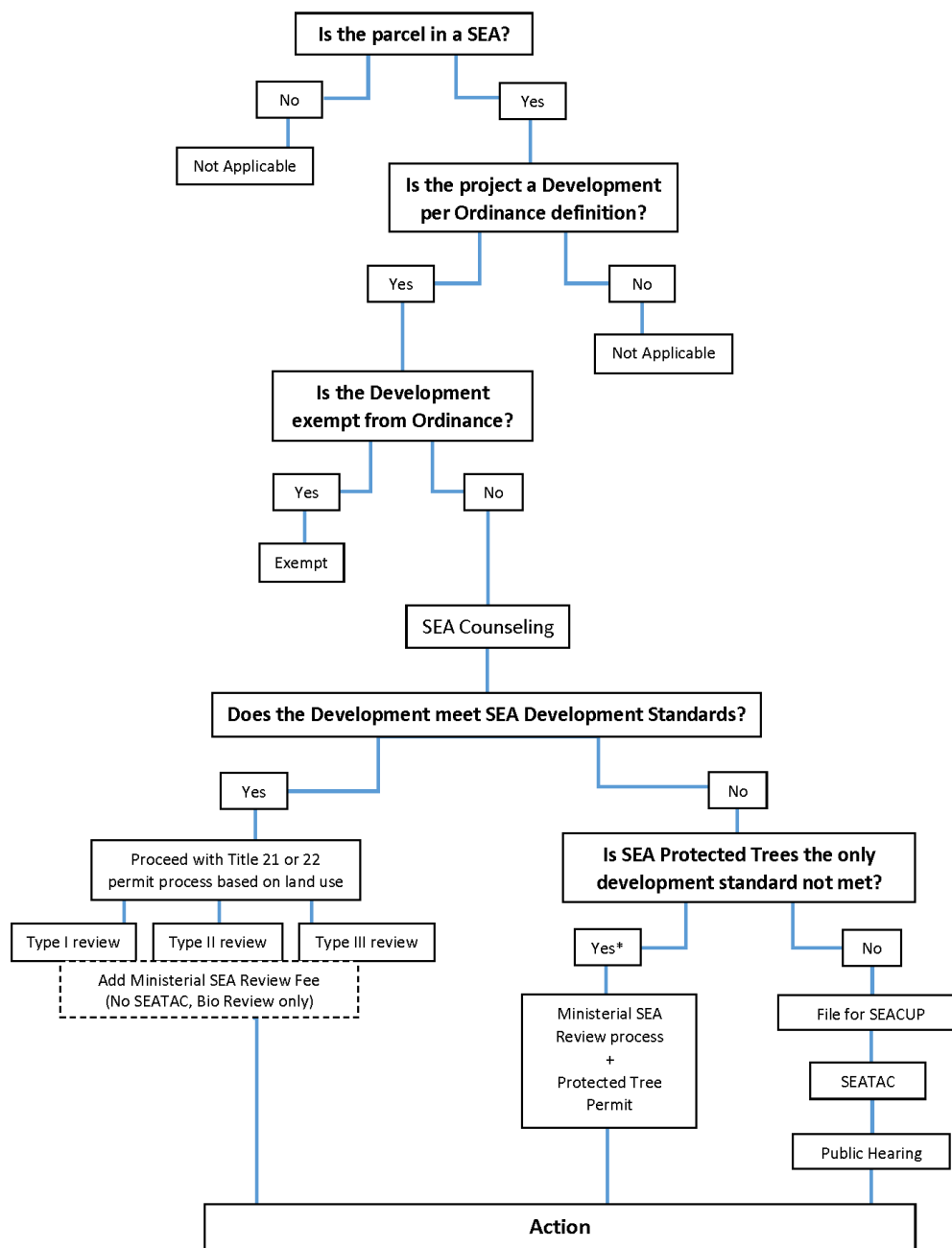


**CHAPTER 2. SEA ORDINANCE ASSESSMENT PROCESS**

For projects within SEAs, an additional assessment is required in conjunction with standard planning review of a land use application. The SEA assessment process is primarily focused on the question of how the development would disturb existing native species and natural features on the project site. The level of analysis required is dependent on the amount of impacts to SEA Resources and the amount proposed natural open space to be preserved on-site. The SEA assessment process is outlined in Figure 6.



\*Not applicable for all development. Refer to Chapter 3 for more information.

**Figure 6. The SEA assessment process flowchart provides an overview of the steps for a proposed project in a SEA.**

## INFORMATION GATHERING

### IS THE PARCEL IN A SEA?

The review process begins when a project site<sup>2</sup> is identified as being located fully or partially within a SEA. This information is available on DRP's online GIS application or by speaking to a planner at the Land Development Coordinating Center ("LDCC"), otherwise known as the Front Counter, or a DRP Field Office.

### IS THE PROJECT CONSIDERED A DEVELOPMENT WITHIN A SEA?

If a project site is identified as being located fully or partially within a SEA, the next question is whether the project is considered development. The SEA Ordinance classifies some activities as development that may not be considered development under other sections of the code. For example, exploratory testing is considered development and is treated as a permitted use under the SEA Ordinance. Refer to the Definitions section of the Ordinance for a detailed list of activities considered to be development in SEAs.

If the entire development, including any fuel modification, will be outside of the SEA, the SEA Ordinance is not applicable to the project. If any part of the development will be within the SEA, then the next step is to confirm whether the project is exempt from the Ordinance or not.

### IS THE PROJECT EXEMPT FROM THE ORDINANCE?

The SEA Ordinance exempts certain land uses from SEA analysis. If the project is found to be exempt from the SEA Ordinance, no further review under the SEA Ordinance is needed. Refer to the Exemptions section of the Ordinance for a full list of exemptions or Chapter 5 of this Guide for a more detailed explanation of each exemption.

### IDENTIFY BIOLOGICAL CONSTRAINTS

For all other projects within SEAs that are not exempt, the applicant will need to hire a SEATAC Certified Biologist<sup>3</sup> to prepare a Biological Constraints Map ("BCM") for the project site (see Chapter 6). The BCM will identify and map priority biological areas and other natural resources on and near to the project site, which need to be considered and avoided. Assessing the biological constraints on a project site at the onset of project design will help guide development to the least impactful location on the property. When siting the project, it is important to consider the amount of vegetation disturbance and the ability for the project to comply with the prescribed setbacks and preservation requirements in the SEA ordinance.

At this time, the applicant should also be forming a project team (e.g. architect, engineer(s), landscape architect, Native American consultant, etc.) and starting the preliminary design of the project. Applicants are encouraged to have the BCM prepared early in the design process before fully developing architectural or engineered plans. The BCM should be utilized in the same way that a geologic constraints map would be used: to determine the most appropriate locations for the various components of the project based on the constraints (in this case biological) of the landscape. This initial phase of laying out the placement of the project is called the Conceptual Project Design. See Chapter 5 (Permit Analysis) for information regarding what is required in a Conceptual Project Design.

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<sup>2</sup> The project site includes all parcels and/or lots that are wholly or partially impacted by the project.

<sup>3</sup> Found online at [planning.lacounty.gov/agenda/seatac](http://planning.lacounty.gov/agenda/seatac)

## SEA COUNSELING

A SEA Counseling meeting is required for all non-exempt projects within a SEA, unless waived by the Director. At her sole discretion, the Director may waive the SEA Counseling or BCM requirement where she deems it unnecessary to determining the appropriate SEA assessment process.

A project is ready to be scheduled for a SEA Counseling meeting when:

1. the applicant needs additional project specific guidance in order to incorporate all of the Development Standards into the Conceptual Project Design, or
2. the conceptual project has been planned with the least amount of impacts to SEA Resources and is ready to move forward with detailed design plans.

During SEA Counseling, the applicant will meet with a Case Planner and County Biologist who will review the BCM and Conceptual Project Design and determine whether the proposed development will require a Ministerial SEA Review, a Ministerial SEA Review with a Protected Tree Permit, or a SEA Conditional Use Permit (“SEA CUP”, discretionary). At the election of the prospective applicant, the SEA Counseling may be combined with a Zoning Permits or Land Divisions One-Stop to review the conceptual plan for consistency with Titles 21 and/or 22 at the same time.

### WHEN CAN SEA-COUNSELING AND/OR THE BCM BE WAIVED?

- ✓ If the project consists exclusively of exploratory testing or other temporary activity occurring entirely within a paved or graded area such as a highway, street, road, or driveway;
- ✓ For renewal of a wireless facility in the public right-of-way with little to no discernable changes to the existing facility and no new ground disturbance;
- ✓ When a SEA CUP is clearly inevitable due to the proposed project’s scale or use, hence necessitating a full BCA and Biota Report and making the SEA Counseling and BCM unnecessary or redundant; or
- ✓ If the applicant formally requests a SEA CUP (including SEATAC review), thus foregoing any possibility of SEA Review and agreeing to the SEA CUP process.

### DOES THE DEVELOPMENT MEET SEA DEVELOPMENT STANDARDS?

Development that is consistent with the SEA Development Standards will qualify for a Ministerial SEA Review per County Code Section 22.102.060, which is a ministerial review process that does not require additional biological reports or mitigation measures, and ensures compliance with all pertinent Development Standards once the application is submitted. Development that cannot comply with the SEA Protected Trees Development Standard but complies with all other Development Standards, may still be eligible for Ministerial SEA Review if the project qualifies for a Protected Tree Permit per Section 22.102.070 (refer to Chapter 3). All other development within SEAs will require a SEA Conditional Use Permit per Section 22.102.080, which is a discretionary review process that requires additional biological reports, mitigation measures, SEA Technical Advisory Committee (“SEATAC”) review, and a public hearing.

At the conclusion of the SEA Counseling, the Case Planner and County Biologist will recommend an appropriate SEA assessment process for the project. This determination will address whether:

- 1) the BCM adequately documents the biological resources on the project site, and
- 2) the Conceptual Project Design adequately demonstrates the ability of the project to comply with the SEA Development Standards.

If the initial conceptual design does not demonstrate compliance with the applicable SEA Development Standards, Department Staff (“Staff”) may provide guidance for evaluating alternative design options, and the applicant will have the opportunity to redesign the project before moving forward with the application process. Alternatively, the applicant may choose to move forward with a SEA CUP, in which case the County Biologist will provide guidance on what additional biological reports will be required (Chapter 6).

It is important to note that the SEA Counseling analysis and recommendation may change if the development footprint of the proposed project changes substantially from that which was reviewed at SEA Counseling. For this reason, it is recommended that an additional SEA Counseling meeting be scheduled after a redesign has occurred to re-evaluate the project impact on SEA Resources and determine which type of SEA assessment will be needed. The SEA Counseling fee covers up to two SEA Counseling submittals. Additionally, this fee will be rolled over and applied toward permit fees for projects filed within one year of the SEA Counseling.

## FILE PROJECT APPLICATION/STAFF REVIEW

After the SEA Counseling and other relevant project counseling (e.g. One-Stop), the applicant should proceed with the full project design and preparation of all required application materials for the appropriate land use permits and SEA assessment. Once all materials have been prepared, the applicant should file the required application(s) and pay required fees.

The applicant will file for the SEA assessment type that was recommended at the conclusion of the SEA Counseling. After the full application has been submitted, Staff will begin the appropriate level of SEA assessment (ministerial or discretionary). However, if substantial changes to the development footprint have been made since the SEA Counseling determination and have not been reviewed by the County Biologist, Staff may re-evaluate the correct SEA assessment process based on the new information presented.

## MINISTERIAL SEA REVIEW

There is no separate permit or application form for a Ministerial SEA Review (Section 22.102.060). Since this is a ministerial (Type I) review, it will be incorporated into the appropriate land use permit of the project with an additional Ministerial SEA Review fee. The Case Planner, in consultation with the County Biologist, will verify that the SEA Development Standards have been incorporated into the project design. A site visit by the County Biologist may be necessary at this time to confirm site conditions<sup>4</sup>. Once it is determined that the project is consistent with the SEA Ordinance, the Case Planner will verify that the Ministerial SEA Review of the project is complete and continue with processing the land use permit.

## BUILDING SITE AREA

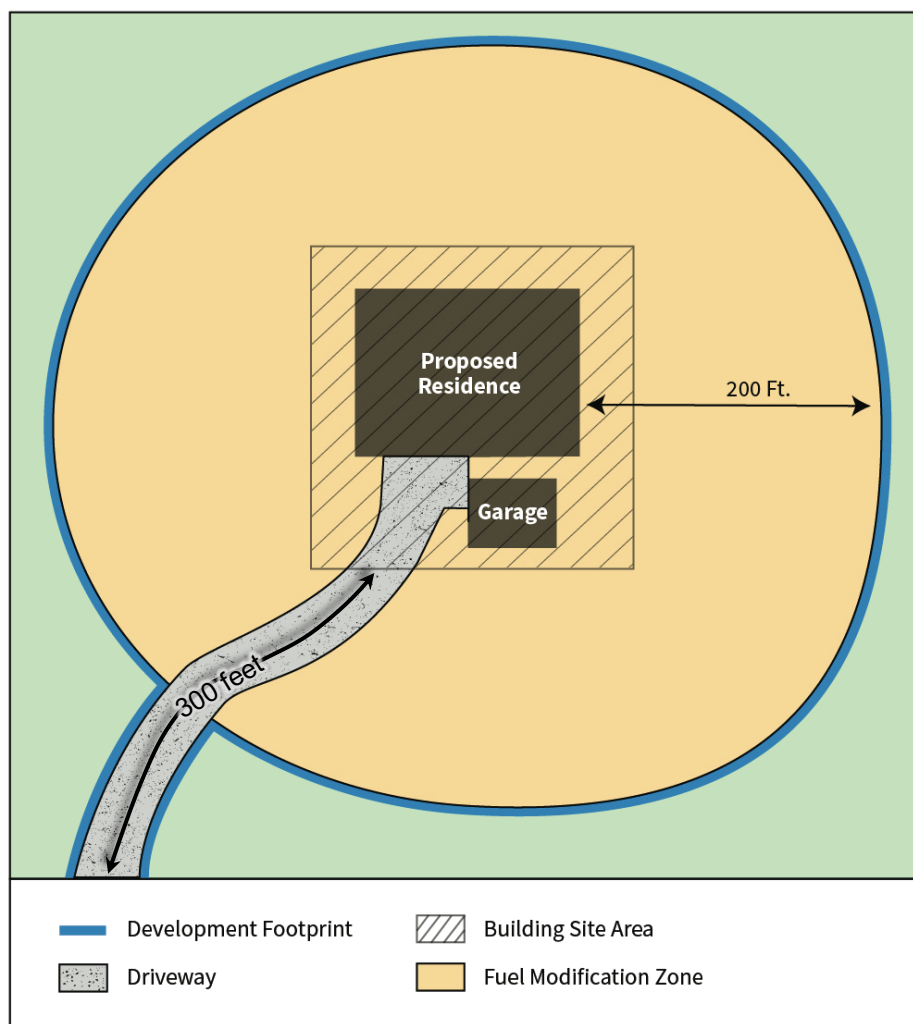
Only development with a Building Site Area of 20,000 square foot or less is eligible for Ministerial SEA Review. The Building Site Area is the portion of the development footprint that is or will be graded, paved, constructed, or otherwise physically transformed. To calculate the Building Site Area, measure the total area encompassing the building pad, all graded slopes, temporary and permanent staging areas, areas impacted by exploratory testing, all structures, decks, patios, impervious surfaces, retaining walls, and

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<sup>4</sup> Generally the need for a site visit will be determined at the SEA Counseling, but the visit will not occur until after the application has been filed.

parking areas. Certain development associated with the primary use may be excluded from the calculation of Building Site Area for the purposes of determining eligibility for Ministerial SEA Review, including:

- ✓ the area of one access driveway or roadway that does not exceed 300 feet in length and 20 feet in width, and that is the minimum design necessary, as required by the LA County Fire Department,
- ✓ the area of one turn-around not located within the approved building pad, and that is the minimum design necessary to ensure safety and comply with Fire Department requirements,
- ✓ the area of graded slopes exclusively associated with the access driveway or roadway and Fire Department safety turn-around indicated above; and
- ✓ the area of fuel modification or brush clearance required to provide defensible space for the purposes of fire safety, to the satisfaction of LA County Fire Department fire safety standards.



**Figure 7.** The Development Footprint encompasses the area of disturbance for development, including but not limited to, the building pad, all structures, driveways and access, fire department turn-arounds, grading, test pits, septic systems, wells, fuel modification areas, and any direct habitat disturbances associated with the development. The Building Site Area is the portion of the development footprint that includes the building pad and all graded slopes, all structures, decks, patios, impervious surfaces, and parking areas.

Note that any such development excluded from the calculation of Building Site Area is still considered part of the development footprint and must comply with all Development Standards (see Chapter 4).

### PROTECTED TREE PERMIT

If the development cannot comply with the SEA Protected Trees Development Standard (subsection 22.102.090(B)), but demonstrates the ability to comply with all other relevant Development Standards, the project may be able to obtain a Protected Tree Permit in conjunction with the Ministerial SEA Review. A Protected Tree Permit is only available for developments with encroachments or that remove two or fewer protected trees. Heritage trees may not be removed with a Protected Tree Permit. See Chapter 3 for information regarding SEA Protected Trees, including the Protected Tree Permit process and application materials.

### SEA CUP (DISCRETIONARY)

When development does not meet the SEA Development Standards, a SEA CUP will be required to consider whether the project is compatible with the goals and policies of the SEA Program. The SEA CUP will analyze both land use and impacts to SEA Resources. It requires a submittal of a complete CUP application package, SEA CUP and related fees, and additional required biological review.

During the SEA CUP review process, the County Biologist will conduct a site visit, review the Biological Constraints Analysis (BCA) and any other necessary reports (such as protocol surveys, wetland delineations, oak tree reports, etc.), and work with the applicant to develop appropriate mitigation and monitoring strategies, which will be documented in a Biota Report. All SEA CUPs are also subject to the California Environmental Quality Act (CEQA). The Case Planner will provide additional information and guidance on complying with the CEQA process on a case by case basis.

## SEATAC REVIEW

All developments which require a SEA CUP will also require additional review by the Significant Ecological Area Technical Advisory Committee (“SEATAC”)<sup>5</sup>. SEATAC is a panel of independent experts who assist the Department in assessing a project’s impact on biological resources within SEAs. A project may be scheduled for a SEATAC meeting once the Case Planner and County Biologist have verified that all application filing materials are complete, adequate, and ready for SEATAC review. SEATAC purview consists of the following:

- ❖ Determination of adequacy of the biological constraints analysis and biota report,
- ❖ Recommendations for project features or mitigation measures to minimize the proposed impacts to SEA Resources, and
- ❖ Recommendation on the project’s compatibility with the SEA Ordinance and Program.

After the project has gone through the appropriate biological and environmental review, the Case Planner will evaluate the project against the SEA Ordinance’s required findings and require any appropriate conditions of approval before the project is taken to Public Hearing.

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<sup>5</sup> The SEA Ordinance gives the Director the sole discretion of waiving the SEATAC requirement for a project. If the Director waives SEATAC review, the reasons for waiving the review will be carefully documented by staff and included in the report for the public hearing.

For more information on SEATAC procedures, refer to the SEATAC Procedural Manual maintained on the Department website<sup>6</sup>.

## **PUBLIC HEARING**

The last step of the SEA CUP process is a public hearing. Projects which go through a SEATAC review and are found to have minimal impacts to SEA Resources may be scheduled for a public hearing before a Hearing Officer. Projects which propose substantial impacts to SEA Resources will be scheduled for a public hearing before the Regional Planning Commission (“RPC”).

## **ENFORCEMENT**

Development in SEAs that did not receive a SEA assessment and is not exempt from the SEA Ordinance is considered a violation. A Notice of Violation will be issued by the Zoning Enforcement section and will require the unpermitted development to obtain a SEA permit or restore the disturbed area back to its original condition with a Restoration Permit.

The process to obtain an approved permit for unpermitted development will follow the same process outlined in this Chapter. The disturbed areas will have to be stabilized with temporary erosion control measures and temporarily seeded with locally indigenous species as directed by the County Biologist within 30 days of the Notice of Violation issuance.

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<sup>6</sup> See [planning.lacounty.gov/agenda/seatac](http://planning.lacounty.gov/agenda/seatac) for SEATAC materials.