

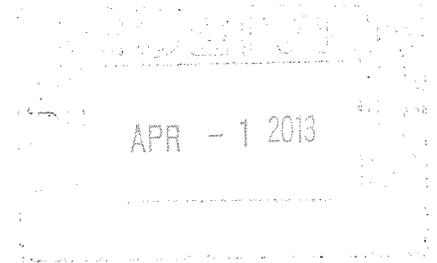
COUNTY SANITATION DISTRICTS OF LOS ANGELES COUNTY

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GRACE ROBINSON CHAN
Chief Engineer and General Manager

March 29, 2013

Ms. Emma Howard
County of Los Angeles
Regional Planning Department
Room 1354
320 West Temple Street
Los Angeles, CA 90012



Dear Ms. Howard:

Comments on Draft Significant Ecological Area (SEA) Ordinance

The Sanitation Districts of Los Angeles County (Districts) appreciate this opportunity to review and submit comments on the Draft Significant Ecological Area (SEA) Ordinance released on December 20, 2012, by the Los Angeles County Department of Regional Planning. The Districts are a confederation of 23 special districts that operate and maintain regional wastewater and solid waste management systems for approximately 5 million people residing in 78 cities and unincorporated portions of Los Angeles County.

The Districts support the efforts of the Department of Regional Planning to further develop the SEA program. However, we are concerned that many of the changes made since the November 2011 draft appear to add bureaucratic steps with seemingly limited benefit to biological resources. In these difficult economic times, we strongly suggest development of standards that are protective yet practical and streamlined in their application. To that end, we offer the following comments:

- a) SEA Boundaries. Although the proposed SEA boundaries were not part of the current review package, we wish to reiterate our prior request that the boundaries be drawn more precisely and exclude areas where a high percentage of the land has been developed or otherwise previously disturbed. Designating previously disturbed areas as a SEA would require users of the land to go through a site plan review, which would require application preparation, application review, and a mandatory site visit by a County biologist. These efforts require time and resources by both the applicant and the County that are not justified.
- b) §22.52.2620 Applicability. The Districts believe that construction and maintenance of public utilities (e.g., water lines, sewer lines, storm drains) located within a street, the disturbed shoulder of a street, or on previously disturbed right-of-way should be added as exempt projects. Such projects would not impact previously undisturbed vegetation and would result in little to no threat to adjacent biological resources. Even if exempted as requested, the requirement to comply with CEQA would still require consideration of environmental impacts and mitigation of any potentially significant impacts. The requirement for such projects to go through a site plan review (simplest process in the current proposal) would require application preparation, application review, and a mandatory site visit by a County biologist. These efforts require time and resources by both the applicant and the County that are not justified.

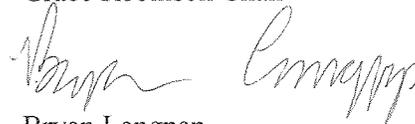


- c) §22.52.2620 Applicability. The Districts believe that public projects that have been approved and have a recorded, valid CEQA document prior to the effective date of the ordinance should be exempt where such projects were not within an SEA prior to their approval. Such projects would already have gone through a public process where the impacts to biological resources were considered and appropriate mitigation was identified. To add a new discretionary approval after a public decision to proceed with the project was already made does not seem appropriate.
- d) §22.52.2650 Permitted Uses. Item A.2. and B.1. (pages 12 and 13) – The Districts agree that projects located entirely within developed or disturbed areas are appropriate permitted uses. However, to best use public resources, such projects should be exempt or required to go through a very simple process to verify the location within a previously disturbed area. With the wide availability of aerial imagery including Google Street View, Bing oblique imagery, and high quality imagery available from the Los Angeles Regional Imagery Acquisition Consortium (LARIAC), applicants and County staff could usually verify the disturbed status of a parcel without physically visiting the site. As currently worded, such projects would require a site plan review which would require application preparation, application review, and a mandatory site visit by a County biologist. These efforts require time and resources by both the applicant and the County that are not justified most cases.
- e) §22.52.2640 Development Standards. Item K. Water Resources 2. (page 11) – The Districts suggest the following revision “The applicant shall demonstrate to the satisfaction of the Department of Regional Planning that **appropriate best management practices (BMPs) will be implemented to control** runoff created by the ground disturbance, use or project ~~will not materially affect to mitigate its effects~~ on water resources located on the lot or parcel of land and on adjoining lots or parcels of land, as identified during the biologist site visit required by Section 22.52.2650.B.1 and on the map required by subsection K.1 above, ~~either by increasing or diminishing the supply of natural watercourses or by adding pollutants.~~” The term “materially affect” could be interpreted as such a high standard that development would essentially be prohibited. Similarly, the word “pollutant” is often very broadly interpreted and sometimes includes soil which naturally occurs from erosion and cannot be entirely eliminated.

If you have any questions regarding this comment letter, please contact Wendy Wert at (562) 908-4288, extension 2737, or by e-mail at wwert@lacs.org.

Very truly yours,

Grace Robinson Chan



Bryan Langpap
Supervising Engineer
Planning Section

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