



# Los Angeles County Department of Regional Planning

*Planning for the Challenges Ahead*



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Director

September 13, 2018

TO: David W. Louie, Chair  
Elvin W. Moon, Vice Chair  
Doug Smith, Commissioner  
Laura Shell, Commissioner  
Pat Modugno, Commissioner

FROM: Iris Chi, AICP, Regional Planner  
Environmental Planning and Sustainability Section

**Project No. 2017-003725 (1-5) - SIGNIFICANT ECOLOGICAL AREAS (SEA)  
PROGRAM UPDATE  
General Plan Amendment No. RPPL2018003985 - CONCEPTUAL SEAS UPDATE  
Advance Planning No. RPPL2017006228 - SEA ORDINANCE UPDATE  
Environmental Assessment No. RPPL2018004477  
RPC Meeting: September 26, 2018  
Agenda Item: 5**

The above-mentioned item is a request to recommend approval of Project No. 2017-003725-(1-5), Amendment to General Plan for Conceptual SEAs (General Plan Amendment No. RPPL2018003985), SEA Ordinance Update to Title 22 (Advance Planning No. RPPL2017006228), and Environmental Assessment No. RPPL2018004477.

Please find the enclosed staff report package for the above referenced item. A courtesy 30-day package with the draft SEA Ordinance and Implementation Guide, the Alternative Option language regarding exemptions in the Antelope Valley, and the Hearing Notice were submitted to the Regional Planning Commission (Commission) on August 23, 2018.

## **I. Background**

This project is an update to the Los Angeles County (County) SEA Program, consisting of two components: the SEA Ordinance Update and the Conceptual SEAs Update.

**The SEA Ordinance Update** is an amendment to Title 22 (Zoning Ordinance) of the County Code that regulates development within a SEA. The SEA Ordinance implements the goals and policies of the General Plan by establishing permitting requirements, design

standards, and review processes for development within SEAs. This countywide ordinance will apply to all areas mapped as SEAs within the General Plan Significant Ecological Areas and Coastal Resource Areas Policy Map (Figure 9.3), except for the Santa Monica Mountains SEA and Santa Catalina Island Coastal Resource Area (CRA). The Santa Monica Mountains SEA will be subject to the current SEA ordinance (1982 SEA ordinance) until the Santa Monica Mountains North Area Community Standards District (SMMNA CSD) is amended. The regulations in the SMMNA CSD will be more restrictive than the regulations proposed in this draft SEA Ordinance. The Santa Catalina Island CRA will also be subject to the 1982 ordinance until the Santa Catalina Island Local Coastal Program is amended.

Previous drafts of an updated ordinance were heard as part of the General Plan 2035 update. This Commission first considered Draft 8 of the SEA Ordinance Update on May 17, 2017 and July 12, 2017. The item was taken off calendar on November 8, 2017 to allow for additional revisions to the ordinance and a more robust public engagement effort. The Public Review Draft of the SEA Ordinance was presented as a discussion item at the March 14, 2018 Commission meeting, beginning a 75-day public review period. Comments on the Public Review Draft from the Commission and members of the public were incorporated into the Public Hearing Draft to be considered at the September 26, 2018 public hearing.

**The Conceptual SEA Update** is an amendment to the General Plan 2035 that will make minor text changes and mapping changes in order to make the Conceptual SEAs subject to the new SEA ordinance. During the General Plan 2035 adoption process, the Board of Supervisors decided to designate certain proposed expanded SEAs as “Conceptual SEAs”, pending further review for compatibility with community plans in Altadena, Rowland Heights, and Hacienda Heights. As a part of the SEA Ordinance update and the East San Gabriel Valley Area Plan outreach, the Department heard from many constituents in the area who believed that the Conceptual SEAs should be officially adopted as a part of the SEA Ordinance update process. As such, the Conceptual SEAs Update is being incorporated as a part of the SEA Ordinance update project. The Conceptual SEAs Update is a new component of this project and has not been heard by the Commission prior to the September 26, 2018 hearing.

#### Proposed Amendments to General Plan

To adopt the Conceptual SEAs as official SEAs and subject to the SEA ordinance, the County must amend the General Plan by removing the following text (shown in strikethrough) in the General Plan:

- *Chapter 5: Planning Areas Framework (page 39)*

“The Planning Area also includes environmental and hazard constraints. The Puente Hills, which include portions of Rowland Heights and Hacienda Heights, contain fault traces and wildfire threats. Wildfires and landslides also pose safety hazards in the foothill communities. In addition, the Planning Area contains SEAs, ~~including Conceptual SEAs in Hacienda Heights and Rowland Heights.~~”

- *Chapter 5: Planning Areas Framework (page 60)*

“The Planning Area is comprised of mature, suburban communities, including some in the foothills of the San Gabriel Mountains. Some of these communities contain environmental resources and others face hazardous constraints. Portions of the Altadena Foothills and Arroyos SEA, San Gabriel Canyon SEA, and Puente Hills SEA cover the Planning Area. ~~The community of Altadena includes Conceptual SEAs.~~ In addition, many of the foothill communities are designated Very High Fire Hazard Severity Zones, which reflects the increased threat of wildfires and subsequent mudslides within those areas.”

- *Chapter 9: Conservation and Natural Resources Element (page 134 footnote)*

~~“Conceptual SEAs are depicted to show proposed SEA Map updates based on the criteria for SEA designation established by the General Plan. Conceptual SEAs are to be considered and effective only through the preparation and adoption of community-based plans.”~~

- *Chapter 16: General Plan Implementation Programs (page 256)*

#### **“Planning Areas Framework Program**

The General Plan serves as the foundation for all community-based plans, such as area plans, community plans, and coastal land use plans. Area plans focus on land use and other policy issues that are specific to the Planning Area. The Planning Areas Framework Program shall entail the completion of an area plan for each of the 11 Planning Areas.

Area plans will be tailored toward the unique geographic, demographic, and social diversity of each Planning Area; however, at a minimum, area plans shall be developed using the following guidelines:

...

- Review and consider the identified opportunity areas ~~and Conceptual SEAs,~~ as applicable.

...”

- *Figure 9.3: Significant Ecological Areas and Coastal Resource Areas Policy Map*

Remove Conceptual SEAs category from legend and categorize all Conceptual SEAs as SEAs. See Attachment B for the current and proposed versions of Figure 9.3 and additional Plan Amendment Maps.

## **II. Summary of Draft Ordinance**

Substantial improvements have been made in the Public Hearing Draft (August 2018) of the SEA Ordinance compared to the existing SEA ordinance adopted in 1982. The draft SEA Ordinance provides more options in permitting and review processes when impact to vegetation is avoided, establishes new design and development standards, requires mandatory open space preservation, and creates regulations to resolve unpermitted activities in the SEAs. The following discussion will describe how the Public Hearing Draft improves upon the existing SEA Ordinance.

### Development Standards and Thresholds

Staff biologists worked with the planners and used standard industry-recognized concepts to create development standards for addressing identified SEA Resources, SEA Protected Trees, water resources and specific land uses. The development standards for the SEA Resources have maximum thresholds of disturbances allowed for each SEA Resource category. Development that meets these requirements will receive a streamlined Ministerial SEA Review. Development unable to meet the development standards will require a SEA Conditional Use Permit (SEA CUP) process similar to the current SEA CUP process.

The existing SEA Ordinance does not have any development standards and, unless specifically exempted, requires all projects to go through the CUP process. There is no ministerial review option for projects in the SEAs. The current use-based applicability limits the ability to assess impacts to SEA Resources and provides no guidance or incentive for avoiding impacts.

### Preliminary Biological Review

In the updated SEA Ordinance, prospective applicants will be asked to identify existing SEA Resources on-site in a Biological Constraints Map (BCM) at the beginning of the design phase, prior to application submittal. Applicants must attend a SEA Counseling meeting, to receive guidance from staff on how the conceptual project design can avoid and minimize impacts to SEA Resources. This approach will allow both applicants and staff to gain a better understanding of existing SEA Resources in the vicinity of the project and guide applicants to design projects with fewer impacts that may qualify for the streamlined Ministerial SEA Review.

The existing SEA Ordinance only requires biological review for projects that require a SEA CUP after the application is submitted. By the time the biological reviews are conducted, the applicant has already settled on a project design that may not consider the impacts to SEA Resources.

### Streamlined Review Process

The inclusion of the SEA Counseling meeting paves a path for a more streamlined review process. Although surveying and drafting a BCM will require an investment in time and resources early in the design process, it will result in better-sited and designed projects to accommodate the biological constraints of the property. The exercise allows staff to

help guide development towards areas that avoid SEA Resources or previously disturbed areas and enables a Ministerial SEA Review track.

In the updated ordinance, a Ministerial SEA Review will be processed as a biological review in conjunction with the appropriate land use permit. A staff biologist will conduct the biological review. Projects qualifying for a Ministerial SEA Review will not have to submit additional biological studies and documentation or be reviewed by SEATAC.

Under the existing SEA Ordinance, unless exempted, all development in the SEAs must go through a sometimes lengthy discretionary CUP process even if impacts to resources are avoided.

#### Natural Open Space Preservation

In the updated ordinance, both the Ministerial SEA Review and SEA CUP processes will provide open space preservation. The ratios for open space preservation are based on the amount and type of SEA Resources disturbed. The Public Hearing Draft sets standard preservation ratios for development in the Ministerial SEA Review process. SEA CUPs will require preservation of open space at a recommended ratio to be approved at a public hearing.

While the current SEA Ordinance may require open space preservation as a mitigation measure, it is not explicitly required in the ordinance. Details are lacking as to how the open space should be designed or guidance on the County's preferred preservation mechanism. The new Natural Open Space Preservation section in the Public Hearing Draft improves preservation of the SEAs through clear requirements on configuration, use, and mechanisms for preserved open space.

#### SEA Protected Trees

The SEA Protected Trees development standard and Protected Tree Permit were added to the Public Hearing Draft to better assess impacts on native trees in the SEAs. The Protected Tree Permit is a new permit option, processed as a Minor CUP, to allow for development that can meet all development standards except for the SEA Protected Trees development standard. Mitigation ratios were developed for the Protected Tree Permit.

The current SEA Ordinance does not have an avenue for protecting native trees in the SEAs. The draft SEA Ordinance will improve protection of native trees that support the sensitive habitats found in the SEAs.

#### Enforcement

An enforcement section was added to the Public Hearing Draft to regulate unpermitted removal or disturbance of SEA Resources. Any activity defined as development in the SEAs prior to an approved permit is prohibited. A Ministerial SEA Review or SEA CUP will need to be obtained to assess the impacts of the unpermitted development and require the necessary mitigations. If neither permit is obtained, then another new provision, the Restoration Permit, will be required to restore the disturbed area to a close

resemblance of its original natural habitat. The Restoration Permit will be processed as a Minor CUP.

Historically, unpermitted activity in SEAs has been difficult to regulate since the current SEA Ordinance lacks enforcement procedures to handle damage to SEA Resources. The addition of the Enforcement section in the Public Hearing Draft will enable the Department's Zoning Enforcement officers to better protect the SEAs and require restoration of disturbed habitats.

#### Revisions to Public Hearing Draft Ordinance

Based on public comments received in the last 30 days, minor revisions are recommended for the Public Hearing Draft of the SEA Ordinance. Please see Attachment C for revisions to the Public Hearing Draft.

### **III. Antelope Valley Exemptions/Alternative Option**

During the public engagement effort in the Antelope Valley (AV), the Department heard requests to not exempt single-family residences and agricultural uses from the SEA Ordinance process. AV residents and other groups raised concerns that the AV exemptions will infringe on wildlife corridors and fragment natural communities that provide habitat for protected species and species of special concern. A comparison between the current draft language and an alternative option was submitted to the Commission as part of the 30-day courtesy package. The Department asks that the Commission consider the Alternative Option for the Antelope Valley exemptions as part of the SEA Ordinance Update. The Alternative Option was developed in response to public feedback and would strengthen protection of the Antelope Valley SEAs.

Please see Attachment D for public comment letters received on the Alternative Option.

### **IV. General Plan Consistency**

The SEA Ordinance and Conceptual SEAs Updates are consistent with the following goals and policies of the General Plan:

- ***General Plan Implementation Program C/NR-2: Update the Significant Ecological Areas Ordinance to implement the SEA Program in the General Plan.***

The General Plan Update was adopted in 2015 with significant updates to the SEA Program, including the goals and policies for SEAs and expansion of the SEA boundaries. This SEA Ordinance Update and the adoption of the Conceptual SEAs complete the next portion of the General Plan Implementation Program C/NR-2.

- ***General Plan Goal C/NR 3: Permanent, sustainable preservation of genetically and physically diverse biological resources and ecological systems including: habitat linkages, forests, coastal zone, riparian habitats, streambeds, wetlands, woodlands, alpine habitat, chaparral, shrublands, and SEAs.***

The SEA Ordinance and Conceptual SEA Updates work towards achieving General Plan Goal C/NR 3. As discussed in this report, in comparison to the existing SEA Ordinance, the draft SEA Ordinance is more protective of the natural habitats that make up the SEAs. The draft SEA Ordinance requires preliminary assessment of biological resources to guide sustainable development and provides for permanent preservation of sensitive habitats.

## **V. Public Engagement**

The Department conducted a robust public engagement campaign during the period from March to September 2018. Two draft versions, Public Review Draft (March 2018) and Public Hearing Draft (August 2018), of the SEA Ordinance have been released to the public for comments. The objectives of the engagement efforts were to provide general understanding of the SEA Program, discuss the draft SEA Ordinance, and answer any specific questions members of the public may have regarding the draft SEA Ordinance. Public engagement consisted of the following actions:

- Presentations at community and agency meetings
- Informational booths at community events and Parks After Dark events
- Pop-up events
- Blog posts
- Meetings/Teleconferences with interest groups
- Webinars
- Postcard mailings
- Email updates to email courtesy list

Please see Attachment E for a full list of public engagement efforts.

Members of the public had two opportunities to comment on the draft SEA Ordinance. The comment period for the Public Review Draft was from March 14 to May 31, 2018. The comments received included concerns with the Antelope Valley exemptions, protection of Conceptual SEAs, and applicability of the SEA Ordinance. Please see Attachments F for the comment letters received on the Public Review Draft.

The comment period for the Public Hearing Draft is from August 27, 2018 to September 26, 2018. Please see Attachment G for comment letters received thus far on the Public Hearing Draft.

## **VI. Environmental Document**

The SEA Ordinance Update component of the project qualifies for a Categorical Exemption (Class 8 Exemption, Actions by Regulatory Agencies for Protection of the Environment) under the California Environmental Quality Act (CEQA) and the County environmental guidelines. The SEA Ordinance Update will reduce the environmental impacts to SEAs through the streamlined review process and development standards by guiding ground and vegetation disturbance to avoid or minimize impacts to the SEAs. The use of the development standards limits the development footprint, maintains wildlife movement corridors, and requires setbacks from SEA Resources. The requirement of natural open space preservation enables permanent protection of the SEAs.

An Addendum to the Certified Final EIR for the General Plan Update, adopted on October 6, 2015, was prepared for the Conceptual SEAs Update component of this project in compliance with CEQA requirements. The Addendum was not required to be circulated for public review per Section 15164 of CEQA. The proposed amendments to the General Plan do not change any impacts of the General Plan and its implementation programs, which were analyzed within the Final EIR, which was prepared as a Programmatic EIR. The Conceptual SEAs were fully analyzed as proposed SEAs in the General Plan EIR. A Modified Environmental Checklist Form (Initial Study) was not created for this project since there are no potential project impacts that would require revisions to the Certified Final EIR. Please see Attachment H for the Addendum to the Certified Final EIR.

## **VII. Legal Notification**

Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the public hearing notice was published in the Los Angeles Daily News, Antelope Valley Press, and La Opinion on August 27, 2018.

Project information was made available to the public online and at nine County public libraries in the communities of East Los Angeles, Florence-Firestone, Topanga Canyon, Hacienda Heights, Rowland Heights, Altadena, Acton, Lake Los Angeles, and Lancaster. Project information and public hearing notice were also emailed to the those who subscribe to the SEA courtesy email list. Additional social media and blog posts have been posted weekly with links to project information.



### VIII. Suggested Motions

**I MOVE THAT THE REGIONAL PLANNING COMMISSION CLOSE THE PUBLIC HEARING AND FIND THAT THE ADDENDUM TO THE CERTIFIED FINAL EIR FOR THE GENERAL PLAN UPDATE (ENVIRONMENTAL IMPACT REPORT STATE CLEARINGHOUSE NO. 2011081042) FOR GENERAL PLAN AMENDMENT NO. RPPL2018003985 TO DESIGNATE THE ALTADENA FOOTHILLS AND ARROYOS AND THE PUENTE HILLS CONCEPTUAL SEAS AS OFFICIAL SEAS HAS BEEN PREPARED IN COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

**I ALSO MOVE THAT THE REGIONAL PLANNING COMMISSION FIND THAT ADVANCE PLANNING NO. RPPL2017006228 IS CATEGORICALLY EXEMPT PURSUANT TO STATE AND LOCAL CEQA GUIDELINES.**

**AND**

**I MOVE THAT THE REGIONAL PLANNING COMMISSION ADOPT THE RESOLUTIONS RECOMMENDING APPROVAL TO THE BOARD OF SUPERVISORS OF PROJECT NO. 2017-003725-(1-5), AMENDMENT TO THE GENERAL PLAN FOR CONCEPTUAL SEAS (PLAN NO. RPPL2018003985), AND SEA ORDINANCE UPDATE (PLAN NO. RPPL 2017006228).**

**OR ALTERNATIVELY:**

**I MOVE THAT THE REGIONAL PLANNING COMMISSION ADOPT THE RESOLUTIONS RECOMMENDING APPROVAL TO THE BOARD OF SUPERVISORS OF PROJECT NO. 2017-003725-(1-5),**

**AMENDMENT TO THE GENERAL PLAN FOR CONCEPTUAL SEAS (PLAN NO. RPPL2018003985),**

**AND SEA ORDINANCE UPDATE (PLAN NO. RPPL2017006228) WITH THE INCLUSION OF THE ALTERNATIVE OPTION LANGUAGE.**

Should you have any questions regarding this staff report and courtesy package, please contact Pat Hachiya or Iris Chi in the Environmental Planning and Sustainability Section at 213-974-6461 or [sea@planning.lacounty.gov](mailto:sea@planning.lacounty.gov).

PH:IC

Enclosures:

- A – Draft Resolution of the Regional Planning Commission
- B – Draft Plan Amendment Maps
- C – Revisions to Public Hearing Draft (revised 9/13)
- D – Public comments received (Alternative Option)
- E – List of Public Engagement Efforts
- F – Public comments received (Public Review Draft)
- G – Public comments received (Public Hearing Draft)
- H – Draft Addendum to General Plan Certified Final EIR