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:lp

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.