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COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

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May 2, 2013

IN REPLY PLEASE
REFER TO FILE: LD-2

TO: John Gutwein
Land Use Regulation Division
Department of Regional Planning

Attention Emma Howard

FROM: Anthony Myivih
for Land Development Division
Department of Public Works

THIRD DRAFT SIGNIFICANT ECOLOGICAL AREA (SEA) ORDINANCE

Thank you for the opportunity to review the Third Draft Significant Ecological Area (SEA) Ordinance dated December 31, 2012. The draft SEA Ordinance is conceptually similar to the organization and concept introduced in the June 2012 SEA Ordinance Summary Draft; however, the Third Draft SEA Ordinance has substantial additions in many sections.

The purpose the SEA Ordinance is to regulate development within the County's SEAs as defined in Section 22.08.190. These regulations are intended to ensure a process whereby proposed developments assess and disclose biological resources on the site, apply environmentally sensitive design practices and development standards, and prevent impacts to biological resources, which would compromise the conservation of the County's biological diversity.

For specific revisions, additions, or deletions of wording directly from the project document the specific section, subsection, and/or item along with the page number is first referenced then the excerpt from the document is copied within quotations using the following nomenclature:

Deletions are represented by a ~~strikethrough~~.

Additions are represented by *italics* along with an underline.

Revisions are represented by a combination of the above.

In cases where there are several revisions or deletions of wording directly from the project document, the excerpt from the document using the above nomenclature to modify it will not be used. Instead, replacement language will be provided along with a request to delete the original section, subsection, and/or item.

Prior to Regional Planning's approval of the SEA Ordinance, the following items need to be addressed, updated, or revised:

General Comments

1. Section 22.52.2620, Applicability, page 5 of 29: Modify the first paragraph as follows:

"The provisions of this Part 25 shall apply to any ground disturbance, wholly or partially, located within a SEA and to any use or project, including construction activities, storage, fuel modification zones, and related ~~off-site~~ on-site and off-site improvements such as grading, roads, sewer lines, water lines, and drainage facilities, wholly or partially, is located within a SEA, except for:..."

2. Section 22.52.2620, Applicability, Subsection E, page 7 of 29: Modify the proposed subsection as follows:

"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~~ on-site and off-site improvements such as grading, roads, sewer lines, water lines, and drainage facilities, is located outside of the SEA."

3. As of January 2013, the State Agency changed its name from the California Department of Fish and Game to the California Department of Fish and Wildlife and, therefore, the Third Draft SEA Ordinance shall be updated accordingly. The following sections have been identified as needing an update as noted above:

- a. Section 22.52.2640, Development Standards, Subsection D, Construction, Item 2, page 9 of 29;
- b. Section 22.52.2650, Permitted Uses, Subsection B, Site Plan Review, Item 2, page 14 of 29;
- c. Section 22.52.2670, SEA Conditional Use Permit Review, Subsection 22.52.2670.C, SEA CUP Criteria, Item 1c, Significant Ecological Area Sites, page 18 of 29.

4. Section 22.52.2640, Development Standards, Subsection K, Water Resources, Item 3c, Riparian Resources, page 12 of 29: Modify the last sentence of the item as follows:

"If the watercourse is greater than 100 feet wide in a wet year, the setback shall be 300 feet as measured from the outer edge of riparian habitat on each side of the watercourse."

5. Section 22.52.2670, SEA Conditional Use Permit Review, Subsection G, Staff Report, Item 4, page 25 of 29: It appears that this item should be modified as follows:

"Any recommended changes to the proposed ground disturbance, use, or project that are necessary to substantiate the findings required by Subsection ~~G~~ H below;"

If you have any questions regarding the general comments, please contact Matthew Dubiel of Land Development Division at (626) 458-4921 or mdubiel@dpw.lacounty.gov.

Waste Management

1. Further discussion with Department of Regional Planning staff will be necessary to clarify how Conditional Use Permits (CUP) that is for the continued operation of a facility will be handled in respect to this Ordinance. Specifically, the Calabasas and Sunshine Canyon landfill sites, which are both active landfill sites, were originally entitled under a CUP and, therefore, it is our understanding that these sites would be exempt from the requirements of this Ordinance per Section 22.52.2620, Subsection D. It is not clear, how these sites and the associated landfill activities (lining, flattening/stabilizing, hillside slopes, construction of temporary access roads, filling a footprint with solid waste, etc.) within the site would be handled once the current CUP expires. These sites are essential to meeting the solid waste disposal needs of the 88 cities in the County of Los Angeles and the unincorporated County communities in order to protect public health and safety. Therefore, it is essential that this issue be vetted through prior to adoption of the ordinance.
2. It is recommended that composting facilities be required to obtain a CUP, and/or a SEA-CUP, when located wholly or partially within a SEA or Ecological Transition Area. It is understood that composting facilities are currently considered "agricultural use," which is permitted by the Specific Plan and, accordingly, do not require a CUP. Composting facilities, however, are

anticipated to serve a more widespread and greater role within the solid waste management industry as local landfill capacities diminish and State regulations move toward heightened efforts for materials reuse and recycling. CUP conditions for composting facilities could provide mechanisms by which to further protect public health and safety as well as the environment.

These Waste Management comments were provided by Emiko Thompson of Public Works' Environmental Programs Division; however, if you have any questions regarding them, please contact Matthew Dubiel of Land Development Division at (626) 458-4921 or mdubiel@dpw.lacounty.gov.

Development Services:

1. Section 22.52.2640, Development Standards, Subsection F, Streets and Highways, page 9 of 29: Public Works agrees with the proposed implementation of crossing points for the safe passage of species for the construction of new streets and highways, which bisects habitat linkages and wildlife corridors. However, the implementation of wilderness crossing points for the safe passage of species must be further discussed with Regional Planning staff to discuss the options to implement the safe passage.
2. Section 22.52.2680, County Project Review, page 27 of 29: Modify the first sentence as follows:

"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 *not otherwise exempted by Section 22.52.2620 of this ordinance.*"
3. Section 22.52.2680, County Project Review, Subsection B, Review Determination, page 27 of 29: The last sentence of this subsection states "If the project meets such criteria, the project shall be reviewed by SEATAC," however, information as to the procedures that will be followed if the project does not meet the criteria of Section 22.52.2670.C are not included and should be.

It is our understanding that once an Initial Project Appraisal in accordance with Section 22.52.2670.A.1 is conducted for a County project, and it is determined, using the criteria of Section 22.52.2670.C, that the project does not require a Type B SEA CUP and, therefore, does not need a review by SEATAC that Regional Planning would issue a clearance letter to the project's lead County department. Said clearance letter would then be included within the project documents presented to the project's decision making body.

If you have any questions regarding the development services comments, please contact Matthew Dubiel of Land Development Division at (626) 458-4921 or mdubiel@dpw.lacounty.gov.

Transportation/Water Resources:

1. Section 22.52.2620, Applicability, Subsection H, page 7 of 29: Modify the proposed subsection as follows:
 - a. "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. Operations and maintenance of flood, water conservation, and roadway infrastructure that includes the removal or thinning of vegetation; and
 3. Hazard management activities in response to public safety concerns including maintenance, preservation, or restoration of existing roadways or flood protection facilities involving adjacent slopes, shoulders, drains, and appurtenant structures located near or within dedicated public right of way or associated easements."

These transportation/water resources comments were provided by Lani Alfonso of Road Maintenance Division, Maintenance District No. 3, and Hector Bordas of Flood Maintenance Division; however, if you have any questions regarding them, please contact Matthew Dubiel of Land Development Division at (626) 458-4921 or mdubiel@dpw.lacounty.gov.

Transportation:

1. Section 22.52.2610, Definitions, Subsection H, SEA Developed or Disturbed Areas Map, page 5 of 29: Further discussion with Regional Planning staff is necessary to better comprehend the purpose of the "SEA Developed or Disturbed Areas Map" and understand the exemptions, if any, that apply to areas shown on this map. Public Works currently utilizes many material stockpile sites located on land either owned or leased by the County for road maintenance purposes, some of which are either fully or partially within an "SEA Developed or Disturbed Area" as mapped at <http://planning.lacounty.gov/gisnet3>. Since stockpile sites are active sites that may or may not have obtained a CUP when

they were first created, it is unclear if they are exempt from the requirements of this Ordinance the way they are currently written. It is, however, recommended that County stockpile sites be excluded from the requirements of the Ordinance in some manner along with any Road Maintenance District yards.

Similarly, it is unclear from looking at the mapped SEA Developed or Disturbed areas on <http://planning.lacounty.gov/gisnet3> why the entire road right of ways are not being fully mapped and only the roadway itself is deemed a SEA developed and disturbed area. Maintenance activities could occur within the road right of way not just within the paved roadway itself and, therefore, these areas should also be mapped. An example of where this is occurring is on Sierra Highway near the Santa Clara River. Further clarification/discussion is necessary.

2. Further discussion is necessary with Regional Planning staff to better understand why the SEA areas extend into United States Forest Service (USFS) areas when the USFS already requires an environmental review for all projects within the forest boundaries. It is recommended that the SEA areas be limited to non-Forest Service areas so as not to expend County resources where Federal resources are already necessary.

These transportation comments were provided by Ryan Butler of Road Maintenance Division, Maintenance District No. 5; however, if you have any questions regarding them, please contact Matthew Dubiel of Land Development Division at (626) 458-4921 or mdubiel@dpw.lacounty.gov.

If you have any other questions or require additional information, please contact Matthew Dubiel of Land Development Division at (626) 458-4921 or mdubiel@dpw.lacounty.gov.

MD:tb