



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



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Director

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TO: Esther L. Valadez, Chair
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FROM: Emma Howard, Regional Planning Assistant II *EH*
Community Studies North Section

**SUBJECT: LOS ANGELES COUNTY GENERAL PLAN UPDATE
SIGNIFICANT ECOLOGICAL AREAS PROGRAM
PROJECT NO. 02-305 (1-5)
ADVANCE PLANNING NO. 2012000001
APRIL 23, 2014 – AGENDA ITEM #6d**

BACKGROUND

The Significant Ecological Areas (“SEA”) Program Update is proposed under the Los Angeles County (“County”) 2035 General Plan; an update to the County’s existing General Plan. The County’s General Plan provides the policy framework for growth and change in the County through the year 2035. The General Plan Update effort includes goals, policies, implementation programs, and ordinances. The General Plan Update will replace the adopted General Plan, including all of the elements, land use distribution maps, and circulation maps.

Before your Commission on April 23, 2014 is the SEA Program Update, which under the General Plan Update Effort will replace the existing SEA Program including the map establishing the SEAs; SEA –specific goals and policies in the General Plan; SEA descriptions and criteria; and the SEA Ordinance. In addition the SEA Program Update includes several new implementing items for the SEA Ordinance: the SEA Development Map, the SEA Connectivity and Constriction Map, and the SEA Program Guide, which have been created to guide Department staff and the public in implementing the SEA Program. SEA-specific land use provisions are primarily regulated through the SEA Ordinance, a component of the County Zoning Code (“Title 22”) which establishes the permitting standards and process for development within SEAs.

SEAs are officially designated areas within Los Angeles County identified for their biological value. These areas warrant special management because they contain biotic resources that are considered to be rare or unique; are critical to the maintenance of wildlife; represent relatively undisturbed areas of County habitat types; or serve as linkages. The SEA Program is the name given to the combination of the mapped areas, the related General Plan policies and the

implementing ordinance, which encompass the County's efforts to preserve the biological significance of these areas. The County relies on the SEA Program to balance preservation of the County's natural biodiversity with the development rights of property owners located within the SEAs. The primary means of balancing these needs is land use planning which is carried out by the County Department of Regional Planning ("Department"). This update is focused on improving the SEA program to better reflect current conservation science, increasing the Department's sophistication in site planning, and refining the SEA Ordinance process to create greater efficiency and certainty for applicants, ultimately resulting in healthy SEAs that maintain biological value into the future.

HISTORY OF SEA PROGRAM

In 1969 the federal government passed the first environmental protection statute, the National Environmental Policy Act. In response to this federal law, in 1970, California enacted the California Environmental Quality Act ("CEQA"). The County responded promptly to this heightened awareness of environmental issues and new legislation and began to inventory areas of important biological diversity within the County. The resulting Environmental Development Guide included a schematic map titled the Open Space Concept Plan, which identified mapped areas that were undeveloped and contained important environmental resources. In response to litigation claiming that the County had failed to adopt adequate open space protections for different ecosystems within its jurisdiction, the County commissioned a study to identify Significant Ecological Areas. This 1976 study identified 115 areas as possible SEAs.

The 61 SEAs that were ultimately adopted as part of the Conservation and Open Space Element of the 1980 General Plan became the basis of the County's SEA Program. In 1982, the County Board of Supervisors ("Board") adopted the Hillside Management and SEA Ordinance to implement provisions of the general plan, establishing SEA zoning regulations that apply to this day. The 2012, Santa Clarita Valley Area Plan Update [One Valley One Vision ("OVOV")], updated and expanded the SEAs within the Santa Clarita Valley. Aside from the update under OVOV, the rest of the County's SEAs have remained those in effect since 1980.

In the decades since the SEA program was created, much has changed. What was a newly emerging field of conservation in 1970 has evolved into an established discipline that draws from decades of study and practice. In addition, technological advances in the field of planning, especially in mapping, have enabled customized, site-specific planning approaches that did not exist in 1982 when the SEA Ordinance was adopted.

In 1999, the County initiated the comprehensive update of the General Plan. As part of this revision effort, the Board commissioned additional studies of the existing SEAs to (a) assess how the boundaries and ordinance had worked over time and (b) recommend changes that would support the purpose of the SEA program into the future. The result was the County Significant Ecological Areas Update Study ("SEA Study"), which was publicly circulated in 2001. The SEA Study used contemporary conservation science, proposed boundary revisions and expansions, and suggested compatible uses and planning measures within the SEAs to support and revise the ongoing balance of development and conservation. Over the last 15 years, Department staff has continued to refine the Program by further studying the technical data, and responding to input from partners and stakeholders. These refinements are now part of the updated SEA Program for your Commission's consideration.

CHANGES IN CONSERVATION PLANNING

Development in the County is increasingly pressing into remaining natural areas. In 1980, the adopted SEAs were thought of as “self containing”. At that time conservation planning was emerging as a new field. The predominant school thought that “island biogeography”; preserving small islands of high value species and habitats, would be sufficient to preserve an area’s biodiversity. The original SEA program was created to modify and reduce development that might occur within these 61 original SEA ‘islands.’ Over time however, development in and around the SEAs did have effects on these isolated areas, and the SEAs have lost some of the biotic qualities for which they were designated, as their size was reduced, or the distance between them proved too great to allow species to repopulate through colonization from other areas.

Modern conservation plans have moved away from the “island biogeography” approach. It has been proven that high value habitats survive when they are smaller parts of large physically connected natural areas. The proposed boundaries of the updated SEA Program were expanded to a size large enough to provide self-sustaining areas as portions are developed, if the development within and around them is managed carefully. The provisions of the updated General Plan and proposed SEA Ordinance will guide development towards this outcome.

SEA PROGRAM GOALS AND COMPONENTS

The SEA program is composed of different parts that together reflect the slogan of the SEA Program Update: *“Conservation through Good Development”*. This motto expresses the philosophy that conservation of natural lands and the permitting of new development can both be achieved through a well-designed land use planning process.

The draft updated General Plan maintains SEA Program components within the Conservation and Natural Resources Element. This element establishes the countywide boundaries of the SEAs in Figure 9.3, the Significant Ecological Areas and Coastal Resource Areas Policy Map. The Element also contains specific goals and policies for the SEAs. Descriptions of the biological resources in each SEA are included in Appendix E of the General Plan: Conservation and Natural Resources Element Resources.

The primary tool used to implement the SEA goals and policies of the General Plan is the SEA Ordinance. Within County Zoning Code, Title 22, the SEA Ordinance sets out specific land use regulations within the SEAs. In addition to the SEA Ordinance several additional resources have been developed in conjunction with the SEA Ordinance and are part of the SEA Program. These resources are:

- The SEA Technical Advisory Committee (“SEATAC”);
- The SEA Development Map;
- The SEA Connectivity and Constriction Map; and
- The SEA Program Guide.

With the exception of SEATAC, these supporting resources are newly created for this SEA Program Update.

SEA ORDINANCE

In developing the SEA Update with a focus on the SEA Ordinance, Department staff started with identifying impacts which would compromise SEA sustainability, and crafted an approach that steers development proposals away from causing these impacts. The updated SEA Ordinance also requires equivalent set-asides of land based on the value of the habitat type impacted and the level of permitting. In comparison with the current ordinance the updated SEA Ordinance is designed to create a greater range of appropriate permitting types, more specific development standards, early consultation on project design, and a clear expectation of what impacts must be avoided in SEAs.

Review

Currently, there are two types of review: exempt uses (which are primarily single family homes and accessory uses), and an SEA Conditional Use Permit which requires SEATAC review and can be very expensive. The two review types however do not fully capture the range of existing uses in SEAs and appropriate levels of review. There are additional uses which ought to be exempt, a need for design standards for uses ministerial in nature, and a need to reduce the level of discretionary review for lesser impact uses.

The proposed SEA Ordinance will:

- Create new **exemptions** for safety activities, habitat restoration, and existing permitted discretionary uses;
- Create a ministerial **site plan review** process with a set of common development standards for new single family homes and minor changes to existing development ; and
- Establish **two types of an SEA CUP** depending on level of potential impacts. SEATAC review is reserved for those cases with higher potential impacts to the SEA.

This permitting approach provides a more tailored approach. It will still allow certain uses, most specifically single family homes, to continue in SEAs by right, but will ensure that they are located in lower impact sites. It will also expand this by-right process to modifications for any existing ongoing uses in the same location. In addition the development standards, which will be required for both ministerial and conditional uses; such as setbacks from water resources and setting aside proportional natural spaces to development areas, ensure that new development is sited with least impacts and adequately compensates for loss of natural areas with conserved areas. Lastly for SEA CUPs, higher levels of review by SEATAC are reserved for complex cases; while the lower level SEA CUP, which does not require SEATAC review, will be used to permit lower impact projects in SEAs, such as new roof-mounted wireless facilities.

Findings

Another major revision to the ordinance is the suggested findings for SEA CUPs. The burden of proof in the current SEA Ordinance is not specific enough, with terms like “highly compatible” and “appropriate and sufficient” determined on a case by case basis, such that the SEA CUP process has a limited degree of certainty for applicants. The updated SEA Ordinance uses a more specific language, outlining which projects cannot be found compatible with the SEAs because the resulting impacts would compromise the viability of the SEA. “Bisection of the SEA”

or “removal of the entirety of a Habitat Type characteristic of the SEA”, are two examples of such impacts.

Benefits of the SEA Ordinance Update

The SEA Ordinance Update:

- **Encourages sensitive site design:** New development is encouraged away from the highest value and rarest biological resources or sensitive locations, such as streams, and development in already-developed areas is incentivized over development in undisturbed areas. A single set of development standards for all projects in SEAs also provides consistency;
- **Protects the environment:** Open space and habitat preservation areas are required in ratios that will ensure the right mix of conservation to development; and
- **Improves the review process:** With the process based on potential impacts, smaller uses with lower impacts have less review requirements than review for higher impacts. Early consultation with applicants ensures that the natural constraints of the sites and the requirements of development in sensitive areas are known and considered from the very beginning, and clear limits on incompatible forms of development provide more clarity and certainty to applicants.

SEATAC

SEATAC is an advisory body of specialists in County biology who provide recommendations about the technical sufficiency of reports related to resources and potential impacts of development within SEAs. The SEATAC body has assisted the Department since the first years of the SEA Ordinance.

The SEATAC process was recently reviewed at the Board’s direction, and these improvement recommendations and the resulting new SEATAC Procedures Manual are available online at: <http://planning.lacounty.gov/sea/seatac>.

SEA Development Map

The SEA Development Map is a component of the SEA ordinance, and shows those areas already developed within SEAs. Development on this map includes houses, paddocks, agricultural areas, and other manmade areas. Proposed development in these mapped and built areas are reviewed through a site plan review and subject to limited development standards to encourage new uses here rather than in natural areas.

Over time, the SEA Development Map can also be used as an evaluation tool for the SEA program. As the map will be updated as new legal uses are permitted within the SEAs, the record of changes can help guide future decision makers as they assess whether the SEA Program will need adjustments over time.

SEA Connectivity and Constriction Map

The SEA Connectivity and Constriction Map is a component of the SEA ordinance, and shows where narrowed natural areas in the SEAs are located. Developed using the SEA Development Map as a baseline, these mapped narrow areas are critical in preventing SEA fragmentation between larger undeveloped SEA portions. Under the SEA Ordinance, additional review is required for development within these areas when they are narrowed less than certain minimum widths. This ensures that new uses are designed carefully around these more sensitive portions of the SEA. The public release of a review draft of this map is anticipated for April 17, 2014 for comments, and an updated draft will be presented at a future public hearing.

SEA Program Guide

The SEA Program Guide is a public resource that assists applicants and Department staff in implementing the SEA Ordinance. It includes lists of species, best practice approaches to resource conservation, resources to consult, and additional process information. As a resource document that is not required to be adopted by the Board, the SEA Program Guide is intended to be updated and refined on a more frequent administrative basis, with information that the Department may change or modify as needed through the process specified within the guide.

SEA MAPS

The draft boundaries for the SEAs, which will be adopted in the General Plan Update as Figure 9.3, the Significant Ecological Areas and Coastal Resource Areas Policy Map were released in November of 2011. The SEA Development Map was released in December of 2013. Staff has received requests for adjustments to the SEA boundaries and SEA Developed Areas. Some changes to these maps have been made, where the criteria and methods for these maps would support the adjustments. The first review draft of the SEA Connectivity Map will be made available for public review on April 17, 2014, and a final draft will be presented at a future public hearing.

A complete list of comments received and any recommended adjustments made to these maps, will be presented at a future public hearing on June 25, 2014. This list will reflect several requests current pending from other County agencies and members of the public as well as any additional comments received following this hearing. Staff will continue to document these comments and report on these comments including the criteria applied in staff's recommendation. If any changes to the maps are recommended by staff, updated maps will also be provided.

Additional information regarding the SEA boundary and development map adjustment process will be provided in a supplemental memo.

COLLABORATION AND OUTREACH

Since 1999 the SEA Program Update components have been publicly circulated more than 11 times. During these past 14 years numerous mailings, surveys, public notices with the boundary maps and SEA descriptions were circulated as components of the General Plan Update. Separately, five drafts of the SEA Ordinance have been publicly released (November 2011, June 2012, December 2012, December 2013, and the current public hearing draft of March 2014).

Since November 2011, staff outreach has focused on presenting the provisions of the drafts of the SEA Ordinance and discussion of the SEA Program as a whole.

Since the fall of 2011, in addition to coordinating with other County agencies, staff has held over 40 meetings with and presentations to the public on the SEA Program. Staff has presented to this commission three times on the SEA Program, once in 2012 on May 2nd and twice in 2013 on January 23rd, and December 11th. A wide ranging variety of public interest groups have commented on the SEA Program including:

- Aera Energy Building Industry Association Southern California Los Angeles and Ventura Counties Chapter
- Audubon California
- Building Industry Legal Defense Foundation
- Blue Ribbon Committee
- CA Department of Fish & Wildlife • City of Brea
- California Native Plant Society-San Gabriel Mountains Chapter
- Center for Biological Diversity
- City of Los Angeles Bureau of Engineering; LA River Project Office
- City of Los Angeles Department of Water and Power
- Conservation Biology Institute
- Cook Hill Properties
- Endangered Habitats League
- Friends of Antelope Valley Open Space
- Forest Lawn Memorial Park
- Grassroots Coalition & The Ballona Ecosystem Education Project
- Hills For Everyone
- Hillside Open Space Education Coalition
- Las Virgenes Homeowners Federation
- Los Angeles County ("LAC") Department of Public Works
- LAC Fire Department • LAC Sanitation Department
- LAC Department of Public Health
- LAC Department of Parks and Recreation
- LAC Farm Bureau
- LAC Sanitation District
- Los Angeles County Sheriff's Department
- LA Group Design Works
- Land Veritas
- Leona Valley Town Council
- Los Angeles Area Chamber of Commerce
- Pardee Homes
- Poppy Reserve-Mojave Desert Interpretive Association
- Puente Hills Habitat Preservation Authority
- Rose Hills Memorial Park and Mortuary
- Santa Monica Mountains Conservancy
- Save Our Community
- Sierra Club Angeles Chapter
- Sikand Engineering
- SoCal Gas
- Montalvo Properties
- Tejon Ranch Company
- Transition Habitat Conservancy
- Tzu Chi Foundation
- Urban Arena
- US National Park Service
- Valley Industry & Commerce Association
- Wildlife Corridor Conservation Authority

Staff has worked to incorporate their comments and concerns about the SEA Program Update components. Attached to this report are public comments and recommended changes related to the SEA components of the General Plan received as of January 23, 2014 and public hearing Draft 5 of the SEA Ordinance received as of March 25, 2014. Additional comment letters on these documents will be provided by April 17, 2014 in a supplemental memo. Additional comment letters related to the previous drafts of the SEA Ordinance are available for public review at our webpage: <http://planning.lacounty.gov/sea/ordinance>. Since the March 25 release of the public hearing draft SEA Ordinance, the Community Studies North Section has received approximately 30 separate inquiries regarding the SEA Program Update. The General Plan

Section and other case processing Sections estimate that approximately 100 inquiries were received regarding the SEA Program Update. The majority of these calls and emails were to request information. Any resulting correspondence has been provided as an attachment or will be provided in the supplemental memo.

NOTIFICATION

As a component of the General Plan Update, notice for the SEA Program Update was part of the overall General Plan noticing process. Property owners who would be located in proposed SEAs were noticed specifically as part of this noticing. For the SEA Ordinance, an SEA contact list of approximately 300 individuals and organizations were contacted via email at the release of each of the five drafts of the SEA Ordinance, and were also publicly available on the SEA Program webpage (<http://planning.lacounty.gov/sea>).

SEA PROGRAM ISSUES FOR FURTHER CONSIDERATION

Given the complexity of the SEA Program and the number of stakeholders involved, several issues have been identified as requiring additional consideration. Most of these remaining issues have emerged as the SEA Program neared public hearing. Included here is a summary of these remaining issues, and staff's approach for solutions to date for each. The status of these issues will be reported back to the Commission at a future public hearing so that the public is also informed to intent and scope of the remaining work.

The following issues are discussed in more detail below:

- Finding of Minimal Impact
- Development Area Provisions for Grazing Lands
- Fencing For Livestock Around Properties
- Minor CUP for SEAs
- Mapping Methodologies
- SEA Descriptions
- Individual County Processes in the SEA Program Guide
- Additional SEA Boundary Adjustment Requests

Finding of Minimal Impact

Several environmental groups have found the proposed SEA Ordinance findings "limiting." While the Ordinance sets out higher set aside requirements or processes for development projects that impact more sensitive resources, it does not contain language that would require that an applicant first look to avoid or minimize impacts. Staff agrees with the comments received on this issue, and will propose revised language to address projects designed with avoidance or minimization of impacts.

Development Area Provisions for Grazing Lands

The SEA Ordinance is intended to allow existing uses to continue with minimal review, provided that the uses are mapped on the SEA Development Map. Areas on the SEA Development Map which are Agricultural in nature were mapped separately from other forms of development as they offer biological resources that other development do not, such as habitat for prey species, areas for water recharge or flow, and linkages for species movement.

Grazing is a use that is both like and unlike traditional agriculture in its relationship to the SEAs. As it is unclear within the draft SEA Ordinance how these provisions apply to grazing, staff will prepare additional Ordinance provisions for grazing uses.

Livestock Fencing Around Properties

Staff has received feedback that the language in the SEA Ordinance regarding impermeable fencing is unclear as it relates to animal containment uses. Staff will propose additional Ordinance language that clarifies impermeable fencing provisions as well as consistent with language developed related to grazing.

Minor CUP for SEAs

Staff has identified that the tiered permitting approach for the various types of projects can be further refined with improvements to the Minor CUP process. Staff will provide additional language that includes proposed amendments to other areas of the Code to enhance the process and ensure consistency.

Mapping Methodologies & Periodic Updates

While the SEA Development Map and the SEA Connectivity and Constriction maps are associated with the SEA Ordinance and are intended to be adopted by the Board, the value of these maps is in how they reflect development on ongoing basis as new development is approved. Staff intends to request that in addition to the maps, the Board consider adoption of the mapping methodologies to allow formal public review at set timeframes with ongoing updates during the interim periods for greatest accuracy. Staff will provide additional language that discusses the methodology and update process.

SEA Descriptions

The SEA Descriptions contained within the General Plan Appendix E: Conservation and Natural Resources Element Resources are intended to reflect the existing biology of these areas. As the descriptions would most benefit the County and applications with regular updates as new information is gathered, staff is proposing that these be relocated to the SEA Program Guide which allows for a more responsive administrative process. Staff will provide updated portions of the General Plan and the SEA Program Guide which reflects this recommendation.

Individual County Processes in the SEA Program Guide

While County projects would not undergo a CUP process, it is intended that projects with potential impacts are reviewed through certain steps in the SEA process. Staff is continuing to work with other County Departments to identify the process, which will be documented in the SEA Program Guide and when updated, will be provided to your Commission's reference.

CONCLUSION

The SEA Program Update supports the County's obligation to protect the biodiversity of the region. These updates will improve the SEA program to better reflect current conservation science, enhance the Department's sophistication in site planning, improve the SEA Ordinance process to create greater efficiency and certainty for applicants, and ultimately result in healthy SEAs that maintain biological value into the future. Over the past 14 years, and in particular, over the last 3 years, the Department has worked collaboratively and extensively with many

County stakeholders to ensure that this update is reflective of the different needs and concerns that arise in planning for the future uses and conservation of natural areas. The SEA Program Update of 2014 is an opportunity to comprehensively approach land use planning in the SEAs in a new way that will create "Conservation Through Good Development."

STAFF RECOMMENDATION

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing:

Staff recommends that the public hearing on the General Plan Update, referred to as Project Number 02-305(1-5), be continued to May 28, 2014 and that the focus of that hearing be Zoning Consistency, with the presentation of new and revised zones and zone changes.

Staff also recommends that this matter return to the RPC to be considered on June 25, 2014, to allow for public consideration of the additional issues for further consideration referred to herein to be provided by staff for the RPC's consideration.

SMT:EH

I MOVE THAT THE REGIONAL PLANNING COMMISSION CONTINUE THIS MATTER, THE LOS ANGELES COUNTY GENERAL PLAN UPDATE, TO MAY 28, 2014 AND THAT THE FOCUS OF THE HEARING BE ZONING CONSISTENCY WITH A PRESENTATION OF NEW AND REVISED ZONES AND ZONE CHANGES.

I FURTHER MOVE THAT THIS MATTER AS IT RELATES TO THE SEA PROGRAM, BE FURTHER CONSIDERED DURING OUR JUNE 25, 2014 MEETING.

- Attachment 1: SEA Ordinance
- Attachment 2: SEA Boundaries Map (as of April 10, 2014)
- Attachment 3: SEA Development Map (as of April 10, 2014)
- Attachment 4: SEA Program Guide (as of December 2013)
- Attachment 5: Correspondence