



Los Angeles County Department of Regional Planning

Planning for the Challenges Ahead



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May 28, 2019

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**HEARING OF THE SIGNIFICANT ECOLOGICAL AREAS PROGRAM UPDATE
PROJECT NO. 2017-003725-(1-5)
GENERAL PLAN AMENDMENT NO. RPPL2018003985
ADVANCE PLANNING NO. RPPL2017006228
ENVIRONMENTAL ASSESSMENT NO. RPPL2018004477**

SUBJECT

The recommended action is to adopt the Los Angeles County General Plan (General Plan) amendment for the Conceptual Significant Ecological Areas (SEA) update and the ordinance amendment for the SEA Ordinance update, collectively known as the Project.

IT IS RECOMMENDED THAT THE BOARD AFTER THE PUBLIC HEARING,

1. Find that the Addendum to the Certified Final Environmental Impact Report (EIR) for the General Plan Update Project 02-305 has been prepared in compliance with the California Environmental Quality Act (CEQA) and state and local agency guidelines related thereto and reflects the independent judgment of the Board of Supervisors (Board);
2. Find that Advance Planning No. RPPL2017006228 is categorically exempt pursuant to Section 21084 of the Public Resources Code and Section 15308 of the CEQA Guidelines;

3. Indicate your intent to approve the proposed General Plan Amendment and SEA Ordinance update as recommended by the Los Angeles County (County) Regional Planning Commission (Commission) with the proposed revisions;
4. Instruct County Counsel to prepare the final documents and ordinance for the Project and bring them back to the Board for final action;

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The Project is an update to the SEA Program in two components. The Conceptual SEA update is an amendment to the General Plan to make minor text and mapping changes that will designate Conceptual SEAs in Altadena, Rowland Heights, and Hacienda Heights as official SEAs and subject to the SEA Ordinance. This update was initiated after receiving input from constituents from these communities during outreach events for the SEA Ordinance update and pending East San Gabriel Valley Area Plan.

The second Project component is the SEA Ordinance update. The SEA Ordinance update is an update to the existing SEA Ordinance. The SEA Ordinance update will fulfill Program C/NR-2 of the General Plan Implementation Program, which requires the SEA Ordinance update to implement the SEA Program in the General Plan. The SEA Ordinance establishes permitting requirements, design standards, and review processes for development within SEAs.

The existing SEA Ordinance was adopted in 1982. The SEA Ordinance update streamlines the existing permitting process by providing pre-application counseling and multiple review tracks. The update includes development standards that reduce the impacts to the SEAs by limiting the development footprint, maintaining wildlife movement corridors, and requiring setbacks from SEA Resources. The SEA Ordinance update will also protect 60 additional species of native trees in the SEAs in addition to Oak Trees protected through the Oak Tree Ordinance and Oak Woodland Conservation Management Plan.

The SEA Ordinance update also improves enforcement mechanisms to address unpermitted disturbances to SEAs and habitat restoration mechanisms. These additions will enable the Los Angeles County Department of Regional Planning (Department) to effectively manage zoning violations and require the disturbed SEAs to be restored. The update includes provisions for a reporting and monitoring program to monitor disturbances to SEAs in order to properly maintain and sustain the SEAs.

The table below outlines the major updates to the existing 1982 SEA Ordinance.

Existing 1982 SEA Ordinance	SEA Ordinance update
Use-based	Impact-based
Discretionary review only	Ministerial and Discretionary review
n/a	Pre-application counseling
Biological assessment <u>after</u> project design and application submittal	Biological assessment <u>before</u> project design and application submittal
n/a	Development standards and thresholds
n/a	Native tree protections
n/a	Enforcement mechanisms
n/a	Open space preservation
n/a	Habitat restoration mechanisms
n/a	Reporting and monitoring program
n/a	Implementation Guide

Consistency with General Plan

The Project is consistent with following applicable goals and policies of the General Plan:

- ***General Plan Implementation Program C/NR-2: Update the Significant Ecological Areas Ordinance to implement the SEA Program in the General Plan.***

The General Plan 2035 Update was adopted in 2015 with significant updates to the SEA Program, including the goals and policies for SEAs and expansion of the SEA boundaries. The SEA Ordinance update and the adoption of the Conceptual SEAs will fulfill General Plan Implementation Program C/NR-2.

- ***General Plan Goal C/NR 3: Permanent, sustainable preservation of genetically and physically diverse biological resources and ecological systems including: habitat linkages, forests, coastal zone, riparian habitats, streambeds, wetlands, woodlands, alpine habitat, chaparral, shrublands, and SEAs.***

The SEA Ordinance and Conceptual SEA updates work towards achieving General Plan Goal C/NR 3. The SEA Ordinance update is more protective of the natural habitats that constitute the SEAs than the existing 1982 SEA Ordinance. The SEA Ordinance update requires preliminary assessment of biological resources to guide sustainable development and provides for permanent preservation of sensitive habitats.

Implementation of Strategic Plan Goals

The County's 2016-2021 Strategic Plan, *Creating Connections: People, Communities, Government*, was adopted on November 15, 2016, and provides the vision, mission, and values to ensure that the County's efforts are aligned with the Board's priorities. This Project promotes Goal II, Foster Vibrant and Resilient Communities and Strategy II.3 – Make Environmental Sustainability Our Daily Reality by providing and implementing a comprehensive and streamlined approach to guide development design that avoids or minimizes impacts to SEA Resources and help ensure the long-term survival of the SEAs and their connectivity to regional natural resources.

FISCAL IMPACT/FINANCING

Implementation of the Project requires additional staffing for the Department and County Fire Department. These positions are necessary to support and enforce the new permitting process for SEA Resources, including protection of 60 additional species of native trees that will apply to the SEA Ordinance and 31 additional species for the pending Santa Monica Mountains North Area Plan (SMM NAP) update and Santa Monica Mountains Local Implementation Program (SMM LIP) amendment.

Requests for funding and positions will be submitted to the Chief Executive Office during the budget process to identify the appropriate funding and classification levels within the context of the overall budget and numerous competing funding priorities and requests.

The Forestry Division of the County Fire Department (Forestry Division) anticipates the need for five additional Forestry Assistant positions to enforce Protected Tree Permits while maintaining the current level of service to address emergency removals of protected trees. The Forestry Division currently implements the countywide Oak Tree Ordinance, the SMM LIP, SMM NAP, and Oak Woodland Conservation Management Plan for a single tree genus, the Oak Tree, with an existing staff of four Foresters. Additional staff will be required to offset the anticipated workload stemming from the additional 60 tree species proposed for the SEA Protected Tree List, which are incorporated into the SEA Ordinance update. The pending SMM NAP update and SMM LIP amendment will each include a Protected Tree List of 31 native tree species.

The anticipated workload, in addition to the Foresters' current workload, will be comprised of reviewing and monitoring approximately 60 Protected Tree Permits (PTP) and issuing 160 Emergency Protected Tree Permits (EPTP), annually. Each PTP and EPTP can permit a range of one to hundreds of trees. The Foresters will monitor the PTPs at years two, four, and seven during the seven-year monitoring period. The salary for a Forestry Assistant ranges from \$61,000 to \$102,000.

The Department anticipates the need for three additional Biologists (one Senior Biologist and two Biologists). Currently, the staff of two Senior Biologists and one Biologist provide a variety of biological expertise on discretionary projects reviewed by the Current Planning Division as well as support the SEA Technical Advisory Committee and the Environmental Review Board for coastal projects. The SEA Ordinance update expands the role of the staff Biologist by requiring attendance at pre-application counseling, review of the Biological Constraints Map and other biological documents, and providing consultation services to the Forester for the additional tree species.

The anticipated workload, in addition to the Biologists' current workload, will be comprised of reviewing approximately 130 ministerial reviews, 60 PTPs, and 26 discretionary reviews, annually. The salary for a Senior Biologist ranges from \$73,000 to \$96,000. The salary for a Biologist ranges from \$55,000 to \$73,000.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

Summary of Process

In 1999, the Department began a comprehensive update to the 1980 Countywide General Plan. A study of the SEAs was commissioned as part of this General Plan 2035 update. The Los Angeles County SEA Update Study 2000 (Study) was released for public review in January 2001. Conservation planning was a fundamental aspect of this Study, which was designed to evaluate existing SEAs for changes in biotic conditions and consider additional areas for SEA status, propose SEA boundaries based upon biotic evaluation, and propose guidelines for managing and conserving biological resources within SEAs. The 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 found within the County. All recommended SEAs in the Study were evaluated and refined between 2001 and 2002 after consideration of public and resource agency input.

Between 2011 and 2017, various drafts of the updated SEA Ordinance were released for public comment and Commission consideration. This included public hearings of the SEA Program Update, which included the SEA Ordinance update as well as updated boundaries, policies and SEA descriptions.

On March 14, 2018, Department staff presented an update on the SEA Ordinance to the Commission for discussion. Staff presented the Public Review Draft of the SEA Ordinance and Implementation Guide, and notified the Commission of the start of a 75-day public review period.

On September 26, 2018, the Commission conducted a duly-noticed public hearing on the draft SEA Ordinance. The Department's staff also introduced the Conceptual SEA update, and recommended that the Conceptual SEAs in the communities of Altadena, Rowland Heights, Hacienda Heights be adopted as official SEAs. Staff reported that the constituents in those communities requested a re-designation of the conceptual SEAs as official SEAs. Nine members of the public testified at this hearing on the SEA Ordinance update and Conceptual SEA update. Testifiers were concerned with the single-family residence exemptions for the Antelope Valley, how the SEA Ordinance will affect existing water hauling businesses and/or Conditional Use Permits (CUP), applicability of the Ordinance to already submitted applications, and notifications of approved Ministerial SEA Reviews. The Commission requested clarification on the definition of heritage trees, performance standards for mitigation trees, and cost estimates for additional County Foresters to properly implement the ordinance. Additional requests from the Commission included addressing public concerns with exempting single-family residences and disturbed farmland in the Antelope Valley, and adding a finding for SEA CUPs that would require siting of development in the least sensitive location. The Commission took the matter off calendar to allow for staff to make the requested changes and address issues raised by the Commission and members of the public.

On February 27, 2019, the Commission conducted a duly noticed public hearing on the SEA Ordinance and Conceptual SEA updates. Staff presented the changes and clarifications requested by the Commission on heritage trees, performance standards for mitigation trees, and cost estimates for additional staffing. Staff updated the Commission on meetings held with the public to further discuss concerns, such as exemptions for single-family residences in the Antelope Valley and CUP renewals. Seven members of the public testified at this hearing. The testimonies included support for the Conceptual SEA update, support and opposition for the Antelope Valley exemptions, and concerns regarding the open space preservation ratios. After hearing all testimony, the Commission closed the public hearing and recommended that the Board approve the SEA Ordinance update and Conceptual SEAs update.

Legal Requirements

A public hearing by the Board is required pursuant to Section 22.232.040 of the County Code and Section 65856 of the California Government Code. Required notice must be given pursuant to the procedures and requirements set forth in Section 22.222.120.B.2 of the County Code. These procedures exceed the minimum standards of Sections 6061, 65090, and 65856 of the California Government Code relating to notice of a public hearing.

ENVIRONMENTAL DOCUMENTATION

An Addendum to the Certified Final EIR for the General Plan 2035 Update, adopted on October 6, 2015, was prepared for the Conceptual SEA update component of the Project in compliance with CEQA. The proposed Conceptual SEA amendment to the General Plan do not change any impacts of the General Plan and its implementation programs, which were analyzed within the Final EIR. The Conceptual SEAs were fully analyzed as proposed SEAs in the General Plan EIR. A Modified Environmental Checklist Form (Initial Study) was not created since there are no potential project impacts that would require revisions to the Certified Final EIR. The Addendum was not required to be circulated for public review per Section 15164 of CEQA. However, the Addendum was made available online for informational purposes on February 14, 2019, and the Final Certified General Plan EIR is available online for review at planning.lacounty.gov/generalplan/eir.

The SEA Ordinance update component of the Project qualifies for a Categorical Exemption (Class 8 Exemption, Actions by Regulatory Agencies for the Protection of the Environment) pursuant to CEQA Guidelines Section 15308. The SEA Ordinance update will reduce the environmental impacts to SEAs through the tailored review process and development standards by guiding ground and vegetation disturbance to avoid or minimize impacts to the SEAs.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

Approval of the Project will not significantly impact County services.

For further information, please contact Patricia Hachiya or Iris Chi at (213) 974-6461 or phachya@planning.lacounty.gov or ichi@planning.lacounty.gov.

Respectfully submitted,



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The Honorable Board of Supervisors
May 28, 2019
Page 8

Attachments:

- Project Summary
- Addendum to the Certified Final EIR for the General Plan Update
- Draft Plan Amendment Maps
- Draft SEA Ordinance (May 2019)
- Draft SEA Implementation Guide (May 2019)
- Summary of Regional Planning Commission Proceedings
- Regional Planning Commission Resolution
- Response to Comments received - 2/27/19 Hearing
- 1982 SEA Ordinance (for reference purposes)
- Regional Planning Commission Hearing Packages (9/26/18, 2/27/19)

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

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