Greater Antelope Valley Association of REALTORS®

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BY:

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Los Angeles County Regional Planning Commission
320 West Temple Street, Room 1350
Los Angeles, CA 90012

Los Angeles County Planning Commission

RE: Comments to the Draft Significant Ecological Area (SEA) Ordinance and the Draft Hillside Management Ordinance

Madam Chairman and Commissioners,

The Greater Antelope Valley Association of REALTORS® is a local membership organization representing more than 1,500 REALTOR® and affiliate members. One of the primary charters of real estate professionals is the protection of private property rights. This is the basis for our response to the current draft SEA and HMA ordinances.

HMA Comments:
On behalf of our members, I will address several serious concerns with the proposed Hillside Management Areas (HMA) and Significant Ecological Areas (SEA) ordinances. We ask you not to approve these ordinances as currently proposed. With the current program to update the Antelope Valley Area Plan, we are anticipating a local EIR which will address many of the same concerns as the ordinances. We believe areas within the County which have local area wide plans and/or community standards districts should be exempt from these ordinances. For this reason it would be inappropriate to approve these ordinances prior to the adoption of the Antelope Valley Area Plan; approval of all previously submitted Community Standards Districts (CSD's) plans; and the inclusion/adoption of all proposed amendments to current CSD's which are currently filed with the Department of Regional Planning.

The proposed changes in the Hillside Management Areas Ordinance (HMA) along with the Hillside Design Guidelines have the ability to significantly curtail the potential use of and ability to develop land in the unincorporated area of Los Angeles County. This will present serious challenges for landowners as they proceed with any size development on their land, from building a single home to larger developments. It will also have far reaching economic ramifications to the county as it limits the creation of housing to meet the projected housing needs of the county in the foreseeable future.

Requirements in the proposed HMA ordinance are very likely to lead to an increase in the overall project area due to changes in how the percentage of open space is calculated. At least one model has shown the ordinance will increase the required project area by an average of 25%. This means projects must be larger than ever in order to meet preservation requirements. Increasing project area is a counterproductive by-

product of the proposed HMA ordinance. For this reason, we ask that you do not approve the proposed HMA Ordinance.

Los Angeles County is a very mountainous area and many developments, from single homes to multiple units fall under the HMA Ordinance countywide. As the current ordinance has been in place for many years, those who have purchased property on hillside areas have done so with valuations to the land calculated to address potential development in light of the current open space requirements. To increase these percentages arbitrarily is patently unfair to landowners as it has the potential to create a devaluation of their property and a corresponding loss of tax revenue for the County. The question has been asked "what is it about the current HMA ordinance that is not working?" This important question has yet to be answered by the County.

The arbitrary increase in open space requirements put forth in the ordinance will add cost to every project of any size, and leaves the landowner with limited options for his land. As the ordinance does not state the county will be purchasing this land from the landowner, we believe any increase in the overall requirements is not appropriate. We believe this ordinance is overreaching and should not be approved, and these issues should be addressed through locally adopted area plans. For this reason, we ask that you do not approve the proposed HMA Ordinance, and allow previously adopted ordinances, with their attendant policies already in place, be used in the design of appropriate projects.

SEA Comments:
Having reviewed the currently proposed Significant Ecological Area (SEA) Program, and the proposed SEA ordinance as provided on the County website. We have identified several serious issues of concern regarding the extensive expansion of the SEA's. Our foremost concern lies with the dramatic expansion of the SEA's from the currently designated **245,000** acres (approximate) to over **645,500** acres. This additional inclusion of over **400,000** acres constitutes ***an increase of more than 163%*** of land area which is being burdened with this designation and removes ***over 1,000 square miles*** of land from consideration for future development.

With the vast expansion of land under consideration for inclusion in SEA designated areas we would like to see the county provide current biological studies which support the actual need for inclusion of all of the property under consideration; the studies used in the development of the ordinance and boundary maps are more than 14 years old. We would like to make sure the boundaries proposed in the ordinance are based on actual *"ground-truth"* ***science*** rather than on "scientifically-grounded *concepts.*"[i]

While we all appreciate the need to preserve sensitive resources in our environment, we believe it is incumbent upon the County to prove the need for each and every acre being added to the SEA, based on actual science rather than concepts. Landowners should not be put in a position where they have excessive limits placed on their right to use the land in an appropriate manner, especially in the absence of sound scientific facts. For this reason we ask that you do not approve the proposed SEA Ordinance or its attendant boundary maps

Property owners whose land is under consideration for inclusion in the expanded SEA have not been notified, and will have very limited options for the use of their property under the proposed ordinance. Property owners will very likely be required to undergo large investments of both time and money to obtain permits through the SEA Conditional Use Permitting process if they wish to disturb their land for any reason. This includes additions to an existing home or adding outbuildings on land which is located within either a current or a newly designated SEA. We believe it is imperative for all property owners to receive

appropriate notification and be provided with the opportunity to respond, prior to consideration of the ordinance by the Planning Commission.

The proposed SEA ordinance prescribes preservation as the only strategy used in the retention of resources within the SEA. This is in stark contrast to measures currently utilized under CEQA which seek to assess the actual impact to resources on a property and to explore mitigation opportunities which may allow the property owner use of their property for some type of development. This proposal effectively deprives the property owner the opportunity to mitigate, restore or improve the biology found anywhere on his property to offset a disturbance to another area of the property. We encourage inclusion of mitigation, restoration and other measures to help protect resources, not relying solely on preservation as the only means of protection for the environment.

The ordinance further requires a high ratio, up to 4:1 for each acre disturbed, of property dedicated to open space as a condition to obtain a permit. For property owners of smaller lots, this is especially harmful when combined with required setbacks and other limiting factors to development. The acreage dedicated to the county must be recorded on the final site map and *may not* be used for any beneficial use to the landowner including habitat restoration to satisfy any CEQA requirements. We believe the dedication component of the ordinance is excessive and is unreasonably economically harmful to property owners.

As much of the land used in the expanded SEA's is for the purpose of connectivity, and possibly has no other biological or ecological reason for inclusion in an SEA, we believe the maps are vastly overreaching in their boundaries. Once the SEA designation is established for a property it will be virtually impossible for the designation to be removed by the property owner, even if it is possible to prove the absence of sensitive biologic resources on the property. There is no procedure by which acreage that does not contain sensitive resources can be removed or exempted from the SEA designation in the draft ordinance. We believe this to be a particular problem; mistakes are likely to be made despite the best intentions in the final process. There should be a procedure to remove a property which may have been mistakenly identified.

Currently, single family homes located within the adopted SEA are exempted from the SEA ordinance entirely. With passage of the ordinance as proposed, the development of each and every parcel, large or small will be required to be considered under the SEA ordinance. This will make it overly burdensome and expensive for an individual to develop even a single home on their land. This is an issue of great concern to us, and we believe the current policy is more appropriate than the policy found in the proposed ordinance. We encourage you to eliminate this provision and exempt small parcel developments from the SEA ordinance.

On May 27, 2014, representatives from the County's Department of Regional Planning (DRP) provided a presentation on the ongoing plan updates to members of the Antelope Valley Board of Trade and community members of the Antelope Valley. In the question and answer period following the presentation, many of the questions asked relating specifically to the proposed ordinances and the Antelope Valley Area Plan were not able to be answered by the representatives from the County's DRP. With more questions than answers, we strongly urge you to delay consideration of these ordinances until there is a more appropriate level of public notification, outreach and presentation of specifics regarding the ordinances. It is very frustrating to think that our questions couldn't be answered by staff, but the same staff is recommending passage of the ordinance. In the two week period following the presentation there has been no follow up with answers as specifically asked for, and promised. There should be no unanswered questions before ordinances of this magnitude are even considered for adoption.

We also believe it is critical that these ordinances not be considered prior to completion of the Antelope Valley Area Plan, and hereby request the time between now and the adoption of the Antelope Valley Area Plan be used to provide notification to individual property owners and stakeholders, and to conduct meaningful community outreach where answers are provided to specific questions, and residents are not simply referred to the county's overly cumbersome website for answers which are not easily found, if found at all.

Together with the proposed dramatic limitations on densities in the Antelope Valley Area Plan, these ordinances do more to limit the ability of the County to provide reasonable housing options for its citizens than they do to help meet the current and projected needs of residents. The Southern California Association of Governments (SCAG) has projected growth and housing needs numbers which will be difficult to meet if all of the proposed measures are adopted. While it is important to protect our environment, an appropriate balance between environmental protections and provisions for the housing needs of County residents must be found. Each plan and ordinance mentioned in this letter greatly limits future growth on its own. When the limitations to development in each measure are combined, the final result will be an overwhelming dearth of potential areas for the future development of affordable housing in the County. We believe it is highly inappropriate to consider either of these ordinances in advance of the adoption of the Antelope Valley Area Plan with its attendant Environmental Impact Report.

It is vital that the combined changes in land use density, intensity and designations be clearly communicated to all property owners so the combined ramifications and potential economic costs may be understood before any single plan or ordinance is adopted. The potential loss of economic value to everyone involved, including the county, is simply too great to be ignored.

In addition to addressing all other concerns above, we respectfully ask that these ordinances are not considered for adoption prior to the following conditions being met:

1. The EIR for the Antelope Valley Area Plan is approved
2. The Antelope Valley Area Plan is adopted
3. The science used in developing expanded boundaries be "ground-truthed" and verified for accuracy (not based on scientific concepts)
4. All questions by community members are appropriately answered
5. Hard Copy Maps showing the *combined* ramifications to land use from changes in the proposed Antelope Valley Area Plan, HMA and SEA Ordinances be prepared and presented to the public for comment and review through a series of outreach meetings. (Maps should be printed and available during the presentations, not just located on the county website).

Respectfully,

Rob Talbot, President

Cc: Supervisor Michael D. Antonovich

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[i] Los Angeles County Preliminary Draft Significant Ecological Area Program Guide p.3