

Responses to Comments - Regional Planning Commission Public Hearing - February 27, 2019

Comment	Commenter	DRP Response
Exemptions for CUP Renewals (i.e. Water Haulers)	Acton TC, GAVAR	At the 10/29/18 workshop with Acton TC, staff clarified that existing water haulers that need a CUP renewal but are not expanding their development footprint will not be subject to the SEA ordinance. The continuation of the use without expansion is not considered "development" per the SEA Ordinance and therefore not subject to the SEA Ordinance. Staff also added language to the Development Standards section that says the development standards are only applicable to "new" development. This also applies to water hauling projects requiring a CUP renewal.
Home-based Business	Acton TC	Home-based businesses are regulated through Section 22.20.020. Since the SEA Ordinance regulations are impact-based, not use-based, staff will refer to the home-based business regulations in Title 22. Also, the AV exemptions for SFR allows for expansions of SFR, regardless of size. So, the physical development for the single-family residence will be exempt, but the home-based business activities and regulations will be considered through Section 22.20.020.
Support Conceptual SEA Update	Sierra Club, Three Points-Liebre Mountains TC, EHL, Palos Verdes/South Bay Audubon Society, Los Angeles Audubon Society, Audubon CA, Hills for Everyone, Natural Resources Defense Council, Transition Habitat Conservancy, The Urban Wildlands Group, and The Nature Conservancy	No revisions made
Support early identification of biological resources and mapping at pre-application stage	Sierra Club	No revisions made
Oppose AV Exemptions for SFR and Agricultural uses.	Lakes TC, Three Points-Liebre Mountains TC, EHL, Palos Verdes/South Bay Audubon Society, Los Angeles Audubon Society, Audubon CA, Hills for Everyone, Natural Resources Defense Council, Transition Habitat Conservancy, The Urban Wildlands Group, and The Nature Conservancy	The Public Hearing Draft (February 2019) retain the exemptions for single-family residences and previously disturbed farmland in the Antelope Valley as proposed in earlier draft ordinances. Based on comments received on the Alternative Option that was floated to the public on July 25, 2018, there was no clear consensus to keep the AV exemptions or choose the Alternative Option. Communities in the Antelope Valley who do not want the exemptions as proposed, may consider implementing those changes through the ongoing Community Standards District (CSD) update effort. Staff will work together with the Community Studies North section working on the CSD update to ensure consistency with the SEA Ordinance.
Disagree with the exemption of minor subdivisions within the AV Plan boundaries and the dropping the review process every two years	Lakes TC, Three Points-Liebre Mountains TC	Based on the comments received during the SEA Program Update, staff removed the minor land divisions exemption. The biennial review of the SEA Program referred in the comment letters was stated in previous drafts of the AV Area Plan but was not adopted in the final version of the AV Area Plan.
Appreciate the opportunity to implement SEA Ordinance through CSDs, individual CSDs cover only a small portion of the SEAs. Implementation of the SEA Ordinance through the CSD process will allow for fragmented protection of resources, wildlife linkages and lose resiliency and long-term sustainability.	Three Points-Liebre Mountains TC	Although the CSD process will result in fragmented protection, staff determined that is it one step closer to efforts to maintain resiliency and long-term sustainability. Implementation of the SEA Ordinance through the CSDs will be more protective than not having this option.

Support SEA Ordinance	EHL, Palos Verdes/South Bay Audubon Society, Los Angeles Audubon Society, Audubon CA, Hills for Everyone, Natural Resources Defense Council, Transition Habitat Conservancy, The Urban Wildlands Group, and The Nature Conservancy, Puente Hills Habitat	Support noted
Ask RPC to include in your motion a recommendation to remove AV Exemptions as soon as possible.	EHL, Palos Verdes/South Bay Audubon Society, Los Angeles Audubon Society, Audubon CA, Hills for Everyone, Natural Resources Defense Council, Transition Habitat Conservancy, The Urban Wildlands Group, and The Nature Conservancy	Refer to Commission
Exempt government open space managers from the ordinance	Puente Hills Habitat Authority	The Ordinance has a section on procedures for Habitat Restoration Projects. There will be a mandatory but free review by the staff biologist to make sure that the habitat restoration project meets the spirit of the SEA CUP Findings. So even though government open space managers are not exempt from the ordinance, there is a separate, free, and not as intensive review for government open space managers who qualify for habitat restoration projects.
Property Value reduction without any compensation for lack of use of the land owned. Tax structure remains the same without reduction for the maintenance of the SEA Ordinance.	Janet Lammon	Projects that are required to provide open space preservation can get their properties re-assessed through the Assessor's Office. Dedicated open space is assessed at a different rate than developed areas, so this is an option to reduce property taxes.
Revise Exemption P for introduced trees to exempt the planting or removal of introduced trees	Stephen Maxwell	Revised as commenter proposed
Disagree that Juniper woodlands should be protected as a Category 2 or 3, especially when Oak woodlands are protected as a Category 3. CNPS designates Junipers as S4/G4. DRP does not provide supporting information to the decision in the SEA Ordinance that Junipers are much rarer or more significant on a local scale than they are on a global, state, or even regional scale.	Acton TC, GAVAR	Staff considered the comments and moved the woodlands to SEA Category 3 consistent with Oak woodlands protections. Individual juniper trees are in the SEA Protected Tree List, protected at all sizes. Juniper is common in parts of state, and some areas of LA County. LA County is the edge of the distribution of that species, that grows north of the San Gabriel Mountain, mostly along the foothills. So there is only a narrow band in the LA County where junipers occurs. Junipers have a hard time coming back from disturbances from fire and brush clearance. Junipers are also very slow growing. For all these reasons, that's why is why staff considers Juniper woodlands to be of Category 3 sensitivity and protecting individual juniper trees of all sizes. CDFW has also expressed concerns of decline of Junipers locally in Agua Dulce and Acton.
Cat 4 is not biologically sensitive and should not include required open space preservation.	GAVAR	Because the Cat 4 is occurring in a SEA, it is considered biologically sensitive. Everything in the SEA contribute to the health of the SEA. Categories 4 and 5 act as buffers to the more sensitive resources and allow for these more sensitive resources to be healthy.

Support keeping AV exemptions	GAVAR, Acton TC	<p>The Public Hearing Draft (February 2019) retain the exemptions for single-family residences and previously disturbed farmland in the Antelope Valley as proposed in earlier draft ordinances. Based on comments received on the Alternative Option that was floated to the public on July 25, 2018, there was no clear consensus to keep the AV exemptions or choose the Alternative Option. Communities in the Antelope Valley who do not want the exemptions as proposed, may consider implementing those changes through the ongoing Community Standards District (CSD) update effort. Staff will work together with the Community Studies North section working on the CSD update to ensure consistency with the SEA Ordinance.</p>
Concerned that language in the Implementation Guide allows biologists to identify species that are not observed during the survey.	Acton TC, GAVAR	<p>Revised language in the Implementation Guide for additional clarification.</p> <p><u>Since animals move and generally flee or hide when biological human activity is detected surveys are underway, determination of an animal species' presence cannot rely entirely on direct sightings of the species. Therefore, even if the animal itself has not been directly observed on the project site, its presence or use of an area may be determined by the presence of scat, tracks, and special habitat features such as nests, dens, burrows, and roosts. In the case that a Species of Special Concern is observed within a heavily disturbed or paved area that does not constitute appropriate habitat, the biologist should look to adjacent natural habitat areas to identify nearby natural habitat that may support the species. The disturbed or paved area should not be considered SEA Resource Category 2 simply because a species of special concern is seen crossing through the area. However, such an observation is likely to result in identification of occupied habitat nearby.</u></p>
Oppose preservation ratios for Cat 5 for SEA CUPs - Table 5	Acton TC, GAVAR	<p>The Table 5 referred to in the comment is the Recommended Preservation Ratios for discretionary projects. The decision maker will be using these ratios as a starting point and may increase or decrease the preservation ratio based on the specific project. The reason why Category 5 has a suggested 1:1 ratio is because Category 5, which is considered disturbed habitat, can serve as a wildlife linkage or corridor or open space buffer to more sensitive habitats. Staff added clarifying language to Table 5 to reiterate preservation of Category 5 is only to maintain the wildlife linkage, corridor, or open space buffer.</p>
Off-site preservation is required when the on-site habit is considered "not suitable". Oppose requiring open space preservation on land that is not suitable for open space.	Acton TC	<p>Staff determines land to be "not suitable" when the property does not contain the same Category type as the proposed disturbance area. Open space preservation needs to contain the same category type. For example, if you disturb Category 3, then you need to preserve Category 3. When a property no longer has any more of a certain category to protect because that category has been thoroughly developed on, the project may need to seek appropriate mitigation off-site.</p>

<p>Clarification as to whether the Implementation Guide is part of the Ordinance and will be approved by the Board.</p>	<p>Acton TC</p>	<p>The Implementation Guide does not provide additional policies or regulatory provisions and is only to be used to clarify goals, policies, ordinance provisions, and processes that is adopted through the SEA Ordinance. The Guide will be updated as necessary by the Director to reflect current permit processing practice. The Guide does not change or revise existing regulatory provisions found within the SEA Ordinance, General Plan, or other applicable regulations or policies of the Los Angeles County Zoning Code or General Plan.</p>
<p>SEA Ordinance does not articulate the use restrictions for preserved open space.</p>	<p>Acton TC</p>	<p>Section 22.102.100.C states that the preserved natural open space shall be maintained in its natural undeveloped condition, with no removal of trees or vegetation or other disturbances of natural features. This section also includes a list of exceptions.</p>
<p>Concerned that property owners will need to pay property taxes in perpetuity on preserved open spaces.</p>	<p>Acton TC</p>	<p>Projects that are required to provide open space preservation are able to get their properties re-assessed through the Assessor's Office. Dedicated open space is assessed at a different rate than developed areas, so this is an option to reduce property taxes.</p>
<p>Objects to the ranking of open space preservation mechanisms - no basis for requiring a property owner to give land to a conservancy or govt entity - require explanation on the use of CA Civil Code 815.3 containing the statement "No local governmental entity may condition the issuance of an entitlement for use on the applicant's granting of a conservation easement pursuant to this chapter." Not sure how preservation mechanisms comply with this regulatory provision - Against any scheme that allows a conservancy to benefit financially from land that is given via compulsory transfer from a private land owner.</p>	<p>Acton TC</p>	<p>Ministerial SEA Reviews can still preserve open space on-site through a permanent deed restriction or a covenant. Ranking of preservation mechanisms for discretionary permits were chosen based on the enforceability. Discretionary permits are considered to have more environmental impacts will need a more complex preservation system and mechanisms to make sure that the most protective method is used.</p> <p>CA Civil Code 815.3 is cited in the Implementation Guide to define qualified entities to accept a conservation easement.</p> <p>Although dedication of the open space to a land trust or government entity is the first preferred option in the mechanisms ranking, there may be situations where dedication to a land trust or govt entity is not the best option. There may not be a land trust working in that specific are of the county or the property may be deemed too small to be dedicated to a land trust.</p>
<p>Concerned that removal of dead of fallen trees require a Protected Tree Permit as dead trees may be a fire safety hazard</p>	<p>Acton TC</p>	<p>Dead or fallen trees that are considered a safety hazard can be removed through an emergency permit issued by the Foresters.</p>
<p>Confirm that exemptions identified in Section 22.104.040 of Draft Ordinance apply to the tree trimming and removal provisions of the proposed Chapter 22.102.</p>	<p>Acton TC</p>	<p>There are exemptions for tree maintenance and removals. Any tree maintenance or removal associated with a single family residence in the AV will be exempt per the AV exemption.</p>