Significant Ecological Area Technical Advisory Committee ("SEATAC") shall review complete applications for a Type B SEA CUP. During this review, SEATAC may make recommendations to the Department of Regional Planning regarding any additional studies, site design modifications, conditions of approval, or additional mitigation measures which will improve the quality of the application and/or the proposed project. At the conclusion of this review, SEATAC shall provide the Department of Regional Planning with a final determination of the proposed project's compatibility with the SEA based on the purpose and findings of this Part 25. This final determination is intended to provide information to the Department of Regional Planning and the Regional Planning

Commission regarding which conditions of approval may be appropriate for the proposed project if the Department of Regional Planning recommends approval.

E. Conditions of Approval.

1. Development Standards. All applicable development standards in Section 22.52.2640 shall be made conditions of approval for any SEA CUP, except where modified by the Reviewing Authority (Hearing Officer or Regional Planning Commission), in addition to any other condition of approval imposed by such Reviewing Authority.

2. Open Space Requirement for Type A SEA CUP. Provision of open space may be made a condition of approval for a Type A SEA CUP if the project site is one gross acre or greater in size and if the impacts detailed in the SEA Site Impacts Report required by subsection B.5 above would warrant provision of open space. When provision of open space is required, the following areas shall be prioritized for inclusion in the required open space in the following order:

a. Areas on the same lot or parcel of land that will preserve the same types of habitat, species or water resources that will be impacted by the project;

b. Areas on any lot or parcel of land within the same SEA that will preserve the same types of habitats, species or water resources that will be impacted by the project;

c. Areas on any lot or parcel of land within the same SEA that will preserve types of habitat, species or water resources that are more rare in the SEA than the types of habitat, species, or water resources that will be impacted by the project.

d. Areas on any lot or parcel of land within the same SEA that will preserve the narrowest point of any habitat linkage or wildlife corridor on the SEA Habitat Linkages and Wildlife Corridors Map; and

e. If no lot or parcel of land may be acquired within the same SEA because all lots or parcels of land within that SEA have been developed or preserved as open space, and if at least 80 percent of that SEA has been permanently dedicated as open space remaining in an natural condition or restored to a natural condition, open space may be provided in areas within the nearest adjacent SEA. Areas within the nearest adjacent SEA shall be prioritized in the order provided in subsections E.2.b through E.2.d above.

3. Open Space Requirement for Type B SEA CUP. Provision of open space shall be made a condition of approval for a Type B SEA CUP if the project site is one gross acre or greater in size. Open space shall be provided at a minimum ratio of twice the area that is being proposed to be newly developed or disturbed. Areas shall be prioritized for inclusion in the required open space in the order provided in subsections E.2.a through E.2.e above.

4. Open Space Use and Design Requirements. If open space is required pursuant to either subsection E.2 or E.3 above, the following open space use and design requirements shall be made conditions of approval if applicable:

a. Required open space shall remain undisturbed in a natural condition. Notwithstanding any applicable provisions in Section 22.56.215, no improvements shall be allowed within open space required by either subsection E.2 or E.3 above.

b. If required open space will be provided on the same lot or parcel of land as the project in accordance with subsection E.2.a above, such open space shall be configured in the following manner:

(1). Projects other than Subdivisions. Required open space shall be contiguous and designated as an Open Space - Restricted Use Area.

(2). Subdivisions. Where a project site is greater than 40 acres in size, required open space shall be contiguous and configured into open space lots separate from lots where development is proposed. Where a project site is 40 acres or fewer in size, required open space shall be contiguous and may be designated as an Open Space -- Restricted Use Area in lieu of separate open space lots; or

c. If required open space will be provided on a different lot or parcel of land in accordance with subsections E.2.b through E.2.e above, such open space shall be contiguous and shall be designated as an Open Space - Restricted Use Area.

5. Open Space Recordation Requirements. If open space is required pursuant to either subsection E.2 or E.3 above, the following open space recordation requirements shall be made conditions of approval, if applicable, to prevent subsequent development of required open space:

a. Projects other than Subdivisions. If required open space will be provided on the same lot or parcel of land as the project in accordance with subsection E.2.a above, such open space shall be shown on the site plan or lot line adjustment exhibit, shall be labeled as Open Space - Restricted Use Area in the preservation instrument, and shall be recorded as an easement. If required open space

will be provided on a different lot or parcel of land in accordance with subsections E.2.b through E.2.e above, such open space shall be shown on an open space exhibit, shall be labeled as Open Space - Restricted Use Area in the preservation instrument, and shall be recorded as an easement.

b. Subdivisions. If required open space will be provided on the same lot or parcel of land as the project in accordance with subsection E.2.a above, such open space shall be shown on the tentative map and the final map, shall be subsequently recorded on the final map and/or as an easement, and shall be labeled as Open Space -- Restricted Use Area in the preservation instrument and on all maps. If required open space will be provided on a different lot or parcel of land in accordance with subsections E.2.b through E.2e above, such open space shall be shown on an open space exhibit, shall be labeled as Open Space - Restricted Use Area in the preservation instrument, and shall be recorded as an easement; or

6. Open Space Ownership and Management Requirements. If open space is required pursuant to either subsection E.2 or E.3 above, the following open space ownership and management requirements shall be made conditions of approval if applicable:

a. All Projects. If required open space will be provided on a different lot or parcel of land in accordance with subsections E.2.b through E.2.e above, and required open space will occupy the entirety of such lot or parcel of land, making it an open space lot, ownership and management of the open space lot shall be established to hold and manage the open space, under a mandate to protect it in perpetuity through dedication to one of the following entities:

(1). A governmental entity such as county, city, state, federal or joint power authority;

(2). A non-profit land conservation organization that meets the Statement of Qualifications of Non-Profits Requesting to Hold Mitigation Land according to Government Code Section 65965; or

(3). Dedication to a Home Owners' Association

b. Subdivisions. If required open space will be provided on the same lot or parcel of land as the project in accordance with subsection E.2.a above and is configured into open space lots separate from lots where development is proposed in accordance with subsection E.4.b.(2) above, ownership and management of the open space lots shall be established to hold and manage the open space, under a mandate to protect it in perpetuity, though dedication to one of the entities identified in subsection E.6.a above.

7. Other Conditions of Approval. An SEA CUP shall apply to the entire project site, including portions of the project site that are not located within an SEA. An SEA CUP may specify that certain conditions only apply to those portions of a project site within an SEA. The conditions of an SEA CUP may also specify that if the project site is subsequently divided in accordance with a subdivision, any subsequent application to modify the SEA CUP need only relate to the lots or parcels of land affected by such modification instead of the entire project site.

F. Review and Hearings. An application for a Type A SEA Conditional Use Permit shall not be reviewed by the Significant Ecological Area Technical Advisory Committee and shall be considered by a Hearing Officer in accordance with the public

hearing procedures provided in Part 4 of Chapter 22.60. An application for a Type B Conditional Use Permit shall be reviewed by the Significant Ecological Area Technical Advisory Committee and shall be considered by the Regional Planning Commission in accordance with the public hearing procedures provided in Part 4 of Chapter 22.60.

G. Staff Report. The Department of Regional Planning shall prepare a report to the Reviewing Authority (Hearing Officer or Regional Planning Commission) containing a detailed review of the complete SEA CUP application, which shall include but not be limited to:

1. The SEA Site Assessment Report detailing the habitat, species, or water resources located on the project site;

2. The SEA Site Impacts Report detailing the anticipated impacts to the habitat, species, or water resources located on the project site;

3. An appraisal of measures taken to protect habitat, species, or water resources located on the project site;

4. Any recommended changes to the proposed ground disturbance, use or project that are necessary to substantiate the findings required by subsection G below;

5. Any recommended conditions of approval, including but not limited to those specified in subsection E above, that are necessary to ensure that the proposed ground disturbance, use or project substantiates the findings required by subsection H and is otherwise consistent with the provisions of the General Plan, any relevant Area or Community Plan, and this Title 22;

6. Any recommended modifications to applicable development standards in Section 22.52.2640 when such modifications would be necessary to satisfy other regulations in effect for the use within the County Code, State regulations, or Federal regulations.

6. If the SEA CUP is a Type A SEA CUP, an appraisal of whether provision of open space is warranted in accordance with subsection E.2 above;

7. If the SEA CUP is a Type B SEA CUP:

a. The SEATAC determination of the proposed ground disturbance, use or project's compatibility with the SEA; and

b. A summary of SEATAC recommendations pertaining to the proposed ground disturbance, use or project, noting if and where the SEATAC recommendations differ from the conditions of approval recommended by the Department of Regional Planning.

H. Findings. The Reviewing Authority (Hearing Officer or Regional Planning Commission) shall not approve an SEA CUP application unless the Reviewing Authority finds that the application substantiates all of the following findings, in addition to those required by Section 22.56.090:

1. The applicant has adequately surveyed and disclosed potential impacts to habitats, water resources, species of special interest as provided in the SEA Design Manual, and habit linkages, to the satisfaction of the Department of Regional Planning, and if the SEA CUP is a Type B SEA CUP, to the satisfaction of SEATAC;

2. If open space will be provided in conjunction with the proposed ground disturbance, use or project, the open space to be provided has high ecological

value because it contains any combination of SEA designated species, new species, water resources, habitat linkages, or high value habitat; and

3. The proposed ground disturbance, use or project will not result in the loss of SEA viability. For purposes of this finding, loss of viability in an SEA is defined to occur when the proposed ground disturbance, use or project may cause any of the following:

a. Bisection of the SEA;

b. Closing of a habitat linkage or wildlife corridor mapped on the SEA Habitat Linkages and Wildlife Corridors Map;

c. Removal of habitat characteristic of the SEA and described in the SEA's description provided in the General Plan;

d. Removal of habitat that is the only known location of a SEA species described in the SEA's description provided in the General Plan; or

e. Removal of habitat that is the only known location of a new or rediscovered species.

22.52.2680 County Project Review. The following review procedures are required for any ground disturbance, use or project to be undertaken by the County:

A. Notification. The lead County department shall provide a document describing the details of the project, as well as any relevant environmental documents, to the Department of Regional Planning.

B. Review Determination. The project shall be reviewed at an Initial Project Appraisal in accordance with Section 22.52.2670.A.1. Following the Initial Project Appraisal, the Department of Regional Planning shall apply the criteria provided in

Section 22.52.2670.C to determine whether the project would meet the criteria for a Type B SEA CUP. If the project meets such criteria, the project shall be reviewed by SEATAC.

C. SEATAC Review. If the project requires SEATAC review pursuant to subsection B above, the lead County department shall prepare an SEA Site Assessment Report and an SEA Impacts Report and shall present the project to SEATAC. Following SEATAC review of the proposed project, the Department of Regional Planning shall prepare a report of recommendations and shall provide such report to the lead County department. The report shall include any recommendations that would improve the quality of the project's studies and design and shall disclose whether the SEATAC finds the project to be compatible with the purpose of this Part 25. This report shall be included as part of the project's publicly available documents and presented as part of any subsequent project reports to the Board of Supervisors and its attendant commissions.

22.52.2690 Voluntary Review. Voluntary review is established for any ground disturbance, use or project that does not require an SEA CUP pursuant to Section 22.52.2660 if the proponent of such ground disturbance, use or project wishes seek input from the Department of Regional Planning or SEATAC in order to rigorously assess the biological resources on the project site and/or to ensure environmentally sensitive project design. The proponent may request an Initial Project Appraisal in accordance with Section 22.52.2670.A and/or SEATAC review in accordance with Section 22.52.2670.D, in order to facilitate more environmentally sensitive site design of projects.

SECTION 3. Part 2 of Chapter 22.60 is hereby amended to read as follows:

Note: There are several new processes in this Draft Significant Ecological Area Ordinance which will require new or adjusted fees. The amount of these fees will be determined prior to release of any subsequent draft. The following items may be included as new or changed fees in subsequent drafts of the Significant Ecological Areas Ordinance:

- *Biologist Site Visit*
- *Initial Project Appraisal*
- *Type A SEA CUP*
- *Type B SEA CUP*
- *County Project Review*
- *Voluntary Review*

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

May 2, 2012

TO: Supervisor Zev Yaroslavsky, Chairman
Supervisor Gloria Molina
Supervisor Mark Ridley-Thomas
Supervisor Don Knabe
Supervisor Michael D. Antonovich

FROM: Richard J. Bruckner DLS for RJB
Director

RESPONSE TO BOARD MOTION REGARDING ORGANIZATION AND PROTOCOL OF THE SIGNIFICANT ECOLOGICAL AREA TECHNICAL ADVISORY COMMITTEE (FEBRUARY 28, 2012, ITEM #9)

SUMMARY

On February 28, 2012, your Board indicated its intent to adopt the Santa Clarita Area Plan Update (Area Plan Update) and instructed the Director of the Department of Regional Planning (DRP) to report back in 30 days with recommendations for improving the organization and protocol of the Significant Ecological Areas Technical Advisory Committee (SEATAC). On April 2, 2012, I requested an additional 30 days to complete the report.

This report includes 13 recommendations for improvements to SEATAC organization and protocol which will ensure that it has the capacity to handle any increase to the Significant Ecological Area Conditional Use Permits (SEA CUPs) caseload that may be caused by the SEA boundary expansion included in the Area Plan Update. These recommendations are broken down into the following categories: 1) Procedural improvements, which include changes to the SEATAC process such as documents, checklists, and meeting times; 2) Ethical standards, which include conflict of interest disclosure and rights of applicants; 3) Technological improvements, which include electronic information and meeting times; and 4) Forthcoming SEA Program changes, which include further changes to the SEA Ordinance and General Plan language. These recommendations were presented to SEATAC at its meetings on March 5, 2012, and April 2, 2012, to your Planning Deputies on March 8, 2012, and to the DRP Development Advisory Group on March 13, 2012. Staff anticipates that most of these recommendations can be accomplished within one year or less.

Additionally, the SEA Program, which is a part of the Los Angeles County (County) General Plan Update Program, includes proposed revisions to the County's SEA map, portions of the General Plan, and the SEA Ordinance (Section 22.56.215 of the County Code). As part of the work required for the SEA Program, staff attends the monthly SEATAC meetings to observe the current SEATAC procedures and protocol, and brief SEATAC on changes to the SEA Ordinance and SEATAC procedures. This report also includes a summary of how proposed revisions included in the SEA Program are expected to further increase the efficiency and quality of the SEATAC process.

BACKGROUND

The establishment of SEATAC is set out in both the 1980 General Plan and Title 22 of the County Code. Attachment 1 of this report includes all SEATAC related text in both documents. SEATAC is an informal advisory committee consisting of seven volunteer biologists that are appointed by and serve at the discretion of the DRP Director. The SEATAC procedures were partially established by a Board motion in 1991, but other procedures come from DRP policy or were approved by SEATAC itself. The most current version of the SEATAC procedures was created in 2004 and is available on the SEATAC Webpage. Attachment 2 includes a summary from the DRP outlining the 1991 Board motion regarding SEATAC procedures.

SEATAC reviews projects in SEAs that require a SEA CUP, as determined by Section 22.56.215 of the County Code. SEATAC is charged with two roles in the review of SEA CUPs: to review technical materials assessing a project's impact to biological resources on the site, and to make a determination of the project's compatibility with the SEA in which it is located.

SEATAC review takes two forms. First, SEATAC reviews and makes recommendations on a document submitted by a project applicant titled the Biological Constraints Analysis (BCA). The BCA inventories existing biological resources on the project site and describes all of the technical studies undertaken for that inventory.

Second, SEA compatibility is determined through SEATAC review of the Biota Report, which contains the finalized BCA, plus the project description, an analysis of impacts, and proposed mitigation measures. SEATAC makes a recommendation of whether or not the project is compatible with the SEA based on anticipated project impacts, proposed mitigation measures, and the burden of proof criteria of the SEA Ordinance. This recommendation of compatibility is included in the staff reports transmitted to the Regional Planning Commission (RPC) for the project's public hearing(s). As projects requiring a SEA CUP also generally require the preparation of an Environmental Impact Report (EIR), a completed Biota Report also forms the basis of the Biological Resources chapter of the project's EIR.

RECOMMENDATIONS

The SEATAC recommendations are divided into four main categories:

1. **Procedural improvements**: Changes to the SEATAC process, including documents, checklist, meeting times, etc.

2. **Ethical standards**: Conflict of interest disclosure and rights of applicants.

3. **Technological improvements**: Electronic information, meeting location, etc.

4. **Forthcoming SEA Program changes:** Further changes proposed in the draft SEA Ordinance and General Plan language.

As the chart below illustrates, a majority of the 13 recommended improvements can be accomplished within a relatively short timeframe. With the exception of possible additions to Forthcoming SEA Program Changes (category 4), all suggested improvements can be accomplished administratively by DRP.

	SEATAC RECOMMENDATIONS	Short Term (6 Months)	Mid - Long Term (6 months – 1 year)	Long Term (1 year +)
1.	**Procedural Improvements:**			
1.a	Improved Comment Documentation	X		
1.b	Ruling of Compatibility	X		
1.c	Guidance Materials	X		
1.d	SEATAC Procedures Manual		X	
1.e	SEATAC Capacity		X	
2.	**Ethical Standards**	X		
3.	**Technological Improvements:**			
3.a	Meeting Location	X		
3.b	Meeting Recording/Transcription	X		
3.c	Electronic Submittal		X	
3.d	Public SEA CUP Maps		X	
3.e	Clerical Support		X	
3.f	Archival Scanning		X	
4.	**Forthcoming SEA Program Changes**			X

1. PROCEDURAL IMPROVEMENTS

1.a Improved Comment Documentation *(short term)*

The DRP recommends that SEATAC members complete a written analysis and checklist signaling approval or concerns with individual components of the BCA and Biota Report. Applicants would be given the checklists prior to the SEATAC meeting and would subsequently use the checklist to improve the BCAs and Biota Reports. Currently, SEATAC gives applicants comments on the BCAs and Biota Reports and approves these documents verbally at the SEATAC meetings, actions which are then only documented as summaries in the SEATAC meeting minutes. Using an organized list would speed the review process, improve meeting efficiency, and clearly communicate what SEATAC expects of applicants.

1.b Ruling of Compatibility *(short term)*

The DRP recommends that SEATAC compatibility recommendations be documented with detailed reasoning for whether or not the project is compatible with the SEA. Currently, SEATAC makes a verbal ruling of compatibility for each project at the SEATAC meetings, which is summarized in the SEATAC meeting minutes. Improved documentation of compatibility, and use of such rulings for future reference, would create a record of "best practices" for development projects within SEAs, which should help guide future applicants towards designing more compatible projects in the SEAs.

1.c Guidance Materials *(short term)*

The role and intent of SEATAC review could be more clearly conveyed to SEA CUP applicants and the general public. Accordingly, the DRP should provide more clarity by preparing easy-to-understand outreach materials that explain the SEATAC process. These outreach materials, such as brochures, would include explanations for the purpose of SEATAC and the methods they employ to provide technical assistance to projects in the SEAs. The information would be made permanently available on the DRP website and at DRP offices, resulting in greater public awareness and understanding of the SEATAC process.

1.d SEATAC Procedures Manual Update *(mid to long term)*

SEATAC procedures were first established in 1980 and through the 1991 Board motion. SEATAC and DRP staff biologists already have begun to informally create an updated draft procedures manual, which currently dates back to 2004. The DRP recommends convening a working group to analyze and finish this draft

manual, ensuring that it clearly defines the SEATAC process and clearly guides staff planners, biologists, and members of the public in developing BCAs and Biota Reports.

1.e **SEATAC Capacity** *(mid to long term)*

SEATAC currently has seven members, who meet once a month. Three members count as SEATAC quorum, and SEATAC sometimes has difficulty achieving a quorum. SEATAC members serve as volunteers, receiving compensation only for their parking. DRP recommends expanding the capabilities of SEATAC, such as increasing the number of SEATAC members, increasing meeting frequency to biweekly, or adding non-biologist members with technical expertise in other areas that affect site design and resource protection, such as hydrology and engineering. A rotating membership attendance scheme could also be employed. Staff also recommends paying a stipend to attending SEATAC members, which would help them recover travel expenses. Increases to SEATAC membership would improve the committee's ability to convene a quorum and increased meeting frequency would increase SEATAC's capacity to review cases. Compensating SEATAC members would help ensure attendance and would help in recruitment of new members.

2. **ETHICAL STANDARDS** *(short term)*

SEATAC is a volunteer committee of biologists who sometimes consult professionally on development projects and environmental conservation efforts. As a result of their professional capacities, it may be possible for a member of SEATAC to have conflicts of interest with SEA CUP projects. DRP staff would create a set of ethical guidelines that clearly defines what comprises conflicts of interest and requires disclosure of any personal interest that a SEATAC member may have in a project. These guidelines would also clarify that the DRP Director may ask SEATAC members with disclosed conflicts of interest to not review the project. Currently, the SEATAC procedure manual does not include a set of ethical guidelines. Creation of DRP ethical guidelines would help prevent conflicts of interest and protect SEATAC members from the appearance of partiality. It would also help ensure that all members understand what constitutes a conflict of interest and provide clarity about how a conflict of interest should be handled.

3. TECHNOLOGICAL IMPROVEMENTS

3.a Meeting Location *(short term)*

DRP recommends moving SEATAC meetings to the RPC Hearing Room. The Hearing Room provides ample seating, has a map display system, a public address system, a live broadcast system with closed captioning, and video recording. Currently, SEATAC meetings are held in a conference room at DRP headquarters, which only seats about ten persons comfortably, and has limited technological tools for reviewing projects and recording meetings. Moving SEATAC meetings to this room would improve public access, and afford more tools for project review.

3.b Meeting Recording/Transcription *(short term)*

DRP recommends that, once SEATAC meetings are moved to the RPC Hearing Room (recommendation 3.a), the meeting minutes be recorded digitally. DRP also recommends exploring the possibility of live-streaming SEATAC meetings to the DRP website, similar to the manner in which RPC Hearings are posted. SEATAC meetings are currently recorded on a cassette tape recorder, which the DRP staff biologist later transcribes into meeting minutes. This improvement would result in easily accessible digital video recordings of SEATAC meetings and more efficiently produced meeting minutes in a cost-effective manner.

3.c SEA CUP Database *(mid term)*

SEATAC documents for current projects, including copies of determinations of compatibility, meeting minutes, and copies of the Biota Reports and Biological Constraints Analysis, are publicly available on the DRP website. Moreover, SEA CUP applications and associated documents are also maintained electronically. The DRP would consolidate and organize these already-existing and available electronic documents, and would create an online database searchable by project number, type of project, and Assessor's parcel number. As a result, SEA CUP documents would be readily accessible and searchable by project. This database would improve applicant and public access to information about the SEA CUP projects, and ensure that applicants with similar projects can use existing information to assist their completion of SEA CUP materials.

3.d Public SEA CUP Maps *(mid term)*

DRP recommends that our Geographic Information Systems (GIS) section create a new map layer, within the publicly-accessible internet GIS applications, identifying all parcels with approved or denied SEA CUP applications, as well as

applications currently in process. Although SEA CUPs can be individually searched and located on the DRP's GIS Mapping System, comparison of the locations of two or more projects is time consuming. The creation of this new map layer would allow SEATAC members, DRP staff, project applicants, and the public to easily search the locations of SEA projects and see the relationship between project locations. Interested parties could be apprised of ongoing SEA development efforts in real time, and the DRP's SEA status monitoring and reporting would be more efficient and accurate.

3.e Clerical Support *(mid to long term)*

DRP recommends that administrative and clerical support be expanded for SEATAC meetings. Currently, the DRP staff biologist has sole responsibility for collecting meeting materials, preparing meeting agendas, transcribing meeting minutes, and coordinating meetings. By arranging part-time clerical staff support to SEATAC, the DRP can free up the time of the biologist, allowing him or her to focus entirely on assisting with the technical analysis of SEA CUP cases.

3.f Archival Scanning *(mid to long term)*

DRP recommends that Biota Reports and BCAs that have been previously prepared for other SEA CUP projects be scanned and archived. The DRP currently maintains hard copies of these documents in storage. Scanning these reports would create an initial set of files with which to establish SEA CUP records in mapping layers and on a dedicated webpage. Creation of an electronic archive, searchable by a variety of factors, would help with impact assessment in the SEAs over the years.

4. FORTHCOMING SEA PROGRAM CHANGES *(long term)*

This recommendation category outlines changes proposed for SEATAC as a result of completing the SEA Program, which is a part of the County General Plan Update Program and includes proposed revisions to the County's SEA map, portions of the General Plan, and the SEA Ordinance (Section 22.56.215 of the County Code). The proposed changes related to the SEA Program would require the approval of your Board, and would be implemented after revisions to the General Plan and the SEA Ordinance establish new methods for processing SEA CUPs and monitoring the status of SEAs. Revisions to the General Plan and the SEA Ordinance are intended to increase efficiency and clarity in the processing of SEA CUPs and ensure that the protection of sensitive biological resources are adequately addressed through the SEA Program.

Several themes for changes to SEATAC have emerged during staff outreach to stakeholders concerning the SEA Program. A primary area of concern is the purpose of SEATAC review, with both SEATAC members and developers expressing the hope that SEATAC expertise could be better used to guide biologically-sensitive site design for projects within SEAs. The ongoing SEA Ordinance update effort proposes concepts designed specifically to address that desire.

Initial Project Appraisal

Initially, the BCA portion of SEATAC review was intended to ensure that projects would be designed after applicants had conducted an analysis of the biological resources present on a site. However, SEATAC review generally happens well after applicants have already begun project design, and thus the ability for SEATAC to recommend the most biologically-sensitive approach to site design is not fully utilized. Recent drafts of the revised SEA Ordinance propose a new review phase known as the "initial project appraisal" stage. This approach would be intended to gather basic information about projects within SEAs and provide advice about likely requirements, giving an applicant a chance to gather more information before they decide to prepare their SEA CUP application and hire experts.

A second benefit to the initial project appraisal concept is the opportunity to more comprehensively advise an applicant on what sort of studies SEATAC would be expecting. Although many applicants work with the DRP staff biologist to ensure their BCAs are comprehensive, no formal consultation process exists in the SEA Ordinance or SEATAC procedures. As a result, SEATAC noted that the quality of submitted BCAs and Biota Reports varies across projects. The initial project appraisal stage is intended to establish a collaborative site design and consultation relationship between applicants, staff, and SEATAC throughout the SEA CUP process.

Separation of Biota Reports and BCAs

The Biota Report currently contains much of the same information submitted in a BCA with the addition of impacts analysis. This creates an overlap in SEATAC review, which can be easily resolved by making the Biota Report a supplemental report that simply assesses the impacts and mitigation of the project. When the two reports are more clearly separated, the BCA should be considered and approved before SEATAC moves on to the Biota Report and a ruling of SEA compatibility. This would create a clear path of progression that prevents SEATAC from revisiting previously discussed documents.

Active Monitoring of SEAs

The SEA Program advocates a more active role for the DRP in monitoring the status of the County's SEAs. The proposed status monitoring activities are intended to create feedback loops that provide DRP with information about the ongoing successes of SEA sustainability and sensitive site design. These status monitoring programs should to be designed to ensure that SEATAC has a stake in monitoring the "whole picture" of an SEA, in addition to their work on specific projects.

CONCLUSION

Improving the organization and protocol of SEATAC would help better serve the County's constituents while also offering opportunities to better monitor the cumulative impacts of development in the County's SEAs. This report recommends a variety of updates to the SEATAC process, which would increase capacity and simplify procedure. These recommendations include: 1) Procedural improvements, which include changes to the SEATAC process such as documents, checklists, and meeting times; 2) Ethical standards, which include conflict of interest disclosure and rights of applicants; 3) Technological improvements, which include electronic information and meeting times; and 4) Forthcoming SEA Program changes, which include further changes to the SEA Ordinance and General Plan language. These forthcoming efforts should change the SEA CUP process in a manner that more clearly delineates the role of SEATAC in processing SEA CUP cases.

RJB:JS:MWG:EH:gmc

Attachments:

1. General Plan and Title 22 Language Regarding SEATAC & Summary of 1991 Board Adopted SEA Procedures
2. Director of DRP summary of Board-Adopted SEATAC procedures (June 10, 1991)

c: Executive Office, Board of Supervisors
Chief Executive Office
County Counsel
Fire
Public Works

D E P A R T M E N T O F R E G I O N A L P L A N N I N G

MEMORANDUM

June 10, 1991

TO: All Staff

FROM: James E. Hartl, AICP
Director of Planning

SUBJECT: REVISED PROCEDURES FOR PROJECTS IN SEAS

This morning the Board of Supervisors adopted a resolution which modifies the policies and procedures applying to cases in Significant Ecological Areas (SEAs). That resolution encompasses and enhances the RPC resolution. Both are attached.

The highlights of the motion are as follows:

- No case in an SEA will be given a Negative Declaration unless that determination is approved by the RPC prior to the advertising and circulation of the case.

- Cases will not be accepted for filing without a "biological constraints analysis" prepared according to guidelines prepared by SEATAC (to be complete in 90 days).

- All public hearings for cases in SEAs will be advertised in a regional paper as well as the local paper. A list will be forthcoming.

- The public will be allowed to submit written comments for consideration by SEATAC.

- Biota reports will be accepted only from firms on a "certified list" created by staff and SEATAC from an RFQ process.

- A full time staff biologist will be hired.

- A new fee of $4468 for SEA CUPs will be enacted after the appropriate public hearings to cover increased costs.

- The new procedures will not apply to cases on file, except those where no environmental determination is complete.

Please read the attached motion and resolution for the entire package. If you have any questions, please contact Pam Holt.

JEH:PH:ph

SEATAC in the 1980 General Plan:

Pg. 45-47: SEA Performance Review:

"The key components and participants in the Significant Ecological Area/Performance Review Procedure are generally identified below. The countywide Land Use Element leaves for further definition the specific procedural steps and regulatory mechanisms to be employed.

> *1) Resource Identification - Development permit applications, including zoning, land division, building and grading permit requests, shall be accompanied by an adequate biotic analysis of the SEA or affected portion thereof. Necessary biotic data is to be prepared through a cooperative process involving both the project applicant and appropriate public agencies. The Department of Regional Planning shall be the lead agency in this regard.*
>
> *2) Technical Review/Development Guidelines - The biotic analysis will be submitted with the preliminary project plan to an appointed Significant Ecological Area Technical Advisory Committee. This committee will function to review the biotic data submitted for its adequacy, and recommended conditions and guidelines for final project design.*
>
> *3) Project Design Review - Planning staff in cooperation with the Technical Advisory Committee will review project plans submitted by the applicant for compliance with recommended conditions and guidelines.*
>
> *4) Impact Analysis - Based on the biotic data previously generated and such other information as may be requested from the applicant, planning staff shall prepare a draft environmental impact report identifying potential project impacts and possible mitigation measures.*
>
> *5) Regional Planning Commission Review and Action – Considering the recommendations of the Technical Advisory Committee, potential impacts and mitigation measures identified in the Draft EIR, and such other provisions of countywide and local plans as may be applicable, the Regional Planning Commission shall consider and act upon the proposed development plan.*

Recommendations for approval shall be accompanied by a finding that the proposed project is sensitive to and compatible with the biotic resources of the area. In the event that such a finding cannot be made, the Commission may deny the project, request a revised development plan, or approve and forward the proposal together with a statement of overriding considerations to the Board of Supervisors for further review and action."

SEATAC in Title 22.56.215

H. Director's Report

....

"2. The director, in developing such a report and recommendation, will consult with appropriate agencies and will compile the recommendations and comments of such agencies, including any recommendation of SEATAC . Developments which are located in the Malibu Coastal Zone which are in both a significant ecological area and a sensitive environmental resource area shall be evaluated by the ERB pursuant to the provisions of Part 6 of Chapter 22.44 in lieu of SEATAC to assure the protection of the resources contained in these areas."

Summary of SEATAC Procedures Adopted by the Board of Supervisors June 10, 1991

Resolutions

a. Department staff will conduct a field trip to all projects proposed in SEAs prior to completion of the Initial Study.
b. EIRs are generally required for SEA projects. In cases where MND is appropriate, RPC must approve that recommendation prior to circulation of the determination.
c. BCA must accompany Initial Study
d. Director appoints SEATAC members to staggered three year terms.
e. Procedure established for subscription to SEATAC agendas and minutes, mailed to subscribers 21 days in advance of meetings. SEATAC meetings are not public hearings and no testimony can be submitted at the meetings. Written comments submitted 7 days prior to SEATAC meetings will be forwarded to SEATAC for consideration. Notice of SEATAC meetings and minutes of those meetings shall be forwarded to RPC.
f. Public hearings for SEA cases will be advertised in regional and local newspapers.
g. Interest groups and individuals can subscribe to SEATAC minutes and agendas with a charge to cover the cost.
h. SEATAC accepts biota reports only from firms and individuals certified thru RFQ. Certified list updated annually.
i. DRP to hire a full-time staff biologist.
j. Biologist assumes role of monitoring SEAs.
k. [details of Phase I SEA study *(Completed by Michael Brandman Associates, study of 6 SEAs),* Phase II commences immediately when funded.]
l. Fees appended to cover these procedural changes.

Additional items (RPC recommendations, Board Approved)

1. Grandfathering (does not apply to cases on file with no environmental determination at time of implementation, 1991).
2. SEATAC completes a recommendation for each project by close of third meeting.
3. Staff prepares brochure explaining procedures for SEA projects, including role, responsibilities, and procedures of SEATAC.
4. SEATAC representative briefs RPC at least once per year on activities and presents any suggestions.

MINUTES OF THE SIGNIFICANT ECOLOGICAL AREA TECHNICAL ADVISORY COMMITTEE (SEATAC) MEETING OF (Insert meeting date)

SEATAC MEMBERS
(List members in attendance)

REGIONAL PLANNING STAFF
(List staff members in attendance and respective titles)

APPLICANT & REPRESENTATIVES
(List names and affiliations)

Agenda Items:

A. APPROVAL OF SEATAC MINUTES FOR (Insert date of previous SEATAC meeting)
B.

A. APPROVAL OF SEATAC MINUTES AND RECOMMENDATIONS FOR (Insert meeting date)

Minutes of the SEATAC meeting of (Insert meeting date) were approved on (Insert date of approval)

Motion/ Second by (Insert name)/(Insert name) to approve.
Vote- (Insert vote outcome. Example: Aye: Unanimous)

B. (Insert project title and description)

Project: (Insert title)
Project Numbers: (Insert number)
AIN: (Insert number)
Address: (Insert address)
Applicant: (Insert name)
USGS Topographic quad: (Insert quad title/year)
SEA: (Insert SEA)

Materials are posted under (Insert meeting date):
http://planning.lacounty.gov/agenda/seatac/

Project Description:

(Insert detailed project description)

SEA Resource Description: (Insert SEA name and number)

(Insert SEA resources summary)

SEATAC Action Requested:

(Insert SEA action requested at this meeting. Example: Approve Biota Report, declare compatibility with SEA, etc.)

SEATAC Comments & Motions:

Comments:

1. (Comments are **brief** summaries of the separate topics discussed. 1-2 sentences should be sufficient. It may be beneficial to include which members of SEATAC suggest what actions and at what time in the video the topic comes up- (example- 23:05-27:09). Make sure that the suggestion is simple enough for a planner and applicant to use as a guide. Biologist to prepare, DRP clerical support or planning staff to edit.)
2. Etc.

Motions:

Motion/Second by (Insert name/Insert name). (Insert motion language here)
Vote- (Insert vote outcome. Example: Aye: Unanimous)

C. DISCUSSION OF (Insert discussion item, if applicable):

Presenter: (Insert name/title),
Department of Regional Planning, (Insert division name),
(Insert Section)

Presentation:
(Insert brief summary of presentation topic(s). 1 paragraph max.)

SEATAC Comments and Motions:

Comments:
(Insert any relevant information concerning recommendations, rulings of compatibility, etc. Not a point by point review. 1-2 paragraphs, max.)

Motions:
(Insert any motions made. Put "None" if there aren't any.)

D. PUBLIC COMMENT:

(Options for this section:
1. No public comment: "No public comment was presented on either of the topics."

2. Public comment made: List the names from the sign in sheet only for the people who spoke, but do not summarize their positions)

Procedure: SEATAC meetings are informal working sessions, open to public for observation and brief comment related to biology. Members are appointed volunteers in an advisory capacity. Minutes are prepared by planning staff from notes and the video record. Visitors are advised to take notes or refer to the event video posted on the SEATAC webpage at: http://planning.lacounty.gov/agenda/seatac. Issues not discussed by SEATAC do not imply tacit approval. New or clarified information presented in subsequent submittals may raise new issues and may require further analysis. Minutes and motions are approved at the next SEATAC meeting. Draft minutes may be requested by the public prior to SEATAC approval, but are subject to revision.

DRAFT

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

Ethical Guidelines and Conflicts of Interest:

SEATAC members' service ensures projects balance the preservation of significant ecological resources against property rights. SEATAC members serve in a critical capacity as advisors to the Los Angeles County of Regional Planning, private citizens applying for development in SEAs, the Regional Planning Commission, the Board of Supervisors and the public at large. All SEATAC members are chosen with the expectation that they will adhere to the highest possible ethical standards, including open disclosure of conflicting interests, and the appointment to SEATAC assumes that each SEATAC member is fully committed to maintaining advisory impartiality in order to provide the best possible expert insight for all cases.

In order to preserve the impartiality of the SEATAC process, SEATAC members are required to disclose any potential conflict of interest they might have in the outcome of any case discussed at SEATAC Meetings. SEATAC Members are required to submit a written notice of disclosure to the applicant and Planning staff in cases where a potential conflict exists including where:

- The applicant has hired the SEATAC member;
- The SEATAC member has been hired by another applicant located on a property that borders the site under discussion; or
- The SEATAC member is involved in some manner with any individual or organization that has a vested interest in the outcome of the case (e.g., the SEATAC member is employed by a conservation authority which opposes the project, or by a firm which wants to propose additional development in the area if the site under discussion is developed).

Planning staff and applicants may request that a member of SEATAC not be involved in a case where a potential conflict of interest exists. SEATAC members may voluntarily recuse themselves from project discussions. If a member discloses a potential conflict of interest and there is no subsequent request for recusal from either Planning staff or the applicant, then the member shall be free to serve SEATAC on the case. Failure to disclose conflicts of interest by SEATAC members may result in the dismissal of the member from SEATAC at the discretion of the Director.

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

SEATAC CONFLICT OF INTEREST DISCLOSURE FORM:

Project Number_____

Case Planner:_____

Applicant: _____

I, (*print name*)_____, a current member of SEATAC:

Have / Have not been employed by the applicant of this project.

Have / Have not been employed by another person owning property that borders this project site.

Am / Am not involved with any individual or organization that has a vested interest in the outcome of the project.

If I have answered "have" or "am" above, I have attached a written explanation of the circumstances of my involvement. Yes / No

If I have answered "have" or "am above, I Am / Am not recusing myself from this project.

I affirm that I am committed to impartial review of the project in order to provide the best possible expert insight and service I may:

Signature:_____Date:_____

APPLICANT ACKNOWLEDGEMENT AND REQUEST FOR RECUSAL:

I,(*print name*)_____, the applicant for this project:

Have received this form and I Am / Am not requesting that this member of SEATAC recuse him or herself from review of my project.

Signature:_____Date:_____

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

DIRECTOR'S DECISION ON RECUSAL REQUESTS

I, Richard J. Bruckner, the Director of Regional Planning, have received this request for recusal from the above applicant of on project number_____,

and I Am / Am not requiring the recusal of:

*(print name)*_____

from serving as a voting member of SEATAC on this case.

Signature:_____Date:_____