



Los Angeles County Department of Regional Planning

Planning for the Challenges Ahead



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REPORT TO THE REGIONAL PLANNING COMMISSION

DATE ISSUED: February 14, 2019

HEARING DATE: February 27, 2019 AGENDA ITEM: 7

PROJECT NUMBER: 2017-003725-(1-5)

PERMIT NUMBER(S): Advance Planning No. RPPL2017006228
General Plan Amendment No. RPPL2018003985
Environmental Assessment No. RPPL2018004477

SUPERVISORIAL DISTRICT: 1-5

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RECOMMENDATION

The Department of Regional Planning staff ("Staff") recommends **APPROVAL** of Project Number 2017-003725-(1-5), Advance Planning No. RPPL2017006228, General Plan Amendment No. RPPL2018003985 Number, and Environmental Assessment No. RPPL2018004477.

Staff recommends the following motion:

I MOVE THAT THE REGIONAL PLANNING COMMISSION CLOSE THE PUBLIC HEARING, AND, HAVING CONSIDERED THE ADDENDUM ALONG WITH THE FINAL EIR FOR THE PROJECT, HEREBY APPROVE THE ADDENDUM (ENVIRONMENTAL ASSESSMENT NO. RPPL2018004477) TO THE CERTIFIED FINAL EIR FOR THE GENERAL PLAN UPDATE (ENVIRONMENTAL IMPACT REPORT STATE CLEARINGHOUSE NO. 2011081042), AND FIND THAT ADVANCE PLANNING NO. RPPL2017006228 IS CATEGORICALLY EXEMPT PURSUANT TO STATE AND LOCAL CEQA GUIDELINES.

I ALSO MOVE THAT THE REGIONAL PLANNING COMMISSION ADOPT THE ATTACHED RESOLUTION AND FORWARD PROJECT NO. 2017-003725-(1-5), ADVANCE PLANNING NO. RPPL2017006228, AND GENERAL PLAN AMENDMENT NO. RPPL2018003985 TO THE LOS ANGELES COUNTY BOARD OF SUPERVISORS FOR CONSIDERATION IN A PUBLIC HEARING.

PROJECT DESCRIPTION

- Project No. 2017-003725-(1-5) is an update to the Los Angeles County (County) SEA Program, consisting of two components: the SEA Ordinance Update and the Conceptual SEA Update.
- Advance Planning No. RPPL2017006228 will amend Title 22 (Zoning Ordinance) of the County Code that regulates development within a SEA and is categorically exempt (Class 8 – Actions by Regulatory Agencies for Protection of the Environment).
- General Plan Amendment No. RPPL2018003985 will amend the General Plan 2035 to make minor text and mapping changes that will subject the Conceptual SEAs subject to the new SEA ordinance.
- Environmental Assessment No. RPPL2018004477 is an Addendum to the Certified Final EIR for the General Plan Update, which was prepared for General Plan Amendment No. RPPL2018223985.

A. Project Background

SEA Ordinance Update - Advance Planning No. RPPL2017006228

Previous drafts of the SEA Ordinance Update were heard as part of the General Plan 2035 update. This project was taken off calendar in 2014 so that additional concerns raised by the Board of Supervisors may be addressed in the ordinance. Additional hearings were held in 2017 and the Commission directed staff to conduct more public outreach on the new draft ordinance.

On September 26, 2018, the Commission held a public hearing on the draft SEA Ordinance and Implementation Guide. Nine members of the public testified at this hearing on the SEA Ordinance Update and Conceptual SEA Update. Several concerns voiced were the single-family residence exemptions for the Antelope Valley, how the SEA Ordinance will affect existing water hauling businesses and/or existing Conditional Use Permits (CUP), applicability of the Ordinance to already submitted applications, and notifications of approved Ministerial SEA Reviews. The project was taken off calendar to allow for staff to make the requested changes and address issues raised by the Commission and members of the public. The Commission requested clarification on the definition of heritage trees, performance standards for mitigation trees, and cost estimates for additional Foresters to properly implement the ordinance. Additional requests from the Commission included addressing public concerns with exempting single-family residences and disturbed farmland in the Antelope Valley and adding a finding for SEA CUPs that would require siting of development in the least sensitive location.

Conceptual SEA Update - General Plan Amendment No. RPPL2018003985

During the General Plan 2035 adoption process, the Board of Supervisors designated 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 was incorporated as a part of the SEA Ordinance update project. Commission first heard about the Conceptual SEAs Update at the September 26, 2018 hearing.

B. New Project Changes

SEA Ordinance Update - Advance Planning No. RPPL2017006228

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.

Based on the Commission's comments from the September 26, 2018 hearing and subsequent meetings with the public, the following revisions were made in the Public Hearing Draft (February 2019):

- *Antelope Valley Exemptions (AV exemptions)*

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.

- *Definition of Development*

Staff added “change or intensification of use” to the definition of “Development” in the draft SEA Ordinance. A change or intensification of use will be considered development as it may require additional infrastructure.

- *Definition of Heritage Tree*

Staff revised the definition of Heritage Tree in the SEA Protected Trees definition to specify the thresholds for naturally thin trunk trees like Joshua and juniper trees.

- *SEA Resource Categories*

The Sensitive Local Native Resources list maintained by the Department was moved from SEA Resource Category 2 to Category 3. Comments from the public as well as additional research demonstrated that certain species were more common than previously considered in certain areas of the Antelope Valley. Staff also increased the allowable disturbance area without providing open space preservation in SEA Resource Category 4 from 500 square feet to 5,000 square feet. This increase will provide flexibility for projects on smaller parcels and allow for disturbances of SEA Resource Category 4 habitat up to 5,000 square feet without requiring open space preservation.

- *Protected Tree Permit*

The Commission requested performance standards for mitigation trees for the Protected Tree Permit during the seven-year monitoring period. The previous Public Hearing Draft (September 2018) also stated that mortality of the mitigation tree would warrant a replacement. The County Foresters and Biologists concur that it is difficult to set performance standards for the mitigation trees due to the number of species of SEA Protected Trees and the variety of characteristics amongst the species. Therefore, during the mitigation period, the mitigation trees will be judged based on the health and vigor of the tree instead of mortality of the tree, as stated in the Public Hearing Draft (September 2018). The decline of the health and vigor determination will be based on the Forester and staff Biologists’ field knowledge, International Society of Arboriculture references, and seasonal anomalies.

- *SEA CUP Findings*

The Commission requested that the SEA CUP findings also account for siting of development in the least sensitive location. The Ministerial SEA Review ensures the siting of development in the least sensitive location through the SEA Development Standards, whereas the SEA CUP process did not explicitly state it. The language was incorporated into an existing finding, which remedied the oversight.

In addition to the ordinance changes, the Commission requested information on additional staffing needs because of the expanded SEA Protected Tree List. To process the additional Protected Tree Permits and address emergency removals of protected trees, the Forestry Division of the Fire Department anticipates the need for five additional Foresters. The Foresters currently implement the countywide Oak Tree Ordinance, the Local Coastal Program, Santa Monica Mountains North Area Plan, and Oak Woodland Conservation Management Plan for a single tree genus, the oak tree, with a staff of four Foresters. Additional staff will be required to supplement the anticipated workload stemming from the 60 new species on the SEA Protected Tree List that will apply to both the SEA Ordinance and upcoming North Area Plan. The salary for a Forester ranges from \$61,000 to \$102,000.

Regional Planning anticipates the need for three additional Biologists (one Senior Biologist and two Biologists). Currently, the staff of two Senior Biologists and one Biologist provide a variety of biological expertise on discretionary projects reviewed by the Current Planning Division, and also staff the Environmental Review Board and the SEATAC. The draft SEA Ordinance expands the role of the staff Biologist through attending pre-application counseling, reviewing the Biological Constraints Map and other biological documents, and providing consultation services to the Foresters for the 60 new tree species. The salary for a Biologist start at \$65,000 and Senior Biologist start at \$85,000.

The County Foresters and staff Biologists will need to undergo training for plant identification and pest/disease management for the 60 new tree species. The request for funding to hire new Forester and Biologist staff will be presented to the Board of Supervisors in a Board Letter as part of the Board hearing package.

Conceptual SEA Update - General Plan Amendment No. RPPL2018003985

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.

GENERAL PLAN/COMMUNITY PLAN CONSISTENCY

The Project is consistent with following applicable 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.

ENVIRONMENTAL ANALYSIS

Staff recommends that this 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. Therefore, staff recommends that the Regional Planning Commission determine that the project is categorically exempt from CEQA.

An Addendum to the certified Final Environmental Impact Report (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 the California Environmental Quality Act (CEQA) and the County environmental guidelines. 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 Exhibit B for the Addendum to the Certified Final EIR.

PUBLIC ENGAGEMENT

Since the September 26, 2018 hearing, staff attended the Antelope Valley Association of Rural Town Councils meeting on January 30, 2019 to give the town councils an update on the status of the AV exemptions. Staff also fielded additional phone calls and emails to respond to questions from the public.

The Department conducted a robust public engagement campaign during the period from March to September 2018. 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

COMMENTS RECEIVED

A. County Department Comments and Recommendations

County departments were consulted during the Project's development. Departments consulted include Public Works, Public Health, Parks and Recreation, and Fire. Comments and recommendations on review procedures for County projects were received from the respective County departments and were incorporated into the Public Hearing Draft (September 2018) of the SEA Ordinance and Implementation Guide. No changes have been made to the Public Hearing Draft (February 2019) regarding the review of County projects.

Staff consulted the Forestry Division of the Fire Department regularly after the September 26, 2018 hearing. Revisions were made to the Public Hearing Draft (February 2019) regarding procedures for the Protect Tree Permit as discussed in this Staff Report.

B. Other Agency Comments and Recommendations


Comments received from other agencies for the September 26, 2018 hearing were submitted to the Commission as part of the Staff Report package for that hearing.

Staff received a comment letter from the Angeles National Forest after the September 26, 2018 hearing. The comment letter was received on October 18, 2018. The Angeles National Forest supports the Alternative Option and that the Angeles National Forest Land Management Plan aligns well with the goal of the Alternative Option that was floated for public comment. This comment letter can be found in Exhibit F.

C. Public Comments

Staff received public comment letters after the September 26, 2018 hearing. A total of five comment letters were received from local residents in support of retaining the AV exemptions. These comment letters can be found in Exhibit F.

Comment letters received on the Public Hearing Draft (February 2019) can be found in Exhibit G. Any comments received after the submittal of the Hearing Package will be included in the Supplemental Package.

Report
Reviewed By: 
Patricia Hachiya, Supervising Regional Planner

Report
Approved By: 
Mark Child, Deputy Director

LIST OF ATTACHED EXHIBITS	
EXHIBIT A	Draft Resolution of the Regional Planning Commission
EXHIBIT B	Draft Addendum to General Plan Certified Final EIR
EXHIBIT C	SEA Ordinance – Public Hearing Draft (February 2019)
EXHIBIT D	SEA Implementation Guide – Public Hearing Draft (February 2019)
EXHIBIT E	Draft Plan Amendment Maps
EXHIBIT F	Public comments received after September 26, 2018 Hearing
EXHIBIT G	Public comments received for Public Hearing Draft (February 2019)
EXHIBIT H	Hearing Notice

