



# Los Angeles County Department of Regional Planning

*Planning for the Challenges Ahead*



**Amy J. Bodek, AICP**  
Director of Regional Planning

**Dennis Slavin**  
Chief Deputy Director,  
Regional Planning

May 28, 2019

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, CA 90012

**ADOPTED**

BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES

7 May 28, 2019

  
CELIA ZAVALA  
EXECUTIVE OFFICER

Dear Supervisors:

**HEARING OF THE SIGNIFICANT ECOLOGICAL AREAS PROGRAM UPDATE  
PROJECT NO. 2017-003725-(1-5)  
GENERAL PLAN AMENDMENT NO. RPPL2018003985  
ADVANCE PLANNING NO. RPPL2017006228  
ENVIRONMENTAL ASSESSMENT NO. RPPL2018004477**

**SUBJECT**

The recommended action is to adopt the Los Angeles County General Plan (General Plan) amendment for the Conceptual Significant Ecological Areas (SEA) update and the ordinance amendment for the SEA Ordinance update, collectively known as the Project.

**IT IS RECOMMENDED THAT THE BOARD AFTER THE PUBLIC HEARING,**

1. Find that the Addendum to the Certified Final Environmental Impact Report (EIR) for the General Plan Update Project 02-305 has been prepared in compliance with the California Environmental Quality Act (CEQA) and state and local agency guidelines related thereto and reflects the independent judgment of the Board of Supervisors (Board);
2. Find that Advance Planning No. RPPL2017006228 is categorically exempt pursuant to Section 21084 of the Public Resources Code and Section 15308 of the CEQA Guidelines;

3. Indicate your intent to approve the proposed General Plan Amendment and SEA Ordinance update as recommended by the Los Angeles County (County) Regional Planning Commission (Commission) with the proposed revisions;
4. Instruct County Counsel to prepare the final documents and ordinance for the Project and bring them back to the Board for final action;

#### **PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

The Project is an update to the SEA Program in two components. The Conceptual SEA update is an amendment to the General Plan to make minor text and mapping changes that will designate Conceptual SEAs in Altadena, Rowland Heights, and Hacienda Heights as official SEAs and subject to the SEA Ordinance. This update was initiated after receiving input from constituents from these communities during outreach events for the SEA Ordinance update and pending East San Gabriel Valley Area Plan.

The second Project component is the SEA Ordinance update. The SEA Ordinance update is an update to the existing SEA Ordinance. The SEA Ordinance update will fulfill Program C/NR-2 of the General Plan Implementation Program, which requires the SEA Ordinance update to implement the SEA Program in the General Plan. The SEA Ordinance establishes permitting requirements, design standards, and review processes for development within SEAs.

The existing SEA Ordinance was adopted in 1982. The SEA Ordinance update streamlines the existing permitting process by providing pre-application counseling and multiple review tracks. The update includes development standards that reduce the impacts to the SEAs by limiting the development footprint, maintaining wildlife movement corridors, and requiring setbacks from SEA Resources. The SEA Ordinance update will also protect 60 additional species of native trees in the SEAs in addition to Oak Trees protected through the Oak Tree Ordinance and Oak Woodland Conservation Management Plan.

The SEA Ordinance update also improves enforcement mechanisms to address unpermitted disturbances to SEAs and habitat restoration mechanisms. These additions will enable the Los Angeles County Department of Regional Planning (Department) to effectively manage zoning violations and require the disturbed SEAs to be restored. The update includes provisions for a reporting and monitoring program to monitor disturbances to SEAs in order to properly maintain and sustain the SEAs.

The table below outlines the major updates to the existing 1982 SEA Ordinance.



Existing 1982 SEA Ordinance	SEA Ordinance update
Use-based	Impact-based
Discretionary review only	Ministerial and Discretionary review
n/a	Pre-application counseling
Biological assessment <u>after</u> project design and application submittal	Biological assessment <u>before</u> project design and application submittal
n/a	Development standards and thresholds
n/a	Native tree protections
n/a	Enforcement mechanisms
n/a	Open space preservation
n/a	Habitat restoration mechanisms
n/a	Reporting and monitoring program
n/a	Implementation Guide

Consistency with General Plan

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 2035 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. The SEA Ordinance update and the adoption of the Conceptual SEAs will fulfill 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. The SEA Ordinance update is more protective of the natural habitats that constitute the SEAs than the existing 1982 SEA Ordinance. The SEA Ordinance update requires preliminary assessment of biological resources to guide sustainable development and provides for permanent preservation of sensitive habitats.

### **Implementation of Strategic Plan Goals**

The County's 2016-2021 Strategic Plan, *Creating Connections: People, Communities, Government*, was adopted on November 15, 2016, and provides the vision, mission, and values to ensure that the County's efforts are aligned with the Board's priorities. This Project promotes Goal II, Foster Vibrant and Resilient Communities and Strategy II.3 – Make Environmental Sustainability Our Daily Reality by providing and implementing a comprehensive and streamlined approach to guide development design that avoids or minimizes impacts to SEA Resources and help ensure the long-term survival of the SEAs and their connectivity to regional natural resources.

### **FISCAL IMPACT/FINANCING**

Implementation of the Project requires additional staffing for the Department and County Fire Department. These positions are necessary to support and enforce the new permitting process for SEA Resources, including protection of 60 additional species of native trees that will apply to the SEA Ordinance and 31 additional species for the pending Santa Monica Mountains North Area Plan (SMM NAP) update and Santa Monica Mountains Local Implementation Program (SMM LIP) amendment.

Requests for funding and positions will be submitted to the Chief Executive Office during the budget process to identify the appropriate funding and classification levels within the context of the overall budget and numerous competing funding priorities and requests.

The Forestry Division of the County Fire Department (Forestry Division) anticipates the need for five additional Forestry Assistant positions to enforce Protected Tree Permits while maintaining the current level of service to address emergency removals of protected trees. The Forestry Division currently implements the countywide Oak Tree Ordinance, the SMM LIP, SMM NAP, and Oak Woodland Conservation Management Plan for a single tree genus, the Oak Tree, with an existing staff of four Foresters. Additional staff will be required to offset the anticipated workload stemming from the additional 60 tree species proposed for the SEA Protected Tree List, which are incorporated into the SEA Ordinance update. The pending SMM NAP update and SMM LIP amendment will each include a Protected Tree List of 31 native tree species.

The anticipated workload, in addition to the Foresters' current workload, will be comprised of reviewing and monitoring approximately 60 Protected Tree Permits (PTP) and issuing 160 Emergency Protected Tree Permits (EPTP), annually. Each PTP and EPTP can permit a range of one to hundreds of trees. The Foresters will monitor the PTPs at years two, four, and seven during the seven-year monitoring period. The salary for a Forestry Assistant ranges from \$61,000 to \$102,000.

The Department 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 as well as support the SEA Technical Advisory Committee and the Environmental Review Board for coastal projects. The SEA Ordinance update expands the role of the staff Biologist by requiring attendance at pre-application counseling, review of the Biological Constraints Map and other biological documents, and providing consultation services to the Forester for the additional tree species.

The anticipated workload, in addition to the Biologists' current workload, will be comprised of reviewing approximately 130 ministerial reviews, 60 PTPs, and 26 discretionary reviews, annually. The salary for a Senior Biologist ranges from \$73,000 to \$96,000. The salary for a Biologist ranges from \$55,000 to \$73,000.

## **FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

### **Summary of Process**

In 1999, the Department began a comprehensive update to the 1980 Countywide General Plan. A study of the SEAs was commissioned as part of this General Plan 2035 update. The Los Angeles County SEA Update Study 2000 (Study) was released for public review in January 2001. Conservation planning was a fundamental aspect of this Study, which was designed to evaluate existing SEAs for changes in biotic conditions and consider additional areas for SEA status, propose SEA boundaries based upon biotic evaluation, and propose guidelines for managing and conserving biological resources within SEAs. The Study was based on scientifically grounded concepts regarding the size and type of linkage systems necessary to sustain the biologically diverse plant and animal species found within the County. All recommended SEAs in the Study were evaluated and refined between 2001 and 2002 after consideration of public and resource agency input.

Between 2011 and 2017, various drafts of the updated SEA Ordinance were released for public comment and Commission consideration. This included public hearings of the SEA Program Update, which included the SEA Ordinance update as well as updated boundaries, policies and SEA descriptions.

On March 14, 2018, Department staff presented an update on the SEA Ordinance to the Commission for discussion. Staff presented the Public Review Draft of the SEA Ordinance and Implementation Guide, and notified the Commission of the start of a 75-day public review period.

On September 26, 2018, the Commission conducted a duly-noticed public hearing on the draft SEA Ordinance. The Department's staff also introduced the Conceptual SEA update, and recommended that the Conceptual SEAs in the communities of Altadena, Rowland Heights, Hacienda Heights be adopted as official SEAs. Staff reported that the constituents in those communities requested a re-designation of the conceptual SEAs as official SEAs. Nine members of the public testified at this hearing on the SEA Ordinance update and Conceptual SEA update. Testifiers were concerned with the single-family residence exemptions for the Antelope Valley, how the SEA Ordinance will affect existing water hauling businesses and/or Conditional Use Permits (CUP), applicability of the Ordinance to already submitted applications, and notifications of approved Ministerial SEA Reviews. The Commission requested clarification on the definition of heritage trees, performance standards for mitigation trees, and cost estimates for additional County 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. The Commission took the matter off calendar to allow for staff to make the requested changes and address issues raised by the Commission and members of the public.

On February 27, 2019, the Commission conducted a duly noticed public hearing on the SEA Ordinance and Conceptual SEA updates. Staff presented the changes and clarifications requested by the Commission on heritage trees, performance standards for mitigation trees, and cost estimates for additional staffing. Staff updated the Commission on meetings held with the public to further discuss concerns, such as exemptions for single-family residences in the Antelope Valley and CUP renewals. Seven members of the public testified at this hearing. The testimonies included support for the Conceptual SEA update, support and opposition for the Antelope Valley exemptions, and concerns regarding the open space preservation ratios. After hearing all testimony, the Commission closed the public hearing and recommended that the Board approve the SEA Ordinance update and Conceptual SEAs update.

#### Legal Requirements

A public hearing by the Board is required pursuant to Section 22.232.040 of the County Code and Section 65856 of the California Government Code. Required notice must be given pursuant to the procedures and requirements set forth in Section 22.222.120.B.2 of the County Code. These procedures exceed the minimum standards of Sections 6061, 65090, and 65856 of the California Government Code relating to notice of a public hearing.

### **ENVIRONMENTAL DOCUMENTATION**

An Addendum to the Certified Final EIR for the General Plan 2035 Update, adopted on October 6, 2015, was prepared for the Conceptual SEA update component of the Project in compliance with CEQA. The proposed Conceptual SEA amendment to the General Plan do not change any impacts of the General Plan and its implementation programs, which were analyzed within the Final 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 since there are no potential project impacts that would require revisions to the Certified Final EIR. The Addendum was not required to be circulated for public review per Section 15164 of CEQA. However, the Addendum was made available online for informational purposes on February 14, 2019, and the Final Certified General Plan EIR is available online for review at [planning.lacounty.gov/generalplan/eir](http://planning.lacounty.gov/generalplan/eir).

The SEA Ordinance update component of the Project qualifies for a Categorical Exemption (Class 8 Exemption, Actions by Regulatory Agencies for the Protection of the Environment) pursuant to CEQA Guidelines Section 15308. The SEA Ordinance update will reduce the environmental impacts to SEAs through the tailored review process and development standards by guiding ground and vegetation disturbance to avoid or minimize impacts to the SEAs.

### **IMPACT ON CURRENT SERVICES (OR PROJECTS)**

Approval of the Project will not significantly impact County services.

For further information, please contact Patricia Hachiya or Iris Chi at (213) 974-6461 or [phachya@planning.lacounty.gov](mailto:phachya@planning.lacounty.gov) or [ichi@planning.lacounty.gov](mailto:ichi@planning.lacounty.gov).

Respectfully submitted,



AMY J. BODEK, AICP  
Director of Regional Planning

AJB:PH:IC:ems

The Honorable Board of Supervisors  
May 28, 2019  
Page 8

**Attachments:**

- Project Summary
- Addendum to the Certified Final EIR for the General Plan Update
- Draft Plan Amendment Maps
- Draft SEA Ordinance (May 2019)
- Draft SEA Implementation Guide (May 2019)
- Summary of Regional Planning Commission Proceedings
- Regional Planning Commission Resolution
- Response to Comments received - 2/27/19 Hearing
- 1982 SEA Ordinance (for reference purposes)
- Regional Planning Commission Hearing Packages (9/26/18, 2/27/19)

c: Executive Office, Board of Supervisors  
Chief Executive Office  
County Counsel  
Fire

S\_AP\_052819\_BL\_SEA\_PROG\_UPDATE

**COUNTY OF LOS ANGELES  
DEPARTMENT OF REGIONAL PLANNING**

**PROJECT SUMMARY**

<b>PROJECT DESCRIPTION:</b>	Significant Ecological Areas (SEA) Program Update Project No. 2017-003725-(1-5)
<b>REQUEST:</b>	Adopt General Plan Amendment No. RPPL2018003985 and Advance Planning No. RPPL2017006228
<b>LOCATION:</b>	Countywide
<b>STAFF CONTACT:</b>	Iris Chi, AICP 213-974-6461
<b>RPC HEARING DATES:</b>	September 26, 2018; February 27, 2019
<b>RPC RECOMMENDATION:</b>	Approve SEA Program Update
<b>MEMBERS VOTING AYE:</b>	Commissioners Smith, Louie, Moon, Modugno
<b>MEMBERS VOTING NAY:</b>	None
<b>MEMBERS ABSENT:</b>	Shell
<b>MEMBERS ABSTAINING:</b>	None
<b>KEY ISSUES:</b>	Comprehensive update of SEA Ordinance and Final adoption of Conceptual SEA boundaries
<b>MAJOR POINTS FOR:</b>	Fulfillment of General Plan Implementation Program C/NR-2 requiring SEA Ordinance update  Improved review process with multi-tiered permit processes that encourage avoidance of impacts to natural habitats
<b>MAJOR POINTS AGAINST:</b>	More regulations required on private properties within the SEAs



**ADDENDUM TO THE  
CERTIFIED FINAL ENVIRONMENTAL IMPACT REPORT (EIR)  
FOR THE  
LOS ANGELES COUNTY GENERAL PLAN UPDATE  
STATE CLEARINGHOUSE NO. 2011081042**

The Los Angeles County General Plan Update (“General Plan”) was adopted by the Board of Supervisors on October 6, 2015. The General Plan provides the policy framework and establishes the long-range vision for how and where the unincorporated area will grow, and establishes goals, policies, and programs to foster healthy, livable, and sustainable communities.

The Conceptual SEAs Update is an amendment to the General Plan to remove all text references to “Conceptual SEAs” and amend the Significant Ecological Areas and Coastal Resource Areas Policy Map (Figure 9.3) to designate the Altadena Foothills and Arroyos and the Puente Hills “Conceptual SEAs” as official “SEAs” and subject to the SEA Ordinance.

Section 15164 of the California Environmental Quality Act authorizes Lead Agencies to prepare an Addendum to a previously Certified EIR if changes or additions to the document are necessary and none of the conditions described in Section 15162 are present.

Section 15162 of the CEQA guidelines states:

*(a) When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:*

*(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;*

*(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or*

*(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:*

*(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;*

*(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;*

*(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or*

*(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.*

*(b) If changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency shall prepare a subsequent EIR if required under subdivision (a). Otherwise the lead agency shall determine whether to prepare a subsequent negative declaration, an addendum, or no further documentation.*

*(c) Once a project has been approved, the lead agency's role in project approval is completed, unless further discretionary approval on that project is required. Information appearing after an approval does not require reopening of that approval. If after the project is approved, any of the conditions described in subdivision (a) occurs, a subsequent EIR or negative declaration shall only be prepared by the public agency which grants the next discretionary approval for the project, if any. In this situation no other responsible agency shall grant an approval for the project until the subsequent EIR has been certified or subsequent negative declaration adopted.*

*(d) A subsequent EIR or subsequent negative declaration shall be given the same notice and public review as required under Section 15087 or Section 15072. A subsequent EIR or negative declaration shall state where the previous document is available and can be reviewed.*

The Department of Regional Planning has determined that none of the conditions described in Section 15162 are present. No major revisions of the Certified EIR are required as no new significant environmental effects have been identified, nor has a substantial increase in the severity of previously identified significant effects been identified, nor have any substantial changes occurred with respect to the circumstances under which the project was undertaken.

The project does not propose to change the impacts previously analyzed within the Certified EIR. The proposed amendments to the General Plan are consistent

with the Certified EIR analyses. The Certified EIR did not make any specific mention of Conceptual SEAs or analyze the Conceptual SEAs in a different manner from the other SEAs. The Certified EIR fully analyzed the areas categorized as Conceptual SEAs as the Altadena Foothills and Arroyos and Puente Hills SEAs that was proposed in the General Plan Update. A Modified Environmental Checklist Form (Initial Study) was not created for this project nor was a subsequent EIR pursuant to Section 15162 prepared since there are no potential project impacts that would require revisions to the Certified Final EIR.

Therefore, an Addendum to the Certified Final EIR for the General Plan Update, adopted on October 6, 2015, was prepared in compliance with Section 15164 of the CEQA Guidelines. The Certified Final EIR for the General Plan Update can be found at <http://planning.lacounty.gov/generalplan/eir>.

Section 15164 of the CEQA Guidelines states:

*(a) The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.*

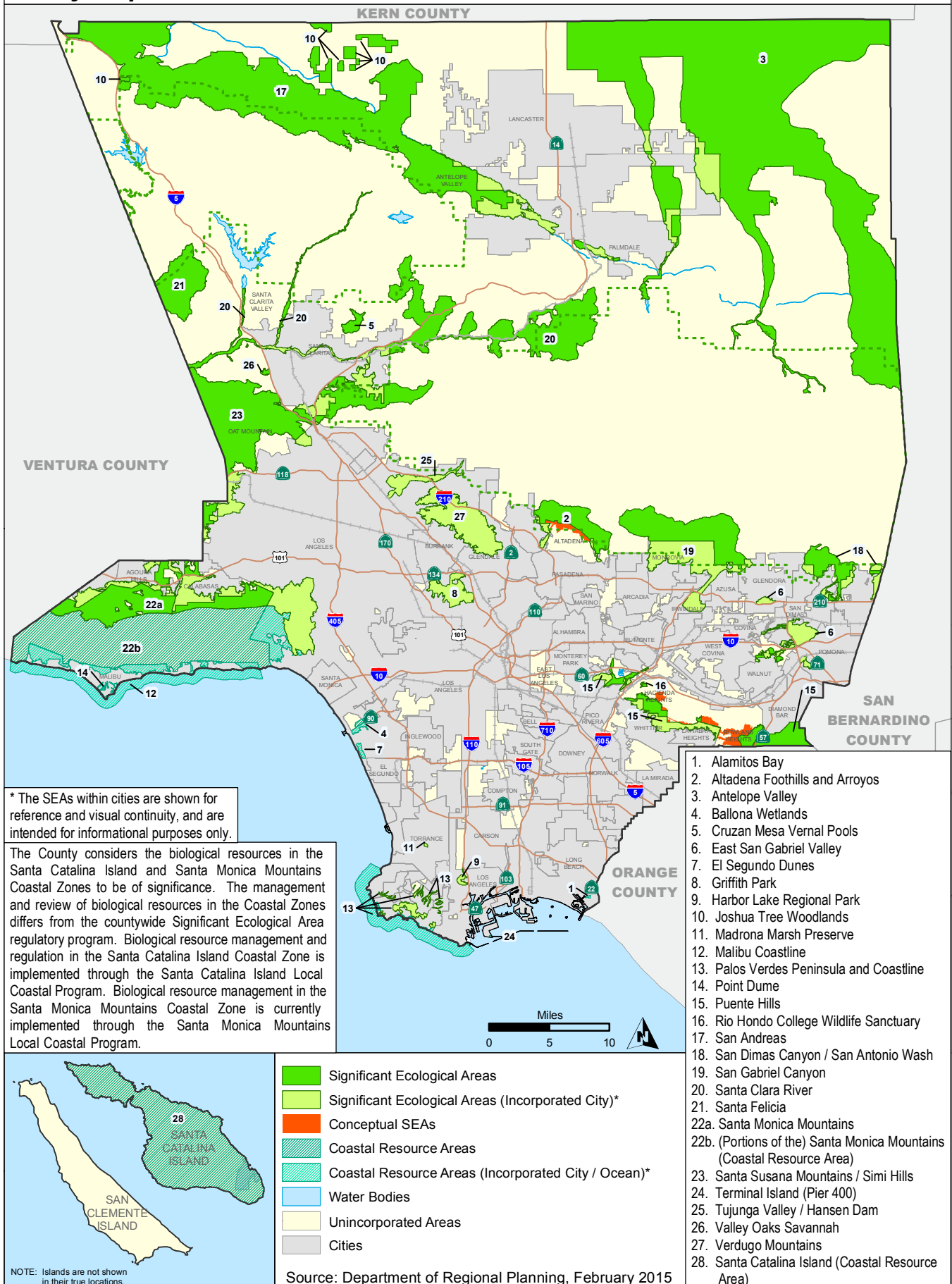
*(b) An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.*

*(c) An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration.*

*(d) The decision-making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project.*

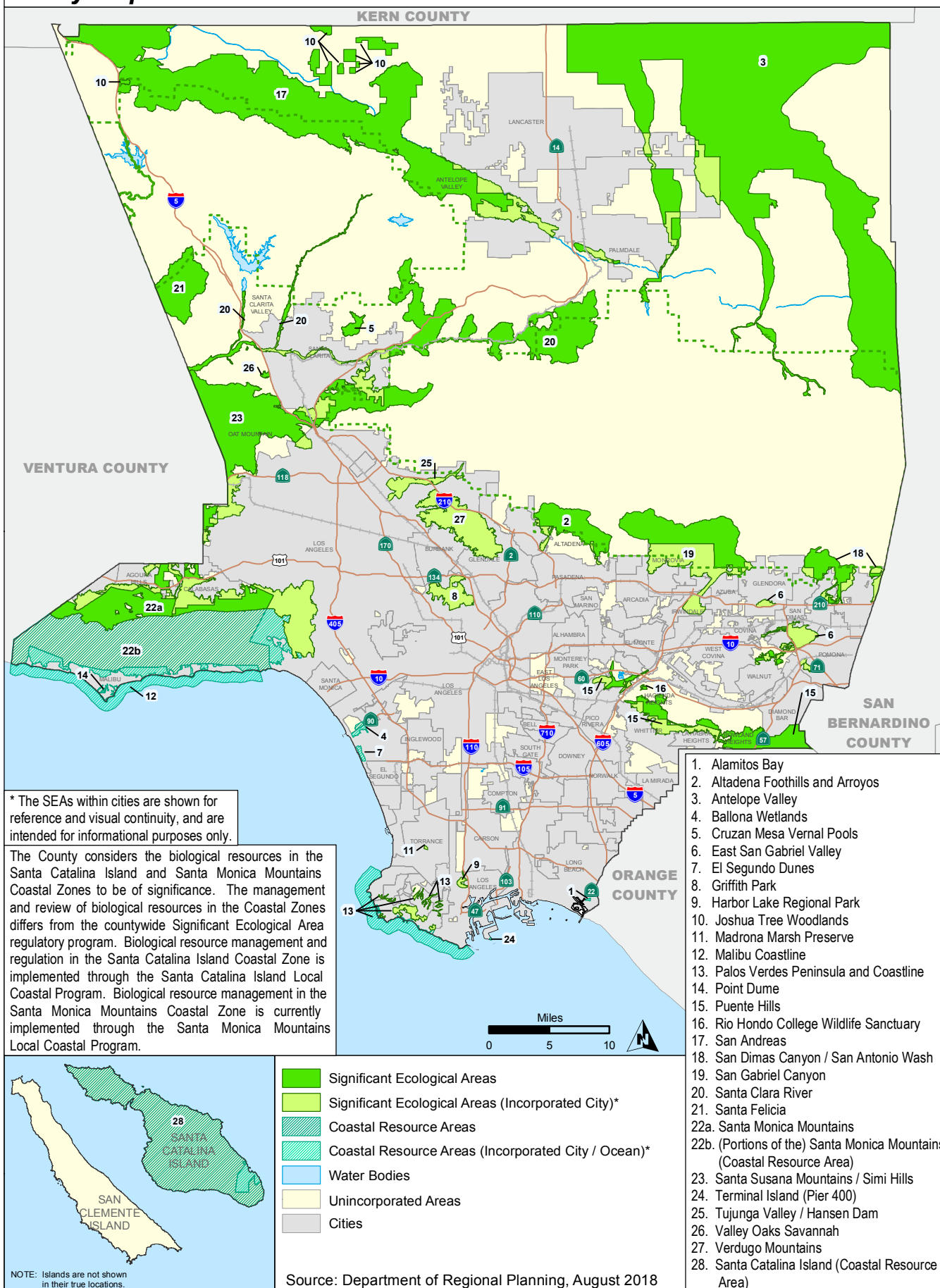
*(e) A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.*

**Figure 9.3**



# Significant Ecological Areas and Coastal Resource Areas Policy Map

**DRAFT**



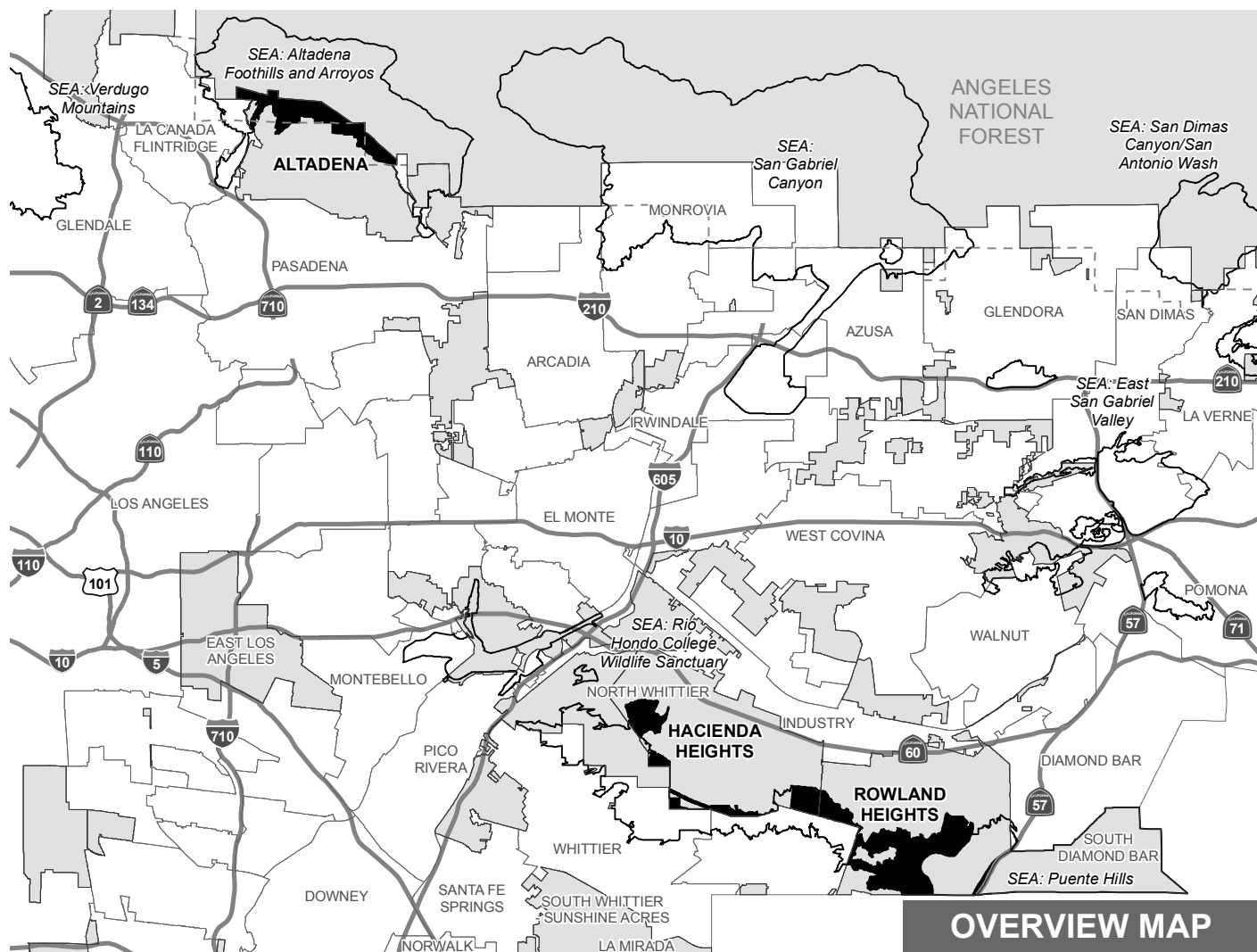
AMENDMENT TO COUNTYWIDE GENERAL PLAN  
ALTADENA, HACIENDA HEIGHTS AND ROWLAND HEIGHTS

**PLAN AMENDMENT: RPPL 2018003985**

ON: \_\_\_\_\_

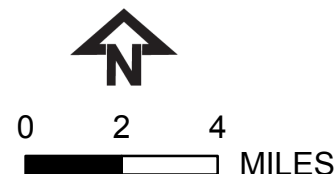
**CHANGE TO ADOPTED SIGNIFICANT ECOLOGICAL AREAS**

CHANGING CATEGORY FROM 'CONCEPTUAL SEA' TO  
'SIGNIFICANT ECOLOGICAL AREA'



**LEGEND**

- ANGELES NATIONAL FOREST
- SIGNIFICANT ECOLOGICAL AREAS
- CITY AND COMMUNITY BOUNDARIES
- PLAN AMENDMENT AREA (CONCEPTUAL SEA TO SEA)
- UNINCORPORATED AREA



**DIGITAL DESCRIPTION:** \ZCO\ZD\_ALTADENA\

THE REGIONAL PLANNING COMMISSION  
COUNTY OF LOS ANGELES  
DAVID W. LOUIE, CHAIR  
AMY J. BODEK, PLANNING DIRECTOR



# AMENDMENT TO COUNTYWIDE GENERAL PLAN

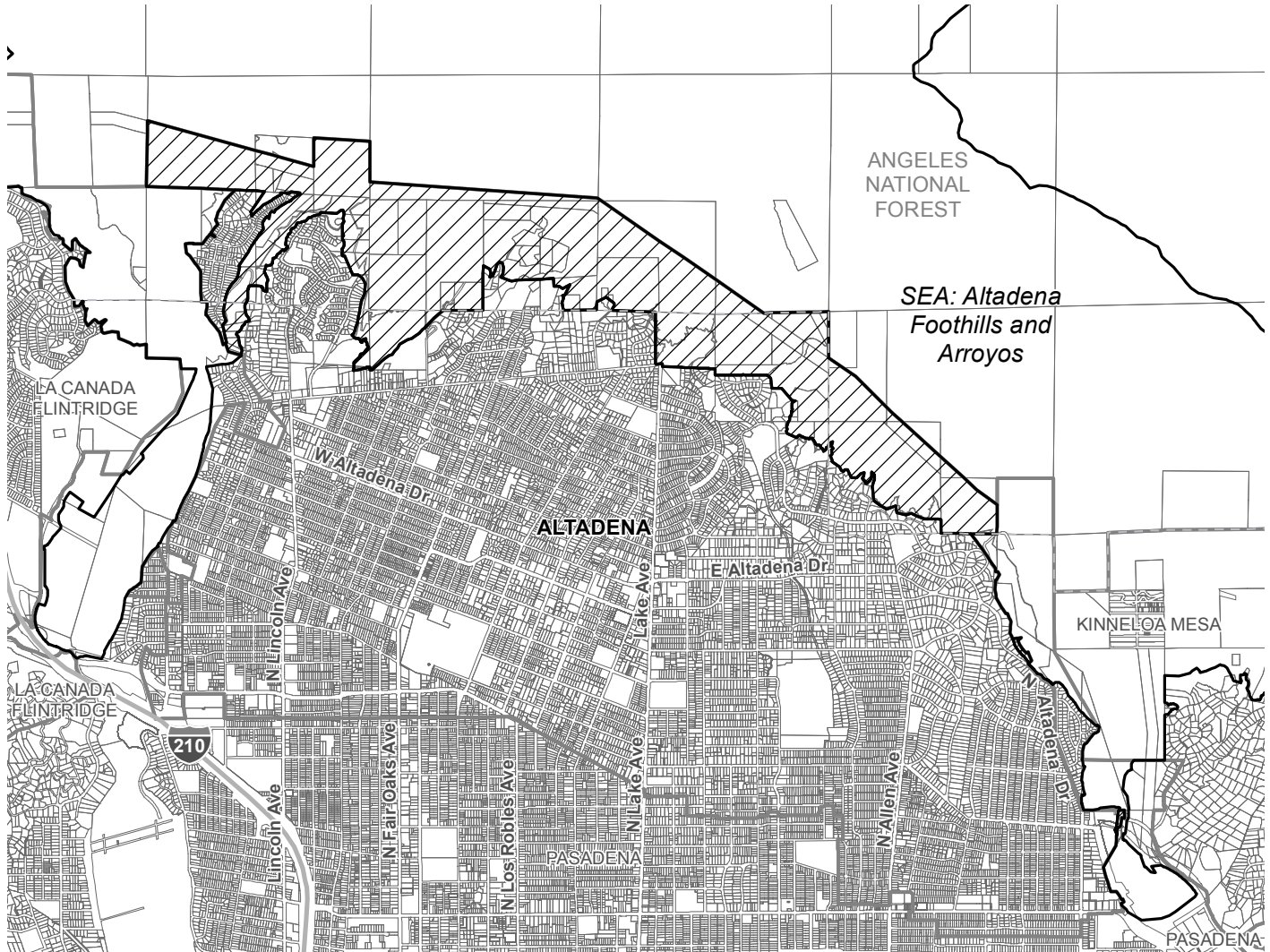
## ALTADENA COMMUNITY

### PLAN AMENDMENT: RPPL 2018003985






ON: \_\_\_\_\_

## CHANGE TO ADOPTED SIGNIFICANT ECOLOGICAL AREAS

CHANGING CATEGORY FROM 'CONCEPTUAL SEA' TO  
'SIGNIFICANT ECOLOGICAL AREA'



#### LEGEND:

-  PLAN AMENDMENT AREA (FROM CONCEPTUAL SEA TO SEA)
-  SIGNIFICANT ECOLOGICAL AREAS
-  ANGELES NATIONAL FOREST
-  CITY AND COMMUNITY BOUNDARIES
-  ASSESSOR PARCEL BOUNDARY



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DIGITAL DESCRIPTION: \ZCO\ZD\_ALTADENA\

THE REGIONAL PLANNING COMMISSION  
COUNTY OF LOS ANGELES  
DAVID W. LOUIE, CHAIR  
AMY J. BODEK, PLANNING DIRECTOR



# AMENDMENT TO COUNTYWIDE GENERAL PLAN

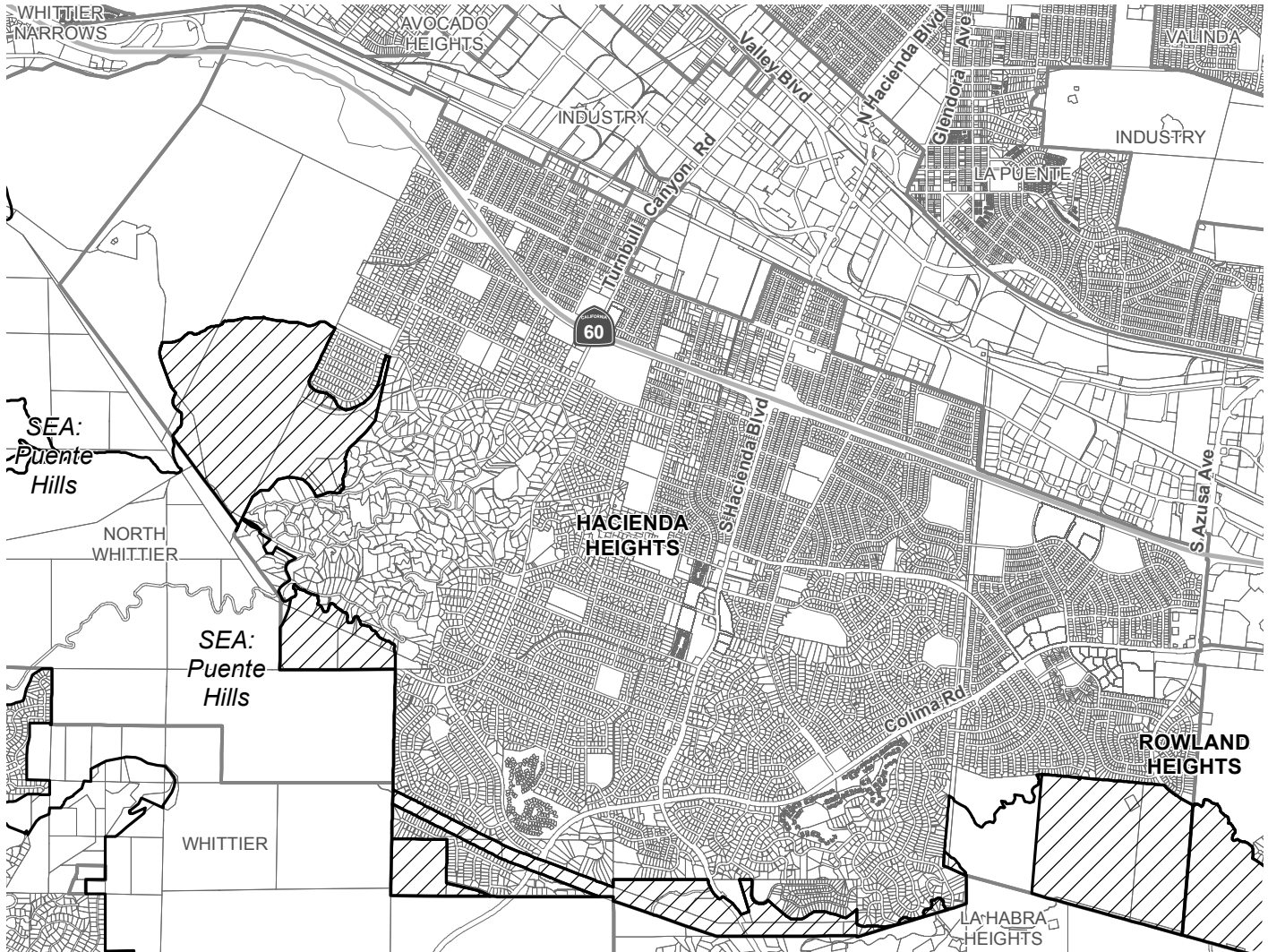
## HACIENDA HEIGHTS COMMUNITY

### PLAN AMENDMENT: RPPL 2018003985






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### CHANGE TO ADOPTED SIGNIFICANT ECOLOGICAL AREAS

CHANGING CATEGORY FROM 'CONCEPTUAL SEA' TO  
'SIGNIFICANT ECOLOGICAL AREA'



#### LEGEND:

-  PLAN AMENDMENT AREA (FROM CONCEPTUAL SEA TO SEA)
-  SIGNIFICANT ECOLOGICAL AREAS
-  ANGELES NATIONAL FOREST
-  CITY AND COMMUNITY BOUNDARIES
-  ASSESSOR PARCEL BOUNDARY



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THE REGIONAL PLANNING COMMISSION  
COUNTY OF LOS ANGELES  
DAVID W. LOUIE, CHAIR  
AMY J. BODEK, PLANNING DIRECTOR

AMENDMENT TO COUNTYWIDE GENERAL PLAN

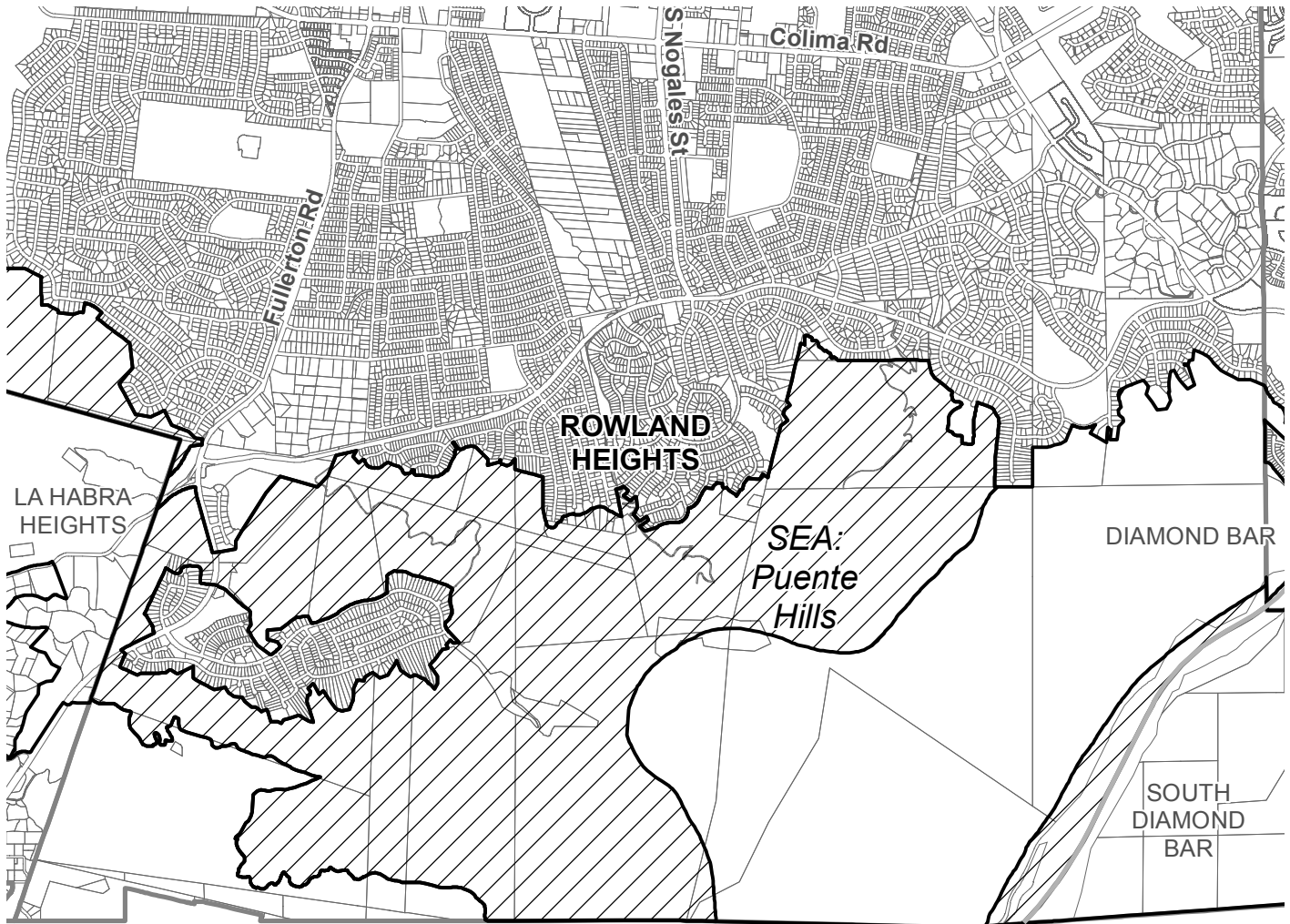
ROWLAND HEIGHTS COMMUNITY

**PLAN AMENDMENT: RPPL 2018003985**






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**CHANGE TO ADOPTED SIGNIFICANT ECOLOGICAL AREAS**

CHANGING CATEGORY FROM 'CONCEPTUAL SEA' TO  
'SIGNIFICANT ECOLOGICAL AREA'



**LEGEND:**

-  PLAN AMENDMENT AREA (FROM CONCEPTUAL SEA TO SEA)
-  SIGNIFICANT ECOLOGICAL AREAS
-  ANGELES NATIONAL FOREST
-  CITY AND COMMUNITY BOUNDARIES
-  ASSESSOR PARCEL BOUNDARY



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**DIGITAL DESCRIPTION:** \ZCO\ZD\_ALTADENA\

THE REGIONAL PLANNING COMMISSION  
COUNTY OF LOS ANGELES  
DAVID W. LOUIE, CHAIR  
AMY J. BODEK, PLANNING DIRECTOR

**ORDINANCE NO. \_\_\_\_\_**

An ordinance amending Title 22 – Planning and Zoning – of the Los Angeles County Code related to the update of regulations for Significant Ecological Areas and associated provisions.

**SECTION 1.** Division 2 - Definitions is hereby amended to read as follows:

...

-- **Significant eEcological aArea (SEA).** Land that is identified to hold important biological resources representing the wide-ranging biodiversity of the County, based on the criteria for SEA designation established by the General Plan and as defined mapped in the adopted SEA Policy Map. ~~A. Significant ecological areas/habitat management areas designated on the special management areas map of the general plan.~~

~~B. Environmentally sensitive habitat areas, sensitive environmental resource areas, and rare plant habitat areas, identified in the Santa Catalina Island Local Coastal Program depicting any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.~~

...

~~--“SEATAC” means the significant ecological areas technical advisory committee.~~

-- **Significant Ecological Areas Technical Advisory Committee (SEATAC).**  
An expert advisory committee, which assists the Department in their administration of Chapter 22.102 and provides recommendations regarding development within the designated Significant Ecological Areas.

...

**SECTION 2.** Chapter 22.102 is hereby deleted in its entirety.

...

**SECTION 3.** Chapter 22.102 is hereby added to read as follows:

## **SIGNIFICANT ECOLOGICAL AREAS**

### **SECTIONS:**

**22.102.010** Purpose

**22.102.020** Definitions

**22.102.030** Applicability

**22.102.040** Exemptions

**22.102.050** SEA Counseling

**22.102.060** Ministerial SEA Review

**22.102.070** Protected Tree Permit

**22.102.080** SEA Conditional Use Permit

**22.102.090** SEA Development Standards

**22.102.100** Natural Open Space Preservation

**22.102.110** Enforcement

**22.102.120** Fees

**22.102.130** Review Procedures for County Projects

**22.102.140** Review Procedures for Habitat Restoration Projects

**22.102.150** Significant Ecological Areas Technical Advisory Committee

### **22.102.010 Purpose.**

This Chapter establishes regulations to conserve the unique biological and physical diversity of the natural communities found within Significant Ecological Areas (SEA) by requiring development to be designed to avoid and minimize impacts to SEA Resources.



## ***Significant Ecological Areas Ordinance Update***

*BOS Public Hearing Draft (May 7, 2019)*

These requirements will help ensure the long-term survival of the SEAs and their connectivity to regional natural resources. This Chapter regulates development within SEAs by:

- A. Protecting the biodiversity, unique resources, and geological formations contained in SEAs from incompatible development, as specified in the Conservation and Natural Resources Element of the General Plan;
- B. Ensuring that projects reduce the effects of habitat fragmentation and edge effects by providing additional technical review of existing resources, potential impacts, and required mitigations;
- C. Ensuring that development within a SEA conserves biological diversity, habitat quality, and connectivity to sustain species populations and their ecosystem functions into the future; and
- D. Directing development to be designed in a manner, which considers and avoids impacts to SEA resources within the Los Angeles County region.

### **22.102.020 Definitions.**

For purposes of this Chapter, the following definitions apply:

- A. **Biological Constraints Analysis (BCA).** A report, prepared by a qualified biologist listed in the Significant Ecological Areas Technical Advisory Committee (SEATAC) Certified Biologist List maintained by the Department, which assesses the biological resources on a project site and in the surrounding area. A comprehensive list of what shall be included in the BCA is found in the BCA Checklist to be maintained by the Department.
- B. **Biological Constraints Map (BCM).** A map of the project site prepared by a qualified biologist listed in the SEATAC Certified Biologist List maintained by the Department, which identifies all SEA Resources, as defined within this Chapter. A

***Significant Ecological Areas Ordinance Update***

*BOS Public Hearing Draft (May 7, 2019)*

- comprehensive list of what shall be included in the BCM is found in the BCM Checklist to be maintained by the Department.
- C. **Biota Report.** A report prepared by a qualified biologist listed in the SEATAC Certified Biologist List maintained by the Department that addresses project impacts on the biological resources identified in the BCM and/or BCA and outlines proposed mitigation strategies. A comprehensive list of what shall be included in the Biota Report is found in the Biota Report Checklist to be maintained by the Department.
- D. **Conservation easement.** A recorded legal agreement between a landowner and an accredited land trust or government agency in which the land owner places restrictions to permanently limit uses of the land in order to protect its conservation values and the accredited land trust or government agency monitors and enforces the restrictions.
- E. **Conservation or mitigation bank.** Permanently protected lands that are conserved and permanently managed for specific natural resource values, for which a specified number of habitat or species credits may be sold to project developers to offset adverse impacts from their projects.
- F. **Conservation in-lieu fee.** A fee that is provided by a project developer to a mitigation sponsor, such as a natural resource management entity, in lieu of providing required compensatory mitigation, which the mitigation sponsor may pool with other in-lieu fees to create one or more sites to compensate for the resource functions lost as a result of the development.
- G. **County Biologist.** A biologist employed by, or under contract to, the Department.
- H. **Deed restriction.** A land use restriction that is added to the deed of a property through recordation with the Registrar-Recorder/County Clerk that restricts the use of the property.

***Significant Ecological Areas Ordinance Update***

*BOS Public Hearing Draft (May 7, 2019)*

**I. Development.** Any of the following activities within a SEA:

1. Alteration to existing vegetation, including but not limited to vegetation removal for fuel modification, landscaping, or active recreational activities;
2. Alteration to topography, including excavation, drilling, blasting, dredging, tillage and discing, earthwork, and rough or precise grading of any amount, such as cut, fill, or combination thereof;
3. Construction, placement, repair, expansion, or demolition of any access road, driveway, street or highway, including all associated construction staging;
4. Construction, placement, modification, expansion, or demolition of any infrastructure, including but not limited to, water and sewerage lines, drainage facilities, telephone lines, and electrical power transmission and distribution lines, including all associated construction staging;
5. Construction, placement, modification, expansion, or demolition of any structure, including all associated construction staging;
6. Fenced areas used for livestock or companion animals including riding rings, kennels, paddocks, and grazing lands, or for security reasons/purposes;
7. Land divisions, except for projects with all development rights dedicated to the County, to another public agency that manages conserved natural land, or to an accredited land trust; and
8. Construction, placement, modification, expansion, or demolition of trails (biking, hiking, equestrian, etc.).
9. Change or intensification of use.

**J. Development footprint.** The area of disturbance for development, both temporary and permanent, including but not limited to, all structures, driveways and access, fuel modification areas, and direct habitat disturbances associated with the development.



**Significant Ecological Areas Ordinance Update**

*BOS Public Hearing Draft (May 7, 2019)*

1. **Building site area.** The portion of the development footprint that is or will be developed, including building pad and all graded slopes, all structures, decks, patios, impervious surfaces, and parking areas. For the purpose of limiting the building site area to 20,000 square feet per Subsection 22.102.060.A (Review Procedures), the following development associated with the primary use may be excluded from the total building site area calculation:
  - a. The area of one access driveway or roadway that does not exceed 20 feet in width and 300 feet in length, and is the minimum design necessary, as required by the Fire Department;
  - b. The area of one turn-around not located within the approved building pad, and is the minimum design necessary to ensure safety and comply with Fire Department requirements;
  - c. Graded slopes exclusively associated with the access driveway or roadway and safety turnaround indicated above; and
  - d. Fuel modification area required by the Fire Department.
- K. **Ecosystem.** A biological community of interacting organisms and their physical environment.
- L. **Ecosystem function.** The natural processes (chemical, biological, geochemical, and physical), that take place within an ecosystem and contribute to its self-maintenance.
- M. **Ecosystem service.** The results of ecosystem functions which provide a benefit to the natural environment and humans. Examples of ecosystem services include air pollution reduction, maintenance and/or improvement of water quality, temperature moderation, fertile soil, and scenic views.
- N. **Edge effects.** The effects of development on adjacent natural areas due to introduction of structures, non-native and/or non-local plants, and animals. Structures

## ***Significant Ecological Areas Ordinance Update***

*BOS Public Hearing Draft (May 7, 2019)*

change the microclimate or constitute barriers to movement. Introduced species displace native species or interact with natural processes and change conditions so that the native species are no longer well-adapted to the altered environment.

- O. **Encroachment.** An intrusion, disturbance, or construction activity within the protected zone of a tree.
- P. **Exploratory testing.** Any excavation for the purpose of evaluating soil and/or hydrologic conditions, or geologic hazards. This includes exploratory test holes for water wells, percolation testing for on-site wastewater treatment systems, the access road to the test site, and any other activity associated with evaluating a site for development.
- Q. **Fragmentation.** The process by which a landscape is broken into small islands of natural habitat within a mosaic of other forms of land use or ownership.
- R. **Fuel modification.** The process of providing a defensible space for fire suppression forces and protection of structures from radiant and convective heat through project design and the reduction of fuel loads. A Fire Department-approved Fuel Modification Plan is required for all new structures and additions to existing structures that are equal to or greater than 50% of the existing square footage located in the Very High Fire Hazard Severity Zone. A Fuel Modification Plan typically consists of the following zones:
  - 1. **Zone A.** The Setback Zone requires clearing of all vegetation except for irrigated ground cover, lawn, adequately-spaced low-growing plant species, or hardscape.
  - 2. **Zone B.** The Irrigated Zone requires an irrigated landscape or thinning of native vegetation and removal of plant species constituting high-fire risk.
  - 3. **Zone C.** The Thinning Zone requires thinning the density of existing native vegetation to reduce the amount of fuel and slow the rate of fire spread, slow

flame lengths, and reduce the intensity of fire before it reaches the irrigated zones.

- S. **Geological features.** Landform and physical features, such as beaches, dunes, rock outcrops, and rocklands, formed through natural geological processes.
- T. **Landscaping.** Any activity that modifies the visible features of an area of land through alteration of natural elements, such as altering the contours of the ground or planting trees, shrubs, grasses, flowers, and other plants.
- U. **Land trust.** A non-profit organization that actively works to conserve land by undertaking or assisting in land or conservation easement acquisition, and is responsible to ensure the applicable preservation mechanisms required by this Chapter for lands received and terms of the conservation easement are upheld through stewardship activities.
- V. **Large Lot Parcel Map.** A map with parcels between 20 and 40 acres in size with no improvements, and with required access to a public street or highway; or parcels with minimum 40 acres or more with no improvements, and not required to have access to a public street or highway.
- W. **Linkage.** An area of land that possesses sufficient cover, food, forage, water, and other essential elements to serve as a movement pathway for species between two or more areas of habitat.
- X. **Natural community.** A distinctive assemblage of plant species that live together and are linked by their effects on one another and their environment, and which present a characteristic appearance based on size, shape, and spacing that is reflective of the effects of local climate, soil, water, disturbance, and other environmental factors.
- Y. **Natural open space.** Lands preserved in their natural, undeveloped condition.

***Significant Ecological Areas Ordinance Update***

*BOS Public Hearing Draft (May 7, 2019)*

- Z. **Previously disturbed farmland.** Farmland not grazed by domestic stock identified within the State of California Farmland Mapping and Monitoring Program or proved to have been used for agricultural production at some time during the past four years to the satisfaction of the Director.
- AA. **Priority Biological Resource.** SEA Resource Categories 1, 2, and/or 3.
- BB. **Protected zone.** The area within the dripline of a tree and extending therefrom to a point at least five feet outside the dripline, or 15 feet from the trunk, whichever is greater.
- CC. **Restoration Plan.** A plan that delineates the process of habitat restoration in order to return the habitat to a close resemblance of its condition prior to disturbance. A Restoration Plan shall be prepared by a biologist or restoration ecologist, and includes the following:
1. Description and map of the area proposed to be restored or enhanced;
  2. Description of restoration or enhancement activities, including incidental activities, and their timeline;
  3. An inventory of SEA Resources onsite, including an evaluation of existing and pre-disturbance habitat quality;
  4. Statement of restoration goals and performance standards;
  5. Revegetation and restoration methodologies to be implemented; and
  6. Maintenance and monitoring provisions, including a monitoring period of no less than five years for individual restoration projects.
- DD. **SEA Protected Trees.** Native trees listed in the SEA Protected Tree List maintained by the Department are protected under the provisions of this Chapter, as described below:

## ***Significant Ecological Areas Ordinance Update***

*BOS Public Hearing Draft (May 7, 2019)*

1. Any listed native tree with a trunk diameter that meets or exceeds the diameter listed in the SEA Protected Tree List maintained by the Department, as measured 54 inches above natural grade.
  2. Any listed native tree with two or more trunks that measure a total of at least 8 inches in diameter, as measured 54 inches above natural grade.
  3. ***Heritage Tree.*** Any listed native tree with a trunk diameter that measures 36 inches or more in a single trunk or two trunks that measures a total of 54 inches or more in diameter. Exceptions to this are Joshua and juniper trees; heritage trees of those species have a height of 20 feet or a canopy spread of 35 feet, respectively. A Heritage Tree is considered irreplaceable because of the tree's rarity, distinctive features (e.g. size, form, shape, color), or prominent location within a community or landscape.
- EE. **SEA Resource.** Biological and physical natural resources that contribute to and support the biodiversity of SEAs and the ecosystem services they provide. SEA Resources include the species listed below within the five SEA Resource categories. SEA Resources are generally ranked based on rarity, sensitivity, and level of protection as it relates to the SEAs.
1. ***SEA Resource Category 1.*** Includes natural communities accepted by California Department of Fish and Wildlife (CDFW) and ranked G1 or S1 by CDFW, or utilizing NatureServe's Conservation Status Assessment methodology for unranked communities; plant species categorized by the California Native Plant Society (CNPS) as California Rare Plant Rank (RPR) 1A, 1B, 2A, 2B, or 3; plant and animal species formally listed or proposed for listing under the State and/or Federal Endangered Species Acts and habitat occupied by any such species; and water resources as defined by this Chapter.

2. **SEA Resource Category 2.** Includes natural communities accepted by CDFW and ranked G2 or S2 by CDFW, or utilizing NatureServe's Conservation Status Assessment methodology for unranked communities; animals listed by CDFW as Species of Special Concern and habitat occupied by any such species.
  3. **SEA Resource Category 3.** Includes natural communities accepted by CDFW and ranked G3 or S3 by CDFW, or utilizing NatureServe's Conservation Status Assessment methodology for unranked communities; oak woodlands as defined by the Los Angeles County Oak Woodland Conservation Management Plan; and any biological or physical natural resource identified in the Sensitive Local Native Resources list maintained by the Department.
  4. **SEA Resource Category 4.** Includes natural communities accepted by CDFW and ranked G4, S4, G5 or S5 by CDFW, or utilizing NatureServe's Conservation Status Assessment methodology for unranked communities; plant species categorized by CNPS as RPR 4; and habitat occupied by annual or herbaceous RPR 4 plant species.
  5. **SEA Resource Category 5.** Includes disturbed, early successional, or isolated resource elements, such as plant communities dominated by non-native species, agricultural fields, hedges, and non-native trees, which continue to provide habitat and movement opportunities for wildlife, buffers between development and wildlands, and ecosystem functions valuable to the resilience of the SEAs.
- FF. **Sensitive Local Native Resources.** Species identified by the Department to be rare or uncommon in the County or within a specific SEA, due to, but not limited to, being at the outer limits of their known range, having declining populations in the region, occurring in naturally small populations, being dependent on habitat that is declining in size and quality, having few records within the region, or having

**Significant Ecological Areas Ordinance Update**

*BOS Public Hearing Draft (May 7, 2019)*

- historically been abundant in the region but for which there are no recent records. A list of Sensitive Local Native Resources is maintained by the Department.
- GG. **Stream.** Stream is a physical feature that at least periodically conveys water through a channel or linear topographical depression, defined by the presence of hydrological and vegetative indicators.
- HH. **Trim or prune.** The cutting of or removal of any limbs, branches, or roots of trees.
- II. **Vegetation.** Ground cover that includes trees, shrubs, bushes, grasses, wildflowers, and other plant life.
- JJ. **Water resources.** Sources of permanent or intermittent surface water, including, but not limited to, lakes, reservoirs, ponds, rivers, streams, marshes, seeps, springs, vernal pools, and playas.
- KK. **Wetland.** Wetland is an area of land that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, with delineations following guidelines defined in the USFW Classification of Wetlands and Deepwater Habitats of the United States (Cowardin, 1979).
- LL. **Wildlife.** All animal life, including mammals, birds, reptiles, amphibians, fish, and invertebrates.
- MM. **Wildlife corridor.** An area of open space with sufficient width to permit larger, mobile species (such as, but not limited to, foxes, bobcats, and coyotes) to pass between or disperse from one major area of open space or region to another.
- NN. **Wildlife-permeable fencing.** A fence, wall, or gate that can be easily bypassed by all species of wildlife found within SEAs (such as, but not limited to, deer, coyotes, bobcats, mountain lions, rodents, amphibians, reptiles, and birds).



**22.102.030 Applicability**

- A. Applications submitted on or after the effective date of this ordinance are subject to the regulations herein. Pending projects with a complete application prior to the date of applicability for this Chapter may choose to comply with the SEA Ordinance applicable at the time of a complete application submittal or the amended SEA regulations ~~made effective through this ordinance amending~~ herein this Chapter.
- B. This Chapter applies to all activities that meet the definition of development herein where occurring within all areas designated as SEA in the General Plan and related maps ~~as SEAs~~.
- C. Where a provision of the zone, supplemental district, or anywhere else in this Title 22 regulates the same matter as this Chapter, whichever provision is more protective of biological resources shall apply.
- D. Until such time as the Santa Catalina Island Local Coastal Program (LCP) is amended, development within SEAs as mapped in the LCP shall be regulated by the version of the SEA Ordinance in effect at the time of certification of the LCP.
- E. Until such time as the Santa Monica Mountains North Area Community Standards District (SMMNA CSD) is amended, development occurring within SEAs in the boundaries of the Santa Monica Mountains North Area Plan shall be regulated by the version of the SEA Ordinance in effect at the time of the adoption of the Los Angeles County General Plan 2035.

**22.102.040 Exemptions**

The following developments are exempt from the regulations of this Chapter. Development that does not qualify for any of the exemptions listed below is subject to the regulations of this Chapter.

- A. Within the boundaries of the Antelope Valley Area Plan:

***Significant Ecological Areas Ordinance Update***

*BOS Public Hearing Draft (May 7, 2019)*

1. Construction of a new single-family residence, regardless of size;
  2. Improvements accessory to a single-family residence, regardless of size:
    - a. Additions to an existing single-family residence;
    - b. Landscaping;
    - c. New accessory structures;
    - d. Additions to existing accessory structures; and
    - e. New or expanded animal keeping areas and facilities.
  3. Agricultural uses on all previously disturbed farmland as defined by Section 22.102.020 (Definitions).
- B. All areas outside the boundaries of the Antelope Valley Area Plan:
1. Additions or modifications to existing single-family residences, associated accessory structures, or animal keeping areas/structures, as long as such addition or modification does not increase the total building site area to more than 20,000 square feet or encroach into more than 10 percent of the dripline for up to four SEA Protected Trees.
  2. A maximum of one accessory animal keeping structure less than 120 square feet. Such structure shall be located no more than 100 feet from the primary use.
- C. Maintenance, minor additions or changes to existing legally established development, if:
1. Maintenance, additions, or changes do not expand the previously approved development footprint; or
  2. Maintenance, additions, or changes are operating under a valid use permit and found to be in substantial compliance with such permit.
- D. Development requiring renewal of previously approved discretionary permits, if:
1. The previously approved development footprint is not expanded; and
  2. Impacts to biological resources were reviewed under the prior permit.

***Significant Ecological Areas Ordinance Update***

*BOS Public Hearing Draft (May 7, 2019)*

- E. Renewal of previously approved discretionary permits located within the adopted expanded SEA boundaries, if:
  - 1. The previously approved development footprint is not expanded; and
  - 2. Impacts to biological resources were reviewed under the prior permit.
- F. Any development regulated by an adopted Specific Plan, provided that such development complies with the applicable provisions of the Specific Plan and can demonstrate that the development received adequate review of biological resources and impacts to them.
- G. The rebuilding and replacement of legally built structures which have been damaged or partially destroyed and will not increase the previously existing development footprint.
- H. Land divisions for the purposes of the California Land Conservation Act of 1965 commonly referred to as the Williamson Act.
- I. Legally required fuel modification and brush clearance activities with the exception of tilling and discing, as approved by the Fire Department, associated with existing legal structures for the purpose of fire protection.
- J. Periodic reviews established in Section 22.190.080 (Reclamation Plan) for previously approved surface mining permits and reclamation plans authorized to operate under Chapter 22.190 (Surface Mining Permits) provided that such periodic review is conducted during the life of that grant, does not include proposed changes that would result in expanded development, and is consistent with valid permits.
- K. Development activity necessary for the repair or maintenance of existing legally established driveways, streets, and highways, provided that and will it does not increase the existing development footprint or impact drainages or streams.

***Significant Ecological Areas Ordinance Update***

*BOS Public Hearing Draft (May 7, 2019)*

- L. Development where the only impact to SEA Resources involves trees planted as required per Titles 21 and 22, Low Impact Development per Title 12, or Green Building requirements per Title 31.
- M. Emergency removal of any tree listed on the SEA Protected Tree List maintained by the Department, due to a hazardous or dangerous condition, or being irretrievably damaged or destroyed through flood, fire, wind, lightning, drought, pests, or disease, as determined after visual inspection by a Forester with the Fire Department in consultation with a County Biologist.
- N. Tree maintenance, limited to removal of dead wood and pruning of branches not to exceed two inches in diameter and 25 percent of live foliage within a two-year period, intended to ensure the continued health of a SEA Protected Tree, in accordance with guidelines published by the National Arborists Association. Should excessive maintenance, trimming, or pruning adversely affect the health of the tree, as determined by the County Biologist or Forester with the Fire Department, a Protected Tree Permit per Section 22.102.070 (Protected Tree Permit) or SEA Conditional Use Permit (SEA CUP) per Section 22.102.080 (SEA Conditional Use Permit) may be required.
- O. Emergency or routine maintenance by a public utility necessary to protect or maintain essential components of an existing utility or transmission system.
- P. Introduction of trees which qualify for protection under the definition of SEA Protected Tree, but which can be demonstrated to have been planted by a person for the purposes of affecting the architecture, climate, or aesthetics of a given place and are, therefore, considered landscape features, or subsequent removal or other alteration of only those trees that qualify as introduced. Removal or other alteration of an introduced tree shall require documentation of the introduction. Trees planted as mitigation do not qualify as introduced.

**22.102.050 SEA Counseling**

Prior to the submittal of an application for activities involving development within a SEA, a preliminary review of proposed development activities and consideration of the associated impacts on SEA Resources shall occur through a SEA Counseling meeting, unless waived at the discretion of the Director.

A. **Application Materials.** The applicant shall submit the following:

1. SEA Counseling Application and applicable fees;
2. Biological Constraints Map (BCM); and
3. Conceptual Project Design.

B. **Recommendation.** The Director shall recommend at the SEA Counseling meeting one of the following:

1. The conceptual project demonstrates the ability to comply with Section 22.102.090 (SEA Development Standards), and only a Ministerial SEA Review shall be required per Section 22.102.060 (Ministerial SEA Review);
2. The conceptual project demonstrates the ability to comply with Section 22.102.090 (SEA Development Standards) with the exception of Subsection 22.102.090.B (SEA Protected Trees), and a Ministerial SEA Review and Protected Tree Permit shall be required per Sections 22.102.060 (Ministerial SEA Review) and 22.102.070 (Protected Tree Permit); or
3. The conceptual project does not demonstrate the ability to comply with Section 22.102.090 (SEA Development Standards), and a SEA CUP shall be required per Section 22.102.080 (SEA Conditional Use Permit).

**22.102.060 Ministerial SEA Review**

A. **Review Procedures.** The Ministerial SEA Review shall be a biological review, conducted by the County Biologist, to accompany the review process for the use permit required by the underlying zone and other provisions of this Title 22. If the development does not require a use permit, the Ministerial SEA Review shall ~~be processed as~~ consist of a biological review and a Site Plan (Type ~~H~~ I) Review. A Ministerial SEA Review shall be required for any development to determine compliance with the following:

1. The total building site area shall be no more than 20,000 square feet;
2. Development is consistent with Section 22.102.090 (SEA Development Standards); and
3. Natural open space preservation is provided in compliance with Section 22.102.100 (Natural Open Space Preservation).

B. **Application Materials.** In addition to the required application materials for the appropriate use permit, the following materials shall be submitted for the Ministerial SEA Review:

1. **Site Plan.** A site plan identifying:
  - a. All proposed development, including on-site and off-site ground-disturbing activity and vegetation removal;
  - b. Grading activity location, description, and quantities identified by cut, fill, import, natural grade, export and, when applicable, remedial and over-excavation is required;
  - c. Areas to be re-vegetated or restored, including a plant identification list with the botanical and common names of all planting materials;
  - d. Location and square footage of decorative landscaping or crops, including proposed groundcover areas, shrub mass, and existing and proposed tree

locations, for all common or open space areas not left in a natural state. Plant identification lists shall include botanical and common names of all planting materials; and

- e. On-site natural open space preservation, as applicable.
- 2. A Biological Constraints Map (BCM).
- 3. Natural Open Space Recordation documentation per Section 22.102.100 (Natural Open Space Preservation) with an attached exhibit identifying the required preserved natural open space area.

**C. Additional Review.**

- 1. **Site Visit.** A site visit by the County Biologist may be deemed necessary by the Director to adequately determine compliance with Sections 22.102.090 (SEA Development Standards) and 22.102.100 (Natural Open Space Preservation).

**22.102.070 Protected Tree Permit**

Trees serve a significant role in the SEAs by providing habitat and ecosystem services. The intent of the following tree protection regulations is to encourage the responsible management of trees in the SEAs.

**A. Permit Required.** A Protected Tree Permit shall be required for development that complies with Section 22.102.090 (SEA Development Standards) with the exception of Subsection 22.102.090.B (SEA Protected Trees), and which includes any of the following impacts:

- 1. Pruning or trimming of branches of SEA Protected Trees in excess of two inches in diameter or 25 percent of live foliage for one or more trees;
- 2. Encroachments of up to 30 percent into a SEA Protected Tree's protected zone. Any encroachment of more than 30 percent into the protected zone of a tree shall be considered as a tree removal as described in Subsection A.3 below; or

***Significant Ecological Areas Ordinance Update***

*BOS Public Hearing Draft (May 7, 2019)*

3. Removal of up to two SEA Protected Trees that are not designated as Heritage Trees.
  4. Tree relocation poses significant risk to the health or survival rate of a tree. Any relocation of a SEA Protected Tree shall therefore be processed as a removal as described in Subsection A.3 above.
- B. A SEA CUP shall be required per Section 22.102.080 (SEA Conditional Use Permit) for the following impacts:
1. Removal of more than two SEA Protected Trees; or
  2. Removal of any SEA Protected Tree designated as a Heritage Tree.
- C. **Application Materials.** The following materials shall be submitted for the Protected Tree Permit:
1. Application materials for Type II Review;
  2. Protected Tree Report prepared by an arborist or a resource specialist shall include the following:
    - a. Associated tree survey map;
    - b. Descriptions and locations of all existing SEA Protected Trees on the subject property and impacted SEA Protected Tree(s) adjacent to the subject property;
    - c. Existing health and potential impacts of development of each SEA Protected Tree;
    - d. Identification of all proposed SEA Protected Tree removals and encroachments; and
    - e. Recommendations for avoiding, minimizing, and/or mitigating SEA Protected Tree impacts.
  3. Oak tree species may require additional application materials as stated in Chapter 22.174 (Oak Tree Permits).



**D. Burden of Proof.** In addition to the materials required per Subsection 22.102.070.BC (Application Materials), the application shall substantiate to the satisfaction of the Commission or Hearing Officer the following facts:

1. That any proposed construction will be accomplished without endangering the health of the remaining SEA Protected Tree(s), if any, on the property; and
2. That the removal or encroachment of the SEA Protected Tree(s) proposed will not result in soil erosion through the diversion or increased flow of surface waters that cannot be satisfactorily mitigated.

**E. Findings.** A Protected Tree Permit may be approved only if the action proposed will not be contrary to or be in substantial conflict with the intent and purpose of the Protected Tree Permit procedures and the following findings are made:

1. That the proposed impacts to SEA Protected Tree(s) will be mitigated in compliance with Subsection 22.102.070.F (Mitigation); and
2. One or more of the findings below:
  - a. That the required action is necessary to allow reasonable economic or other enjoyment of the property and there is no other feasible design alternative that would avoid impact to the SEA Protected Tree(s); or
  - b. That the SEA Protected Tree(s) proposed for removal, encroachment, or pruning interferes with utility services or streets and highways, either within or outside of the subject property, and no reasonable alternative to such interference exists other than removal of the SEA Protected Tree(s); or
  - c. That the condition of the SEA Protected Tree(s) proposed for removal, encroachment, or pruning due to disease, danger, or falling is such that it cannot be remedied through reasonable preservation practices.

**F. Mitigation.**

1. **Mitigation Ratios.** Impacts to SEA Protected Trees shall be mitigated per the mitigation ratios in Table 22.102.070-A.

<b>TABLE 22.102.070-A: MITIGATION RATIOS FOR PROTECTED TREE PERMIT</b>	
<b>Impact</b>	<b>Mitigation Requirements</b>
Pruning of branches larger than two inches in diameter or in excess of 25 percent of live foliage	Monitoring per Subsection <a href="#">EE.2</a>
Up to 30 percent encroachment into protected zones	Monitoring per Subsection <a href="#">EE.3</a>
Removal of trees not designated as Heritage Trees	2:1 Replacement Ratio and Monitoring per Subsection <a href="#">EE.4</a>
Removal of Heritage Tree	SEA CUP required

2. Where pruning or trimming of SEA Protected Trees exceeds 25 percent of live foliage or involves cutting of branches greater than two inches in diameter, each affected tree shall be monitored for a period of not less than seven years, with monitoring visits conducted by the County Biologist or Forester with the Fire Department occurring in years two, four, and seven. Should any of these trees be lost or suffer unacceptable decline of health or vigor as a result of the pruning, the applicant shall mitigate the impacts at a 2:1 replacement ratio per Subsection [EE.4](#) below.
3. Where development encroaches up to 30 percent of the protected zone of SEA Protected Trees, each affected tree shall be monitored for a period of not less than seven years, with monitoring visits conducted by the County Biologist or Forester with the Fire Department occurring in years two, four, and seven. Should any of these trees be lost or suffer unacceptable decline of health or vigor as a result of the proposed development, the applicant shall mitigate the impacts at a 2:1 replacement ratio per Subsection [EE.4](#) below.

4. Required replacement trees shall consist exclusively of native trees of the same species being removed, and shall be in the ratio required in Table 22.102.070-A. Each replacement tree shall be monitored by the County Biologist or Forester with the Fire Department for a period of not less than seven years, with monitoring visits in years two, four, and seven. Replacement trees shall be properly cared for and maintained during the full monitoring period and shall be replaced by the applicant or permittee should any of these trees be lost or suffer unacceptable decline of health or vigor at the end of the monitoring period.
5. **Protected Tree Fund.** If replacement on the project site of SEA Protected Trees proposed for encroachment or removal is inappropriate, a Forester with the Fire Department or County Biologist may recommend that the applicant pay into the Protected Tree Fund the amount equivalent to the resource value of the trees described in the Protected Tree Report. The resource value shall be calculated by the applicant and approved by a Forester with the Fire Department or County Biologist according to the most current edition of the International Society of Arboriculture's "Guide for Plant Appraisal."
  - a. Funds collected shall be used for the following purposes:
    - i. Establishing and planting native trees on public lands;
    - ii. Maintaining existing native trees on public lands;
    - iii. Purchasing native tree woodlands; and/or
    - iv. Purchasing sensitive native trees of ecological, cultural, or historic significance.
  - b. Not more than twenty percent of the funds collected may be used to study and identify appropriate programs, including but not limited to outreach and educational programs, for accomplishing the purposes described in Subsection F.5.a above.

- G. **Noticing and Public Hearing.** Noticing and public hearing procedures for a Protected Tree Permit shall be consistent with the requirements of Type II Review stated in Division 9.
- H. **Enforcement.** In interpreting the provisions of Section 22.102.070 (Protected Tree Permit) as applied to this Chapter, each individual tree cut, destroyed, removed, relocated or damaged in violation of these provisions shall be deemed a separate offense.

**22.102.080 SEA Conditional Use Permit**

- A. **Permit Required.** A discretionary SEA Conditional Use Permit (SEA CUP) application shall be required for development which cannot demonstrate compliance with Section 22.102.070 (Protected Tree Permit), or Sections 22.102.090 (SEA Development Standards) and 22.102.100 (Natural Open Space Preservation).
- B. **Application Materials.** An application for a SEA CUP shall be filed and processed in compliance with Chapter 22.230 (Type III Review – Discretionary).
1. In addition to the application materials listed in Subsection 22.102.060.B (Application Materials), the applicant shall submit the following to the satisfaction of the Director in consultation with the County Biologist:
    - a. Biological Constraints Analysis (BCA);
    - b. Biota Report; and
    - c. Additional materials and information that may be deemed necessary by the Director, County Biologist, or SEATAC to adequately evaluate the application.
  2. The Director may waive one or more of the items in this Subsection B when deemed unnecessary to process the application.

**C. Additional Review.**

1. **Site Visit.** Site visit(s) by the County Biologist may be deemed necessary by the Director to adequately evaluate the impacts to SEA Resources.
2. **SEATAC Review.** Prior to a public hearing, a SEA CUP application shall be required to undergo review by the SEATAC, unless waived by the Director. The scope of the SEATAC review shall be consistent with Section 22.102.150 (Significant Ecological Areas Technical Advisory Committee).
3. **Director's Report.** The Director shall provide the following analyses and recommendations as part of the public hearing staff report:
  - a. Evaluation of the proposed development and impacts to SEA Resources;
  - b. Evaluation of the SEA Resources contained within and adjacent to the project site;
  - c. Evaluation of the cumulative losses to the SEA Resources resulting from proposed and prior project development activity;
  - d. Appraisal of measures proposed to avoid, mitigate, or protect the identified impacts to resources contained within the SEA;
  - e. Evaluation of whether the project, as proposed, is consistent with Subsection 22.102.080.D (Findings);
  - f. Recommended changes, if any, to the proposed development necessary or desirable to achieve compliance with Section 22.102.090 (SEA Development Standards) and consistent with Subsection 22.102.080.D (Findings), and relevant goals and policies of the General Plan;
  - g. Recommended conditions, if any, to be imposed to ensure that the proposed development will be consistent with Subsection 22.102.080.D (Findings) and ~~the~~ relevant goals and policies of the General Plan;

***Significant Ecological Areas Ordinance Update***

*BOS Public Hearing Draft (May 7, 2019)*

- h. SEATAC's determination of project compatibility and applicable recommendations; and
- i. Any relevant information as deemed necessary by the Director or County Biologist.

D. **Findings.** The Commission or Hearing Officer shall approve an application for a SEA CUP if the Commission or Hearing Officer finds that the application substantiates, in addition to those required by Section ~~22.56.090 (Conditional Use Permit)~~ [22.158.050 \(Findings and Decisions\)](#), the following findings:

1. The proposed development is highly compatible with the SEA Resources, including the preservation of natural open space areas and providing for the long-term maintenance of ecosystem functions;
2. The proposed development avoids or minimizes impacts to the SEA Resources and wildlife movement through one or more of the following:
  - a. Avoiding habitat fragmentation;
  - b. Minimizing edge effects; and/or
  - c. Siting development in the least sensitive location.
3. Important habitat areas are adequately buffered from development by retaining sufficient natural vegetation cover and/or natural open spaces and integrating sensitive design features;
4. The proposed development maintains ecological and hydrological functions of water bodies, watercourses, and their tributaries;
5. The proposed development ensures that roads, access roads, driveways, and utilities do not conflict with Priority Biological Resources, habitat areas, migratory paths, or wildlife corridors; and

6. The proposed development promotes the resiliency of the SEA to the greatest extent possible. For purposes of this finding, SEA resiliency is not promoted when the proposed development may cause any of the following:
  - a. Significant unmitigated loss of contiguity or connectivity of the SEA;
  - b. Significant unmitigated impact to a Priority Biological Resource;
  - c. Removal of habitat that is the only known location of a new or rediscovered species; or
  - d. Other factors as identified by SEATAC.

#### **22.102.090 SEA Development Standards**

All new development in SEAs shall avoid or minimize impacts to SEA resources, habitat linkages, and wildlife corridors in accordance with this Section:

A. **SEA Resource Categories.** The following are disturbance thresholds and onsite natural open space preservation requirements organized by SEA Resource Category. SEA Resource preservation shall be provided on-site, in accordance with Section 22.102.100 (Natural Open Space Preservation) within this Chapter.

1. **SEA Resource Category 1.** No amount shall be disturbed.
2. **SEA Resource Category 2.**
  - a. Disturbances shall not exceed 500 square feet and shall preserve at least two times the disturbed area of the same type of SEA Resource.
  - b. Development shall not result in abandonment or failure of any den, burrow, roost, nest, or special habitat feature utilized by animals included in SEA Resource Category 2.
3. **SEA Resource Category 3.**
  - a. Disturbances not exceeding 500 square feet shall preserve an amount equal to the disturbed area of the same type of SEA Resource.

**Significant Ecological Areas Ordinance Update**

*BOS Public Hearing Draft (May 7, 2019)*

- b. Disturbances that exceed 500 square feet shall preserve at least two times the disturbed area of the same type of SEA Resource.

**4. SEA Resource Category 4.**

- a. Disturbances that exceed 5,000 square feet shall preserve an amount equal to the disturbed area of the same type of SEA Resource.
- b. Disturbance of more than 10 individual rare plants in this category shall preserve an equal number of the same species of rare plants.

**B. SEA Protected Trees.**

1. A minimum five-foot setback from the dripline or 15-foot setback from the trunk, whichever is greater, of a SEA Protected Tree shall be required.
2. Encroachment into no more than 10 percent of the protected zone of up to four SEA Protected Trees listed in the SEA Protected Tree List maintained by the Department may be permitted.
3. Removal of one SEA Protected Tree that is not designated as a Heritage Tree may be permitted.

- C. Water Resources.** All development, inclusive of fuel modification/brush clearance is subject to the following setbacks from a water resource per Table 22.102.090-A.

<b>TABLE 22.102.090-A: SETBACKS FROM WATER RESOURCES</b>		
<b>Water Resource</b>	<b>Water Resource Size</b>	<b>Setback</b>
Lakes, reservoirs, and ponds	Any Size	150 feet or the watershed boundary, whichever is greater
Rivers and streams	Less than 50 feet wide during or immediately following a 10-year storm event	100 feet
	50 to 100 feet wide during or immediately following a 10-year storm event	150 feet



**Significant Ecological Areas Ordinance Update***BOS Public Hearing Draft (May 7, 2019)*

	Greater than 100 feet wide during or immediately following a 10-year storm event	300 feet
Marshes, Seeps, and springs	Less than one-half acre	100 feet
	One-half acre up to one acre	150 feet
	Greater than one acre	300 feet
Vernal pools and playas	Any size	150 feet or the watershed boundary, whichever is greater

**D. Other Development Standards.**

1. **Wildlife-Impermeable Fencing, Wall or Enclosure.** Wildlife-impermeable fencing, walls, and enclosures shall be permitted within the building site area. One impermeable enclosure for the purpose of protecting livestock or companion animals shall be permitted within the development footprint.
2. **Wildlife-Permeable Fencing.** When needed to delineate lot boundaries or to section off development features, such as streets, trails, driveways, active recreation areas, or animals keeping structures, wildlife-permeable fencing shall be used outside of the building site area. Wildlife-permeable fencing shall be designed as follows:
  - a. Fences shall be of an open design and made of materials visible to wildlife, such as wood rail, steel pipe, vinyl rail, PVC pipe, recycled plastic rail, or coated wire;
  - b. The bottom edge of the lowest horizontal element shall be no closer than 18 inches from the ground; and
  - c. Except where a different height is required per Title 21 or 22, the top edge of the topmost horizontal element shall be no higher than 42 inches from the ground.

3. **Fencing Materials.** Fencing shall be designed with materials not harmful to wildlife. Prohibited materials include, but are not limited to, spikes, glass, razor wire, and nets. All hollow fence and sign posts, or posts with top holes, such as metal pipes or sign posts with open bolt holes, shall be capped and the bolt holes filled to prevent the entrapment of bird species.
4. **Window Reflectivity.** All windows shall be comprised of non-glare/non-reflective glass or utilize methods to achieve non-reflectivity.
5. **Outdoor Lighting.** Outdoor lighting in all SEAs shall be provided in accordance with applicable provisions of Chapter 22.80 (Rural Outdoor Lighting District) and shall be directed to avoid light trespass upwards into the night sky and onto natural habitat areas.
6. **Natural Open Space Buffer.** Habitable structures shall be set back at least 200 feet from existing and proposed natural open space located within the project site lot(s) or natural open space recorded on adjacent lots, unless the Fire Department approves a modified distance specified in an approved fuel modification plan.
7. **Landscaping and Fuel Modification.** Landscape plans shall be submitted with an application for new development, that includes all cut and fill slopes, areas disturbed by the proposed construction activities, required fuel modification or brush clearance, and any proposed restoration area(s).
  - a. All new development shall minimize removal of natural vegetation to minimize erosion and sedimentation, impacts to scenic resources, and impacts to biological resources.
  - b. All cut and fill slopes and other areas disturbed by construction activities shall be landscaped or revegetated.

## ***Significant Ecological Areas Ordinance Update***

*BOS Public Hearing Draft (May 7, 2019)*

- c. Plantings within the building site area and Fuel Modification Zones A and B shall consist of a mix of locally indigenous, drought-tolerant plant species and non-invasive, drought-tolerant ornamental plants and gardens, with associated irrigation.
  - d. Fuel Modification Zone C shall consist of thinning the density of existing native vegetation. Should additional planting be needed in Zone C or outside of fuel modification areas, the plant palette shall consist entirely of locally indigenous, drought-tolerant plant species that blend with the existing natural vegetation and habitats on the site.
  - e. All vegetative species utilized in landscaping shall be consistent with Fire Department requirements and all efforts shall be made to conserve water.
  - f. Plants listed on the Invasive Species list maintained by the Department shall be prohibited in all proposed landscaped and restoration areas.
  - g. Tilling and discing shall be prohibited for fuel modification and brush clearance activities in all Fuel Modification Zones.
8. ***Natural Open Space.*** Driveways, streets, roads, or highways shall not be placed within required natural open space areas.

### **E. Land Use-Specific Development Standards**

#### **1. *Crops.***

- a. Crops as an accessory use shall consist of non-invasive species and shall be located entirely within required Fuel Modification Zone B (Irrigated Zone).
- b. Crops as a primary use shall consist of non-invasive species and shall be located entirely within SEA Resource Category 5.

#### **2. *Exploratory Testing.***

- a. *Permitted use.* Exploratory testing as a primary or accessory use shall be permitted and shall comply with the following:

***Significant Ecological Areas Ordinance Update***

*BOS Public Hearing Draft (May 7, 2019)*

- i. Access for exploratory testing shall consist of existing roads, previously graded or disturbed areas, or use track-mounted drill rigs.
    - ii. Vegetation removal activities shall be conducted in a manner that protects existing vegetative rootstock.
    - iii. Any exploratory testing accessory to a primary use where such primary use development is exempt from this Chapter per Section 22.102.040 (Exemptions) shall herein be exempt from this development standard.
    - iv. A Restoration Plan shall be required at the time of application submittal.
  - b. *Exploratory Testing Stabilization.* Within 90 days from completion of exploratory testing, areas of disturbance resulting from exploratory testing shall be stabilized with temporary erosion control measures and seeded with locally indigenous species to prevent erosion and instability.
  - c. *Exploratory Testing Restoration.* Full restoration of areas of disturbances resulting from exploratory testing shall be conducted as follows:
    - i. Where a subsequent project is withdrawn, denied or determined to be infeasible, or exploratory testing areas are found to be unusable, restoration of the disturbed area shall commence within one year of withdrawal, denial or determination of infeasibility.
    - ii. Where a subsequent project is approved, the exploratory testing locations outside of the approved building site area shall be restored, with restoration commencing within one year of disturbance.
    - iii. All required restoration shall be completed to the satisfaction of the Director.
3. **Land Divisions.** All land division projects shall be required to preserve at least 75 percent of the original undivided parcels as natural open space and shall not exceed a maximum development footprint of 25 percent of the original undivided

parcels. Development areas shall be designed in one contiguous location and result in the largest, intact blocks of habitat with the lowest perimeter to area ratio, to the maximum extent feasible.

- a. *Large Lot Parcel Map.* Large lot parcel maps for sale, lease, financing, or transfer purposes, shall demonstrate that all resulting parcels have reasonable potential for future development that meets Section 22.102.090 (SEA Development Standards), (e.g., adequate areas of SEA Resource Categories 4 and/or 5, setback from water resources, 75 percent open space, and clustered development) based on the original undivided parcels.

#### **22.102.100 Natural Open Space Preservation**

This Section sets forth the preservation and recordation requirements for natural open space when required by this Chapter, either in compliance with Section 22.102.090 (SEA Development Standards) or to offset impacts to SEA Resources through a SEA CUP.

A. **Natural Open Space Requirements.** Development within a SEA shall preserve natural open space as follows:

1. **Ministerial SEA Review.** Provide on-site as required per Section 22.102.090 (SEA Development Standards); or
2. **SEA CUP.** Provide on-site or off-site per Subsection D.2 (Natural Open Space Preservation Mechanisms), as approved by the Commission or Hearing Officer.
  - a. For land division projects, at least 75 percent of the original undivided parcels shall be preserved as required natural open space.
3. Natural open space recordation shall occur prior to any grading, removal of vegetation, construction, or occupancy.

**B. Natural Open Space Configuration.**

1. Preserved natural open space shall be configured into one contiguous area, to the maximum extent feasible, unless the County Biologist determines that multiple, noncontiguous areas is the environmentally superior configuration.
2. Preserved natural open space areas shall be contiguous with other natural open space areas on adjoining lots, to the maximum extent feasible.
3. Driveways, streets, roads, or highways shall be prohibited in natural open space area(s), unless the Commission or Hearing Officer finds it necessary to ensure adequate circulation or access. Such driveways, streets, roads, or highways shall not be counted as a portion of the total required natural open space provided, and shall include any necessary wildlife crossings and/or other features necessary to avoid biological impacts.

**C. Natural Open Space Use.** Preserved natural open space required by this Chapter shall be maintained in its natural undeveloped condition. There shall be no removal of trees or vegetation or other disturbance of natural features, with the following exceptions as deemed appropriate by the Director prior to the disturbance:

1. Disease control and/or control of non-native plants;
2. Habitat restoration;
3. Paths constructed and maintained to minimize environmental impact to the area;
4. Wildlife-permeable fences constructed and maintained to minimize environmental impact to the area;
5. Fire protection, when determined by the County Biologist to be compatible with the SEA Resources being preserved; or
6. Activities to maintain a specific habitat condition, including animal grazing, when recommended by the County Biologist and accompanied by an approved management plan.

**D. Natural Open Space Preservation Mechanisms.**

1. **Ministerial SEA Review.** Development that complies with Section 22.102.090 (SEA Development Standards) shall provide required natural open space preservation on-site through a permanent deed restriction or a covenant between the County and the property owner.
2. **SEA CUP.** Development not in compliance with Section 22.102.090 (SEA Development Standards) shall provide required natural open space preservation within or contiguous with the same SEA through one or more of the following, listed in the order of County preference:
  - a. Dedication of land for the purpose of natural open space preservation to:
    - i. An accredited land trust that meets the qualifications of non-profits requesting to hold mitigation land pursuant to Section 65965, et seq. of the California Government Code; or
    - ii. A government entity, such as a county, city, state, federal, or joint powers authority for the purpose of natural open space preservation;
  - b. Conservation or mitigation bank;
  - c. A conservation easement recorded with the Registrar-Recorder/County Clerk as an irrevocable offer to dedicate or equivalent instrument that requires the natural open space to remain in perpetuity and extinguishes all future development rights;
  - d. Permanent on-site deed restriction;
  - e. Covenant between County and property owner; or
  - f. Conservation in-lieu fees.



**22.102.110 Enforcement**

- A. Any activity defined as development in the SEAs which occurs prior to receiving an approved permit is prohibited.
- B. Unpermitted disturbed areas shall be stabilized with temporary erosion control measures and temporarily seeded with locally indigenous species within 30 days of issuance of a Notice of Violation, as directed by the County Biologist.
- C. **Restoration Permit.** If a permit is not obtained per Sections 22.102.060 (Ministerial SEA Review), 22.102.070 (Protected Tree Permit), or 22.102.080 (SEA Conditional Use Permit), or restoration of disturbed exploratory testing area is not completed per Section 22.102.090.E.2 (Exploratory Testing), a Restoration Permit shall be required.
  - 1. **Application Materials.**
    - a. Application materials for Type II Review; and
    - b. Restoration Plan.
  - 2. **Findings.** The Commission or Hearing Officer shall approve an application for a Restoration Permit in a SEA if the Commission or Hearing Officer finds that the application substantiates the following findings:
    - a. The restoration corresponds with the SEA Resources, habitats, and ecosystem services that were degraded by the unpermitted development;
    - b. The restoration will create and enhance biologically functional habitats;
    - c. The restoration resolves any violations of unpermitted development; and
    - d. The restoration is consistent with Section 22.102.010 (Purpose) and Subsection 22.102.080.D (Findings).
  - 3. **Noticing and Public Hearing.** Noticing and public hearing procedures for a Restoration Permit shall be consistent with the requirements of Type II Review stated in Division 9.

**Significant Ecological Areas Ordinance Update**

*BOS Public Hearing Draft (May 7, 2019)*

- D. When a Notice of Violation has been issued by the Department, the Director may set the matter for a public hearing before the Commission to consider a five-year ban on filing any new application, or acting upon any application for the subject property. In such case, all procedures relative to notification, public hearing, and appeal shall be the same as for a SEA CUP per Section 22.102.080 (SEA Conditional Use Permit). Following a public hearing, the Commission may place up to a five-year ban on filing any applications but may exempt emergency permits and/or permits deemed by the Director, as necessary, for the subject property to address a violation or permit revocation on the property. The five-year period shall commence from the date of the hearing. The Director shall record such five-year ban ~~in with the office of the County Registrar-Recorder/County Clerk.~~

**22.102.120 Fees**

- A. **Filing Fees.** Fees and deposits shall be in compliance with Section 22.222.080 (Fees and Deposit).
- B. **SEA Counseling Fee.**
1. The SEA Counseling Fee shall cover up to two SEA Counseling meetings.
  2. The SEA Counseling Fee shall be applied to projects filed within one year of the SEA Counseling meeting.
- C. **SEATAC Review Fee.** Development subject to SEATAC Review shall require an additional filing fee per Section 22.222.080 (Fees and Deposit), subject to the following:
1. The SEATAC Review Fee shall cover up to three SEATAC meetings. Additional review meetings by SEATAC shall require a new fee.
  2. The SEATAC Review Fee may be refunded if a written request is received from the applicant prior to the scheduling of the first SEATAC meeting and if the

development is re-designed to meet standards outlined in Section 22.102.090 (SEA Development Standards).

### **22.102.130 Review Procedures for County Projects**

County projects proposing development in a SEA shall submit an application for a review by the Department. County projects and maintenance activities performed as a result of emergency or hazard management shall be documented. The documentation shall be provided to the Department for a determination of the applicability of this Chapter. Emergency or hazard management activities include, any activity required, requested, authorized, or permitted by a local, state, or Federal agency, in response to an emergency.

A. **Information Required.** Prior to the start of the project, the lead County Department shall provide the following:

1. Project scope of work;
2. Location map;
3. Environmental documents, if applicable; and
4. Regulatory permit requirements, if applicable.

B. **Review.**

1. **Initial Review.** The County Biologist shall review the project.
2. **SEATAC Review.** The County Biologist may determine that SEATAC review is necessary based on the project proposal.

C. **Recommendation.** The County Biologist and SEATAC, as necessary, may submit a report to the lead County Department that includes recommendations on the project design and compatibility with Subsection 22.102.080.D (Findings).

**22.102.140 Review Procedures for Habitat Restoration Projects**

Proposed habitat restoration, if not required as [a direct](#) mitigation for an approved permit, shall submit for review by the Department a restoration or enhancement plan that demonstrates how habitat function consistent with this Chapter shall be restored.

A. **Information Required.** A Restoration Plan shall be submitted. An existing plan or equivalent that fulfills the requirements of a Restoration Plan may be accepted as a substitute.

**B. Review.**

1. The Director, in consultation with the County Biologist, shall review the project proposal.
2. **Site Visit.** A site visit by the County Biologist may be deemed necessary by the Director to adequately evaluate the impacts to SEA Resources.
3. Subsequent activities that fall within the scope of the approved restoration or enhancement plan shall not require further review by the Department.
4. ~~If the proposed h~~abitat restoration ~~is not found to~~ [shall be required to demonstrate how the project substantiates](#) Subsection 22.102.080.D (Findings); ~~then a SEA CUP shall be required per Section 22.102.080 (SEA Conditional Use Permit).~~

**22.102.150 Significant Ecological Areas Technical Advisory Committee (SEATAC)**

SEATAC serves as an expert advisory committee that assists the Department in assessing a project's impact on SEA Resources.

A. **Rules and Procedure.** The Director shall establish rules and procedures necessary or convenient for the conduct of SEATAC's business.

B. **SEATAC Review.** SEATAC shall evaluate projects requiring SEATAC review per Section 22.102.080 (SEA Conditional Use Permit), as follows:

***Significant Ecological Areas Ordinance Update***

*BOS Public Hearing Draft (May 7, 2019)*

1. Ruling on the adequacy of the BCA and Biota reports, if applicable;
2. Recommending redesign and/or mitigation measures to avoid, minimize, or mitigate impacts to SEA Resources; and
3. Recommending a determination of the consistency of the development project with this Chapter, including consideration of the following:
  - a. The project's ability to comply with Section 22.102.090 (SEA Development Standards);
  - b. The project's ability to mitigate impacts to SEA Resources through natural open space preservation;
  - c. The project's ability to meet the findings of Subsection 22.102.080.D (Findings); and
  - d. The [P](#)project's avoidance of disturbance to regional habitat linkages.

**SECTION 4.** Section 22.190.080 is hereby amended to read as follows:

**22.190.080 Reclamation Plan**

...

**A. Findings Prerequisite to Approval.**

...

3. In approving a Reclamation Plan, the Commission or Hearing Officer shall:

...

- e. Require as a condition of approval, [f](#) financial assurances in accordance with Section 2773.1 of the California Public Resources Code.
- f. Require that the mine operator file a covenant against the property with the Registrar-Recorder/County Clerk containing the following statement before commencing operation of a new surface mine or, in the case of an existing

**Significant Ecological Areas Ordinance Update**

*BOS Public Hearing Draft (May 7, 2019)*

mine as described in Section 22.190.030.D.4, within 30 days following notice of approval:

“This property is subject to Reclamation Plan (enter case number), requiring, together with other conditions, the completion of a reclamation program before use of the property for a purpose other than surface mining, except as otherwise provided in said plan. Agents of the County ~~of Los Angeles~~ and the State of California may enter upon such land to enforce ~~a~~ such Reclamation Plan and to effect reclamation, subject to compliance with applicable provisions of law.”

g. Verify that the reclamation plan for any surface mining operation located in a Significant Ecological Area was reviewed by SEATAC in accordance with Section 22.102.150 (Significant Ecological Areas Technical Advisory Committee).

4. The Commission or Hearing Officer may require modification of the Reclamation Plan or impose such conditions that the Commission or Hearing Officer deems necessary to ensure that the plan is in accord with the requirements ~~of~~ in Subsection C, below.

...

**SECTION 5.** Section 22.250.010 is hereby amended to read as follows:

**22.250.010 Filing Fees and Deposits.**

- A. For the purpose of defraying the expense involved in connection with any application or petition required or authorized by this Title 22, the following fees, as provided in Table 22.250.010-A, below, shall accompany the application or petition. Table 22.250.010-A may be referred to as the Filing Fee Schedule.

**Significant Ecological Areas Ordinance Update**

BOS Public Hearing Draft (May 7, 2019)

TABLE 22.250.010-A: FILING FEE SCHEDULE		
...		
Conditional Use Permit	...	
	Concurrent filing (except SEA CUPs)	\$8,951.00
	...	
	Significant Ecological Areas	\$20,717.00
	Significant Ecological Areas, construction projects up to 3,500 square feet of total new building areas and no land division	\$9,473.00
	Significant Ecological Areas, development within	\$18,217.00
	...	
...		
Minor Conditional Use Permit	Permit	\$1,621.00
	Protected Tree Permit	\$1,621.00
	Residential Infill	\$1,326.00
	Restoration Permit	\$1,621.00
...		
Significant Ecological Areas Counseling		\$361.00
Significant Ecological Areas Review, Ministerial	SEA Ministerial Review, biological review	\$401.46
	SEA Ministerial Review, Site Plan Review	\$518.00
	County Biologist Site Visit	\$267.64
Significant Ecological Areas Technical Advisory Committee Review (SEATAC Review)		\$2,500.00
...		

...





## Los Angeles County **REGIONAL PLANNING**



## Significant Ecological Areas (SEA) Ordinance **IMPLEMENTATION GUIDE**

BOS Public Hearing Draft — Released May 7, 2019



# Formatting Key

## **SEA Ordinance Implementation Guide – Public Hearing Draft (May 7, 2019)**

The SEA Ordinance Implementation Guide (IG) provides an overview of the SEA Program and is only used to clarify goals, policies, ordinance provisions, and processes. The revisions made between drafts are indicated within the Public Hearing Draft of the Implementation Guide through the following text formatting:

<u>Underline in Black</u>	New text added to previous draft IG
<del>Strikethrough in Black</del>	Text removed from previous draft IG
<a href="#">Underline in Blue</a>	Hyperlink for digital format
No Formatting	Existing draft text that will not change

## **Implementation Guide – List of Major Edits since previous Public Hearing Draft (2/14/19)**

### **Chapter 3: SEA Protected Trees**

Page 21 – Added language that allows undersized, naturally sprouted trees to be considered as mitigation trees

### **Chapter 5: Permit Analysis**

Page 51 – Revised Exemption K to clarify types of road repair or maintenance that are exempt

### **Chapter 8: Open Space**

Page 74 – Added language that conservation easements should not conflict with other existing easements

Page 75 – Added language that open space preservation for mitigation must be recorded before a grading permit is issued

### **Appendix A: SEA Protected Tree List**

Changed the protected DBH for ash trees (Genus: Fraxinus) in all SEAs from 6 inches to 3 inches

## CONTENTS

ACKNOWLEDGMENTS.....	3
SEA PROGRAM GUIDING PRINCIPLES .....	4
CHAPTER 1. INTRODUCTION TO THE SIGNIFICANT ECOLOGICAL AREAS (SEA) PROGRAM .....	5
<i>SEA Program Components</i> .....	6
<i>SEA Implementation Guide</i> .....	9
CHAPTER 2. SEA ORDINANCE ASSESSMENT PROCESS .....	10
<i>Information Gathering</i> .....	11
<i>SEA Counseling</i> .....	12
<i>File Project Application/Staff Review</i> .....	13
<i>SEATAC Review</i> .....	15
<i>Public Hearing</i> .....	16
<i>Enforcement</i> .....	16
CHAPTER 3. SEA PROTECTED TREES .....	17
<i>SEA Protected Tree Exemptions</i> .....	18
<i>SEA Protected Trees Development Standard</i> .....	20
<i>Protected Tree Permit</i> .....	21
<i>SEA CUP for Impacts To SEA Protected Trees</i> .....	23
<i>Best Management Practices</i> .....	23
CHAPTER 4. DESIGN & DEVELOPMENT STANDARDS .....	25
<i>SEA Resources</i> .....	26
<i>SEA Protected Trees</i> .....	35
<i>Water Resources</i> .....	36
<i>Other Development Standards</i> .....	38
<i>Land Use Specific Development Standards</i> .....	43
CHAPTER 5. PERMIT ANALYSIS .....	48
<i>SEA Ordinance Applicability</i> .....	48
<i>SEA Counseling</i> .....	52
<i>Ministerial SEA Review</i> .....	56
<i>Ministerial SEA Review with Protected Tree Permit</i> .....	57
<i>SEA Conditional Use Permit (SEA CUP)</i> .....	58
<i>SEA Ordinance Findings</i> .....	59
<i>Public Hearing</i> .....	62
CHAPTER 6. BIOLOGICAL REPORTS .....	63
<i>Biological Constraints Map (BCM)</i> .....	64
<i>Biological Constraints Analysis (BCA)</i> .....	67
<i>Biota Report</i> .....	67
<i>Restoration or Enhancement Plan</i> .....	68
CHAPTER 7. HABITAT RESTORATION .....	70
<i>Habitat Restoration Review</i> .....	70
<i>Basic Principles</i> .....	71
<i>Mandatory Best Management Practices</i> .....	72
CHAPTER 8. NATURAL OPEN SPACE .....	74
<i>Configuration And Use</i> .....	74
<i>Requirements for Ministerial SEA Review</i> .....	75
<i>Requirements for SEA CUP</i> .....	76
CHAPTER 9. SEA PROGRAM MONITORING .....	82
<i>Tracking Approved Development</i> .....	82
<i>Tracking Habitat Restoration</i> .....	82
<i>Mapping SEA Resources</i> .....	82
<i>Mapping Protected Open Space</i> .....	83
<i>Reporting Requirements</i> .....	83
CHAPTER 10. REVIEW PROCEDURES FOR COUNTY PROJECTS .....	85
<i>General County Department SEA Assessment process</i> .....	85
<i>Department of Parks and Recreation (DPR)</i> .....	86

<i>Department of Public Works (DPW)</i> .....	87
GLOSSARY .....	90
APPENDIX A: SEA PROTECTED TREE LIST .....	96
APPENDIX B: SENSITIVE LOCAL NATIVE RESOURCES .....	106
APPENDIX C: INVASIVE PLANT LIST .....	109
APPENDIX D: SEA CHECKLISTS & WORKSHEETS .....	116
APPENDIX E: GUIDANCE FOR EVALUATING IMPACTS ON WILDLIFE MOVEMENT .....	125

DRAFT

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### Board of Supervisors

Janice Hahn, Chair, Supervisorial District 4  
Hilda L. Solis, Supervisorial District 1  
Mark Ridley-Thomas, Supervisorial District 2  
Sheila Kuehl, Supervisorial District 3  
Kathryn Barger, Supervisorial District 5

### Regional Planning Commission

Elvin W. Moon, Chair, Supervisorial District 4  
Pat Modugno, Vice Chair, Supervisorial District 5  
Doug Smith, Supervisorial District 1  
David W. Louie, Supervisorial District 2  
Laura Shell, Supervisorial District 3

### Department of Regional Planning

Amy J. Bodek, AICP, Director  
Dennis Slavin, Chief Deputy Director  
Mark Child, AICP, Deputy Director  
Richard J. Bruckner, AICP, Director (retired)

### Environmental Planning & Sustainability

Patricia L. Hachiya, AICP, Supervising Planner  
Alejandrina Baldwin, Principal Planner  
Iris Chi, AICP, Planner  
Joseph Decruyenaere, Senior Biologist  
Jennifer Mongolo, Biologist

### Implementation Guide Workgroup

Jennifer Borobia, *LDCC/Site Plan Review*  
Michele Bush, *Zoning Permits East*  
Samuel Dea, *Zoning Permits North*  
Luis Duran, *Community Studies West*  
Kevin Finkel, AICP, *Coastal Permits*  
Oscar Gomez, *Zoning Enforcement North*  
Anita Gutierrez, AICP, *Community Studies West*  
Lynda Hikichi, AICP, *Land Division*  
Thuy Hua, AICP, *Zoning Permits North*  
Alyssa Netto, AICP, *Community Studies West*  
Susan Tae, AICP, *Community Studies North*

### Geographic Information Systems (GIS)

Daniel Hoffman, Principal GIS Analyst

### Strategic Planning and Program Services

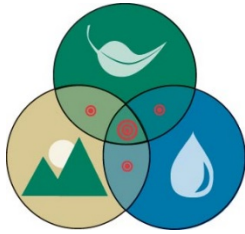
Misty Fong, Graphic Designer

## SEA PROGRAM GUIDING PRINCIPLES



### **BIODIVERSITY:**

- ❖ Recognize that biodiversity is necessary to maintaining a sustainable Los Angeles County.
- ❖ Identify and protect the places where biodiversity exist in Los Angeles County.
- ❖ Restore places where biodiversity can be woven through the urban fabric.
- ❖ Ensure that the legacy of the unique biotic diversity is passed on to future generations.



### **RESILIENCY:**

- ❖ Ensure that individual SEAs are able to thrive by reducing fragmentation, and creating or preserving connectivity and habitat functionality.
- ❖ Guide development within SEAs to maximize preservation.
- ❖ Encourage best practices for sustainable design in the SEAs that are aligned with the protection of natural resources.



### **PUBLIC SERVICE:**

- ❖ Ensure the continuation of natural ecosystem services that improves quality of life for all who live in Los Angeles County.
- ❖ Ensure that property rights are maintained in the SEAs by providing clear guidelines and expectations about the requirements for development in SEAs.

## CHAPTER 1. INTRODUCTION TO THE SIGNIFICANT ECOLOGICAL AREAS (SEA) PROGRAM

Los Angeles County (“County”) is host to one of the most remarkable assortments of biological diversity in North America. Natural communities in the County extend from the Pacific Ocean to the Mojave Desert, with coastal plains and valleys, a 10,000-foot tall mountain range, and hills and canyons in every orientation in between. This irreplaceable diversity of natural and biological resources is our heritage, and the reason for which the County developed the Significant Ecological Area (SEA) Program.

The biodiversity of the County is a product of the forces that shaped California, and its variety corresponds directly to the variety of places in the County where we choose to live. The feelings and images we associate with these locations are inextricably entwined in the biota they support. Imagine Palos Verdes without California sagebrush; Saddleback Butte without Joshua trees and creosote; the Tehachapi Mountains without vibrant wildflower fields; the Puente Hills without black walnut and coast live oak; or San Antonio Canyon without California scalebroom, white alder, and western sycamore. Even if you are not familiar with the names of these plants, it doesn’t matter—you recognize these places in large part because of their characteristic vegetation and habitats.

Nature is slow, and the landscape that supports nature is changing, in some cases more rapidly than nature can keep up. Much of this change has already taken place—the San Fernando Valley was once an oak savanna; the western Antelope Valley was once a Joshua-juniper forest. Some of the changes we face may be out of our control, but many are within our ability to shape. Siting development to avoid obvious detrimental impacts to biota is the biggest part of the SEA program and is an effective method for protecting the important biodiversity of Los Angeles County.



Figure 1. Palos Verdes Coastline, April 2017. Photo by Sergei Gushev (source: Flickr)



Figure 2. Joshua trees under the milky way in the Antelope Valley. Photo by Mayra Vasquez, Los Angeles County



Figure 3. Wildflower fields in front of the Tehachapi Mountains, March 2009. Photo by Rennett Stowe (source: Flickr)

IT TOOK A VERY LONG TIME FOR THIS BIODIVERSITY TO BE GENERATED AND DISTRIBUTED THROUGHOUT THE COUNTY THE WAY WE SEE IT TODAY, AND THE LAND USE DECISIONS WE MAKE TODAY WILL PERMANENTLY AFFECT THE BIODIVERSITY WE LEAVE FOR THE FUTURE.



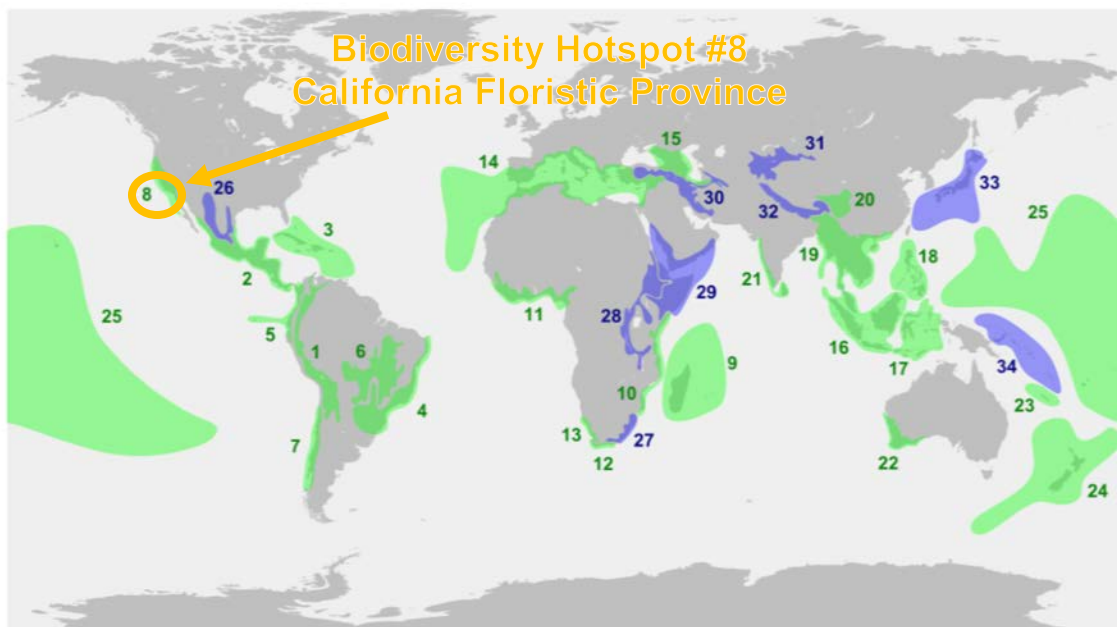


Figure 4. Los Angeles County lies within the California Floristic Province, which is globally recognized as a hotspot of native biodiversity.

## SEA PROGRAM COMPONENTS

The SEA Program was originally established as a part of the 1980 County General Plan, to help conserve the genetic and physical diversity within Los Angeles County by designating biological resource areas capable of sustaining themselves into the future. The General Plan 2035 ("General Plan") updated the SEA boundary map, goals and policies in 2015.

SEAs are places where the County deems it important to facilitate a balance between development and biological resource conservation. Where occurring within SEAs, development activities are carefully guided and reviewed with a key focus on site design as a means for conserving fragile resources such as streams, woodlands, and threatened or endangered species and their habitats. The SEA Program does not change the land use designation or the zoning of a property; rather it uses guidance and biological review and the application of certain development standards to balance the preservation of the County's natural biodiversity with private property rights.

The SEA Program consists of the following components, which are discussed in further detail below:

1. The SEA Goals and Policies found in the Conservation and Natural Resources Element of the Los Angeles County General Plan 2035;
2. The Significant Ecological Areas and Coastal Resource Areas Policy Map ("SEA Boundary Map") also found in the Los Angeles County General Plan 2035; and
3. The SEA Ordinance of the County Zoning Code.



## **SEA GOALS AND POLICIES (GENERAL PLAN 2035, CONSERVATION AND NATURAL RESOURCES ELEMENT)**

[Chapter 9: Conservation and Natural Resources Element](#), of the General Plan establishes goals and policies for SEAs. Areas of the County designated as SEAs satisfy at least one of the following six SEA Selection Criteria:

- A. Habitat of core populations of endangered or threatened plant or animal species.
- B. On a regional basis, biotic communities, vegetative associations, and habitat of plant or animal species that are either unique or are restricted in distribution.
- C. Within the County, biotic communities, vegetative associations, and habitat of plant or animal species that are either unique or are restricted in distribution
- D. Habitat that at some point in the life cycle of a species or group of species, serves as concentrated breeding, feeding, resting, migrating grounds and is limited in availability either regionally or in the County.
- E. Biotic resources that are of scientific interest because they are either an extreme in physical/geographical limitations or represent unusual variation in a population or community.
- F. Areas that would provide for the preservation of relatively undisturbed examples of the original natural biotic communities in the County

[Appendix E of the General Plan](#) includes detailed descriptions of each SEA, including boundaries, representative resources, wildlife movement opportunities, and designation criteria analysis. The SEA designation does not identify every individual biotic resource, and SEAs are not preserves or conservation areas; rather, SEAs are areas in which planning decisions are made with extra sensitivity toward biological resources and ecosystem functions.

### **SEA BOUNDARY MAP (GENERAL PLAN 2035 - FIGURE 9.3)**

The General Plan 2035 established the current SEA boundaries, as depicted on the SEA Boundary Map (Figure 5). In order to facilitate maintenance of sufficient habitat and to promote species movement, the SEAs were mapped over large areas of undisturbed or lightly disturbed land, linking together and supporting regional resources, such as agricultural lands, forests, mountains, canyons, and open space.

### **SEA ORDINANCE (TITLE 22 PLANNING AND ZONING CODE)**

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. The goal of the SEA Ordinance is to guide development to the least impactful areas on a property in order to avoid adverse impacts to biological resources. The level of SEA assessment is dependent on the area of disturbance, sensitivity of biological resources impacted, and consistency with Development Standards. Chapter 2 explains the SEA assessment process in more detail.



Figure 5. The SEA Boundary Map depicts 21 SEAs and nine Coastal Resource Areas (CRAs)<sup>1</sup>. Four SEAs are located entirely outside of the County's jurisdiction, while 12 others have portions located within incorporated cities. The SEA Boundary Map shows CRAs and SEAs within cities for reference and visual continuity only. The SEA Program applies solely to adopted SEAs located within unincorporated areas. Conceptual SEAs will be subject to SEA Ordinance once they are formally adopted as SEAs.

<sup>1</sup> CRAs include biological resources equal in significance to SEAs, but, since they occur in the coastal zone, they fall under the authority of the California Coastal Commission. Ecological resources of CRAs are protected by specific provisions within an area's certified local coastal program.

\*\*For development located in the Santa Monica Mountains, consult the SMM North Area CSD or the SMM Local Coastal Program for biological regulations (see page 48).\*\*

## SEA IMPLEMENTATION GUIDE

The purpose of this SEA Implementation Guide (“Guide”) is to provide an overview of the SEA Program, guidance for reviewing proposed development in SEAs, and counseling to the public on appropriate development within SEAs. As its name suggests, this document should guide implementation of the SEA Program and clarify regulatory language in the SEA Ordinance, and as such, it should always be used in conjunction with goals and policies of the General Plan, the SEA boundary map, and the SEA Ordinance regulations.

This Guide contains tools and information for:

- ❖ identifying and prioritizing SEA Resources present on a project site;
- ❖ complying with SEA Development Standards;
- ❖ understanding the SEA assessment process, including permit requirements and analysis;
- ❖ guiding project design to avoid impacts to SEA Resources;
- ❖ meeting natural open space preservation requirements; and
- ❖ monitoring the overall effectiveness of the SEA Program in protecting resources.

### CHANGES TO THIS GUIDE

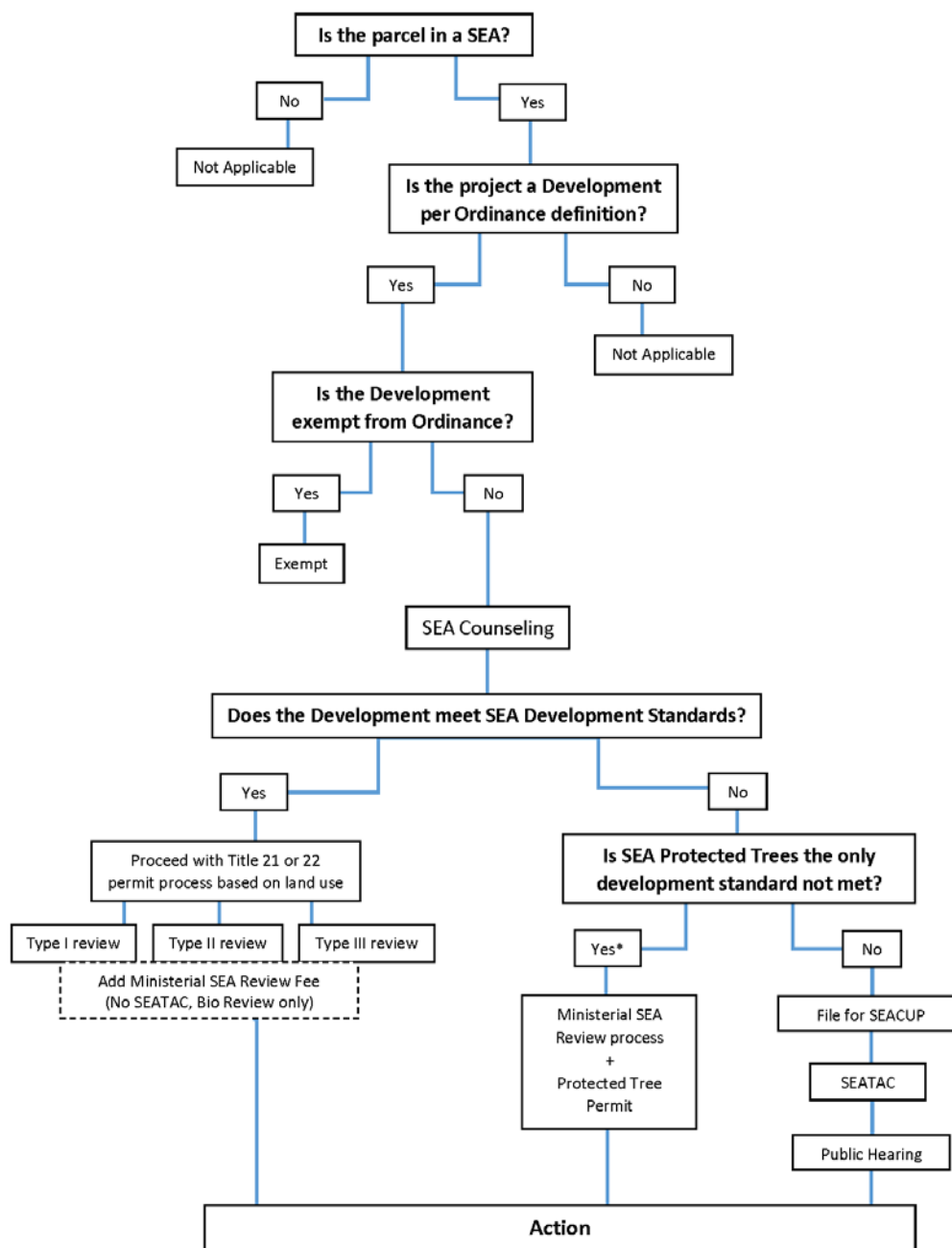
This Guide does not provide additional policies or regulatory provisions and is only to be used to clarify goals, policies, ordinance provisions, and processes. Please refer to the SEA Ordinance within Title 22 of the Los Angeles County Code for the specific SEA Ordinance regulations.

The SEA assessment process described within this Guide reflects current and best practices of the Department of Regional Planning (“Department”). This Guide will be updated as necessary by the Director to reflect current permit processing practice. This 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.

Public notification of changes to this Guide will be posted on the SEA website ([planning.lacounty.gov/sea](http://planning.lacounty.gov/sea)) and emailed to those who subscribe to our email list. Such changes may include revisions affecting the permitting process or updates to the Department maintained lists in the appendices. Email the Environmental Planning and Sustainability section at [sea@planning.lacounty.gov](mailto:sea@planning.lacounty.gov) to subscribe to the SEA email list.

## 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**

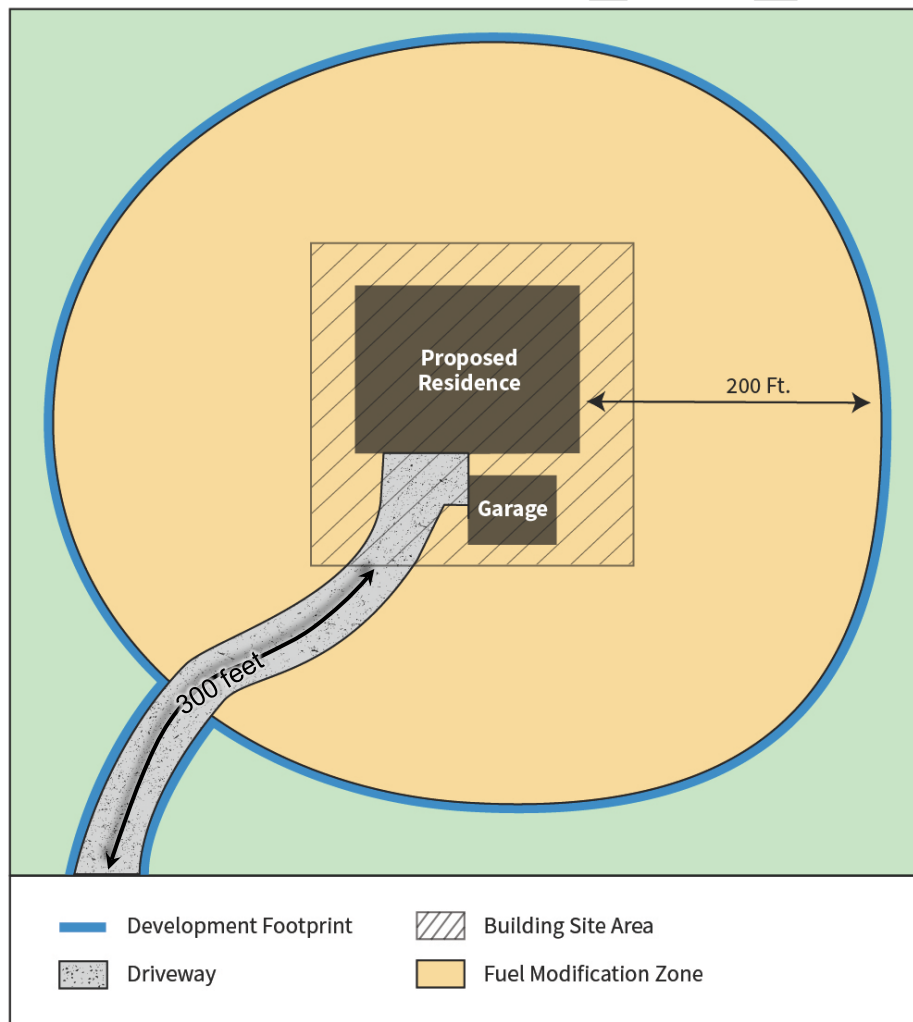
Only development with a Building Site Area of 20,000 square foot or less is eligible for Ministerial SEA Review. The Building Site Area is the portion of the development footprint that is or will be graded, paved, constructed, or otherwise physically transformed. To calculate the Building Site Area, 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.

## CHAPTER 3. SEA PROTECTED TREES

Native trees are those that evolved and occur naturally in a given location. Maintaining and protecting native trees in SEAs is important not only for the health and perpetuation of the SEAs, but also for the welfare of the County as a whole. The intent of the tree protection regulations in the SEA Ordinance is to encourage responsible management of trees within SEAs.

Healthy trees provide benefits for public health (e.g. producing oxygen, reducing smog, and intercepting airborne particulates), social welfare (e.g. reducing stress and promoting physical activity), the environment (e.g. filtering, slowing and retaining rainwater, and cooling air temperatures), and the economy (e.g. improving property values). And native trees are especially important because they coevolved with the flora and fauna of the region, are adapted to local climates and soils, and are intricately tied to the function of ecosystems and the maintenance of biodiversity.



Figure 8. Native trees are especially important because they coevolved with the flora and fauna of the region, are adapted to local climates and soils, and are intricately tied to the function of ecosystems and the maintenance of biodiversity.

### SEA PROTECTED TREES

A list of trees that are native to each SEA is included in Appendix A. SEA native trees become protected once their trunk diameter reaches the size indicated in the list. Trunk diameter is measured at 54 inches above natural grade (also referred to as “diameter at breast height” or “DBH”).

The size at which native tree species become protected was determined as follows:

- ✓ All Joshua trees (*Yucca brevifolia*) and California juniper (*Juniperus californica*) are protected, regardless of size<sup>7</sup>,
- ✓ Riparian species and trees listed as rare by California Native Plant Society (“CNPS”) are protected at 3-inch DBH,
- ✓ Coniferous species are protected at 5-inch DBH, and
- ✓ Upland hardwood species are protected at 6-inch DBH.

Additionally, for all listed native trees with multiple trunks, the tree is protected if the combined diameter of the two largest trunks equals eight inches or more.

### HERITAGE TREES

A SEA CUP is required to remove any Heritage Tree, which are considered irreplaceable because of their rarity, distinctive features, and prominence within the landscape. To be designated as a Heritage Tree, a SEA Protected Tree must have a single trunk that measures 36 inches or more in diameter, or two trunks that collectively measure 54 inches or more in diameter. For tree species with unnaturally enlarged trunks due to injury or disease (e.g., burls and galls), the tree must be at least 60 feet tall or 50 years old. Joshua

<sup>7</sup> These are very slow growing trees that are particularly vulnerable to impacts of development and important to the maintenance of biodiversity of the SEAs in which they occur.

and juniper trees, which have naturally thin trunks, must have a height of 20 feet or a canopy spread of 35 feet, respectively, to be designated as a Heritage Tree. Age should be determined from historical accounts, photographs, or associations with historic structures; age may not be determined by growth ring counts in cores taken from the edge to the center of the tree.

## TREE PROTECTED ZONE

Tree roots extend well beyond the visible canopy of the tree and can be greatly impacted by disturbances to the ground around them (e.g., from compaction, grading, paving, etc.). Healthy roots that have access to nutrients, air, and water are vital to maintaining the health of the tree. Subsection 22.102.090(B) establishes minimum setbacks for SEA Protected Trees, known as the Tree Protected Zone, or “TPZ”. The TPZ extends a minimum of five feet out from the dripline of a protected tree or 15 feet from the trunk, whichever distance is greater.

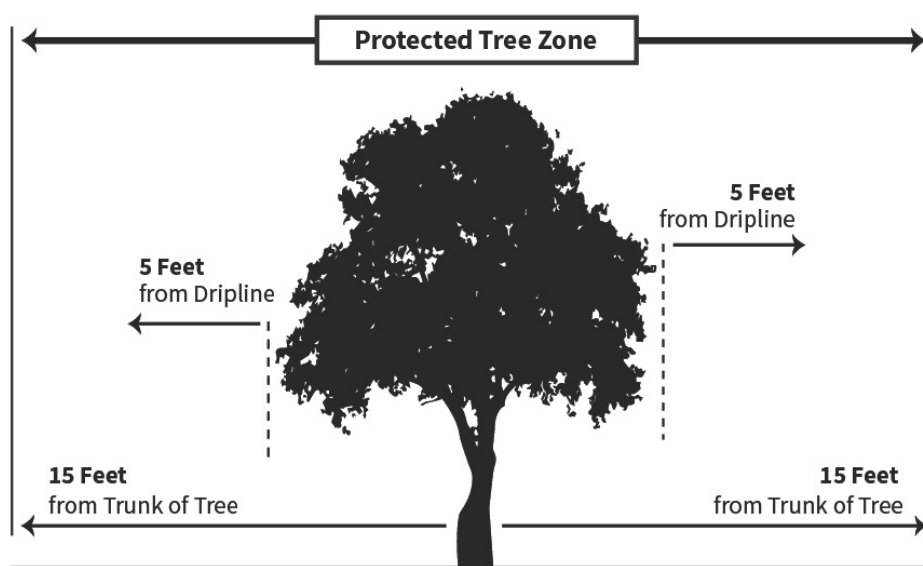


Figure 9. Development must be set back a minimum of 5-feet from the dripline or 15-feet from the trunk of a SEA Protected Tree, whichever distance is greater.

## SEA PROTECTED TREE EXEMPTIONS

The following exemptions (B, M, N, and P) listed in 22.102.040 (Exemptions) pertain to SEA Protected Trees. See Chapter 5 of this Guide for a full explanation of SEA Ordinance exemptions.

### Exemption B.

*All areas outside the boundaries of the Antelope Valley Area Plan:*

1. *Additions or modifications to existing single-family residences, associated accessory structures, or animal keeping areas/structures, as long as such addition or modification does not increase the total building site area to more than 20,000 square feet or **encroach into more than 10 percent of the dripline for up to four SEA Protected Trees.***

This exemption allows for expansions or modifications to single-family residences, or their accessory structures or animal keeping facilities, to have minimal encroachments on a limited number of trees. Note that it specifically refers to encroachments into the driplines of the protected trees, rather than the protected zone.

Key elements of this exemption related to SEA Protected Trees include:

- ✓ the addition or modification may not encroach within more than 10 percent of the dripline of any protected tree, and
- ✓ the addition or modification may not encroach within the driplines of more than 4 protected trees.

#### Exemption M.

*Emergency removal of any tree listed on the SEA Protected Tree List maintained by the Department, due to a hazardous or dangerous condition, or being irretrievably damaged or destroyed through flood, fire, wind, lightning, drought, pests, or disease, as determined after visual inspection by a forester with the Fire Department in consultation with a County Biologist.*

The County Forester can issue an emergency tree removal permit for trees that are determined to be in a hazardous or dangerous condition. This generally means that the tree is in a condition and location that directly endangers the safety of people or property. An emergency removal may also be allowed when the tree is determined to be diseased or infested by non-native pests and removal of the tree is determined to be necessary to prevent a more widespread infestation.

#### Exemption N.

*Tree maintenance, limited to removal of dead wood and pruning of branches not to exceed two inches in diameter and 25 percent of live foliage within a two year period, intended to ensure the continued health of a SEA Protected Tree, in accordance with guidelines published by the National Arborists Association. Should excessive maintenance, trimming, or pruning adversely affect the health of the tree, as determined by the County Biologist or Forester with the Fire Department, a Protected Tree Permit per Section 22.102.070 (Protected Tree Permit) or SEA Conditional Use Permit (SEA CUP) per Section 22.102.080 (SEA Conditional Use Permit) may be required.*

This exemption allows for pruning of protected trees that is necessary to maintain the health of the tree, remove fuel ladders for fire protection, or protect persons or property from the risk of falling limbs. Tree maintenance is exempt from the Ordinance as long as the maintenance is performed in accordance with guidelines published by the National Arborist Association, and as long as the pruning:

1. does not remove branches in excess of two-inch diameter, and
2. does not remove more than 25% of the tree's overall canopy within a two year period.

There are no submittal requirements; however, pruning or trimming in excess of that allowed that leads to loss of the tree or a notable decline in tree health, as determined by a Forester with the Fire Department or the County Biologist, is a violation of the Ordinance and will require a Protected Tree Permit.

#### Exemption P.

*Introduction of trees which qualify for protection under the definition of SEA Protected Tree, but which can be demonstrated to have been planted by a person for the purposes of affecting the architecture, climate, or aesthetics of a given place and are, therefore, considered landscape features, or subsequent removal or other alteration of only those trees that qualify as introduced. Removal or other alteration of an introduced tree shall require documentation of the introduction. Trees planted as mitigation do not qualify as introduced.*

Trees that qualify as protected but which can be demonstrated to have been planted by a person for the purposes of affecting the architecture, climate, or aesthetics of a given place and that are, therefore,

considered landscape features, may be planted, or removed or altered without an SEA or Protected Tree permit. Documentation of the planting must be provided, and may be in the form of invoices, photographs, an approved landscaping plan that clearly indicates the location and species of the new tree to be planted, or other reasonable means. Trees planted as mitigation do not qualify as introduced.

## SEA PROTECTED TREES DEVELOPMENT STANDARD

The SEA Ordinance includes the following Development Standards for SEA Protected Trees:

1. Establishment of the tree protected zone (see above),
2. Limitation on number and extent of encroachments allowed:
  - ✓ no more than four encroachments into the TPZ of SEA Protected Trees; and
  - ✓ no more than 10 percent encroachment into the TPZ of each of those protected trees.
3. Limitation on number and size of removals allowed:
  - ✓ removal of one SEA Protected Tree<sup>8</sup> is allowed through Ministerial SEA Review; but
  - ✓ the tree to be removed cannot be a Heritage Tree.

A development that can comply with this requirement for protected trees and all other Development Standards requires only the Ministerial SEA Review. Any impacts to SEA Protected Trees beyond that allowed by the Development Standard require either a Protected Tree Permit or a SEA CUP (TABLE 1).

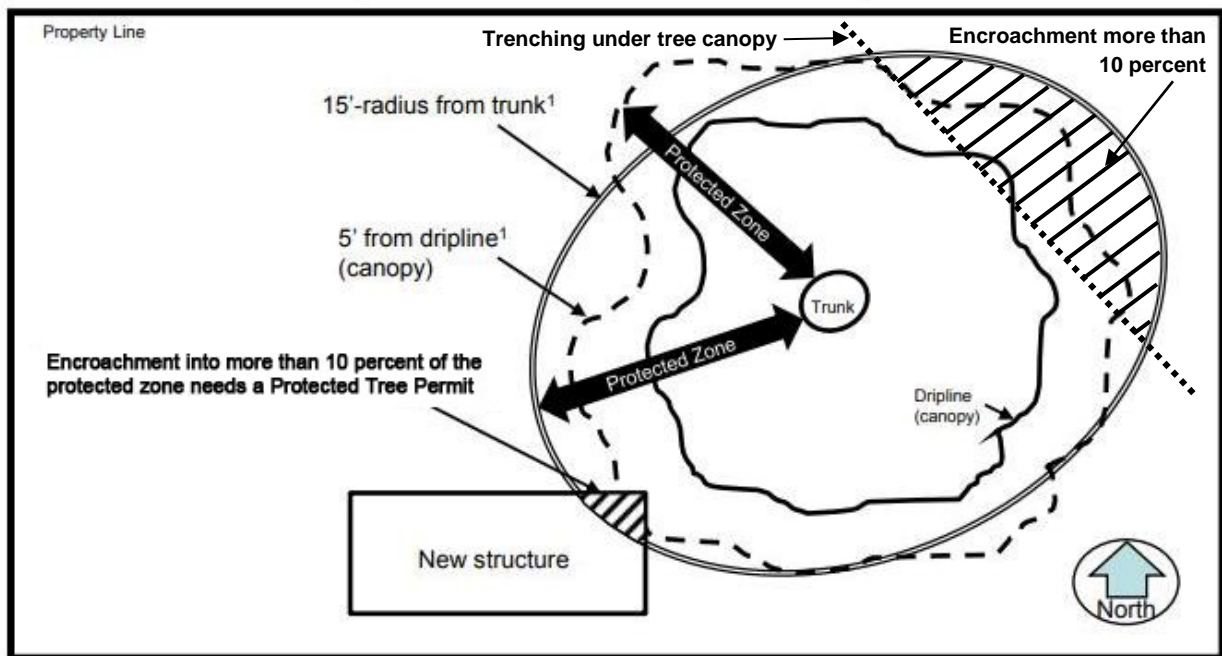


Figure 10. Any development (including but not limited to structures, walls, fences, grading, paving, irrigation, landscaping, decks, storage, and parking) must be located outside the tree protected zones of all SEA Protected Trees. When determining whether there is an encroachment, consider the protected zones of both protected trees on the subject property and those outside the property, including within the public right of way.

<sup>8</sup> Oak trees may require additional application materials for an Oak Tree Permit.



## PROTECTED TREE PERMIT

If a development is able to meet all Development Standards except for impacts to SEA Protected Trees, it may be able to obtain a Protected Tree Permit (“PTP”) and proceed with the Ministerial SEA Review. All PTPs will have a corresponding Ministerial SEA Review, since the Ministerial SEA Review process will determine that all other Development Standards are met and identify the need for a PTP. A PTP may be obtained for pruning of protected trees in excess of that allowed by Exemption N, encroachments of up to 30% of the TPZ for any number of protected trees, and/or removal of two (non-heritage size) protected trees, provided that such activity can meet the findings and burden of proof. Removal of more than two SEA Protected Trees or removal of any Heritage Tree requires an SEA CUP.

### A PROTECTED TREE PERMIT (PTP) IS REQUIRED WHEN...

the development is able to meet all development standards, except for the SEA Protected Trees development standard, and the impacts to SEA Protected Trees include one or more of the following:

- ✓ Pruning of branches greater than two-inches diameter;
- ✓ Pruning in excess of 25% of live foliage;
- ✓ Encroachments up to 30% of the protected zone; or
- ✓ Removal of up to two trees that are not designated as Heritage Trees.

### APPLICATION MATERIALS

The PTP will follow the Type II Review process. The application materials for PTPs include:

1. Standard application materials for Type II Review
2. Protected Tree Report prepared by a qualified arborist or resource specialist, which includes:
  - ✓ a tree survey map;
  - ✓ descriptions of all existing SEA Protected Trees on the subject property and any potentially impacted SEA Protected Trees adjacent to the subject property;
  - ✓ evaluation of existing health and potential impacts of development for each SEA Protected Tree;
  - ✓ identification of all SEA Protected Tree removals and encroachments; and
  - ✓ recommendations for avoiding, minimizing, and/or mitigating SEA Protected Tree impacts<sup>9</sup>.

*Oak tree species may require additional application materials for an Oak Tree Permit.*

### MITIGATION & MONITORING

Removal of any SEA Protected Tree will require mitigation in the form of two replacement plantings. Replacement trees should be seedlings of the same species being removed, and should be planted in an area of the project site where there is suitable habitat and where the trees will be able to remain in perpetuity. Undersized, naturally sprouted trees of the same species growing on-site may be protected as

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<sup>9</sup> If replacement plantings are required for mitigation of tree removals, recommendations for planting and maintaining these plantings should be included in the report as well. Proposed locations for the replacement plantings should be shown on the tree survey map or site plan.

mitigation trees. The replacement trees will need to be nurtured and maintained in a healthy condition, and will be monitored. If any of the replacement plantings fail during the monitoring period of seven years, the applicant will be responsible for replanting and nurturing those new trees.

Protected Tree Permits for encroachments or excessive pruning will require monitoring of those impacted trees for a period of seven years. The County Biologist or a Forester with the Fire Department will conduct a minimum of three monitoring visits during that seven year period, with visits occurring in years two, four, and seven. If, at any time during the monitoring period, the County Biologist or Forester detects a noticeable decline in the tree's health, they will make recommendations regarding actions that should be taken to improve the tree's condition. If the tree continues to suffer unacceptable decline of health and vigor or is found to be dead at the end of the monitoring period, the applicant will be required to mitigate that loss by planting two replacement trees (for each tree lost). The decline of health and vigor determination will be based on the County Biologist or Forester's field knowledge, International Society of Arboriculture references, and seasonal anomalies.

**TABLE 1. SEA PROTECTED TREES PERMIT REQUIREMENTS**

IMPACT		PERMIT	MITIGATION
Pruning	Up to 25%; ≤ 2-inch branch diameter	Exempt	None
	More than 25%; > 2-inch branch diameter	Protected Tree Permit	Monitoring – 7 years
Encroachment	Up to 10%; maximum 4 trees	Ministerial SEA Review	None
	Up to 30%; any number of trees	Protected Tree Permit	Monitoring – 7 years
	More than 30%	Processed as Removal (see below)	
Removal	1 tree (under heritage size)	Ministerial SEA Review	None
	2 trees (under heritage size)	Protected Tree Permit	2:1
	More than 2 trees	SEA CUP	Determined through discretionary review
	Heritage Trees	SEA CUP	

### PROTECTED TREE FUND

If the County Biologist or Forester determines that replacement plantings on the project site is inappropriate (e.g. no adequate locations for plantings exist), they may recommend that the applicant pay into the Protected Tree Fund instead. The amount to be paid into the fund would be an amount equivalent to the resource value of the trees described in the Protected Tree Report. The resource value of the trees will be calculated according to the most current edition of the International Society of Arboriculture's "Guide for Plant Appraisal", and approved by the County Biologist or Forester. The applicant should consult with a qualified arborist or resource professional in calculating the value of SEA Protected Trees.

The Protected Tree Fund will be used for projects related to native tree and woodland establishment and protection, including planting, establishing, and maintaining native trees on public lands, purchasing native tree woodlands, and/or purchasing sensitive native trees of ecological, cultural, or historic significance. Up to twenty percent of the funds collected may be used to study and identify appropriate programs for use of the fund. Programs can include for outreach and educational purposes.



## SEA CUP FOR IMPACTS TO SEA PROTECTED TREES

Any development that will remove a Heritage Tree or will remove more than two non-heritage size SEA Protected Trees will require an SEA CUP. Mitigation and monitoring for such removals will be determined as part of the discretionary SEA CUP review and included as conditions of approval in the permit. Mitigation and monitoring requirements for SEA CUPs should meet or exceed the mitigation and monitoring requirements of the PTP.

## BEST MANAGEMENT PRACTICES

The following are recommended best practices for properly caring for trees in SEAs.

### DEAD AND FALLEN TREES

Dead and/or fallen trees provide habitat for a host of flora and fauna, and contribute to the nutrient cycling of an ecosystem. Therefore, when occurring outside of the development footprint (which includes fuel modification areas), dead and/or fallen trees should be left in place to serve their purpose as a natural part of the habitat. Removal of a tree which has fallen naturally and/or the felling and subsequent removal of standing, certifiably dead trees is considered development and may require a SEA permit or Protected Tree Permit. An exemption for emergency removal may be obtained if a visual inspection by a Forester with the Fire Department determines removal is necessary due to a hazardous or dangerous condition (e.g. disease, potential for spreading infestation to other trees, blocking public roadways, etc.). Any emergency removal of infested, dead, or fallen trees which have been shown to have a disease or infestation should follow proper Best Management Practices for tree removal and disposal.

### IRRIGATION

Spray-type irrigation systems should not be used within a tree's protected zone and water should never be sprayed against the trunk of a native tree. Continuously wet soil near the root crown (the area where the tree trunk meets the soil surface) favors the growth of tree pests that lead to rot and disease.

### NESTING BIRDS

Proposed project activities (including, but not limited to, tree removal, maintenance, and/or construction activities) should occur outside of the avian breeding season ("nesting bird season") to avoid take of birds or their eggs. Nesting bird season generally runs from February 1 to August 31, but may start as early as January 1 for some raptors. Take means to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill (Fish and Game Code Section 86), and includes take of eggs or young resulting from disturbances which cause abandonment of active nests. Depending on the avian species present, a qualified biologist may determine that a change in the breeding season dates is warranted.

If avoidance of the avian breeding season is not feasible, a qualified biologist with experience in conducting breeding bird surveys should conduct nesting bird surveys to detect protected native birds occurring in suitable nesting habitat that is to be disturbed and (as access to adjacent areas allows) any other such habitat within 500 feet of the disturbance area. Depending on the habitat present and the magnitude of disturbance to take place, the biologist may recommend weekly surveys to be conducted over a 30-day period, two surveys to be conducted within one or two weeks prior to disturbance, or a single survey to be

conduct within three days of disturbance. Regardless of the number of surveys conducted, the last survey should always be conducted no more than three days prior to the initiation of project activities.

If a protected native bird is found, the project proponent may delay all project activities within 300 feet of on- and off-site suitable nesting habitat (or within 500 feet for suitable raptor nesting habitat) until August 31. Alternatively, the qualified biologist may continue the surveys in order to locate any nests. If an active nest is located, project activities within 300 feet of the nest (within 500 feet for raptor nests) or as determined by a qualified biological monitor, should be postponed until the nest is vacated and juveniles have fledged and there is no evidence of a second attempt at nesting.

For more information on bird-friendly tree maintenance, refer to Los Angeles Audubon's "Guide to Bird-Friendly Tree and Shrub Trimming and Removal", available online at: [planning.lacounty.gov/site/sea/resources](http://planning.lacounty.gov/site/sea/resources).

### TREE TRIMMING OR PRUNING

Be careful not to excessively and inappropriately trim native trees. Removal of live tissue for ornamental or aesthetic purposes alone is not appropriate for SEA Protected Trees. Over trimming results in trees that are less healthy and more vulnerable to pests and disease, and reduces the amount of habitat available for birds and other wildlife. The amount of live foliage that can be removed while maintaining a healthy tree depends on a variety of factors, such as the tree's size, species, and age. Younger trees tolerate more pruning than mature trees. Generally, no more than 25% of a tree's live foliage should be removed at once – less for mature trees. Removing even a single, large limb can result in significant canopy loss and can create a wound that the tree may not be able to close, leaving it vulnerable to pests and disease. This is especially true for mature trees that are already impacted by drought, development, or other stressors, or if the pruning is done improperly or at the wrong time of year. For this reason, pruning of branches two-inches or more in diameter is prohibited without a Protected Tree Permit.

With the exception of periodic removal of dead wood, most native trees require very little pruning. Dead wooding, which refers to the removal of dead tissue in the tree canopy, may be performed without a permit. Pruning of branches with major defects, such as decay, cavities, cracks, physical imbalance, fire damage, disease, or insects, that pose a threat to the safety of persons or property, or to the continued well-being of the tree, should follow standards endorsed by the International Society of Arboriculture.

It is always recommended to consult with a certified arborist, licensed landscaper, or qualified tree trimmer who knows and cares about tree health before pruning or trimming native trees. For more information on proper tree pruning and maintenance, visit the International Society of Arboriculture website at: [www.treesaregood.org/treeowner/pruningyourtrees](http://www.treesaregood.org/treeowner/pruningyourtrees).

### PROTECTED TREE PERMIT AND OAK TREE PERMIT

When oak trees of regulation size (8-inch DBH or more) per the Oak Tree Permit are impacted along with other SEA Protected Trees, the oak trees shall be counted as SEA Protected Trees. The Oak Tree Permit required for the regulation size oak trees shall be folded into and processed through either a Ministerial SEA Review, Protected Tree Permit, or SEA CUP, depending on the impacts. No accompanying Oak Tree Permit will be required in these instances.

## CHAPTER 4. DESIGN & DEVELOPMENT STANDARDS

Development standards set forth minimum requirements and maximum allowances (e.g., minimum setbacks from a street or maximum height of a structure). The SEA Ordinance establishes Development Standards to ensure that development is designed in a manner that supports the long-term sustainability of each SEA. Projects must comply with all Development Standards in order to obtain approval, or they may request modification of Development Standards through a SEA Conditional Use Permit. This chapter provides additional guidance and information to assist applicants with understanding and meeting Development Standards, as well as some best practices for designing development in a way that is compatible with SEA resources.

### RECOMMENDED DESIGN GUIDELINES FOR PROJECTS WITHIN SEAS

- ✓ Locate new development as close to existing development and roadways as possible.
- ✓ Cluster structures and infrastructure within 25% or less of the lot area (including roads, utilities, landscaping, and fire management requirements) and maintain the remaining portions of the site in a natural undisturbed state.
- ✓ Place utilities underground and adjacent to roadways (i.e. within the right of way).
- ✓ Avoid placing development on slopes greater than 25%, unless the outcome is biologically superior (e.g. avoids impacts to sensitive biological resources). See the Hillside Management Area Ordinance (Chapter 22.104) for hillside design requirements in areas with 25% or greater natural slopes.
- ✓ Locate development away from wildlife corridors and use only wildlife permeable fencing outside of development to allow wildlife to move easily through the undeveloped portion of the project site.
- ✓ Locate development away from the most sensitive natural resources and protect those resources and contiguous natural areas as open space.
- ✓ Do not alter, grade, build upon, fill or divert water from any wetland area. Maintain minimum buffers around such areas, as specified in the SEA Development Standards.
- ✓ Do not alter, grade, fill or build within any part of the 100-year flood plain of a river or stream.
- ✓ Avoid removal of native trees, such as oak, walnut, sycamore, juniper, and Joshua trees (see SEA Protected Tree List in Appendix A).
- ✓ Landscape with plant materials that are locally indigenous and drought-tolerant. Do not landscape with invasive species listed in the Invasive Species List (Appendix C) or listed as invasive by California Invasive Plant Council.
- ✓ Direct outdoor lighting downward and away from adjacent natural areas.
- ✓ Use non-glare/non-reflective glass and/or other methods for preventing collisions of birds with window glass.

## SEA RESOURCES

The SEA Ordinance defines *SEA Resources* as “the biological and physical natural resources that contribute to and support the biodiversity of SEAs and the ecosystem services they provide.” In Chapter 1, the concept of biodiversity and its importance to maintaining the character of LA County was introduced. Biodiversity, at its core, is simply the variety of life that occurs in a particular place. While biodiversity speaks to the diversity of living organisms, it is the combination of those living organisms (plants, animals, fungi, microbes, etc.) and the physical natural resources (non-living resources such as water, rocks, minerals, and air) that make up an *ecosystem*.

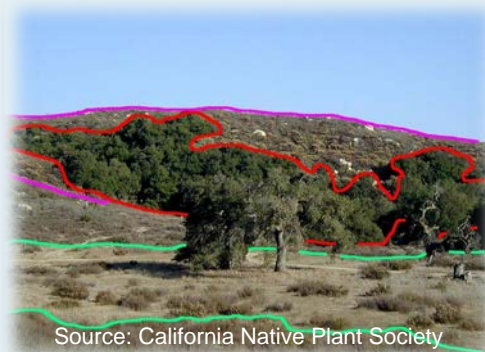
Many interactions take place within an ecosystem between the living organisms and their physical environment, and these chemical, biological, geochemical, or physical interactions provide the ecosystem with the raw materials it needs to continue to thrive. Many of these interactions, or *ecosystem functions*, also provide direct and indirect benefits to people. Such benefits are known as *ecosystem services*, and include things like clean air and water, fertile soils, pollination, raw materials in the form of foods, biofuels, and medicinal resources, protection from natural disasters like floods and droughts, and regulation of temperatures. There are also many social and cultural services provided by healthy, functioning ecosystems, such as scenic views and opportunities for recreation, tourism, culture, art, and design. The continued ability of our local ecosystems to provide the ecosystem services and biodiversity that we enjoy in LA County today depends in large part on ensuring adequate protections for the resources themselves, many of which are concentrated within and adjacent to SEAS.

To that end, the SEA Ordinance divides SEA Resources into five categories, with each category afforded a certain level of protection consistent with its relative abundance in the County and sensitivity to disturbance. Categories 1 through 3 are referred to in the Ordinance as Priority Biological Resources. SEA Resources are divided into categories based on the following factors:

- ❖ sensitivity to impacts of development;
- ❖ relative scarcity within the state, County, or SEA;

### NATURAL COMMUNITIES

A natural community is a collection of plants that occur together in a repeating pattern across a landscape. Without even knowing the names of the plants, one can start to detect patterns based solely on their size, shape, and spacing.



By grouping vegetation together in this way, they can be described, mapped, and ranked based on sensitivity and rarity. Mapping natural communities can be used to:

- ✓ predict available habitat for plant and animal species,
- ✓ depict patterns of biodiversity,
- ✓ help predict fuel loads and fire risk, and
- ✓ track and evaluate changes over time.

Examining and protecting natural communities shifts the conservation emphasis from a single-species approach to a landscape approach that encompasses groups of species and ecosystems, as well the interplay between those groups.

This approach recognizes that species never occur in isolation, but rather exist as members of a community of interdependent plants and animals.

- ❖ role in supporting populations of species and ecosystem services;
- ❖ and ability to recover from disturbance (resilience).

The SEA Ordinance relies largely on existing standards, requirements, and thresholds already in use by state, federal, and county resource agencies and authorities. Each category is described in more detail below. The SEA Ordinance includes specific Development Standards for SEA Resource Categories 1 through 4 (TABLE 2). Other area-wide and land use specific Development Standards are intended to preserve valuable elements of Category 5 SEA Resources.

**TABLE 2. ALLOWABLE DISTURBANCE & PRESERVATION FOR SEA RESOURCES BY CATEGORIES**

SEA RESOURCE CATEGORY:	DISTURBANCE ALLOWED:	OPEN SPACE PRESERVATION RATIO:
1	none	N/A (requires SEA CUP)
2	≤ 500 sq ft	2:1
3	≤ 500 sq ft	1:1
	> 500 sq ft	2:1
4	≤ 5,000 sq ft	none
	> 5,000 sq ft	1:1
5	any amount	none

\* The total building site area may be no larger than 20,000 square feet.

### SEA RESOURCE CATEGORY 1

No amount of disturbance<sup>10</sup> to resources in this category is allowed under a Ministerial SEA Review, as they are of the highest sensitivity and vulnerability in the region. Most of these resources also have state or federal regulations in place to protect them. Development should always strive to avoid resources in this category. Any development proposing impacts to Category 1 SEA Resources will require a SEA CUP with SEATAC review and a public hearing and will likely also trigger permitting requirements from other state or federal agencies (e.g. USFWS, Army Corps, CDFW, etc.). Mitigation for impacts to these resources is sometimes not a viable option because they are so rare, difficult to detect, or have habitats that are next to impossible to re-create. SEA Resources that fall into this category include the following:

#### ENDANGERED, THREATENED, OR RARE PLANTS AND ANIMALS:

The U.S. Fish and Wildlife Service (USFWS) administers the Federal Endangered Species Act (FESA), which provides a process for listing species as endangered and threatened, and provides guidance for protecting those listed species and the habitats upon which they depend. The California Endangered Species Act (CESA) prohibits the take of any fish, wildlife, or plant species designated by the California Fish and Game Commission as endangered, threatened, or candidate species. The California Department of Fish and Wildlife (CDFW) oversees the species protected by CESA. Both the federal and state regulations prohibit the take of any listed endangered or threatened plant or animal species, including the destruction of a listed species' habitat. All species protected under



Figure 11. The arroyo toad (*Anaxyrus californicus*) is both federally and state listed as an endangered species. Photo by Chris Brown, USGS.

<sup>10</sup> Disturbance includes clearing or thinning of vegetation for fuel modification and fire protection purposes.



FESA or CESA are Category 1 SEA Resources. For the purposes of the SEA Program, both the protected species and their occupied habitat are Category 1 SEA Resources.



Figure 12. Branton's milkvetch (*Astragalus brauntonii*) is a perennial herb listed as federally endangered and CNPS rare plant rank 1B.1. Photo by Benjamin Smith 2010, from CalPhotos.

#### CALIFORNIA RARE PLANT RANKS 1A OR B, 2A OR B, AND 3:

CDFW works in collaboration with the California Native Plant Society (CNPS) and with botanical experts to maintain an inventory of California's sensitive plant species. This inventory consists of a ranking system known as the California Rare Plant Ranks (CRPR), which officially defines and categorizes the level of rarity of California's plants based on known information about the rarity, geographic range, and ecological requirements of each species. All the plants ranked 1A, 1B, 2A, 2B, and 3 meet the definitions of the CESA, are eligible for state listing, and are Category 1 SEA Resources. More detailed information about the CNPS Rare Plant Program can be found online at <http://www.cnps.org/cnps/rareplants/>.



Figure 13. *Dudleya greenei*-*Dudleya* spp. Succulent Scrub Herbaceous Alliance is a G1/S1 natural community that is found on the Channel Islands. Photo by Nicole Swabey, NPS.

#### CRITICALLY IMPERILED NATURAL COMMUNITIES<sup>11</sup> (G1/S1):

Natural communities with a global rank of G1 or a state rank of S1 are considered to be "critically imperiled". Critically imperiled natural communities are at very high risk of extinction due to extreme rarity (often with only six or fewer populations remaining worldwide or statewide, and/or up to 1,000 hectares remaining), very steep declines, and other factors. Since they have extremely limited distribution statewide and globally and are highly vulnerable to the impacts of development projects, no amount of disturbance to G1/S1 natural communities is allowed without a SEA CUP.



Figure 14. Wetlands are diverse ecosystems that provide vital services and habitat for broad range of species. Photo by City of Los Angeles Department of Cultural Affairs.

#### WATER RESOURCES:

Water resources are highly vulnerable and complex hydrologic and biotic systems that are capable of supporting a vast range of important ecosystem functions. The Conservation and Natural Resources Element (Chapter 9) of the General Plan 2035 characterizes local water resources "an invaluable resource" and recognizes that effective management and preservation of water resources are vital to preserving a high quality of life for LA County's residents and sustaining the functioning of watersheds and the natural environment.

<sup>11</sup> Since 1999, CDFW has classified and mapped natural communities throughout the state of California. One purpose of this classification is to assist in determining the level of rarity and imperilment of natural communities throughout the state. CDFW's current list rates 350 vegetation alliances and over 2,100 associations with a G (global) and S (state) rank according to their degree of imperilment following NatureServe's Heritage Methodology ([www.natureserve.org/conservation-tools/conservation-status-assessment](http://www.natureserve.org/conservation-tools/conservation-status-assessment)).

Since water resources are so sensitive to changes that occur along their boundaries and within their watersheds, the SEA Ordinance goes beyond prohibiting development within their boundaries, to requiring additional buffers between proposed developments and the water resources. See section “B. Water Resources” below for more details on required buffers.

## SEA RESOURCE CATEGORY 2

This category includes species and natural communities that are rare, sensitive, or highly important to maintaining the biodiversity and ecosystem services within SEAs. Only minimal amounts of disturbance may be allowed to these resources, as discussed below.



**Figure 15. Desert needlegrass grassland (*Achnotherum speciosum* Herbaceous Alliance) is a S2 natural community. Photo by Todd Keeler-Wolf.**

### IMPERILED NATURAL COMMUNITIES (G2/S2):

Natural communities with a global rank of G2 or a state rank of S2 are considered “imperiled”. Imperiled natural communities are at high risk of extinction or elimination due to very restricted range, very few populations (6-20 viable occurrences remaining worldwide or statewide, and/or from 1,000 to 2,000 hectares remaining), steep declines, or other factors.

The SEA Ordinance does not allow more than 500 square feet of cumulative disturbance to SEA Resource Category 2. Additionally, any proposed impacts to SEA Resource Category 2 up to 500 square feet must be compensated for through preservation of an area at least twice the size of that being disturbed. Preserved areas must be protected in perpetuity and maintained in a natural condition. All other relevant Development Standards must also be met, including the required setbacks from native trees occurring within the area to be disturbed.

To meet the requirements of the Development Standard, the area to be preserved must be:

1. the same type of SEA Resource(s) as that being disturbed,
2. located entirely outside of the development footprint (including fuel modification zones) of the proposed project,
3. located outside of any existing brush clearance zones of neighboring structures,
4. at least two-times the size of the area disturbed<sup>12</sup>, and
5. recorded through a permanent on-site deed restriction or covenant (see Chapter 8).

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<sup>12</sup> While applicants are encouraged to go beyond the minimum requirement, particularly when sensitive resources are present, and preserve as much of the sensitive resource as feasible, the Department will not require more than 2 to 1 preservation through a Ministerial SEA Review.

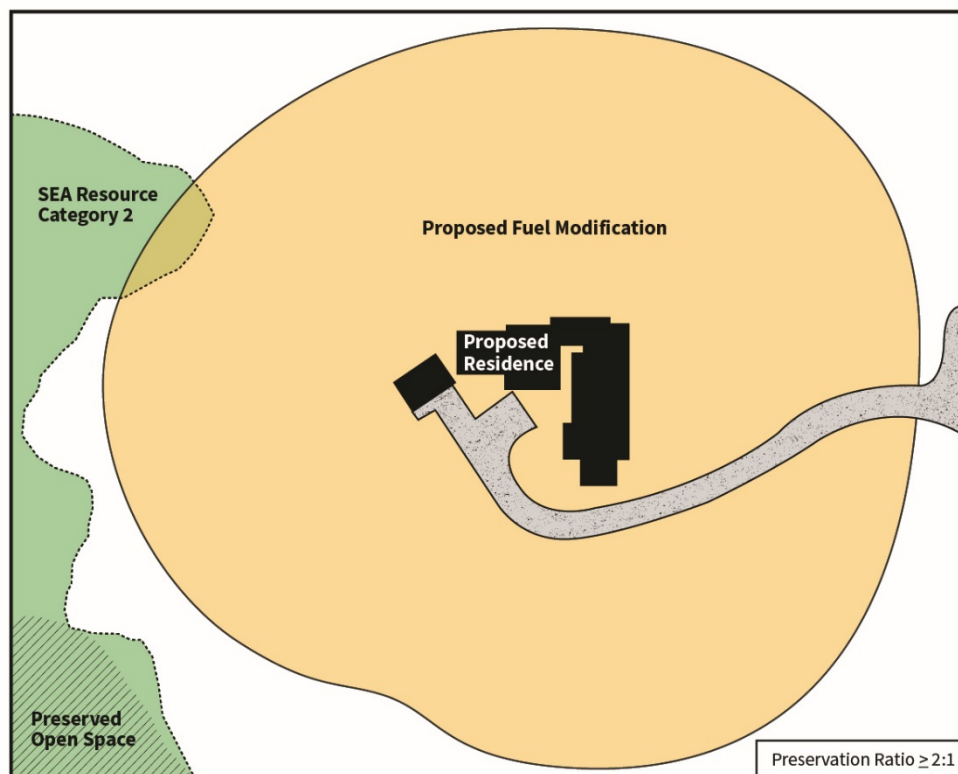


Figure 16. Up to 500 square feet of disturbance to SEA Resource Category 2 is allowed, provided that the applicant preserve at least twice that amount of the same type of habitat on site, through an open space deed restriction or covenant.



Figure 17. The Western Burrowing Owl (*Athene cunicularia hypugea*) is a CA Species of Special Concern. Photo by Andy Long, Audubon Photography Awards.

#### SPECIES OF SPECIAL CONCERN:

CDFW uses this status for rare and sensitive animals not listed under FESA or CESA, but which nonetheless are declining at a rate that could result in listing, as well as for animals that historically occurred in low numbers that have known threats to their continued presence. More information on Species of Special Concern can be found on the CDFW website at [www.wildlife.ca.gov/Conservation/SSC](http://www.wildlife.ca.gov/Conservation/SSC). For the purposes of the SEA Program, both Species of Special Concern and their occupied habitat are Category 2 SEA Resources.

Since animals move and generally flee or hide when human activity is detected, 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. The SEA Ordinance prohibits development that results in abandonment or failure of any habitat features that have been identified by a qualified biologist as belonging to a special status species. If a special habitat feature indicates presence of a species of special concern, the consulting biologist should confer with the County Biologist and CDFW to determine the appropriate buffer to maintain between the habitat feature and the proposed development, and this buffer must be shown on the BCM.

### SEA RESOURCE CATEGORY 3

This category includes natural communities considered by CDFW to be likely to become imperiled unless the circumstances that are threatening their survival improve. Resources in this category include the following:



Figure 19. Chamise-white sage chaparral (*Adenostoma fasciculatum* - *Salvia apiana* Shrubland Alliance) is a G3/S3 ranked natural community. Photo by Julie M. Evens.

#### VULNERABLE NATURAL COMMUNITIES (G3/S3):

Natural communities with a global rank of g3 or a state rank of s3 are considered “vulnerable”. Vulnerable communities are at moderate risk of extinction or elimination due to restricted range, relatively few populations (21-80 viable occurrences remaining worldwide or statewide and/or from 2,000 to 50,000 hectares remaining), recent and widespread declines, or other factors.



Figure 18. Joshua Tree Woodland is a Sensitive Local Native Resource in the SEAs in which it occurs (see Appendix B). Photo by Enaid Silverwolf, 2017.

#### SENSITIVE LOCAL NATIVE RESOURCES:

Some species and natural communities are much rarer or more significant on a local scale than they are on a global, state, or even regional scale. For this reason, the Department maintains a list of native resources that are rare or significant within the County or specific SEAs (Appendix B). Any species included on this list will be treated as a Category 2 resource within the region(s) indicated on the list, regardless of its state and global rankings.)



Figure 20. The County regards oak woodlands as being essential to the maintenance of biodiversity and ecosystem services. Photo by James Keeney.

#### OAK WOODLANDS:

LA County has long prioritized the protection of oaks, starting with enacting the Oak Tree Ordinance in 1982, and subsequently through the adoption of the LA County Oak Woodlands Conservation Management Plan in 2011. The Oak Woodlands Conservation Management Plan changed the way the Department reviews projects that occur within or near oak woodlands. The main goal of the plan is to conserve oak woodlands in perpetuity with no permanent net loss of existing woodlands. As such, although many natural communities dominated by oak trees are ranked as being less rare or sensitive in the CDFW Natural Communities list, the County regards them as essential to the maintenance of biodiversity and ecosystem services within SEAs and places them in a more protective category.

The SEA Ordinance includes provisions for two tiers of impact to SEA Resource Category 3, namely disturbances under 500 square feet and disturbances over 500 square feet.

1. Development not exceeding 500 square feet of disturbance to SEA Resource Category 3 must preserve an equal area of the same SEA Resource(s) elsewhere on the project site (1:1 preservation ratio).
2. Development that exceeds 500 square feet of impact to SEA Resource Category 3 are required to preserve an area of the same SEA Resource(s) at least two-times the size of that impacted (2:1 preservation ratio).

For both tiers, all other Development Standards must be met, including the maximum total building site area and required setback for native trees. Additionally, to meet the requirements of this Development Standard, the area to be preserved must:

1. consist of the same type of SEA Resource(s) as that being disturbed,
2. be located outside of the development footprint of the proposed project,
3. be located outside of any existing brush clearance zones of neighboring structures, and
4. be recorded through a permanent on-site deed restriction or covenant (see Chapter 8).

### WHY ARE OAK WOODLANDS IMPORTANT TO LOS ANGELES COUNTY?

Adapted from the *Los Angeles County Oak Woodlands Conservation Management Plan*:

Oak woodlands are much more than a collection of individual trees. Associated with those trees, are over 300 vertebrate species and more than 5,000 invertebrates, not to mention hundreds of native plant species. Entering oak woodlands, you experience the complex interconnections of the trees, plants, and animals that create a dynamic living system.

Oak woodlands provide essential ecosystem function services, at little to no cost. The canopies of oaks filter out air pollution, absorb carbon dioxide, and create islands of welcome shade and cooler temperatures. Hillsides covered with oaks provide erosion control through roots that hold the soil and foliage that diffuses rainfall, allowing it to percolate into the ground. Stream banks shaded by oaks slow down floodwaters and help filter out water pollutants.

Oak woodlands provide extensive recreational opportunities that are easily accessed by the huge urban population of Los Angeles County. The health benefits provided by access to trails that wind through the oaks are immeasurable. For many people, a walk through the oaks is a welcome stress relief. Real estate prices for homes in or near oak woodlands are consistently higher than those without oaks or other natural spaces.

Oak woodlands are an iconic part of the visual landscape of Los Angeles County. The daily commute of millions is enhanced by views of oak studded hillsides along crowded freeways. Oaks and humans have a long history of inter-dependence. While few people today rely on acorns as a dietary staple, living in and among oak woodlands is clearly still important to many of us.

### SEA RESOURCE CATEGORY 4

This category represents the more common natural communities that occur within the County, as well as certain plant species with limited distribution within the state.



Figure 21. Redshank chaparral (*Adenostoma sparsifolium* Shrubland Alliance) is a G4/S4 ranked natural community. Photo by Julie M. Evens.

#### APPARENTLY SECURE NATURAL COMMUNITIES (G4/S4):

Natural communities with a global rank of G4 or a state rank of S4 are considered to be “apparently secure” within their range. Apparently secure communities may be uncommon within a given geographic range, but they are not rare on a larger scale. Some cause for long-term concern for these communities due to declines and other factors may be warranted regionally. G4/S4 natural communities are defined as having from 81-300 viable occurrences worldwide or statewide, and/or more than 50,000 to 200,000 hectares remaining.



Figure 22. Chamise chaparral (*Adenostoma fasciculatum* Shrubland Alliance) is a G5/S5 ranked natural community. Photo by Todd Keeler-Wolf.

#### SECURE NATURAL COMMUNITIES (G5/S5):

Natural communities with a global rank of G5 or a state rank of S5 are considered to be “secure” within their range. These are the most common, widespread, and abundant natural communities, and are demonstrably secure due to worldwide and statewide abundance.

The SEA Ordinance allows for up to 5,000 square feet of disturbance to these natural communities without requiring preservation. However, projects proposing to disturb more than 5,000 square feet are required to preserve an area at least equal in size to that which is being disturbed.

To meet the requirements of the Development Standard for disturbance over 5,000 square feet, the area to be preserved must be:

1. the same type(s) of natural community as that being disturbed,
2. located outside of the development footprint of the proposed project,
3. located outside of any existing fuel modification/brush clearance zones of neighboring structures,
4. equal or larger in size to the area of the disturbed natural community, and
5. recorded through a permanent on-site deed restriction or covenant (see Chapter 8 for natural open space preservation requirements).



Figure 24. Plummer's mariposa lily (*Calochortus plummerae*) is a CRPR 4 perennial herb. Photo by Jen Mongolo.

#### CALIFORNIA RARE PLANT RANK 4:

RPR4 plants, as identified by the CNPS Rare Plant Program (available online at [www.cnps.org/cnps/rareplants](http://www.cnps.org/cnps/rareplants)), are “watch list” plants. These plants are of limited distribution and may be locally significant. They warrant regular monitoring and may be transferred to a more protective rank by CNPS should the degree of endangerment or rarity change. This category includes both individual woody plants (for example, tree or shrub species) and habitat containing annual or herbaceous plants.



Figure 23. Southern California Black Walnut (*Juglans californica*) is a CRPR 4 deciduous tree. Photo by Michael O'Brien.

Similar to Category 4 Natural Communities, the SEA Ordinance allows for up to 5,000 square feet of disturbance to habitat containing RPR4 annual or herbaceous plants without natural open space preservation. It also allows for disturbance of up to 10 individual woody plants ranked RPR4 without preservation. If disturbance to more than 5,000 square feet of occupied habitat of annual or herbaceous species or disturbance to 10 individuals of woody species is proposed, the applicant must be able to preserve an area containing an equal amount of habitat for the species (or an equal number of individuals if woody species), elsewhere on the property.



## SEA RESOURCE CATEGORY 5

All SEA lands and resources that are not included in one of the categories listed above but that nonetheless contribute to the biodiversity, ecosystem services, wildlife corridors, migration pathways, and preservation of the SEAs are included in this category. Examples of such resources include vegetation dominated by non-native species, agricultural fields, hedges, early successional vegetation that has yet to form into a distinct natural community, cleared or disturbed areas, and non-native trees and shrubs. Although disturbed, such areas still contribute to the preservation of SEAs and often play a vital role in wildlife movement (see Appendix E) and the protection of SEA Resources listed above in Categories 1 through 4.

Since SEA Resource Category 5 has already been impacted in some way by development, it is not considered to be as sensitive to additional impacts of development as natural habitat areas. For this reason, the SEA Ordinance does not include a disturbance threshold or preservation ratio for impacts to this Category. However, the value of biotic resources, connectivity, and buffers provided by SEA Resource Category 5 will be taken into consideration during discretionary review, as these areas may play a role in meeting the SEA Findings.

## SEA PROTECTED TREES

Subsection 22.102.090(B) establishes minimum setbacks for SEA Protected Trees (listed in Appendix A). This setback, or buffer, is known as the Tree Protected Zone (“TPZ”), and it extends a minimum of five feet out from the dripline of a protected tree or 15 feet from the trunk, whichever distance is greater.

### ENCROACHMENTS

Any intrusion, disturbance or construction activity occurring within the protected zone of a SEA Protected Tree is considered an encroachment. Development is limited to the following encroachments:

- ✓ a maximum of four SEA Protected Trees may have encroachments; and
- ✓ for those trees impacted, development must not encroach more than 10 percent into their TPZ.

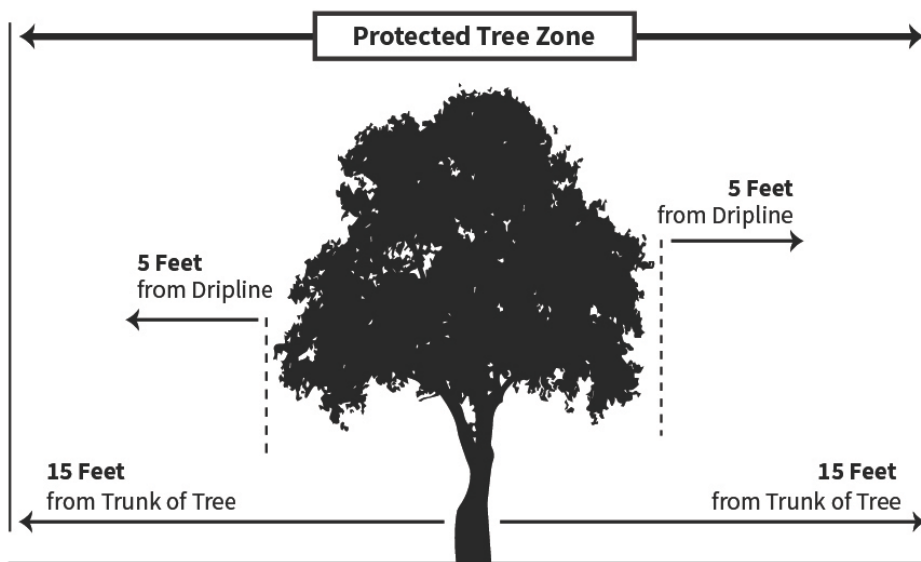


Figure 25. Development must be set back a minimum of 5-feet from the dripline or 15-feet from the trunk of a SEA Protected Tree, whichever distance is greater.

## REMOVALS

Development may remove one SEA Protected Tree, provided it is not designated as a Heritage Tree. If the tree to be removed is an oak tree protected by the County Oak Tree Ordinance (all trees of the genus *Quercus* greater than eight inches DBH or with two trunks totaling 12-inches DBH), an Oak Tree Permit will still be required.

See Chapter 3 for more information on SEA Protected Trees and permitting requirements.

## WATER RESOURCES

No direct disturbance to our County's limited water resources is allowed within SEAs. Furthermore, since water resources are highly vulnerable to changes that occur within their watersheds, and especially to activities that occur around their edges, all development (as defined in the SEA Ordinance), including fuel modification, is required to be set back a minimum distance from water resources identified in the vicinity of the project, as shown in **TABLE 3** below.

While the Ordinance requires minimum setbacks, applicants are encouraged to plan their developments as far from water resources as possible (beyond required setbacks) to ensure that the development does not have adverse inhibitory effects on wildlife using the water sources. The year-round water supplied by marshes, seeps, and springs is of the utmost importance for wildlife, and intermittent and ephemeral waters play a vital role in the lifecycles of countless indigenous plants and animals, as well as migrating birds. It is vital that access to and use of these resources remain unfettered by further human disturbance. Human uses, such as stables and animal keeping, may have adverse inhibitory effects on the wildlife using the water sources.

In the SEA Program, the term water resource is used to identify all forms of surface water protected by the SEA Ordinance and may differ from the definitions used by other agencies. The various types of water resources referenced in the SEA Ordinance include lakes, reservoirs, ponds, rivers, streams, marshes, springs, vernal pools, and playas (see Glossary for definitions of each type of water resource). For the purpose of the SEA Ordinance, all water resources within SEAs are protected, even in instances where the resource was initially created artificially by human activities. Similarly, ephemeral and intermittent water resources are protected in equal measure to perennial water resources.

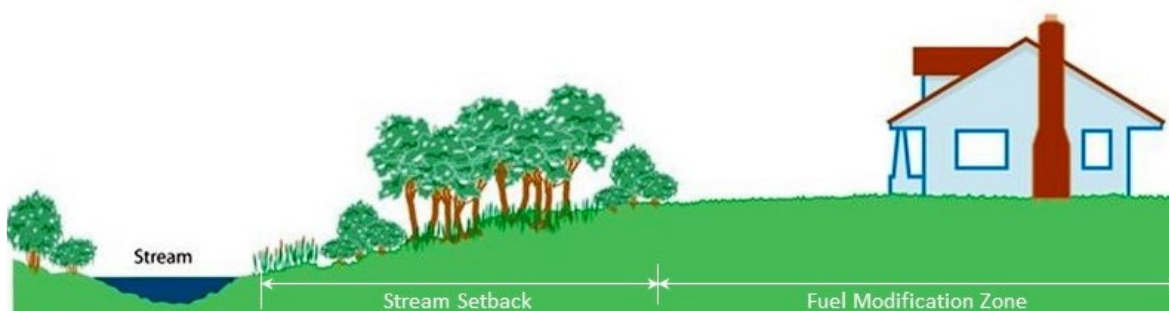


Figure 26. Fuel modification and brush clearance required by the Fire Department or Agricultural Commission for fire protection is considered development within SEAs, and therefore must be located entirely outside of required water resource setbacks.

There are other state and federal laws and regulations governing the use of and impacts to water resources, such as the Clean Water Act, the Lake and Streambed Alteration Program, and the Endangered Species Act (in the case of habitat for listed species), to name a few. Applicants should contact all appropriate resource management agencies (e.g. US Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), USFWS, and CDFW) to determine what additional permits may be needed. In general, if a development meets the required setbacks from water resources, the need for additional permits is unlikely. If a development is not able to meet setbacks from water resources, a jurisdictional waters delineation may be needed to determine if proposed activities fall within the jurisdiction of any such agencies. The applicant should work directly with the appropriate agency to obtain necessary permits.

**TABLE 3. REQUIRED SETBACKS FOR WATER RESOURCES IN SEAS.**

<b>WATER RESOURCE:</b>	<b>SIZE</b>	<b>REQUIRED SETBACK*</b>	<b>MEASURED FROM**</b>
<b>Lakes, reservoirs, ponds</b>	Any Size	150 feet or the watershed boundary, whichever is greater	High water mark
<b>Marshes, seeps, springs</b>	<0.5 acre	100 ft	Edge of saturated soil
	0.5 – 1 acre	150 ft	
	>1 acre	300 ft	
<b>Vernal pools, playas</b>	Any Size	150 ft or the watershed boundary, whichever is greater	Maximum pool extent
<b>Rivers and streams</b>	<50 ft wide during or immediately following a 10-yr storm	100 ft	Outside edge of riparian vegetation (i.e. dripline) on either side of the active channel. If riparian vegetation is absent or sparse, use bed and bank of the active channel inclusive of any braided channel conditions.
	50-100 ft wide during or immediately following a 10-yr storm	150 ft	
	>100 ft wide during or immediately following a 10-yr storm	300 ft	

\* All setbacks should be measured horizontally, in plan view, since they are intended to serve as spatial buffers. For SEA CUPs, a lesser setback may be considered if topography and/or other physical features in combination with best management practices are determined to provide adequate screening and buffering.

\*\*All wetland delineations should follow the methodology described in the US Fish and Wildlife Service Classification of Wetlands and Deepwater Habitats of the United States (Cowardin, 1979). The Mapping Episodic Stream Activity (MESA) protocol (Vyverberg and Brady, 2013) developed by CDFW and the California Energy Commission should be employed to accurately document episodic streams when water is absent.

## OTHER DEVELOPMENT STANDARDS

The following Development Standards apply to all projects within SEAs. The primary purpose of these Development Standards is to ensure the preservation of natural habitat and wildlife movement opportunities within SEAs.

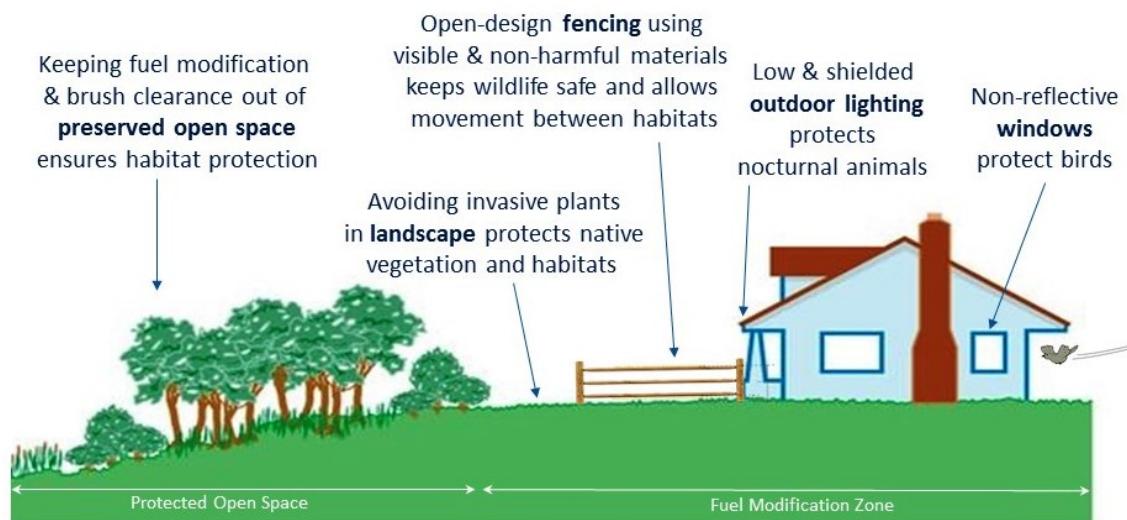


Figure 27. Area-wide Development Standards focus on ensuring the preservation of natural habitat and wildlife movement opportunities.

### IMPERMEABLE FENCING, WALLS OR ENCLOSURES

Fencing within SEAs is generally discouraged, as fences can create hazards and barriers for wildlife movement, seasonal migrations, and access to food and water. When used, fencing should be designed and sited in such a way as to not restrict wildlife movement within the SEA.

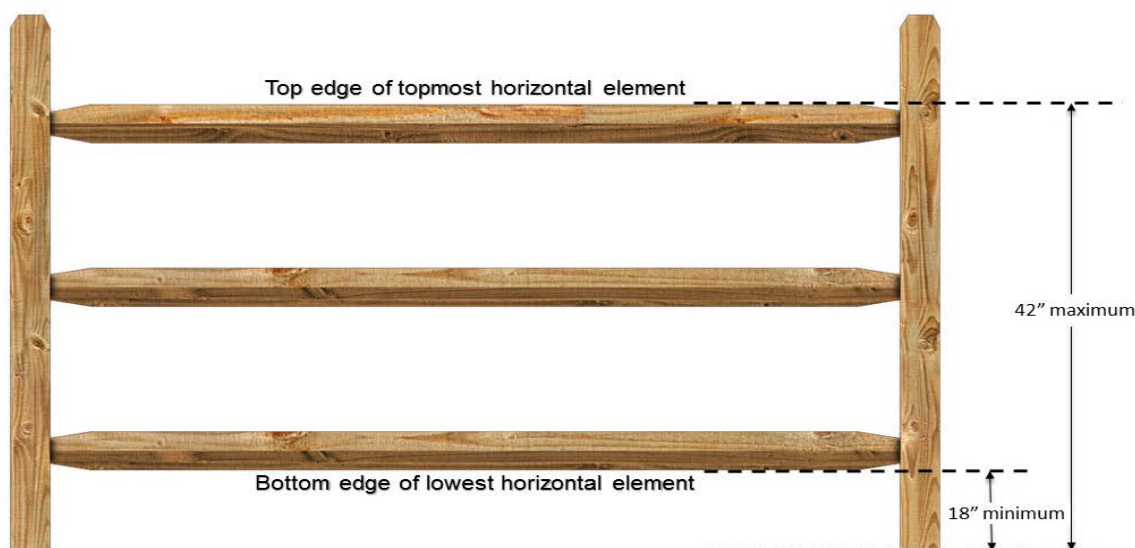
Wildlife impermeable fencing is fencing that prevents or creates a barrier for the passage of wildlife from one side to the other. In SEAs, impermeable fencing, walls, and enclosures are only allowed within the development footprint, and should only be used around the immediate vicinity of residences and associated yards, for the control and safety of domestic animals<sup>13</sup>, and where public health and safety dictates their use. Impermeable fencing, walls, or enclosures should never be constructed around areas that contain natural habitat, except where temporary exclusion fencing is needed to keep wildlife away from habitat restoration areas while they become established.

#### A FENCE MAY BE PROBLEMATIC FOR WILDLIFE IF...

- ✓ it is too high to jump over
- ✓ it is too low to crawl under
- ✓ it is too wide and creates a three-dimensional obstacle
- ✓ there are loose or broken wires
- ✓ its wires or boards are spaced too closely together
- ✓ it has elements that can impale or snag a leaping or flying animal
- ✓ it is not readily visible to running animals or flying birds

<sup>13</sup> Within the urban-wildland interface, it is strongly recommended that livestock and domesticated animals are provided with appropriate fencing to provide protection against predation by mountain lions and other predatory wildlife.





**Figure 28.** Wildlife permeable fencing must be of open design and constructed of materials that are readily visible to wildlife. Height of top rail may be no more than 42-inches above ground-level, and the bottom rail must be at least 18-inches above ground-level to permit movement of wildlife both under and over the fence.

### PERMEABLE FENCING

Wildlife permeable fencing may be utilized elsewhere on the property to delineate property lines or to section off development features. A wildlife permeable fence is one that incorporates, at minimum, the following principles:

- ❖ Wildlife should be able to easily see all fence posts and horizontal elements. Materials that are visible to wildlife include wooden rails, steel pipes, vinyl rails, PVC pipes, recycled plastic rails, coated wires, or smooth wires covered with PVC or clearly marked with flagging.
- ❖ The top edge of the uppermost horizontal elements shall be no more than 42 inches above ground level to allow wildlife to jump over the fence.
- ❖ The bottom edge of the lowest horizontal elements shall be no lower than 18 inches above ground level to allow wildlife to pass under the fence.

### FENCING MATERIALS

Never construct or top fences, gates, and walls with spikes, glass, razors, nets, or other such materials that may be harmful to wildlife. To prevent the entrapment of birds, fence and signposts should not be hollow at the top or have unfilled bolt holes. Wildlife friendly fences are those constructed of materials that are

### ALTERNATIVES TO FENCING

SINCE FENCES CAN POSE SERIOUS PROBLEMS FOR WILDLIFE IN WAYS THAT WE DO NOT ALWAYS SEE OR ANTICIPATE, ALTERNATIVE DESIGN FEATURES THAT COULD SERVE THE SAME PURPOSE SHOULD BE CONSIDERED. BARRIERS OR DESIGNS USING NATURAL MATERIALS ARE OFTEN VERY EFFECTIVE AT PREVENTING ACCESS OR PROVIDING PRIVACY, WHILE SIMULTANEOUSLY PROVIDING A MORE NATURAL APPEARANCE AND MINIMIZING MAINTENANCE REQUIREMENTS. CLOSELY SPACED NATURAL VEGETATION (E.G. HEDGES) CAN SERVE AS A PRIVACY FENCE, FOR EXAMPLE, OR A ROW OF TREES OR BOULDERS COULD SERVE AS BOUNDARY MARKERS.

readily visible to wildlife, preventing unfortunate accidents such as collisions, entanglement, entrapment, or impaling of unsuspecting animals. Barbed wire may be used on the interior horizontal elements of the fence, but may not be used as the top- or bottom-most elements.

## WINDOW REFLECTIVITY

Windows can be a big problem for birds. A 2014 study published by the American Ornithological Society found that between 365 and 988 million birds are killed each year in the United States by building collisions<sup>14</sup>. Reflective windows, sometimes in combination with artificial outdoor lighting, are the major cause of such collisions. The vast majority of structures that birds collide with are residences and low-rise buildings. A single home may kill a dozen or more birds each year without the owner being aware. Birds typically collide with windows because they see the reflection of surrounding habitat and fly full-speed into it, or they attempt to fly past reflected buildings or through reflected passageways, with fatal results. Even if the initial impact does not kill the bird immediately, it may hemorrhage after flying away from the site or be left injured and vulnerable to predation.

The Ordinance requires that all windows in SEAs be comprised of non-glare/non-reflective glass or utilize methods to achieve non-reflectivity. Additional methods for preventing collisions of birds with window glass include:

- ❖ incorporating elements in the building design that preclude collisions without completely obscuring vision, for example the use of decorative facades, recessed windows, shutters, grilles, or exterior shades;
- ❖ using UV Patterned, Opaque, or Translucent Glass;
- ❖ applying patterns on glass (particularly on the external surface) to block glass reflections, acting like a screen;
- ❖ applying external window films or decals; and
- ❖ avoiding plantings in front of glass windows.

## OUTDOOR LIGHTING

Outdoor lighting can be very disruptive to natural animal behavior. According to a research article by Travis Longcore and Catherine Rich, “light pollution has demonstrable effects on the behavioral and population ecology of organisms in natural settings. As a whole, these effects derive from changes in orientation, disorientation, or misorientation, and attraction or repulsion from the altered light environment, which in turn may affect foraging, reproduction, migration, and communication.”<sup>15</sup> For example, lighting the night sky can disrupt bird migration and nocturnal foraging by bats and birds, while lighting terrestrial habitat areas can disturb foraging patterns of other nocturnal animals.

Chapter 22.80 (Rural Outdoor Lighting District) of the County Code is a supplemental zoning district that encompasses rural areas of LA County. The Rural Outdoor Lighting District “promotes and maintains dark skies for the health and enjoyment of individuals and wildlife.” The majority of SEAs are already included in the Rural Outdoor Lighting District, and the current SEA Ordinance essentially expands the district to

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<sup>14</sup> Loss, Scott R., Tom Will, Sara S. Loss, and Peter P. Marra. 2014. Bird–building collisions in the United States: Estimates of annual mortality and species vulnerability. *The Condor* 116(1):8-23. [doi.org/10.1650/CONDOR-13-090.1](https://doi.org/10.1650/CONDOR-13-090.1)

<sup>15</sup> Longcore, T. and Rich, C. (2004), Ecological light pollution. *Frontiers in Ecology and the Environment*, 2: 191-198. [doi:10.1890/1540-9295\(2004\)002\[0191:ELP\]2.0.CO;2](https://doi.org/10.1890/1540-9295(2004)002[0191:ELP]2.0.CO;2)

include any parts of SEAs that were not originally covered by the supplemental district, by requiring those areas to abide by the same standards. Further, the Ordinance prohibits outdoor lights to be directed upwards into the night sky or to be directed onto natural habitat.

Applicants can meet this Development Standard and protect habitat and dark skies by following these general guidelines for outside lighting:

#### KEEP IT LOW



Mount light fixtures as low as possible to minimize light trespass (see Part 9 of Chapter 22.44 for specific height requirements by use).



Use the lowest amount of light needed for the task. Consider using motion sensors to avoid steady-burning lights, or timers to ensure that lights aren't left on longer than necessary.

#### KEEP IT SHIELDED



Use fixtures that are shielded so that the bulbs and/or glowing lenses are not visible, minimizing light trespass into natural habitat areas or skywards.

#### KEEP IT WARM



Use only warm light sources for outdoor lighting. Blue light is now known to brighten the night sky more than any other color of light, so minimizing the amount of blue light emitted is important. Exposure to blue light at night has been shown to harm human health and endanger wildlife. Warm (or subdued) light sources recommended for use outdoors include LPS, HPS and low-color-temperature LEDs.

Per Section 22.44.530, the following types of outdoor lighting are prohibited: drop-down lenses, mercury vapor lights, ultraviolet lights, and searchlights, laser lights, or other outdoor lighting that flashes, blinks, alternates, or moves.

### NATURAL OPEN SPACE BUFFER

In order to minimize edge effects and reduce the impacts of fuel modification, brush clearance, or other vegetation disturbing activities within protected natural open space (i.e. state or county park, conservation easement, open space deed restriction, etc.), the SEA Ordinance requires that all new habitable structures be set back a minimum of 200 feet from the boundary of any such lands. A 200-foot buffer is the standard distance required by the LA County Fire Department and Agricultural Commission for fuel modification and brush clearance to protect a habitable structure. If the Fire Department approves a fuel modification plan with non-standard distances for fuel modification zones, the setback for habitable structures from natural open space should be based on those approved in the Fire Department approved fuel modification plan. Department Staff can assist in identifying protected natural open space in the project vicinity.

Additionally, since dedication of natural open space will be a requirement for many projects within SEAs, it is important to remember that this requirement will also apply to those proposed natural open space areas. Any natural open space proposed for dedication in association with the development must be located at least 200-feet from any existing or proposed structure.

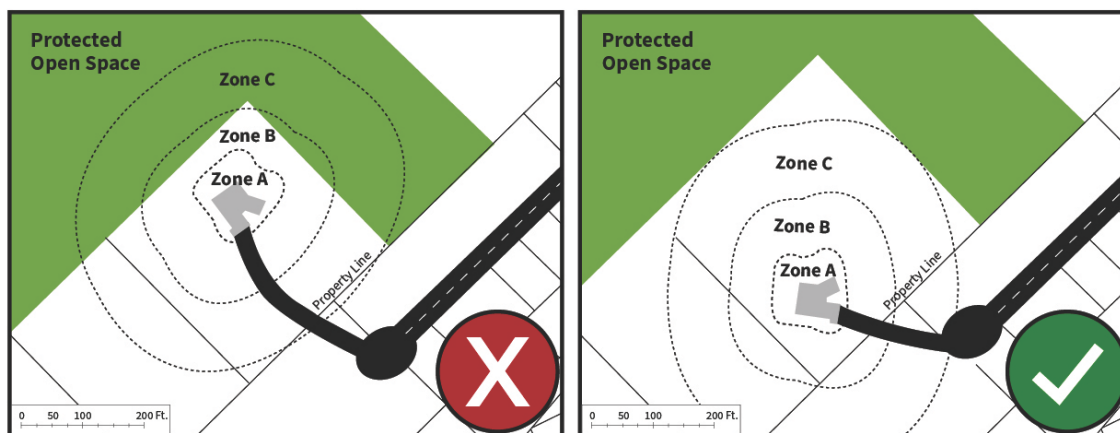


Figure 29. All new habitable structures must be set back a minimum of 200 feet from the boundary of any preserved natural open space.

## LANDSCAPING AND FUEL MODIFICATION

Any development requiring new landscaping and/or fuel modification will need to submit landscape plans. Landscape plans will be reviewed by the Case Planner and County Biologist for compliance with the Development Standards, and they may also require review by the Fire Department for approval along with the Fuel Modification Plan.

### LANDSCAPE & FUEL MODIFICATION REQUIREMENTS

- ❖ Minimize removal of natural vegetation to minimize erosion and sedimentation, minimize impacts to biological and scenic resources, and reduce the need for supplemental irrigation.
- ❖ Landscape or revegetate all cut and fill slopes and other areas disturbed by construction activities.
- ❖ Fuel Modification Zones A and B may utilize a mix of locally-indigenous, drought-tolerant plant species and non-invasive, drought tolerant ornamental plants and gardens.<sup>16</sup> These zones require irrigation, per Fire Department regulations.
- ❖ Fuel Modification Zone C should consist exclusively of native vegetation. In order to meet Fire Department regulations, existing vegetation in this zone may need to be thinned to provide defensible space for fire suppression.
- ❖ For necessary landscaping or revegetation in Zone C or outside of fuel modification areas, use only locally-indigenous, drought-tolerant plant species that blend with the existing natural vegetation and habitats in the area. Locally-indigenous plants are adapted to the local climate and natural rainfall patterns, and have adaptations to survive diminished rainfall, so landscapes with local natives minimize irrigation needs and remain healthy during times of drought.
- ❖ In all Fuel Modification Zones, use only plant species that are consistent with Fire Department requirements.
- ❖ Check the Invasive Plant List in Appendix C to ensure that none of the plants proposed for use are invasive plants, and therefore prohibited within SEAs.

<sup>16</sup> Use your address to identify locally appropriate plants at [Calscape.org](http://Calscape.org), and find out what plant nurseries may have them available.

- ❖ Tilling and disking are not acceptable methods of vegetation removal or maintenance for fuel modification or brush clearance.

All landscaping activities occurring within SEAs should employ current best practices (such as watershed-wise landscape design and hydrozones) to the greatest extent possible, avoid unnecessary direct impacts to habitat, utilize low impact design principles, and conform to legal standards for all pesticide, herbicide, and fertilizer applications. The use of chemical fertilizers or herbicides is strongly discouraged, particularly in native plant areas; amendments such as native plant mulch should be used instead.

### INVASIVE PLANTS

THE SEA ORDINANCE PROHIBITS THE USE OF INVASIVE PLANTS WITHIN SEAs, INCLUDING ANY HORTICULTURAL PLANT SPECIES LISTED IN APPENDIX C OF THIS GUIDE AND ANY OTHER SPECIES THAT IS LISTED AS INVASIVE BY THE CALIFORNIA INVASIVE PLANT COUNCIL (CAL-IPC). THE MAJORITY OF SPECIES LISTED IN APPENDIX C ARE PLANTS THAT WERE ORIGINALLY INTRODUCED TO THE REGION FOR HORTICULTURAL PURPOSES OR EROSION CONTROL THAT HAVE DEMONSTRATED AN ABILITY TO ESCAPE FROM CULTIVATION AND SPREAD INTO NATURAL ECOSYSTEMS, DEVELOPING SELF-SUSTAINING POPULATIONS AND BECOMING DOMINANT OR DISRUPTIVE TO THOSE ECOSYSTEMS. GIVEN THE IMPACTS THAT INVASIVE PLANTS CAN HAVE ON NATIVE SPECIES, THE PREVENTION OF NEW INTRODUCTIONS OF INVASIVE PLANTS INTO SEAs IS VITAL TO THE PRESERVATION OF BIODIVERSITY AND ECOSYSTEM SERVICES.

### NATURAL OPEN SPACE

Any required natural open space preservation areas as described above must be located outside of the development footprint. The natural open space area should not include any existing or proposed driveways, streets, roads, or highways.

## LAND USE SPECIFIC DEVELOPMENT STANDARDS

The following Development Standards relate to specific types of land use.

### CROPS

The SEA Ordinance divides crops into two categories: 1) crops as an accessory use, and 2) crops as a primary use. For both categories, use of plant species recognized in Appendix C or by the California Invasive Plant Council (CAL-IPC) as invasive are prohibited. Invasive plants are defined as plants that are not native to a region or ecosystem that, once introduced, tend to spread aggressively, disrupting native species occurring in the area, and even changing ecosystem processes such as hydrology, fire regimes, and soil chemistry.

All agricultural activities occurring within SEAs should employ current best management practices (BMPs) recognized in the industry, avoid unnecessary direct impacts to natural habitat, utilize low impact design principles, and conform to legal standards for all pesticide, herbicide, and fertilizer applications.

## CROPS AS AN ACCESSORY USE

Within zoning and land use areas that permit them as an accessory use, crops may be cultivated within the required irrigated fuel modification zones of a permitted development. The irrigated fuel modification zones include zones A and B, which typically extend out to 100 feet from permitted structures. New crops proposed as a primary use outside of an irrigated fuel modification zone may require a SEA CUP, except in the Antelope Valley where they occur on previously disturbed farmland, as defined by Section 22.102.020 (see Chapter 5 for more information on this exemption).

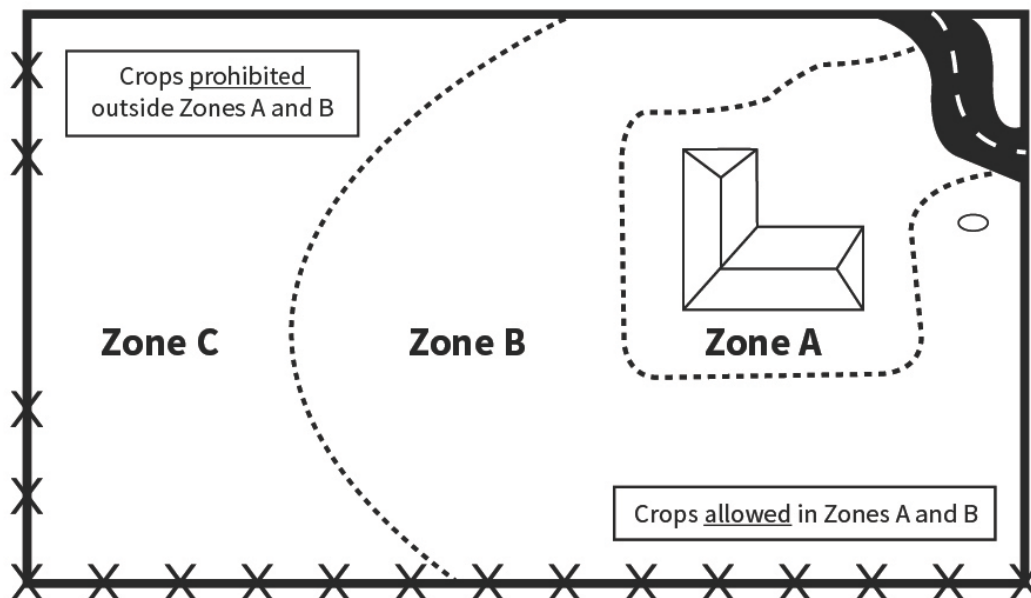


Figure 30. Crops as an accessory use must be located entirely within the irrigated fuel modification zones (Zones A & B).

## CROPS AS A PRIMARY USE

Within zoning and land use areas that permit them as a primary use, crops may be cultivated within areas classified as SEA Resource Category 5, as determined by a qualified biologist in preparation of the BCM. Such areas would typically consist of previously disturbed or fallow farmland that has not recovered to a recognizable natural community and is not occupied by sensitive species. Additionally, crops may be cultivated within any irrigated fuel modification zones associated with legally established buildings on the project site.

## EXPLORATORY TESTING

Exploratory testing and geotechnical investigations are often a necessary step in the project design process that provide necessary information for completing detailed engineering and architectural designs of access roads, bridges, septic systems, and structures. However, these activities can also cause a great deal of disturbance to the landscape. For this reason, exploratory testing, in and of itself, within SEAs is considered



a permitted use, and requires an application for Ministerial SEA Review. All exploratory testing must comply with the following practices:

- ❖ utilize existing roads and previously graded or disturbed areas, wherever possible. If the area occurs away from existing roads and previously graded or disturbed areas, the use of track mounted vehicles is required in order to create the least amount of impact to the vegetation possible.
- ❖ If it is necessary to disturb vegetation in order to provide access for the testing equipment, plants should be selectively cut above the soil, and soil left intact so that seeds and roots that are already present in the soil may resprout and revegetate the area naturally after testing is complete.
- ❖ Exploratory testing for development that is exempt from the SEA Ordinance is also exempt from this Development Standard. However, such development is strongly encouraged to follow practices described herein to reduce impacts to SEA Resources and protect the aesthetic qualities of the property being tested.
- ❖ A restoration plan is required to be submitted along with the application for exploratory testing. This plan should meet the requirements for Restoration or Enhancement Plans detailed in Chapter 6 of this Guide, and should incorporate basic principles and best management practices detailed in Chapter 7.

#### EXPLORATORY TESTING STABILIZATION

Any areas disturbed by exploratory testing are likely to be vulnerable to soil erosion and invasion by nonnative, invasive plants. For this reason, the SEA Ordinance requires that immediate action be taken to stabilize soils and reestablish native vegetative cover following the disturbance event. Such actions may consist of installation of temporary erosion control measures and application of seed from locally indigenous plants. These temporary stabilization activities should take place **as soon as possible** after disturbance of soil, and must be implemented within 90 days of completing or terminating the exploratory testing.

#### EXPLORATORY TESTING RESTORATION

Based on the results of the exploratory testing, the project will either move forward with site plans and submittal of a land use application, or any area disturbed by exploratory testing will be required to be returned to its natural state, per the restoration plan that was approved at the time of exploratory testing application submittal. Applications submitted within one year following exploratory testing activities must include provisions to stabilize all disturbed soil within the proposed development footprint and to restore any areas outside of the proposed development footprint to their natural condition. Site plans should show exploratory testing restoration areas, and a restoration or enhancement plan should be included with the application materials.

For any disturbance to natural areas caused by exploratory testing that is not followed by a land use application within one year, as well as for applications that are subsequently withdrawn by the applicant or denied by the Commission or Board, full restoration of the disturbed area is required. See Chapter 6 of this Guide for what to include in the restoration plan and Chapter 7 for guidance on conducting habitat restoration in SEAs.

Restoration of natural areas impacted by exploratory testing that are outside of the proposed development footprint of a pending or approved land use application must begin within one year of the disturbance.

## LAND DIVISIONS

Land divisions have a high degree of potential to negatively affect SEA Resources, interrupt wildlife corridors, and create habitat fragmentation. Yet a great deal of opportunity also exists for land divisions to result in long-term preservation of previously unprotected SEA Resources, wildlife corridors, and ecosystem services. Since land divisions within SEAs typically concern large areas of undeveloped land, the opportunities for both resource disturbance and resource protection are great.

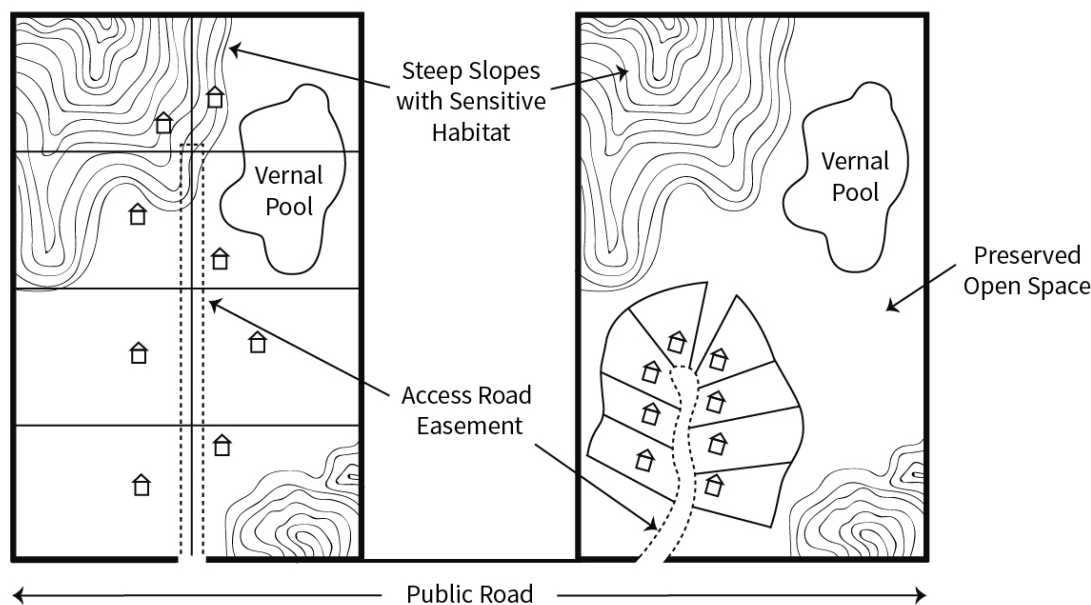
The SEA Ordinance requires land division projects to focus on configurations and designs that result in the least amount of disturbance to SEA Resources and wildlife movement by requiring development to be grouped together in a single area and restricting it to 25% or less of the project site, with 75% of the project site preserved as natural open space. Development areas should be sited in locations that are overall least impactful to SEA functions and values. Previously, all proposed land divisions in SEAs needed a SEA CUP. Under the new Ordinance, a land division could potentially qualify for Ministerial SEA Review if it can be demonstrated to meet all Development Standards, though it may still be subject to other discretionary reviews by the County.

### Standard Subdivision

with eight equally sized lots.

### Conservation Subdivision

with same number of lots\*, clustered design, consideration of biological and geological constraints, and 75% preserved open space.



\*A conservation subdivision that meets the requirements for a density bonus may be able to develop additional lots beyond the prescribed density per the General Plan. Note that an additional discretionary permit may be required.

**Figure 31. Land divisions shall not exceed a maximum development footprint of 25 percent of the project site (i.e. the original undivided parcels), and development areas shall be designed in one contiguous location and result in the largest, intact blocks of habitat with the lowest perimeter to area ratio. §22.102.090(E)(3)(b)**

Land divisions should be designed as follows:

- ✓ With the lowest amount of interface between development and preserved areas (also known as the lowest perimeter to area ratio). A shorter perimeter will translate to less potential for edge effects to degrade the natural open space.



- ✓ The shape, size, and location of the area to be preserved as natural open space should create the maximum amount of habitat connectivity between on and off-site natural areas, preserve wildlife movement (see Appendix E for guidance on evaluating wildlife movement opportunities), and maximize the amount of resources available for resident wildlife.

## LARGE LOT PARCEL MAP

This Development Standard allows for a “big picture” biological review of large lot parcel map land divisions that are strictly for the purposes of sale, lease, financing, or transfer. This type of land division is not required to specify the location of development or prepare site plans. As such, the intent of this Development Standard is to ensure that when parcels are created without site planning, future proposed development on the resultant parcels has a potential to meet SEA Development Standards. The process will allow for large contiguous parcels of sensitive habitats to remain intact, while also providing that individual parcels created through the land division have a reasonable opportunity to undergo a Ministerial SEA Review (per Section 22.102.060) when future development is proposed.

Large lot parcel map projects will be required to submit an Informational Exhibit and a BCM. The Informational Exhibit should consist of materials that show areas of development feasibility on the proposed lots and show open space amount and configuration. The BCM for a Large Lot Parcel Map subdivision project can be based on a desktop analysis of the area using the best available data and most recent aerial imagery available as supplemented by field surveys, if directed by Staff, such as for field verification of SEA Resource Categories. Subsequent development on the created parcels will require a site specific BCM and SEA Counseling to determine the appropriate SEA permit needed.

At the Large Lot Parcel Map phase, each parcel created by the subdivision must have at least 20,000 square feet of SEA Resource Category 4 and/or 5 on which a potential future development could occur. The potential developable area should be located a minimum of 200 feet (to account for fuel modification) from the required setback(s) of any identified water resources (see Water Resources Development Standard section above). Any Category 4 habitat beyond 500 square feet located in the potential developable area should be matched elsewhere on the same parcel by an equivalent or greater area of Category 4 habitat. As a land division, these projects do require a 75% set aside of natural open space. For complying with this open space requirement, and to maintain unit count, one or more dedicated open space lots may be created, or “pie shaped” lots utilized to effectively cluster development at the apex of these lots.

## CHAPTER 5. PERMIT ANALYSIS

Chapter 2 of this Implementation Guide provided an overview of the SEA assessment process. Chapter 5 will discuss the requirements of each step of the SEA assessment process and provide guidance to Case Planners on how to analyze projects that require a Ministerial SEA Review or SEA CUP. It is recommended that the applicant find out whether the SEA regulations apply to their project as early as possible in the project design process, as a project may require revisions during the review process.

### SEA ORDINANCE APPLICABILITY

Project applications submitted after the effective date of the SEA Ordinance will be subject to this Ordinance. Pending projects with a complete application prior to the adoption of the SEA Ordinance can choose to be subject to the previous SEA Ordinance or to this Ordinance.

All areas designated in the General Plan as SEA within unincorporated LA County are subject to this Ordinance. This information can be found on DRP's online GIS application (Layer: SEA) and the Significant Ecological Areas and Coastal Resources Areas Map (Figure 9.3 of the General Plan).

Exceptions to this applicability include the Santa Monica Mountains (SMM) and Santa Catalina Island SEAs. The SMM North Area (SMMNA) Community Standards District (CSD) boundaries encompass the majority of the Santa Monica Mountains SEA. Since these areas so closely overlap, and since the SMMNA Plan was being updated concurrently with the SEA Ordinance and would incorporate similar measures for protecting SEA Resources, it was determined that development within areas of the SMM SEA that are also within the boundaries of the SMMNA Plan should continue to be regulated by the previous version of the SEA Ordinance, until such time that the SMMNA Plan becomes effective. Once the SMMNA Plan becomes effective, development within its SEAs will be regulated by the SMMNA Plan and CSD alone. Projects in the Santa Monica Mountains Coastal Zone, which is a CRA, are not subject to this Ordinance or the SMMNA Plan, but rather are governed by the SMM Local Coastal Program, which provides more specific and protective regulations of SEA Resources in the Santa Monica Mountains Coastal Zone. For Santa Catalina Island SEA, the SEA boundaries will remain as mapped in the Santa Catalina Island Local Coastal Program, and development in those areas will continue to be regulated through the version of the SEA Ordinance that was in effect at the time of certification of that LCP. The Santa Catalina Islands LCP will have to be amended and certified by the California Coastal Commission for this Ordinance to apply.

Another potential exception to the applicability of this ordinance could occur where there are provisions for a zone, supplemental district (e.g. Community Standards Districts, etc.), or elsewhere in Title 22 that also regulates development within the SEA. In such instances, the Case Planner shall apply the regulations that are more protective of the biological resources.

## EXEMPTIONS

Following is a list of exemptions to the SEA Ordinance, as per Section 22.102.040 of the Zoning Code. Where exemptions apply, developers are nevertheless strongly encouraged to follow Development Standards and to consult with a biologist prior to disturbing natural habitat. Further, developers are required to abide by all state and federal regulations protecting biological resources, including protections for listed species (Fish and Game Code § 2050 et seq.), nesting birds (Fish and Game Code § 3500 et seq.), and alterations conducted within waters of the state (Fish and Game Code § 1600 et seq.), and obtain proper permits from the appropriate governing agencies, regardless of SEA Ordinance exemption status provided by the County.

### A. WITHIN THE BOUNDARIES OF THE ANTELOPE VALLEY (“AV”) AREA PLAN:

1. Construction of a new single-family residence (“SFR”), regardless of size, and
2. Improvements that are accessory to a SFR, regardless of size, including:
  - a. additions to an existing SFR;
  - b. landscaping,
  - c. new accessory structures,
  - d. additions to existing accessory structures, and
  - e. new or expanded animal keeping areas and facilities.

All such improvements must be associated with a single family residence and intended for personal use to be exempt from the SEA Ordinance. The boundaries of the AV Area Plan can be found using DRP’s online GIS application.

3. Agricultural uses occurring on previously disturbed farmland. Previously disturbed farmland is defined by the Ordinance as non-grazing farmland mapped in the State of California Farmland Mapping and Monitoring Program (FMMP) <sup>17</sup>, or proved to have been used for agricultural production at some time during the previous four years and is located within the boundaries of the AV Area Plan. Information on the FMMP can be found on the State of California Department of Conservation, Division of Land Resource Protection website.<sup>18</sup> While the FMMP is able to capture large farms with 10 acres or more, smaller farms may provide proof of agricultural production through permits or accreditations issued by County Department of Agricultural Commissioner.

*These AV exemptions for development within the boundaries of the Antelope Valley Area Plan were expressly required per a Board of Supervisors motion from November 12, 2014.*

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<sup>17</sup> In order to be included in the FMMP, land must have been used for agricultural production at some time during the four years prior to the mapping date. FMMP maps are updated every two years, with 2016 data being the most recent year published at the time of this Ordinance’s effective date.

<sup>18</sup> Information about the FMMP can be found at [www.conservation.ca.gov/dlrp/fmmp/](http://www.conservation.ca.gov/dlrp/fmmp/).

B. ALL AREAS OUTSIDE OF THE BOUNDARIES OF THE AV AREA PLAN:

1. Additions or modifications to existing SFRs, associated accessory structures, or animal keeping areas/structures, as long as such addition or modification does not increase the total building site area to more than 20,000 square feet or encroach into more than 10 percent of the dripline for up to four SEA Protected Trees<sup>19</sup>.
2. A maximum of one accessory animal keeping structure not exceeding 120 square feet in size, provided it is located within 100 feet of the primary use. If proposing more than one animal keeping structure or any additional development, if the animal keeping structure is larger than 120 square feet, or if any part of the proposed animal keeping structure is more than 100 feet away from the primary use, it is subject to this Ordinance.

IN ALL SEAS

- C. SEA CUPs and other valid use permits that require a Revised Exhibit "A" for maintenance, minor additions, or changes (not to exceed 10% of the approved project) may be exempt from this Ordinance if:
1. additions or changes do not expand the previously approved development footprint, or
  2. maintenance, additions, or changes are operating under a valid use permit and found to be in substantial compliance with such permit.
- D. Renewal of land use entitlements for discretionary permits (e.g., CUPs) may be exempt from this Ordinance if: 1) the proposed project scope does not expand the previously approved development footprint, and 2) impacts to biological resources were reviewed under the prior permit(s). If applying for renewal of an expired SEA CUP the project will be exempt as long as it is not proposing extensive improvements or modifications.
- E. The General Plan 2035 expanded the SEA boundaries in 2015. As such, some existing developments that are within SEAs today were located outside of the SEA boundaries at the time of approval, and therefore were not subject to the previous SEA Ordinance. When renewal of these discretionary permits becomes necessary, they may be exempt from the current SEA Ordinance as long as the following two conditions apply:
1. the proposed project does not expand the previously approved development footprint; and
  2. impacts to SEA Resources (e.g. biological resources, water resources, etc.) were reviewed under the prior permit(s). An example of adequate review of impacts to SEA Resources would be the completion of a Mitigated Negative Declaration (MND) meeting CEQA requirements, reviewed by the County Biologist, and having a mitigation monitoring and reporting program that was properly carried out.
- F. Development that is under an adopted Specific Plan may be exempt from this Ordinance as long as it can be demonstrated that the development received adequate review of the impacts to SEA Resources under the Specific Plan. Some Specific Plans incorporate a comprehensive analysis of the SEA Resources within the plan area. Developments that are regulated by these Specific Plans may be able to prove that impacts to SEA Resources were adequately analyzed and mitigated through the Specific

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<sup>19</sup> Although encroachment into the driplines of up to four SEA Protect Trees is allowed per this exemption, if any of the trees are also protected under the County Oak Tree Ordinance, which protects all oak trees over 8-inches DBH, the development will likely need to obtain an Oak Tree Permit for encroachment.

Plan, and therefore would be exempt from this Ordinance. However, not all Specific Plans include a detailed analysis of SEA Resources and may instead defer to the SEA Ordinance. Additionally, some Specific Plans remain unbuilt after several decades, which can result in biological analyses becoming outdated and not reflecting contemporary conservation regulations or resource needs. In such instances, a new development within an adopted Specific Plan may not be able to rely on previous biological analysis conducted for the Specific Plan. In all cases, the County Senior Biologist should be consulted when determining whether an adequate level of analysis of biological impacts was conducted through the Specific Plan.

- G. Rebuilding and replacement of damaged legally built structures that will not increase the previously existing development footprint are exempt from the SEA Ordinance. Check historical case files to determine that the structures were legally established. Note that the exemption prohibits the expansion of the development footprint, rather than the Building Site Area. This allows for necessary minor modifications to the Building Site Area needed to meet current building code requirements, as long as the development footprint will not be expanded by such changes. For example, structural changes that require expanded fuel modification or brush clearance would constitute expansion of the development footprint.
- H. Land divisions for the purposes of the Land Conservation Act/Williamson Act are exempt from the SEA Ordinance. Under the Land Conservation Act, also known as the Williamson Act, local governments can enter into voluntary contracts with private landowners for the purpose of restricting specified lands to agricultural or open space uses for defined periods of time. With the new land use designation under the Land Conservation Act, the property tax is assessed at a lower rate since the use of the land is now farming and open space as opposed to the full market value of the previous use.
- I. Fire protection through fuel modification and brush clearance (to provide defensible space) for existing structures is exempt from the SEA Ordinance. The applicant will need to submit a fuel modification plan approved by the Fire Department. Practices which disturb the soil, such as tilling and disking, are not allowed for fuel modification or brush clearance in SEAs.
- J. Periodic reviews established in Section 22.190.080 (Reclamation Plan) for previously approved surface mining permits and reclamation plans authorized to operate under Chapter 22.190 (Surface Mining Permits) are exempt from the SEA Ordinance, provided that such periodic review:
  - 1. is conducted during the life of that grant (e.g. the grant term of the permit is still valid);
  - 2. does not include proposed changes that would result in expanded development; and
  - 3. is consistent with valid permits.
- K. Repair or Maintenance of existing legally established driveways, streets, and highways that do not extend beyond the previously disturbed footprint and occur exclusively within the established right of way is exempt from this Ordinance. Maintenance encompasses activities ~~that do not extend beyond the previously disturbed footprint and occur exclusively within the established right of way~~, such as, filling potholes, crack sealing, chip sealing, slurry seal, patching, and resurfacing. Repairs include replacing washed out roads that do not impact drainages or streams and are within the existing approved footprint. ~~Repair or maintenance~~ does not include such ~~things~~ activities as road-widening, rerouting, or replacing washed out culverts or bridges.
- L. Certain sections of the County Code, including Titles 21 (Subdivisions) and 22 (Zoning), Title 12 (Low Impact Development), and Title 31 (Green Building), have regulations specifically related to tree planting for various types of projects. If the only impact from a proposed development is related to trees

planted to meet these code requirements, the development is exempt from this Ordinance. Such trees are typically planted within very close proximity to development, such as within parking lots and close to buildings, and encroachment into their driplines for regular maintenance and repairs of facilities is expected. Requiring SEA analysis for impacts to these trees alone will not be required. This exemption does not apply to native trees planted as required mitigation. Note that if the tree(s) being impacted is an oak species, the Oak Tree Ordinance may still apply depending on the size of the tree.

- M. Emergency removal of a SEA Protected Tree is exempt from this Ordinance if the reason for the removal is due to a hazardous or dangerous condition, such as trees damaged or destroyed by flood, fire, wind, drought, pests, or disease and posing a significant threat to people, structures, infrastructure, property, or other trees. A removal must be approved after a visual inspection by a Forester with the Fire Department in consultation with a County Biologist. There is no requirement for planting of new trees to mitigate for emergency tree removals; however, replanting with appropriate native trees is strongly encouraged.
- N. Tree maintenance that is needed to ensure the continued health<sup>20</sup> of a SEA Protected Tree is exempt from the Ordinance as long as the maintenance is performed in accordance with guidelines published by the National Arborist Association, and that the pruning:
  - 1. does not remove branches in excess of two-inch diameter, and
  - 2. does not remove more than 25% of the tree's overall canopy within a two year period.

There are no submittal requirements; however, pruning or trimming in excess of that allowed which leads to loss of the tree or a notable decline in tree health, as determined by a Forester with the Fire Department or the County Biologist, is a violation of the Ordinance and will require a Protected Tree Permit.

- O. Emergency or routine maintenance of existing public utility infrastructure that is necessary to protect or maintain essential components of an existing utility or transmission system is exempt.
- P. Trees that qualify as protected, but which can be demonstrated to have been planted by a person for the purposes of affecting the architecture, climate, or aesthetics of a given place and that are, therefore, considered landscape features, may be planted, or removed or altered without an SEA or Protected Tree permit. Documentation of the planting must be provided, and may be in the form of invoices, photographs, an approved landscaping plan that clearly indicates the location and species of the new tree to be planted, or other reasonable means. Trees planted as mitigation do not qualify as introduced.

## SEA COUNSELING

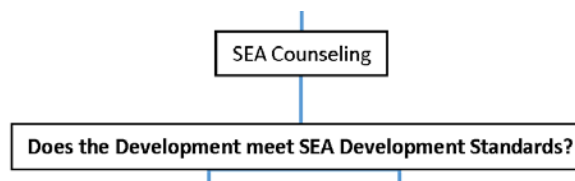
The purpose of SEA Counseling was previously discussed in Chapter 2. After confirming the applicability of the Ordinance and that no exemptions apply to the project, the applicant will submit, in-person to LDCC or online through EPIC-LA, the following required materials to schedule the SEA Counseling meeting:

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<sup>20</sup> Additional Tree Pruning tips: see ISA Tree Pruning Guidelines: [www.treesaregood.org/treeowner/pruningyourtrees](http://www.treesaregood.org/treeowner/pruningyourtrees), Arbor Day Foundation "Keys to Pruning": [www.arborday.org/trees/tips/keys-to-pruning.cfm](http://www.arborday.org/trees/tips/keys-to-pruning.cfm), and Los Angeles Tree Trimming Guidelines: [losangelesaudubon.org/images/stories/pdf/TTGMay2011/ttg-may-2011-english-print-collate.pdf](http://losangelesaudubon.org/images/stories/pdf/TTGMay2011/ttg-may-2011-english-print-collate.pdf).



1. SEA Counseling Application
2. Biological Constraints Map
3. Conceptual Project Design



The project will be assigned to an appropriate Case Planner and County Biologist based on the information provided in the SEA Counseling Application. A SEA Counseling meeting between the applicant, Case Planner, and County Biologist will be scheduled. The SEA Counseling may be combined with a One-Stop appointment for some projects. Below is a flowchart providing step-by-step guidance on SEA Counseling application procedures, including application intake, routing to the appropriate planner, and applying for a land use permit.

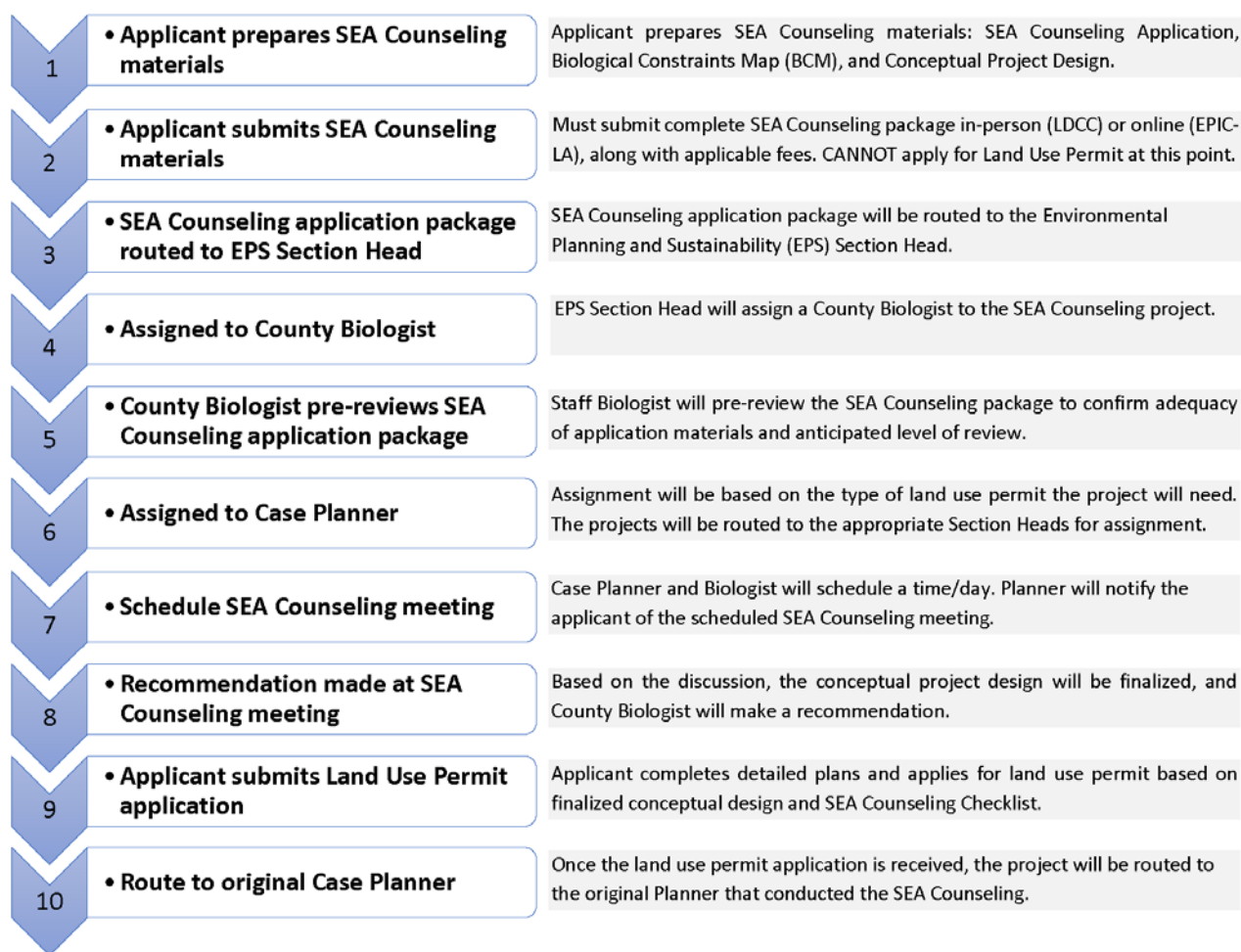


Figure 32. SEA Counseling Flowchart

## 1. SEA COUNSELING APPLICATION

For the SEA Counseling Application, the applicant will need to provide a sufficient project description. The information for the SEA Counseling Application should include, at minimum:

- ❖ Project name and address
- ❖ Assessor's Parcel Numbers (APNs)
- ❖ Size of parcel(s) – in acres
- ❖ Applicant name and contact information
- ❖ SEA name
- ❖ Consulting biologist name and contact information – Biologist must be on the SEATAC Certified Consultants List
- ❖ Date of Biological Survey
- ❖ Project Description – It is important that the applicant submit a detailed project description. The project description should include current and proposed uses. The more information we have about the project from the beginning, the better we can guide the applicant on how to design the project to minimize impacts to SEA Resources.

## 2. BIOLOGICAL CONSTRAINTS MAP (BCM)

See Chapter 6 for specific information regarding the preparation of the BCM and required content.

## 3. CONCEPTUAL PROJECT DESIGN

The Conceptual Project Design will allow the Case Planner and County Biologist to get an initial view of how the project may impact SEA Resources. The Conceptual Project Design can be shown directly on the BCM or separately as a Conceptual Site Plan. The Conceptual Project Design should depict the following:

- ❖ Graded areas
- ❖ Existing and proposed structure locations
- ❖ Fuel modification zone to 200-feet from all structures
- ❖ Utility access
- ❖ Driveways and parking areas
- ❖ Landscaped areas
- ❖ Exploratory testing locations

The purpose of the Conceptual Project Design is to guide project design to avoid or limit impact to SEA Resources. A Conceptual Project Design should not be as detailed as complete site plans for land use permit application submittal with engineering drawings. It should allow for flexibility and redesign based on the discussion at the SEA Counseling meeting.

## SEA COUNSELING ANALYSIS

After ensuring that the SEA Counseling application is complete, the Case Planner and County Biologist will analyze the Project Description, BCM, and Conceptual Project Design using the SEA Counseling Checklist, found in Appendix D. The Case Planner and County Biologist will analyze the project during SEA Counseling to recommend a SEA assessment track: Ministerial SEA Review, Ministerial SEA Review with Protected Tree Permit, or SEA CUP. For a Ministerial SEA Review, the project will need a development footprint of no more than 20,000 square feet, meet all Development Standards in the SEA Ordinance, and provide adequate on-site natural open space preservation to compensate for impacts to SEA Resources. Projects that are unable to meet the requirements for a Ministerial SEA Review will be recommended for a SEA CUP, which is a discretionary review process.

## DEVELOPMENT STANDARDS

The SEA Ordinance Development Standards are organized under the following topics: SEA Resources, Water Resources, Other (or Area-Wide) Development Standards, and Land Use Specific Development Standards. Refer to Chapter 4 for more information on the Development Standards and design guidelines.

#### VEGETATION REMOVAL AND NATURAL OPEN SPACE PRESERVATION

The Development Standards allow for a certain amount of SEA Resources to be disturbed but also require on-site preservation of natural open space at certain ratios to compensate for the disturbed resources. Staff will use the BCM and Conceptual Project Design to quantify the amount of each SEA Resource Category within the proposed development footprint and the amount of each remaining outside of the development footprint.

Amount to be Disturbed:	Remaining Available to Preserve:	Preservation Ratio Available:
sq ft	sq ft	(area preserved: area disturbed)

Staff will compare the proposed numbers to the thresholds and ratios detailed in the SEA Resources section of the Development Standards in the Ordinance. Projects that meet these thresholds and ratios may be recommended for a Ministerial SEA Review. Projects that do not meet the requirements will be recommended for a SEA CUP. Refer to Chapter 8 for more information on Natural Open Space preservation and the appropriate mechanisms.

#### AFTER SEA COUNSELING

A copy of the completed SEA Counseling Checklist along with a signed and dated stamped copy of the SEA Counseling Application<sup>21</sup> will be given to the applicant to submit along with the application package to LDCC during Land Use Permit case intake. This checklist will indicate the SEA Counseling recommendation made by the Case Planner and County Biologist.

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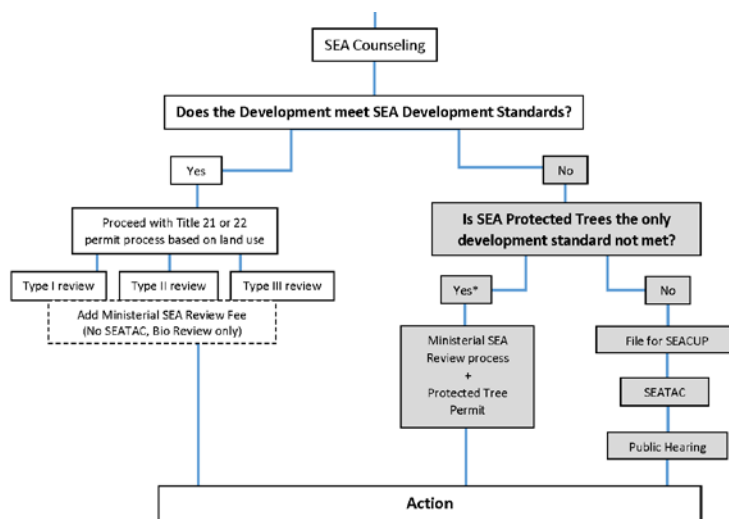
<sup>21</sup> Including the BCM and Conceptual Project Design assessed at the SEA Counseling.

## MINISTERIAL SEA REVIEW

### PROCESSING MINISTERIAL SEA REVIEW

Projects recommended for Ministerial SEA Review at the conclusion of the SEA Counseling will apply for the appropriate

land use permit based on the proposed use. The Ministerial SEA Review will be charged as an additional fee that covers the County Biologist's review. There will not be a separate approval for the Ministerial SEA Review, unless the development does not require a use permit, in which case the Ministerial SEA Review will be processed as consist of a biological review and a site plan review.



The application materials required for Ministerial SEA Review are found in Section 22.106.060(B). They include a site plan<sup>22</sup>, a biological constraints map, and natural open space recordation documentation. To meet the natural open space recordation documentation requirement, the applicant should submit a draft version of the deed restriction or covenant with the application for Department review. After Staff has reviewed and agreed that the document and area to be preserved satisfy the requirements of the SEA Ordinance, the natural open space may be recorded. The final recordation documentation should be submitted to the Department in order to receive the stamped plans.

The County Biologist will make the following determinations:

- ❖ Project meets all relevant Development Standards, and
- ❖ the required amount of on-site preserved natural open space is provided.

The Ministerial SEA Review will be reviewed concurrently with the processing of the land use permit. The Ministerial SEA Review will be approved as part of the land use permit final approval.

### MINISTERIAL SEA REVIEW ANALYSIS

When the Case Planner first receives the land use application package, the planner must confirm that the land use permit application site plan matches the conceptual project design reviewed at the SEA Counseling. Confer with the County Biologist if the project design submitted for the land use permit application is different from the original Conceptual Project Design. Substantial changes from the Conceptual Project Design previously vetted by the County Biologist may not meet Development Standards, thus changing the SEA assessment type.

<sup>22</sup> Site plan should show all proposed development, including on-site and off-site ground disturbing activities and vegetation removal.

The Case Planner will refer to the SEA Counseling Checklist and attached conceptual project design to confirm the Ministerial SEA Review determination before processing the permit. The Ministerial SEA Review determination indicates that the project, the design that was reviewed during SEA Counseling, meets the Development Standards of the SEA Ordinance and is providing the required amount of preserved on-site natural open space.

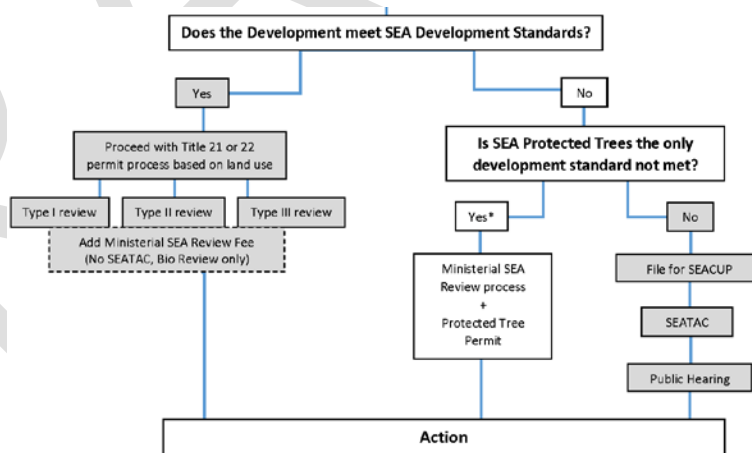
If the project requires a discretionary land use permit (i.e. a minor CUP or CUP) along with a Ministerial SEA Review, a statement of SEA Findings is not required. Meeting the Development Standards through a Ministerial SEA Review determination is the avenue of substantiating the SEA Findings, and the Staff Report for the land use permit should simply discuss how the project meets the SEA Ordinance Development Standards. Do not discuss the SEA Findings in the CUP Findings and Conditions as the Ministerial SEA Review is not a discretionary process.

### MINISTERIAL SEA REVIEW AND CEQA

Projects should refer to the land use permit for CEQA determination. Ministerial land use permits have a statutory CEQA exemption that do not require further discussion. Discretionary land use permits may have CEQA determinations that range from Categorical Exemption to EIR. The Biological Resources section of the Initial Study should include a detailed discussion on how the project meets Development Standards established in the SEA Ordinance. See the Annotated Initial Study, Biological Resources section, for further instructions on SEA discussion.

### MINISTERIAL SEA REVIEW WITH PROTECTED TREE PERMIT

If a development is able to meet all Development Standards except for impacts to SEA Protected Trees, it may be able to obtain a Protected Tree Permit and proceed with the Ministerial SEA Review. All PTPs will have a corresponding Ministerial SEA Review, since the Ministerial SEA Review process will determine that all other Development Standards are met and identify the need for a PTP. A PTP may be obtained for pruning of protected trees in excess of that allowed by Exemption N, encroachments of up to 30% of the TPZ for any number of protected trees, and/or removal of two (non-heritage size) protected trees, provided that such activity can meet the findings and burden of proof. Removal of more than two SEA Protected Trees or removal of any Heritage Tree requires a SEA CUP. See Chapter 3 for details regarding the PTP application process.

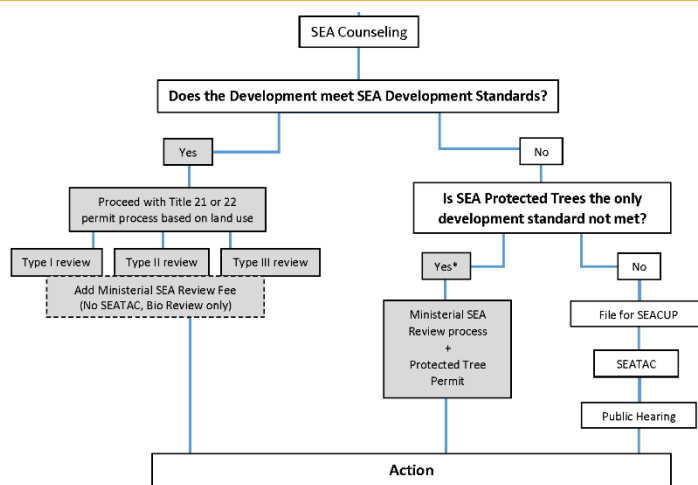


\*Not applicable for all development. Refer to Chapter 3 for more information.

## SEA CONDITIONAL USE PERMIT (SEA CUP)

### PROCESSING A SEA CUP

Projects that do not qualify for a Ministerial SEA Review will need to file for a SEA CUP. The land use and SEA impacts will be reviewed under the same SEA CUP. The applicant will provide the application materials required for CUPs and additional materials for the SEA portion of the review (e.g. Biological Constraints Analysis, Biota Report, etc.), as determined by the County Biologist. The required fees will include SEA CUP fee, Biologist Site Visit fee, and SEATAC fee.



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

There may be situations where the land use is a by-right use but due to the amount of impact to the SEA Resources, the project will require a SEA CUP. In these cases, both the by-right use and SEA impacts will receive a discretionary review through a SEA CUP. Both CUP and SEA Burden of Proofs will be required.

### SEA CUP ANALYSIS

The Case Planner will make sure that the SEA CUP application site plan matches the Conceptual Project Design that was reviewed at the SEA Counseling meeting. Changes from the Conceptual Project Design can change the SEA assessment type. The Case Planner will consult with the County Biologist to review the following:

- ❖ Adequacy of BCA and/or Biota Report
- ❖ Need for and adequacy of additional studies and reports (e.g. rare plant survey, jurisdictional waters delineations, oak tree reports, oak woodlands reports, protocol surveys)
- ❖ Adequacy of proposed mitigations
- ❖ On-site or off-site natural open space preservation (refer to Chapter 8)

### SEA CUP AND CEQA

All SEA CUPs will need a CEQA analysis since the result will be a discretionary land use permit. The Biological Resources section of the Initial Study should include a detailed discussion of project impacts on SEA Resources. See the Annotated Initial Study, Biological Resources section, for further instructions on SEA discussion. Projects applying for a SEA CUP will also be required to submit a BCA and Biota Report, which will assist in completing the Biological Resources section of the Initial Study.

### SEATAC REVIEW

SEATAC is an expert advisory committee that assists the Department in assessing a project's impacts on biological resources within SEAs. The scope of SEATAC purview consists of the following:

- ❖ Whether the proposed development is consistent with Section 22.102.060 (SEA Development Standards);



### CASE PLANNER'S SEA CUP ANALYSIS

Here are some questions the Case Planner can ask while analyzing the project. The answers will be incorporated into the Staff Report for Public Hearing.

- ✓ What are the impacts to SEA Resources within the proposed development and adjacent to project site?
- ✓ What are the cumulative losses to SEA Resources?
- ✓ How well do proposed measures avoid, mitigate, or protect SEA Resources?
- ✓ Is the project in compliance with SEA Findings?
- ✓ Are there any recommended changes to the proposed project to be in compliance with Development Standards and SEA Findings?
- ✓ Does the proposed project meet the relevant objectives and policies of the General Plan?
- ✓ Are there any recommended conditions that will ensure the proposed project can meet SEA Findings and relevant General Plan objectives and policies?
- ✓ What was SEATAC's determination of project compatibility? Does SEATAC have any applicable recommendations?

- ❖ Whether the appropriate natural open space mitigation ratios have been applied and the location of natural open space is appropriate;
- ❖ Whether the proposed development avoids disturbance to wildlife corridors;
- ❖ Whether the mitigation measures proposed for the project address impacts to SEA Resources;
- ❖ The proposed development's ability to demonstrate compatibility with the SEA Program per Section 22.102.080 (Findings and Decisions).

See the SEATAC Procedures Manual for more information on scheduling a SEATAC agenda item, required documents, and meeting procedures. The goal is for the applicant to efficiently utilize the SEATAC meetings to meet the recommendations of SEATAC.

The Case Planner should complete the SEATAC review before consulting other County Departments on the permit process. The project may need redesign based on SEATAC recommendations and/or mitigation measures. Once the project clears SEATAC and other department consultations, the Case Planner will schedule a public hearing for the SEA CUP.

### SEA ORDINANCE FINDINGS

Projects processed through ministerial review inherently meet the findings required by the SEA Ordinance since Development Standards and natural open space preservation must be met for a ministerial review designation. However, for a discretionary project to be approved, the decision-making body must be able to justify an action taken based on sufficient findings that meet the burden of proof.

### BURDEN OF PROOF

Applicants applying for a SEA CUP are required to provide Burden of Proof statements that substantiate how the proposed project will meet each required finding. These statements may assert how the project meets the burden of proof through project design or mitigation measures. Applicants are encouraged to

work with their consulting biologist(s) to draft biologically defensible statements based on the actual site conditions and regional context.

Planners will use the Burden of Proof statements provided by the applicant as the basis for demonstrating how the project addresses each required finding. The Ordinance, the SEA Implementation Guide, the BCM, the BCA, and/or the Biota Report will also contain information that can be used to justify support for the project. The County Biologist is available for technical assistance.

The purpose of this section is to pose questions to guide applicants and Case Planners through the thought-process of creating adequate responses. These questions are provided as a starting point; they do not cover the full spectrum of circumstances that may need to be considered.

Development in the SEAs must demonstrate how the proposed development is designed to:

- A. *Be highly compatible with the SEA Resources, including the preservation of natural open space areas and providing for the long-term maintenance of ecosystem functions;*
  - ❖ What types of biotic resources are present and where can it be found?
  - ❖ How much undisturbed land will be set aside for mitigation?
  - ❖ What types of vegetation does the set aside land consist of?
  - ❖ Is the vegetation comparable to the type of vegetation being disturbed by the project?
  - ❖ What ecosystem functions are being provided by the areas being disturbed in comparison with the areas to be preserved?
  - ❖ What actions will provide for long-term maintenance of ecosystem functions?
  - ❖ Are there any edge effects from the project? (e.g. the introduction of Argentine ants, potential spread of invasive plants, increased predation on wildlife by domesticated animals, etc.)
- B. *Avoid or minimize impacts to the SEA Resources and wildlife movement through one or more of the following: avoiding habitat fragmentation, minimizing edge effects, or siting development in the least sensitive location;*
  - ❖ Has the project's development footprint been consolidated in the least biologically impactful location (or locations)?
  - ❖ Has the project open space resulted in the largest and most intact block of habitat with the lowest perimeter to area ratio?
  - ❖ Where are the areas with the highest biological value located on the project site?
  - ❖ Where is there potential for wildlife movement across the project site?
  - ❖ What actions will be taken to minimize impacts to areas of biological value?
  - ❖ What actions will be taken to minimize impacts to wildlife movement?
  - ❖ Does the project remove obstacles to wildlife movement or seek to restore natural habitat?
  - ❖ See Appendix E for additional guidance for evaluating impacts of development on wildlife movement in LA County.
- C. *Buffer important habitat areas from development by retaining sufficient natural vegetation cover and/or natural open spaces and integrating sensitive design features;*
  - ❖ Where are the critical resource areas located on the parcel?
  - ❖ Are there any vegetated areas or open space (can be disturbed, agricultural, or non-native vegetation) that act as buffers between the development and critical resource areas?
  - ❖ Does the buffer area act as foraging habitat or a wildlife corridor?
  - ❖ How much of the buffer area will the project retain?

- ❖ Are locally native plant species being utilized in the landscaping plan to act as a transition zone between the development and natural open space?
  - ❖ Are fences and walls used in such a way as to buffer and protect natural habitat areas from impacts of the development, or do they create obstacles for wildlife movement?
  - ❖ What design features, best management practices, and mitigation measures are being integrated to ensure the SEA Resources are adequately buffered from the development?
- D. *Maintain the ecological and hydrological functions of water bodies, watercourses, and their tributaries;*
- ❖ Are there water bodies, watercourses, or tributaries on the parcel?
  - ❖ Are they being retained in their natural state?
  - ❖ If not being retained entirely in their natural state, what design features are utilized to ensure continued ecological function, connectivity, and hydrological function of the water resources?
  - ❖ Will water resources be impacted by runoff from the development site or animal keeping facilities into the water resources? If so, what best management practices and design features are proposed to minimize impacts to water quality?
  - ❖ What actions will be taken to preserve the natural state of the water bodies?
- E. *Ensure that roads, access roads, driveways, and utilities do not conflict with Priority Biological Resources, habitat areas or migratory paths; and*
- ❖ Does the project propose new roads, access road, driveways, and utilities?
  - ❖ If yes, are the roads proposed within areas with Priority Biological Resources, habitat areas or migratory paths?
  - ❖ Are there any design features or mitigation measures to minimize the impacts of roads on critical resource areas (e.g. wildlife crossings)?
  - ❖ Does the road bisect or encroach on migratory pathways?
- F. *Promote the resiliency of the SEA to the greatest extent possible. For purposes of this finding, SEA resiliency cannot be preserved when the proposed development may cause any of the following:*
- a. *Significant unmitigated loss of contiguity or connectivity of the SEA;*
  - b. *Significant unmitigated impact to a Priority Biological Resource;*
  - c. *Removal of habitat that is the only known location of a new or rediscovered species; or*
  - d. *Other factors as identified by SEATAC.*
- ❖ Does any part of the development footprint interrupt connectivity of the SEA?
  - ❖ Does the project remove Priority Biological Resource without adequately mitigating for their loss?
  - ❖ Does the project remove the only known location of a new or rediscovered species?
  - ❖ Was this project recommended for approval by SEATAC?
  - ❖ Did SEATAC identify additional factors that the project needs to address?
  - ❖ Could the project be redesigned to preserve SEA resiliency as defined in this Finding?

## PURPOSE OF SEA ORDINANCE

Although it is important to draft Burden of Proof statements with supportive evidence at the project level, the intent of the SEA Ordinance should always be considered. A comprehensive look at the overall project design, impacts, and mitigation measures and how these elements interact with the existing health of the individual SEAs should be conducted during project analysis. Adding a macro level review at the stage of

producing the findings will help protect against the possibilities of fragmenting SEAs and threatening their viability.

**22.102.010 Purpose.**

*This Chapter establishes regulations to conserve the unique biological and physical diversity of the natural communities found within Significant Ecological Areas (SEA) by requiring development to be designed to avoid and minimize impacts to SEA Resources. These requirements will help ensure the long-term survival of the SEAs and their connectivity to regional natural resources. This Chapter regulates development within SEAs by:*

- A. **Protecting the biodiversity, unique resources, and geological formations** contained in SEAs from incompatible development, as specified in the Conservation and Natural Resource Element of the General Plan;
- B. Ensuring that projects **reduce the effects of habitat fragmentation and edge effects** by providing additional technical review of existing resources, potential impacts, and required mitigations;
- C. Ensuring that development within a SEA **conserves biological diversity, habitat quality, and connectivity to sustain species populations and their ecosystem functions into the future**; and
- D. Directing development to be designed in a manner, which **considers and avoids impacts** to SEA resources within the Los Angeles County region.

## PUBLIC HEARING

The public hearing process for SEA CUPs will follow the procedures for public hearing in the zoning code. Although all discretionary land use permits go to public hearing, the level of impacts to SEA Resources will determine which decision-making body will hear the project.

SEA CUPs with minimal impacts to SEA Resources can go through a Hearing Officer public hearing. SEA CUPs with extensive impacts to SEA Resources will go through a RPC public hearing. This is due to the elevated level of review conducted and recommendations provided by SEATAC to the decision-making body.

## CHAPTER 6. BIOLOGICAL REPORTS

The SEA Ordinance requires special biological review for any development proposed within a SEA. The biological documentation required to process an application will depend on the extent of impacts to SEA Resources and ability to meet SEA Development Standards, and may include one or all of the following:

- ❖ Biological Constraints Map (BCM)
- ❖ Biological Constraints Analysis (BCA)
- ❖ Biota Report
- ❖ Restoration or Enhancement Plan

All of the above biological materials must be prepared by a biological consultant on the SEATAC Certified Biologist list maintained on the Department's SEATAC website<sup>23</sup>. These consultants are familiar with the preparation of biological reports for SEA applications, some of which are very similar to the biological sections of Environmental Impact Reports required for CEQA. They will also be able to provide guidance on avoidance of SEA Resources and best practices for minimizing impacts where Development Standards cannot be met. Additional surveys and reports may be required for SEA CUPs depending on the extent and condition of SEA Resources present on the project site; this may include an oak tree report, oak woodland analysis, rare plant survey, protocol survey for special status species, jurisdictional wetlands delineation, or habitat restoration or enhancement plan. The need for such reports will be determined by the County Biologist as early in the review process as possible, based on the BCM, BCA, and/or a County Biologist site visit.

It is the responsibility of the applicant or applicant's agent to hire one of the listed biologists to prepare the biological reports. Each report will be reviewed by a County Biologist to determine its accuracy and completeness, and the County Biologist may request changes or additions to biological reports to ensure that they are complete and accurate. If a submitted report is more than two (2) years old, the County Biologist may require updated field surveys and report revisions as necessary to accurately assess current conditions and proper classification of SEA Resources.

Early identification of SEA Resources and biological constraints assists in guiding applicants toward projects that are mindful of biological resources. For this reason, all non-exempt projects within a SEA are required to submit a BCM along with a Conceptual Project Design before applying for a development permit. The County Biologist and Case Planner will review the BCM along with the Conceptual Project Design at the SEA Counseling and again when the application is filed with the final site plans.

If the project meets the requirements for Ministerial SEA Review, the project's biological reporting ends here. If the review of the BCM and Conceptual Project Design at the SEA Counseling reveal that any of the Development Standards are not met, the applicant will have the opportunity to redesign the project while it is still in the conceptual phase or to move forward with a SEA CUP application. If the applicant is unable to, or chooses not to, redesign the project to meet all Development Standards, a SEA CUP will be needed, and additional biological reports, such as those indicated above, may be required. Chapters 2 (SEA Ordinance Assessment Process) and 5 (Permit Analysis) provide more detail regarding the SEA

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<sup>23</sup> Found online at [planning.lacounty.gov/agenda/seatac](http://planning.lacounty.gov/agenda/seatac)

assessment and permitting process. The primary biological reports required during the SEA assessment process are detailed below.

### BIOLOGICAL CONSTRAINTS MAP (BCM)

The BCM is a tool for quickly identifying areas of potential biological significance in the vicinity of the proposed development. In conjunction with a Conceptual Project Design, the BCM is utilized to evaluate whether SEA Development Standards can be met. The BCM must be drawn to scale and depict:

- ❖ the project site, including the full extent of all project parcels, and extending 200 feet out from the parcel(s)' boundaries ("study area");
- ❖ SEA boundaries (location of the project in relation to SEA boundaries may be shown on an inset or separate map);
- ❖ existing development (structures, graded areas, roads, etc.);
- ❖ natural communities, using descriptions in CNPS Online Manual of California Vegetation<sup>24</sup>, and indicating the SEA Resource Category for each;
- ❖ location, species and trunk diameter (at standard height) of all trees;
- ❖ tree protected zones for all SEA Protected Trees (see Appendix A);
- ❖ special status species observed during the biological survey as well as any previously recorded observations of special status species within the study area (e.g. using CNDDDB records, prior biological reports, etc.);
- ❖ special habitat features indicative of the presence of a special status or rare animal, such as nests, dens, burrows, and roosts;
- ❖ lands designated as Critical Habitat by USFWS;
- ❖ location and extent of water resources, such as streams, lakes, reservoirs, ponds, wetlands, marshes, seeps, springs, vernal pools, and playas;
- ❖ required setbacks from water resources;
- ❖ any physical site features that are expected to facilitate or restrict wildlife movement across the site, such as ridgelines, remnants or strips of habitat, culverts, fences, etc.;
- ❖ rock outcrops, cliffs, or other geological features that may be utilized by species that specialize in these uncommon structural niches; and
- ❖ protected open space that has been recorded over any part of the project site or on adjacent properties.

The process for preparing a BCM will vary slightly depending on the approach of each individual biologist. Each BCM should be based on the following, at minimum:

- ❖ a review of sensitive biological resources known or expected to occur in the vicinity of the project site utilizing such resources as the California Natural Diversity Database (CNDDDB), California Native Plant Society sensitive plant lists, and other reliable sources;

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<sup>24</sup> Available at: [www.cnps.org/vegetation](http://www.cnps.org/vegetation)



- ❖ a minimum of one field survey of the project site parcel(s)<sup>25</sup> conducted during the appropriate time of year (typically spring), utilizing survey methods appropriate to the species and habitats being surveyed;
- ❖ geographic coordinates of observed sensitive or rare plants, animals, and special habitat features indicative of the presence of a special status or rare animal;
- ❖ determination of natural communities (i.e. alliances and associations) present on the project site<sup>26</sup>, based on classifications presented in the CNPS Online Manual of California Vegetation;
- ❖ determination of CDFW imperilment<sup>27</sup> and CNPS rare plant rankings<sup>28</sup> for biological resources found on site; and
- ❖ preparation of the biological constraints map.

Additionally, a Conceptual Project Design should be provided either on the BCM or as a separate site plan for the SEA Stop. The Conceptual Project Design should include:

- ❖ the proposed locations of structures,
- ❖ fuel modification/brush clearance zones,
- ❖ utility access and driveways,
- ❖ exploratory testing,
- ❖ other areas of expected disturbance from the proposed project, and
- ❖ any areas of proposed natural open space to be recorded in order to meet Development Standards.

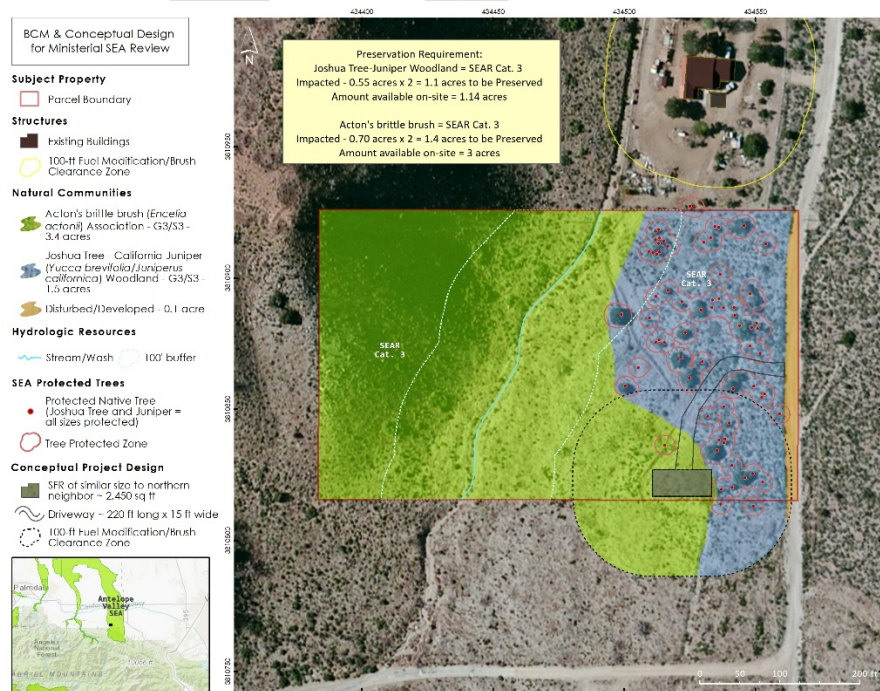


Figure 33. Example BCM with Conceptual Project Design for SEA Counseling.

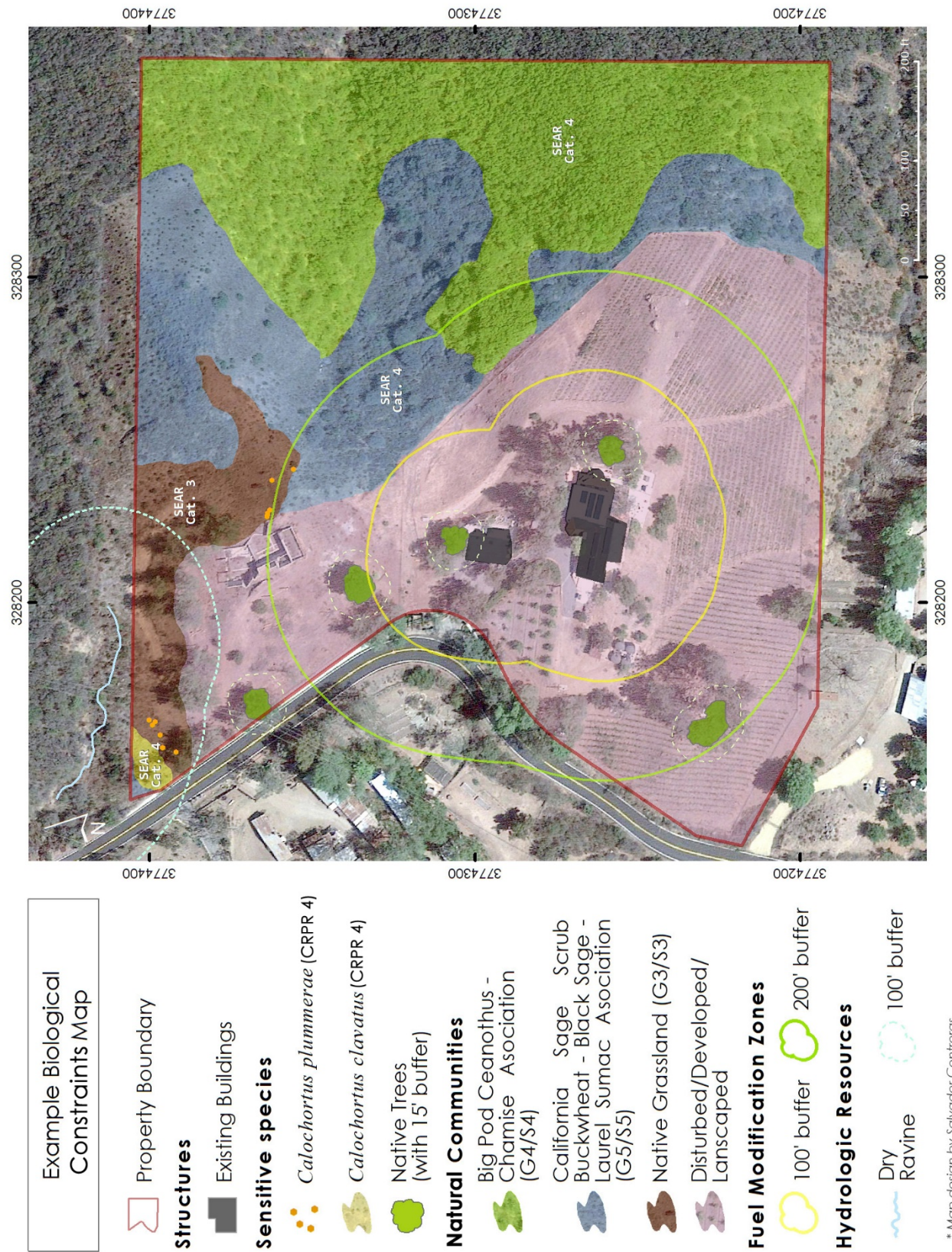
<sup>25</sup> Estimate resources within 200 feet of the project site on neighboring parcels if not physically accessible.

<sup>26</sup> In the event that the biologist encounters a natural community that has not been defined in the CNPS Online Manual of California Vegetation or ranked by CDFW Survey of California Vegetation, the biologist should consult with CNPS and CDFW to determine appropriate classification and ranking utilizing NatureServe's Conservation Status Assessment methodology for unranked communities.

<sup>27</sup> [www.wildlife.ca.gov/Data/VegCAMP/Natural-Communities](http://www.wildlife.ca.gov/Data/VegCAMP/Natural-Communities)

<sup>28</sup> [www.cnps.org/cnps/rareplants/inventory/index.php](http://www.cnps.org/cnps/rareplants/inventory/index.php)





## BIOLOGICAL CONSTRAINTS ANALYSIS (BCA)

A Biological Constraints Analysis (BCA) needs to be submitted with the applicant's SEA CUP application. This report builds on the BCM (which is to be included as part of the report), providing detailed discussions of the biological resources, natural features, and regional context of the project site, and providing a more thorough community-level assessment of the biological resources on the project site and surrounding area. The BCA is based on a combination of literature review and on-site investigations. As is the case with all biological reports prepared for SEA analysis, a SEATAC Certified Biological Consultant must prepare the BCA. At minimum, the report should include:

- ❖ a parcel description, including parcel size, location, and SEA;
- ❖ description of natural geographic features, including drainages and watershed with names;
- ❖ description of methodology of biological survey;
- ❖ vegetation data and natural community descriptions;
- ❖ tables and discussions of sensitive fauna and flora;
- ❖ lists of all plant and animal species observed directly or indirectly on site and in adjacent areas of similar habitat;
- ❖ description and map of existing land uses in the project area;
- ❖ description of open space reserves in the area and depiction of wildlife movement/habitat linkage relationships to open space;
- ❖ reference to and relationship with any conservation plans in the vicinity;
- ❖ description of habitats, alliances, associations and vegetative communities in the vicinity with respect to those on site;
- ❖ rough estimates of the overall population sizes of species of flora and fauna on site and in vicinity;
- ❖ description of overall biological value of the area as it fits in to the biotic mosaic and contributes to SEA ecological functions;
- ❖ regulatory framework; and
- ❖ the Biological Constraints Map.

The Department may waive the BCA requirement if the County Biologist determines that biological resources are sufficiently limited or uncomplicated to be adequately addressed by the BCM and Biota Report alone. A complete checklist of items required in the BCA is included Appendix D.

## BIOTA REPORT

The Biota Report is required for all SEA CUPs. The applicant will need to work closely with the project biologist on this report since some of the information required will need to be supplied by the applicant (e.g. the project description). The applicant should be prepared to meet with the project biologist to go over the SEA guidelines together for Biota Reports and assign responsibility as appropriate for the different items.

The Biota Report uses the data provided in the BCM, BCA, and additional surveys (i.e. rare plant survey, oak tree report, jurisdictional wetland delineations, special status species surveys, etc.) to provide a more complete analysis of the project's impacts on SEA Resources. The Biota Report includes a discussion of possible and probable impacts from the development and proposes specific mitigation measures and monitoring to address each impact.



The analysis presented in the Biota Report assists in the consistency review of the project, SEA findings, and in preparation of the Initial Study. If a Mitigated Negative Declaration (MND) or Environmental Impact Report (EIR) is required for the project, the Biota Report forms the basis of the Biological Resources section of the MND or EIR. A complete checklist of items required in the Biota Report is included in Appendix D. At minimum, the report will:

- ❖ incorporate the BCM and BCA as documentation of existing conditions on the project site;
- ❖ include a project description;
- ❖ discuss impacts (direct, indirect, and cumulative) to vegetation, special-status species, protected and noteworthy trees, wildlife habitat, and the integrity of the SEA;
- ❖ propose mitigation measures, such as natural open space preservation and/or habitat restoration;
- ❖ establish a monitoring program;
- ❖ discuss consistency with compatibility criteria; and
- ❖ have a conclusion as to whether any impacts remain after mitigation.

## RESTORATION OR ENHANCEMENT PLAN

A restoration or enhancement plan (or equivalent document) is required for any project proposing to restore or enhance natural habitat within a SEA. Habitat restoration is the process of returning a degraded habitat to its pre-existing condition, including restoring self-sustaining ecosystem functions. Enhancement is the process of altering a site to increase one or more functions (e.g., removal of invasive plant species or planting of native species).

Each restoration or enhancement plan should include the following components:

- ❖ A description and map of the area proposed to be restored or enhanced. Include a physical address or description of project location, geographic coordinates, watershed, USGS 7.5' Topographic Quadrangle, and Assessor Parcel Number(s).
- ❖ A description of proposed restoration or enhancement activities and their timelines. Include diagrams, drawings, plans, and/or maps that show the location and dimensions of the proposed restoration. Specify the equipment and machinery (if any) that will be used to complete the project and identify on plans where equipment will enter or exit the area. This description should include incidental and support activities (e.g. staging of equipment and materials, acquisition of plant materials, maintenance, etc.), as well as the principal restoration tasks. Describe best management practices to be employed to prevent sediment from entering watercourses during and after construction and avoidance and/or minimization measures to protect fish, wildlife, and plant resources.
- ❖ Plant palette and source of plant materials to be used.
- ❖ An inventory of SEA Resources on the project site, including an evaluation of existing habitat quality. Discuss how the project will provide a net benefit to SEA Resources (e.g. species and plant communities that are expected to benefit from the project).
- ❖ Clearly stated goals and objectives and well-defined performance standards (i.e. success criteria). Performance standards should be attainable and measurable, and stated quantitatively in biological terms.
- ❖ A description of methodologies to be followed, demonstrating that the project is consistent with sources that describe best available restoration and enhancement methodologies. List references and attach or provide a weblink to the document(s) when available.

- ❖ A description of maintenance tasks (e.g. weeding, watering, and other routine maintenance needed to ensure restoration success) and monitoring provisions. The plan should state type of maintenance, frequency, duration, and responsible party for both short-term and long-term maintenance.
- ❖ A qualitative and quantitative monitoring plan, including a map of proposed sampling locations. Monitoring will ideally include both structural (state) and functional (process) attributes and be measured at multiple levels of biological organizations, from population to landscape scale, as appropriate. The monitoring period for each restoration project will depend on the scale and type of restoration and specific site conditions. The SEA Ordinance requires a minimum monitoring period of five years, but some projects may require a longer monitoring period to ensure success. The length of the monitoring period should be based on realistic projections of the restored habitat becoming self-sustaining.

The restoration plan submitted for review does not necessarily have to be developed specifically for the SEA Ordinance. If a similar document is being/has been prepared for another permitting agency or for CEQA review, the Department will likely accept that document, provided that it contains sufficient detail to evaluate whether the project meets SEA Findings (see Section 22.102.080).

Chapter 7 provides general guidelines and best practices for habitat restoration within SEAs. All restoration projects should incorporate appropriate practices from Chapter 7 into their restoration and enhancement plans.

## CHAPTER 7. HABITAT RESTORATION

Many habitats in SEAs have been lost, degraded, or fragmented due to past development or use. This degradation is generally accompanied by loss and impairment of valuable ecosystem functions and amenities that support the health and wellbeing of the human populations of LA County. The County welcomes habitat restoration projects, which aim to restore SEA Resources and ecosystem services to degraded habitats. When done well, habitat restoration can regain and correct ecosystem process and functions that filter our water and air, help control air temperatures, support biodiversity, and provide movement opportunities for wildlife. Failure to restore degraded ecosystems can result in increased environmental cost later, in the extinction of species or natural communities, and in permanent ecological damage.

To improve the County's monitoring of ecosystem health and encourage best practices in habitat restoration, the SEA Ordinance establishes a mandatory (but free) review of habitat restoration projects within SEAs to ensure that the methodologies and practices being implemented are consistent with the goals and policies of the SEA Program. To qualify for this special Habitat Restoration Review, a project should demonstrate, through a Restoration or Enhancement Plan or the equivalent, that it meets the SEA Findings (Section 22.102.080(D)). The project must also be voluntary and not part of a larger project whose primary purpose is not habitat restoration, such as a land use permit for a non-habitat restoration construction activity. Restoration proposed as part of a larger project that includes non-habitat restoration development will be reviewed as part of the permit for that development. If the restoration project does not demonstrate that it meets the SEA Findings, it will be required to go through the same SEA assessment process as is required for a development project.

### WHAT IS HABITAT RESTORATION?

Habitat restoration is the process of returning a habitat to a close resemblance of its condition prior to disturbance.

Successful restoration means that both ecosystem structure and function have been recreated or repaired to such degree that the natural ecosystem processes that contribute to self-maintenance of the ecosystem are operating effectively and without the need for further human engineering or interference.

Even small scale or partial ecological restoration can substantially expand or improve SEA Resources and ecosystem services.

For restoration projects that meet the SEA Findings, the Habitat Restoration Review will be used by the County to provide guidance and recommendations for ensuring consistency with the SEA Program. By reviewing and monitoring habitat restoration projects, the County will be able to collect data on where and how restoration is taking place within SEAs, track successes, and identify trends and information gaps. The County will use this information to assist in evaluating the overall success of the SEA Program.

## HABITAT RESTORATION REVIEW

The purpose of Habitat Restoration Review is to assist restoration practitioners in designing sound habitat restoration and enhancement projects that are compatible with the goals of the SEA Program. This chapter is also intended to assist Department Staff in evaluating and approving restoration or enhancement projects. These guidelines and principles are general and intended to be applied flexibly on a site-by-site basis. They do not replace or supersede the permit requirements of any other agency, such as the U.S.





Figure 34. Habitat restoration before and after pictures. Source: Puente Hills Habitat Preservation Authority website.

Fish and Wildlife Service, Army Corps of Engineers, State Water Resources Control Board, or CA Department of Fish and Wildlife. However, the County review process is intended to allow for coordination with other permit processes by allowing the use of common application materials and content.

While it is not required by the Ordinance, we highly recommend that applicants schedule a pre-submittal counseling meeting with Department Staff to get feedback on the project and its environmental protection measures. Department Staff can provide valuable insight about local conditions, including likely presence of sensitive species, upcoming development in the project vicinity, and other important information that may affect project plans. Attending a pre-submittal counseling meeting will also help ensure that sufficient technical detail is included in the restoration document to be submitted. To schedule a pre-submittal counseling meeting, contact [sea@planning.lacounty.gov](mailto:sea@planning.lacounty.gov).

## BASIC PRINCIPLES

- ❖ The desired outcome for all restoration projects is to create and enhance biologically functional habitats that support target species as well as other species that are important to overall biodiversity.
- ❖ Restoration activities should not begin until the restoration plan is reviewed by the Department.
- ❖ The restoration should be led by an experienced restoration ecologist with documented experience of successful native habitat restoration in the region.
- ❖ The restoration should be performed by experienced restoration contractors specializing in native habitat restoration.
- ❖ There are numerous resources available to guide restoration practitioners on successful restoration strategies for the type of habitat being restored. The proposed methodology should be consistent with such manuals and documents that describe best available restoration and enhancement methodologies for the type of habitat being restored.
- ❖ Restoration should be conducted only on sites where soils, hydrology, and microclimate conditions are suitable for the type of community being restored. Identification of restoration sites should involve an analysis of the suitability of potential sites to support the desired habitat, including comprehensive mapping and documentation of physical and biological site conditions through species surveys, soils surveys, drainage mapping, and constraints analysis.

- ❖ Riparian Restoration: All sites should contain suitable hydrological conditions and surrounding land uses to ensure a self-sustaining functioning riparian vegetation community.
- ❖ Priority should be given to restoring areas that occur adjacent to existing areas of native habitat, especially those that support sensitive species, with the goal of increasing habitat patch size and connectivity while restoring habitat values that will benefit sensitive species.
- ❖ Implementation may be phased over a multi-year timeline (often 5-10 years) to provide for greater diversity of planting ages. Strategies for making prompt mid-course adjustments or corrections in response to changing conditions (e.g. rainfall, fire, flood, etc.) should be included in the restoration plan.
- ❖ Prior to implementation, funding sources and responsible entities for carrying out restoration should be secured.
- ❖ Prior to implementation, an explicit work plan should be developed, including schedules and budgets for site preparation, installation and post-installation actions.
- ❖ Practice adaptive management by developing strategies for revisiting implementation or performance standards if necessary. Identify an advisory team of experts to provide advice and direction.

## MANDATORY BEST MANAGEMENT PRACTICES

### STRESSORS

- ❖ Any stressors causing habitat degradation should be addressed prior to starting restoration.

### PLANT MATERIAL

- ❖ Provide details regarding the planned source of their plant material. If the source is from more than ten miles away or from a completely different vegetation or geology, provide reasonable support for why that stock has been chosen.
- ❖ Special consideration should be given to sources of tree seed and other long lived species. In the case of oak trees, it is preferable to grow seedlings from acorns collected in the immediate project vicinity (within approximately two miles of the project site).
- ❖ All stock should be from plants within Counties in or adjacent to the SEA. Nurseries used to grow stock should also be within counties in or adjacent to the SEA to prevent spread of soil borne diseases and insect pests.
- ❖ Plant material used for habitat restoration purposes should consist of native species that are local to the immediate area of the mitigation site.
- ❖ All plant material proposed for use in a habitat restoration program should be inspected by a qualified biological monitor to ensure that all container plants are in good health and do not contain pests or pathogens that may be harmful to existing native plants or wildlife species.
- ❖ Container plants and other landscaping materials (including organic mulches) should be inspected to ensure they do not contain Argentine ants.
- ❖ Native seed mixes should be inspected by a biological monitor prior to their application to ensure that they contain the proper species and that seed packages are in good condition and do not contain any pests or pathogens.
- ❖ Diseased or infested plant, seed, or landscape materials should be removed from the site and transported to an appropriate off-site green waste facility.

### INVASIVE PLANTS

- ❖ Removal of non-native species in patches of native habitat shall be conducted in such a way as to minimize impacts to the existing native vegetation.

- ❖ Provide a clear description of how green waste will be handled.
- ❖ Use of chemical methods should be utilized only as a last resort.
- ❖ Any proposals for use of herbicide treatments should be accompanied by a plan that demonstrates:
  - that other methods of invasive species control have been tested, and that a single application of herbicide has been determined to be the best solution;
  - that there is a post application plan for revegetation and/or mulching; and
  - that the treatment is a one-time application.
- ❖ Preemergent herbicide should never be used, as it may affect rare species in the seed bank.

#### IMPORTED SOIL

- ❖ Imported soil shall be free of exotic invasive plant species and shall come from a local source.

#### IRRIGATION

- ❖ Use plugs rather than larger plants to reduce the need for irrigation during establishment in order to conserve water resources. This also helps plants establish new roots that are adapted to the soil in the ground, rather than having a large root mass adapted to the soil in the nursery pot.
- ❖ If irrigation is required, describe the plan to control annual weeds that might occur and thrive from the irrigation.

#### MULCH

- ❖ Mulch is the least harmful and most beneficial way to prevent weeds, promote healthy soil, and help restore healthy organic material in the soil. One application of mulch can promote storage of large amounts of carbon in soils for years to come, helping with global climate change. It prevents water loss up to 30%. Almost all native habitat, outside of some desert ecosystems, have deep layers of organic material near trees and shrubs, keeping their roots cool and preventing evaporation.
- ❖ An area for native bee nesting without mulch can be set aside and marked. Monthly weeding will be necessary in this area until native plants can be established.

#### SCHEDULE

- ❖ Provide details regarding the planned schedule. Establishment of restoration/revegetation sites should be conducted during the appropriate time of year (between October 15 and January 30 for most projects), with planting and/or seeding occurring immediately after the restoration sites are prepared.

#### MAINTENANCE PLAN/GUIDELINES

- ❖ Provide a Maintenance Plan that includes (1) weed control, including cleaning of equipment to prevent further spread or introduction of new weeds; (2) herbivory control; (3) trash removal; (4) irrigation system maintenance; (5) maintenance training; and (6) replacement planting.

#### SIGNAGE AND FENCING

- ❖ If necessary, the restoration plan should include specifications on fencing to protect biological resources and restrict human access.
- ❖ Signage specifications should be developed to indicate the site is a restoration/preserve area and to either indicate that trespassing is not allowed or to instruct visitors to stay on trails if public access is allowed.

## CHAPTER 8. NATURAL OPEN SPACE

The SEA Ordinance requires preservation of natural open space to offset impacts to SEA Resources by proposed development. Additionally, the SEA Ordinance requires new development to be set back an adequate distance from existing protected natural open space areas to ensure that required defensible space where vegetation must be thinned or cleared for fire protection will not extend onto the adjacent protected natural open space.

Many wildlife species, particularly carnivores and other wide-ranging species require large areas of suitable habitat for genetically and demographically viable populations. In addition, large contiguous blocks of habitat are more likely to encompass diverse habitat types and are more easily buffered from potential impacts from surrounding developed lands. Most SEAs contain large blocks of habitat generally conforming to a significant topographical feature such as a watershed, major river, butte, etc. These habitat blocks are referred to as "core habitats." Protecting natural open space (i.e., undeveloped land) within and adjacent to or near these large patches will maintain valuable protected core habitats, which, in turn, can protect larger wildlife populations and potentially generate a greater diversity of species and communities.

### CONFIGURATION AND USE

To meet the requirements of the SEA Ordinance, preserved open space must be maintained in its natural undeveloped condition. To the greatest extent possible, natural open space should be configured into one contiguous area and be clustered with other natural open space areas on adjacent parcels. Conservation easements should not be drawn to conflict with other existing easements, as the objective is for habitat and biological protection.

No removal of trees or vegetation or other disturbance to natural features is allowed in these areas, unless the activity is approved by the Director prior to the disturbance (for instance, if it is written in as an acceptable use in the deed restriction, covenant, or conservation easement approved by the Department). The following are uses that may be deemed acceptable in preserved natural open space:

1. disease control and/or control of invasive species;
2. habitat restoration;
3. paths or trails constructed and maintained to minimize environmental impact to the area (for instance, to restrict recreational use into a single path);
4. wildlife permeable fences constructed and maintained to minimize environmental impact to the area (for instance, to keep trail users from crossing into sensitive habitat areas);
5. fire protection, when determined by the County Biologist to be compatible with the SEA Resources being preserved; or
6. activities intended to maintain a specific habitat condition, which may include animal grazing, when recommended by the County Biologist. Such activities must be detailed in a management plan to be reviewed by the County Biologist and approved by the Department.

Driveways, streets, roads, or highways are prohibited from crossing through natural open space areas. If the Hearing Officer or Commission determines that a driveway, street, road, or highway must transverse natural open space in order to ensure adequate circulation or access, it may not be counted as a portion of the total required natural open space to be preserved (i.e. the area occupied by the road must be subtracted from the total area of open space). Additionally, any such driveway, street, road, or highway must be

designed to include any and all necessary wildlife crossings and/or other features necessary to avoid biological impacts.

Natural open space preservation as mitigation must be satisfied prior to the issuance of a grading permit. The applicable preservation mechanism must be recorded with the Registrar-Recorder/County Clerk before issuance of a grading permit. In order to meet this requirement, the natural open space preservation for subdivision projects will be recorded separately from the final map.

## REQUIREMENTS FOR MINISTERIAL SEA REVIEW

Development approved through a Ministerial SEA Review that has impacts to SEA Resource Categories 2, 3 or 4 are required to preserve the corresponding amount and type of SEA Resources within the project site parcel(s), as shown in [TABLE 4](#) below. Development undergoing Ministerial SEA Review should have been vetted during SEA Counseling to ensure the project site parcel(s) contain appropriate preservation area(s) outside of the development footprint. Natural open space areas to be preserved cannot be located within any mandated fuel modification or brush clearance zones, or include any portion of a driveway, street, road, or highway.

On-site natural open space will need to be depicted on the approved site plan. A draft of the deed restriction or covenant should be submitted with the application materials for Department review prior to recordation. The natural open space covenant or deed restriction must then be recorded with the County Recorder's Office and a copy of the recorded document must be submitted to the Department prior to receiving the stamped site plan, along with a digital delineation of the boundary of the natural open space area (i.e. the boundary of recorded natural open space should be submitted in a GIS useable format such as .shp, .gdb, .kml/.kmz, .dwg, etc.)

**TABLE 4. ONSITE PRESERVATION RATIOS FOR MINISTERIAL SEA REVIEW**

SEA RESOURCE CATEGORY:	DISTURBANCE ALLOWED:	PRESERVATION RATIO:
1	none	N/A (need SEA CUP)
2	≤ 500 sq ft	2:1
3	≤ 500 sq ft	1:1
	> 500 sq ft	2:1
4	≤ 5,000 sq ft	none
	> 5,000 sq ft	1:1
5	any amount	none

### ALLOWABLE MECHANISMS

On-site preservation of natural open space, as required per (Section 22.102.090.A), must be provided through a permanent deed restriction or land use covenant between the County and the property owner. Both mechanisms are recorded with the County Recorder's Office and should include a map exhibit of the natural open space area. Any area recorded as natural open space for this purpose must be left in its natural state.

### EVALUATING THE ACCEPTABILITY OF ON-SITE PRESERVATION

There may be fewer opportunities to configure natural open space for projects undergoing Ministerial SEA Review. In many cases, the BCM will have already identified all the areas that can be preserved on-site with no excess of natural open space available for preservation. In cases where there is an excess of area available for preservation, the preserved area should be configured to minimize fragmentation and maintain



the largest possible area-to-edge ratio (i.e., by using the shortest possible perimeter length).<sup>29</sup> Any existing adjacent preserved open space areas should also be considered, and new open space should be configured to compliment and buffer existing off-site open space by connecting to it via the widest possible path.

## REQUIREMENTS FOR SEA CUP

Developments applying for a SEA CUP are required to provide preserved natural open space as mitigation. For SEA CUPs, the amount of natural open space to be required is considered mitigation and is not tied to the ratios in the Development Standards, nor is it required to be preserved on-site. Any and all mitigation must require like-for-like components for compensation. Soils, slope, topography, aspect, range, growing conditions, and habitat type must all match between development and mitigation sites and all must be within the same SEA.

The natural open space preservation requirement for SEA CUPs is dependent on the amount of proposed development, degree of impact, type and quality (e.g. intactness) of SEA Resources being disturbed, location, and setting of those SEA Resources, and the project's ability to address the SEA Findings. The preservation ratios listed in **TABLE 5** below will be utilized as a general guideline.

### ON-SITE PRESERVATION FOR SEA CUP

To evaluate the appropriate location and mechanism for preserved natural open space, Staff will first need to determine whether an adequate amount of suitable habitat is present on-site. Projects that do not have an adequate amount of suitable habitat available to protect on-site will need to provide any necessary natural open space preservation off-site, through one of the mechanisms discussed in the "Allowable Mechanisms" section below.

If it is determined that a suitable area of quality natural habitat occurs on the project site parcel(s), the area should be described in the Biota Report, depicted on site plans, and, if found to meet the mitigation needs of the development, recorded as permanent natural open space through one of the allowed mechanisms discussed below. Any area recorded as natural open space for this purpose must be maintained in its natural undeveloped state, with no removal of vegetation or disturbance of natural features.

When determining the suitability of habitat for on-site preservation, the following attributes should be considered:

- ❖ is it outside of all mandated fuel-modification and brush clearance zones?
- ❖ does it encompass any hydrological features?
- ❖ does it contain sensitive SEA Resources (e.g. Categories 1-3)?
- ❖ does it include any habitat restoration areas required as project mitigation?
- ❖ does it include sufficient low to moderate value habitat to buffer higher value habitats and elements from indirect impacts from developed areas?
- ❖ what is the extent of on and off-site habitat connectivity?

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<sup>29</sup> Area-to-edge ratio refers to the compactness of an area. A circle has the maximum area-to-edge ratio of any shape since it has the minimum possible perimeter length. Long, narrow shapes, or shapes with convoluted boundaries have low area-to-edge ratios. Shapes with high area-to-edge ratios are preferable in biological conservation because elements within the interior of the area have a greater likelihood of being far from the edge and are therefore less vulnerable to indirect impacts from development (invasive species, runoff, domestic animals, etc.).



- ❖ is it part of a wildlife corridor, does it function as a buffer, or is it integral to a watershed?

Natural open space should be planned in such a way as to create the maximum amount of habitat connectivity between on-site and off-site areas and to encompass the maximum amount of diversity in type, function and structure of habitats. Whenever possible, natural movement pathways should be protected.

Although large blocks of habitat are generally better than smaller ones, there are cases when smaller patches or ribbons of habitat are vital to preserving wildlife movement or the long-term viability of SEA Resources. For instance, small patches of habitat may be useful as stepping-stones through a developed landscape, or a constrained movement pathway may provide the last tenuous connection between two larger patches of habitat. The loss of such connections may mean cutting off wildlife movement through that landscape. In such cases, it may be preferable to preserve the small patches or ribbon of natural habitat.

“Added value” can be given to proposed natural open space areas if they also contain unique or valuable habitat linkage resources, additional special-status species, surface waters, or sensitive habitats, etc. Proposed open-space with such added-value characteristics may be allowed to be smaller than the area that would typically be required and still be determined to be consistent with the SEA Program goals, subject to the discretion of the Department and a determination of consistency with the SEA Findings by SEATAC.

**TABLE 5. RECOMMENDED\* PRESERVATION RATIOS FOR SEA CUP**

SEA RESOURCE:	PRESERVATION RATIO:
<b>CATEGORY 1</b> <ul style="list-style-type: none"> <li>- State or federally listed species and their habitats</li> <li>- CA Rare Plant Ranks 1,2,3</li> <li>- Natural Communities Ranked G1/S1</li> <li>- Water Resources (e.g. wetlands, streams, ponds, lakes, vernal pools, marshes, etc.)</li> </ul> <b>BEACH &amp; DUNE</b>	5:1
<b>CATEGORY 2</b> <ul style="list-style-type: none"> <li>- Natural Communities Ranked G2/S2</li> <li>- Species of Special Concern and their habitats</li> </ul>	4:1
<b>CATEGORY 3</b> <ul style="list-style-type: none"> <li>- Natural Communities Ranked G3/S3</li> <li>- Oak Woodland</li> <li>- Sensitive Local Native Resources</li> </ul> <b>ROCK OUTCROPS/ROCKLANDS</b>	3:1
<b>CATEGORY 4</b> <ul style="list-style-type: none"> <li>- Natural Communities Ranked G4/S4/G5/S5</li> <li>- CA Rare Plant Rank 4</li> </ul> <b>NON-NATIVE GRASSLANDS</b>	2:1
<b>CATEGORY 5 - Wildlife linkage or corridor or Open space buffer</b>	1:1

\* Ratios are provided as a starting point. With a discretionary CUP, these ratios can be changed based on site specific factors and SEATAC recommendations, to the satisfaction of the Hearing Officer or Commission.

## OFF-SITE PRESERVATION FOR SEA CUP

Developments that do not have suitable habitat available for natural open space preservation on-site will be required to provide an equivalent amount of natural open space preservation off-site. This can be accomplished through one of the mechanisms discussed below. All off-site natural open space preservation will be reviewed by Department Staff in order to verify that it meets the project's mitigation requirements.

The following information should be submitted for review:

- ❖ a map of the proposed off-site area (similar to a BCM);
- ❖ a description of the biological resources of the proposed off-site area (similar to a BCA);
- ❖ a description of the mechanism to be used for preservation; and
- ❖ a management plan for the proposed preserved area, including a Habitat Mitigation and Monitoring Program (HMMP) if habitat restoration is required, which identifies responsible parties, funding mechanism, restoration methods, performance standards, and reporting requirements for restoration projects.

Off-site preservation shall be sited within or contiguous with the same affected SEA, and preferably within the same watershed. An area immediately adjacent to the SEA may be considered if the applicant can demonstrate that the area supports the same resource values and is connected with other natural open space. Preserved areas should be configured to:

- ❖ have sufficient self-buffering capacity,
- ❖ be situated adjacent to other natural open space areas, and
- ❖ support resources similar to those disturbed by the project and in the proper ratios.

"Added value" can be given to proposed open-space lands if they also contain unique or valuable habitat linkage resources, additional special-status species, surface waters, or sensitive habitats, etc. Proposed open-space lands with such added-value characteristics may be smaller than the area required by standard preservation ratios and still determined to be consistent with the SEA Program goals, subject to discretion of the Planning Department and a determination of consistency with the SEA Findings by SEATAC.

## ALLOWABLE MECHANISMS

Following are the acceptable mechanisms for preserving natural open space to meet SEA CUP requirements. The mechanisms are ranked in order of preference by the County. The applicant will have to demonstrate that higher ranked mechanisms are infeasible or of less benefit in order to use an option lower down on the list. For instance, in-lieu fees are of lowest preference, so the applicant will need to show that the six previous mechanisms are infeasible or of substantially lower biological value than the in-lieu fee proposed for the project.

## DEDICATION TO ACCREDITED LAND TRUST OR GOVERNMENT ENTITY

Land to be protected as natural open space may be transferred to an accredited land trust or government entity that has the capacity to protect and manage the land as natural open space. The acquisition of the land (fee title or fee simple) allows the conservation owner to manage the property to preserve and protect its conservation values. The land can be acquired by purchase, donation or a combination of the two.

Any land being transferred to a non-profit organization or government entity for the purpose of mitigation for a SEA CUP must first record an open space restriction or easement over the entirety of the natural open space area prior to transfer of ownership in order to ensure the preservation of the natural open space in perpetuity.

## CONSERVATION OR MITIGATION BANK

Conservation and mitigation banks provide a streamlined and predictable off-site compensatory mitigation program that can be of benefit to public and private developers, while incentivizing the protection and management of the most critically important areas within SEA boundaries. These “banks” are lands that are permanently protected and managed specifically for their natural resource values. In exchange for permanently protecting, managing, and monitoring lands that hold important resources (e.g. wetlands, endangered or threatened species, and supporting habitats), the bank sponsor (owner) is allowed to sell or transfer a specified number of habitat or species credits to project developers to offset the adverse impacts of their projects.

Conservation and mitigation banks are regulated and approved by certain state and federal agencies that are tasked with protection of natural resources (such as CDFW, USFWS, Army Corps of Engineers, Natural Resources and Conservation Service, National Marine Fisheries Service, US Environmental Protection Agency, etc.). Mitigation banks are generally formed to protect, restore, create, and enhance wetland habitat, and credits are sold for mitigation of unavoidable wetland losses. Conservation banks are targeted more toward protecting threatened and endangered species and habitat, with credits established for the specific sensitive species and habitat types that occur on the site. Although a bank may be established to protect a specific species or water resource, adjacent areas of supporting habitat are generally also included in the mitigation bank.

Currently there is only one conservation bank in LA County; however, the formation of new conservation or mitigation banks, especially within SEAs, is encouraged. For a proposed development within a SEA to utilize a conservation or mitigation bank for their development, the bank must be within the same SEA.

To learn more about mitigation banks, visit the CDFW website on Conservation and Mitigation Banking: [www.wildlife.ca.gov/Conservation/Planning/Banking](http://www.wildlife.ca.gov/Conservation/Planning/Banking). For CDFW approved mitigation banks see: [www.wildlife.ca.gov/conservation/planning/banking/approved-banks#r4](http://www.wildlife.ca.gov/conservation/planning/banking/approved-banks#r4).

## CONSERVATION EASEMENT

A Conservation Easement is a legal agreement between a landowner and an accredited land trust or government agency in which the land owner places certain restrictions on their property in order to permanently limit the uses of the land in order to protect its conservation values. The land trust or government agency<sup>30</sup> that accepts the easement is responsible for monitoring the easement to ensure

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<sup>30</sup> California Civil Code 815.3 defines qualified entities as: a) A tax-exempt nonprofit organization qualified under Section 501(c)(3) of the Internal Revenue Code and qualified to do business in this state which has as its primary purpose the preservation, protection, or enhancement of land in its natural, scenic, historical, agricultural, forested, or open-space condition or use. b) The state or any city, county, city and county, district, or other state or local governmental entity, if otherwise authorized to acquire and hold title to real property and if the conservation easement is voluntarily conveyed. No local governmental entity may condition the issuance of an entitlement for use on the applicant's granting of a conservation

compliance with the terms of the easement and to enforce the terms if violation occurs. Land trusts may be accredited through the Land Trust Accreditation Commission, an independent program of the Land Trust Alliance, or an equivalent program.

Conservation Easements are one of the most frequently used tools for conserving private land. They are used to permanently limit uses (on all or a portion of the property) that would compromise the conservation values of the property, while allowing the landowner to retain certain reserved rights.

As with a deed restriction or covenant, a Conservation Easement is attached to the property's deed and recorded with the County. It is granted in perpetuity, meaning that all future owners of the land must respect the uses set forth in the document. Natural open space preservation required per the SEA Ordinance may be provided through a Conservation Easement, either on-site or off-site (but still within the same SEA).

#### PERMANENT ON-SITE DEED RESTRICTION

A deed restriction is a land use restriction that is added to the title of a property. It restricts the use of the property, and for the purposes of the SEA Ordinance, it can be used to ensure that an area of land is preserved as natural open space in perpetuity. Properly worded and recorded deed restrictions apply to all future owners of the property and cannot be easily changed or removed. To meet the SEA Ordinance natural open space requirements, the property owner may place a permanent open space deed restriction on the approved area of their property. The project cannot be approved until the restriction is filed with the Registrar-Recorder/County Clerk.

#### COVENANT BETWEEN COUNTY AND PROPERTY OWNER

A covenant or "Covenants and Agreements" is a formal agreement or contract between the County and the property owner, in which the property owner gives the County certain promises and assurances, such as for the purpose of providing and recording an open space restriction over an area of land. The covenant obligates the owner to maintaining the specified area as natural open space, for a specified period of time. In order to meet the natural open space preservation requirements of the SEA Ordinance, the covenant must be permanent and properly worded to ensure the land is preserved in its natural, undeveloped condition. As with a deed restriction, the covenant runs with the land and is binding on all current and future owners of the property. If this mechanism is selected, the open space covenant must be filed at the County Recorder's Office prior to final permit approval.

#### CONSERVATION IN-LIEU FEE

Conservation in-lieu fees are another approach to fulfilling mitigation requirements and can be a source of funding for a natural resource management entity to purchase conservation land or Conservation Easements. This is a fee that is provided by a project developer to a mitigation sponsor, such as a natural resource management entity, in lieu of providing required compensatory mitigation. The in-lieu fee is then intended to be used to acquire the required mitigation land or Conservation Easement. In-lieu fees may be

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easement pursuant to this chapter. c) A federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the Native American Heritage Commission to protect a California Native American prehistoric, archaeological, cultural, spiritual, or ceremonial place, if the conservation easement is voluntarily conveyed.

pooled with other in-lieu fees to create one or more sites to compensate for the resource functions lost as a result of development.

In order to meet the natural open space requirements of the SEA Ordinance, in-lieu fees must be used for the purpose of preserving specific SEA Resources (as determined by those impacted by the proposed development) within the same SEA. A nexus study must be prepared, and provisions should be made to ensure that the fee is regularly updated in response to changes in real estate values. The in-lieu fee should include costs associated with providing the required mitigation, including the cost of the land or Conservation Easement, cost of identifying and negotiating for the land or easement, surveys, appraisals, title research, legal review, preparation of documents, etc.

## CHAPTER 9. SEA PROGRAM MONITORING

The Conservation and Natural Resources Element of the General Plan identifies strategies for the preservation of natural resources. Specifically, *C/NR-1 SEA Preservation Program*<sup>31</sup> includes strategies such as establishing a Transfer of Development Rights Program, Habitat Conservation Plan, Mitigation Land Banking Program/Open Space Master Plan, or Open Space Land Acquisition Strategy. To maintain and sustain the SEAs, and to evaluate the applicability of these programs, monitoring disturbance to and protection of SEA Resources is needed. Monitoring will also allow the County to better work with partner organizations interested in permanently conserving the SEAs.

The effects of climate change will also be clearer through the County's monitoring of SEAs. Some of these concerns include the need to preserve ecosystems that can continue to support the biodiversity of the County despite future changes in temperature and precipitation and increased hazards from wildland fires. SEAs contain evolving biological resources that occur in places at risk from development pressures and climate change. To ensure the continued effectiveness of the SEA Program, the following monitoring practices shall be implemented:

- 1) Tracking approved development within SEAs;
- 2) Tracking habitat restoration within SEAs;
- 3) Mapping habitat information collected through the permitting process; and
- 4) Mapping natural open space protection resulting from approval of projects.

### TRACKING APPROVED DEVELOPMENT

As part of case processing, information from applicants and public agencies proposing to develop in SEAs will be collected, including information on land use and impacts to SEA Resources. Such information will be compiled into a Countywide SEA database, which will be used for tabulating types and amounts of approved development within each SEA.

### TRACKING HABITAT RESTORATION

Projects proposing habitat restoration either as mitigation or as an independent project will be tracked utilizing information collected during case processing or Habitat Restoration Review. Information to be compiled includes the location, size, and type of restoration being carried out in each SEA.

### MAPPING SEA RESOURCES

A Biological Constraints Map (BCM) is required before most development can occur within a SEA. As part of the application package, the applicant will be required to submit their BCM data to the Department in digital form<sup>32</sup> to be integrated into the SEA Resource database. The data acquired in this manner will allow the Department to more accurately map habitat information within unincorporated County SEAs. In instances where further assessment of sensitive biological resources is needed, a more in-depth Biological

<sup>31</sup> [planning.lacounty.gov/assets/upl/project/gp\\_final-general-plan-ch16.pdf](http://planning.lacounty.gov/assets/upl/project/gp_final-general-plan-ch16.pdf)

<sup>32</sup> Map or site plan data displaying SEA Resources, preserved open space, and development footprints must be submitted in a GIS useable format such as .shp, .gdb, .kml/.kmz, .dwg, etc.



Constraints Analysis could be required. In such cases, submittal of final SEA Resource map data will be required as a condition of approval.

## MAPPING PROTECTED OPEN SPACE

With the adoption of the SEA ordinance update, the County will embark on an effort to map protected open space in the unincorporated Los Angeles County. For this effort, any open space area that has legal protections through a permanent on-site deed restriction, conservation easement, conservation or mitigation bank, or dedication to a government entity or non-profit land conservation organization, as described in the Ordinance, will be considered “protected open space.” With this information, it will be possible to illustrate the extent to which the SEA Program is meeting the County’s overall goal to develop *permanent, sustainable preservation of genetically and physically diverse biological resources and ecological systems* (Los Angeles County General Plan Goal C/NR 3).

Starting with the California Protected Areas Database (CPAD), California Conservation Easements Database (CCED), and other open space geographic databases maintained by state and local organizations, the Department will establish a baseline of existing protected open space in the unincorporated County (including federal, state, and county owned open space and Conservation Easements monitored by land trusts). The resulting Open Space Database will include polygons of each recorded open space area with corresponding information such as date of adoption, type of protection, size, and ownership.

Protected open space will be monitored as follow:

1. The Department will integrate all newly dedicated open space associated with permits in SEAs into the Open Space Database. Data for new open space dedicated in this manner will also include project and permit numbers and will link to the public record(s) for the associated project.
2. The Department will identify resources to review previously approved projects in SEAs that included protection of open space as mitigation and incorporate those areas into the Open Space Database.
3. The Department will also track in-lieu fees and contributions to mitigation banks associated with SEA CUPs. In the case of in-lieu fees, the County Biologist will review and approve where the fees are used<sup>33</sup>, and any resulting new protected open space will be included in the Open Space Database.

## REPORTING REQUIREMENTS

### 1. GENERAL PLAN ANNUAL REPORT

The County is required to prepare a general plan annual progress report on the status of General Plan implementation. The annual report is prepared by the Department and presented to the Regional Planning Commission and the Board of Supervisors. The annual report is the County’s mechanism for comprehensively reporting on the following: 1) program implementation; 2) effectiveness of major policies; 3) updates to datasets; and 4) map maintenance.

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<sup>33</sup> In-lieu fees should be designated for use within the same SEA as that in which the associated development is located.

For the SEAs, the General Plan report is given biennially on the status of the County's SEAs and is required to include:

- ❖ A summary of new development within SEAs approved by DRP;
- ❖ A public comment process for accepting suggestions on improving the SEA Program, and its components;
- ❖ The overall status of biological functions within each SEA, if known;
- ❖ Identification of any new techniques or methods of conservation planning which are, or could, be utilized to enhance the SEA Program;
- ❖ Assessment of the necessity for new SEA studies and any resulting scientific studies undertaken on SEAs;
- ❖ Recommendations for any modifications to the SEA Program, including General Plan goals and policies, SEA boundaries and the SEA Ordinance;
- ❖ Identification of lands within individual SEAs as priority habitats or areas for protection;
- ❖ A description of any ongoing partnerships with conservation agencies and other stakeholders;
- ❖ A current map of SEA lands that are protected in perpetuity through deed restrictions, Conservation Easements, etc.; and
- ❖ The Director's conclusion as to the overall successes and challenges of the SEA Program in implementing General Plan goals and policies.

## 2. SUSTAINABILITY PLAN INDICATOR

The County's Chief Sustainability Office is in the process of preparing the first sustainability plan for the entire County. One of the important indicators for sustainability identified for the Plan is the health of the County's SEAs. In addition to communicating the status of the SEA Program through the General Plan Annual Report, the County's Sustainability Plan will be another avenue for reporting on the health of the SEAs.

## 3. SEA WEBSITE

The Department will be updating the SEA webpage housed within the Department's website to digitally provide information as information is gathered and mapped.

## CHAPTER 10. REVIEW PROCEDURES FOR COUNTY PROJECTS

The SEA Program is a component of the County's General Plan, which provides the policy framework for how and where the unincorporated Los Angeles County will grow through the year 2035. As a leader in sustainability, the County will assess infrastructure projects that may have impacts to SEA resources when the development is located partially or entirely within a mapped SEA. This SEA assessment process for County projects within SEAs will ensure that the proposed activities sustain species populations and ecological services into the future through environmentally sensitive site design. This process will allow for the appropriate level of compliance with the least amount of impacts to the maintenance, operation, and future development of those facilities.

### GENERAL COUNTY DEPARTMENT SEA ASSESSMENT PROCESS

County Departments that propose activities defined as development within a mapped SEA are encouraged to participate in the SEA assessment process. Similar to private development, SEA review for County Departments is intended to assist in avoiding or minimizing impacts to SEA Resources. Development that is covered under a County master plan that is undertaken by private entities, such as construction of County master planned highways and master planned trails, should be submitted by the appropriate County Department for review as a County Project.

#### GENERAL REVIEW PROCESS

The County Department may use Regional Planning's online GIS application, or contact Regional Planning staff, to determine if a proposed ground disturbing activity will be within a mapped SEA. If so, the project manager at the County Department should contact Regional Planning at [sea@planning.lacounty.gov](mailto:sea@planning.lacounty.gov) to initiate a consultation of the proposed activity.

At the end of the initial review of the proposed activity, the County Biologist will issue a recommendation letter which determines the following:

- a. need for any additional biological surveys to identify SEA Resources or evaluate the full extent of impacts;
- b. need for SEATAC consultation regarding impacts of proposed activities and/or appropriateness of proposed mitigation;
- c. ability of the proposed activity to maintain prescribed setbacks as described within the SEA Development Standards; and
- d. compatibility of the proposed activity with the SEA Program.

#### REVIEW OF EMERGENCY AND HAZARD MANAGEMENT ACTIVITIES

Ground disturbing activities in response to an emergency or for hazard management should be documented and communicated to Regional Planning. Following an emergency or hazard management activity, additional consultations may be initiated between County departments to address how to better coordinate and approach future similar activities or situations, or to discuss appropriate mitigation of impacts to SEA Resources, if needed. In these instances, the County Biologist will issue a recommendation letter, which may include recommendations for:

- a. additional consultations with SEATAC to determine appropriate mitigation for impacts to SEA Resources; or
- b. actions that could be taken in a future similar situation to avoid or minimize impacts to SEA Resources.

### NOTIFICATION OF DEVELOPMENT ACTIVITY

In addition to the general County Department SEA assessment process, County Departments may notify Regional Planning regarding activity within a mapped SEA on a project by project basis. The purpose of reporting development which may not need further review is to understand and disclose regular maintenance projects by County Departments that are in or adjacent to natural portions of the SEA which may potentially impact the SEAs, and to gain an understanding of this development. It is anticipated that development in this category could be moved to Activities Exempt from Review and Notification in future iterations of this guide.

### DEPARTMENT OF PARKS AND RECREATION (DPR)

Unless constructing new structures or grading within natural portions of a SEA, all maintenance, construction and other regular activities necessary to meet the standard operational needs at DPR facilities shall be exempt from SEA assessment. When a development project does involve significant removal of natural vegetation within a SEA, the DPR project manager will contact Regional Planning at [sea@planning.lacounty.gov](mailto:sea@planning.lacounty.gov) to initiate a consultation, providing the following information:

1. project location
2. project scope or description
3. site plan
4. any photographs of the site.

If necessary, a site visit meeting with the County Biologist will be scheduled.

In response to this review, the County Biologist will issue a letter which determines the following:

- ❖ The compatibility of the proposed development activity with the SEA Development Standards and Findings, if applicable.
- ❖ Whether additional review through SEATAC is recommended to determine appropriate SEA Resource mitigation, when needed.
- ❖ Whether additional biological information is needed to provide further recommendations.

### DPR ACTIVITIES EXEMPT FROM SEA ASSESSMENT AND NOTIFICATION

DPR will not need to notify Regional Planning of the following types of activities: 1) those that occur within already disturbed areas and will not result in expanded environmental impacts to the natural portions of SEAs, 2) those that are for the maintenance and operation of existing facilities, or 3) those that are for emergency or hazard management response.

Maintenance and operational activities include, but are not limited to:

- a. maintenance of existing landscaping including mowing and tree trimming;
- b. new landscaping and related irrigation;

- c. brush clearance;
- d. parking lot repair;
- e. health and safety related work such as slope repair and hazard removal;
- f. ADA compliance (path of travel, parking lot, restroom upgrades, etc.);
- g. Irrigation, plumbing, mechanical (HVAC) and electrical repairs;
- h. concessionaire maintenance and operational activities;
- i. temporary events (renaissance Faire, concerts);
- j. lake maintenance and remediation;
- k. ongoing upkeep, repair, rehabilitation, or reconstruction (in kind) of existing structures and facilities (park offices, gymnasiums, storage, restrooms, visitor centers, community centers, nature centers, sports fields, aquatic centers, etc.);
- l. addition to existing buildings and structures;
- m. installation of accessory structures, such as shade structures, picnic tables and benches, BBQ grills, play structures, fitness equipment, outdoor classroom, lighting, signage, fencing, etc.;
- n. grading that does not extend beyond previously disturbed areas;
- o. vegetation control that does not extend beyond previously disturbed areas; and
- p. trail maintenance.

#### EMERGENCY AND HAZARD MANAGEMENT ACTIVITIES

Activities which are for either emergency response or hazard management (such as fire, flood, or earthquake damage, etc.) are also exempt from prior notification and review, if time constraints would not allow for such review. These types of activities shall be reported to Regional Planning after they have taken place. Additional discussion may take place, if needed, to identify proper mitigation of impacts when needed.

#### DEPARTMENT OF PUBLIC WORKS (DPW)

DPW development activities such as construction of new facilities or roads located in undeveloped portion of SEAs, which are not exempt under emergency activities, will be submitted for a SEA assessment by Regional Planning during the preliminary planning stages. Maintenance projects or other cash contracts, which occur within a SEA and require the discretionary action of the Board of Supervisors, will also be submitted to Regional Planning for SEA assessment. The DPW project manager will contact Regional Planning at [sea@planning.lacounty.gov](mailto:sea@planning.lacounty.gov) to initiate a consultation, providing the following information:

- a. project location map,
- b. project scope of work,
- c. environmental documents, if available,
- d. regulatory permit requirements, and
- e. any photographs of the site.

If necessary, a site visit meeting with the County Biologist will be scheduled.

In response to this review, the County Biologist will issue a letter which determines the following:

- ❖ The compatibility of the proposed development activity with the SEA Development Standards and Findings, if applicable.

- ❖ Whether additional review through SEATAC is recommended to determine appropriate SEA Resource mitigation, when needed.
- ❖ Whether additional biological information is needed to provide further recommendations.

#### **DPW ACTIVITIES EXEMPT FROM SEA ASSESSMENT AND NOTIFICATION**

DPW will not need to notify Regional Planning for the following types of activities, which are exempt from SEA assessment and notification: 1) development required immediately in emergency situations to protect buildings, infrastructure or human life, 2) development that occurs at the site of manmade areas that are already disturbed and will not constitute expanded environmental impacts to the natural portions of the SEA, and 3) activities that are for the maintenance and operation of existing facilities,

Maintenance and operational activities include, but are not limited to:

- a. replacement of headwalls at culvert entrance/exit,
- b. replacement of rock rip-rap along the bank of a stream to protect/prevent roadway from erosion/failure,
- c. removal of accumulated sediment and/or vegetation as preventative maintenance on streams at bridges or culverts,
- d. shoulder grading that extends beyond the public right-of-way,
- e. vegetation control that does not extend beyond previously disturbed areas or the public right-of-way,
- f. removal of sloughage, slide material, and debris,
- g. repair and reconstruction (in kind) of existing retaining walls,
- h. inspection, repair, and replacement (in kind) of existing bridge elements,
- i. proactive sediment, rock, and vegetation removals under bridges as preventative maintenance,
- j. repair, reconstruction, or construction of new rail and timber walls,
- k. repair, reconstruction, or construction of new retaining walls

Other projects which may be exempt from initial review are Non-emergency activities routinely carried out by Public Works to maintain operational capabilities of Public Works' and Flood Control District's facilities. Unless an existing facility will be constructing new structures in natural portions of the SEA, all the maintenance, construction and all other regular operational needs at Public Works and Flood Control District facilities shall be exempt from initial review. This exemption also includes activities in the right-of-ways for roads and floodways. These activities may include, but are not limited to:

- a. pavement maintenance (crack sealing, chip sealing, slurry seal, patching, resurfacing),
- b. shoulder grading that does not extend beyond previously disturbed areas,
- c. vegetation control that does not extend beyond previously disturbed areas,
- d. tree trimming,
- e. repair or replace existing guardrail,
- f. inspection and cleaning of drainage facilities,
- g. cleaning beach drains and clearing existing access roads,
- h. repair and reconstruction (in kind) of existing retaining walls if within previously disturbed areas,
- i. inspection, repair, and replacement (in kind) of existing bridge elements that do not require encroachment into the streambed,
- j. repair and reconstruction of rail and timber walls that does not extend beyond previously disturbed area, and



- k. ongoing upkeep and repair at structures and facilities within SEAs, as marked on the SEA Development Map.

## EMERGENCY AND HAZARD MANAGEMENT ACTIVITIES

Ground disturbing activities which are for either emergency response or hazard management are also exempt from prior notification and review, if time would not allow for such review. These types of activities shall be notified to Regional Planning after they have taken place. Additional discussion may take place, if needed, to identify proper mitigation of impacts when needed. Mitigation of these areas disturbed will be treated as “Development subject to notification and review”.

An emergency activity may be defined as any activity necessary to restore operational capabilities of public facilities or activities necessary to protect human lives and properties after a major disaster event, such as earthquakes, flooding, fires, etc. In the event that emergency activities include construction of new facilities, a brief project scope of work and location map will be shared with Regional Planning after the fact. These activities may include, but are not limited to:

- a. replacement of failed culvert pipe,
- b. construction of corrugated metal pipe risers after wildfires,
- c. restoration of failed road segment following a flood,
- d. removal of accumulated sediment, rock, and/or vegetation on streams under/at bridges or culverts if causing stream to flow on roadway,
- e. construction of debris trash racks, or
- f. placement of rock rip-rap along the bank of a stream to protect the roadway from erosion/failure.

## NOTIFICATION OF DEVELOPMENT IN SEAs:

DPW will notify Regional Planning of any proposed development within or partially within a mapped SEA on a project by project basis. Further communication between DPW and Regional Planning may also include discussion of appropriate best practices for regular activities in SEAs, recommendations from SEATAC, and overall development activity within SEAs.

DPW's notification shall consist of:

- ❖ An Assessors Property Number (APN) for the parcel or parcels affected
- ❖ A brief description or name of the type of development (for example: tree removal, construction of a storage building, road maintenance, etc.)
- ❖ The anticipated completion date for the development.
- ❖ The person or division to contact for information about the development.

This information shall be maintained in an excel table or GIS shapefile, and submitted to Regional Planning.

## GLOSSARY

**Alliance:** a vegetation classification unit that is usually defined by a dominant and/or characteristic plant species in the upper layer of vegetation.

**Association:** a vegetation classification unit defined by the characteristic species in the overstory (upper layer) and understory (lower layer), as well as environmental factors.

**Building pad:** a building site prepared by artificial means including grading, excavation or filling, or any combination thereof.

**Building Site Area:** the portion of the development footprint that is or will be graded, paved, constructed, or otherwise physically transformed, including the building pad, all graded slopes, areas impacted by exploratory testing, all structures, decks, patios, impervious surfaces, retaining walls, and parking areas. To calculate the area of the proposed building site, include the building pad, all graded slopes, all structures, decks, patios, impervious surfaces, and parking areas. The applicant may exclude the following development associated with the primary use:

- The area of one access driveway or roadway that does not exceed 300 feet in length and 20 feet in width, and is the minimum design necessary to meet Los Angeles County Fire Department requirements;
- The area of one turn-around that is not located within the approved building pad, and is the minimum design necessary to ensure safety and comply with Fire Department requirements;
- Graded slopes exclusively associated with the access driveway or roadway and safety turn-around indicated above; and
- Fuel modification and brush clearance required by Los Angeles County Fire Department for approved structures.

**Chaparral:** broadly defined as an area dominated by tall woody shrubs two meters and taller, which can be further classified to the alliance or association level utilizing *A Manual of California Vegetation* by Sawyer, Keeler-Wolf, and Evens, available online at [www.cnps.org/vegetation](http://www.cnps.org/vegetation).

**Covenant:** a formal agreement or contract between LA County and the property owner, in which the property owner gives the County certain promises and assurances, such as for the purpose of providing and recording an open space restriction over an area of land.

**Crops:** cultivated plants including field, tree, bush, berry, and row, including nursery stock

**Cumulative impact:** the incremental effects of an individual project in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

**Deed restriction:** a limitation in the deed to a property that dictates certain uses that may or may not be made of the property.

**Defensible space:** in firefighting and prevention, an area of non-combustible surfaces separating urban and wildland areas, which is often utilized around residences in remote and/or high fire hazard areas to give firefighters additional time to reach the residence in the event of a wildfire.

**Development footprint:** 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.

**Disturbed area:** any portion of land or vegetation that is altered in any way by development, by the actions associated with development, or by use, whether intentional or unintentional, permitted or unpermitted.

**Easement:** a civil agreement between two parties which is used as a method of acquiring partial use rights of land with no transfer of fee title. A limited right to make use of a land owned by another, for example, a right of way across the property.

**Ecosystem:** a community of animals, plants, and microorganisms and the physical and chemical environment with which it is interrelated.

**Ecosystem functions:** natural processes and attributes that result from the complex interactions between living organisms and the physical and chemical components of their ecosystems, which contribute to the self-maintenance of an ecosystem. Ecosystem functions are complex and dependent on a wide variety of factors, such as habitat type, geology, geography, climate, position in the watershed, surrounding land use, and associated plant and animal communities.

**Ecosystem services:** the benefits (goods and services) provided to humans as a result of ecosystem functions, such as clean air and water, erosion and sediment control, carbon storage, fertile soils, pollination, raw materials in the form of foods, biofuels, and medicinal resources, buffering against natural disasters, regulation of temperatures, and scenic views.

**Edge effects:** the effects of development on adjacent natural areas due to introduction of structures and non-native and/or non-local plants and animals. Structures change the microclimate or constitute barriers to movement. Introduced species displace native species or interact with natural processes and change conditions so that the native species are no longer well-adapted to the altered environment.

**Encroachment:** an intrusion, disturbance, or construction activity within the protected zone of a SEA Protected Tree.

**Fragmentation:** the process by which a landscape is broken into small islands of natural habitat within a mosaic of other forms of land use or ownership.

**General Plan:** a statement of policies, including text and diagrams setting forth objectives, principles, standards, and plan proposals, for the future physical development of the County required by California State Government Code 65300 et seq.

**Geological feature:** landform or physical feature, such as beach, dune, rock outcrop, and rockland, formed through natural geological processes.

**Grading:** any excavation, fill, movement of soil, or any alteration of natural landforms through a combination thereof.

**Herbland:** broadly defined as an area dominated by annual or herbaceous perennial species, including native and non-native grasslands, which can be further classified to the alliance or association level utilizing

A Manual of California Vegetation by Sawyer, Keeler-Wolf, and Evens, available online at [www.cnps.org/vegetation](http://www.cnps.org/vegetation).

**Heritage tree:** any SEA Protected Tree with a trunk diameter that measures 36 inches or more in a single trunk or with two trunks that measure a total of 54 inches or more in diameter, as measured 54 inches above natural grade.

**Infrastructure:** basic utilities and facilities necessary for development, such as water, electricity, sewers, streets, and highways

**Invasive plants:** plants that are not native to a region or ecosystem that, once introduced, tend to spread aggressively, disrupting native species occurring in the area, and even changing ecosystem processes such as hydrology, fire regimes, and soil chemistry.

**Lake:** a large naturally occurring body of water that is surrounded by land. A lake is formed due to pooling of surface-water runoff and/or groundwater seepage in a low spot relative to the surrounding countryside.

**Land division:** division of improved or unimproved land, including subdivisions (through parcel map or tract map), and any other divisions of land including lot splits, lot line adjustments, redivisions, mergers, and legalization of lots created unlawfully through the approval of a certificate of compliance or other means.

**Landscaping:** Any activity that modifies the visible features of an area of land through alteration of natural elements, such as altering the contours of the ground or planting trees, shrubs, grasses, flowers, and other plants.

**Land Trust:** A non-profit organization that actively works to conserve land by undertaking or assisting in land or conservation easement acquisition, and is responsible to ensure the applicable preservation mechanisms required by the SEA Ordinance for lands received and terms of the conservation easement are upheld through stewardship activities.

**Marsh:** a type of wetland dominated by grasses and other herbaceous plants where water covers the ground for long periods of time. There are many different kinds of marshes, ranging from coastal to inland and freshwater to saltwater. All types receive most of their water from surface runoff, and many marshes are also fed by groundwater.

**Mitigation:** actions or project design features that reduce environmental impacts by avoiding adverse effects, minimizing, rectifying, or reducing adverse effects, or compensating for adverse effects.

**Native grassland:** broadly defined as an area where native grassland species comprise 10 percent or more of the total relative cover, as determined utilizing classifications in *A Manual of California Vegetation* by Sawyer, Keeler-Wolf, and Evens (available online at [www.cnps.org/vegetation](http://www.cnps.org/vegetation)).

**Native tree:** a tree species that evolved and occurs naturally in a given location.

**Natural community:** a natural community is a collection of plants that occurs together in a repeating pattern across a landscape. Classification of natural communities follows *A Manual of California Vegetation* by Sawyer, Keeler-Wolf, and Evens, available online at [www.cnps.org/vegetation](http://www.cnps.org/vegetation).

**Natural open space:** lands preserved in their natural, undeveloped condition.

**Oak woodland:** an oak stand having greater than 10 percent canopy cover, or that may have historically supported greater than 10 percent canopy cover (Fish and Game Code 1361, Oak Woodlands Conservation Act).

**Open space:** any parcel or area of land that is essentially unimproved, natural open landscape and is, or could be, devoted to open space uses such as the preservation of natural resources, passive outdoor recreation, or for public health and safety.

**Open space conservation easement:** a legally-binding recorded document that conveys an easement to a public agency over a parcel, or portion of a parcel, to conserve the area's ecological or open space values by prohibiting most types of uses in perpetuity.

**Ordinance:** a general term for local laws that regulate and set standards for land development.

**Parcel map:** a recorded map required for a subdivision where four or fewer parcels of land or condominium units are created (i.e., minor land division).

**Playas/Playa lakes:** a type of temporarily flooded wetland resulting from shallow, circular depressions that are seasonally or semi-permanently filled with rainwater.

**Pond:** a smaller and/or shallower waterbody formed in the same manner as a lake. From the perspective of the SEA Program, there is no fundamental difference between ponds and lakes.

**Pruning:** to trim or remove dead, overgrown, or unwanted branches or foliage from a tree or shrub.

**Relative cover:** the cover of a particular species as a percentage of total plant cover of a given area. In the case of perennial bunch grasses or other native herbaceous species that tend to be patchy/distributed in patches, the whole area should be delineated if native herbaceous species comprise 10 percent or more of the total relative cover, rather than delineating the patches individually.

**Reservoir:** a man-made lake that is created when a dam is built on a river, and river water backs up behind the dam.

**Ridgeline:** the line formed by the meeting of the tops of sloping surfaces of land.

**Riparian vegetation:** plants contiguous to and affected by surface and subsurface hydrologic features of perennial or intermittent water bodies (rivers, streams, lakes, or drainage ways). Riparian areas have one or both of the following characteristics: 1) distinctly different vegetative species than adjacent areas, and/or 2) species similar to adjacent areas but exhibiting more vigorous or robust growth forms. Riparian areas are usually transitional between wetland and upland.

**River:** a body of flowing water occurring within a channel or linear topographic depression. Rivers are typically larger in size than streams, but, for the purposes of the SEA Program, the terms are synonymous.

**Runoff:** the portion of rainfall or irrigation water that flows across ground surface and eventually is returned to streams. Runoff can pick up pollutants and debris from the air or the land and carry them to the receiving waters.

**Scrub:** broadly defined as an area dominated by low-growing shrubs up to two meters in height, which can be further classified to the alliance or association level utilizing A Manual of California Vegetation by Sawyer, Keeler-Wolf, and Evens, available online at [www.cnps.org/vegetation](http://www.cnps.org/vegetation).

**SEA Protected Tree:** any native tree listed in the SEA Protected Tree List (Appendix A) with a trunk diameter that meets or exceeds the diameter indicated for that species in the SEA Protected Tree List, or with two trunks that measure a total of at least eight inches in diameter, as measured 54 inches above natural grade.

**Setback:** a minimum distance required by zoning code to be maintained between two points, such as between two structures, between a structure or use and property lines, or between a structure and a protected resource.

**Springs/Seeps:** areas in which groundwater reaches the earth's surface from an underground aquifer and keeps the area wet when there is no obvious source of surface water. This results from an aquifer being filled to the point that the water overflows onto the land surface. Springs usually emerge from a single point and can be the source of a small trickle or stream of water, while seeps generally have a lower flow rate and emerge over a larger area, with no well-defined origin.

**Stream:** a physical feature which at least periodically conveys water through a channel or linear topographical depression, defined by the presence of hydrological and vegetative indicators. Streams in natural channels may be further classified as perennial (flowing continuously), intermittent or seasonal (flowing only at certain times of the year), and ephemeral (only flowing in direct response to precipitation). Other terms for streams include river, wash, arroyo, drainage, and creek. To accurately document the episodic streams (i.e. intermittent or ephemeral) on development sites, refer to the *Mapping Episodic Stream Activity (MESA)* protocols developed by CDFW and the California Energy Commission.

**Structure:** anything constructed or erected which requires a fixed location on the ground, or is attached to something having a fixed location on the ground.

**Subdivision:** the division of improved or unimproved land for the purpose of sale, lease, or financing, whether immediate or future.

**Take:** with respect to animal or plant life, take means "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." (Federal Endangered Species Act of 1973.)

**Tract Map:** a map required for a subdivision consisting of five or more lots or condominium units

**Vernal pool:** a type of temporarily flooded wetland resulting from a depression in the landscape where a hard underground layer (either bedrock or a hard clay pan) prevents rainwater from draining downward into the subsoils, causing the depression to fill during winter and spring rain events, and gradually evaporate until becoming completely dry in the summer and fall. Because of the weeks of inundation and months of aridity that vernal pools experience, they are not only difficult to identify, but they also provide a unique



habitat for numerous endemic rare plants and animals that are able to survive and thrive in these harsh conditions.

**Water Resource:** Sources of permanent or intermittent surface water, including but not limited to lakes, reservoirs, ponds, rivers, streams, marshes, seeps, springs, vernal pools, and playas. Additional information about LA County's water resources can be found in the Conservation and Natural Resources Element of the General Plan 2035.

**Watershed:** the geographical area of land from which runoff resulting from precipitation is collected and drained to a common point or outlet.

**Wetland:** an area of land that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, with determinations following guidelines defined in the US Fish and Wildlife Service Classification of Wetlands and Deepwater Habitats of the US (Cowardin, 1979).

**Wildlife corridor:** a type of habitat linkage which consists of natural areas of sufficient width to permit larger, more mobile species (such as foxes, bobcats, and coyote) to pass between larger areas of open space, or to disperse from one major open space region to another. Such areas are generally at least several hundred feet wide, unobstructed, and possess cover, food and water. The upland margins of a creek channel, open ridgelines, open valleys or the bottoms of drainages often serve as naturally occurring major corridors locally. Wildlife corridors connect two or more core habitat areas in order to promote genetic flow and continuous recolonization of habitats by all plant and animal species within an ecosystem, or between ecosystems.

**Wildlife-permeable fencing:** fencing that can be easily bypassed by all species of native wildlife found within the County, including but not limited to deer, coyotes, bobcats, mountain lions, ground rodents, amphibians, reptiles, and birds.

**Woodland:** broadly defined as an area dominated by trees, which may be widely spaced with as little as five percent (5%) cover (e.g. savanna), densely arrayed with nearly complete canopy closure, or various densities in between. Understory may vary from herbaceous to shrubby. Woodlands can be further classified to the alliance or association level utilizing A Manual of California Vegetation by Sawyer, Keeler-Wolf, and Evens, available online at [www.cnps.org/vegetation](http://www.cnps.org/vegetation).

## APPENDIX A: SEA PROTECTED TREE LIST

\* indicates species is listed as a rare plant by California Native Plant Society

## ALTADENA FOOTHILLS &amp; ARROYOS SEA

Scientific Name	Common Name	Protected DBH
<i>Abies concolor</i>	white fir	5"
<i>Acer macrophyllum</i>	bigleaf maple	3"
<i>Acer negundo</i>	boxelder	6"
<i>Aesculus californica</i>	California buckeye	6"
<i>Alnus rhombifolia</i>	white alder	3"
<i>Arbutus menziesii</i>	Pacific madrone	6"
<i>Arctostaphylos glandulosa</i> (all subspecies)	Eastwood manzanita	6"
<i>Arctostaphylos glauca</i>	big berry manzanita	6"
<i>Calocedrus decurrens</i>	incense cedar	5"
<i>Ceanothus spinosus</i>	greenbark ceanothus	6"
<i>Cercocarpus betuloides</i>	mountain mahogany	6"
<i>Fraxinus dipetala</i>	California ash	6" 3"
<i>Fraxinus velutina</i>	velvet ash, Arizona ash	6" 3"
<i>Heteromeles arbutifolia</i>	toyon	6"
<i>Juglans californica</i> *	southern California black walnut	3"
<i>Malosma laurina</i>	laurel sumac	6"
<i>Pinus coulteri</i>	Coulter pine	5"
<i>Pinus jeffreyi</i>	Jeffrey pine	5"
<i>Pinus lambertiana</i>	sugar pine	5"
<i>Pinus ponderosa</i>	ponderosa pine	5"
<i>Platanus racemosa</i>	western sycamore	3"
<i>Populus trichocarpa</i>	black cottonwood	3"
<i>Prunus ilicifolia</i>	holly leaf cherry	3"
<i>Pseudotsuga macrocarpa</i>	bigcone spruce	5"
<i>Quercus agrifolia</i>	coast live oak	6"
<i>Quercus berberidifolia</i>	inland scrub oak	6"
<i>Quercus chrysolepis</i>	canyon oak	6"
<i>Quercus durata</i> var. <i>gabrielensis</i> *	San Gabriel Mtns. leather oak	3"
<i>Quercus engelmannii</i> *	Engelmann oak	3"
<i>Quercus wislizeni</i>	interior live oak	6"
<i>Salix exigua</i>	narrowleaf / sandbar willow	3"
<i>Salix gooddingii</i>	Goodding's black willow	3"
<i>Salix laevigata</i>	red willow	3"
<i>Salix lasiandra</i>	yellow willow	3"
<i>Salix lasiolepis</i>	arroyo willow	3"
<i>Sambucus nigra</i> ssp. <i>caerulea</i>	blue elderberry	6"
<i>Umbellularia californica</i>	California bay	6"

## ANTELOPE VALLEY SEA

Scientific Name	Common Name	Protected DBH
<i>Abies concolor</i>	white fir	5"
<i>Acer macrophyllum</i>	bigleaf maple	3"
<i>Acer negundo</i>	boxelder	6"
<i>Adenostoma sparsifolium</i>	red shank	6"
<i>Aesculus californica</i>	California buckeye	6"

<i>Alnus rhombifolia</i>	white alder	3"
<i>Arctostaphylos glandulosa</i> (all subspecies)	Eastwood manzanita	6"
<i>Arctostaphylos glauca</i>	big berry manzanita	6"
<i>Calocedrus decurrens</i>	incense cedar	5"
<i>Cercocarpus betuloides</i>	mountain mahogany	6"
<i>Cercocarpus ledifolius</i>	curl leaf/desert mountain mahogany	6"
<i>Fraxinus dipetala</i>	California ash	6" 3"
<i>Fraxinus velutina</i>	velvet ash, Arizona ash	6" 3"
<i>Heteromeles arbutifolia</i>	toyon	6"
<i>Juglans californica</i> *	southern California black walnut	3"
<i>Juniperus californica</i>	California juniper	All specimens
<i>Juniperus grandis</i>	Sierra juniper	5"
<i>Juniperus osteosperma</i>	Utah juniper	5"
<i>Malosma laurina</i>	laurel sumac	6"
<i>Pinus coulteri</i>	Coulter pine	5"
<i>Pinus flexilis</i>	limber pine	5"
<i>Pinus jeffreyi</i>	Jeffrey pine	5"
<i>Pinus lambertiana</i>	sugar pine	5"
<i>Pinus monophylla</i>	pinyon pine	5"
<i>Pinus ponderosa</i>	ponderosa pine	5"
<i>Pinus sabiniana</i>	foothill pine	5"
<i>Platanus racemosa</i>	western sycamore	3"
<i>Populus fremontii</i>	Fremont cottonwood	3"
<i>Populus trichocarpa</i>	black cottonwood	3"
<i>Prosopis glandulosa</i>	honey mesquite	6"
<i>Prunus ilicifolia</i>	holly leaf cherry	3"
<i>Pseudotsuga macrocarpa</i>	bigcone spruce	5"
<i>Quercus berberidifolia</i>	inland scrub oak	6"
<i>Quercus chrysolepis</i>	canyon oak	6"
<i>Quercus cornelius-mulleri</i>	Muller's oak	6"
<i>Quercus john-tuckeri</i>	Tucker oak	6"
<i>Quercus kelloggii</i>	California black oak	6"
<i>Quercus palmeri</i>	Palmer's oak	6"
<i>Quercus wislizeni</i> var. <i>frutescens</i>	interior live oak	6"
<i>Quercus wislizeni</i> var. <i>wislizeni</i>	interior live oak	6"
<i>Salix exigua</i>	narrowleaf / sandbar willow	3"
<i>Salix gooddingii</i>	Goodding's black willow	3"
<i>Salix laevigata</i>	red willow	3"
<i>Salix lasiandra</i>	yellow willow	3"
<i>Salix lasiolepis</i>	arroyo willow	3"
<i>Sambucus nigra</i> ssp. <i>caerulea</i>	blue elderberry	6"
<i>Umbellularia californica</i>	California bay	6"
<i>Yucca brevifolia</i>	Joshua tree	All specimens

### CRUZAN MESA VERNAL POOLS SEA

Scientific Name	Common Name	Protected DBH
<i>Arctostaphylos glandulosa</i> (all subspecies)	Eastwood manzanita	6"
<i>Arctostaphylos glauca</i>	big berry manzanita	6"
<i>Cercocarpus betuloides</i>	mountain mahogany	6"
<i>Fraxinus velutina</i>	velvet ash, Arizona ash	6" 3"
<i>Heteromeles arbutifolia</i>	Toyon	6"
<i>Juglans californica</i> *	southern California black walnut	3"

<i>Juniperus californica</i>	California juniper	All specimens
<i>Malosma laurina</i>	laurel sumac	6"
<i>Platanus racemosa</i>	western sycamore	3"
<i>Populus fremontii</i>	Fremont cottonwood	3"
<i>Prunus ilicifolia</i>	holly leaf cherry	3"
<i>Quercus agrifolia</i>	coast live oak	6"
<i>Quercus berberidifolia</i>	inland scrub oak	6"
<i>Quercus john-tuckeri</i>	Tucker oak	6"
<i>Quercus lobata</i>	Valley oak	6"
<i>Quercus wislizeni</i> var. <i>wislizeni</i>	interior live oak	6"
<i>Salix exigua</i>	narrowleaf / sandbar willow	3"
<i>Salix lasiolepis</i>	arroyo willow	3"
<i>Sambucus nigra</i> ssp. <i>caerulea</i>	blue elderberry	6"

**EAST SAN GABRIEL VALLEY SEA**

Scientific Name	Common Name	Protected DBH
<i>Acer macrophyllum</i>	bigleaf maple	3"
<i>Acer negundo</i>	Boxelder	6"
<i>Alnus rhombifolia</i>	white alder	3"
<i>Arctostaphylos glandulosa</i>	Eastwood manzanita	6"
<i>Arctostaphylos glauca</i>	big berry manzanita	6"
<i>Ceanothus spinosus</i>	greenbark ceanothus	6"
<i>Ceanothus crassifolius</i>	hoaryleaf ceanothus	6"
<i>Ceanothus megacarpus</i>	big-pod ceanothus	6"
<i>Cercocarpus betuloides</i>	mountain mahogany	6"
<i>Fraxinus dipetala</i>	California ash	6" 3"
<i>Fraxinus velutina</i>	velvet ash, Arizona ash	6" 3"
<i>Heteromeles arbutifolia</i>	Toyon	6"
<i>Juglans californica</i> *	southern California black walnut	3"
<i>Malosma laurina</i>	laurel sumac	6"
<i>Platanus racemosa</i>	western sycamore	3"
<i>Populus fremontii</i>	Fremont cottonwood	3"
<i>Populus trichocarpa</i>	black cottonwood	3"
<i>Prunus ilicifolia</i>	holly leaf cherry	3"
<i>Quercus agrifolia</i>	coast live oak	6"
<i>Quercus berberidifolia</i>	inland scrub oak	6"
<i>Quercus durata</i> var. <i>gabrielensis</i> *	San Gabriel Mtns. leather oak	3"
<i>Quercus engelmannii</i> *	Engelmann oak	3"
<i>Quercus lobata</i>	Valley oak	6"
<i>Quercus wislizeni</i> var. <i>wislizeni</i>	interior live oak	6"
<i>Salix exigua</i>	narrowleaf / sandbar willow	3"
<i>Salix laevigata</i>	red willow	3"
<i>Salix lasiandra</i>	yellow willow	3"
<i>Salix lasiolepis</i>	arroyo willow	3"
<i>Sambucus nigra</i> ssp. <i>caerulea</i>	blue elderberry	6"
<i>Umbellularia californica</i>	California bay	6"

**HARBOR LAKE REGIONAL PARK SEA**

Scientific Name	Common Name	Protected DBH
<i>Acer macrophyllum</i>	bigleaf maple	3"

<i>Fraxinus velutina</i>	velvet ash, Arizona ash	6" 3"
<i>Heteromeles arbutifolia</i>	Toyon	6"
<i>Platanus racemosa</i>	western sycamore	3"
<i>Populus fremontii</i>	Fremont cottonwood	3"
<i>Prunus ilicifolia</i>	holly leaf cherry	3"
<i>Quercus agrifolia</i>	coast live oak	6"
<i>Quercus berberidifolia</i>	inland scrub oak	6"
<i>Salix exigua</i>	narrowleaf / sandbar willow	3"
<i>Salix gooddingii</i>	Goodding's black willow	3"
<i>Salix laevigata</i>	red willow	3"
<i>Salix lasiolepis</i>	arroyo willow	3"
<i>Sambucus nigra</i> ssp. <i>caerulea</i>	blue elderberry	6"
<i>Umbellularia californica</i>	California bay	6"

### JOSHUA TREE WOODLANDS SEA

Scientific Name	Common Name	Protected DBH
<i>Aesculus californica</i>	California buckeye	6"
<i>Cercocarpus ledifolius</i>	curl-leaf mountain-mahogany	6"
<i>Fraxinus velutina</i>	velvet ash, Arizona ash	6" 3"
<i>Hesperocyparis nevadensis</i> *	Piute cypress	3"
<i>Juniperus californica</i>	California juniper	All specimens
<i>Pinus sabiniana</i>	foothill pine	5"
<i>Prosopis glandulosa</i>	honey mesquite	6"
<i>Yucca brevifolia</i>	Joshua tree	All specimens

### PALOS VERDE PENINSULA AND COASTLINE SEA

Scientific Name	Common Name	Protected DBH
<i>Acer macrophyllum</i>	bigleaf maple	3"
<i>Fraxinus velutina</i>	velvet ash, Arizona ash	6" 3"
<i>Heteromeles arbutifolia</i>	Toyon	6"
<i>Juglans californica</i> *	southern California black walnut	3"
<i>Malosma laurina</i>	laurel sumac	6"
<i>Platanus racemosa</i>	western sycamore	3"
<i>Populus trichocarpa</i>	black cottonwood	3"
<i>Prunus ilicifolia</i>	holly leaf cherry	3"
<i>Prunus ilicifolia</i> ssp. <i>lyonii</i>	Catalina Island cherry	3"
<i>Quercus agrifolia</i>	coast live oak	6"
<i>Salix exigua</i>	narrowleaf / sandbar willow	3"
<i>Salix gooddingii</i>	Goodding's black willow	3"
<i>Salix laevigata</i>	red willow	3"
<i>Salix lasiolepis</i>	arroyo willow	3"
<i>Sambucus nigra</i> ssp. <i>caerulea</i>	blue elderberry	6"
<i>Umbellularia californica</i>	California bay	6"

### PUENTE HILLS SEA

Scientific Name	Common Name	Protected DBH
<i>Acer macrophyllum</i>	bigleaf maple	3"
<i>Acer negundo</i>	Boxelder	6"
<i>Aesculus californica</i>	California buckeye	6"

<i>Alnus rhombifolia</i>	white alder	3"
<i>Arctostaphylos glandulosa</i>	Eastwood manzanita	6"
<i>Arctostaphylos glauca</i>	big berry manzanita	6"
<i>Ceanothus megacarpus</i>	big-pod ceanothus	6"
<i>Ceanothus spinosus</i>	greenbark ceanothus	6"
<i>Cercocarpus betuloides</i>	mountain mahogany	6"
<i>Fraxinus dipetala</i>	California ash	6" 3"
<i>Fraxinus velutina</i>	velvet ash, Arizona ash	6" 3"
<i>Heteromeles arbutifolia</i>	Toyon	6"
<i>Juglans californica</i> *	southern California black walnut	3"
<i>Malosma laurina</i>	laurel sumac	6"
<i>Platanus racemosa</i>	western sycamore	3"
<i>Populus fremontii</i>	Fremont cottonwood	3"
<i>Populus trichocarpa</i>	black cottonwood	3"
<i>Prunus ilicifolia</i>	holly leaf cherry	3"
<i>Quercus agrifolia</i>	coast live oak	6"
<i>Quercus berberidifolia</i>	inland scrub oak	6"
<i>Quercus engelmannii</i> *	Engelmann oak	3"
<i>Quercus lobata</i>	Valley oak	6"
<i>Salix exigua</i>	narrowleaf / sandbar willow	3"
<i>Salix gooddingii</i>	Goodding's black willow	3"
<i>Salix laevigata</i>	red willow	3"
<i>Salix lasiolepis</i>	arroyo willow	3"
<i>Sambucus nigra</i> ssp. <i>caerulea</i>	blue elderberry	6"
<i>Umbellularia californica</i>	California bay	6"

### RIO HONDO COLLEGE AND WILDLIFE SANCTUARY SEA

Scientific Name	Common Name	Protected DBH
<i>Acer macrophyllum</i>	bigleaf maple	3"
<i>Fraxinus velutina</i>	velvet ash, Arizona ash	6" 3"
<i>Heteromeles arbutifolia</i>	Toyon	6"
<i>Juglans californica</i> *	southern California black walnut	3"
<i>Malosma laurina</i>	laurel sumac	6"
<i>Platanus racemosa</i>	western sycamore	3"
<i>Prunus ilicifolia</i>	holly leaf cherry	3"
<i>Quercus agrifolia</i>	coast live oak	6"
<i>Sambucus nigra</i> ssp. <i>caerulea</i>	blue elderberry	6"

### SAN ANDREAS SEA

Scientific Name	Common Name	Protected DBH
<i>Abies concolor</i>	white fir	5"
<i>Acer macrophyllum</i>	bigleaf maple	3"
<i>Acer negundo</i>	Boxelder	6"
<i>Aesculus californica</i>	California buckeye	6"
<i>Alnus rhombifolia</i>	white alder	3"
<i>Arctostaphylos glandulosa</i>	Eastwood manzanita	6"
<i>Arctostaphylos glauca</i>	big berry manzanita	6"
<i>Calocedrus decurrens</i>	incense cedar	5"
<i>Cercocarpus betuloides</i>	mountain mahogany	6"
<i>Cercocarpus ledifolius</i>	curl leaf/desert mountain mahogany	6"



<i>Fraxinus dipetala</i>	California ash	6" 3"
<i>Fraxinus velutina</i>	velvet ash, Arizona ash	6" 3"
<i>Hesperocyparis nevadensis</i> *	Piute cypress	3"
<i>Heteromeles arbutifolia</i>	Toyon	6"
<i>Juglans californica</i> *	southern California black walnut	3"
<i>Juniperus californica</i>	Califonia juniper	All specimens
<i>Malosma laurina</i>	laurel sumac	6"
<i>Pinus coulteri</i>	Coulter pine	5"
<i>Pinus jeffreyi</i>	Jeffrey pine	5"
<i>Pinus lambertiana</i>	sugar pine	5"
<i>Pinus monophylla</i>	pinyon pine	5"
<i>Pinus ponderosa</i>	ponderosa pine	5"
<i>Pinus sabiniana</i>	foothill pine	5"
<i>Platanus racemosa</i>	western sycamore	3"
<i>Populus fremontii</i>	Fremont cottonwood	3"
<i>Populus trichocarpa</i>	black cottonwood	3"
<i>Prosopis glandulosa</i>	honey mesquite	6"
<i>Prunus ilicifolia</i>	holly leaf cherry	3"
<i>Pseudotsuga macrocarpa</i>	bigcone spruce	5"
<i>Quercus agrifolia</i>	coast live oak	6"
<i>Quercus berberidifolia</i>	inland scrub oak	6"
<i>Quercus chrysolepis</i>	canyon oak	6"
<i>Quercus douglasii</i>	blue oak	6"
<i>Quercus garryana</i>	Oregon oak	6"
<i>Quercus john-tuckeri</i>	Tucker oak	6"
<i>Quercus kelloggii</i>	California black oak	6"
<i>Quercus lobata</i>	Valley oak	6"
<i>Quercus wislizeni</i> var. <i>wislizeni</i>	interior live oak	6"
<i>Salix exigua</i>	narrowleaf / sandbar willow	3"
<i>Salix gooddingii</i>	Goodding's black willow	3"
<i>Salix laevigata</i>	red willow	3"
<i>Salix lasiandra</i>	yellow willow	3"
<i>Salix lasiolepis</i>	arroyo willow	3"
<i>Sambucus nigra</i> ssp. <i>caerulea</i>	blue elderberry	6"
<i>Umbellularia californica</i>	California bay	6"
<i>Yucca brevifolia</i>	Joshua tree	All specimens

### SAN DIMAS CANYON & SAN ANTONIO WASH SEA

Scientific Name	Common Name	Protected DBH
<i>Abies concolor</i>	white fir	5"
<i>Acer macrophyllum</i>	bigleaf maple	3"
<i>Acer negundo</i>	Boxelder	6"
<i>Adenostoma sparsifolium</i>	red shank	6"
<i>Aesculus californica</i>	California buckeye	6"
<i>Alnus rhombifolia</i>	white alder	3"
<i>Arctostaphylos glandulosa</i>	Eastwood manzanita	6"
<i>Arctostaphylos glauca</i>	big berry manzanita	6"
<i>Calocedrus decurrens</i>	incense cedar	5"
<i>Ceanothus megacarpus</i>	big-pod ceanothus	6"
<i>Ceanothus spinosus</i>	greenbark ceanothus	6"
<i>Cercocarpus betuloides</i>	mountain mahogany	6"
<i>Cercocarpus ledifolius</i>	curl leaf/desert mountain mahogany	6"

<i>Fraxinus dipetala</i>	California ash	6" 3"
<i>Fraxinus velutina</i>	velvet ash, Arizona ash	6" 3"
<i>Heteromeles arbutifolia</i>	Toyon	6"
<i>Juglans californica</i> *	southern California black walnut	3"
<i>Juniperus grandis</i>	Sierra juniper	5"
<i>Malosma laurina</i>	laurel sumac	6"
<i>Pinus coulteri</i>	Coulter pine	5"
<i>Pinus jeffreyi</i>	Jeffrey pine	5"
<i>Pinus lambertiana</i>	sugar pine	5"
<i>Pinus ponderosa</i>	ponderosa pine	5"
<i>Platanus racemosa</i>	western sycamore	3"
<i>Populus fremontii</i>	Fremont cottonwood	3"
<i>Populus trichocarpa</i>	black cottonwood	3"
<i>Prunus ilicifolia</i>	holly leaf cherry	3"
<i>Pseudotsuga macrocarpa</i>	bigcone spruce	5"
<i>Quercus agrifolia</i>	coast live oak	6"
<i>Quercus berberidifolia</i>	inland scrub oak	6"
<i>Quercus chrysolepis</i>	canyon oak	6"
<i>Quercus douglasii</i>	blue oak	6"
<i>Quercus durata</i> var. <i>gabrielensis</i> *	San Gabriel Mtns. leather oak	3"
<i>Quercus engelmannii</i> *	Engelmann oak	3"
<i>Quercus lobata</i>	Valley oak	6"
<i>Quercus wislizeni</i> var. <i>wislizeni</i>	interior live oak	6"
<i>Salix exigua</i>	narrowleaf / sandbar willow	3"
<i>Salix gooddingii</i>	Goodding's black willow	3"
<i>Salix laevigata</i>	red willow	3"
<i>Salix lasiandra</i>	yellow willow	3"
<i>Salix lasiolepis</i>	arroyo willow	3"
<i>Sambucus nigra</i> ssp. <i>caerulea</i>	blue elderberry	6"
<i>Umbellularia californica</i>	California bay	6"

## SAN GABRIEL CANYON SEA

Scientific Name	Common Name	Protected DBH
<i>Abies concolor</i>	white fir	5"
<i>Acer macrophyllum</i>	bigleaf maple	3"
<i>Acer negundo</i>	boxelder	6"
<i>Alnus rhombifolia</i>	white alder	3"
<i>Arbutus menziesii</i>	Pacific madrone	6"
<i>Arctostaphylos glandulosa</i>	Eastwood manzanita	6"
<i>Arctostaphylos glauca</i>	big berry manzanita	6"
<i>Calocedrus decurrens</i>	incense cedar	5"
<i>Ceanothus megacarpus</i>	big-pod ceanothus	6"
<i>Ceanothus spinosus</i>	greenbark ceanothus	6"
<i>Cercocarpus betuloides</i>	mountain mahogany	6"
<i>Fraxinus dipetala</i>	California ash	6" 3"
<i>Fraxinus velutina</i>	velvet ash, Arizona ash	6" 3"
<i>Heteromeles arbutifolia</i>	toyon	6"
<i>Juglans californica</i> *	southern California black walnut	3"
<i>Juniperus californica</i>	California juniper	All specimens
<i>Malosma laurina</i>	laurel sumac	6"
<i>Pinus coulteri</i>	Coulter pine	5"
<i>Pinus jeffreyi</i>	Jeffrey pine	5"

<i>Pinus lambertiana</i>	sugar pine	5"
<i>Pinus ponderosa</i>	ponderosa pine	5"
<i>Platanus racemosa</i>	western sycamore	3"
<i>Populus fremontii</i>	Fremont cottonwood	3"
<i>Populus trichocarpa</i>	black cottonwood	3"
<i>Prunus ilicifolia</i>	holly leaf cherry	3"
<i>Pseudotsuga macrocarpa</i>	bigcone spruce	5"
<i>Quercus agrifolia</i>	coast live oak	6"
<i>Quercus berberidifolia</i>	inland scrub oak	6"
<i>Quercus chrysolepis</i>	canyon oak	6"
<i>Quercus douglasii</i>	blue oak	6"
<i>Quercus durata</i> var. <i>gabrielensis</i> *	San Gabriel Mtns. leather oak	3"
<i>Quercus engelmannii</i> *	Engelmann oak	3"
<i>Quercus lobata</i>	Valley oak	6"
<i>Quercus wislizeni</i> var. <i>wislizeni</i>	interior live oak	6"
<i>Salix exigua</i>	narrowleaf / sandbar willow	3"
<i>Salix gooddingii</i>	Goodding's black willow	3"
<i>Salix laevigata</i>	red willow	3"
<i>Salix lasiolepis</i>	arroyo willow	3"
<i>Sambucus nigra</i> ssp. <i>caerulea</i>	blue elderberry	6"
<i>Umbellularia californica</i>	California bay	6"

### SANTA CLARA RIVER SEA

Scientific Name	Common Name	Protected DBH
<i>Acer macrophyllum</i>	bigleaf maple	3"
<i>Acer negundo</i>	boxelder	6"
<i>Adenostoma sparsifolium</i>	red shank	6"
<i>Alnus rhombifolia</i>	white alder	3"
<i>Arctostaphylos glandulosa</i>	Eastwood manzanita	6"
<i>Arctostaphylos glauca</i>	big berry manzanita	6"
<i>Calocedrus decurrens</i>	incense cedar	5"
<i>Ceanothus spinosus</i>	greenbark ceanothus	6"
<i>Cercocarpus betuloides</i>	mountain mahogany	6"
<i>Fraxinus dipetala</i>	California ash	6" 3"
<i>Fraxinus velutina</i>	velvet ash, Arizona ash	6" 3"
<i>Heteromeles arbutifolia</i>	toyon	6"
<i>Juglans californica</i> *	southern California black walnut	3"
<i>Juniperus californica</i>	California juniper	All specimens
<i>Malosma laurina</i>	laurel sumac	6"
<i>Pinus monophylla</i>	pinyon pine	5"
<i>Pinus sabiniana</i>	foothill pine	5"
<i>Platanus racemosa</i>	western sycamore	3"
<i>Populus fremontii</i>	Fremont cottonwood	3"
<i>Populus trichocarpa</i>	black cottonwood	3"
<i>Prunus ilicifolia</i>	holly leaf cherry	3"
<i>Pseudotsuga macrocarpa</i>	bigcone spruce	5"
<i>Quercus agrifolia</i>	coast live oak	6"
<i>Quercus berberidifolia</i>	inland scrub oak	6"
<i>Quercus chrysolepis</i>	canyon oak	6"
<i>Quercus cornelius-mulleri</i>	desert scrub oak, Muller oak	6"
<i>Quercus douglasii</i>	blue oak	6"
<i>Quercus garryana</i>	Oregon oak	6"

<i>Quercus john-tuckeri</i>	Tucker oak	6"
<i>Quercus kelloggii</i>	California black oak	6"
<i>Quercus lobata</i>	Valley oak	6"
<i>Quercus palmeri</i>	Palmer's oak	6"
<i>Quercus wislizeni</i> var. <i>wislizeni</i>	interior live oak	6"
<i>Salix exigua</i>	narrowleaf / sandbar willow	3"
<i>Salix gooddingii</i>	Goodding's black willow	3"
<i>Salix laevigata</i>	red willow	3"
<i>Salix lasiandra</i>	yellow willow	3"
<i>Salix lasiolepis</i>	arroyo willow	3"
<i>Sambucus nigra</i> ssp. <i>caerulea</i>	blue elderberry	6"
<i>Umbellularia californica</i>	California bay	6"

**SANTA FELICIA SEA**

Scientific Name	Common Name	Protected DBH
<i>Acer macrophyllum</i>	bigleaf maple	3"
<i>Aesculus californica</i>	California buckeye	6"
<i>Alnus rhombifolia</i>	white alder	3"
<i>Arctostaphylos glandulosa</i>	Eastwood manzanita	6"
<i>Arctostaphylos glauca</i>	big berry manzanita	6"
<i>Cercocarpus betuloides</i>	mountain mahogany	6"
<i>Cercocarpus ledifolius</i>	curl leaf/desert mountain mahogany	6"
<i>Fraxinus dipetala</i>	California ash	6" 3"
<i>Fraxinus velutina</i>	velvet ash, Arizona ash	6" 3"
<i>Heteromeles arbutifolia</i>	toyon	6"
<i>Juglans californica</i> *	southern California black walnut	3"
<i>Juniperus californica</i>	California juniper	All specimens
<i>Malosma laurina</i>	laurel sumac	6"
<i>Platanus racemosa</i>	western sycamore	3"
<i>Populus fremontii</i>	Fremont cottonwood	3"
<i>Prunus ilicifolia</i>	holly leaf cherry	3"
<i>Pseudotsuga macrocarpa</i>	bigcone spruce	5"
<i>Quercus agrifolia</i>	coast live oak	6"
<i>Quercus berberidifolia</i>	inland scrub oak	6"
<i>Quercus chrysolepis</i>	canyon oak	6"
<i>Quercus cornelius-mulleri</i>	desert scrub oak, Muller oak	6"
<i>Quercus douglasii</i>	blue oak	6"
<i>Quercus garryana</i>	Oregon oak	6"
<i>Quercus john-tuckeri</i>	Tucker oak	6"
<i>Quercus kelloggii</i>	California black oak	6"
<i>Quercus lobata</i>	Valley oak	6"
<i>Quercus xmacdonaldii</i>	MacDonald oak	6"
<i>Quercus palmeri</i>	Palmer's oak	6"
<i>Quercus wislizeni</i> var. <i>wislizeni</i>	interior live oak	6"
<i>Salix gooddingii</i>	Goodding's black willow	3"
<i>Salix lasiolepis</i>	arroyo willow	3"
<i>Sambucus nigra</i> ssp. <i>caerulea</i>	blue elderberry	6"
<i>Umbellularia californica</i>	California bay	6"

## SANTA SUSANA MOUNTAINS &amp; SIMI HILLS SEA

Scientific Name	Common Name	Protected DBH
<i>Acer macrophyllum</i>	bigleaf maple	3"
<i>Acer negundo</i>	boxelder	6"
<i>Adenostoma sparsifolium</i>	red shank	6"
<i>Alnus rhombifolia</i>	white alder	3"
<i>Arctostaphylos glandulosa</i>	Eastwood manzanita	6"
<i>Arctostaphylos glauca</i>	big berry manzanita	6"
<i>Ceanothus megacarpus</i>	bigpod ceanothus	6"
<i>Ceanothus spinosus</i>	greenbark ceanothus	6"
<i>Cercocarpus betuloides</i>	mountain mahogany	6"
<i>Fraxinus dipetala</i>	California ash	6" 3"
<i>Fraxinus velutina</i>	velvet ash, Arizona ash	6" 3"
<i>Heteromeles arbutifolia</i>	toyon	6"
<i>Juglans californica</i> *	southern California black walnut	3"
<i>Malosma laurina</i>	laurel sumac	6"
<i>Platanus racemosa</i>	western sycamore	3"
<i>Populus fremontii</i>	Fremont cottonwood	3"
<i>Populus trichocarpa</i>	black cottonwood	3"
<i>Prunus ilicifolia</i>	holly leaf cherry	3"
<i>Pseudotsuga macrocarpa</i>	bigcone spruce	5"
<i>Quercus agrifolia</i>	coast live oak	6"
<i>Quercus berberidifolia</i>	inland scrub oak	6"
<i>Quercus chrysolepis</i>	canyon oak	6"
<i>Quercus douglasii</i>	blue oak	6"
<i>Quercus john-tuckeri</i>	Tucker oak	6"
<i>Quercus lobata</i>	Valley oak	6"
<i>Quercus palmeri</i>	Palmer's oak	6"
<i>Quercus wislizeni</i> var. <i>wislizeni</i>	interior live oak	6"
<i>Salix exigua</i>	narrowleaf / sandbar willow	3"
<i>Salix gooddingii</i>	Goodding's black willow	3"
<i>Salix laevigata</i>	red willow	3"
<i>Salix lasiolepis</i>	arroyo willow	3"
<i>Sambucus nigra</i> ssp. <i>caerulea</i>	blue elderberry	6"
<i>Umbellularia californica</i>	California bay	6"

## VALLEY OAKS SAVANNAH SEA

Scientific Name	Common Name	Protected DBH
<i>Acer macrophyllum</i>	bigleaf maple	3"
<i>Cercocarpus betuloides</i>	mountain mahogany	6"
<i>Heteromeles arbutifolia</i>	toyon	6"
<i>Populus fremontii</i>	Fremont cottonwood	3"
<i>Prunus ilicifolia</i>	holly leaf cherry	3"
<i>Quercus agrifolia</i>	coast live oak	6"
<i>Quercus john-tuckeri</i>	Tucker oak	6"
<i>Quercus lobata</i>	Valley oak	6"
<i>Salix lasiolepis</i>	arroyo willow	3"
<i>Sambucus nigra</i> ssp. <i>caerulea</i>	blue elderberry	6"

## APPENDIX B: SENSITIVE LOCAL NATIVE RESOURCES

### GENERAL PLAN 2035, CHAPTER 9

The County considers authoritatively defined **sensitive local native resources**, including species on watch lists, as important resources to identify and conserve.

The **Sensitive Local Native Resources List** is a list of SEA Resources (e.g. species or natural communities) that the County recognizes as particularly rare or sensitive on a local scale, even though they are not listed or ranked as endangered, threatened, sensitive, or rare at the state or federal levels.

The purpose of this list is to aid in the preservation of regional and local genetic diversity. The preservation of locally rare native resources is important for many reasons. For instance, a species may be deemed rare in a part of the County where it occurs only in a few isolated populations or exists at the edge of its geographic range. Such factors actually contribute to greater genetic variation in the species and more resilience in the face of difficult environmental conditions than the same species occurring in the heart of its natural range or in a larger population. Additionally, an isolated population may escape catastrophic events or pathogens moving rapidly through the larger population specifically because of its isolation from that larger population.

Sensitive Local Native Resources may be listed as sensitive County-wide or as sensitive in a particular SEA or group of SEAs. This list is based on vetted documentation, such as peer reviewed articles published in scientific journals and scientifically defensible research and databases compiled by recognized authorities on the subject matter (e.g. Audubon Society for avian species, California Native Plant Society or the Consortium of California Herbaria for plants, etc.). Since the list is based on the best available current knowledge of local resources, it is expected to be expanded or changed as new information becomes available. Proposed changes will be distributed to relevant authorities and experts prior to incorporation into the list. Such authorities may include the Los Angeles County Museum of Natural History, local academic authorities, the California Native Plant Society, regional herbaria (UC Riverside, Rancho Santa Ana, CSU Fullerton, UC Santa Barbara), the Santa Monica Mountains National Recreation Area, or others, depending on the taxonomic group of species included among the proposed changes.

### ALL SEAs:

Avian species on the Audubon Society's "Los Angeles County Sensitive Bird List (SEE: Los Angeles County Sensitive Bird Species Working Group. 2009. Los Angeles County's Sensitive Bird Species. Western Tanager 75(3):1-11. [planning.lacounty.gov/site/sea/wp-content/uploads/2018/08/LA-Countys-Sensitive-Bird-Species.pdf](http://planning.lacounty.gov/site/sea/wp-content/uploads/2018/08/LA-Countys-Sensitive-Bird-Species.pdf)

In general, unless a more precise local list is available (such as the Vascular Flora of the Liebre Mountains, Western Transverse Ranges, California (see below)), native plant species for which there are 5 or fewer known localities within the County are considered sensitive local native resources. This County-wide list is currently in development and will be distributed to local academic institutions for peer review once completed.

### ALTADENA FOOTHILLS AND ARROYOS SEA:

Use County-wide list



**ANTELOPE VALLEY SEA:**

Joshua Tree Woodland

Juniper Woodland

**CRUZAN MESA VERNAL POOLS SEA:**

Use County-wide list

**EAST SAN GABRIEL VALLEY SEA:**

Use County-wide list

**JOSHUA TREE WOODLAND SEA:**

Joshua Tree Woodland

Juniper Woodland

**PALOS VERDE PENINSULA AND COASTLINE SEA:**

Use County-wide list

**PUENTE HILLS SEA:**

Use County-wide list

**RIO HONDO COLLEGE AND WILDLIFE SANCTUARY SEA:**

Use County-wide list

**SAN ANDREAS SEA:**

Joshua Tree Woodland

Juniper Woodland

Rare Plants of the Liebre Mountains, Los Angeles County (SEE: Boyd, S. 1999. Vascular Flora of the Liebre Mountains, Western Transverse Ranges, California. (Occasional Publications, No. 5.) Rancho Santa Ana Botanic Garden, Claremont, California, reprinted from Aliso 18(2):93:139, 1999; [www.cnpsci.org/html/PlantInfo/Liebre\\_Rare.htm](http://www.cnpsci.org/html/PlantInfo/Liebre_Rare.htm))

**SAN DIMAS CANYON AND SAN ANTONIO WASH SEA:**

Use County-wide list

**SAN GABRIEL CANYON SEA:**

Use County-wide list

**SANTA CLARA RIVER SEA:**

Big sagebrush Shrubland

Juniper Woodland

Pinyon-Juniper Woodland

**SANTA FELICIA SEA:**

Use County-wide list

**SANTA SUSANA MOUNTAINS AND SIMI HILLS SEA:**

Use County-wide list

**VALLEY OAKS SAVANNAH SEA:**

Use County-wide list

## APPENDIX C: INVASIVE PLANT LIST

Planting of the following plant species is prohibited within Significant Ecological Areas (SEAs) due to their aggressive growth and potential to degrade native habitats. Any species not listed here that is listed as invasive by the California Invasive Plant Council is also prohibited within SEAs.

## PROHIBITED TREES AND SHRUBS

Family	Scientific Name	Common Name
Anacardiaceae	<i>Schinus molle</i>	Peruvian pepper
	<i>Schinus polygamus</i>	borocoi, Hardee/Chilean pepper tree
	<i>Schinus terebinthifolius</i>	Brazilian pepper
	<i>Searsia lancea</i>	African sumac
Apocynaceae	<i>Nerium oleander</i>	oleander
Aquifoliaceae	<i>Ilex aquifolium</i>	English holly
Arecaceae	<i>Phoenix canariensis</i>	Canary Island date palm
	<i>Washingtonia robusta</i>	Mexican fan palm
Bignoniaceae	<i>Jacaranda mimosifolia</i>	Jacaranda
Boraginaceae	<i>Echium candicans</i>	pride of Madeira
Chenopodiaceae	<i>Atriplex nummularia</i>	bluegreen saltbush, old man saltbush
Cistaceae	<i>Cistus incanus</i>	hairy rockrose, pink rockrose
	<i>Cistus ladanifer</i>	crimson-spot rockrose, gum rockrose
	<i>Cistus monspeliensis</i>	Montpelier rockrose
	<i>Cistus salviifolius</i>	sageleaf rockrose
Elaeagnaceae	<i>Elaeagnus angustifolia</i>	Russian olive
Euphorbiaceae	<i>Euphorbia dendroides</i>	tree-spurge
	<i>Ricinus communis</i>	castor bean
	<i>Triadica sebifera</i>	Chinese tallowtree
Fabaceae	<i>Acacia baileyana</i>	Bailey acacia
	<i>Acacia cyclops</i>	red-eyed wattle
	<i>Acacia dealbata</i>	silver wattle
	<i>Acacia longifolia</i>	Sydney golden wattle
	<i>Acacia melanoxylon</i>	blackwood acacia
	<i>Acacia redolens</i>	trailing acacia, bank catclaw
	<i>Acacia retinodes</i>	water wattle, swamp wattle
	<i>Albizia julibrissin</i>	mimosa
	<i>Albizia lophantha</i>	plume albizia/acacia
	<i>Caesalpinia gilliesii</i>	yellow bird of paradise
	<i>Caesalpinia spinosa</i>	tara
	<i>Colutea arborescens</i>	bladder senna
	<i>Cytisus multiflorus</i>	white Spanish broom
	<i>Cytisus proliferus</i>	white-flowered tree-lucerne, Canary Island false broom
	<i>Cytisus scoparius</i>	Scotch broom
	<i>Cytisus striatus</i>	Portuguese broom, striated broom
	<i>Genista canariensis</i>	Canary Island broom
	<i>Genista linifolia</i>	flax broom, Mediterranean broom

	<i>Genista monosperma</i>	bridal veil broom
	<i>Genista monspessulana</i>	French broom
	<i>Parkinsonia aculeata</i>	Jerusalem thorn, Mexican Palo Verde
	<i>Robinia pseudoacacia</i>	black locust
	<i>Sesbania punicea</i>	scarlet wisteria tree, rattlebox
	<i>Senna artemisioides</i>	feathery cassia, silver senna
	<i>Senna didymobotrya</i>	African senna, popcorn cassia
	<i>Senna multiglandulosa</i>	wooly senna, buttercup bush
	<i>Spartium junceum</i>	Spanish broom, gorse
	<i>Ulex europaeus</i>	common gorse
Fagaceae	<i>Quercus ilex</i>	Holm oak, holly oak
Geraniaceae	<i>Pelargonium panduriforme</i>	balsam scented geranium
Hypericaceae	<i>Hypericum canariense</i>	Canary Island St. John's wort
Meliaceae	<i>Melia azedarach</i>	china berry, Persian lilac
Moraceae	<i>Ficus carica</i>	fig, edible fig
Myrtaceae	<i>Eucalyptus camaldulensis</i>	red gum
	<i>Eucalyptus citriodora</i>	lemon-scented gum
	<i>Eucalyptus cladocalyx</i>	sugar gum
	<i>Eucalyptus globulus</i>	blue gum, Tasmanian blue gum
	<i>Eucalyptus polyanthemos</i>	silver-dollar gum
	<i>Eucalyptus sideroxylon</i>	red ironbark
	<i>Eucalyptus tereticornis</i>	forest red gum
	<i>Eucalyptus viminalis</i>	mannan gum, ribbon gum
	<i>Leptospermum laevigatum</i>	Australian tea tree
Oleaceae	<i>Ligustrum japonicum</i>	Japanese privet
	<i>Ligustrum lucidum</i>	glossy privet
	<i>Olea europaea</i>	olive
Pittosporaceae	<i>Pittosporum crassifolium</i>	karo
	<i>Pittosporum tobira</i>	tobira, mock orange, Japanese cheeseweed
Platanaceae	<i>Platanus acerifolia</i>	London plane tree
Proteaceae	<i>Grevillea robusta</i>	silk oak
Rosaceae	<i>Cotoneaster lacteus</i>	milkflower/Parney's cotoneaster
	<i>Cotoneaster pannosus</i>	cotoneaster
	<i>Malus pumila</i>	paradise apple
	<i>Prunus cerasifera</i>	cherry plum
	<i>Pyracantha angustifolia</i>	pyracantha
	<i>Rubus armeniacus</i>	Himalayan blackberry
Salicaceae	<i>Populus alba</i>	white poplar
	<i>Salix babylonica</i>	weeping willow
Sapindaceae	<i>Acer saccharinum</i>	silver maple
Scrophulariaceae	<i>Buddleja saligna</i>	false olive
	<i>Myoporum laetum</i>	ngaio tree, lollypop tree, myoporum
Simaroubaceae	<i>Ailanthus altissima</i>	tree of Heaven
Solanaceae	<i>Cestrum nocturnum</i>	night jessamine, Night Blooming Jasmine

	<i>Solanum aviculare</i>	kangaroo apple, New Zealand nightshade
	<i>Solanum lanceolatum</i>	orangeberry nightshade, lance leaf nightshade
	<i>Nicotiana glauca</i>	tree-tobacco
Tamaricaceae	<i>Tamarix aphylla</i>	athel tree
	<i>Tamarix chinensis</i>	salt cedar, chanise/fivestamen tamarisk
	<i>Tamarix gallica</i>	French tamarix
	<i>Tamarix parviflora</i>	small-flowered/fourstamen tamarisk
	<i>Tamarix ramosissima</i>	salt cedar, tamarisk
Ulmaceae	<i>Ulmus parvifolia</i>	Chinese elm
	<i>Ulmus pumila</i>	Siberian elm

### PROHIBITED VINES

Family	Scientific Name	Common Name
Apocynaceae	<i>Araujia sericifera</i>	bladder vine, bladderflower
	<i>Vinca major</i>	periwinkle
Araliaceae	<i>Hedera canariensis</i>	Algerian ivy
	<i>Hedera helix</i>	English ivy
Asparagaceae	<i>Asparagus asparagoides</i>	Bridal Creeper, Smilax Asparagus, African asparagus fern
Asteraceae	<i>Delairea odorata</i>	Cape ivy, German ivy
Caprifoliaceae	<i>Lonicera japonica</i>	Japanese honeysuckle
Fabaceae	<i>Lathyrus latifolius</i>	perennial sweetpea, everlasting peavine
Polygonaceae	<i>Muehlenbeckia complexa</i>	mattress vine, maidenhair vine
Rosaceae	<i>Rubus ulmifolius</i> var. <i>ulmifolius</i>	elmleaf blackberry
Tropaeolaceae	<i>Tropaeolum majus</i>	garden nasturtium

### PROHIBITED SUCCULENTS AND CACTUS

Family	Scientific Name	Common Name
Aizoaceae	<i>Carpobrotus chilensis</i>	sea fig
	<i>Carpobrotus edulis</i>	Hottentot fig
	<i>Malephora crocea</i>	coppery mesemb
	<i>Mesembryanthemum crystallinum</i>	crystalline iceplant, common iceplant
	<i>Mesembryanthemum nodiflorum</i>	slenderleaf iceplant
Aizoaceae	<i>Aptenia cordifolia</i>	heartleaf iceplant, baby sun-rose
	<i>Conicosia pugioniformis</i>	narrow-leaved iceplant, roundleaf iceplant
	<i>Delosperma litorale</i>	ice plant, seaside deloperma
	<i>Drosanthemum floribundum</i>	Rosy ice plant, showy dewflower
Cactaceae	<i>Opuntia microdasys</i>	bunny-ears
Crassulaceae	<i>Aeonium arboreum</i> var. <i>arboreum</i>	blackrose
	<i>Aeonium haworthii</i>	pinwheel
	<i>Cotyledon orbiculata</i> var. <i>oblonga</i>	pig's ear

### PROHIBITED AQUATIC PLANTS

Family	Scientific Name	Common Name
Amaranthaceae	<i>Alternanthera philoxeroides</i>	alligatorweed

Haloragaceae	<i>Myriophyllum aquaticum</i>	parrot feather watermilfoil, Parrot's feather
	<i>Myriophyllum spicatum</i>	Eurasian/America milfoil, spike watermilfoil
Hydrocharitaceae	<i>Egeria densa</i>	Brazilian waterweed
	<i>Hydrilla verticillata</i>	hydrilla
Pontederiaceae	<i>Eichhornia crassipes</i>	water hyacinth
Salvinaceae	<i>Salvinia molesta</i>	giant waterfern, giant salvinia

**PROHIBITED FERNS**

Family	Scientific Name	Common Name
Dryopteridaceae	<i>Cyrtomium falcatum</i>	Hollyfern, Japanese netvein hollyfern
Pteridaceae	<i>Pteris cretica</i>	Cretan brake fern, ribbon fern, table fern
	<i>Pteris vittata</i>	ladder brake

**PROHIBITED ANNUAL AND PERENNIAL HERBS**

Family	Scientific Name	Common Name
Alliaceae	<i>Ipheion uniflorum</i>	spring star flower
	<i>Allium vineale</i>	wild garlic
Amaranthaceae	<i>Amaranthus hybridus</i>	prince's feather
Amaryllidaceae	<i>Amaryllis belladonna</i>	belladonna lily, naked ladies
	<i>Narcissus tazetta</i>	narcissus, paper white
	<i>Pancratium maritimum</i>	sea daffodil
Apiaceae	<i>Ammi majus</i>	Queen Anne's lace
Apocynaceae	<i>Asclepias curassavica</i>	Mexican butterfly weed, bloodflower milkweed
Araceae	<i>Zantedeschia aethiopica</i>	common calla, calla lily
Asphodelaceae	<i>Asphodelus fistulosus</i>	onionweed, asphodel
Asteraceae	<i>Ageratina adenophora</i>	eupatorium, eupatory, sticky snakeroot, thoroughwort, croftonweed
	<i>Arctotheca calendula</i>	Cape weed
	<i>Arctotis venusta</i>	blue-eyed African daisy
	<i>Argyranthemum foeniculaceum</i>	Canary Island marguerite, dill daisy
	<i>Bellis perennis</i>	English daisy
	<i>Calendula officinalis</i>	pot marigold
	<i>Centaurea cineraria</i>	dusty miller
	<i>Centaurea cyanus</i>	bachelor's button
	<i>Coreopsis tinctoria</i>	calliopsis, golden tickseed
	<i>Cosmos bipinnatus</i>	garden cosmos
	<i>Cynara cardunculus</i>	artichoke thistle
	<i>Dimorphotheca ecklonis</i>	Cape marguerite, African daisy
	<i>Dimorphotheca fruticosa</i>	trailing African daisy, shrubby daisybush
	<i>Dimorphotheca sinuata</i>	African daisy
	<i>Gazania linearis</i>	treasureflower, gazania
	<i>Glebionis coronaria</i>	annual chrysanthemum, garland/crown daisy
	<i>Helianthus tuberosus</i>	Jerusalem artichoke
	<i>Leucanthemum vulgare</i>	ox-eye daisy
	<i>Oncosiphon piluliferum</i>	globe chamomile
	<i>Ratibida columnifera</i>	Mexican hat
	<i>Tanacetum parthenium</i>	feverfew
	<i>Tanacetum vulgare</i>	tansy, common tansy



Boraginaceae	<i>Heliotropium amplexicaule</i>	clasping heliotrope
Brassicaceae	<i>Brassica nigra</i>	black mustard
	<i>Brassica rapa</i>	field mustard; turnip
	<i>Brassica tournefortii</i>	Sahara/Moroccan/Asian mustard
	<i>Erysimum cheiri</i>	English wallflower
	<i>Hirschfeldia incana</i>	short-pod mustard
	<i>Lobularia maritima</i>	sweet alyssum
	<i>Lunaria annua</i>	money plant
	<i>Matthiola incana</i>	hoary stock
	<i>Sinapis arvensis</i>	wild/charlock/common/field mustard
Caryophyllaceae	<i>Gypsophila elegans</i>	annual baby's breath
	<i>Lychnis coronaria</i>	dusty miller, rose campion
	<i>Silene vulgaris</i>	bladder campion
	<i>Saponaria officinalis</i>	bouncing bet, bouncing betty, soapwort, goodbye summer
Chenopodiaceae	<i>Atriplex semibaccata</i>	Australian saltbush
	<i>Kochia scoparia ssp. scoparia</i>	summer cypress, red sage, Mexican fireweed
Commelinaceae	<i>Tradescantia fluminensis</i>	wandering Jew
Convolvulaceae	<i>Dichondra micrantha</i>	Asian ponysfoot
	<i>Ipomoea indica</i>	blue dawn flower, blue morningglory
Crassulaceae	<i>Sedum album</i>	white stonecrop
Cyperaceae	<i>Carex texensis</i>	Texas sedge
	<i>Cyperus difformis</i>	variable flatsedge, umbrella sedge
	<i>Cyperus involucratus</i>	umbrella plant
Dipsacaceae	<i>Dipsacus fullonum</i>	Fuller's teasel, wild teasel
Euphorbiaceae	<i>Euphorbia lathyris</i>	gopher spurge
Fabaceae	<i>Coronilla valentina ssp. glauca</i>	Mediterranean crownvetch
	<i>Lathyrus odoratus</i>	annual sweetpea
	<i>Lotus corniculatus</i>	bird's foot trefoil
	<i>Trifolium repens</i>	white clover
Geraniaceae	<i>Geranium robertianum</i>	herb Robert
	<i>Pelargonium grossularioides</i>	gooseberry geranium
Hypericaceae	<i>Hypericum perforatum</i>	klamathweed, St. John's wort
Iridaceae	<i>Chasmanthe floribunda</i>	African flag
	<i>Crocasmia x crocosmiiflora</i>	montbretia, crocosmia
	<i>Iris germanica</i>	German iris
	<i>Iris pseudacorus</i>	yellow flag, yellow water iris
Lamiaceae	<i>Melissa officinalis</i>	lemon balm
	<i>Mentha spicata</i>	spearmint
	<i>Mentha suaveolens</i>	apple mint, pineapple mint
	<i>Nepeta cataria</i>	catnip
Linaceae	<i>Linum grandiflorum</i>	flowering flax, garden flax
Lythraceae	<i>Lythrum salicaria</i>	purple loosestrife
Malvaceae	<i>Abutilon theophrasti</i>	velvetleaf
	<i>Alcea rosea</i>	hollyhock
Martyniaceae	<i>Proboscidea louisianica ssp. louisianica</i>	ram's horn, common devil's claw
	<i>Proboscidea lutea</i>	devil's claw
Myrsinaceae	<i>Anagallis arvensis</i>	scarlet pimpernel, birds-eye
Nyctaginaceae	<i>Mirabilis jalapa var. jalapa</i>	four o'clock, wishbone bush
Onagraceae	<i>Oenothera sinuosa</i>	wavy-leaf gaura
	<i>Oenothera speciosa</i>	Mexican evening-primrose, pink ladies
	<i>Oenothera xenogaura</i>	scented gaura, Drummond's gaura, Drummond's bee blossom

Oxalidaceae	<i>Oxalis articulata ssp. rubra</i>	windowbox woodsorrel
	<i>Oxalis corniculata</i>	creeping wood-sorrel
	<i>Oxalis pes-caprae</i>	buttercup oxalis, Bermuda buttercup, yellow oxalis
Papaveraceae	<i>Papaver somniferum</i>	opium poppy
Plantaginaceae	<i>Digitalis purpurea</i>	foxglove
	<i>Linaria bipartita</i>	clovenlip toadflax
	<i>Linaria dalmatica ssp. dalmatica</i>	Dalmatian toadflax
	<i>Linaria maroccana</i>	baby snapdragon
	<i>Linaria pinifolia</i>	pine needle toadflax
Plumbaginaceae	<i>Limonium perezii</i>	Perez's sea lavender
	<i>Limonium ramosissimum</i>	Algerian sea lavender
	<i>Limonium sinuatum</i>	wavyleaf sea lavender
Polygonaceae	<i>Persicaria capitata</i>	pink knotweed, Himalayan smartweed
	<i>Rumex conglomeratus</i>	clustered dock, creek dock
Portulacaceae	<i>Portulaca oleracea</i>	purslane
Ranunculaceae	<i>Consolida ajacis</i>	rocket larkspur
Resedaceae	<i>Reseda alba</i>	white mignonette
Rosaceae	<i>Duchesnea indica var. indica</i>	Indian mock-strawberry
Rutaceae	<i>Ruta chalepensis</i>	fringed rue
Scrophulariaceae	<i>Scrophularia peregrina</i>	Mediterranean figwort
	<i>Verbascum blattaria</i>	moth mullein
Solanaceae	<i>Salpichroa organifolia</i>	Pampas lily of the valley
	<i>Solanum elaeagnifolium</i>	silverleaf nightshade
Valerianaceae	<i>Centranthus ruber</i>	red valerian, Jupiter's beard
Verbenaceae	<i>Verbena bonariensis</i>	purpletop vervain, tall vervain
	<i>Verbena pulchella</i>	moss verbena
Violaceae	<i>Viola odorata</i>	sweet violet

### PROHIBITED GRASSES

Family	Scientific Name	Common Name
Poaceae	<i>Agropyron cristatum ssp. pectinatum</i>	crested wheatgrass
	<i>Agrostis gigantea</i>	redtop, giant redtop bentgrass
	<i>Agrostis stolonifera</i>	creeping bent
	<i>Aira caryophylla</i>	silver hairgrass
	<i>Alopecurus pratensis</i>	yellow foxtail grass, meadow foxtail
	<i>Arundo donax</i>	giant reed
	<i>Briza maxima</i>	rattlesnake grass
	<i>Cortaderia jubata</i>	jubata grass
	<i>Cortaderia selloana</i>	Pampas grass
	<i>Cynodon dactylon</i>	Bermuda grass
	<i>Festuca arundinacea</i>	tall fescue, alta fescue, reed fescue
	<i>Festuca myuros</i>	mouse-tail fescue, rattail sixweeks grass
	<i>Festuca perennis</i>	Italian ryegrass
	<i>Festuca pratensis</i>	meadow fescue
	<i>Festuca trachyphylla</i>	hard fescue, rough leaved fescue
	<i>Holcus lanatus</i>	velvet grass
	<i>Hordeum marinum ssp. gussoneanum</i>	sea barley
	<i>Melinis repens ssp. repens</i>	natal grass, ruby grass
	<i>Pennisetum clandestinum</i>	kikuyu grass
	<i>Pennisetum setaceum</i>	African/Crimson fountain grass
	<i>Pennisetum villosum</i>	feathertop
	<i>Poa annua</i>	annual bluegrass

	<i>Poa pratensis ssp. pratensis</i>	Kentucky bluegrass
	<i>Poa trivialis</i>	rough blue grass
	<i>Polypogon monspeliensis</i>	rabbitsfoot grass
	<i>Stenotaphrum secundatum</i>	Saint Augustine grass
	<i>Stipa tenuissima</i>	Mexican feathergrass

## APPENDIX D: SEA CHECKLISTS & WORKSHEETS

1 – SEA COUNSELING CHECKLISTS

2 – BIOLOGICAL CONSTRAINTS ANALYSIS (BCA) CHECKLIST

3 – BIOTA REPORT CHECKLIST

DRAFT

## SEA COUNSELING CHECKLIST

## BCM &amp; CONCEPTUAL PROJECT DESIGN

A Case Planner and County Biologist shall initial in the designated section, indicating that the items have been provided and reviewed.

BCM CHECKLIST	COMPLETE
<b>I. Biological Constraints Map (BCM)</b>	
A. Shows all project site parcel(s) boundaries <sup>34</sup>	
B. Existing development (structures, graded areas, roads, etc.)	
C. Vegetation communities (utilizing Sawyer, Keeler-Wolf, Evens 2009 classifications), and indicating CDFW Natural Community Rarity Ranking, extending out to 200-feet from the project site boundaries <sup>35</sup>	
D. Trees: show location of all trees and indicate species. For native trees, record DBH and show canopy extent and a 15 foot protected zone (measured from the dripline).	
E. Location of observed and previously recorded sensitive species (e.g. from site survey, previous biological reports, or identified through CNDDDB records, etc.)	
F. Delineated boundaries of water resources, such as rivers and streams (including intermittent and ephemeral drainages), lakes, reservoirs, ponds, wetlands, marshes, seeps, springs, vernal pools, and playas AND required setbacks.	
G. Important physical site features that are expected to provide important habitat for sensitive species (e.g. rock outcrops) or facilitate or restrict wildlife movement, such as ridgelines, culverts, fences, etc.	
H. Open space that has been recorded over or adjacent to any part of the subject parcel.	
<b>Biologist's Initials:</b>	
<b>II. Conceptual Project Design</b>	
I. Either on the BCM or on a separate plan, show the conceptual development footprint of the proposed project, including: <ul style="list-style-type: none"> <li>- all anticipated graded areas</li> <li>- existing and proposed structure locations</li> <li>- fuel modification to 200-feet from all structures</li> <li>- utility access</li> <li>- driveways and parking areas</li> <li>- landscaped areas</li> <li>- exploratory testing locations</li> </ul>	
<b>Planner's Initials:</b>	

<sup>34</sup> Include all parcels or lots involved with the land use project.

<sup>35</sup> Vegetation communities can be estimated offsite using visual surveys from the project site and adjacent roads or trails in conjunction with aerial imagery and existing data.

SEA Counseling Date: \_\_\_\_\_

Case Planner: \_\_\_\_\_

County Biologist: \_\_\_\_\_

Address & APN(s) of project site: \_\_\_\_\_

\_\_\_\_\_

**RECOMMENDATION:**

☐

SEA Review

☐

SEA CUP

☐

PTP

**Biologist Site Visit Needed?**

☐

Yes

☐

No

**Adequacy of BCM**

Does the Biological Constraints Map adequately document the biological resources on the project site?

☐ Yes

☐ No

**Adequacy of Conceptual Project Design**

Does the Conceptual Project Design include adequate information to evaluate the ability of the development to meet Development Standards?

☐ Yes

☐ No

**Ability to Comply with Development Standards**

Does the conceptual project design adequately demonstrate the ability to comply with the SEA Development Standards? (Some Development Standards, such as fence materials, outdoor lighting, and glass reflectivity, do not need to be shown in conceptual project design, but the applicant should be made aware of these requirements, and they should be specified in site plan documents when the application is submitted.)

☐ Yes

☐ No

**Additional Biological Reports Needed**

☐ BCA

☐ Biota Report

☐ Restoration/enhancement plan

☐ Oak Tree Report

☐ Other \_\_\_\_\_

☐ Rare Plant Survey

☐ Protocol Survey for \_\_\_\_\_

☐ Jurisdictional Waters/Wetlands



### BIOLOGICAL CONSTRAINTS ANALYSIS (BCA) CHECKLIST

The Case Planner and County Biologist shall initial in the designated section, indicating that the items have been included in the report and that the report is adequate and ready for SEATAC review.

#### BIOLOGICAL CONSTRAINTS ANALYSIS (BCA) CHECKLIST

**COMPLETE**

<b>I. COVER / SPINE / TITLE PAGE</b>	
A. Project name, type of report (Biological Constraints Analysis)	
B. County identification numbers (Project number, CUP number, APNs).	
C. Applicant name and contact information	
D. SEA name(s)	
E. Name of head biologist and consulting company directive information	
F. Date of report	
<b>II. INTRODUCTION</b>	
A. Project Description	
1. Project name, type of report, address of project	
2. County application identification numbers including APNs	
3. Applicant name and contact information	
4. SEA name(s)	
5. Supervising biologist, company, directive information	
6. Parcel and Acreage Table (for more than one parcel)	
7. Location	
a) Map of regional features in vicinity showing project location, and including all drainages and wetlands	
b) Color USGS topographic map with outline of project parcels, SEA, open space resource areas, etc.; scale about 1:24000	
c) Color orthogonal aerial showing project parcels, SEA, open space, etc.	
	<b>Planner Initials:</b>
B. Description of Natural Geographic Features	
1. Summary of known biological resources including relation to:	
a) Landforms and geomorphology	
b) Drainage and wetland features	
c) Soils; include soil map	
d) Vegetation communities	
e) SEA criteria and resources	
2. Color site photography with keys	
3. Summary of biological resources and pertinent literature review	
C. Methodology of Biological Survey	
1. Table of surveys (surveys approximately 1 year old or more recent)	
2. Text description of survey methods	
3. Table of information on biologist(s) and other contributors for BCA; appendix of contributors' experience	
4. Proof of permits or Memoranda of Understanding for trapping shall be in the appendix.	

<b>III. BIOLOGICAL CHARACTERISTICS OF THE SITE</b>	
A. Vegetation Data and Descriptions	
1. Vegetation map of Sawyer, Keeler-Wolf, Evens (2009) alliances and associations of vegetation types, relevé locations	
2. Vegetation cover table	
3. Map of trees (for jurisdictional oaks, State and County, an oak tree report will be needed. Oak tree reports will be in an appendix.)	
4. Summary of vegetation site habitats in relation to soil, sensitivity, rainfall, potential for impact (Only necessary if there is a possibility of rare plant occurrences that would be made possible by the presence of some important soil type or geological formation)	
5. CD/DVD of georeferenced files for vegetation data as ESRI .shp including metadata (may be combined with other project data on CD/DVD)	
B. Fauna and Flora Sensitive Species Tables and Discussion	
1. Table of sensitive species known from the region, sensitivity rankings, habitat requirements, and likelihood of occurrence on site—with rationale for likelihood determination.	
2. Table of break points on rough estimate of population size (appendix)	
3. Paragraphs for each sensitive species on characteristics that might lead to project impact. Listed species paragraphs in separate section.	
C. Maps of occurrence for sensitive species	
D. Wildlife movement/habitat linkage analysis with map of site and movement areas	
E. Floral and faunal compendia (all plant and animal species observed directly or indirectly on site, and for animals, in adjacent areas of similar habitat), updated for latest observation if multiple versions of the BCA are submitted, version date	
F. All voucher collections shall be deposited in an appropriate, recognized public institution, and shall be tabulated in the floristic and faunal lists.	
<b>IV. CHARACTERISTICS OF THE SURROUNDING AREA</b>	
A. Description of Existing Land Uses in the Project Area	
B. Table of development projects in the vicinity and summary discussion (acreage, units, etc.)	
C. Map of land uses	
D. Description of open space reserves in the area and depiction of wildlife movement/habitat linkage relationships to open space. Include known conservation and open space easements in perpetuity. Refer to maps II.A.7	
E. Reference to and relationship to any conservation plans in the vicinity	
F. Description of Habitats, alliances, associations and vegetative communities in the vicinity with respect to those on site	
G. Rough estimates of the overall population sizes of species of flora and fauna on site and in vicinity fauna on site and in vicinity	
H. Description of overall biological value of the area: fit to the biotic mosaic; contribution to surrounding area and SEA ecological functions	
<b>V. CONCLUSION</b>	
A. Regulatory framework	
B. Summarized biological data with respect to regulatory framework	
C. Biological Constraints Map	

D. Explicit statement of SEA/SERA/ESHA acreages total and in project parcels; explicit statement of length of watersheds on project parcels and total; potential affected area of watercourses	
E. Recommendations for further studies needed to prepare Biota Report	
<b>VI. BIBLIOGRAPHY</b>	
A. Bibliography of references cited in text	
B. Bibliography of general references used to prepare document but not cited	
<b>VII. APPENDICES [as appropriate]</b>	
A. Table of biologists and other contributors; Preparer and other contributor qualifications; permits, MOUs	
B. Vegetation alliance relevé data	
C. Oak Tree Report for sites with jurisdictional native oak trees (5" DBH and larger)	
D. Focused and floristic survey reports.	
E. Floral and faunal compendia	
F. Copies of meeting minutes from previous SEATAC/ERB reviews of project	
G. Correspondence with State and Federal trustee agencies	
H. Completed BCA Checklist (this table)	
I. SEA Counseling Checklist with BCM and Conceptual Project Design	
J. Digital Copies of BCA as .pdf for final version; georeferenced files of vegetative data and sensitive species occurrences.	
	<b>Biologist Initials:</b>

## BIOTA REPORT CHECKLIST

The Case Planner and County Biologist shall initial in the designated section, indicating that the items have been included in the report and that the report is adequate and ready for SEATAC review.

## BIOTA REPORT CHECKLIST

COMPLETE

<b>I. COVER / SPINE / TITLE PAGE</b>	
A. Project name, type of report (Biota Report)	
B. County identification numbers (Project number, CUP number, APNs).	
C. Applicant name and contact information	
D. SEA name(s)	
E. Name of head biologist and consulting company directive information	
F. Date of report	
<b>II. INTRODUCTION</b>	
A. Summary of project impacts and mitigation	
B. Project description	
1. Project name, type of report, address of project	
2. County application identification numbers including APNs	
3. Applicant name and contact information	
4. SEA name(s)	
5. Supervising biologist, company, directive information	
6. Parcel and Acreage Table (for more than one parcel)	
7. Location (Note, these maps/photos may be excerpts or contain less detail than those submitted in the BCA so long as they provide an adequate indication of the project location and the surrounding area)	
a) Map of regional features in vicinity showing project location, and including all drainages and wetlands	
b) Color USGS topographic map with outline of project parcels, SEA, open space resource areas, etc.; scale about 1:24000	
	<b>Planner Initials:</b>
8. Project and alternatives description	
a) Site plans; at least one superimposed on vegetation map with topo lines	
b) Grading plans; at least one superimposed on vegetation map, topo lines	
c) Description of disturbance schedule	
d) Permits requested	
e) Alternatives	
<b>III. IMPACTS</b>	
A. Regulatory framework	
B. Tables	
1. Table of impact for sensitive vegetation and species	
2. Table of vegetation type and proposed changes	
3. Table of acreage additions and deductions of SEA land	
C. Discussion of logic on conclusions of significance	

D. Maps [may be combined, but each of the following should be illustrated in one form or other]	
1. Map(s) of vegetation constraints.	
2. Map of proposed vegetation impacts (grading and fuel-modification superimposed on vegetation map)	
3. Map of noteworthy or protected tree species, sensitive plant observations (and animal if highly resource dependent, e.g. aquatics, burrowing owl, etc.), showing removals and disturbance proposed.	
4. Regional and local maps of wildlife corridors and habitat linkages [including regional and statewide efforts (e.g. South Coast Missing Linkages, California Essential Connectivity Project, Puente Hills "Missing Middle", etc.), as well as any site-specific features (ridgelines, drainages, culverts, fencing, etc.) that may facilitate or constrain movement.	
E. Discussion of Impacts—direct (grading and fuel-modification), indirect, and cumulative impacts to each of the following must be discussed	
1. Vegetation, with note of any sensitive vegetation types (refer to State and Global sensitivity rankings included on the CDFW Natural Communities List) or noteworthy natural stands that may be unique to the site.	
2. Special-status species, including any locally-recognized sensitive species (e.g. the Los Angeles Audubon list of Los Angeles County's Sensitive Bird Species) and unusual sightings of otherwise common taxa (e.g. <i>Gilia diegensis</i> in the Liebre Mountains, <i>Petalonyx thurberi</i> in the Santa Clara River, etc.)	
3. Protected and noteworthy trees	
4. Wildlife habitat, including wildlife corridors and habitat linkages	
5. Project impact on integrity of the SEA	
F. Discussion of project consistency with SEA CUP compatibility criteria	
1. That the requested development is designed to be highly compatible with the biotic resources present, including the setting aside of appropriate and sufficient undisturbed areas	
2. That the requested development is designed to maintain water bodies, watercourses, and their tributaries in a natural state	
3. That the requested development is designed so that wildlife movement corridors (migratory paths) are left in an undisturbed and natural state	
4. That the requested development retains sufficient natural vegetative cover and/or open spaces to buffer critical resources, habitat areas, or migratory paths	
5. That the roads and utilities serving the proposed development are located and designed so as not to conflict with critical resources, habitat areas, or migratory paths	
<b>V. MITIGATION MEASURES</b>	
A. List of impact and mitigation measures that apply. The following aspects of SEA impact must be addressed:	
1. Acreage remaining as natural open space and percentage of original	
2. Existing designated open space on and adjacent to the parcel in question	

3. Short and long term measures & preservation instruments that will provide protection of natural open areas	
4. Type and amount of landscaping; utilization of locally-indigenous native plants; prohibition on invasive plants	
<b>V. MONITORING PROGRAM</b>	
A. Directly applicable to addressing impact; measurement of biological response to mitigation	
B. Performance standards	
C. Alternatives for failure to meet performance standards	
D. Funding and bond establishment	
E. Schedule	
F. Responsible parties	
G. Adaptive management	
<b>V. BIBLIOGRAPHY</b>	
A. Bibliography of cited references	
B. Bibliography of general references used to prepare report but not cited	
<b>V. APPENDICES</b>	
A. Table of biologists and other contributors; Preparer and other contributor qualifications; permits, MOUs	
B. Oak Tree Report for sites with jurisdictional native oak trees (5" DBH and larger)	
C. Focused and floristic survey reports.	
D. Copies of meeting minutes from previous SEATAC/ERB reviews of project	
E. Completed Biota Report Checklist (this table)	
F. Correspondence with State and Federal trustee agencies	
G. CD or DVD of BCA and Biota reports as .pdf & Georeferenced shapefiles (ESRI .shp, geographic) for vegetative maps and observations of sensitive species	
	<b>Biologist Initials:</b>



## APPENDIX E: GUIDANCE FOR EVALUATING IMPACTS ON WILDLIFE MOVEMENT

The Department of Regional Planning (DRP) considers linkage of natural areas as one of the most critical elements for maintaining the County's environmental quality and biological diversity. These linkages promote healthy biological populations and increases their resilience against environmental impacts of all kinds, including climate change. Linkage is essential to preserving genetic diversity and maintaining the complexity and functioning of natural communities that provide services for all life. Potential impacts to wildlife movement opportunities are a part of the Department's analysis of environmental impacts under the California Environmental Quality Act (CEQA). We recognize that all wildlife needs to move across various spatial scales in support of regular daily and seasonal activities. In addition, these linkages are necessary for the permanent movements of individuals and potential long-term shifts in species range in response to climate change.



When evaluating impacts to wildlife movement in a heavily populated and extensively developed region like Los Angeles County, it is important to remember that ecologically ideal conditions for wildlife movement rarely exist. Wildlife dispersing or moving between habitat blocks in the County are bound to encounter constrictions and obstacles, both artificial and natural. Yet wildlife are resilient, and in the absence of ideal circumstances, many will utilize whatever movement opportunities exist – navigating through constricted areas and moving around, over, under or through obstacles, when necessary.

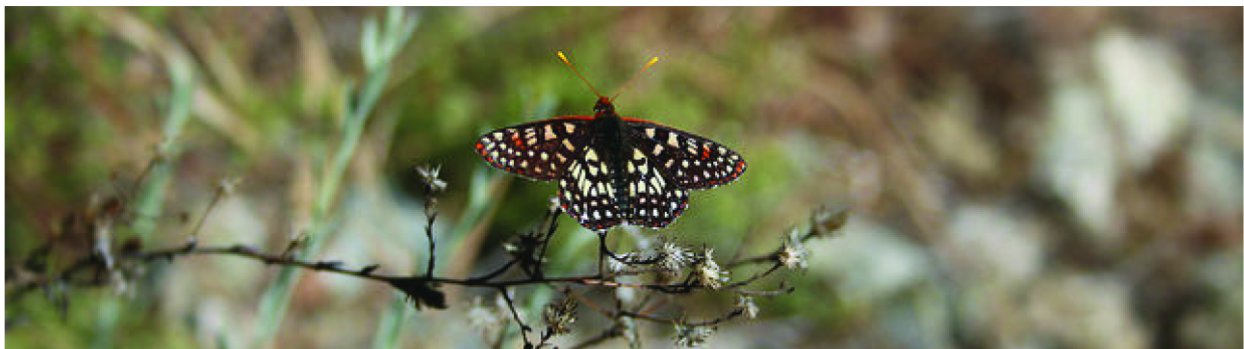


Therefore, analysis of potential impacts to wildlife movement cannot rely exclusively on identification and evaluation of the project's impacts to intact or ecologically superior corridors. All potential wildlife movement pathways, including those with existing obstacles and constrictions, such as roads, pipelines, aqueducts, and landscaped or otherwise altered terrain, must be identified and evaluated. The value of constricted or tenuous pathways should not be overlooked or undervalued simply because they are perceived as being rarely used or not ecologically pristine. Doing so ignores the reality that such tenuous linkages and islands of habitat are in many cases the only remaining opportunities available to wildlife in the County.



Biological consultants preparing analyses of project impacts to wildlife movement must consider the existing and post-project opportunities present to wildlife to enter and exit the project site. An adequate assessment of impacts is one that looks at the cumulative impacts of the proposed project in light of existing constrictions and obstacles. When evaluated in this light, a proposed development may actually be able to improve wildlife movement by removing obstacles or including provisions to facilitate safe passage as part of the project.

The standard for wildlife movement analysis entails studies that check for use of possible corridors on a daily basis for a period of three (3) years or more (usually by motion-activated cameras). This is expensive and requires a lengthy period of observation, so most projects will not be doing this kind of study. Analysis will chiefly be conjectural, and it is important that the wildlife movement discussion in biological reports observe this point, presenting drawbacks and opportunities equally balanced. Los Angeles County will generally regard as insufficient analyses of movement which emphasize what an opportunity is not (e.g., it doesn't provide cover; it is not dominated by native plants; it doesn't get used very often; it is not aligned along a ridge line, water feature, or drainage; etc.). Instead discussion should concentrate on what possible use could occur (e.g. "the culvert is a tenuous connection between useable habitat areas"). Such analyses should include what wildlife would use if the landscape were unfragmented and then consider use under fragmented conditions. If wildlife had a choice, what is the optimal path without the project, and what is the choice under proposed conditions of fragmentation? The goal is to posit the effect of a proposed project on existing wildlife movement.



*All photos by J. Decruyenaere*



**REGIONAL PLANNING COMMISSION  
SUMMARY OF PUBLIC HEARING PROCEEDINGS**

**SIGNIFICANT ECOLOGICAL AREAS PROGRAM UPDATE**

On September 26, 2018, the Los Angeles County (County) Regional Planning Commission (Commission) conducted a duly-noticed public hearing on the Significant Ecological Areas (SEA) Ordinance and Conceptual SEA updates.

Nine members of the public testified at this hearing on the SEA Ordinance update and Conceptual SEA update. Testifiers were concerned with the single-family residence exemptions for the Antelope Valley, how the SEA Ordinance will affect existing water hauling businesses and/or Conditional Use Permits (CUP), applicability of the Ordinance to already submitted applications, and notifications of approved Ministerial SEA Reviews.

The Commission took the matter off calendar to allow for staff to make the requested changes and address issues raised by the Commission and members of the public.

On February 27, 2019, the Commission conducted a duly noticed public hearing on the SEA Ordinance and Conceptual SEA updates. Staff presented the changes and clarifications requested by the Commission on heritage trees, performance standards for mitigation trees, and cost estimates for additional staffing.

Seven members of the public testified at this hearing. The testimonies included support for the Conceptual SEA update, support and opposition for the Antelope Valley exemptions, and concerns regarding the open space preservation ratios.

After hearing all testimony on February 27, 2019, the Commission closed the public hearing and recommended approval of the project to the County Board of Supervisors.

Commissioners Smith, Louie, Moon, and Modugno voted aye. Commissioner Shell was absent.

**RESOLUTION  
REGIONAL PLANNING COMMISSION  
COUNTY OF LOS ANGELES  
PROJECT NO. 2017-003725-(1-5)  
ADVANCE PLANNING NO. RPPL2017006228  
GENERAL PLAN AMENDMENT NO. RPPL2018003985  
ENVIRONMENTAL ASSESSMENT NO. RPPL2018004477**

**WHEREAS**, pursuant to Article 6 of Chapter 3 of Division 1 of Title 7 of the Government Code of the State of California (commencing with Section 65350), the County of Los Angeles ("County") is authorized to adopt amendments to its General Plan and elements thereof;

**WHEREAS**, pursuant to Article 1 of Chapter 4 of Division 1 of Title 7 of the Government Code of the State of California (commencing with Section 65800) and Chapter 22.232 of the County Code, the County is authorized to adopt amendments to Title 22 of the County Code (Planning and Zoning);

**WHEREAS**, the Regional Planning Commission of the County of Los Angeles ("Commission") has conducted a duly noticed public hearings on October 8, 2014; December 10, 2014; May 17, 2017; July 12, 2017; November 8, 2017; September 26, 2018; and February 27, 2019 to consider Project No. 2017-003725-(1-5) which includes amendments to the General Plan and Title 22 of the County Code related to the Significant Ecological Areas Program ("SEA") Update; and

**WHEREAS**, the Commission finds as follows:

1. 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.
2. The SEA Ordinance is a countywide ordinance that 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 SEA Ordinance update. The Santa Catalina Island CRA will also be subject to the 1982 ordinance until the Santa Catalina Island Local Coastal Program is amended.

**REGIONAL PLANNING COMMISSION**  
**SEA PROGRAM UPDATE**  
**RESOLUTION**

Page 2 of 9

3. The Conceptual SEA Update is an amendment to the General Plan to make minor text changes and mapping changes to make the Conceptual SEAs become full SEAs and subject to the new SEA ordinance. During the General Plan adoption process, the County 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 County Department of Regional Planning (“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.
4. The SEAs categorized as “Conceptual” amended per General Plan Amendment No. RPPL2018003985 are located in the communities of Altadena (Altadena Foothills and Arroyos SEA), and Hacienda Heights and Rowland Heights (Puente Hills SEA).
5. The SEA Ordinance Update proposes changes to the permitting and review processes, establishes new design and development standards, requires mandatory open space preservation, and enforces unpermitted activities in the SEAs. These include:

Development Standards and Thresholds

Standard industry-recognized concepts were used 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.

Preliminary Biological Review

In the new 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.

Streamlined Review Process

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

**REGIONAL PLANNING COMMISSION  
SEA PROGRAM UPDATE  
RESOLUTION**

Page 3 of 9

designed projects to accommodate the biological constraints of the property. In the new 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 nor be reviewed by the SEA Technical Advisory Committee ("SEATAC").

Natural Open Space Preservation

Both Ministerial SEA Reviews and SEA CUPs will be required to provide natural open space preservation. The ratios for open space preservation are based on the amount and type of SEA Resources disturbed.

SEA Protected Trees

The SEA Protected Trees development standard and Protected Tree Permit were developed to better assess impacts on native trees in the SEAs. Mitigation ratios were developed for the Protected Tree Permit. The Protected Tree Permit will allow for development that otherwise meets all development standards except for the SEA Protected Trees development standard.

Enforcement

Any activity defined as development in the SEAs prior to an approved permit, is prohibited. A Ministerial SEA Review or SEA CUP shall be obtained to assess the impacts of the unpermitted development and require necessary mitigations. If neither permit is obtained, then a Restoration Permit shall be required to restore the disturbed area to a close resemblance of its original natural habitat.

6. The SEA Ordinance and Conceptual SEA Updates work towards achieving General Plan Goal C/NR 3. In comparison to the existing SEA Ordinance, the new SEA Ordinance is more protective of the natural habitats that comprise the SEAs. The new SEA Ordinance requires preliminary assessment of biological resources to guide sustainable development and provides for permanent preservation of sensitive habitats. The adoption of the Conceptual SEAs as part of the SEA policy map will ensure additional protections for those areas.
7. 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 within the SEAs.



**REGIONAL PLANNING COMMISSION  
SEA PROGRAM UPDATE  
RESOLUTION**

Page 4 of 9

8. 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 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, prepared as a Programmatic EIR. The Certified Final EIR fully analyzed the areas categorized as Conceptual SEAs as part of the proposed Altadena Foothills and Arroyos, and Puente Hills SEAs. The General Plan EIR did not make any specific mention of Conceptual SEAs. 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.
9. County departments were consulted during the Project’s development. Departments consulted include Public Works, Public Health, Parks and Recreation, and Fire. Comments and recommendation on review procedures for County projects were received from County departments and were incorporated into the Public Hearing Draft of the SEA Ordinance and Implementation Guide.
10. On October 8, 2014, the Commission conducted a continued public hearing for the General Plan 2035 Update. The SEA Program Update was a part of the General Plan Update which included updated boundaries, policies, and updated ordinance. Staff recommended that the SEA Ordinance be taken off calendar to allow additional time to address stakeholders concerns regarding the SEA Ordinance, and to allow for more comprehensive community-level outreach; the remaining pieces of the SEA Program Update progressed with the General Plan 2035 Update. Thirteen individuals testified at the hearing. The majority spoke in opposition of the expansion of SEAs on mining properties, agricultural areas, and Economic Opportunity Areas proposed in the Antelope Valley Area Plan Update, and expressed concerns over the implementation of the SEA Ordinance. One individual spoke in support of the SEA Program, with recommendations to change the SEA Ordinance. Three individuals inquired about zoning consistency and the impact on a specific property in Kinneloa Mesa.
11. On December 10, 2014, the Commission conducted a continued public hearing for the General Plan Update. The Commission considered the General Plan Update in its entirety and the Final EIR, closed the public hearing, and recommended the EIR and General Plan Update to the Board for approval. Seven individuals testified at the hearing on various topics. Regarding SEAs, one individual expressed concerns over not having been notified of the changes to the SEA Program. Another individual commented on the importance of maintaining the proposed SEAs, and suggested that some large sites in the East

**REGIONAL PLANNING COMMISSION  
SEA PROGRAM UPDATE  
RESOLUTION**

Page 5 of 9

San Gabriel Valley be designated Rural Land 40 (RL 40) to prevent parcel fragmentation. The Commission expressed concerns over the proposed SEAs in existing community plan areas. Before closing the public hearing related to SEAs, the Commission directed staff to designate proposed expanded SEAs within the communities of Altadena, Hacienda Heights and Rowland Heights as "Conceptual SEAs," and add language to clarify that the Conceptual SEAs be further considered and effective upon the preparation of community-based planning efforts. It was noted that the existing adopted SEA boundaries within these areas will remain in place and will not be affected by the designation of proposed expanded SEAs as Conceptual SEAs.

12. On May 17, 2017, the Commission conducted a duly-noticed public hearing where staff gave a presentation on the history of the SEA Program and the latest updates to the SEA Ordinance. The Commission heard from a number of testifiers and continued the hearing to provide additional time for public review and comment and for staff to further refine the draft language to be consistent with the Zoning Code Technical Update. The Commission continued the public hearing to July 12, 2017 and requested that staff return with a document responding to the comment letters received.
13. On July 12, 2017, the Commission conducted a continued public hearing. The Commission requested further clarification on portions of the updated SEA Ordinance. The Commission also had questions on the relationship between the SEA Ordinance and the then-pending Accessory Dwelling Units Ordinance. The Commission requested information on the number of permits processed, the draft Implementation Guide, and the overall intent and purpose of the SEA Ordinance. The Commission also directed staff to conduct additional outreach given that there was only one testifier in attendance.
14. On November 8, 2017, the Commission conducted a continued public hearing. Staff provided additional information in response to questions and comments raised by the Commission at the July 12, 2017 public hearing. Staff also introduced an alternative approach for the SEA Ordinance that would incorporate an early biological review to streamline the process and help design projects that avoid or minimize impacts. Staff requested that the SEA Ordinance be taken off calendar to allow Staff to revise the ordinance, complete the SEA Implementation Guide, allow the Santa Monica Mountains North Area Plan effort to proceed separately in developing more specific policies and standards for the Santa Monica Mountains SEA based on habitat mapping, and allow for further outreach. The Commission took the matter off calendar.
15. On March 14, 2018, Staff presented an update on the SEA Ordinance to the Commission as a Discussion Item. Staff presented the Public Review Draft of the

**REGIONAL PLANNING COMMISSION**  
**SEA PROGRAM UPDATE**  
**RESOLUTION**

Page 6 of 9

SEA Ordinance and Implementation Guide, and notified the Commission of the start of a 75-day public review period.

16. The Department conducted a robust public engagement campaign during the period from March to September 2018. 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.
17. On September 26, 2018, the Commission conducted a duly-noticed public hearing on the draft SEA Ordinance and Implementation Guide. Staff introduced the Conceptual SEA Update. Staff recommended that the Conceptual SEAs in the communities of Altadena, Rowland Heights, Hacienda Heights be adopted as official SEAs. Staff reported that the recommendation was a result of constituents in those communities requesting that the conceptual SEAs become official SEAs. 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 CUPs, applicability of the Ordinance to already submitted applications, and notifications of approved Ministerial SEA Reviews. The Commission requested clarification on the definition of heritage trees, performance standards for mitigation trees, and cost estimates for additional County 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. The Commission continued the matter off calendar to allow for staff to make the requested changes and address issues raised by the Commission and members of the public.
18. On February 27, 2019, the Commission conducted a duly noticed public hearing on the SEA Ordinance and Conceptual SEA updates. Staff presented the changes and clarifications requested by the Commission on heritage trees, performance standards for mitigation trees, and cost estimates for additional staffing. Staff updated the Commission on meetings held with the public to further discuss concerns, such as exemptions for single-family residences in the Antelope Valley and Conditional Use Permit renewals. Seven members of the public testified at this hearing. The testimonies included support for the Conceptual SEA update, support and opposition for the Antelope Valley exemptions, and concerns regarding the open space preservation ratios. After hearing all testimonies, the Commission closed the public hearing and recommended that the Board approve the SEA Program update.

**REGIONAL PLANNING COMMISSION  
SEA PROGRAM UPDATE  
RESOLUTION**

Page 7 of 9

19. Members of the public had four opportunities to comment on the draft SEA Ordinance since the project was taken off of the General Plan Update. The first comment period for Drafts No. 7, 8, and 9 during the May 17 and July 12, 2017 Commission public hearings. The second comment period for the Public Review Draft was from March 14 to May 31, 2018. The comments received included the Antelope Valley exemptions, protection of Conceptual SEAs, applicability of the SEA Ordinance. The third comment period for the Public Hearing Draft (September 2018) was from August 27, 2018 to September 26, 2018. The fourth comment period for the Public Hearing Draft (February 2019) was from January 28, 2019 to February 27, 2019.
20. 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.
21. 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.
22. The location of the documents and other materials constituting the record of proceedings upon which the Commission's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Environmental Planning and Sustainability section of the Department.

**THEREFORE, BE IT RESOLVED THAT** the Regional Planning Commission recommends to the Board of Supervisors of the County of Los Angeles as follows:

1. Hold a public hearing to consider Project No. 2017-003725-(1-5), which includes General Plan Amendment No. RPPL2018003985, Advance Planning No. RPPL2017006228, and Environmental Assessment No. RPPL 2018004477;
2. Find that the Addendum to the Certified Final EIR for the Los Angeles County General Plan Update Project 02-305 has been prepared in compliance with the California Environmental Quality Act and state and local agency guidelines related thereto and reflect the independent judgement of the Board;

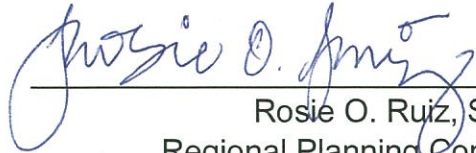
**REGIONAL PLANNING COMMISSION  
SEA PROGRAM UPDATE  
RESOLUTION**

Page 8 of 9

3. Adopt the Conceptual SEAs Update, General Plan Amendment No. RPPL2018003985, an amendment to the General Plan which designates the Altadena Foothills and Arroyos and the Puente Hills Conceptual SEAs as official SEAs and subject to the regulations of the SEA Ordinance; and
4. Adopt the SEA Ordinance Update, Advance Planning No. RPPL2017006228, containing the proposed amendments to Title 22 (Planning and Zoning), and determine that the amendments are compatible with and supportive of the goals and policies of the Los Angeles County General Plan.

**REGIONAL PLANNING COMMISSION  
SEA PROGRAM UPDATE  
RESOLUTION**  
Page 9 of 9

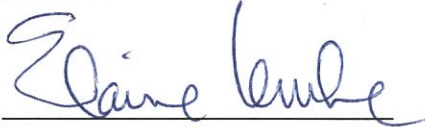
I hereby certify that the foregoing resolution was adopted by a majority of the voting members of the Regional Planning Commission of the County of Los Angeles on February 27, 2019.

  
\_\_\_\_\_  
Rosie O. Ruiz, Secretary  
Regional Planning Commission  
County of Los Angeles

APPROVED AS TO FORM:

MARY C. WICKHAM  
County Counsel

By

  
\_\_\_\_\_  
Elaine Lemke  
Assistant County Counsel  
Property Division

VOTE:

Concurring: Smith, Louie, Moon, Modugno

Dissenting:

Abstaining:

Absent: Shell

Action Date: February 27, 2019

PC:IC  
2/21/19



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	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.

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>Since animals move and generally flee or hide when <del>biological</del> human activity is detected <del>surveys are underway</del>, 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 <u>scat, tracks, and</u> special habitat features such as nests, dens, burrows, and roosts. <u>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	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.
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	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.
Clarification as to whether the Implementation Guide is part of the Ordinance and will be approved by the Board.	Acton TC	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.
SEA Ordinance does not articulate the use restrictions for preserved open space.	Acton TC	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.
Concerned that property owners will need to pay property taxes in perpetuity on preserved open spaces.	Acton TC	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>Objects to the ranking of open space preservation mechanisms</p> <ul style="list-style-type: none"><li>- no basis for requiring a property owner to give land to a conservancy or govt entity</li><li>- 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</li><li>- Against any scheme that allows a conservancy to benefit financially from land that is given via compulsory transfer from a private land owner.</li></ul>	Acton TC	<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>	Acton TC	<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>	Acton TC	<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>

Responses to Comments - Provided after Regional Planning Commission Public Hearing - May 7, 2019		
Requested that SEA Draft 10, Section 22.102.050 be removed from additional permitted uses. Only be subject to ministerial review to include but not limited to native and non-vegetation removal, crops, native habitat restoration, etc. New Protected Tree Permit is in direct conflict with this request and duplicates compliance conditions, since mitigation efforts are already fulfilled through current permit processes and under SEA Development standards.	BIA	<p>It is unclear how the Protected Tree Permit is in direct conflict with the previous request by BIA. The previous request by BIA was not taken into consideration since the SEA Ordinance does not regulate uses.</p> <p>If impacts to natives trees are greater than the allowable threshold in the SEA Development Standards, then a Protected Tree Permit may be required in addition to the Ministerial SEA Review. Mitigation efforts required in the Protected Tree Permit are specific to the native tree impacted and would not have been already fulfilled through the Ministerial SEA Review.</p>
<p>Enforcement mechanisms - Development permitted prior to the expansion of a SEA mapped area would not have been previously reviewed for impacts to SEA Resources. BIA recommends the language adopted by former versions of the ordinance be considered in lieu of the language in the enforcement section of the ordinance.</p> <p>"Any development authorized by a valid land use approval, or permit authorized by this Title 22, that was not subject to Section 22.56.215 as it existed prior to the effective date of the ordinance establishing the former section. In such cases, the development shall be govered by the land use approval or permit during the life of that grant." This language would be more appropriate when referring to a legally established development.</p>	BIA	<p>The suggested language is not related to the intent of the Enforcement section of the ordinance as it will apply to unpermitted disturbances. Exemption E in Section 22.102.040 will applicable to BIA's concerns. Projects that were approved prior to expansion of the SEA boundaries can be exempt from SEA Review if the previously approved development footprint does not expand and impacts to biological resources were reviewed under the prior permit. These types of projects will be governed by the land use approval during the life of that grant. Section 22.102.030.A states that the SEA ordinance update is only applicable to applications submitted after the effective date. So if the previously approved project does not submit a new application, it will be governed by the approved land use permit as along as it is valid.</p>
This draft definition requires that developments in an SEA would have to work with a biologist on the SEATAC Certified Biologist List. Applicants should not be limited to the SEATAC list. Many of the biologists our members work with are well qualified and are familiar with the specific development that, often times, they have been working on over several years. If this suggestion were to be adopted we would request that references to the “SEATAC Certified Biologist List” be taken out from the entirety of the ordinance.	BIA	<p><b>Response from 9/20/18 RPC Supplemental Package, Line 11:</b></p> <p>No action. All biologists are welcome to apply to be on the SEATAC certified list.</p> <p>Process is available on our website. <a href="http://planning.lacounty.gov/agenda/seatac">http://planning.lacounty.gov/agenda/seatac</a></p>

<p>For clarity, we would like the inclusion of language that points out that the “following activities” under the SEA “Development” definition excludes exempted developments under Section 22.102.040 of the ordinance. This would eliminate any confusion related to what is exempted and not subject to this section or definition. Accordingly, BIA requests that §22.102.20 (J) be revised to read (requested change underlined): J. “Development” means any of the following activities within an SEA, <u>unless otherwise exempt under Section 22.102.040</u></p>	BIA	<p><b>Response from 9/20/18 RPC Supplemental Package, Line 23:</b> No action. Exemptions may still be considered development but will not be subject to the SEA ordinance.</p>
<p>County describes “Land Divisions” as a development activity. This should also be excluded from the definition of development since land division in and of itself is not development.</p>	BIA	<p><b>Response from 9/20/18 RPC Supplemental Package, Line 30:</b> No action. Land divisions is considered development activity since the developer has a choice on how to draw the lot lines. The divided lots can be developed with least impact to biological resources by requiring a Ministerial SEA Review. For additional information, refer to the development standard on Large Lot Parcel Map in Section 22.102.090.D.3.a.</p>
<p>suggests adding language that reinforces the fact that an SEA permit is not required for the listed exemptions. BIA requests that §22.102.040 be revised to read (requested change underlined): “The following developments are exempt from the regulations of this Chapter, and shall not require an SEA permit. Development that does not qualify for any of the exemptions listed below is subject to the regulations of this Chapter.”</p>	BIA	<p><b>Response from 9/20/18 RPC Supplemental Package, Line 63:</b> No action. Current draft language already says "exempt from the regulations of this Chapter" at the beginning of the Exemptions section 22.102.040.</p>
<p>Under the ordinance Section 22.102.040 (B)1., the specific total building site and areas that would be exempted for additions and modifications are listed as not increasing “20,000 square feet, or encroach into more than 10% dripline for up to four SEA Native Trees.” Our membership feels that this type of specificity may not be appropriate in all cases and is too prescriptive. That should be noted throughout the ordinance, including; SEA Development Standards §22.102.080 (A) 2. (a.), 5., (B) Water Resources (Table), (C) 6. &amp; (D) 3., (B)and §22.102.90 Open Spaces (A) 3.</p>	BIA	<p><b>Response from 9/20/18 RPC Supplemental Package, Line 88:</b> No action. This exemption was formulated to be prescriptive and detailed so that it is clear what type of development may be exempt. No changes to the language were made.</p>



Development permitted prior to the expansion of an SEA mapped area would not have been previously reviewed for impacts to SEA resources. Instead, former versions of the ordinance stated that, “Any development authorized by a valid land use approval, or permit authorized by this Title 22, that was not subject to Section 22.56.215 as it existed prior to the effective date of the ordinance establishing the former section. In such cases, the development shall be governed by the land use approval or permit during the life of that grant.” This language would be more appropriate in defining an exemption for a previously existing, legally established development.	BIA	<b>Response from 9/20/18 RPC Supplemental Package, Line 91:</b> No action. Projects in SEA expanded areas that were not previously reviewed for environmental impacts are subject to the SEA ordinance. If there was an adequate CEQA analysis, that may be used to substantiate an exemption.
This portion of the exemptions refers to the “rebuilding and replacement of legally built structures which have been damaged or partially destroyed and will not increase the previously existing development footprint.” BIA suggests that County staff should currently have the ability to approve these types of changes to a structure if regulations requiring replacement require it or if it can be demonstrated that it wouldn’t affect sensitive vegetation.	BIA	<b>Response from 9/20/18 RPC Supplemental Package, Line 95:</b> No action. This exemption allows for rebuilding with required alterations per building code as long as the development footprint does not change. Development footprint includes fuel mod zones. As long as the new construction does not require expanded fuel mod zones, then this exemption applies.
BIA suggests adding (P) to Section 22.102.040 to exempt “Lot line adjustments.”	BIA	<b>Response from 9/20/18 RPC Supplemental Package, Line 66:</b> No action. Since lot line adjustment is not considered as "development", it is not subject to the SEA ordinance. No exemption is needed.

<p>“Ground Disturbance Activities” and the following activities as exemptions:</p> <p>1. Implementation of mitigation (installation, maintenance, and monitoring), including habitat restoration, expansion, enhancement, and removal of non-native or invasive species;</p> <p>2. Testing and survey activities conducted pursuant to environmental analysis prepared pursuant to the California Environmental Quality Act;</p> <p>3. Activities on lands within the historic limits of existing agricultural operations and production, including lands that are fallow as part of long-term crop management. Agricultural operations may include, but are not limited to, irrigated and nonirrigated farmland, nurseries, fruit stands, and composting facilities. Agricultural operations and production include access to, installation, repair, and maintenance of agricultural related infrastructure;</p> <p>4. Activities associated with existing managed grazing lands for traditional livestock (including resource management) and the construction and maintenance of corrals, barns, sheds, fencing, water systems, and access roads as an accessory use, as allowed by this Title 22 and other applicable County regulations, including, but not limited to, regulations related to time of year, County wildlife preserves, and hazardous dust conditions;</p> <p>5. Activities associated with existing oil and gas operations, including maintenance of wells, pipelines, tanks, fencing, sheds, access roads, and equipment and material storage;</p> <p>6.Activities associated with required alterations in previously</p>	BIA	<p><b>Response from 9/20/18 RPC Supplemental Package, Line 67:</b></p> <p>Please see the following responses:</p> <p>1. Approved mitigation will already be covered by a SEA CUP. Habitat restoration, i.e.. Invasive removals, is covered under 22.102.140 - Review Procedures for Habitat Restoration Projects.</p> <p>2. Please give examples of such ground disturbing tests or surveys required by CEQA.</p> <p>3. Added clarifying to the Ordinance Section 22.102.040.A.3 that specifies only agricultural uses in previously disturbed farmland are exempt. Added a development standards for crop in Section 22.102.090.E.1 that allows for Ministerial SEA Review for crops.</p> <p>4 &amp; 5. Maintenance of legally established structures and roads are not considered development. However, new construction of those facilities will be considered as development and subject to the SEA ordinance.</p> <p>6 &amp; 7. Exemption C of the Ordinance may be used to exempt such activities.</p> <p>8. County master plans are considered county projects regardless of who will be conducting construction operations. Please see Chapter 10 of the Guide (page 84) for more information.</p>
<p>As written, the ordinance requires that at the SEA Stop process the Regional Planning Director recommend “two subsections...” appearing to mean that the two recommendations listed under a. and b. have to both be adopted. However, a. and b. appear to be written as adopting one or another – not necessitating both for a ministerial review, and an SEA Conditional Use Permit. To provide clarity and eliminate confusion, we recommend that the §22.102.050(B) be revised to read (requested change underlined):</p> <p>“Recommendation. The Director shall recommend at the SEA Stop <u>one of</u> the following two subsections:”</p>	BIA	<p><b>Response from 9/20/18 RPC Supplemental Package, Line 102:</b></p> <p>Added "one of" to Section 22.102.050.B of the Ordinance.</p>

<p>BIA also requests that Section 22.102.050 (C) be added to the ordinance to expand applicability requirements, including additional permitted uses subject only to ministerial review. We recommend the following:</p> <p>“C. Ministerial SEA Review. The following activities shall be presumed to comply with Section 22.102.080 (SEA Development Standards) and only a ministerial SEA review pursuant to Section 22.102.060 shall be required:</p> <p>1. Activities to improve the quality of biological or water resources in an SEA, such as, but not limited to:</p> <p>a. Non-native vegetation removal programs;</p> <p>b. Native Habitat restoration programs; and</p> <p>c. Construction of wildlife crossing structures</p> <p>2. New crops as follows:</p> <p>a. Personal crops that exceed one acre in size; and,</p> <p>b. Commercial crops of any size.</p> <p>3. Vegetation removal as follows:</p> <p>a. Vegetation removal in excess of what is required for the placement of permitted structures, accessory structures, access, fuel modification areas, and paths; and</p> <p>b. Vegetation removal not associated with the development of an approved permit.”</p>	BIA	<p><b>Response from 9/20/18 RPC Supplemental Package, Line 101:</b></p> <p>No action. The SEA assessment is impact-based and will not be determining review type based on uses.</p>
<p>BIA requests clarification under the SEA Review title, providing the word “Ministerial,” makes it clear that this is meant to be a description of the ministerial process. We recommend that the title read, “SEA Review (Ministerial).”</p>	BIA	<p><b>Response from 9/20/18 RPC Supplemental Package, Line 106:</b></p> <p>Added the word "Ministerial" to the title for clarity.</p>
<p>We recommend that under §22.102.060 (A) there should be clarifying language that refers back to the eligibility of projects to undergo a ministerial review based on the Director’s recommendation. BIA requests that §22.102.060 be revised to read (requested change underlined):</p> <p>“A ministerial SEA Review <u>pursuant to this section</u> shall be required for any development <u>recommended by the Director pursuant to section 22.102.50, subpart B, and any development included in section 22.102.50, subpart C,</u> to determine compliance with the following.”</p>	BIA	<p><b>Response from 9/20/18 RPC Supplemental Package, Line 108:</b></p> <p>No action. The recommendation made at the SEA Counseling is just a recommendation based on what is presented at the pre-application meeting. Any changes to the project design or scope may change the recommendation and review track. The language in the Ministerial SEA Review section is written to state what is required for a ministerial review.</p>
<p>Title: BIA requests clarification under the SEA Conditional Use Permit title, providing the word “Discretionary,” makes it clear that this is meant to be a description of the discretionary review process. We recommend that the title read, “SEA Conditional Use Permit (Discretionary).”</p>	BIA	<p><b>Response from 9/20/18 RPC Supplemental Package, Line 112:</b></p> <p>Added "discretionary" to text below title in Section 22.102.080.</p>

BIA requests that the use of “minimum” results in great uncertainty to builders and developers and should be more specific. That should be noted throughout the ordinance, including; §22.102.080,(3) b.	BIA	<b>Response from 9/20/18 RPC Supplemental Package, Line 121:</b> Clarified in the Guide with following footnote in Chapter 4 (page 30): "While applicants are encouraged to go beyond the minimum requirement, particularly when sensitive resources are present, and preserve as much of the sensitive resource as feasible, the Department will not require more than 2 to 1 preservation through a ministerial SEA Review."
BIA suggests removing the fencing standards under “Area-wide Development Standards;” Based on the broad nature of the resources within the County SEAs, a one size standard does not fit all. For this reason, the fencing should be looked at on a case-by-case basis.	BIA	<b>Response from 9/20/18 RPC Supplemental Package, Line 128:</b> Added additional language to fencing development standard in Section 22.102.090.D in the Ordinance to allow for one impermeable enclosure for the purpose of protecting livestock or companion animals within the development footprint.
We are concerned that the section describing permissible crops is too limited to non-invasive species. Most crops are invasive when water is available.	BIA	<b>Response from 9/20/18 RPC Supplemental Package, Line 138:</b> No action. Species in Appendix C in the Guide (page 108) are not allowed as crops in the SEAs. Most species in the list are not crop species.
This section and the three points under the subsection do not appear to be necessary, because of the language above this section under (D) 2. (b), requiring exploratory testing stabilization.	BIA	<b>Response from 9/20/18 RPC Supplemental Package, Line 142:</b> Added language in the Ordinance in Section 22.102.090.E.2.a.iv that requires a Restoration Plan at the time of the application submittal for exploratory testing. Temporary stabilization of areas disturbed by exploratory testing is not sufficient in all cases. While true that in less disturbed sites, native vegetation may quickly grow back, in more disturbed sites where root stock is destroyed and soil heavily disturbed, a more targeted restoration approach will be needed to return the area to a natural state. Definition of Restoration Plan can be found in Section 22.102.020.BB.
BIA suggests that this provision is removed because Opens Space could be set aside in the Final Map process.	BIA	<b>Response from 9/20/18 RPC Supplemental Package, Line 157:</b> No action. Projects subject to the SEA Ordinance will be required to record open space preservation prior to grading, removal of vegetation, or occupancy.
Add (C) 7. We would like to add point 7. under exemptions to Open Space Use in subsection (C), to read: “7. Trails and/or other recreational amenities”	BIA	<b>Response from 9/20/18 RPC Supplemental Package, Line 151:</b> No action. Trails are considered in Section 22.102.100.C.3. Recreational amenities should be site outside of preserved open space areas.
BIA requests clarifications to expand the term “property owner” to include a “Property Owners Association.”	BIA	<b>Response from 9/20/18 RPC Supplemental Package, Line 166:</b> No action
BIA believes that the language under subsection A. be amended to eliminate any potential misinterpretations under current language. We recommend the section to be revised to read: “A. To the extent feasible, the proposed development minimizes potential impacts to identified biological resources present on the portions of the proposed development site that are located within the SEA from incompatible development through the application of environmentally sensitive site design practices and development standards.”	BIA	<b>Response from 9/20/18 RPC Supplemental Package, Line 176:</b> No action. Please refer to Chapter 5 in the Guide (page 58) that provides guidance on how to evaluate a project's ability to meet findings.

Also, to eliminate any misinterpretations, and conflicting exemptions, BIA suggests the language under subsection B. be replaced with the following: “B. Potential conflicts between conservation of the resources in SEAs (as identified in the County’s General Plan) and the proposed development have been equitably resolved.”	BIA	<b>Response from 9/20/18 RPC Supplemental Package, Line 177:</b> No action. Please refer to Chapter 5 in the Guide (page 58) that provides guidance on how to evaluate a project's ability to meet findings.
To create consistency across this “Findings” section, based on the earlier replacement language suggested above, (F) should be amended to read: “F. The proposed development does not have the potential to result in the loss of resiliency of the SEA, to the extent feasible.”	BIA	<b>Response from 9/20/18 RPC Supplemental Package, Line 180:</b> No action. Please refer to Chapter 5 in the Guide (page 58) that provides guidance on how to evaluate a project's ability to meet findings.
Especially of concern, under subsection (F) is point 4: "Other factors as identified by SEATAC" This language is incredibly broad, and could pose unforeseen restrictions and challenges on builders and developers.	BIA	<b>Response from 9/20/18 RPC Supplemental Package, Line 182:</b> No action. Since SEATAC makes recommendations to the Regional Planning Commission, it will be up to the Commission's discretion to determine if this Finding has been met or not.
Under current language, the SEATAC review fee only covers up to three SEATAC meetings, and would require new fee for additional meetings. BIA believes that this language should be amended to read: “b. The SEATAC Review Fee shall cover all SEATAC meetings.”	BIA	<b>Response from 9/20/18 RPC Supplemental Package, Line 184:</b> No action. With the streamlined process and pre-application counseling (SEA Counseling and Biological Constraints Map) the number of SEATAC meetings per project may lessen as better designed projects will be heard by SEATAC.
How can CSDs incorporate language prohibiting the exemptions and still be "consistent" with a SEA Ordinacne that requires the exemptions?	Leona Valley Town Council	The SEA Ordinance contains applicability language (Section 22.102.030.C) that says that if a zone, supplemental district, or anywhere in Title 22 that regulates the same matter, the more restrictive regulations will apply. The updated CSD will contain language that will be considered more restrictive than the SEA Ordinance, and will take precedence over the SEA Ordinance for that specific regulation.
Request more pressure and education be placed on local building departments to comply with the approved 2015 AV Area Plan. County departments are responsible to know what is allowed or restricted within the existing plans and ordinances.	Leona Valley Town Council	Staff will check in with our Current Planning Divisions to see if there are any problems with implementing the AV Area Plan.
Suggest that the SEA boundary be moved to follow the forest boundary line in the southern portion of Leona Valley to protect a transitional area between the National Forest.	Leona Valley Town Council	The Project scope does not include revisions to the SEA boundaries. The SEA boundaries were adopted through the General Plan update in 2015. The comment will be noted for the future amendment to the SEA boundaries.
Study the benefits of programs that incentivize redevelopment, upgrading existing properties, and using existing footprints so that existing property upgrades are effectively encouraged through regulatory review. Such programs incentivize development of currently impacted land and relieve pressure on undeveloped areas.	Resource Conservation District of SMM	Comment noted and will be taken into consideration for future programs.

In the Coastal Zone, the recent interpretation of mitigation of native trees to allow for preserving sub-legal size trees should be beneficial, as it will allow for different tree age classes in the SMM to develop over time, and de-incentivize the cutting of these trees before they reach legal age. The SEA should consider this and other incentives for landowners to harbor and restore trees and other sensitive species and habitats within private property	Resource Conservation District of SMM	The SEA Ordinance will follow similar mitigation tree interpretation as the Coastal Zone. Language will be added to the ordinance and Implementation Guide to allow for smaller than mitigation size trees that have naturally sprouted to be protected as mitigation trees in lieu of planting mitigation trees.
Prefers the Alternative Option for reduced SEA exemptions in the Antelope Valley contrary to the staff recommendation. The total exemption of broad swaths of the Antelope Valley from the Ordinance ignores the biological science in the record. Science should prevail to protect desert habitat	Santa Monica Mountains 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.
If a recorded land protection instrument is subordinate in title to to secured loans, including construction loans, then a default on any one said loans wipes out the land protection mechanisms enforceability.	Santa Monica Mountains Conservancy	Will add language in the Implementation Guide for planners to require all mitigation to be satisfied prior to issuance of a grading permit. Conservation easements will be recorded separately, prior to issuance of a grading permit and prior to recording a final map.
If the land protection instrument/mechanism is subordinate in title to unused easements that are not consistent with minimum land protection objectives, the ecological value of newly protected land could be significantly degraded.	Santa Monica Mountains Conservancy	Will add language in the Implementation Guide to ensure that conservation easements approved as open space preservation shall not conflict with other existing easements. The main objective is to protect biological habitat. If there is a conflict, the Implementation Guide will advise the case planner to work with the staff biologist to find the best solution that resolves the conflict. This may mean reworking the boundaries of the conservation easement or the existing easement to resolve the conflict to meet the main objective.
Potential weakness if mitigation trees are not replanted and monitored for the required seven years. For example, if persons obtained their permits, built their project, and planted their mitigation trees but then never addressed the trees again, it appears that the County has no resources other than to potentially record a violation on the property. If the ownership does not change hands for many years, then no mitigation occurs or it is significantly delayed perhaps with a new owner that desires to remedy the violation. The only solution to compel timely compliance is some program that has the equivalence of a construction bond.	Santa Monica Mountains Conservancy	The County Foresters will monitor the mitigation trees at years 2, 4, and 7 of the 7 year mitigation monitoring period. This monitoring period begins when the mitigation trees are planted. It does not require the property to changes hands for the mitigation to begin.



**DIVISION 5: SPECIAL MANAGEMENT AREAS.**

**Chapters:**

**[Chapter 22.100 Special Management Areas.](#)**

**[Chapter 22.102 Significant Ecological Areas.](#)**

**[Chapter 22.104 Hillside Management Areas.](#)**

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**Chapter 22.100 Special Management Areas.**

(Reserved)

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**Chapter 22.102 Significant Ecological Areas.**

**Sections:**

**[22.102.010 Purpose.](#)**

**[22.102.020 Application Required.](#)**

**[22.102.030 Exemptions.](#)**

**[22.102.040 Additional Contents of Application.](#)**

**[22.102.050 Burden of Proof.](#)**

**[22.102.060 Hearings.](#)**

**[22.102.070 Director's Report.](#)**

**[22.102.080 Findings and Decision.](#)**

**[22.102.090 Conditions.](#)**

**22.102.010 Purpose.**

A Conditional Use Permit (Chapter 22.158) application is required to protect resources contained in Significant Ecological Areas as specified in the General Plan from incompatible development, which may result in or have the potential for environmental degradation. In extending protection to these environmentally sensitive areas, it is intended further to provide a process whereby the reconciliation of potential conflict within these areas may equitably occur. It is not the purpose to preclude development within these areas but to ensure, to the extent possible, that such development maintains and where possible enhances the remaining biotic resources of the Significant Ecological Areas, while allowing for limited controlled development therein.

**22.102.020 Application Required.**

Except as specified in Section 22.102.030 (Exemptions), below, prior to the issuance of any building or grading permits, the relocation of two or more property lines between three or more contiguous lots in a coordinated effort as determined by the Director regardless of the ownership of the involved lots and regardless of whether the relocations are applied for concurrently or through multiple or successive applications, approval of a minor land division or subdivision, or the commencement of any construction or enlargement of any building or structure on a lot which is in or partly in an area designated in the General Plan and related maps as a Significant Ecological Area, a Conditional Use Permit for Significant Ecological Areas shall be applied for and approved as provided by Chapter 22.158 (Conditional Use Permits) and this Chapter only when, unless a Conditional Use Permit is otherwise required by this Title 22, the property contains an area that, on or after January 1, 2012, was designated in the General Plan as a Significant Ecological Area, and if the proposed project includes development on the portion of that property that is located in the Significant Ecological Area.

### **22.102.030 Exemptions.**

Permit exemptions include:

- A. Accessory buildings and structures as defined in this Title 22.
- B. Additions or modifications to existing residences; provided, however, that such additions or modifications do not increase the number of families that can be housed in said residences.
- C. Individual single-family residences where not more than one such residence is proposed to be built by the same person on contiguous lots. This exemption shall not apply to the relocation of two or more property lines between three or more contiguous lots as described in Section 22.102.020 (Application Required).
- D. Final maps and development approvals (permits) related thereto which are in substantial conformance with a tentative map approved or extended by the County since December 31, 1978, except as State law may otherwise specify.
- E. Complete applications for development proposals which were filed for approval prior to February 5, 1981, except at the specific request of the applicant. This exemption shall also apply to the refiling of applications which were denied solely by reason of Sections 65950 through 65967 of the California Government Code and were originally filed prior to February 5, 1981. Any development proposals within this exemption still must be consistent with the General Plan.
- F. Property located in both a Significant Ecological Area and a Sensitive Environmental Resource Area.

### **22.102.040 Additional Contents of Application.**

In addition to the requirements for a Conditional Use Permit (Chapter 22.158) application, an application for a Conditional Use Permit for Significant Ecological Areas shall contain the following information:

- A. Panoramic or composite photographs from all major corners of the subject property and from major elevated points within the property.
  - B. A map showing the existing topography of the subject property.
- Commercially available maps may be deemed acceptable. Such map shall identify the

locations of all drainage patterns, watercourses, and any other physical features that are customarily found on topographical maps prepared by the United States Geological Survey.

C. A grading plan to a scale satisfactory to the Director indicating all proposed grading, including the natural and finished elevations of all slopes to be graded.

D. The following, if the construction of dwelling or other structures are part of the proposed project:

1. Exterior elevation drawings, to a scale satisfactory to the Director, indicating proposed building heights and major architectural features; and

2. Plans for decorative landscaping, showing the location of proposed groundcover areas, shrub mass, and existing and proposed tree locations for common or open space areas not left in a natural state. Such plan shall also include botanical and common names of all planting materials.

E. Identification and location of the resources constituting the basis for classification of such area as a Significant Ecological Area where not provided by the environmental assessment or the initial study for an environmental document.

F. Proposed natural open areas, buffer areas, or other methods to be used to protect resource areas from the proposed use.

G. Such other information as the Director determines to be necessary for adequate evaluation. The Director may waive one or more of the above items where the Director deems such items to be unnecessary to process the application.

#### **22.102.050 Burden of Proof.**

In addition to information required in Section 22.158.050 (Findings and Decision) the Conditional Use Permit for Significant Ecological Areas shall substantiate to the Commission or Hearing Officer the following facts:

A. That the requested development is designed to be highly compatible with the biotic resources present, including by setting aside appropriate and sufficient undisturbed areas;

B. That the requested development is designed to maintain water bodies, watercourses, and their tributaries in a natural state;

C. That the requested development is designed so that wildlife movement corridors (migratory paths) are left in an undisturbed and natural state;

D. That the requested development retains sufficient natural vegetative cover and/or open spaces to buffer critical resource areas from said development;

E. That where necessary, fences, or walls are provided to buffer important habitat areas from development; and

F. That roads and utilities serving the proposed development are located and designed so as not to conflict with critical resources, habitat areas or migratory paths.

**22.102.060 Hearings.**

In all cases where formal filing for an application for a Conditional Use Permit for Significant Ecological Areas is submitted, a public hearing shall be held pursuant to current procedures. In all cases, however, where an application for a Conditional Use Permit for Significant Ecological Areas is filed and processed as a single application with a land division case, such public hearings shall be held concurrently.

**22.102.070 Director's Report.**

A. In all cases where a public hearing is required, the Director shall prepare a report to the Commission or Hearing Officer containing, but not limited to, the following:

1. Detailed review of the applicant's development proposal, including:
  - a. Appraisal of measures taken to protect scenic, biotic, and other resources;
  - b. Recommended changes in the proposed development necessary or desirable to achieve compliance with the findings required by Section 22.102.080 (Findings and Decision), below, and the provisions of the General Plan; and
  - c. Recommended conditions to be imposed to ensure that the proposed development will be in accord with the findings required by

Section 22.102.080 (Findings and Decision), below, and the provisions of the General Plan.

2. In cases where the proposed development would impact a Significant Ecological Area and where such information is not included in the environmental document, identification and location of the resources constituting the basis for classification of such area as a Significant Ecological Area.

B. The Director, in developing such a report and recommendation, will consult with appropriate agencies and will compile the recommendations and comments of such agencies, including any recommendation of SEATAC.

**22.102.080 Findings and Decision.**

The Commission or Hearing Officer shall not approve an application for a Conditional Use Permit for Significant Ecological Areas unless it finds that the proposal is consistent with the General Plan and that the burden of proof set forth in Section 22.102.050 (Burden of Proof) has been met by the applicant.

**22.102.090 Conditions.**

The Commission or Hearing Officer shall, as a condition of approval, require that the proposed development incorporates those measures necessary to protect identified resources and meet the burden of proof described in Section 22.102.060 (Burden of Proof), above. The Commission or Hearing Officer, in granting approval of the application for the Conditional Use Permit for Significant Ecological Areas, may impose additional conditions.

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**Chapter 22.104 Hillside Management Areas.**

**Sections:**

**22.104.010 Purpose.**





# Los Angeles County Department of Regional Planning

*Planning for the Challenges Ahead*



Amy J. Bodek, AICP  
Director

Dennis Slavin  
Chief Deputy Director

## 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

CASE PLANNER: Iris Chi, AICP, Regional Planner  
ichi@planning.lacounty.gov

### **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 FOWARD 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.

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Report  
Reviewed By:

  
Patricia Hachiya, Supervising Regional Planner

Report  
Approved By:

  
Mark Child, Deputy Director

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#### 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



**DRAFT RESOLUTION  
REGIONAL PLANNING COMMISSION  
COUNTY OF LOS ANGELES  
PROJECT NO. 2017-003725-(1-5)  
ADVANCE PLANNING NO. RPPL2017006228  
GENERAL PLAN AMENDMENT NO. RPPL2018003985  
ENVIRONMENTAL ASSESSMENT NO. RPPL2018004477**

**WHEREAS**, pursuant to Article 6 of Chapter 3 of Division 1 of Title 7 of the Government Code of the State of California (commencing with Section 65350), the County of Los Angeles ("County") is authorized to adopt amendments to its General Plan and elements thereof;

**WHEREAS**, pursuant to Article 1 of Chapter 4 of Division 1 of Title 7 of the Government Code of the State of California (commencing with Section 65800) and Chapter 22.232 of the County Code, the County is authorized to adopt amendments to Title 22 of the County Code (Planning and Zoning);

**WHEREAS**, the Regional Planning Commission of the County of Los Angeles ("Commission") has conducted a duly noticed public hearing on February 27, 2019 to consider Project No. 2017-003725-(1-5) which includes amendments to the General Plan and Title 22 (Planning and Zoning) of the Los Angeles County Code ("County Code") related to the Significant Ecological Areas Program Update; and

**WHEREAS**, the Commission finds as follows:

1. 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.
2. The SEA Ordinance is a countywide ordinance that 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 SEA Ordinance update. The Santa Catalina Island CRA will also be subject to the 1982 ordinance until the Santa Catalina Island Local Coastal Program is amended.
3. 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

**Regional Planning Commission**  
**SEA Program Update**  
**Draft Resolution**

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.

4. The SEAs categorized as “Conceptual” amended per General Plan Amendment No. RPPL2018003985) are located in the communities of Altadena (Altadena Foothills and Arroyos SEA), and Hacienda Heights and Rowland Heights (Puente Hills SEA).
5. The SEA Ordinance Update proposes changes to the permitting and review processes, establishes new design and development standards, requires mandatory open space preservation, and enforces unpermitted activities in the SEAs. These include:

Development Standards and Thresholds

Standard industry-recognized concepts were used 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.

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.

Streamlined Review Process

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. 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

**Regional Planning Commission**  
**SEA Program Update**  
**Draft Resolution**

SEA Review will not have to submit additional biological studies and documentation or be reviewed by SEATAC.

Natural Open Space Preservation

Both Ministerial SEA Review and SEA CUPs will be required to provide natural open space preservation. The ratios for open space preservation are based on the amount and type of SEA Resources disturbed.

SEA Protected Trees

The SEA Protected Trees development standard and Protected Tree Permit were developed to better assess impacts on native trees in the SEAs. Mitigation ratios were developed for the Protected Tree Permit. The Protected Tree Permit will allow for development that meets all development standards except for the SEA Protected Trees development standard.

Enforcement

Any activity defined as development in the SEAs prior to an approved permit is prohibited. A Ministerial SEA Review or SEA CUP shall be obtained to assess the impacts of the unpermitted development and require necessary mitigations. If neither permit is obtained, then a Restoration Permit shall be required to restore the disturbed area to a close resemblance of its original natural habitat.

6. The SEA Ordinance and Conceptual SEA Updates work towards achieving General Plan Goal C/NR 3. In comparison to the existing SEA Ordinance, the updated SEA Ordinance is more protective of the natural habitats that make up the SEAs. The updated SEA Ordinance requires preliminary assessment of biological resources to guide sustainable development and provides for permanent preservation of sensitive habitats. The adoption of the Conceptual SEAs as part of the SEA policy map will ensure additional protections for those areas.
7. 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.
8. 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

**Regional Planning Commission**  
**SEA Program Update**  
**Draft Resolution**

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 Certified Final EIR fully analyzed the areas categorized as Conceptual SEAs as part of the proposed Altadena Foothills and Arroyos and Puente Hills SEAs. The General Plan EIR did not make any specific mention of Conceptual SEAs. 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.

9. County departments were consulted during the Project's development. Departments consulted include Public Works, Public Health, Parks and Recreation, and Fire. Comments and recommendation on review procedures for County projects were received from County department and were incorporated into the Public Hearing Draft of the SEA Ordinance and Implementation Guide.
10. The Department conducted a robust public engagement campaign during the period from March to September 2018. 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.
11. Members of the public had three opportunities to comment on the draft SEA Ordinance. The first comment period for the Public Review Draft was from March 14 to May 31, 2018. The comments received included the Antelope Valley exemptions, protection of Conceptual SEAs, applicability of the SEA Ordinance. The second comment period for the Public Hearing Draft (September 2018) was from August 27, 2018 to September 26, 2018. The third comment period for the Public Hearing Draft (February 2019) was from January 28, 2019 to February 27, 2019.
12. 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.
13. 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.
14. *Reserved for Hearing Proceedings.*



**Regional Planning Commission  
SEA Program Update  
Draft Resolution**

15. The location of the documents and other materials constituting the record of proceedings upon which the Commission's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Environmental Planning and Sustainability section, Los Angeles County Department of Regional Planning;

**THEREFORE, BE IT RESOLVED THAT** the Regional Planning Commission recommends to the Board of Supervisors of the County of Los Angeles as follows:

1. Hold a public hearing to consider Project No. 2017-003725-(1-5), which includes General Plan Amendment No. RPPL2018003985, Advance Planning No. RPPL2017006228, and Environmental Assessment No. RPPL 2018004477;
2. Find that the Addendum to the Certified Final EIR for the Los Angeles County General Plan Update Project 02-305 has been prepared in compliance with the California Environmental Quality Act and state and local agency guidelines related thereto and reflect the independent judgement of the Board;
3. Adopt the SEA Ordinance Update, Advance Planning No. RPPL2017006228, containing the proposed amendments to Title 22 (Planning and Zoning), and determine that the amendments are compatible with and supportive of the goals and policies of the Los Angeles County General Plan.
4. Adopt the Conceptual SEAs Update, General Plan Amendment No. RPPL2018003985, an amendment to the General Plan which designates the Altadena Foothills and Arroyos and the Puente Hills Conceptual SEAs as official SEAs and subject to the regulations of the SEA Ordinance;

**Regional Planning Commission  
SEA Program Update  
Draft Resolution**

I hereby certify that the foregoing resolution was adopted by a majority of the voting members of the Regional Planning Commission of the County of Los Angeles on February 27, 2019.

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Rosie O. Ruiz, Secretary  
Regional Planning Commission  
County of Los Angeles

APPROVED AS TO FORM:

MARY C. WICKHAM  
County Counsel

By 

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Elaine Lemke  
Assistant County Counsel  
Property Division

**ADDENDUM TO THE  
CERTIFIED FINAL ENVIRONMENTAL IMPACT REPORT (EIR)  
FOR THE  
LOS ANGELES COUNTY GENERAL PLAN UPDATE  
STATE CLEARINGHOUSE NO. 2011081042**

The Los Angeles County General Plan Update (“General Plan”) was adopted by the Board of Supervisors on October 6, 2015. The General Plan provides the policy framework and establishes the long-range vision for how and where the unincorporated area will grow, and establishes goals, policies, and programs to foster healthy, livable, and sustainable communities.

The Conceptual SEAs Update is an amendment to the General Plan to remove all text references to “Conceptual SEAs” and amend the Significant Ecological Areas and Coastal Resource Areas Policy Map (Figure 9.3) to designate the Altadena Foothills and Arroyos and the Puente Hills “Conceptual SEAs” as official “SEAs” and subject to the SEA Ordinance.

Section 15164 of the California Environmental Quality Act authorizes Lead Agencies to prepare an Addendum to a previously Certified EIR if changes or additions to the document are necessary and none of the conditions described in Section 15162 are present.

Section 15162 of the CEQA guidelines states:

*(a) When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:*

*(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;*

*(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or*

*(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:*

*(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;*

*(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;*

*(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or*

*(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.*

*(b) If changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency shall prepare a subsequent EIR if required under subdivision (a). Otherwise the lead agency shall determine whether to prepare a subsequent negative declaration, an addendum, or no further documentation.*

*(c) Once a project has been approved, the lead agency's role in project approval is completed, unless further discretionary approval on that project is required. Information appearing after an approval does not require reopening of that approval. If after the project is approved, any of the conditions described in subdivision (a) occurs, a subsequent EIR or negative declaration shall only be prepared by the public agency which grants the next discretionary approval for the project, if any. In this situation no other responsible agency shall grant an approval for the project until the subsequent EIR has been certified or subsequent negative declaration adopted.*

*(d) A subsequent EIR or subsequent negative declaration shall be given the same notice and public review as required under Section 15087 or Section 15072. A subsequent EIR or negative declaration shall state where the previous document is available and can be reviewed.*

The Department of Regional Planning has determined that none of the conditions described in Section 15162 are present. No major revisions of the Certified EIR are required as no new significant environmental effects have been identified, nor has a substantial increase in the severity of previously identified significant effects been identified, nor have any substantial changes occurred with respect to the circumstances under which the project was undertaken.

The project does not propose to change the impacts previously analyzed within the Certified EIR. The proposed amendments to the General Plan are consistent

with the Certified EIR analyses. The Certified EIR did not make any specific mention of Conceptual SEAs or analyze the Conceptual SEAs in a different manner from the other SEAs. The Certified EIR fully analyzed the areas categorized as Conceptual SEAs as the Altadena Foothills and Arroyos and Puente Hills SEAs that was proposed in the General Plan Update. A Modified Environmental Checklist Form (Initial Study) was not created for this project nor was a subsequent EIR pursuant to Section 15162 prepared since there are no potential project impacts that would require revisions to the Certified Final EIR.

Therefore, an Addendum to the Certified Final EIR for the General Plan Update, adopted on October 6, 2015, was prepared in compliance with Section 15164 of the CEQA Guidelines. The Certified Final EIR for the General Plan Update can be found at <http://planning.lacounty.gov/generalplan/eir>.

Section 15164 of the CEQA Guidelines states:

*(a) The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.*

*(b) An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.*

*(c) An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration.*

*(d) The decision-making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project.*

*(e) A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.*

**ORDINANCE NO. \_\_\_\_\_**

An ordinance amending Title 22 – Planning and Zoning – of the Los Angeles County Code related to the update of regulations for Significant Ecological Areas and associated provisions.

**SECTION 1.** Division 2 - Definitions is hereby amended to read as follows:

...

-- **Significant Ecological Area (SEA).** Land that is identified to hold important biological resources representing the wide-ranging biodiversity of the County, based on the criteria for SEA designation established by the General Plan and as defined in the adopted SEA Policy Map. ~~A. Significant ecological areas/habitat management areas designated on the special management areas map of the general plan.~~

~~B. Environmentally sensitive habitat areas, sensitive environmental resource areas, and rare plant habitat areas, identified in the Santa Catalina Island Local Coastal Program depicting any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.~~

...

~~--“SEATAC” means the significant ecological areas technical advisory committee.~~

-- **Significant Ecological Areas Technical Advisory Committee (SEATAC).**  
An expert advisory committee, which assists the Department in their administration of Chapter 22.102 and provides recommendations regarding development within the designated Significant Ecological Areas.

...

**SECTION 2.** Chapter 22.102 is hereby deleted in its entirety.

...

**SECTION 3.** Chapter 22.102 is hereby added to read as follows:

## **SIGNIFICANT ECOLOGICAL AREAS**

### **SECTIONS:**

**22.102.010** Purpose

**22.102.020** Definitions

**22.102.030** Applicability

**22.102.040** Exemptions

**22.102.050** SEA Counseling

**22.102.060** Ministerial SEA Review

**22.102.070** Protected Tree Permit

**22.102.080** SEA Conditional Use Permit

**22.102.090** SEA Development Standards

**22.102.100** Natural Open Space Preservation

**22.102.110** Enforcement

**22.102.120** Fees

**22.102.130** Review Procedures for County Projects

**22.102.140** Review Procedures for Habitat Restoration Projects

**22.102.150** Significant Ecological Areas Technical Advisory Committee

### **22.102.010 Purpose.**

This Chapter establishes regulations to conserve the unique biological and physical diversity of the natural communities found within Significant Ecological Areas (SEA) by requiring development to be designed to avoid and minimize impacts to SEA Resources.



## ***Significant Ecological Areas Ordinance Update***

*Public Hearing Draft (February 14, 2019)*

These requirements will help ensure the long-term survival of the SEAs and their connectivity to regional natural resources. This Chapter regulates development within SEAs by:

- A. Protecting the biodiversity, unique resources, and geological formations contained in SEAs from incompatible development, as specified in the Conservation and Natural Resources Element of the General Plan;
- B. Ensuring that projects reduce the effects of habitat fragmentation and edge effects by providing additional technical review of existing resources, potential impacts, and required mitigations;
- C. Ensuring that development within a SEA conserves biological diversity, habitat quality, and connectivity to sustain species populations and their ecosystem functions into the future; and
- D. Directing development to be designed in a manner, which considers and avoids impacts to SEA resources within the Los Angeles County region.

### **22.102.020 Definitions.**

For purposes of this Chapter, the following definitions apply:

- A. **Biological Constraints Analysis (BCA).** A report, prepared by a qualified biologist listed in the [Significant Ecological Areas Technical Advisory Committee \(SEATAC\)](#) Certified Biologist List maintained by the Department, which assesses the biological resources on a project site and in the surrounding area. A comprehensive list of what ~~should~~ [shall](#) be included in the BCA is found in the BCA Checklist to be maintained by the Department.
- B. **Biological Constraints Map (BCM).** A map of the project site prepared by a qualified biologist listed in the SEATAC Certified Biologist List maintained by the Department, which identifies all SEA Resources, as defined within this Chapter. A

**Significant Ecological Areas Ordinance Update**

Public Hearing Draft (February 14, 2019)

- comprehensive list of what ~~should~~ shall be included in the BCM is found in the BCM Checklist to be maintained by the Department.
- C. **Biota Report.** A report prepared by a qualified biologist listed in the SEATAC Certified Biologist List maintained by the Department that addresses project impacts on the biological resources identified in the BCM and/or BCA and outlines proposed mitigation strategies. A comprehensive list of what ~~should~~ shall be included in the Biota Report is found in the Biota Report Checklist to be maintained by the Department.
- D. **Conservation easement.** A recorded legal agreement between a landowner and an accredited land trust or government agency in which the land owner places restrictions to permanently limit uses of the land in order to protect its conservation values and the accredited land trust or government agency monitors and enforces the restrictions.
- E. **Conservation or mitigation bank.** Permanently protected lands that are conserved and permanently managed for specific natural resource values, for which a specified number of habitat or species credits may be sold to project developers to offset adverse impacts from their projects.
- F. **Conservation in-lieu fee.** A fee that is provided by a project developer to a mitigation sponsor, such as a natural resource management entity, in lieu of providing required compensatory mitigation, which the mitigation sponsor may pool with other in-lieu fees to create one or more sites to compensate for the resource functions lost as a result of the development.
- G. **County Biologist.** A biologist employed by, or under contract to, the Department.
- H. **Deed restriction.** A land use restriction that is added to the deed of a property and through recordation with the Registrar-Recorder/County Clerk that restricts the use of the property.

## ***Significant Ecological Areas Ordinance Update***

*Public Hearing Draft (February 14, 2019)*

### **I. Development.** Any of the following activities within a SEA:

1. Alteration to existing vegetation, including but not limited to vegetation removal for fuel modification, landscaping, or active recreational activities;
2. Alteration to topography, including excavation, drilling, blasting, dredging, tillage and ~~disking~~ discing, earthwork, and rough or precise grading of any amount, such as cut, fill, or combination thereof;
3. Construction, placement, repair, expansion, or demolition of any access road, driveway, street or highway, including all associated construction staging;
4. Construction, placement, modification, expansion, or demolition of any infrastructure, including but not limited to, water and sewerage lines, drainage facilities, telephone lines, and electrical power transmission and distribution lines, including all associated construction staging;
5. Construction, placement, modification, expansion, or demolition of any structure, including all associated construction staging;
6. Fenced areas used for livestock or companion animals including riding rings, kennels, paddocks, and grazing lands, or for security reasons/purposes;
7. Land divisions, except for projects with all development rights dedicated to the County, to another public agency that manages conserved natural land, or to an accredited land conservancy trust; and
8. Construction, placement, modification, expansion, or demolition of trails (biking, hiking, equestrian, etc.).

#### 9. Change or intensification of use.

- ### **J. Development footprint.** The area of disturbance for development, both temporary and permanent, including but not limited to, all structures, driveways and access, fuel modification areas, and direct habitat disturbances associated with the development.

**Significant Ecological Areas Ordinance Update**

*Public Hearing Draft (February 14, 2019)*

1. **Building site area.** The portion of the development footprint that is or will be developed, including building pad and all graded slopes, all structures, decks, patios, impervious surfaces, and parking areas. For the purpose of limiting the building site area to 20,000 square feet per Subsection 22.102.060.A (Review Procedures), the following development associated with the primary use may be excluded from the total building site area calculation:
  - a. The area of one access driveway or roadway that does not exceed 20 feet in width and 300 feet in length, and is the minimum design necessary, as required by the Fire Department;
  - b. The area of one turn-around not located within the approved building pad, and is the minimum design necessary to ensure safety and comply with Fire Department requirements;
  - c. Graded slopes exclusively associated with the access driveway or roadway and safety turnaround indicated above; and
  - d. Fuel modification area required by the Fire Department.
- K. **Ecosystem.** A biological community of interacting organisms and their physical environment.
- L. **Ecosystem function.** The natural processes (chemical, biological, geochemical, and physical), that take place within an ecosystem and contribute to its self-maintenance.
- M. **Ecosystem service.** The results of ecosystem functions which provide a benefit to the natural environment and humans. Examples of ecosystem services include air pollution reduction, maintenance and/or improvement of water quality, temperature moderation, fertile soil, and scenic views.
- N. **Edge Effects.** The effects of development on adjacent natural areas due to introduction of structures, non-native and/or non-local plants, and animals. Structures

## ***Significant Ecological Areas Ordinance Update***

*Public Hearing Draft (February 14, 2019)*

change the microclimate or constitute barriers to movement. Introduced species displace native species or interact with natural processes and change conditions so that the native species are no longer well-adapted to the altered environment.

- O. **Encroachment.** An intrusion, disturbance, or construction activity within the protected zone of a tree.
- P. **Exploratory testing.** Any excavation for the purpose of evaluating soil and/or hydrologic conditions, or geologic hazards. This includes exploratory test holes for water wells, percolation testing for on-site wastewater treatment systems, the access road to the test site, and any other activity associated with evaluating a site for development.
- Q. **Fragmentation.** The process by which a landscape is broken into small islands of natural habitat within a mosaic of other forms of land use or ownership.
- R. **Fuel Modification.** The process of providing a defensible space for fire suppression forces and protection of structures from radiant and convective heat through project design and the reduction of fuel loads. A Fire Department-approved Fuel Modification Plan is required for all new structures and additions to existing structures that are equal to or greater than 50% of the existing square footage, ~~which are~~ located in the Very High Fire Hazard Severity Zone. A ~~f~~Fuel ~~m~~M~~o~~modification ~~p~~P~~l~~an typically consists of the following zones:
1. **Zone A.** The Setback Zone, ~~which typically extends 20 feet from any qualifying structure, is required~~ requires clearing of all vegetation except for irrigated ground cover, lawn, adequately-spaced low-growing plant species, or hardscape.
  2. **Zone B.** The Irrigated Zone, ~~which typically extends from 20 to 100 feet from any qualifying structure or to the property line,~~ requires an irrigated landscape ~~and or~~ thinning of native vegetation and removal of plant species constituting high-fire risk.

**Significant Ecological Areas Ordinance Update**

Public Hearing Draft (February 14, 2019)

3. **Zone C.** The Thinning Zone, ~~extends from 100 to 200 feet from any qualifying structure or to the property line. requires T~~ thinning the density of existing native vegetation ~~is required in this zone~~ to reduce the amount of fuel and slow the rate of fire spread, slow flame lengths, and reduce the intensity of fire before it reaches the irrigated zones.
- S. **Geological Ffeatures.** Landform and physical features, such as beaches, dunes, rock outcrops, and rocklands, formed through natural geological processes.
- T. **Landscaping.** Any activity that modifies the visible features of an area of land through alteration of natural elements, such as altering the contours of the ground or planting trees, shrubs, grasses, flowers, and other plants.
- U. **Land trust.** A non-profit organization that actively works to conserve land by undertaking or assisting in land or conservation easement acquisition, and is responsible to ensure the applicable preservation mechanisms required by this Chapter for lands received and terms of the conservation easement are upheld through stewardship activities.
- UV. **Large Lot Parcel Map.** A map with parcels ~~with 20 acres or more and less than 40~~ between 20 and 40 acres in size with no improvements, and with required access to a public street or highway; or, parcels with minimum 40 acres or more ~~without~~ no improvements, and not required to have access to a public street or highway.
- VW. **Linkage.** An area of land that possesses sufficient cover, food, forage, water, and other essential elements to serve as a movement pathway for species between two or more ~~major~~ areas of habitat.
- WX. **Natural Ccommunity.** A distinctive assemblage of plant species that live together and are linked by their effects on one another and their environment, and which present a characteristic appearance based on size, shape, and spacing that is

## ***Significant Ecological Areas Ordinance Update***

*Public Hearing Draft (February 14, 2019)*

reflective of the effects of local climate, soil, water, disturbance, and other environmental factors.

**XY. Natural Oopen Sspace.** Lands preserved in their natural, undeveloped condition.

**YZ. Previously disturbed farmland.** Farmland not grazed by domestic stock identified within the State of California Farmland Mapping and Monitoring Program ~~that has or~~ proved to have been used for agricultural production at some time during the past four years ~~prior to the most recent mapping date~~ to the satisfaction of the Director.

**ZAA. Priority Biological Resource.** SEA Resource Categories 1, 2, and/or 3.

**AABB. Protected Zzone.** The area within the dripline of a tree and extending therefrom to a point at least five feet outside the dripline, or 15 feet from the trunk, whichever is greater.

**BBCC. Restoration Plan.** A plan that delineates the process of habitat restoration in order to return the habitat to a close resemblance of its condition prior to disturbance. A Restoration Plan shall be prepared by a qualified biologist or restoration ecologist, and includes the following:

1. Description and map of the area proposed to be restored or enhanced;
2. Description of restoration or enhancement activities, including incidental activities, and their timeline;
3. An inventory of SEA Resources onsite, including an evaluation of existing and pre-disturbance habitat quality;
4. Statement of restoration goals and performance standards;
5. Revegetation and restoration methodologies to be implemented; and
6. Maintenance and monitoring provisions, including a monitoring period of no less than five years for individual restoration projects.



~~CCDD~~. **SEA Protected Trees.** Native trees listed in the SEA Protected Tree List maintained by the Department are protected under the provisions of this Chapter, as described below:

1. Any listed native tree with a trunk diameter that meets or exceeds the diameter listed in the SEA Protected Tree List maintained by the Department, as measured 54 inches above natural grade.
2. Any listed native tree with two or more trunks that measure a total of at least 8 inches in diameter, as measured 54 inches above natural grade.
3. **Heritage Tree.** Any listed native tree with a trunk diameter that measures 36 inches or more in a single trunk or two trunks that measures a total of 54 inches or more in diameter. Exceptions to this are Joshua and juniper trees; heritage trees of those species have a height of 20 feet or a canopy spread of 35 feet, respectively. A Heritage Tree is considered irreplaceable because of the tree's rarity, distinctive features (e.g. size, form, shape, color), or prominent location within a community or landscape.

~~DDDE~~. **SEA Resource.** Biological and physical natural resources that contribute to and support the biodiversity of SEAs and the ecosystem services they provide. SEA Resources include the species listed below within the five SEA Resource categories. SEA Resources are generally ranked based on rarity, sensitivity, and level of protection as it relates to the SEAs.

1. **SEA Resource Category 1.** Includes natural communities accepted by California Department of Fish and Wildlife (CDFW) and ranked G1 or S1 by CDFW, or utilizing NatureServe's Conservation Status Assessment methodology for unranked communities; plant species categorized by the California Native Plant Society (CNPS) as California Rare Plant Rank (RPR) 1A, 1B, 2A, 2B, or 3; plant and animal species formally listed or proposed for listing under the State

**Significant Ecological Areas Ordinance Update**

Public Hearing Draft (February 14, 2019)

and/or Federal Endangered Species Acts and habitat occupied by any such species; and water resources as defined by this Chapter.

2. **SEA Resource Category 2.** Includes natural communities accepted by CDFW and ranked G2 or S2 by CDFW, or utilizing NatureServe's Conservation Status Assessment methodology for unranked communities; animals listed by CDFW as Species of Special Concern and habitat occupied by any such species; ~~and any biological or physical natural resource identified in the Sensitive Local Native Resources list maintained by the Department.~~
3. **SEA Resource Category 3.** Includes natural communities accepted by CDFW and ranked G3 or S3 by CDFW, or utilizing NatureServe's Conservation Status Assessment methodology for unranked communities; ~~and~~ oak woodlands as defined by the Los Angeles County Oak Woodland Conservation Management Plan; and any biological or physical natural resource identified in the Sensitive Local Native Resources list maintained by the Department.
4. **SEA Resource Category 4.** Includes natural communities accepted by CDFW and ranked G4, S4, G5 or S5 by CDFW, or utilizing NatureServe's Conservation Status Assessment methodology for unranked communities; plant species categorized by CNPS as RPR 4; and habitat occupied by annual or herbaceous RPR 4 plant species.
5. **SEA Resource Category 5.** Includes disturbed, early successional, or isolated resource elements, such as plant communities dominated by non-native species, agricultural fields, hedges, and non-native trees, which continue to provide habitat and movement opportunities for wildlife, buffers between development and wildlands, and ecosystem functions valuable to the resilience of the SEAs.

~~EEEE~~. **Sensitive Local Native Resources.** Species identified by the Department to be rare or uncommon in the County or within a specific SEA, due to, but not limited to,

## ***Significant Ecological Areas Ordinance Update***

*Public Hearing Draft (February 14, 2019)*

being at the outer limits of their known range, having declining populations in the region, occurring in naturally small populations, being dependent on habitat that is declining in size and quality, having few records within the region, or having historically been abundant in the region but for which there are no recent records. A list of Sensitive Local Native Resources is maintained by the Department.

**FFGG. Stream.** Stream is a physical feature that at least periodically conveys water through a channel or linear topographical depression, defined by the presence of hydrological and vegetative indicators.

**GGHH. Trim or Pprune.** The cutting of or removal of any limbs, branches, or roots of trees.

**HHII. Vegetation.** Ground cover that includes trees, shrubs, bushes, grasses, wildflowers, and other plant life.

**IIJJ. Water resources.** Sources of permanent or intermittent surface water, including but not limited to lakes, reservoirs, ponds, rivers, streams, marshes, seeps, springs, vernal pools, and playas.

**JJKK. Wetland.** Wetland is an area of land that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, with delineations following guidelines defined in the USFW Classification of Wetlands and Deepwater Habitats of the United States (Cowardin, 1979).

**KKLL. Wildlife.** All animal life, including mammals, birds, reptiles, amphibians, fish, and invertebrates.

**LLMM. Wildlife Ccorridor.** An area of open space with sufficient width to permit larger, mobile species (such as, but not limited to, foxes, bobcats, and coyotes) to pass between or disperse from one major area of open space or region to another.

~~MMNN~~. **Wildlife-permeable fencing.** A fence, wall, or gate that can be easily bypassed by all species of wildlife found within SEAs (such as, but not limited to, deer, coyotes, bobcats, mountain lions, rodents, amphibians, reptiles, and birds).

#### **22.102.030 Applicability**

- A. Applications submitted on or after the effective date of this ordinance are subject to the regulations herein. Pending projects with a complete application prior to the date of applicability for this Chapter may choose to comply with the SEA Ordinance applicable at the time of a complete application submittal or the amended SEA regulations made effective through this ordinance amending this Chapter.
- B. This Chapter applies to all activities that meet the definition of development herein where occurring within all areas designated in the General Plan and related maps as SEAs.
- C. Where a provision of the zone, supplemental district, or anywhere else in this Title 22 regulates the same matter as this Chapter, whichever provision is more protective of biological resources shall apply.
- D. Until such time as the Santa Catalina Island Local Coastal Program (LCP) is amended, development within SEAs as mapped in the LCP shall be regulated by the version of the SEA Ordinance in effect at the time of certification of the LCP.
- E. Until such time as the Santa Monica Mountains North Area Community Standards District (SMMNA CSD) is amended, development occurring within SEAs in the boundaries of the Santa Monica Mountains North Area Plan shall be regulated by the version of the SEA Ordinance in effect at the time of the adoption of the Los Angeles County General Plan 2035.

## **22.102.040 Exemptions**

The following developments are exempt from the regulations of this Chapter. Development that does not qualify for any of the exemptions listed below is subject to the regulations of this Chapter.

A. Within the boundaries of the Antelope Valley Area Plan:

1. Construction of a new single-family residence, regardless of size;
2. Improvements accessory to a single-family residence, regardless of size:
  - a. Additions to an existing single-family residence;
  - b. Landscaping;
  - c. New accessory structures;
  - d. Additions to existing accessory structures; and
  - e. New or expanded animal keeping areas and facilities.
3. Agricultural uses on all previously disturbed farmland as defined by Section 22.102.020 (Definitions).

B. All areas outside the boundaries of the Antelope Valley Area Plan:

1. Additions or modifications to existing single-family residences, associated accessory structures, or animal keeping areas/structures, as long as such addition or modification does not increase the total building site area to more than 20,000 square feet or encroach into more than 10 percent of the dripline for up to four SEA Protected Trees.
2. A maximum of one accessory animal keeping structure less than 120 square feet. Such structure shall be located no more than 100 feet from the primary use.

C. Maintenance, minor additions, or changes to existing legally established development ~~previously reviewed for impacts to SEA Resources~~, if:

***Significant Ecological Areas Ordinance Update***

*Public Hearing Draft (February 14, 2019)*

1. Maintenance, additions, or changes do not expand the previously approved development footprint; or
  2. Maintenance, additions, or changes are operating under a valid use permit and found to be in substantial compliance with such permit.
- D. Development requiring renewal of previously approved discretionary permits, if:
1. The previously approved development footprint is not expanded; and
  2. Impacts to [SEA biological Resources](#) were reviewed under the prior permit.
- E. Renewal of previously approved discretionary permits located within the adopted expanded SEA boundaries, if:
1. The previously approved development footprint is not expanded; and
  2. Impacts to [SEA biological Resources](#) were reviewed under the prior permit.
- F. Any development regulated by an adopted Specific Plan, provided that such development complies with the applicable provisions of the Specific Plan and can demonstrate that the development received adequate [biological](#) review of [SEA biological Resources](#) and impacts to them.
- G. The rebuilding and replacement of legally built structures which have been damaged or partially destroyed and will not increase the previously existing development footprint.
- H. Land divisions for the purposes of the California Land Conservation Act of 1965 commonly referred to as the Williamson Act.
- I. Legally required fuel modification and brush clearance activities with the exception of tilling and discing, as approved by the Fire Department, associated with existing legal structures for the purpose of fire protection.
- J. Periodic reviews established in Section 22.190.080 (Reclamation Plan) for previously approved surface mining permits and reclamation plans authorized to operate under Chapter 22.190 (Surface Mining Permits) provided that such periodic review is

***Significant Ecological Areas Ordinance Update***

*Public Hearing Draft (February 14, 2019)*

- conducted during the life of that grant, does not include proposed changes that would result in expanded development, and is consistent with valid permits.
- K. Development activity necessary for the maintenance of existing legally established driveways, streets, and highways, and will not increase the existing development footprint.
- L. Development where the only impact to SEA Resources involves trees planted as required per Titles 21 and 22, Low Impact Development per Title 12, or Green Building requirements per Title 31.
- M. Emergency removal of any tree listed on the SEA Protected Tree List maintained by the Department, due to a hazardous or dangerous condition, or being irretrievably damaged or destroyed through flood, fire, wind, lightning, drought, pests, or disease, as ~~recommended by a licensed arborist and approved~~ determined after visual inspection by a Forester with the Fire Department ~~or~~ in consultation with a County Biologist.
- N. Tree maintenance, limited to removal of dead wood and pruning of branches not to exceed two inches in diameter and 25 percent of live foliage within a two-year period, intended to ensure the continued health of a SEA Protected Tree, in accordance with guidelines published by the National Arborists Association. Should excessive maintenance, trimming, or pruning adversely affect the health of the tree, as determined by the County Biologist or Forester with the Fire Department, a Protected Tree Permit per Section 22.102.070 (Protected Tree Permit) or SEA Conditional Use Permit (SEA CUP) per Section 22.102.080 (SEA Conditional Use Permit) may be required.
- O. Emergency or routine maintenance by a public utility necessary to protect or maintain essential components of an existing utility or transmission system.



- P. ~~Introduced~~ Introduction of trees which qualify for protection under the definition of SEA Protected Tree, but which can be demonstrated to have been planted by a person for the purposes of affecting the architecture, climate, or aesthetics of a given place and are, therefore, considered landscape features, or subsequent removal or other alteration of only those trees that qualify as introduced. Removal or other alteration of an introduced tree shall require ~~Documentation of the planting must be provided~~ introduction. Trees planted as mitigation do not qualify as introduced.

## **22.102.050 SEA Counseling**

Prior to the submittal of an application for activities involving development within a SEA, a preliminary review of proposed development activities and consideration of the associated impacts on SEA Resources shall occur through a SEA Counseling meeting, unless waived at the discretion of the Director.

A. **Application Materials.** The applicant shall submit the following:

1. SEA Counseling Application and applicable fees;
2. Biological Constraints Map (BCM); and
3. Conceptual Project Design.

B. **Recommendation.** The Director shall recommend at the SEA Counseling meeting one of the following:

1. The conceptual project demonstrates the ability to comply with Section 22.102.090 (SEA Development Standards), and only a Ministerial SEA Review shall be required per Section 22.102.060 (Ministerial SEA Review);
2. The conceptual project demonstrates the ability to comply with Section 22.102.090 (SEA Development Standards) with the exception of Subsection 22.102.090.B (SEA Protected Trees), and a Ministerial SEA Review and

Protected Tree Permit shall be required per Sections 22.102.060 (Ministerial SEA Review) and 22.102.070 (Protected Tree Permit); or

3. The conceptual project does not demonstrate the ability to comply with Section 22.102.090 (SEA Development Standards), and a SEA CUP shall be required per Section 22.102.080 (SEA Conditional Use Permit).

### **22.102.060 Ministerial SEA Review**

A. **Review Procedures.** The Ministerial SEA Review shall be a biological review, conducted by the County Biologist, to accompany the review process for the use permit required by the underlying zone and other provisions of this Title 22. If the development does not require a use permit, the [Ministerial](#) SEA Review shall be processed as a Site Plan (Type II) Review. A Ministerial SEA Review shall be required for any development to determine compliance with the following:

1. The total building site area shall be no more than 20,000 square feet;
2. Development is consistent with Section 22.102.090 (SEA Development Standards); and
3. Natural open space preservation is provided in compliance with Section 22.102.100 (Natural Open Space Preservation).

B. **Application Materials.** In addition to the required application materials for the appropriate use permit, the following materials shall be submitted for the Ministerial SEA Review:

1. **Site Plan.** A site plan identifying:
  - a. All proposed development, including on-site and off-site ground-disturbing activity and vegetation removal;

## ***Significant Ecological Areas Ordinance Update***

*Public Hearing Draft (February 14, 2019)*

- b. Grading activity location, description, and quantities identified by cut, fill, import, natural grade, export and, when applicable, remedial and over-excavation is required;
  - c. Areas to be re-vegetated or restored, including a plant identification list with the botanical and common names of all planting materials;
  - d. Location and square footage of decorative landscaping or crops, including proposed groundcover areas, shrub mass, and existing and proposed tree locations, for all common or open space areas not left in a natural state. Plant identification lists shall include botanical and common names of all planting materials; and
  - e. On-site natural open space preservation, as applicable.
2. A Biological Constraints Map (BCM).
  3. Natural Open Space Recordation documentation per Section 22.102.100 (Natural Open Space Preservation) with an attached exhibit identifying the required preserved natural open space area.

### **C. Additional Review.**

1. **Site Visit.** A site visit by the County Biologist may be deemed necessary by the Director ~~or County Biologist~~ to adequately determine compliance with Sections 22.102.090 (SEA Development Standards) and 22.102.100 (Natural Open Space Preservation).

### **22.102.070 Protected Tree Permit**

Trees serve a significant role in the SEAs by providing habitat and ecosystem services. The intent of the following tree protection regulations is to encourage the responsible management of trees in the SEAs.

**Significant Ecological Areas Ordinance Update**

*Public Hearing Draft (February 14, 2019)*

- A. **Permit Required.** A Protected Tree Permit shall be required for development ~~which cannot demonstrate compliance with only~~ that complies with Section 22.102.090 (SEA Development Standards) with the exception of Subsection 22.102.090.B (SEA Protected Trees), ~~and shall be required for~~ which includes any of the following impacts:
1. Pruning or trimming of branches of SEA Protected Trees in excess of two inches in diameter or 25 percent of live foliage for one or more trees;
  2. Encroachments of up to 30 percent into a SEA Protected Tree's protected zone. Any encroachment of more than 30 percent into the protected zone of a tree shall be considered as a tree removal as described in Subsection A.3 below; or
  3. Removal of up to two SEA Protected Trees that are not designated as Heritage Trees.
  4. Tree relocation poses significant risk to the health or survival rate of a tree. Any relocation of a SEA Protected Tree shall therefore be processed as a removal as described in Subsection A.3 above.
- B. A SEA CUP shall be required per Section 22.102.080 (SEA Conditional Use Permit) for the following impacts:
1. Removal of more than two SEA Protected Trees; or
  2. Removal of any SEA Protected Tree designated as a Heritage Tree.
- C. **Application Materials.** The following materials shall be submitted for the Protected Tree Permit:
1. Application materials for Type II Review;
  2. Protected Tree Report prepared by an qualified arborist or a resource specialist shall include the following:
    - a. Associated tree survey map;

***Significant Ecological Areas Ordinance Update***

*Public Hearing Draft (February 14, 2019)*

- b. Descriptions and locations of all existing SEA Protected Trees on the subject property and impacted SEA Protected Tree(s) adjacent to the subject property;
  - c. Existing health and potential impacts of development of each SEA Protected Tree;
  - d. Identification of all proposed SEA Protected Tree removals and encroachments; and
  - e. Recommendations for avoiding, minimizing, and/or mitigating SEA Protected Tree impacts.
3. Oak tree species may require additional application materials as stated in Chapter 22.174 (Oak Tree Permits).

**GD. Burden of Proof.** In addition to the materials required per Subsection 22.102.070.B (Application Materials), the application shall substantiate to the satisfaction of the Commission or Hearing Officer the following facts:

1. That any proposed construction will be accomplished without endangering the health of the remaining SEA Protected Tree(s), if any, on the property; and
2. That the removal or encroachment of the SEA Protected Tree(s) proposed will not result in soil erosion through the diversion or increased flow of surface waters that cannot be satisfactorily mitigated.

**DE. Findings.** A Protected Tree Permit may be approved only if the action proposed will not be contrary to or be in substantial conflict with the intent and purpose of the Protected Tree Permit procedures and the following findings are made:

1. That the proposed impacts to SEA Protected Tree(s) will be mitigated in compliance with Subsection 22.102.070.F (Mitigation); and

**Significant Ecological Areas Ordinance Update**

Public Hearing Draft (February 14, 2019)

2. One or more of the findings below:
  - a. That the required action is necessary to allow reasonable economic or other enjoyment of the property and there is no other feasible design alternative that would avoid impact to the SEA Protected Tree(s); or
  - b. That the SEA Protected Tree(s) proposed for removal, encroachment, or pruning interferes with utility services or streets and highways, either within or outside of the subject property, and no reasonable alternative to such interference exists other than removal of the SEA Protected Tree(s); or
  - c. That the condition of the SEA Protected Tree(s) proposed for removal, encroachment, or pruning due to disease, danger, or falling is such that it cannot be remedied through reasonable preservation practices.

**E.F. Mitigation.**

1. **Mitigation Ratios.** Impacts to SEA Protected Trees shall be mitigated per the mitigation ratios in Table 22.102.070-A.

<b>TABLE 22.102.070-A: MITIGATION RATIOS FOR PROTECTED TREE PERMIT</b>	
<b>Impact</b>	<b>Mitigation Requirements</b>
Pruning of branches larger than two inches in diameter or in excess of 25 percent of live foliage	Monitoring per Subsection E.2
Up to 30 percent encroachment into protected zones	Monitoring per Subsection E.3
Removal of trees not designated as Heritage Trees	2:1 Replacement Ratio and Monitoring per Subsection E.4
Removal of Heritage Tree	SEA CUP required

2. Where pruning or trimming of SEA Protected Trees exceeds 25 percent of live foliage or involves cutting of branches greater than two inches in diameter, each

**Significant Ecological Areas Ordinance Update**

Public Hearing Draft (February 14, 2019)

affected tree shall be monitored for a period of not less than seven years, with monitoring visits conducted by the County Biologist or Forester with the Fire Department occurring in years two, four, and seven. Should any of these trees be lost or suffer ~~worsened~~ unacceptable decline of health or vigor as a result of the pruning, the applicant shall mitigate the impacts at a 2:1 replacement ratio per Subsection E.4 below.

3. Where development encroaches up to 30 percent of the protected zone of SEA Protected Trees, each affected tree shall be monitored for a period of not less than seven years, with monitoring visits conducted by the County Biologist or Forester with the Fire Department occurring in years two, four, and seven. Should any of these trees be lost or suffer ~~worsened~~ unacceptable decline of health or vigor as a result of the proposed development, the applicant shall mitigate the impacts at a 2:1 replacement ratio per Subsection E.4 below.
4. Required replacement trees shall consist exclusively of native trees of the same species being removed, and shall be in the ratio required in Table 22.102.070-A. ~~Replacement trees shall be properly cared for and maintained for a period of seven years and replaced by the applicant or permittee if mortality occurs within that period.~~ Each replacement tree shall be monitored by the County Biologist or Forester with the Fire Department for a period of not less than seven years, with monitoring visits in years two, four, and seven. Replacement trees shall be properly cared for and maintained during the full monitoring period and shall be replaced by the applicant or permittee should any of these trees be lost or suffer unacceptable decline of health or vigor at the end of the monitoring period.
5. **Protected Tree Fund.** If replacement on the project site of SEA Protected Trees proposed for encroachment or removal is inappropriate, a Forester with the Fire Department or County Biologist may recommend that the applicant pay into the



## ***Significant Ecological Areas Ordinance Update***

*Public Hearing Draft (February 14, 2019)*

Protected Tree Fund the amount equivalent to the resource value of the trees described in the Protected Tree Report. The resource value shall be calculated by the applicant and approved by a Forester with the Fire Department or County Biologist according to the most current edition of the International Society of Arboriculture's "Guide for Plant Appraisal."

- a. Funds collected shall be used for the following purposes:
  - i. Establishing and planting native trees on public lands;
  - ii. Maintaining existing native trees on public lands;
  - iii. Purchasing native tree woodlands; and/or
  - iv. Purchasing sensitive native trees of ecological, cultural, or historic significance.
- b. Not more than ~~seven~~ twenty percent of the funds collected may be used to study and identify appropriate programs, including but not limited to outreach and educational programs, for accomplishing the purposes described in Subsection ~~E.2.a~~ F.5.a above.

**FG. Noticing and Public Hearing.** Noticing and public hearing procedures for a Protected Tree Permit shall be consistent with the requirements of Type II Review stated in Division 9.

**GH. Enforcement.** In interpreting the provisions of Section 22.102.070 (Protected Tree Permit) as applied to this Chapter, each individual tree cut, destroyed, removed, relocated or damaged in violation of these provisions shall be deemed a separate offense.

**22.102.080 SEA Conditional Use Permit**

A. **Permit Required.** A discretionary SEA Conditional Use Permit (SEA CUP) application shall be required for development, which cannot demonstrate compliance with Section 22.102.070 (Protected Tree Permit), or Sections 22.102.090 (SEA Development Standards) and 22.102.100 (Natural Open Space Preservation).

B. **Application Materials.** An application for a SEA CUP shall be filed and processed in compliance with ~~Section~~ Chapter 22.230 (Type III Review – Discretionary).

1. In addition to the application materials listed in Subsection 22.102.060.B (Application Materials), the applicant shall submit the following to the satisfaction of the Director in consultation with the County Biologist:

- a. Biological Constraints Analysis (BCA);
- b. Biota Report; and
- c. Additional materials and information that may be deemed necessary by the Director, County Biologist, or SEATAC to adequately evaluate the application.

2. The Director may waive one or more of the items in this Subsection B when deemed unnecessary to process the application.

C. **Additional Review.**

1. **Site Visit.** Site visit(s) by the County Biologist may be deemed necessary by the Director ~~or County Biologist~~ to adequately evaluate the impacts to SEA Resources.

2. **SEATAC Review.** Prior to a public hearing, a SEA CUP application shall be required to undergo review by the ~~Significant Ecological Areas Technical Advisory Committee~~ (SEATAC), unless waived by the Director. The scope of the SEATAC ~~R~~review shall be consistent with Section 22.102.150 (Significant Ecological Areas Technical Advisory Committee).

3. **Director's Report.** The Director shall provide the following analyses and recommendations as part of the public hearing staff report:
  - a. Evaluation of the proposed development and impacts to SEA Resources;
  - b. Evaluation of the SEA Resources contained within and adjacent to the project site;
  - c. Evaluation of the cumulative losses to the SEA Resources resulting from proposed and prior project development activity;
  - d. Appraisal of measures proposed to avoid, mitigate, or protect the identified impacts to resources contained within the SEA;
  - e. Evaluation of whether the project, as proposed, is consistent with Subsection 22.102.080.D (Findings);
  - f. Recommended changes, if any, to the proposed development necessary or desirable to achieve compliance with Section 22.102.090 (SEA Development Standards) and consistent with Subsection 22.102.080.D (Findings), and relevant goals and policies of the General Plan;
  - g. Recommended conditions, if any, to be imposed to ensure that the proposed development will be consistent with Subsection 22.102.080.D (Findings) and the goals and policies of the General Plan;
  - h. SEATAC's determination of project compatibility and applicable recommendations; and
  - i. Any relevant information as deemed necessary by the Director or County Biologist.
- D. **Findings.** The Commission or Hearing Officer shall approve an application for a SEA CUP if the Commission or Hearing Officer finds that the application substantiates, in addition to those required by Section 22.56.090 (Conditional Use Permit), the following findings:

***Significant Ecological Areas Ordinance Update***

*Public Hearing Draft (February 14, 2019)*

1. The proposed development is highly compatible with the SEA Resources, including the preservation of natural open space areas and providing for the long-term maintenance of ecosystem functions;
2. The proposed development avoids or minimizes impacts to the SEA Resources and wildlife movement; through one or more of the following:
  - a. Avoiding habitat fragmentation;
  - b. Minimizing edge effects; and/or
  - c. Siting development in the least sensitive location.
3. Important habitat areas are adequately buffered from ~~the previous~~ development by retaining sufficient natural vegetation cover and/or natural open spaces and integrating sensitive design features;
4. The proposed development maintains ecological and hydrological functions of water bodies, watercourses, and their tributaries;
5. The proposed development ensures that roads, access roads, driveways, and utilities do not conflict with Priority Biological Resources, habitat areas, migratory paths, or wildlife corridors; and
6. The proposed development promotes the resiliency of the SEA to the greatest extent possible. For purposes of this finding, SEA resiliency is not promoted when the proposed development may cause any of the following:
  - a. Significant unmitigated loss of contiguity or connectivity of the SEA;
  - b. Significant unmitigated impact to a Priority Biological Resource;
  - c. Removal of habitat that is the only known location of a new or rediscovered species; or
  - d. Other factors as identified by SEATAC.

## **22.102.090 SEA Development Standards**

All new ~~D~~development in SEAs shall avoid or minimize impacts to SEA resources, habitat linkages, and wildlife corridors in accordance with this Section:

A. **SEA Resource Categories.** The following are disturbance thresholds and onsite natural open space preservation requirements organized by SEA Resource Category. SEA Resource preservation shall be provided on-site, in accordance ~~to~~ with Section 22.102.100 (Natural Open Space Preservation) within this Chapter.

1. **SEA Resource Category 1.** No amount shall be disturbed.

~~a. No amount shall be disturbed.~~

2. **SEA Resource Category 2.**

a. Disturbances shall not exceed 500 square feet and shall preserve at least two times the disturbed area of the same type of SEA Resource.

b. Development shall not result in abandonment or failure of any den, burrow, roost, nest, or special habitat feature utilized by animals included in SEA Resource Category 2.

3. **SEA Resource Category 3.**

a. Disturbances not exceeding 500 square feet shall preserve an amount equal to the disturbed area of the same type of SEA Resource.

b. Disturbances that exceed 500 square feet shall preserve at least two times the disturbed area of the same type of SEA Resource.

4. **SEA Resource Category 4.**

a. Disturbances that exceed ~~500~~ 5,000 square feet shall preserve an amount equal to the disturbed area of the same type of SEA Resource.

b. Disturbance of more than 10 individual rare plants in this category shall preserve an equal number of the same species of rare plants.

**B. SEA Protected Trees.**

1. A minimum ~~5~~ five-foot setback from the dripline or 15-foot setback from the trunk, whichever is greater, of a SEA Protected Tree shall be required.
2. Encroachment into no more than 10 percent of the protected zone of up to four SEA Protected Trees listed in the SEA Protected Tree List maintained by the Department may be permitted; ~~and~~.
3. Removal of one SEA Protected Tree that is not designated as a Heritage Tree may be permitted.

**C. Water Resources.** All development, inclusive of fuel modification/brush clearance is subject to the following setbacks from a water resource per Table 22.102.090-A.

<b>TABLE 22.102.090-A: SETBACKS FROM WATER RESOURCES</b>		
<b>Water Resource</b>	<b>Water Resource Size</b>	<b>Setback</b>
Lakes, reservoirs, and ponds	Any Size	150 feet or the watershed boundary, whichever is greater
Rivers and streams	Less than 50 feet wide during or immediately following a 10-year storm event	100 feet
	50 to 100 feet wide during or immediately following a 10-year storm event	150 feet
	Greater than 100 feet wide during or immediately following a 10-year storm event	300 feet
Marshes, Seeps, and springs	Less than one-half acre	100 feet
	One-half acre up to one acre	150 feet
	Greater than one acre	300 feet
Vernal pools and playas	Any size	150 feet or the watershed boundary, whichever is greater

**D. Other Development Standards.**

1. **Wildlife-Impermeable Fencing, Wall or Enclosure.** Wildlife-impermeable fencing, walls, and enclosures shall be permitted within the building site area. One impermeable enclosure for the purpose of protecting livestock or companion animals shall be permitted within the development footprint.
2. **Wildlife-Permeable Fencing.** When needed to delineate lot boundaries or to section off development features, such as streets, trails, driveways, active recreation areas, or animals keeping structures, wildlife-permeable fencing shall be used outside of the building site area. Wildlife-Permeable fencing shall be designed as follows:
  - a. Fences shall be of an open design and made of materials visible to wildlife, such as wood rail, steel pipe, vinyl rail, PVC pipe, recycled plastic rail, or coated wire;
  - b. The bottom edge of the lowest horizontal element shall be no closer than 18 inches from the ground; and
  - c. Except where a different height is stated required per Title 21 or 22, the top edge of the topmost horizontal element shall be no higher than 42 inches from the ground.
3. **Fencing Materials.** Fencing shall be designed with materials not harmful to wildlife. Prohibited materials include, but are not limited to, spikes, glass, razor wire, and nets. All hollow fence and sign posts, or posts with top holes, such as metal pipes or sign posts with open bolt holes, shall be capped and the bolt holes filled to prevent the entrapment of bird species.
4. **Window Reflectivity.** All windows shall be comprised of non-glare/non-reflective glass or utilize methods to achieve non-reflectivity.



5. **Outdoor Lighting.** Outdoor lighting in all SEAs shall be provided in accordance with applicable provisions of Chapter 22.80 (Rural Outdoor Lighting District) and shall be directed to avoid light trespass upwards into the night sky and onto natural habitat areas.
6. **Natural Open Space Buffer.** Habitable structures shall be set back at least 200 feet from existing and proposed natural open space located within the project site lot(s) or natural open space recorded on adjacent lots, unless the Fire Department approves a modified distance specified in an approved fuel modification plan.
7. **Landscaping and Fuel Modification.** Landscape plans shall be submitted with an application for new development, that includes all cut and fill slopes, areas disturbed by the proposed construction activities, required fuel modification or brush clearance, and any proposed restoration area(s).
  - a. All new development shall minimize removal of natural vegetation to minimize erosion and sedimentation, impacts to scenic resources, and impacts to biological ~~and scenic~~ resources.
  - b. All cut and fill slopes and other areas disturbed by construction activities shall be landscaped or revegetated.
  - c. Plantings within the building site area and Fuel Modification Zones A and B shall consist of a mix of locally indigenous, drought-tolerant plant species and non-invasive, drought-tolerant ornamental plants and gardens, with associated irrigation.
  - d. Fuel Modification Zone C shall consist of thinning the density of existing native vegetation. Should additional planting be needed in Zone C or outside of fuel modification areas, the plant palette shall consist entirely of locally

indigenous, drought-tolerant plant species that blend with the existing natural vegetation and habitats on the site.

- e. All vegetative species utilized in landscaping shall be consistent with Fire Department requirements and all efforts shall be made to conserve water.
  - f. Plants listed on the Invasive Species list maintained by the Department shall be prohibited in all proposed landscaped and restoration areas.
  - g. Tilling and ~~disking~~ discing shall be prohibited for fuel modification and brush clearance activities in all Fuel Modification Zones.
8. **Natural Open Space.** Driveways, streets, roads, or highways shall not be placed within required natural open space areas.

#### **E. Land Use-Specific Development Standards**

##### **1. Crops.**

- a. Crops as an accessory use shall consist of non-invasive species and shall be located entirely within ~~a~~-required Fuel Modification Zone B (Irrigated Zone).
- b. Crops as a primary use shall consist of non-invasive species and shall be located entirely within SEA Resource Category 5.

##### **2. Exploratory Testing.**

- a. *Permitted use.* Exploratory testing as a primary or accessory use shall be permitted and shall comply with the following:
  - i. Access for exploratory testing shall consist of existing roads, previously graded or disturbed areas, or use track-mounted drill rigs.
  - ii. Vegetation removal activities shall be conducted in a manner that protects existing vegetative rootstock.

***Significant Ecological Areas Ordinance Update***

*Public Hearing Draft (February 14, 2019)*

- iii. Any exploratory testing accessory to a primary use where such primary use development is exempt from this Chapter per Section 22.102.040 (Exemptions) shall herein be exempt from this development standard.
- iv. A Restoration Plan shall be required at the time of application submittal.
- b. *Exploratory Testing Stabilization.* Within 90 days from completion of exploratory testing, areas of disturbance resulting from exploratory testing shall be stabilized with temporary erosion control measures and seeded with locally indigenous species to prevent erosion and instability.
- c. *Exploratory Testing Restoration.* Full restoration of areas of disturbances resulting from exploratory testing shall be conducted as follows:
  - i. Where a subsequent project is withdrawn, denied or determined to be infeasible, or exploratory testing areas are found to be unusable, restoration of the disturbed area shall commence within one year of withdrawal, denial or determination of infeasibility.
  - ii. Where a subsequent project is approved, the exploratory testing locations outside of the approved building site area shall be restored, with restoration commencing within one year of disturbance.
  - iii. All required restoration shall be completed to the satisfaction of the Director.
- 3. **Land Divisions.** All land division projects shall be required to preserve at least 75 percent of the original undivided parcels as natural open space and shall not exceed a maximum development footprint of 25 percent of the original undivided parcels. Development areas shall be designed in one contiguous location and result in the largest, intact blocks of habitat with the lowest perimeter to area ratio, to the maximum extent feasible.

## ***Significant Ecological Areas Ordinance Update***

*Public Hearing Draft (February 14, 2019)*

- a. *Large Lot Parcel Map.* Large lot parcel maps for sale, lease, financing, or transfer purposes, shall demonstrate that all resulting parcels have reasonable potential for future development that meets Section 22.102.090 (SEA Development Standards), (e.g., adequate areas of SEA Resource Categories 4 and/or 5, setback from water resources, 75 percent open space, and clustered development) based on the original undivided parcels.
- ~~b. All other land divisions shall not exceed a maximum development footprint of 25 percent of the project site. Development areas shall be designed in one contiguous location and result in the largest, intact blocks of habitat with the lowest perimeter to area ratio, to the maximum extent feasible.~~

### **22.102.100 Natural Open Space Preservation**

This Section sets forth the preservation and recordation requirements for natural open space when required by this Chapter, either in compliance with Section 22.102.090 (SEA Development Standards) or to offset impacts to SEA Resources through a SEA CUP.

A. **Natural Open Space Requirements.** Development within a SEA shall preserve natural open space as follows:

1. **Ministerial SEA Review.** Provide on-site as required per Section 22.102.090 (SEA Development Standards); or
2. **SEA CUP.** Provide on-site or off-site per Subsection D.2 (Natural Open Space Preservation Mechanisms), as approved by the Commission or Hearing Officer.
  - a. For land division projects, at least 75 percent of the original undivided parcels shall be preserved as required natural open space.

3. Natural open space recordation shall occur prior to any grading, removal of vegetation, construction, or occupancy.

**B. Natural Open Space Configuration.**

1. Preserved natural open space shall be configured into one contiguous area, to the maximum extent feasible, unless the County Biologist determines that multiple, noncontiguous areas is the environmentally superior configuration.
2. Preserved natural open space areas shall be contiguous with other natural open space areas on adjoining lots, to the maximum extent feasible.
3. Driveways, streets, roads, or highways shall be prohibited in natural open space area(s), unless the Commission or Hearing Officer finds it necessary to ensure adequate circulation or access. Such driveways, streets, roads, or highways shall not be counted as a portion of the total required natural open space provided, and shall include any necessary wildlife crossings and/or other features necessary to avoid biological impacts.

**C. Natural Open Space Use.** Preserved natural open space required by this Chapter shall be maintained in its natural undeveloped condition. There shall be no removal of trees or vegetation or other disturbance of natural features, with the following exceptions as deemed appropriate by the Director prior to the disturbance:

1. Disease control and/or control of non-native plants;
2. Habitat restoration;
3. Paths constructed and maintained to minimize environmental impact to the area;
4. Wildlife-permeable fences constructed and maintained to minimize environmental impact to the area;
5. Fire protection, when determined by the County Biologist to be compatible with the SEA Resources being preserved; or

6. Activities to maintain a specific habitat condition, including animal grazing, when recommended by the County Biologist and accompanied by an approved management plan.

**D. Natural Open Space Preservation Mechanisms.**

1. **Ministerial SEA Review.** Development that complies with Section 22.102.090 (SEA Development Standards) shall provide required natural open space preservation on-site through a permanent deed restriction or a covenant between the County and the property owner.
2. **SEA CUP.** Development not in compliance with Section 22.102.090 (SEA Development Standards) shall provide required natural open space preservation within or contiguous with the same SEA through one or more of the following, listed in the order of County preference:
  - a. Dedication of land for the purpose of natural open space preservation to:
    - i. ~~An non-profit land conservation organization~~ accredited land trust that meets the qualifications of non-profits requesting to hold mitigation land pursuant to Section 65965, et seq. of the California Government Code; or
    - ii. A government entity, such as a county, city, state, federal, or joint powers authority for the purpose of natural open space preservation;
  - b. Conservation or Mitigation ~~B~~ank;
  - c. A conservation easement recorded with the Registrar-Recorder/County Clerk as an irrevocable offer to dedicate or equivalent instrument that requires the natural open space to remain in perpetuity and extinguishes all future development rights;
  - d. Permanent on-site deed restriction;
  - e. Covenant between County and property owner; or
  - f. Conservation in-lieu ~~F~~ees.

**22.102.110 Enforcement**

- A. Any activity defined as development in the SEAs which occurs prior to receiving an approved permit is prohibited.
- B. Unpermitted disturbed areas shall be stabilized with temporary erosion control measures and temporarily seeded with locally indigenous species within 30 days of issuance of a Notice of Violation, as directed by the County Biologist.
- C. **Restoration Permit.** If a permit is not obtained per Sections 22.102.060 (Ministerial SEA Review), 22.102.070 (Protected Tree Permit), or 22.102.080 (SEA Conditional Use Permit), or restoration of disturbed exploratory testing area is not completed per Section 22.102.090.E.2 (Exploratory Testing), a Restoration Permit shall be required.
  - 1. **Application Materials.**
    - a. Application materials for Type II Review; and
    - b. Restoration Plan.
  - 2. **Findings.** The Commission or Hearing Officer shall approve an application for a Restoration Permit in a SEA, if the Commission or Hearing Officer finds that the application substantiates the following findings:
    - a. The restoration corresponds with the SEA Resources, habitats, and ecosystem services that were degraded by the unpermitted development;
    - b. The restoration will create and enhance biologically functional habitats;
    - c. The restoration resolves any violations of unpermitted development; and
    - d. The restoration is consistent with Section 22.102.010 (Purpose) and Subsection 22.102.080.D (Findings).
  - 3. **Noticing and Public Hearing.** Noticing and public hearing procedures for a Restoration Permit shall be consistent with the requirements of Type II Review stated in Division 9.



## ***Significant Ecological Areas Ordinance Update***

*Public Hearing Draft (February 14, 2019)*

- D. When a Notice of Violation has been issued by the Department, the Director may set the matter for a public hearing before the Commission to consider a five-year ban on filing any new application, or acting upon any application for the subject property. In such case, all procedures relative to notification, public hearing, and appeal shall be the same as for a SEA CUP per Section 22.102.080 (SEA Conditional Use Permit). Following a public hearing, the Commission may place up to a five-year ban on filing any applications, but may exempt emergency permits and/or permits deemed by the Director, as necessary, for the subject property to address a violation or permit revocation on the property. The five-year period shall commence from the date of the hearing. The Director shall record such five-year ban in the office of the County Recorder.

### **22.102.120 Fees**

- A. **Filing Fees.** Fees and deposits shall be in compliance with Section 22.222.080 (Fees and Deposit).
- B. **SEA Counseling Fee.**
1. The SEA Counseling Fee shall cover up to two SEA Counseling meetings.
  2. The SEA Counseling Fee shall be applied to projects filed within one year of the SEA Counseling.
- C. **SEATAC Review Fee.** Development subject to SEATAC Review shall require an additional filing fee per Section 22.222.080 (Fees and Deposit), subject to the following:
1. The SEATAC Review Fee shall cover up to three SEATAC meetings. Additional review meetings by SEATAC shall require a new fee.

2. The SEATAC Review Fee may be refunded if a written request is received from the applicant prior to the scheduling of the first SEATAC meeting and if the development is re-designed to meet standards outlined in Section 22.102.090 (SEA Development Standards).

### **22.102.130 Review Procedures for County Projects**

County projects proposing development in a SEA shall submit an application for a review by the Department. County projects and maintenance activities performed as a result of emergency or hazard management shall be documented. The documentation shall be provided to the Department for a determination of the applicability of this Chapter. Emergency or hazard management activities include, any activity required, requested, authorized, or permitted by a local, state, or Federal agency, in response to an emergency.

A. **Information Required.** Prior to the start of the project, the lead County Department shall provide the following:

1. Project scope of work;
2. Location map;
3. Environmental documents, if applicable; and
4. Regulatory permit requirements, if applicable.

B. **Review.**

1. **Initial Review.** The County Biologist shall review the project; ~~and~~.
2. **SEATAC Review.** The County Biologist may determine that SEATAC Review is necessary based on the project proposal.

C. **Recommendation.** The County Biologist and SEATAC, as necessary, may submit a report to the lead County Department that includes recommendations on the project design and compatibility with Subsection 22.102.080.D (Findings).

#### **22.102.140 Review Procedures for Habitat Restoration Projects**

Proposed habitat restoration, if not required as a mitigation for an approved permit, shall submit for a review by the Department of a restoration or enhancement plan that ~~illustrates~~ demonstrates how ~~an area is proposed to restore~~ habitat function consistent with this Chapter shall be restored.

A. **Information Required.** A Restoration Plan shall be submitted. An existing plan or equivalent that fulfills the requirements of a Restoration Plan may be accepted as a substitute.

B. **Review.**

1. The Director, in consultation with the County Biologist, shall review the project proposal.
2. **Site Visit.** A site visit by the County Biologist may be deemed necessary by the Director ~~or County Biologist~~ to adequately evaluate the impacts to SEA Resources.
3. Subsequent activities that fall within the scope of the approved restoration or enhancement plan shall not require further review by the Department.
4. If the proposed habitat restoration is not found to substantiate Subsection 22.102.080.D (Findings), then a SEA CUP shall be required per Section 22.102.080 (SEA Conditional Use Permit).

#### **22.102.150 Significant Ecological Areas Technical Advisory Committee (SEATAC)**

SEATAC serves as an expert advisory committee that assists the Department in assessing a project's impact on SEA Resources.

A. **Rules and Procedure.** The Director shall establish rules and procedures necessary or convenient for the conduct of SEATAC's business.

**Significant Ecological Areas Ordinance Update**

*Public Hearing Draft (February 14, 2019)*

**B. SEATAC Review.** SEATAC shall evaluate projects requiring SEATAC review per Section 22.102.080 (SEA Conditional Use Permit), as follows:

1. Ruling on the adequacy of the BCA and Biota reports, if applicable;
2. Recommending redesign and/or mitigation measures to avoid, minimize, or mitigate impacts to SEA Resources; and
3. Recommending a determination of the ~~compatibility~~ consistency of the development project ~~and~~ with this Chapter, including consideration of the following:
  - a. The project's ability to comply with Section 22.102.090 (SEA Development Standards);
  - b. The project's ability to mitigate impacts to SEA Resources through natural open space preservation;
  - c. The project's ability to meet the findings of Subsection 22.102.080.D (Findings); and
  - d. The Project's avoidance of disturbance to ~~R~~regional ~~H~~habitat ~~L~~inkages.

**SECTION 4.** Section 22.190.080 is hereby amended to read as follows:

**22.190.080 Reclamation Plan**

...

**A. Findings Prerequisite to Approval.**

...

3. In approving a Reclamation Plan, the Commission or Hearing Officer shall:

...

- e. Require as a condition of approval financial assurances in accordance with Section 2773.1 of the California Public Resources Code.

***Significant Ecological Areas Ordinance Update***

*Public Hearing Draft (February 14, 2019)*

- f. Require that the mine operator file a covenant against the property with the Registrar-Recorder/County Clerk containing the following statement before commencing operation of a new surface mine or, in the case of an existing mine as described in Section 22.190.030.D.4, within 30 days following notice of approval:

This property is subject to Reclamation Plan (enter case number), requiring, together with other conditions, the completion of a reclamation program before use of the property for a purpose other than surface mining, except as otherwise provided in said plan. Agents of the County of Los Angeles and the State of California may enter upon such land to enforce a Reclamation Plan and to effect reclamation, subject to compliance with applicable provisions of law.”

- g. Verify that the reclamation plan for any surface mining operation located in a Significant Ecological Area was reviewed by SEATAC in accordance with Section 22.102.150 (Significant Ecological Areas Technical Advisory Committee).

- 4. The Commission or Hearing Officer may require modification of the Reclamation Plan or impose such conditions that the Commission or Hearing Officer deems necessary to ensure that the plan is in accord with the requirements of Subsection C, below.

...

**SECTION 5.** Section 22.250.010 is hereby amended to read as follows:

**22.250.010 Filing Fees and Deposits.**

- A. For the purpose of defraying the expense involved in connection with any application or petition required or authorized by this Title 22, the following fees, as provided in

**Significant Ecological Areas Ordinance Update**

Public Hearing Draft (February 14, 2019)

Table 22.250.010-A, below, shall accompany the application or petition. Table 22.250.010-A may be referred to as the Filing Fee Schedule.

TABLE 22.250.010-A: FILING FEE SCHEDULE		
...		
Conditional Use Permit	Concurrent filing ( <del>except SEA CUPs</del> )	\$8,951.00
	<del>Significant Ecological Areas</del>	<del>\$20,717.00</del>
	<del>Significant Ecological Areas, construction projects up to 3,500 square feet of total new building areas and no land division</del>	<del>\$9,473.00</del>
	<u>Significant Ecological Areas, development within</u>	<u>\$18,217.00</u>
...		
Minor Conditional Use Permit	Permit	\$1,621.00
	<u>Protected Tree Permit</u>	<u>\$1,621.00</u>
	Residential Infill	\$1,326.00
	<u>Restoration Permit</u>	<u>\$1,621.00</u>
...		
<u>Significant Ecological Areas Counseling</u>		<u>\$361.00</u>
<u>Significant Ecological Areas Review, Ministerial</u>	<u>SEA Ministerial Review</u>	<u>\$401.46</u>
	<u>County Biologist Site Visit</u>	<u>\$267.64</u>
<u>Significant Ecological Areas Technical Advisory Committee Review (SEATAC Review)</u>		<u>\$2,500.00</u>
...		

...





## Los Angeles County **REGIONAL PLANNING**



## Significant Ecological Areas (SEA) Ordinance **IMPLEMENTATION GUIDE**

Public Hearing Draft — Released February 14, 2019



# Implementation Guide – List of Major Edits since Public Hearing Draft (August 23, 2018)

## **Chapter 3: SEA Protected Trees**

Clarified Heritage Tree thresholds for thin trunk trees  
Updated language for exemptions to reflect revisions made to the Ordinance  
Added encroachment due to trenching in Figure 10  
Updated mitigation and monitoring section  
Updated Protected Tree Fund to reflect revisions made to the Ordinance  
Added “Protected Tree Permit and Oak Tree Permit” section

## **Chapter 4: Design & Development Standards**

Sensitive Local Native Resources: moved from SEA Resource Category 2 to SEA Resource Category 3  
Species of Special Concern: Added how to conduct observation  
SEA Resource Category 4: revised allowable area of disturbance from 500 sq ft to 5,000 sq ft  
Window Reflectivity: Revised language to reflect revisions made to the Ordinance

## **Chapter 5: Permit Analysis**

Updated language for exemptions to reflect revisions made to the Ordinance  
Updated language for SEA CUP Findings to reflect revisions made to the Ordinance

## **Chapter 8: Open Space**

Preservation ratios for Ministerial SEA Review: updated allowable area of disturbance for SEA Resource Category 4  
Preservation ratios for SEA CUP: updated descriptions of SEA Resource Categories

## **Glossary**

Added definition for “Land trust”

## CONTENTS

ACKNOWLEDGMENTS.....	3
SEA PROGRAM GUIDING PRINCIPLES .....	4
CHAPTER 1. INTRODUCTION TO THE SIGNIFICANT ECOLOGICAL AREAS (SEA) PROGRAM .....	5
<i>SEA Program Components</i> .....	6
<i>SEA Implementation Guide</i> .....	9
CHAPTER 2. SEA ORDINANCE ASSESSMENT PROCESS .....	10
<i>Information Gathering</i> .....	11
<i>SEA Counseling</i> .....	12
<i>File Project Application/Staff Review</i> .....	13
<i>SEATAC Review</i> .....	15
<i>Public Hearing</i> .....	16
<i>Enforcement</i> .....	16
CHAPTER 3. SEA PROTECTED TREES .....	17
<i>SEA Protected Tree Exemptions</i> .....	18
<i>SEA Protected Trees Development Standard</i> .....	20
<i>Protected Tree Permit</i> .....	21
<i>SEA CUP for Impacts To SEA Protected Trees</i> .....	23
<i>Best Management Practices</i> .....	23
CHAPTER 4. DESIGN & DEVELOPMENT STANDARDS .....	25
<i>SEA Resources</i> .....	26
<i>SEA Protected Trees</i> .....	35
<i>Water Resources</i> .....	36
<i>Other Development Standards</i> .....	38
<i>Land Use Specific Development Standards</i> .....	43
CHAPTER 5. PERMIT ANALYSIS .....	48
<i>SEA Ordinance Applicability</i> .....	48
<i>SEA Counseling</i> .....	52
<i>Ministerial SEA Review</i> .....	56
<i>Ministerial SEA Review with Protected Tree Permit</i> .....	57
<i>SEA Conditional Use Permit (SEA CUP)</i> .....	58
<i>SEA Ordinance Findings</i> .....	59
<i>Public Hearing</i> .....	62
CHAPTER 6. BIOLOGICAL REPORTS .....	63
<i>Biological Constraints Map (BCM)</i> .....	64
<i>Biological Constraints Analysis (BCA)</i> .....	67
<i>Biota Report</i> .....	67
<i>Restoration or Enhancement Plan</i> .....	68
CHAPTER 7. HABITAT RESTORATION .....	70
<i>Habitat Restoration Review</i> .....	70
<i>Basic Principles</i> .....	71
<i>Mandatory Best Management Practices</i> .....	72
CHAPTER 8. NATURAL OPEN SPACE .....	74
<i>Configuration And Use</i> .....	74
<i>Requirements for Ministerial SEA Review</i> .....	75
<i>Requirements for SEA CUP</i> .....	76
CHAPTER 9. SEA PROGRAM MONITORING .....	81
<i>Tracking Approved Development</i> .....	81
<i>Tracking Habitat Restoration</i> .....	81
<i>Mapping SEA Resources</i> .....	81
<i>Mapping Protected Open Space</i> .....	82
<i>Reporting Requirements</i> .....	82
CHAPTER 10. REVIEW PROCEDURES FOR COUNTY PROJECTS .....	84
<i>General County Department SEA Assessment process</i> .....	84
<i>Department of Parks and Recreation (DPR)</i> .....	85

<i>Department of Public Works (DPW)</i> .....	86
GLOSSARY .....	89
APPENDIX A: SEA PROTECTED TREE LIST .....	95
APPENDIX B: SENSITIVE LOCAL NATIVE RESOURCES .....	105
APPENDIX C: INVASIVE PLANT LIST .....	108
APPENDIX D: SEA CHECKLISTS & WORKSHEETS .....	115
APPENDIX E: GUIDANCE FOR EVALUATING IMPACTS ON WILDLIFE MOVEMENT .....	124

DRAFT

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### Board of Supervisors

Janice Hahn, Chair, Supervisorial District 4  
Hilda L. Solis, Supervisorial District 1  
Mark Ridley-Thomas, Supervisorial District 2  
Sheila Kuehl, Supervisorial District 3  
Kathryn Barger, Supervisorial District 5

### Regional Planning Commission

Elvin W. Moon, Chair, Supervisorial District 4  
Pat Modugno, Vice Chair, Supervisorial District 5  
Doug Smith, Supervisorial District 1  
David W. Louie, Supervisorial District 2  
Laura Shell, Supervisorial District 3

### Department of Regional Planning

Amy J. Bodek, AICP, Director  
Dennis Slavin, Chief Deputy Director  
Mark Child, AICP, Deputy Director  
Richard J. Bruckner, AICP, Director (retired)

### Environmental Planning & Sustainability

Patricia L. Hachiya, AICP, Supervising Planner  
Alejandrina Baldwin, Principal Planner  
Iris Chi, AICP, Planner  
Joseph Decruyenaere, Senior Biologist  
Jennifer Mongolo, Biologist

### Implementation Guide Workgroup

Jennifer Borobia, *LDCC/Site Plan Review*  
Michele Bush, *Zoning Permits East*  
Samuel Dea, *Zoning Permits North*  
Luis Duran, *Community Studies West*  
Kevin Finkel, AICP, *Coastal Permits*  
Oscar Gomez, *Zoning Enforcement North*  
Anita Gutierrez, AICP, *Community Studies West*  
Lynda Hikichi, AICP, *Land Division*  
Thuy Hua, AICP, *Zoning Permits North*  
Alyssa Netto, AICP, *Community Studies West*  
Susan Tae, AICP, *Community Studies North*

### Geographic Information Systems (GIS)

Daniel Hoffman, Principal GIS Analyst

### Strategic Planning and Program Services

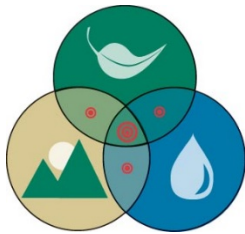
Misty Fong, Graphic Designer

## SEA PROGRAM GUIDING PRINCIPLES



### BIODIVERSITY:

- ❖ Recognize that biodiversity is necessary to maintaining a sustainable Los Angeles County.
- ❖ Identify and protect the places where biodiversity exist in Los Angeles County.
- ❖ Restore places where biodiversity can be woven through the urban fabric.
- ❖ Ensure that the legacy of the unique biotic diversity is passed on to future generations.



### RESILIENCY:

- ❖ Ensure that individual SEAs are able to thrive by reducing fragmentation, and creating or preserving connectivity and habitat functionality.
- ❖ Guide development within SEAs to maximize preservation.
- ❖ Encourage best practices for sustainable design in the SEAs that are aligned with the protection of natural resources.



### PUBLIC SERVICE:

- ❖ Ensure the continuation of natural ecosystem services that improves quality of life for all who live in Los Angeles County.
- ❖ Ensure that property rights are maintained in the SEAs by providing clear guidelines and expectations about the requirements for development in SEAs.

## CHAPTER 1. INTRODUCTION TO THE SIGNIFICANT ECOLOGICAL AREAS (SEA) PROGRAM

Los Angeles County (“County”) is host to one of the most remarkable assortments of biological diversity in North America. Natural communities in the County extend from the Pacific Ocean to the Mojave Desert, with coastal plains and valleys, a 10,000-foot tall mountain range, and hills and canyons in every orientation in between. This irreplaceable diversity of natural and biological resources is our heritage, and the reason for which the County developed the Significant Ecological Area (SEA) Program.

The biodiversity of the County is a product of the forces that shaped California, and its variety corresponds directly to the variety of places in the County where we choose to live. The feelings and images we associate with these locations are inextricably entwined in the biota they support. Imagine Palos Verdes without California sagebrush; Saddleback Butte without Joshua trees and creosote; the Tehachapi Mountains without vibrant wildflower fields; the Puente Hills without black walnut and coast live oak; or San Antonio Canyon without California scalebroom, white alder, and western sycamore. Even if you are not familiar with the names of these plants, it doesn’t matter—you recognize these places in large part because of their characteristic vegetation and habitats.

Nature is slow, and the landscape that supports nature is changing, in some cases more rapidly than nature can keep up. Much of this change has already taken place—the San Fernando Valley was once an oak savanna; the western Antelope Valley was once a Joshua-juniper forest. Some of the changes we face may be out of our control, but many are within our ability to shape. Siting development to avoid obvious detrimental impacts to biota is the biggest part of the SEA program and is an effective method for protecting the important biodiversity of Los Angeles County.



Figure 1. Palos Verdes Coastline, April 2017. Photo by Sergei Gushev (source: Flickr)



Figure 2. Joshua trees under the milky way in the Antelope Valley. Photo by Mayra Vasquez, Los Angeles County



Figure 3. Wildflower fields in front of the Tehachapi Mountains, March 2009. Photo by Rennett Stowe (source: Flickr)

IT TOOK A VERY LONG TIME FOR THIS BIODIVERSITY TO BE GENERATED AND DISTRIBUTED THROUGHOUT THE COUNTY THE WAY WE SEE IT TODAY, AND THE LAND USE DECISIONS WE MAKE TODAY WILL PERMANENTLY AFFECT THE BIODIVERSITY WE LEAVE FOR THE FUTURE.

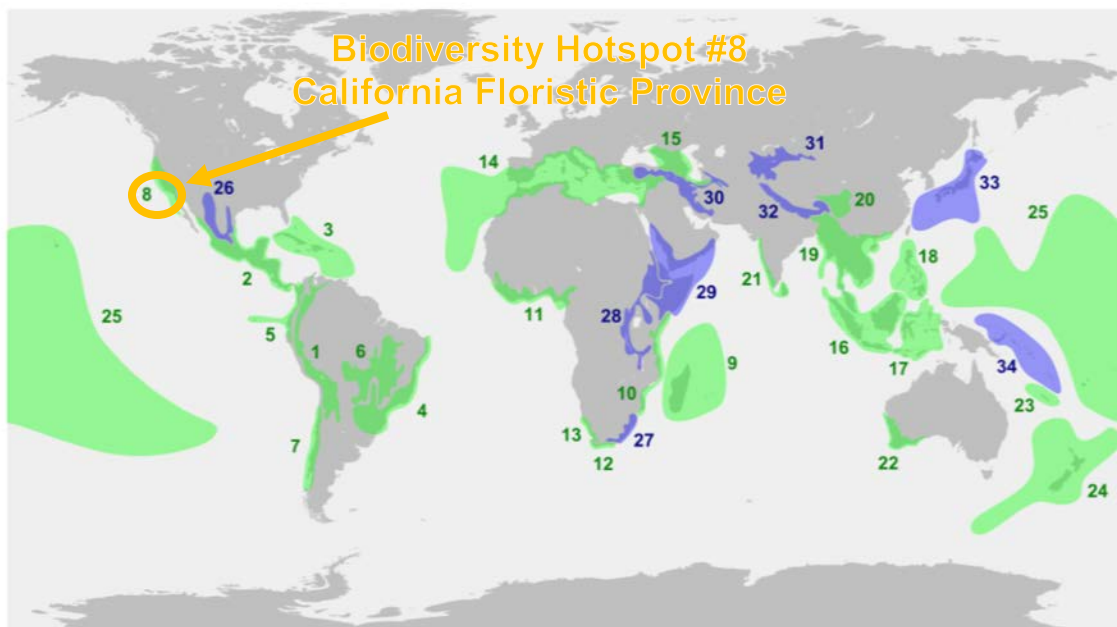


Figure 4. Los Angeles County lies within the California Floristic Province, which is globally recognized as a hotspot of native biodiversity.

## SEA PROGRAM COMPONENTS

The SEA Program was originally established as a part of the 1980 County General Plan, to help conserve the genetic and physical diversity within Los Angeles County by designating biological resource areas capable of sustaining themselves into the future. The General Plan 2035 ("General Plan") updated the SEA boundary map, goals and policies in 2015.

SEAs are places where the County deems it important to facilitate a balance between development and biological resource conservation. Where occurring within SEAs, development activities are carefully guided and reviewed with a key focus on site design as a means for conserving fragile resources such as streams, woodlands, and threatened or endangered species and their habitats. The SEA Program does not change the land use designation or the zoning of a property; rather it uses guidance and biological review and the application of certain development standards to balance the preservation of the County's natural biodiversity with private property rights.

The SEA Program consists of the following components, which are discussed in further detail below:

1. The SEA Goals and Policies found in the Conservation and Natural Resources Element of the Los Angeles County General Plan 2035;
2. The Significant Ecological Areas and Coastal Resource Areas Policy Map ("SEA Boundary Map") also found in the Los Angeles County General Plan 2035; and
3. The SEA Ordinance of the County Zoning Code.



## **SEA GOALS AND POLICIES (GENERAL PLAN 2035, CONSERVATION AND NATURAL RESOURCES ELEMENT)**

[Chapter 9: Conservation and Natural Resources Element](#), of the General Plan establishes goals and policies for SEAs. Areas of the County designated as SEAs satisfy at least one of the following six SEA Selection Criteria:

- A. Habitat of core populations of endangered or threatened plant or animal species.
- B. On a regional basis, biotic communities, vegetative associations, and habitat of plant or animal species that are either unique or are restricted in distribution.
- C. Within the County, biotic communities, vegetative associations, and habitat of plant or animal species that are either unique or are restricted in distribution
- D. Habitat that at some point in the life cycle of a species or group of species, serves as concentrated breeding, feeding, resting, migrating grounds and is limited in availability either regionally or in the County.
- E. Biotic resources that are of scientific interest because they are either an extreme in physical/geographical limitations or represent unusual variation in a population or community.
- F. Areas that would provide for the preservation of relatively undisturbed examples of the original natural biotic communities in the County

[Appendix E of the General Plan](#) includes detailed descriptions of each SEA, including boundaries, representative resources, wildlife movement opportunities, and designation criteria analysis. The SEA designation does not identify every individual biotic resource, and SEAs are not preserves or conservation areas; rather, SEAs are areas in which planning decisions are made with extra sensitivity toward biological resources and ecosystem functions.

### **SEA BOUNDARY MAP (GENERAL PLAN 2035 - FIGURE 9.3)**

The General Plan 2035 established the current SEA boundaries, as depicted on the SEA Boundary Map (Figure 5). In order to facilitate maintenance of sufficient habitat and to promote species movement, the SEAs were mapped over large areas of undisturbed or lightly disturbed land, linking together and supporting regional resources, such as agricultural lands, forests, mountains, canyons, and open space.

### **SEA ORDINANCE (TITLE 22 PLANNING AND ZONING CODE)**

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. The goal of the SEA Ordinance is to guide development to the least impactful areas on a property in order to avoid adverse impacts to biological resources. The level of SEA assessment is dependent on the area of disturbance, sensitivity of biological resources impacted, and consistency with Development Standards. Chapter 2 explains the SEA assessment process in more detail.



Figure 5. The SEA Boundary Map depicts 21 SEAs and nine Coastal Resource Areas (CRAs)<sup>1</sup>. Four SEAs are located entirely outside of the County's jurisdiction, while 12 others have portions located within incorporated cities. The SEA Boundary Map shows CRAs and SEAs within cities for reference and visual continuity only. The SEA Program applies solely to adopted SEAs located within unincorporated areas. Conceptual SEAs will be subject to SEA Ordinance once they are formally adopted as SEAs.

<sup>1</sup> CRAs include biological resources equal in significance to SEAs, but, since they occur in the coastal zone, they fall under the authority of the California Coastal Commission. Ecological resources of CRAs are protected by specific provisions within an area's certified local coastal program.

**\*\*For development located in the Santa Monica Mountains, consult the SMM North Area CSD or the SMM Local Coastal Program for biological regulations (see page 48).\*\***

## SEA IMPLEMENTATION GUIDE

The purpose of this SEA Implementation Guide (“Guide”) is to provide an overview of the SEA Program, guidance for reviewing proposed development in SEAs, and counseling to the public on appropriate development within SEAs. As its name suggests, this document should guide implementation of the SEA Program and clarify regulatory language in the SEA Ordinance, and as such, it should always be used in conjunction with goals and policies of the General Plan, the SEA boundary map, and the SEA Ordinance regulations.

This Guide contains tools and information for:

- ❖ identifying and prioritizing SEA Resources present on a project site;
- ❖ complying with SEA Development Standards;
- ❖ understanding the SEA assessment process, including permit requirements and analysis;
- ❖ guiding project design to avoid impacts to SEA Resources;
- ❖ meeting natural open space preservation requirements; and
- ❖ monitoring the overall effectiveness of the SEA Program in protecting resources.

### CHANGES TO THIS GUIDE

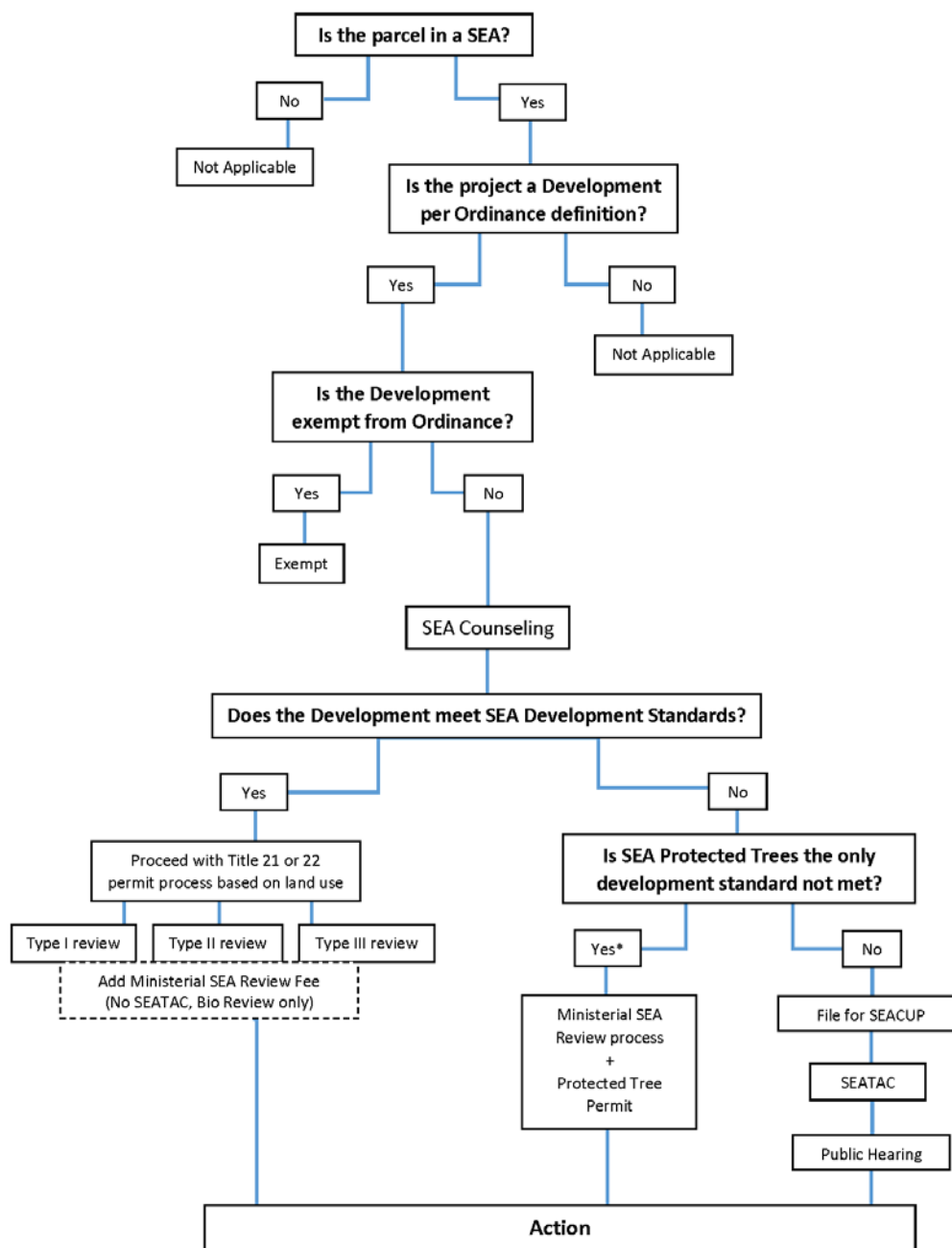
This Guide does not provide additional policies or regulatory provisions and is only to be used to clarify goals, policies, ordinance provisions, and processes. Please refer to the SEA Ordinance within Title 22 of the Los Angeles County Code for the specific SEA Ordinance regulations.

The SEA assessment process described within this Guide reflects current and best practices of the Department of Regional Planning (“Department”). This Guide will be updated as necessary by the Director to reflect current permit processing practice. This 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.

Public notification of changes to this Guide will be posted on the SEA website ([planning.lacounty.gov/sea](http://planning.lacounty.gov/sea)) and emailed to those who subscribe to our email list. Such changes may include revisions affecting the permitting process or updates to the Department maintained lists in the appendices. Email the Environmental Planning and Sustainability section at [sea@planning.lacounty.gov](mailto:sea@planning.lacounty.gov) to subscribe to the SEA email list.

## 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

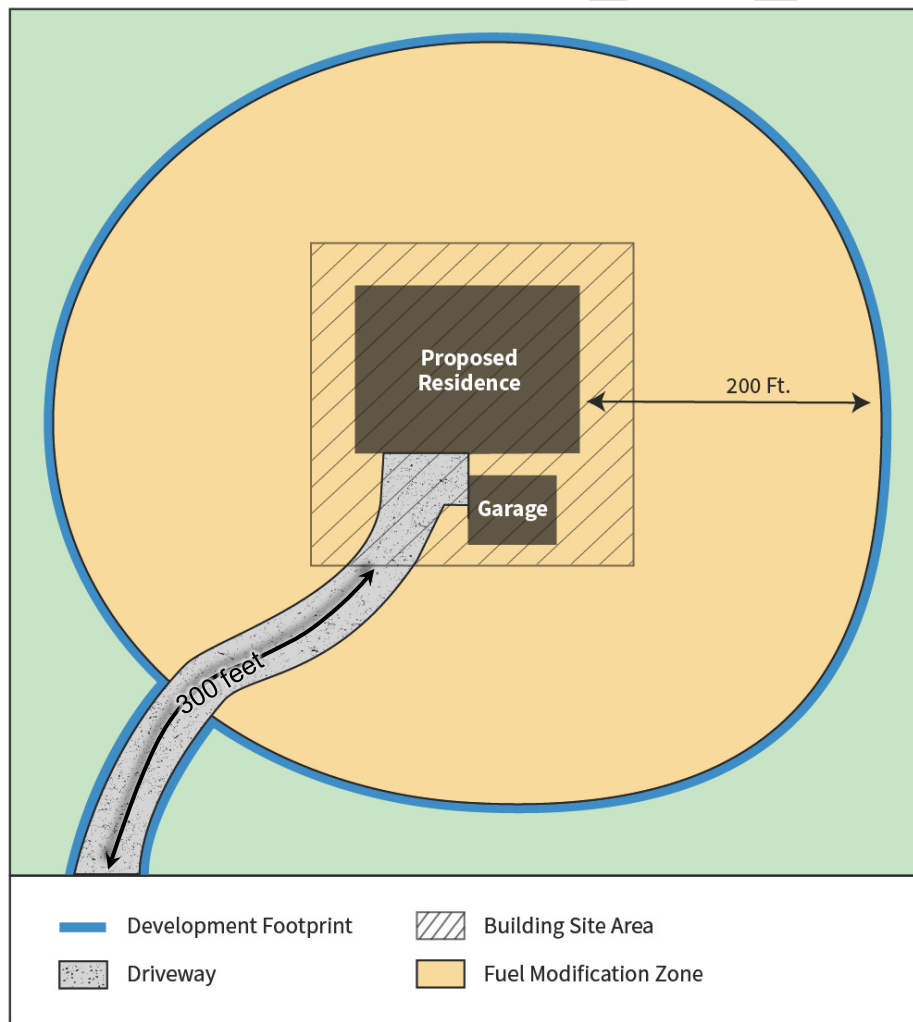
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<sup>4</sup> Generally the need for a site visit will be determined at the SEA Counseling, but the visit will not occur until after the application has been filed.



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.

## CHAPTER 3. SEA PROTECTED TREES

Native trees are those that evolved and occur naturally in a given location. Maintaining and protecting native trees in SEAs is important not only for the health and perpetuation of the SEAs, but also for the welfare of the County as a whole. The intent of the tree protection regulations in the SEA Ordinance is to encourage responsible management of trees within SEAs.



Figure 8. Native trees are especially important because they coevolved with the flora and fauna of the region, are adapted to local climates and soils, and are intricately tied to the function of ecosystems and the maintenance of biodiversity.

Healthy trees provide benefits for public health (e.g. producing oxygen, reducing smog, and intercepting airborne particulates), social welfare (e.g. reducing stress and promoting physical activity), the environment (e.g. filtering, slowing and retaining rainwater, and cooling air temperatures), and the economy (e.g. improving property values). And native trees are especially important because they coevolved with the flora and fauna of the region, are adapted to local climates and soils, and are intricately tied to the function of ecosystems and the maintenance of biodiversity.

### SEA PROTECTED TREES

A list of trees that are native to each SEA is included in Appendix A. SEA native trees become protected once their trunk diameter reaches the size indicated in the list. Trunk diameter is measured at 54 inches above natural grade (also referred to as “diameter at breast height” or “DBH”).

The size at which native tree species become protected was determined as follows:

- ✓ All Joshua trees (*Yucca brevifolia*) and California juniper (*Juniperus californica*) are protected, regardless of size<sup>7</sup>,
- ✓ Riparian species and trees listed as rare by California Native Plant Society (“CNPS”) are protected at 3-inch DBH,
- ✓ Coniferous species are protected at 5-inch DBH, and
- ✓ Upland hardwood species are protected at 6-inch DBH.

Additionally, for all listed native trees with multiple trunks, the tree is protected if the combined diameter of the two largest trunks equals eight inches or more.

### HERITAGE TREES

A SEA CUP is required to remove any Heritage Tree, which are considered irreplaceable because of their rarity, distinctive features, and prominence within the landscape. To be designated as a Heritage Tree, a SEA Protected Tree must have a single trunk that measures 36 inches or more in diameter, or two trunks that collectively measure 54 inches or more in diameter. For tree species with unnaturally enlarged trunks due to injury or disease (e.g., burls and galls), the tree must be at least 60 feet tall or 50 years old. Joshua

<sup>7</sup> These are very slow growing trees that are particularly vulnerable to impacts of development and important to the maintenance of biodiversity of the SEAs in which they occur.

and juniper trees, which have naturally thin trunks, must have a height of 20 feet or a canopy spread of 35 feet, respectively, to be designated as a Heritage Tree. Age should be determined from historical accounts, photographs, or associations with historic structures; age may not be determined by growth ring counts in cores taken from the edge to the center of the tree.

## TREE PROTECTED ZONE

Tree roots extend well beyond the visible canopy of the tree and can be greatly impacted by disturbances to the ground around them (e.g., from compaction, grading, paving, etc.). Healthy roots that have access to nutrients, air, and water are vital to maintaining the health of the tree. Subsection 22.102.090(B) establishes minimum setbacks for SEA Protected Trees, known as the Tree Protected Zone, or “TPZ”. The TPZ extends a minimum of five feet out from the dripline of a protected tree or 15 feet from the trunk, whichever distance is greater.

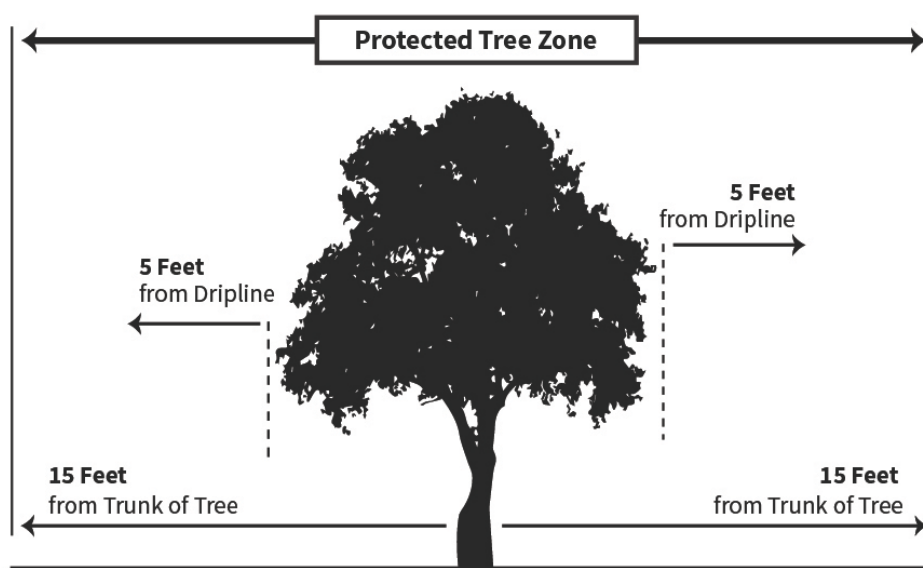


Figure 9. Development must be set back a minimum of 5-feet from the dripline or 15-feet from the trunk of a SEA Protected Tree, whichever distance is greater.

## SEA PROTECTED TREE EXEMPTIONS

The following exemptions (B, M, N, and P) listed in 22.102.040 (Exemptions) pertain to SEA Protected Trees. See Chapter 5 of this Guide for a full explanation of SEA Ordinance exemptions.

### Exemption B.

*All areas outside the boundaries of the Antelope Valley Area Plan:*

1. *Additions or modifications to existing single-family residences, associated accessory structures, or animal keeping areas/structures, as long as such addition or modification does not increase the total building site area to more than 20,000 square feet or **encroach into more than 10 percent of the dripline for up to four SEA Protected Trees.***

This exemption allows for expansions or modifications to single-family residences, or their accessory structures or animal keeping facilities, to have minimal encroachments on a limited number of trees. Note that it specifically refers to encroachments into the driplines of the protected trees, rather than the protected zone.

Key elements of this exemption related to SEA Protected Trees include:

- ✓ the addition or modification may not encroach within more than 10 percent of the dripline of any protected tree, and
- ✓ the addition or modification may not encroach within the driplines of more than 4 protected trees.

#### Exemption M.

*Emergency removal of any tree listed on the SEA Protected Tree List maintained by the Department, due to a hazardous or dangerous condition, or being irretrievably damaged or destroyed through flood, fire, wind, lightning, drought, pests, or disease, as recommended by a licensed arborist and approved determined after visual inspection by a forester with the Fire Department or in consultation with a County Biologist.*

The ~~County Biologist or~~ County Forester can issue an emergency tree removal permit for trees that are determined to be in a hazardous or dangerous condition. This generally means that the tree is in a condition and location that directly endangers the safety of people or property. An emergency removal may also be allowed when the tree is determined to be diseased or infested by non-native pests and removal of the tree is determined to be necessary to prevent a more widespread infestation.

#### Exemption N.

*Tree maintenance, limited to removal of dead wood and pruning of branches not to exceed two inches in diameter and 25 percent of live foliage within a two year period, intended to ensure the continued health of a SEA Protected Tree, in accordance with guidelines published by the National Arborists Association. Should excessive maintenance, trimming, or pruning adversely affect the health of the tree, as determined by the County Biologist or Forester with the Fire Department, a Protected Tree Permit per Section 22.102.070 (Protected Tree Permit) or SEA Conditional Use Permit (SEA CUP) per Section 22.102.080 (SEA Conditional Use Permit) may be required.*

This exemption allows for pruning of protected trees that is necessary to maintain the health of the tree, remove fuel ladders for fire protection, or protect persons or property from the risk of falling limbs. Tree maintenance is exempt from the Ordinance as long as the maintenance is performed in accordance with guidelines published by the National Arborist Association, and as long as the pruning:

1. does not remove branches in excess of two-inch diameter, and
2. does not remove more than 25% of the tree's overall canopy within a two year period.

There are no submittal requirements; however, pruning or trimming in excess of that allowed that leads to loss of the tree or a notable decline in tree health, as determined by a Forester with the Fire Department or the County Biologist, is a violation of the Ordinance and will require a Protected Tree Permit.

#### Exemption P.

~~Introduced~~ *Introduction of trees which qualify for protection under the definition of SEA Protected Tree, but which can be demonstrated to have been planted by a person for the purposes of affecting the architecture, climate, or aesthetics of a given place and are, therefore, considered landscape features, or subsequent removal or other alteration of only those trees that qualify as introduced. Removal or other alteration of an introduced tree shall require documentation of the planting must be provided introduction. Trees planted as mitigation do not qualify as introduced.*



Trees that qualify as protected but which can be demonstrated to have been planted by a person for the purposes of affecting the architecture, climate, or aesthetics of a given place and that are, therefore, considered landscape features, may be planted, or removed or altered without an SEA or Protected Tree permit. Documentation of the planting must be provided, and may be in the form of invoices, photographs, an approved landscaping plan that clearly indicates the location and species of the new tree to be planted, or other reasonable means. Trees planted as mitigation do not qualify as introduced.

## SEA PROTECTED TREES DEVELOPMENT STANDARD

The SEA Ordinance includes the following Development Standards for SEA Protected Trees:

1. Establishment of the tree protected zone (see above),
2. Limitation on number and extent of encroachments allowed:
  - ✓ no more than four encroachments into the TPZ of SEA Protected Trees; and
  - ✓ no more than 10 percent encroachment into the TPZ of each of those protected trees.
3. Limitation on number and size of removals allowed:
  - ✓ removal of one SEA Protected Tree<sup>8</sup> is allowed through Ministerial SEA Review; but
  - ✓ the tree to be removed cannot be a Heritage Tree.

A development that can comply with this requirement for protected trees and all other Development Standards requires only the Ministerial SEA Review. Any impacts to SEA Protected Trees beyond that allowed by the Development Standard require either a Protected Tree Permit or a SEA CUP (TABLE 1).

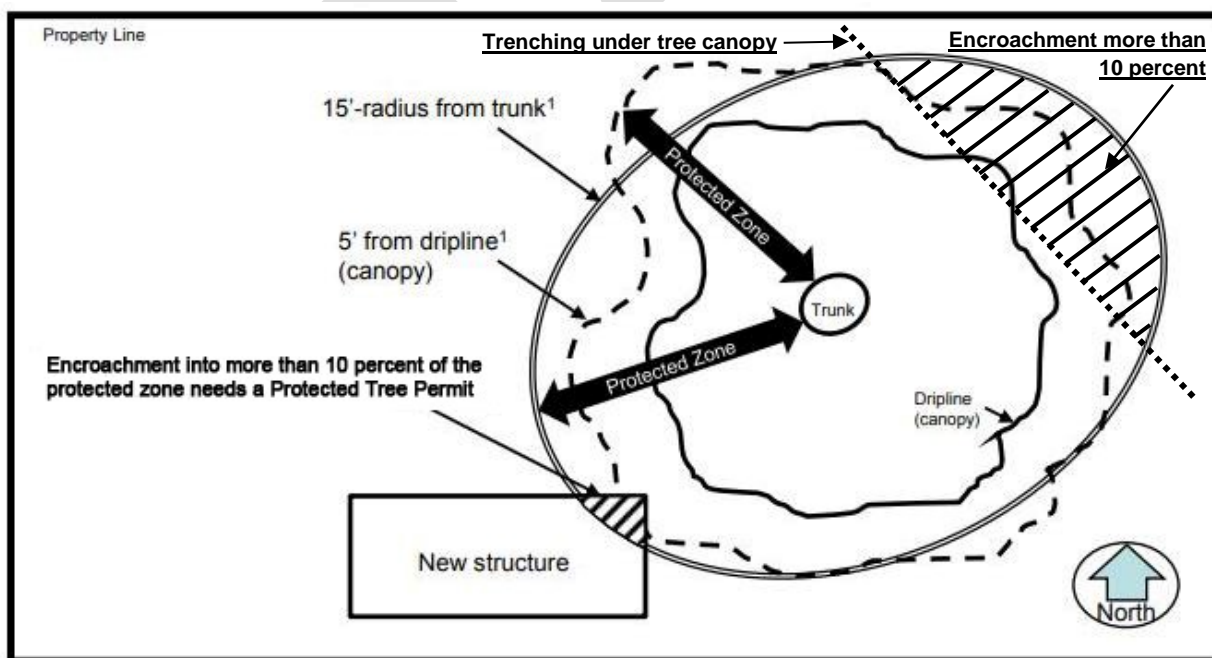


Figure 10. Any development (including but not limited to structures, walls, fences, grading, paving, irrigation, landscaping, decks, storage, and parking) must be located outside the tree protected zones of all SEA Protected Trees. When determining whether there is an encroachment, consider the protected zones of both protected trees on the subject property and those outside the property, including within the public right of way.

<sup>8</sup> Oak trees may require additional application materials for an Oak Tree Permit.



## PROTECTED TREE PERMIT

If a development is able to meet all Development Standards except for impacts to SEA Protected Trees, it may be able to obtain a Protected Tree Permit (“PTP”) and proceed with the Ministerial SEA Review. All PTPs will have a corresponding Ministerial SEA Review, since the Ministerial SEA Review process will determine that all other Development Standards are met and identify the need for a PTP. A PTP may be obtained for pruning of protected trees in excess of that allowed by Exemption N, encroachments of up to 30% of the TPZ for any number of protected trees, and/or removal of two (non-heritage size) protected trees, provided that such activity can meet the findings and burden of proof. Removal of more than two SEA Protected Trees or removal of any Heritage Tree requires an SEA CUP.

### A PROTECTED TREE PERMIT (PTP) IS REQUIRED WHEN...

the development is able to meet all development standards, except for the SEA Protected Trees development standard, and the impacts to SEA Protected Trees include one or more of the following:

- ✓ Pruning of branches greater than two-inches diameter;
- ✓ Pruning in excess of 25% of live foliage;
- ✓ Encroachments up to 30% of the protected zone; or
- ✓ Removal of up to two trees that are not designated as Heritage Trees.

### APPLICATION MATERIALS

The PTP will follow the Type II Review process. The application materials for PTPs include:

1. Standard application materials for Type II Review
2. Protected Tree Report prepared by a qualified arborist or resource specialist, which includes:
  - ✓ a tree survey map;
  - ✓ descriptions of all existing SEA Protected Trees on the subject property and any potentially impacted SEA Protected Trees adjacent to the subject property;
  - ✓ evaluation of existing health and potential impacts of development for each SEA Protected Tree;
  - ✓ identification of all SEA Protected Tree removals and encroachments; and
  - ✓ recommendations for avoiding, minimizing, and/or mitigating SEA Protected Tree impacts<sup>9</sup>.

*Oak tree species may require additional application materials for an Oak Tree Permit.*

### MITIGATION & MONITORING

Removal of any SEA Protected Tree will require mitigation in the form of two replacement plantings. Replacement trees should be seedlings of the same species being removed, and should be planted in an area of the project site where there is suitable habitat and where the trees will be able to remain in perpetuity. The replacement trees will need to be nurtured and maintained in a healthy condition, and will

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<sup>9</sup> If replacement plantings are required for mitigation of tree removals, recommendations for planting and maintaining these plantings should be included in the report as well. Proposed locations for the replacement plantings should be shown on the tree survey map or site plan.

be monitored. If any of the replacement plantings fail during the monitoring period of seven years, the applicant will be responsible for replanting and nurturing those new trees.

Protected Tree Permits for encroachments or excessive pruning will require monitoring of those impacted trees for a period of seven years. The County Biologist or a Forester with the Fire Department will conduct a minimum of three monitoring visits during that seven year period, with visits occurring in years two, four, and seven. If, at any time during the monitoring period, the County Biologist or Forester detects a noticeable decline in the tree's health, they will make recommendations regarding actions that should be taken to improve the tree's condition. If ~~the tree health continues to suffer unacceptable decline of health and vigor~~ or ~~if the tree is found to be dead or dying at the end of the monitoring period~~, the applicant will be required to mitigate that loss by planting two replacement trees (for each tree lost). The decline of health and vigor determination will be based on the County Biologist or Forester's field knowledge, International Society of Arboriculture references, and seasonal anomalies.

**TABLE 1. SEA PROTECTED TREES PERMIT REQUIREMENTS**

IMPACT		PERMIT	MITIGATION
Pruning	Up to 25%; ≤ 2-inch branch diameter	Exempt	None
	More than 25%; > 2-inch branch diameter	Protected Tree Permit	Monitoring – 7 years
Encroachment	Up to 10%; maximum 4 trees	Ministerial SEA Review	None
	Up to 30%; any number of trees	Protected Tree Permit	Monitoring – 7 years
	More than 30%	Processed as Removal (see below)	
Removal	1 tree (under heritage size)	Ministerial SEA Review	None
	2 trees (under heritage size)	Protected Tree Permit	2:1
	More than 2 trees	SEA CUP	Determined through discretionary review
	Heritage Trees	SEA CUP	

### PROTECTED TREE FUND

If the County Biologist or Forester determines that replacement plantings on the project site is inappropriate (e.g. no adequate locations for plantings exist), they may recommend that the applicant pay into the Protected Tree Fund instead. The amount to be paid into the fund would be an amount equivalent to the resource value of the trees described in the Protected Tree Report. The resource value of the trees will be calculated according to the most current edition of the International Society of Arboriculture's "Guide for Plant Appraisal", and approved by the County Biologist or Forester. The applicant should consult with a qualified arborist or resource professional in calculating the value of SEA Protected Trees.

The Protected Tree Fund will be used for projects related to native tree and woodland establishment and protection, including planting, establishing, and maintaining native trees on public lands, purchasing native tree woodlands, and/or purchasing sensitive native trees of ecological, cultural, or historic significance. Up to ~~seven~~ twenty percent of the funds collected may be used to study and identify appropriate programs for use of the fund. Programs can include for outreach and educational purposes.

## SEA CUP FOR IMPACTS TO SEA PROTECTED TREES

Any development that will remove a Heritage Tree or will remove more than two non-heritage size SEA Protected Trees will require an SEA CUP. Mitigation and monitoring for such removals will be determined as part of the discretionary SEA CUP review and included as conditions of approval in the permit. Mitigation and monitoring requirements for SEA CUPs should meet or exceed the mitigation and monitoring requirements of the PTP.

## BEST MANAGEMENT PRACTICES

The following are recommended best practices for properly caring for trees in SEAs.

### DEAD AND FALLEN TREES

Dead and/or fallen trees provide habitat for a host of flora and fauna, and contribute to the nutrient cycling of an ecosystem. Therefore, when occurring outside of the development footprint (which includes fuel modification areas), dead and/or fallen trees should be left in place to serve their purpose as a natural part of the habitat. Removal of a tree which has fallen naturally and/or the felling and subsequent removal of standing, certifiably dead trees is considered development and may require a SEA permit or Protected Tree Permit. An exemption for emergency removal may be obtained if a visual inspection by a Forester with the Fire Department determines removal is necessary due to a hazardous or dangerous condition ~~a report is prepared by a certified arborist, which details the need for removal~~ (e.g. disease, potential for spreading infestation to other trees, blocking public roadways, etc.). Any emergency removal of infested, dead, or fallen trees which have been shown to have a disease or infestation should follow proper Best Management Practices for tree removal and disposal.

### IRRIGATION

Spray-type irrigation systems should not be used within a tree's protected zone and water should never be sprayed against the trunk of a native tree. Continuously wet soil near the root crown (the area where the tree trunk meets the soil surface) favors the growth of tree pests that lead to rot and disease.

### NESTING BIRDS

Proposed project activities (including, but not limited to, tree removal, maintenance, and/or construction activities) should occur outside of the avian breeding season ("nesting bird season") to avoid take of birds or their eggs. Nesting bird season generally runs from February 1 to August 31, but may start as early as January 1 for some raptors. Take means to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill (Fish and Game Code Section 86), and includes take of eggs or young resulting from disturbances which cause abandonment of active nests. Depending on the avian species present, a qualified biologist may determine that a change in the breeding season dates is warranted.

If avoidance of the avian breeding season is not feasible, a qualified biologist with experience in conducting breeding bird surveys should conduct nesting bird surveys to detect protected native birds occurring in suitable nesting habitat that is to be disturbed and (as access to adjacent areas allows) any other such habitat within 500 feet of the disturbance area. Depending on the habitat present and the magnitude of disturbance to take place, the biologist may recommend weekly surveys to be conducted over a 30-day

period, two surveys to be conducted within one or two weeks prior to disturbance, or a single survey to be conducted within three days of disturbance. Regardless of the number of surveys conducted, the last survey should always be conducted no more than three days prior to the initiation of project activities.

If a protected native bird is found, the project proponent may delay all project activities within 300 feet of on- and off-site suitable nesting habitat (or within 500 feet for suitable raptor nesting habitat) until August 31. Alternatively, the qualified biologist may continue the surveys in order to locate any nests. If an active nest is located, project activities within 300 feet of the nest (within 500 feet for raptor nests) or as determined by a qualified biological monitor, should be postponed until the nest is vacated and juveniles have fledged and there is no evidence of a second attempt at nesting.

For more information on bird-friendly tree maintenance, refer to Los Angeles Audubon's "Guide to Bird-Friendly Tree and Shrub Trimming and Removal", available online at: [planning.lacounty.gov/site/sea/resources](http://planning.lacounty.gov/site/sea/resources).

### TREE TRIMMING OR PRUNING

Be careful not to excessively and inappropriately trim native trees. Removal of live tissue for ornamental or aesthetic purposes alone is not appropriate for SEA Protected Trees. Over trimming results in trees that are less healthy and more vulnerable to pests and disease, and reduces the amount of habitat available for birds and other wildlife. The amount of live foliage that can be removed while maintaining a healthy tree depends on a variety of factors, such as the tree's size, species, and age. Younger trees tolerate more pruning than mature trees. Generally, no more than 25% of a tree's live foliage should be removed at once – less for mature trees. Removing even a single, large limb can result in significant canopy loss and can create a wound that the tree may not be able to close, leaving it vulnerable to pests and disease. This is especially true for mature trees that are already impacted by drought, development, or other stressors, or if the pruning is done improperly or at the wrong time of year. For this reason, pruning of branches two-inches or more in diameter is prohibited without a Protected Tree Permit.

With the exception of periodic removal of dead wood, most native trees require very little pruning. Dead wooding, which refers to the removal of dead tissue in the tree canopy, may be performed without a permit. Pruning of branches with major defects, such as decay, cavities, cracks, physical imbalance, fire damage, disease, or insects, that pose a threat to the safety of persons or property, or to the continued well-being of the tree, should follow standards endorsed by the International Society of Arboriculture.

It is always recommended to consult with a certified arborist, licensed landscaper, or qualified tree trimmer who knows and cares about tree health before pruning or trimming native trees. For more information on proper tree pruning and maintenance, visit the International Society of Arboriculture website at: [www.treesaregood.org/treeowner/pruningyourtrees](http://www.treesaregood.org/treeowner/pruningyourtrees).

### PROTECTED TREE PERMIT AND OAK TREE PERMIT

When oak trees of regulation size (8-inch DBH or more) per the Oak Tree Permit are impacted along with other SEA Protected Trees, the oak trees shall be counted as SEA Protected Trees. The Oak Tree Permit required for the regulation size oak trees shall be folded into and processed through either a Ministerial SEA Review, Protected Tree Permit, or SEA CUP, depending on the impacts. No accompanying Oak Tree Permit will be required in these instances.

## CHAPTER 4. DESIGN & DEVELOPMENT STANDARDS

Development standards set forth minimum requirements and maximum allowances (e.g., minimum setbacks from a street or maximum height of a structure). The SEA Ordinance establishes Development Standards to ensure that development is designed in a manner that supports the long-term sustainability of each SEA. Projects must comply with all Development Standards in order to obtain approval, or they may request modification of Development Standards through a SEA Conditional Use Permit. This chapter provides additional guidance and information to assist applicants with understanding and meeting Development Standards, as well as some best practices for designing development in a way that is compatible with SEA resources.

### RECOMMENDED DESIGN GUIDELINES FOR PROJECTS WITHIN SEAS

- ✓ Locate new development as close to existing development and roadways as possible.
- ✓ Cluster structures and infrastructure within 25% or less of the lot area (including roads, utilities, landscaping, and fire management requirements) and maintain the remaining portions of the site in a natural undisturbed state.
- ✓ Place utilities underground and adjacent to roadways (i.e. within the right of way).
- ✓ Avoid placing development on slopes greater than 25%, unless the outcome is biologically superior (e.g. avoids impacts to sensitive biological resources). See the Hillside Management Area Ordinance (Chapter 22.104) for hillside design requirements in areas with 25% or greater natural slopes.
- ✓ Locate development away from wildlife corridors and use only wildlife permeable fencing outside of development to allow wildlife to move easily through the undeveloped portion of the project site.
- ✓ Locate development away from the most sensitive natural resources and protect those resources and contiguous natural areas as open space.
- ✓ Do not alter, grade, build upon, fill or divert water from any wetland area. Maintain minimum buffers around such areas, as specified in the SEA Development Standards.
- ✓ Do not alter, grade, fill or build within any part of the 100-year flood plain of a river or stream.
- ✓ Avoid removal of native trees, such as oak, walnut, sycamore, juniper, and Joshua trees (see SEA Protected Tree List in Appendix A).
- ✓ Landscape with plant materials that are locally indigenous and drought-tolerant. Do not landscape with invasive species listed in the Invasive Species List (Appendix C) or listed as invasive by California Invasive Plant Council.
- ✓ Direct outdoor lighting downward and away from adjacent natural areas.
- ✓ Use non-glare/non-reflective glass and/or other methods for preventing collisions of birds with window glass.

## SEA RESOURCES

The SEA Ordinance defines *SEA Resources* as “the biological and physical natural resources that contribute to and support the biodiversity of SEAs and the ecosystem services they provide.” In Chapter 1, the concept of biodiversity and its importance to maintaining the character of LA County was introduced. Biodiversity, at its core, is simply the variety of life that occurs in a particular place. While biodiversity speaks to the diversity of living organisms, it is the combination of those living organisms (plants, animals, fungi, microbes, etc.) and the physical natural resources (non-living resources such as water, rocks, minerals, and air) that make up an *ecosystem*.

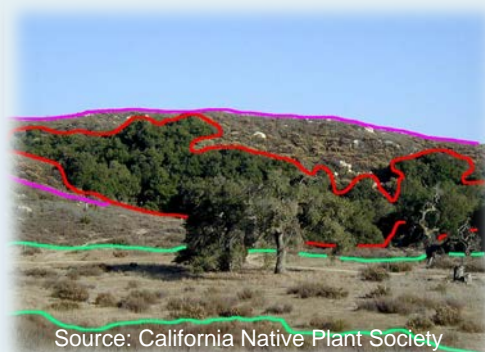
Many interactions take place within an ecosystem between the living organisms and their physical environment, and these chemical, biological, geochemical, or physical interactions provide the ecosystem with the raw materials it needs to continue to thrive. Many of these interactions, or *ecosystem functions*, also provide direct and indirect benefits to people. Such benefits are known as *ecosystem services*, and include things like clean air and water, fertile soils, pollination, raw materials in the form of foods, biofuels, and medicinal resources, protection from natural disasters like floods and droughts, and regulation of temperatures. There are also many social and cultural services provided by healthy, functioning ecosystems, such as scenic views and opportunities for recreation, tourism, culture, art, and design. The continued ability of our local ecosystems to provide the ecosystem services and biodiversity that we enjoy in LA County today depends in large part on ensuring adequate protections for the resources themselves, many of which are concentrated within and adjacent to SEAS.

To that end, the SEA Ordinance divides SEA Resources into five categories, with each category afforded a certain level of protection consistent with its relative abundance in the County and sensitivity to disturbance. Categories 1 through 3 are referred to in the Ordinance as Priority Biological Resources. SEA Resources are divided into categories based on the following factors:

- ❖ sensitivity to impacts of development;
- ❖ relative scarcity within the state, County, or SEA;

### NATURAL COMMUNITIES

A natural community is a collection of plants that occur together in a repeating pattern across a landscape. Without even knowing the names of the plants, one can start to detect patterns based solely on their size, shape, and spacing.



Source: California Native Plant Society

By grouping vegetation together in this way, they can be described, mapped, and ranked based on sensitivity and rarity. Mapping natural communities can be used to:

- ✓ predict available habitat for plant and animal species,
- ✓ depict patterns of biodiversity,
- ✓ help predict fuel loads and fire risk, and
- ✓ track and evaluate changes over time.

Examining and protecting natural communities shifts the conservation emphasis from a single-species approach to a landscape approach that encompasses groups of species and ecosystems, as well the interplay between those groups.

This approach recognizes that species never occur in isolation, but rather exist as members of a community of interdependent plants and animals.



- ❖ role in supporting populations of species and ecosystem services;
- ❖ and ability to recover from disturbance (resilience).

The SEA Ordinance relies largely on existing standards, requirements, and thresholds already in use by state, federal, and county resource agencies and authorities. Each category is described in more detail below. The SEA Ordinance includes specific Development Standards for SEA Resource Categories 1 through 4 (TABLE 2). Other area-wide and land use specific Development Standards are intended to preserve valuable elements of Category 5 SEA Resources.

**TABLE 2. ALLOWABLE DISTURBANCE & PRESERVATION FOR SEA RESOURCES BY CATEGORIES**

SEA RESOURCE CATEGORY:	DISTURBANCE ALLOWED:	OPEN SPACE PRESERVATION RATIO:
1	none	N/A (requires SEA CUP)
2	≤ 500 sq ft	2:1
3	≤ 500 sq ft	1:1
	> 500 sq ft	2:1
4	≤ 500 5,000 sq ft	none
	> 500 5,000 sq ft	1:1
5	any amount	none

\* The total building site area may be no larger than 20,000 square feet.

### SEA RESOURCE CATEGORY 1

No amount of disturbance<sup>10</sup> to resources in this category is allowed under a Ministerial SEA Review, as they are of the highest sensitivity and vulnerability in the region. Most of these resources also have state or federal regulations in place to protect them. Development should always strive to avoid resources in this category. Any development proposing impacts to Category 1 SEA Resources will require a SEA CUP with SEATAC review and a public hearing and will likely also trigger permitting requirements from other state or federal agencies (e.g. USFWS, Army Corps, CDFW, etc.). Mitigation for impacts to these resources is sometimes not a viable option because they are so rare, difficult to detect, or have habitats that are next to impossible to re-create. SEA Resources that fall into this category include the following:

#### ENDANGERED, THREATENED, OR RARE PLANTS AND ANIMALS:

The U.S. Fish and Wildlife Service (USFWS) administers the Federal Endangered Species Act (FESA), which provides a process for listing species as endangered and threatened, and provides guidance for protecting those listed species and the habitats upon which they depend. The California Endangered Species Act (CESA) prohibits the take of any fish, wildlife, or plant species designated by the California Fish and Game Commission as endangered, threatened, or candidate species. The California Department of Fish and Wildlife (CDFW) oversees the species protected by CESA. Both the federal and state regulations prohibit the take of any listed endangered or threatened plant or animal species, including the destruction of a listed species' habitat. All species protected under



Figure 11. The arroyo toad (*Anaxyrus californicus*) is both federally and state listed as an endangered species. Photo by Chris Brown, USGS.

<sup>10</sup> Disturbance includes clearing or thinning of vegetation for fuel modification and fire protection purposes.



FESA or CESA are Category 1 SEA Resources. For the purposes of the SEA Program, both the protected species and their occupied habitat are Category 1 SEA Resources.



**Figure 12.** Braunton's milkvetch (*Astragalus brauntonii*) is a perennial herb listed as federally endangered and CNPS rare plant rank 1B.1. Photo by Benjamin Smith 2010, from CalPhotos.

#### CALIFORNIA RARE PLANT RANKS 1A OR B, 2A OR B, AND 3:

CDFW works in collaboration with the California Native Plant Society (CNPS) and with botanical experts to maintain an inventory of California's sensitive plant species. This inventory consists of a ranking system known as the California Rare Plant Ranks (CRPR), which officially defines and categorizes the level of rarity of California's plants based on known information about the rarity, geographic range, and ecological requirements of each species. All the plants ranked 1A, 1B, 2A, 2B, and 3 meet the definitions of the CESA, are eligible for state listing, and are Category 1 SEA Resources. More detailed information about the CNPS Rare Plant Program can be found online at <http://www.cnps.org/cnps/rareplants/>.



**Figure 13.** *Dudleya greenei*-*Dudleya* spp. Succulent Scrub Herbaceous Alliance is a G1/S1 natural community that is found on the Channel Islands. Photo by Nicole Swabey, NPS.

#### CRITICALLY IMPERILED NATURAL COMMUNITIES<sup>11</sup> (G1/S1):

Natural communities with a global rank of G1 or a state rank of S1 are considered to be "critically imperiled". Critically imperiled natural communities are at very high risk of extinction due to extreme rarity (often with only six or fewer populations remaining worldwide or statewide, and/or up to 1,000 hectares remaining), very steep declines, and other factors. Since they have extremely limited distribution statewide and globally and are highly vulnerable to the impacts of development projects, no amount of disturbance to G1/S1 natural communities is allowed without a SEA CUP.



**Figure 14.** Wetlands are diverse ecosystems that provide vital services and habitat for broad range of species. Photo by City of Los Angeles Department of Cultural Affairs.

#### WATER RESOURCES:

Water resources are highly vulnerable and complex hydrologic and biotic systems that are capable of supporting a vast range of important ecosystem functions. The Conservation and Natural Resources Element (Chapter 9) of the General Plan 2035 characterizes local water resources "an invaluable resource" and recognizes that effective management and preservation of water resources are vital to preserving a high quality of life for LA County's residents and sustaining the functioning of watersheds and the natural environment.

<sup>11</sup> Since 1999, CDFW has classified and mapped natural communities throughout the state of California. One purpose of this classification is to assist in determining the level of rarity and imperilment of natural communities throughout the state. CDFW's current list rates 350 vegetation alliances and over 2,100 associations with a G (global) and S (state) rank according to their degree of imperilment following NatureServe's Heritage Methodology ([www.natureserve.org/conservation-tools/conservation-status-assessment](http://www.natureserve.org/conservation-tools/conservation-status-assessment)).

Since water resources are so sensitive to changes that occur along their boundaries and within their watersheds, the SEA Ordinance goes beyond prohibiting development within their boundaries, to requiring additional buffers between proposed developments and the water resources. See section “B. Water Resources” below for more details on required buffers.

## SEA RESOURCE CATEGORY 2

This category includes species and natural communities that are rare, sensitive, or highly important to maintaining the biodiversity and ecosystem services within SEAs. Only minimal amounts of disturbance may be allowed to these resources, as discussed below.



Figure 15. Desert needlegrass grassland (*Achnotherum speciosum* Herbaceous Alliance) is a S2 natural community. Photo by Todd Keeler-Wolf.

### IMPERILED NATURAL COMMUNITIES (G2/S2):

Natural communities with a global rank of G2 or a state rank of S2 are considered “imperiled”. Imperiled natural communities are at high risk of extinction or elimination due to very restricted range, very few populations (6-20 viable occurrences remaining worldwide or statewide, and/or from 1,000 to 2,000 hectares remaining), steep declines, or other factors.



Figure 16. Joshua Tree Woodland is a Sensitive Local Native Resource in the SEAs in which it occurs (see Appendix B). Photo by Enaid Silverwolf, 2017.

### SENSITIVE LOCAL NATIVE RESOURCES:

Some species and natural communities are much rarer or more significant on a local scale than they are on a global, state, or even regional scale. For this reason, the Department maintains a list of native resources that are rare or significant within the County or specific SEAs (Appendix B). Any species included on this list will be treated as a Category 2 resource within the region(s) indicated on the list, regardless of its state and global rankings.

The SEA Ordinance does not allow more than 500 square feet of cumulative disturbance to SEA Resource Category 2. Additionally, any proposed impacts to SEA Resource Category 2 up to 500 square feet must be compensated for through preservation of an area at least twice the size of that being disturbed. Preserved areas must be protected in perpetuity and maintained in a natural condition. All other relevant Development Standards must also be met, including the required setbacks from native trees occurring within the area to be disturbed.

To meet the requirements of the Development Standard, the area to be preserved must be:

1. the same type of SEA Resource(s) as that being disturbed,
2. located entirely outside of the development footprint (including fuel modification zones) of the proposed project,
3. located outside of any existing brush clearance zones of neighboring structures,

4. at least two-times the size of the area disturbed<sup>12</sup>, and
5. recorded through a permanent on-site deed restriction or covenant (see Chapter 8).

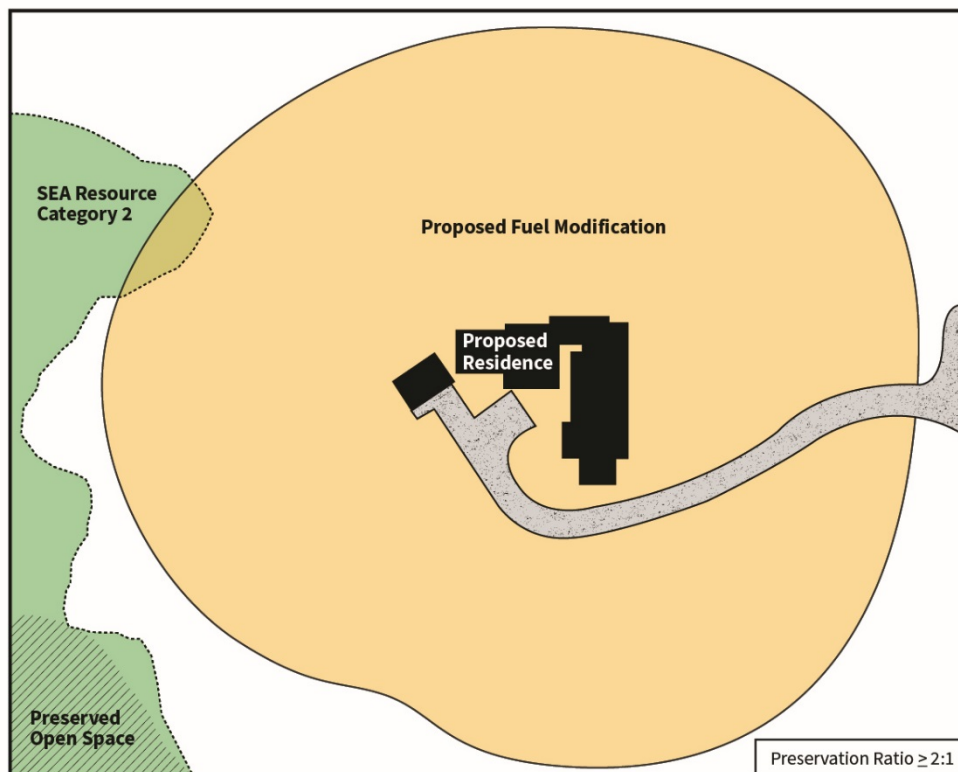


Figure 16. Up to 500 square feet of disturbance to SEA Resource Category 2 is allowed, provided that the applicant preserve at least twice that amount of the same type of habitat on site, through an open space deed restriction or covenant.

<sup>12</sup> While applicants are encouraged to go beyond the minimum requirement, particularly when sensitive resources are present, and preserve as much of the sensitive resource as feasible, the Department will not require more than 2 to 1 preservation through a Ministerial SEA Review.



Figure 17. The Western Burrowing Owl (*Athene cunicularia hypugea*) is a CA Species of Special Concern. Photo by Andy Long, Audubon Photography Awards.

#### SPECIES OF SPECIAL CONCERN:

CDFW uses this status for rare and sensitive animals not listed under FESA or CESA, but which nonetheless are declining at a rate that could result in listing, as well as for animals that historically occurred in low numbers that have known threats to their continued presence. More information on Species of Special Concern can be found on the CDFW website at [www.wildlife.ca.gov/Conservation/SSC](http://www.wildlife.ca.gov/Conservation/SSC). For the purposes of the SEA Program, both Species of Special Concern and their occupied habitat are Category 2 SEA Resources.

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. The SEA Ordinance prohibits development that results in abandonment or failure of any ~~such~~ habitat features that have been identified by a qualified biologist as belonging to a special status species. If a special habitat feature indicates presence of a species of special concern, the consulting biologist should confer with the County Biologist and CDFW to determine the appropriate buffer to maintain between the habitat feature and the proposed development, and this buffer must be shown on the BCM.

#### SEA RESOURCE CATEGORY 3

This category includes natural communities considered by CDFW to be likely to become imperiled unless the circumstances that are threatening their survival improve. Resources in this category include the following:



Figure 18. Chamise-white sage chaparral (*Adenostoma fasciculatum* - *Salvia apiana* Shrubland Alliance) is a G3/S3 ranked natural community. Photo by Julie M. Evens.

#### VULNERABLE NATURAL COMMUNITIES (G3/S3):

Natural communities with a global rank of G3 or a state rank of S3 are considered "vulnerable". Vulnerable communities are at moderate risk of extinction or elimination due to restricted range, relatively few populations (21-80 viable occurrences remaining worldwide or statewide and/or from 2,000 to 50,000 hectares remaining), recent and widespread declines, or other factors.





Figure 19. Joshua Tree Woodland is a Sensitive Local Native Resource in the SEAs in which it occurs (see Appendix B). Photo by Enaid Silverwolf, 2017.



Figure 20. The County regards oak woodlands as being essential to the maintenance of biodiversity and ecosystem services. Photo by James Keeney.

#### SENSITIVE LOCAL NATIVE RESOURCES:

Some species and natural communities are much rarer or more significant on a local scale than they are on a global, state, or even regional scale. For this reason, the Department maintains a list of native resources that are rare or significant within the County or specific SEAs (Appendix B). Any species included on this list will be treated as a Category 2 resource within the region(s) indicated on the list, regardless of its state and global rankings.

#### OAK WOODLANDS:

LA County has long prioritized the protection of oaks, starting with enacting the Oak Tree Ordinance in 1982, and subsequently through the adoption of the LA County Oak Woodlands Conservation Management Plan in 2011. The Oak Woodlands Conservation Management Plan changed the way the Department reviews projects that occur within or near oak woodlands. The main goal of the plan is to conserve oak woodlands in perpetuity with no permanent net loss of existing woodlands. As such, although many natural communities dominated by oak trees are ranked as being less rare or sensitive in the CDFW Natural Communities list, the County regards them as essential to the maintenance of biodiversity and ecosystem services within SEAs and places them in a more protective category.

The SEA Ordinance includes provisions for two tiers of impact to ~~vulnerable natural communities~~ SEA Resource Category 3, namely disturbances under 500 square feet and disturbances over 500 square feet.

1. Development not exceeding 500 square feet of disturbance to SEA Resource Category 3 must preserve an equal area of the same SEA Resource(s) elsewhere on the project site (1:1 preservation ratio).
2. Development that exceeds 500 square feet of impact to SEA Resource Category 3 are required to preserve an area of the same SEA Resource(s) at least two-times the size of that impacted (2:1 preservation ratio).

For both tiers, all other Development Standards must be met, including the maximum total building site area and required setback for native trees. Additionally, to meet the requirements of this Development Standard, the area to be preserved must:

1. consist of the same type of SEA Resource(s) as that being disturbed,
2. be located outside of the development footprint of the proposed project,
3. be located outside of any existing brush clearance zones of neighboring structures, and
4. be recorded through a permanent on-site deed restriction or covenant (see Chapter 8).

### WHY ARE OAK WOODLANDS IMPORTANT TO LOS ANGELES COUNTY?

Adapted from the *Los Angeles County Oak Woodlands Conservation Management Plan*:

Oak woodlands are much more than a collection of individual trees. Associated with those trees, are over 300 vertebrate species and more than 5,000 invertebrates, not to mention hundreds of native plant species. Entering oak woodlands, you experience the complex interconnections of the trees, plants, and animals that create a dynamic living system.

Oak woodlands provide essential ecosystem function services, at little to no cost. The canopies of oaks filter out air pollution, absorb carbon dioxide, and create islands of welcome shade and cooler temperatures. Hillsides covered with oaks provide erosion control through roots that hold the soil and foliage that diffuses rainfall, allowing it to percolate into the ground. Stream banks shaded by oaks slow down floodwaters and help filter out water pollutants.

Oak woodlands provide extensive recreational opportunities that are easily accessed by the huge urban population of Los Angeles County. The health benefits provided by access to trails that wind through the oaks are immeasurable. For many people, a walk through the oaks is a welcome stress relief. Real estate prices for homes in or near oak woodlands are consistently higher than those without oaks or other natural spaces.

Oak woodlands are an iconic part of the visual landscape of Los Angeles County. The daily commute of millions is enhanced by views of oak studded hillsides along crowded freeways. Oaks and humans have a long history of inter-dependence. While few people today rely on acorns as a dietary staple, living in and among oak woodlands is clearly still important to many of us.

### SEA RESOURCE CATEGORY 4

This category represents the more common natural communities that occur within the County, as well as certain plant species with limited distribution within the state.



**Figure 21.** Redshank chaparral (*Adenostoma sparsifolium* Shrubland Alliance) is a G4/S4 ranked natural community. Photo by Julie M. Evens.

#### APPARENTLY SECURE NATURAL COMMUNITIES (G4/S4):

Natural communities with a global rank of G4 or a state rank of S4 are considered to be “apparently secure” within their range. Apparently secure communities may be uncommon within a given geographic range, but they are not rare on a larger scale. Some cause for long-term concern for these communities due to declines and other factors may be warranted regionally. G4/S4 natural communities are defined as having from 81-300 viable occurrences worldwide or statewide, and/or more than 50,000 to 200,000 hectares remaining.



Figure 22. Chamise chaparral (*Adenostoma fasciculatum* Shrubland Alliance) is a G5/S5 ranked natural community. Photo by Todd Keeler-Wolf.

#### SECURE NATURAL COMMUNITIES (G5/S5):

Natural communities with a global rank of G5 or a state rank of S5 are considered to be “secure” within their range. These are the most common, widespread, and abundant natural communities, and are demonstrably secure due to worldwide and statewide abundance.

The SEA Ordinance allows for up to ~~500~~ 5,000 square feet of disturbance to these natural communities without requiring preservation. However, projects proposing to disturb more than ~~500~~ 5,000 square feet are required to preserve an area at least equal in size to that which is being disturbed.

To meet the requirements of the Development Standard for disturbance over ~~500~~ 5,000 square feet, the area to be preserved must be:

1. the same type(s) of natural community as that being disturbed,
2. located outside of the development footprint of the proposed project,
3. located outside of any existing fuel modification/brush clearance zones of neighboring structures,
4. equal or larger in size to the area of the disturbed natural community, and
5. recorded through a permanent on-site deed restriction or covenant (see Chapter 8 for natural open space preservation requirements).

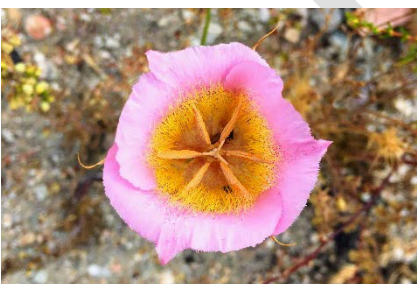


Figure 24. Plummer's mariposa lily (*Calochortus plummerae*) is a CRPR 4 perennial herb. Photo by Jen Mongolo.

#### CALIFORNIA RARE PLANT RANK 4:

RPR4 plants, as identified by the CNPS Rare Plant Program (available online at [www.cnps.org/cnps/rareplants](http://www.cnps.org/cnps/rareplants)), are “watch list” plants. These plants are of limited distribution and may be locally significant. They warrant regular monitoring and may be transferred to a more protective rank by CNPS should the degree of endangerment or rarity change. This category includes both individual woody plants (for example, tree or shrub species) and habitat containing annual or herbaceous plants.



Figure 23. Southern California Black Walnut (*Juglans californica*) is a CRPR 4 deciduous tree. Photo by Michael O'Brien.

Similar to Category 4 Natural Communities, the SEA Ordinance allows for up to ~~500~~ 5,000 square feet of disturbance to habitat containing RPR4 annual or herbaceous plants without natural open space preservation. It also allows for disturbance of up to 10 individual woody plants ranked RPR4 without preservation. If disturbance to more than ~~500~~ 5,000 square feet of occupied habitat of annual or herbaceous species or disturbance to 10 individuals of woody species is proposed, the applicant must be able to preserve an area containing an equal amount of habitat for the species (or an equal number of individuals if woody species), elsewhere on the property.



## SEA RESOURCE CATEGORY 5

All SEA lands and resources that are not included in one of the categories listed above but that nonetheless contribute to the biodiversity, ecosystem services, wildlife corridors, migration pathways, and preservation of the SEAs are included in this category. Examples of such resources include vegetation dominated by non-native species, agricultural fields, hedges, early successional vegetation that has yet to form into a distinct natural community, cleared or disturbed areas, and non-native trees and shrubs. Although disturbed, such areas still contribute to the preservation of SEAs and often play a vital role in wildlife movement (see Appendix E) and the protection of SEA Resources listed above in Categories 1 through 4.

Since SEA Resource Category 5 has already been impacted in some way by development, it is not considered to be as sensitive to additional impacts of development as natural habitat areas. For this reason, the SEA Ordinance does not include a disturbance threshold or preservation ratio for impacts to this Category. However, the value of biotic resources, connectivity, and buffers provided by SEA Resource Category 5 will be taken into consideration during discretionary review, as these areas may play a role in meeting the SEA Findings.

## SEA PROTECTED TREES

Subsection 22.102.090(B) establishes minimum setbacks for SEA Protected Trees (listed in Appendix A). This setback, or buffer, is known as the Tree Protected Zone (“TPZ”), and it extends a minimum of five feet out from the dripline of a protected tree or 15 feet from the trunk, whichever distance is greater.

### ENCROACHMENTS

Any intrusion, disturbance or construction activity occurring within the protected zone of a SEA Protected Tree is considered an encroachment. Development is limited to the following encroachments:

- ✓ a maximum of four SEA Protected Trees may have encroachments; and
- ✓ for those trees impacted, development must not encroach more than 10 percent into their TPZ.

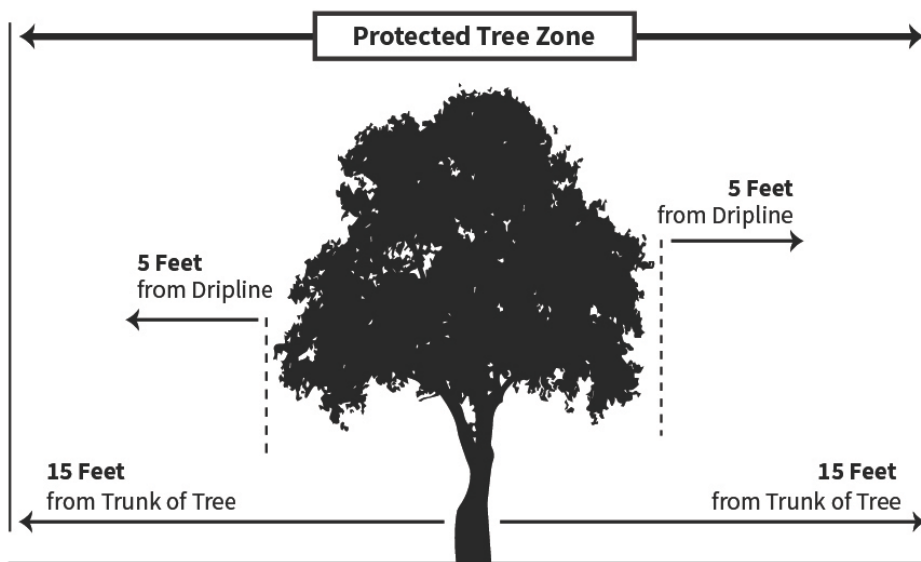


Figure 25. Development must be set back a minimum of 5-feet from the dripline or 15-feet from the trunk of a SEA Protected Tree, whichever distance is greater.

## REMOVALS

Development may remove one SEA Protected Tree, provided it is not designated as a Heritage Tree. If the tree to be removed is an oak tree protected by the County Oak Tree Ordinance (all trees of the genus *Quercus* greater than eight inches DBH or with two trunks totaling 12-inches DBH), an Oak Tree Permit will still be required.

See Chapter 3 for more information on SEA Protected Trees and permitting requirements.

## WATER RESOURCES

No direct disturbance to our County's limited water resources is allowed within SEAs. Furthermore, since water resources are highly vulnerable to changes that occur within their watersheds, and especially to activities that occur around their edges, all development (as defined in the SEA Ordinance), including fuel modification, is required to be set back a minimum distance from water resources identified in the vicinity of the project, as shown in **TABLE 3** below.

While the Ordinance requires minimum setbacks, applicants are encouraged to plan their developments as far from water resources as possible (beyond required setbacks) to ensure that the development does not have adverse inhibitory effects on wildlife using the water sources. The year-round water supplied by marshes, seeps, and springs is of the utmost importance for wildlife, and intermittent and ephemeral waters play a vital role in the lifecycles of countless indigenous plants and animals, as well as migrating birds. It is vital that access to and use of these resources remain unfettered by further human disturbance. Human uses, such as stables and animal keeping, may have adverse inhibitory effects on the wildlife using the water sources.

In the SEA Program, the term water resource is used to identify all forms of surface water protected by the SEA Ordinance and may differ from the definitions used by other agencies. The various types of water resources referenced in the SEA Ordinance include lakes, reservoirs, ponds, rivers, streams, marshes, springs, vernal pools, and playas (see Glossary for definitions of each type of water resource). For the purpose of the SEA Ordinance, all water resources within SEAs are protected, even in instances where the resource was initially created artificially by human activities. Similarly, ephemeral and intermittent water resources are protected in equal measure to perennial water resources.

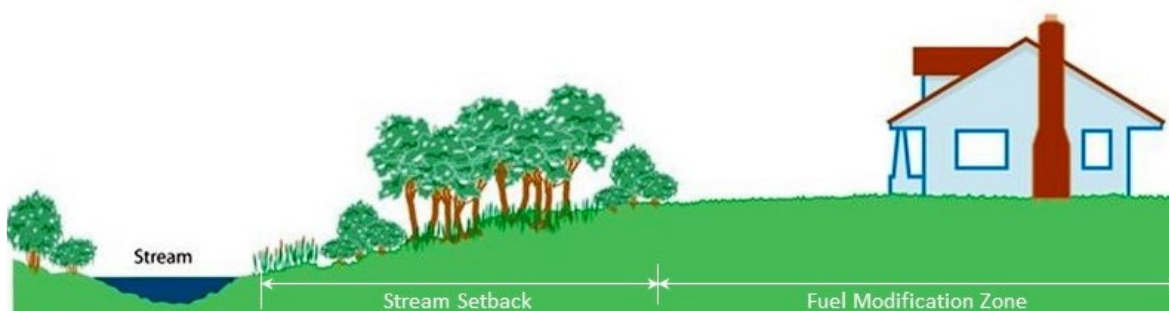


Figure 26. Fuel modification and brush clearance required by the Fire Department or Agricultural Commission for fire protection is considered development within SEAs, and therefore must be located entirely outside of required water resource setbacks.

There are other state and federal laws and regulations governing the use of and impacts to water resources, such as the Clean Water Act, the Lake and Streambed Alteration Program, and the Endangered Species Act (in the case of habitat for listed species), to name a few. Applicants should contact all appropriate resource management agencies (e.g. US Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), USFWS, and CDFW) to determine what additional permits may be needed. In general, if a development meets the required setbacks from water resources, the need for additional permits is unlikely. If a development is not able to meet setbacks from water resources, a jurisdictional waters delineation may be needed to determine if proposed activities fall within the jurisdiction of any such agencies. The applicant should work directly with the appropriate agency to obtain necessary permits.

**TABLE 3. REQUIRED SETBACKS FOR WATER RESOURCES IN SEAS.**

<b>WATER RESOURCE:</b>	<b>SIZE</b>	<b>REQUIRED SETBACK*</b>	<b>MEASURED FROM**</b>
<b>Lakes, reservoirs, ponds</b>	Any Size	150 feet or the watershed boundary, whichever is greater	High water mark
<b>Marshes, seeps, springs</b>	<0.5 acre	100 ft	Edge of saturated soil
	0.5 – 1 acre	150 ft	
	>1 acre	300 ft	
<b>Vernal pools, playas</b>	Any Size	150 ft or the watershed boundary, whichever is greater	Maximum pool extent
<b>Rivers and streams</b>	<50 ft wide during or immediately following a 10-yr storm	100 ft	Outside edge of riparian vegetation (i.e. dripline) on either side of the active channel. If riparian vegetation is absent or sparse, use bed and bank of the active channel inclusive of any braided channel conditions.
	50-100 ft wide during or immediately following a 10-yr storm	150 ft	
	>100 ft wide during or immediately following a 10-yr storm	300 ft	

\* All setbacks should be measured horizontally, in plan view, since they are intended to serve as spatial buffers. For SEA CUPs, a lesser setback may be considered if topography and/or other physical features in combination with best management practices are determined to provide adequate screening and buffering.

\*\*All wetland delineations should follow the methodology described in the US Fish and Wildlife Service Classification of Wetlands and Deepwater Habitats of the United States (Cowardin, 1979). The Mapping Episodic Stream Activity (MESA) protocol (Vyverberg and Brady, 2013) developed by CDFW and the California Energy Commission should be employed to accurately document episodic streams when water is absent.

## OTHER DEVELOPMENT STANDARDS

The following Development Standards apply to all projects within SEAs. The primary purpose of these Development Standards is to ensure the preservation of natural habitat and wildlife movement opportunities within SEAs.

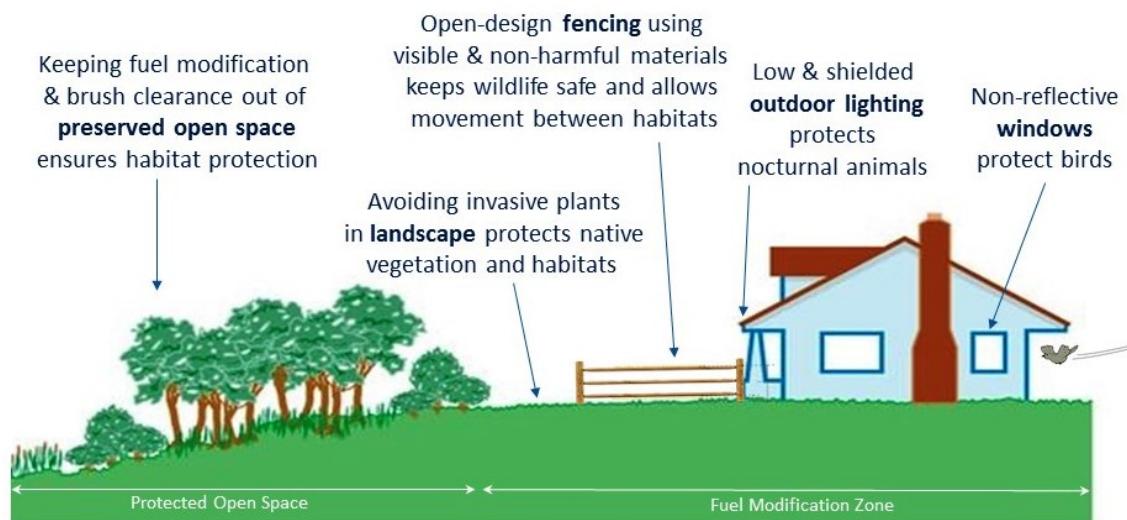


Figure 27. Area-wide Development Standards focus on ensuring the preservation of natural habitat and wildlife movement opportunities.

### IMPERMEABLE FENCING, WALLS OR ENCLOSURES

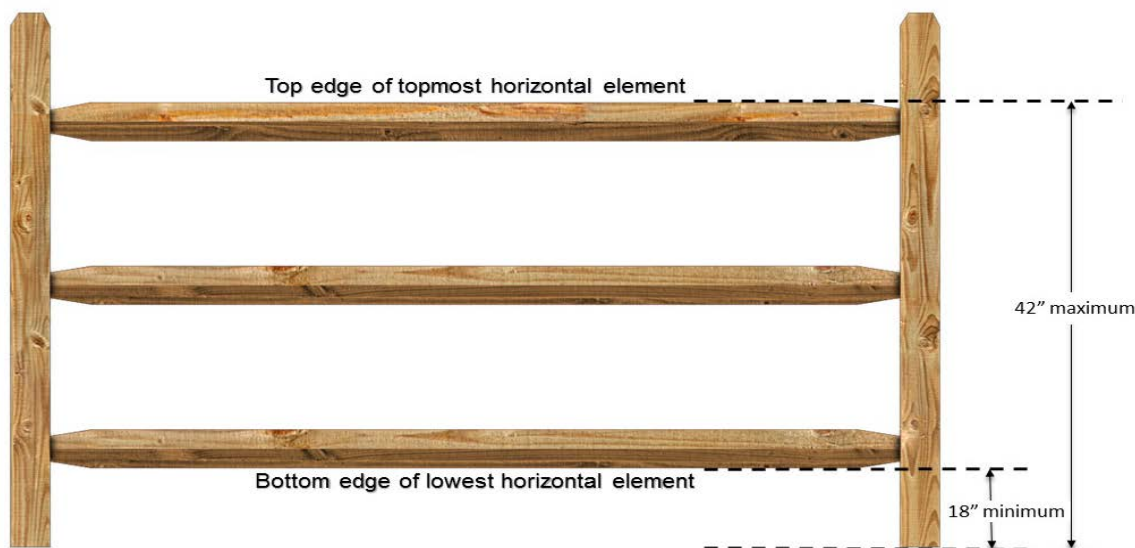
Fencing within SEAs is generally discouraged, as fences can create hazards and barriers for wildlife movement, seasonal migrations, and access to food and water. When used, fencing should be designed and sited in such a way as to not restrict wildlife movement within the SEA.

Wildlife impermeable fencing is fencing that prevents or creates a barrier for the passage of wildlife from one side to the other. In SEAs, impermeable fencing, walls, and enclosures are only allowed within the development footprint, and should only be used around the immediate vicinity of residences and associated yards, for the control and safety of domestic animals<sup>13</sup>, and where public health and safety dictates their use. Impermeable fencing, walls, or enclosures should never be constructed around areas that contain natural habitat, except where temporary exclusion fencing is needed to keep wildlife away from habitat restoration areas while they become established.

#### A FENCE MAY BE PROBLEMATIC FOR WILDLIFE IF...

- ✓ it is too high to jump over
- ✓ it is too low to crawl under
- ✓ it is too wide and creates a three-dimensional obstacle
- ✓ there are loose or broken wires
- ✓ its wires or boards are spaced too closely together
- ✓ it has elements that can impale or snag a leaping or flying animal
- ✓ it is not readily visible to running animals or flying birds

<sup>13</sup> Within the urban-wildland interface, it is strongly recommended that livestock and domesticated animals are provided with appropriate fencing to provide protection against predation by mountain lions and other predatory wildlife.



**Figure 28.** Wildlife permeable fencing must be of open design and constructed of materials that are readily visible to wildlife. Height of top rail may be no more than 42-inches above ground-level, and the bottom rail must be at least 18-inches above ground-level to permit movement of wildlife both under and over the fence.

### PERMEABLE FENCING

Wildlife permeable fencing may be utilized elsewhere on the property to delineate property lines or to section off development features. A wildlife permeable fence is one that incorporates, at minimum, the following principles:

- ❖ Wildlife should be able to easily see all fence posts and horizontal elements. Materials that are visible to wildlife include wooden rails, steel pipes, vinyl rails, PVC pipes, recycled plastic rails, coated wires, or smooth wires covered with PVC or clearly marked with flagging.
- ❖ The top edge of the uppermost horizontal elements shall be no more than 42 inches above ground level to allow wildlife to jump over the fence.
- ❖ The bottom edge of the lowest horizontal elements shall be no lower than 18 inches above ground level to allow wildlife to pass under the fence.

### FENCING MATERIALS

Never construct or top fences, gates, and walls with spikes, glass, razors, nets, or other such materials that may be harmful to wildlife. To prevent the entrapment of birds, fence and signposts should not be hollow at the top or have unfilled bolt holes. Wildlife friendly fences are those constructed of materials that are

### ALTERNATIVES TO FENCING

SINCE FENCES CAN POSE SERIOUS PROBLEMS FOR WILDLIFE IN WAYS THAT WE DO NOT ALWAYS SEE OR ANTICIPATE, ALTERNATIVE DESIGN FEATURES THAT COULD SERVE THE SAME PURPOSE SHOULD BE CONSIDERED. BARRIERS OR DESIGNS USING NATURAL MATERIALS ARE OFTEN VERY EFFECTIVE AT PREVENTING ACCESS OR PROVIDING PRIVACY, WHILE SIMULTANEOUSLY PROVIDING A MORE NATURAL APPEARANCE AND MINIMIZING MAINTENANCE REQUIREMENTS. CLOSELY SPACED NATURAL VEGETATION (E.G. HEDGES) CAN SERVE AS A PRIVACY FENCE, FOR EXAMPLE, OR A ROW OF TREES OR BOULDERS COULD SERVE AS BOUNDARY MARKERS.



readily visible to wildlife, preventing unfortunate accidents such as collisions, entanglement, entrapment, or impaling of unsuspecting animals. Barbed wire may be used on the interior horizontal elements of the fence, but may not be used as the top- or bottom-most elements.

## WINDOW REFLECTIVITY

Windows can be a big problem for birds. A 2014 study published by the American Ornithological Society found that between 365 and 988 million birds are killed each year in the United States by building collisions<sup>14</sup>. Reflective windows, sometimes in combination with artificial outdoor lighting, are the major cause of such collisions. The vast majority of structures that birds collide with are residences and low-rise buildings. A single home may kill a dozen or more birds each year without the owner being aware. Birds typically collide with windows because they see the reflection of surrounding habitat and fly full-speed into it, or they attempt to fly past reflected buildings or through reflected passageways, with fatal results. Even if the initial impact does not kill the bird immediately, it may hemorrhage after flying away from the site or be left injured and vulnerable to predation.

The Ordinance requires that all windows in SEAs be comprised of non-glare/non-reflective glass or utilize methods to achieve non-reflectivity. Additional methods for preventing collisions of birds with window glass include:

- ❖ incorporating elements in the building design that preclude collisions without completely obscuring vision, for example the use of decorative facades, recessed windows, shutters, grilles, or exterior shades;
- ❖ using UV Patterned, Opaque, or Translucent Glass;
- ❖ applying patterns on glass (particularly on the external surface) to block glass reflections, acting like a screen;
- ❖ applying external window films or decals; and
- ❖ avoiding plantings in front of glass windows.

## OUTDOOR LIGHTING

Outdoor lighting can be very disruptive to natural animal behavior. According to a research article by Travis Longcore and Catherine Rich, “light pollution has demonstrable effects on the behavioral and population ecology of organisms in natural settings. As a whole, these effects derive from changes in orientation, disorientation, or misorientation, and attraction or repulsion from the altered light environment, which in turn may affect foraging, reproduction, migration, and communication.”<sup>15</sup> For example, lighting the night sky can disrupt bird migration and nocturnal foraging by bats and birds, while lighting terrestrial habitat areas can disturb foraging patterns of other nocturnal animals.

Chapter 22.80 (Rural Outdoor Lighting District) of the County Code is a supplemental zoning district that encompasses rural areas of LA County. The Rural Outdoor Lighting District “promotes and maintains dark skies for the health and enjoyment of individuals and wildlife.” The majority of SEAs are already included in the Rural Outdoor Lighting District, and the current SEA Ordinance essentially expands the district to

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<sup>14</sup> Loss, Scott R., Tom Will, Sara S. Loss, and Peter P. Marra. 2014. Bird–building collisions in the United States: Estimates of annual mortality and species vulnerability. *The Condor* 116(1):8-23. [doi.org/10.1650/CONDOR-13-090.1](https://doi.org/10.1650/CONDOR-13-090.1)

<sup>15</sup> Longcore, T. and Rich, C. (2004), Ecological light pollution. *Frontiers in Ecology and the Environment*, 2: 191-198. [doi:10.1890/1540-9295\(2004\)002\[0191:ELP\]2.0.CO;2](https://doi.org/10.1890/1540-9295(2004)002[0191:ELP]2.0.CO;2)



include any parts of SEAs that were not originally covered by the supplemental district, by requiring those areas to abide by the same standards. Further, the Ordinance prohibits outdoor lights to be directed upwards into the night sky or to be directed onto natural habitat.

Applicants can meet this Development Standard and protect habitat and dark skies by following these general guidelines for outside lighting:

#### KEEP IT LOW



Mount light fixtures as low as possible to minimize light trespass (see Part 9 of Chapter 22.44 for specific height requirements by use).



Use the lowest amount of light needed for the task. Consider using motion sensors to avoid steady-burning lights, or timers to ensure that lights aren't left on longer than necessary.

#### KEEP IT SHIELDED



Use fixtures that are shielded so that the bulbs and/or glowing lenses are not visible, minimizing light trespass into natural habitat areas or skywards.

#### KEEP IT WARM



Use only warm light sources for outdoor lighting. Blue light is now known to brighten the night sky more than any other color of light, so minimizing the amount of blue light emitted is important. Exposure to blue light at night has been shown to harm human health and endanger wildlife. Warm (or subdued) light sources recommended for use outdoors include LPS, HPS and low-color-temperature LEDs.

Per Section 22.44.530, the following types of outdoor lighting are prohibited: drop-down lenses, mercury vapor lights, ultraviolet lights, and searchlights, laser lights, or other outdoor lighting that flashes, blinks, alternates, or moves.

### NATURAL OPEN SPACE BUFFER

In order to minimize edge effects and reduce the impacts of fuel modification, brush clearance, or other vegetation disturbing activities within protected natural open space (i.e. state or county park, conservation easement, open space deed restriction, etc.), the SEA Ordinance requires that all new habitable structures be set back a minimum of 200 feet from the boundary of any such lands. A 200-foot buffer is the standard distance required by the LA County Fire Department and Agricultural Commission for fuel modification and brush clearance to protect a habitable structure. If the Fire Department approves a fuel modification plan with non-standard distances for fuel modification zones, the setback for habitable structures from natural open space should be based on those approved in the Fire Department approved fuel modification plan. Department Staff can assist in identifying protected natural open space in the project vicinity.

Additionally, since dedication of natural open space will be a requirement for many projects within SEAs, it is important to remember that this requirement will also apply to those proposed natural open space areas. Any natural open space proposed for dedication in association with the development must be located at least 200-feet from any existing or proposed structure.

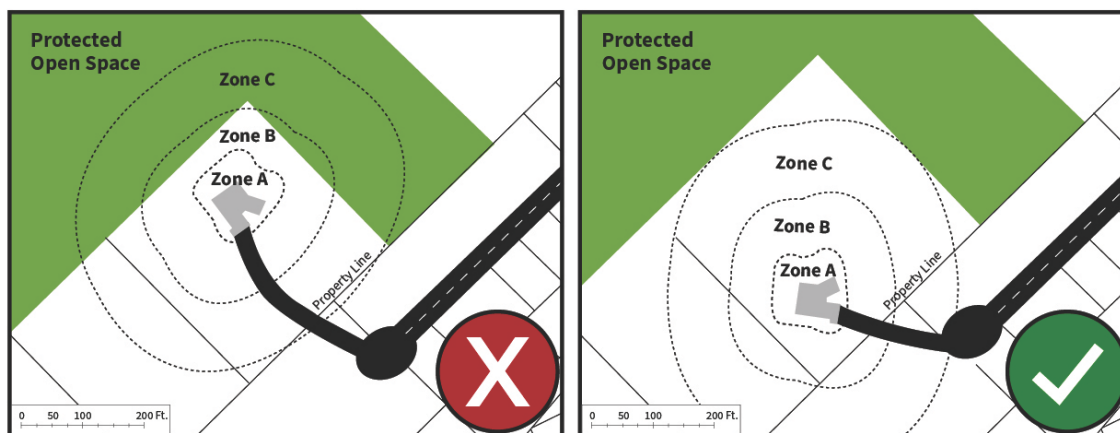


Figure 29. All new habitable structures must be set back a minimum of 200 feet from the boundary of any preserved natural open space.

### LANDSCAPING AND FUEL MODIFICATION

Any development requiring new landscaping and/or fuel modification will need to submit landscape plans. Landscape plans will be reviewed by the Case Planner and County Biologist for compliance with the Development Standards, and they may also require review by the Fire Department for approval along with the Fuel Modification Plan.

#### LANDSCAPE & FUEL MODIFICATION REQUIREMENTS

- ❖ Minimize removal of natural vegetation to minimize erosion and sedimentation, minimize impacts to biological and scenic resources, and reduce the need for supplemental irrigation.
- ❖ Landscape or revegetate all cut and fill slopes and other areas disturbed by construction activities.
- ❖ Fuel Modification Zones A and B may utilize a mix of locally-indigenous, drought-tolerant plant species and non-invasive, drought tolerant ornamental plants and gardens.<sup>16</sup> These zones require irrigation, per Fire Department regulations.
- ❖ Fuel Modification Zone C should consist exclusively of native vegetation. In order to meet Fire Department regulations, existing vegetation in this zone may need to be thinned to provide defensible space for fire suppression.
- ❖ For necessary landscaping or revegetation in Zone C or outside of fuel modification areas, use only locally-indigenous, drought-tolerant plant species that blend with the existing natural vegetation and habitats in the area. Locally-indigenous plants are adapted to the local climate and natural rainfall patterns, and have adaptations to survive diminished rainfall, so landscapes with local natives minimize irrigation needs and remain healthy during times of drought.
- ❖ In all Fuel Modification Zones, use only plant species that are consistent with Fire Department requirements.
- ❖ Check the Invasive Plant List in Appendix C to ensure that none of the plants proposed for use are invasive plants, and therefore prohibited within SEAs.

<sup>16</sup> Use your address to identify locally appropriate plants at [Calscape.org](http://Calscape.org), and find out what plant nurseries may have them available.

- ❖ Tilling and disking are not acceptable methods of vegetation removal or maintenance for fuel modification or brush clearance.

All landscaping activities occurring within SEAs should employ current best practices (such as watershed-wise landscape design and hydrozones) to the greatest extent possible, avoid unnecessary direct impacts to habitat, utilize low impact design principles, and conform to legal standards for all pesticide, herbicide, and fertilizer applications. The use of chemical fertilizers or herbicides is strongly discouraged, particularly in native plant areas; amendments such as native plant mulch should be used instead.

### INVASIVE PLANTS

THE SEA ORDINANCE PROHIBITS THE USE OF INVASIVE PLANTS WITHIN SEAs, INCLUDING ANY HORTICULTURAL PLANT SPECIES LISTED IN APPENDIX C OF THIS GUIDE AND ANY OTHER SPECIES THAT IS LISTED AS INVASIVE BY THE CALIFORNIA INVASIVE PLANT COUNCIL (CAL-IPC). THE MAJORITY OF SPECIES LISTED IN APPENDIX C ARE PLANTS THAT WERE ORIGINALLY INTRODUCED TO THE REGION FOR HORTICULTURAL PURPOSES OR EROSION CONTROL THAT HAVE DEMONSTRATED AN ABILITY TO ESCAPE FROM CULTIVATION AND SPREAD INTO NATURAL ECOSYSTEMS, DEVELOPING SELF-SUSTAINING POPULATIONS AND BECOMING DOMINANT OR DISRUPTIVE TO THOSE ECOSYSTEMS. GIVEN THE IMPACTS THAT INVASIVE PLANTS CAN HAVE ON NATIVE SPECIES, THE PREVENTION OF NEW INTRODUCTIONS OF INVASIVE PLANTS INTO SEAs IS VITAL TO THE PRESERVATION OF BIODIVERSITY AND ECOSYSTEM SERVICES.

### NATURAL OPEN SPACE

Any required natural open space preservation areas as described above must be located outside of the development footprint. The natural open space area should not include any existing or proposed driveways, streets, roads, or highways.

## LAND USE SPECIFIC DEVELOPMENT STANDARDS

The following Development Standards relate to specific types of land use.

### CROPS

The SEA Ordinance divides crops into two categories: 1) crops as an accessory use, and 2) crops as a primary use. For both categories, use of plant species recognized in Appendix C or by the California Invasive Plant Council (CAL-IPC) as invasive are prohibited. Invasive plants are defined as plants that are not native to a region or ecosystem that, once introduced, tend to spread aggressively, disrupting native species occurring in the area, and even changing ecosystem processes such as hydrology, fire regimes, and soil chemistry.

All agricultural activities occurring within SEAs should employ current best management practices (BMPs) recognized in the industry, avoid unnecessary direct impacts to natural habitat, utilize low impact design principles, and conform to legal standards for all pesticide, herbicide, and fertilizer applications.

## CROPS AS AN ACCESSORY USE

Within zoning and land use areas that permit them as an accessory use, crops may be cultivated within the required irrigated fuel modification zones of a permitted development. The irrigated fuel modification zones include zones A and B, which typically extend out to 100 feet from permitted structures. New crops proposed as a primary use outside of an irrigated fuel modification zone may require a SEA CUP, except in the Antelope Valley where they occur on previously disturbed farmland, as defined by Section 22.102.020 (see Chapter 5 for more information on this exemption).

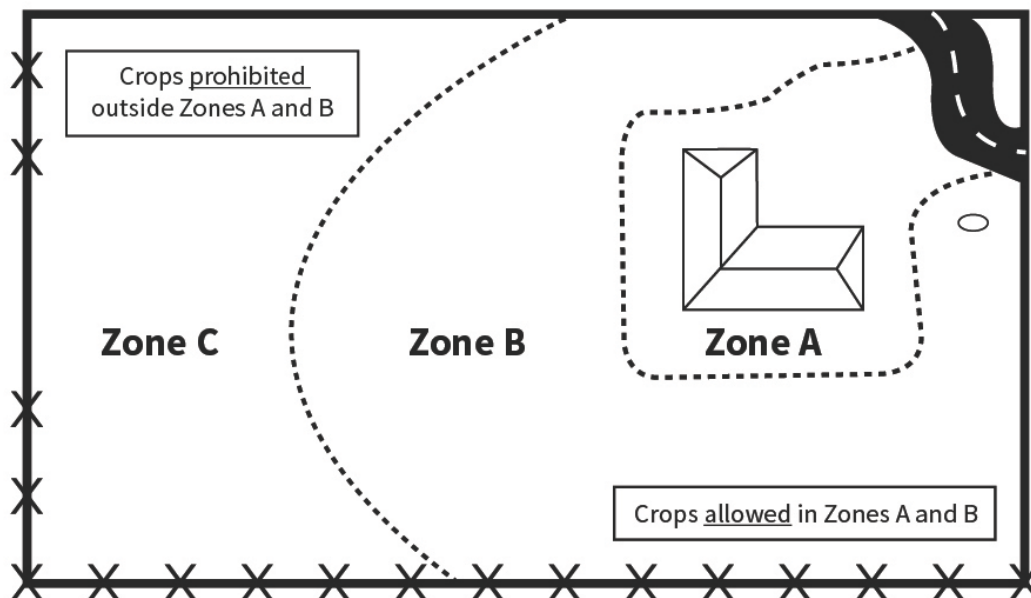


Figure 30. Crops as an accessory use must be located entirely within the irrigated fuel modification zones (Zones A & B).

## CROPS AS A PRIMARY USE

Within zoning and land use areas that permit them as a primary use, crops may be cultivated within areas classified as SEA Resource Category 5, as determined by a qualified biologist in preparation of the BCM. Such areas would typically consist of previously disturbed or fallow farmland that has not recovered to a recognizable natural community and is not occupied by sensitive species. Additionally, crops may be cultivated within any irrigated fuel modification zones associated with legally established buildings on the project site.

## EXPLORATORY TESTING

Exploratory testing and geotechnical investigations are often a necessary step in the project design process that provide necessary information for completing detailed engineering and architectural designs of access roads, bridges, septic systems, and structures. However, these activities can also cause a great deal of disturbance to the landscape. For this reason, exploratory testing, in and of itself, within SEAs is considered

a permitted use, and requires an application for Ministerial SEA Review. All exploratory testing must comply with the following practices:

- ❖ utilize existing roads and previously graded or disturbed areas, wherever possible. If the area occurs away from existing roads and previously graded or disturbed areas, the use of track mounted vehicles is required in order to create the least amount of impact to the vegetation possible.
- ❖ If it is necessary to disturb vegetation in order to provide access for the testing equipment, plants should be selectively cut above the soil, and soil left intact so that seeds and roots that are already present in the soil may resprout and revegetate the area naturally after testing is complete.
- ❖ Exploratory testing for development that is exempt from the SEA Ordinance is also exempt from this Development Standard. However, such development is strongly encouraged to follow practices described herein to reduce impacts to SEA Resources and protect the aesthetic qualities of the property being tested.
- ❖ A restoration plan is required to be submitted along with the application for exploratory testing. This plan should meet the requirements for Restoration or Enhancement Plans detailed in Chapter 6 of this Guide, and should incorporate basic principles and best management practices detailed in Chapter 7.

#### EXPLORATORY TESTING STABILIZATION

Any areas disturbed by exploratory testing are likely to be vulnerable to soil erosion and invasion by nonnative, invasive plants. For this reason, the SEA Ordinance requires that immediate action be taken to stabilize soils and reestablish native vegetative cover following the disturbance event. Such actions may consist of installation of temporary erosion control measures and application of seed from locally indigenous plants. These temporary stabilization activities should take place **as soon as possible** after disturbance of soil, and must be implemented within 90 days of completing or terminating the exploratory testing.

#### EXPLORATORY TESTING RESTORATION

Based on the results of the exploratory testing, the project will either move forward with site plans and submittal of a land use application, or any area disturbed by exploratory testing will be required to be returned to its natural state, per the restoration plan that was approved at the time of exploratory testing application submittal. Applications submitted within one year following exploratory testing activities must include provisions to stabilize all disturbed soil within the proposed development footprint and to restore any areas outside of the proposed development footprint to their natural condition. Site plans should show exploratory testing restoration areas, and a restoration or enhancement plan should be included with the application materials.

For any disturbance to natural areas caused by exploratory testing that is not followed by a land use application within one year, as well as for applications that are subsequently withdrawn by the applicant or denied by the Commission or Board, full restoration of the disturbed area is required. See Chapter 6 of this Guide for what to include in the restoration plan and Chapter 7 for guidance on conducting habitat restoration in SEAs.

Restoration of natural areas impacted by exploratory testing that are outside of the proposed development footprint of a pending or approved land use application must begin within one year of the disturbance.

## LAND DIVISIONS

Land divisions have a high degree of potential to negatively affect SEA Resources, interrupt wildlife corridors, and create habitat fragmentation. Yet a great deal of opportunity also exists for land divisions to result in long-term preservation of previously unprotected SEA Resources, wildlife corridors, and ecosystem services. Since land divisions within SEAs typically concern large areas of undeveloped land, the opportunities for both resource disturbance and resource protection are great.

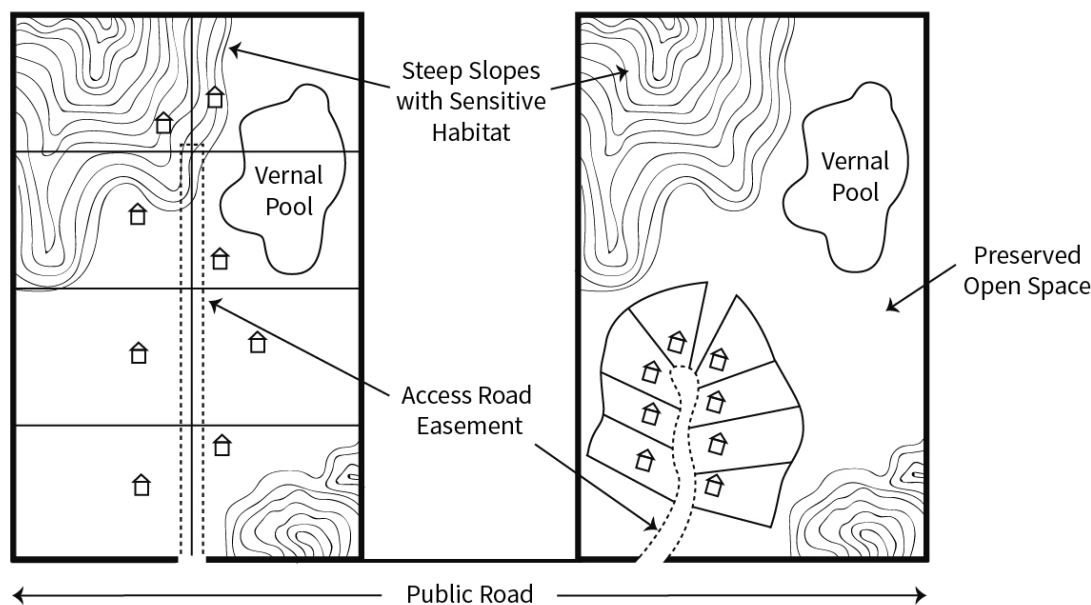
The SEA Ordinance requires land division projects to focus on configurations and designs that result in the least amount of disturbance to SEA Resources and wildlife movement by requiring development to be grouped together in a single area and restricting it to 25% or less of the project site, with 75% of the project site preserved as natural open space. Development areas should be sited in locations that are overall least impactful to SEA functions and values. Previously, all proposed land divisions in SEAs needed a SEA CUP. Under the new Ordinance, a land division could potentially qualify for Ministerial SEA Review if it can be demonstrated to meet all Development Standards, though it may still be subject to other discretionary reviews by the County.

### Standard Subdivision

with eight equally sized lots.

### Conservation Subdivision

with same number of lots\*, clustered design, consideration of biological and geological constraints, and 75% preserved open space.



\*A conservation subdivision that meets the requirements for a density bonus may be able to develop additional lots beyond the prescribed density per the General Plan. Note that an additional discretionary permit may be required.

**Figure 31. Land divisions shall not exceed a maximum development footprint of 25 percent of the project site (i.e. the original undivided parcels), and development areas shall be designed in one contiguous location and result in the largest, intact blocks of habitat with the lowest perimeter to area ratio. §22.102.090(E)(3)(b)**

Land divisions should be designed as follows:

- ✓ With the lowest amount of interface between development and preserved areas (also known as the lowest perimeter to area ratio). A shorter perimeter will translate to less potential for edge effects to degrade the natural open space.



- ✓ The shape, size, and location of the area to be preserved as natural open space should create the maximum amount of habitat connectivity between on and off-site natural areas, preserve wildlife movement (see Appendix E for guidance on evaluating wildlife movement opportunities), and maximize the amount of resources available for resident wildlife.

## LARGE LOT PARCEL MAP

This Development Standard allows for a “big picture” biological review of large lot parcel map land divisions that are strictly for the purposes of sale, lease, financing, or transfer. This type of land division is not required to specify the location of development or prepare site plans. As such, the intent of this Development Standard is to ensure that when parcels are created without site planning, future proposed development on the resultant parcels has a potential to meet SEA Development Standards. The process will allow for large contiguous parcels of sensitive habitats to remain intact, while also providing that individual parcels created through the land division have a reasonable opportunity to undergo a Ministerial SEA Review (per Section 22.102.060) when future development is proposed.

Large lot parcel map projects will be required to submit an Informational Exhibit and a BCM. The Informational Exhibit should consist of materials that show areas of development feasibility on the proposed lots and show open space amount and configuration. The BCM for a Large Lot Parcel Map subdivision project can be based on a desktop analysis of the area using the best available data and most recent aerial imagery available as supplemented by field surveys, if directed by Staff, such as for field verification of SEA Resource Categories. Subsequent development on the created parcels will require a site specific BCM and SEA Counseling to determine the appropriate SEA permit needed.

At the Large Lot Parcel Map phase, each parcel created by the subdivision must have at least 20,000 square feet of SEA Resource Category 4 and/or 5 on which a potential future development could occur. The potential developable area should be located a minimum of 200 feet (to account for fuel modification) from the required setback(s) of any identified water resources (see Water Resources Development Standard section above). Any Category 4 habitat beyond 500 square feet located in the potential developable area should be matched elsewhere on the same parcel by an equivalent or greater area of Category 4 habitat. As a land division, these projects do require a 75% set aside of natural open space. For complying with this open space requirement, and to maintain unit count, one or more dedicated open space lots may be created, or “pie shaped” lots utilized to effectively cluster development at the apex of these lots.

## CHAPTER 5. PERMIT ANALYSIS

Chapter 2 of this Implementation Guide provided an overview of the SEA assessment process. Chapter 5 will discuss the requirements of each step of the SEA assessment process and provide guidance to Case Planners on how to analyze projects that require a Ministerial SEA Review or SEA CUP. It is recommended that the applicant find out whether the SEA regulations apply to their project as early as possible in the project design process, as a project may require revisions during the review process.

### SEA ORDINANCE APPLICABILITY

Project applications submitted after the effective date of the SEA Ordinance will be subject to this Ordinance. Pending projects with a complete application prior to the adoption of the SEA Ordinance can choose to be subject to the previous SEA Ordinance or to this Ordinance.

All areas designated in the General Plan as SEA within unincorporated LA County are subject to this Ordinance. This information can be found on DRP's online GIS application (Layer: SEA) and the Significant Ecological Areas and Coastal Resources Areas Map (Figure 9.3 of the General Plan).

Exceptions to this applicability include the Santa Monica Mountains (SMM) and Santa Catalina Island SEAs. The SMM North Area (SMMNA) Community Standards District (CSD) boundaries encompass the majority of the Santa Monica Mountains SEA. Since these areas so closely overlap, and since the SMMNA Plan was being updated concurrently with the SEA Ordinance and would incorporate similar measures for protecting SEA Resources, it was determined that development within areas of the SMM SEA that are also within the boundaries of the SMMNA Plan should continue to be regulated by the previous version of the SEA Ordinance, until such time that the SMMNA Plan becomes effective. Once the SMMNA Plan becomes effective, development within its SEAs will be regulated by the SMMNA Plan and CSD alone. Projects in the Santa Monica Mountains Coastal Zone, which is a CRA, are not subject to this Ordinance or the SMMNA Plan, but rather are governed by the SMM Local Coastal Program, which provides more specific and protective regulations of SEA Resources in the Santa Monica Mountains Coastal Zone. For Santa Catalina Island SEA, the SEA boundaries will remain as mapped in the Santa Catalina Island Local Coastal Program, and development in those areas will continue to be regulated through the version of the SEA Ordinance that was in effect at the time of certification of that LCP. The Santa Catalina Islands LCP will have to be amended and certified by the California Coastal Commission for this Ordinance to apply.

Another potential exception to the applicability of this ordinance could occur where there are provisions for a zone, supplemental district (e.g. Community Standards Districts, etc.), or elsewhere in Title 22 that also regulates development within the SEA. In such instances, the Case Planner shall apply the regulations that are more protective of the biological resources.

## EXEMPTIONS

Following is a list of exemptions to the SEA Ordinance, as per Section 22.102.040 of the Zoning Code. Where exemptions apply, developers are nevertheless strongly encouraged to follow Development Standards and to consult with a biologist prior to disturbing natural habitat. Further, developers are required to abide by all state and federal regulations protecting biological resources, including protections for listed species (Fish and Game Code § 2050 et seq.), nesting birds (Fish and Game Code § 3500 et seq.), and alterations conducted within waters of the state (Fish and Game Code § 1600 et seq.), and obtain proper permits from the appropriate governing agencies, regardless of SEA Ordinance exemption status provided by the County.

### A. WITHIN THE BOUNDARIES OF THE ANTELOPE VALLEY (“AV”) AREA PLAN:

1. Construction of a new single-family residence (“SFR”), regardless of size, and
2. Improvements that are accessory to a SFR, regardless of size, including:
  - a. additions to an existing SFR;
  - b. landscaping,
  - c. new accessory structures,
  - d. additions to existing accessory structures, and
  - e. new or expanded animal keeping areas and facilities.

All such improvements must be associated with a single family residence and intended for personal use to be exempt from the SEA Ordinance. The boundaries of the AV Area Plan can be found using DRP’s online GIS application.

3. Agricultural uses occurring on previously disturbed farmland. Previously disturbed farmland is defined by the Ordinance as non-grazing farmland mapped in the State of California Farmland Mapping and Monitoring Program (FMMP)<sup>17</sup>, ~~that has or proved to have~~ been used for agricultural production at some time during the previous four years prior to the most recent mapping date and is located within the boundaries of the AV Area Plan. Information on the FMMP can be found on the State of California Department of Conservation, Division of Land Resource Protection website.<sup>18</sup> While the FMMP is able to capture large farms with 10 acres or more, smaller farms may provide proof of agricultural production through permits or accreditations issued by County Department of Agricultural Commissioner.

*These AV exemptions for development within the boundaries of the Antelope Valley Area Plan were expressly required per a Board of Supervisors motion from November 12, 2014.*

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<sup>17</sup> In order to be included in the FMMP, land must have been used for agricultural production at some time during the four years prior to the mapping date. FMMP maps are updated every two years, with 2016 data being the most recent year published at the time of this Ordinance’s effective date.

<sup>18</sup> Information about the FMMP can be found at [www.conservation.ca.gov/dlrp/fmmp/](http://www.conservation.ca.gov/dlrp/fmmp/).

B. ALL AREAS OUTSIDE OF THE BOUNDARIES OF THE AV AREA PLAN:

1. Additions or modifications to existing SFRs, associated accessory structures, or animal keeping areas/structures, as long as such addition or modification does not increase the total building site area to more than 20,000 square feet or encroach into more than 10 percent of the dripline for up to four SEA Protected Trees<sup>19</sup>.
2. A maximum of one accessory animal keeping structure not exceeding 120 square feet in size, provided it is located within 100 feet of the primary use. If proposing more than one animal keeping structure or any additional development, if the animal keeping structure is larger than 120 square feet, or if any part of the proposed animal keeping structure is more than 100 feet away from the primary use, it is subject to this Ordinance.

IN ALL SEAS

- C. SEA CUPs and other valid use permits ~~previously reviewed for impacts to SEA Resources~~ that require a Revised Exhibit "A" for maintenance, minor additions, or changes (not to exceed 10% of the approved project) may be exempt from this Ordinance if:
1. additions or changes do not expand the previously approved development footprint, or
  2. maintenance, additions, or changes are operating under a valid use permit and found to be in substantial compliance with such permit.
- D. Renewal of land use entitlements for discretionary permits (e.g., CUPs) ~~that are in need of renewal of land use entitlements~~ may be exempt from this Ordinance if: 1) the proposed project scope does not expand the previously approved development footprint, and 2) impacts to SEA biological resources were reviewed under the prior permit(s). If applying for renewal of an expired SEA CUPs applying for a renewal the project will be ~~are~~ exempt as long as ~~the project~~ as it is not proposing extensive improvements or modifications.
- E. The General Plan 2035 expanded the SEA boundaries in 2015. As such, some existing developments that are within SEAs today were located outside of the SEA boundaries at the time of approval, and therefore were not subject to the previous SEA Ordinance. When renewal of these discretionary permits becomes necessary, they may be exempt from the current SEA Ordinance as long as the following two conditions apply:
1. the proposed project does not expand the previously approved development footprint; and
  2. impacts to SEA Resources (e.g. biological resources, water resources, etc.) were reviewed under the prior permit(s). An example of adequate review of impacts to SEA Resources would be the completion of a Mitigated Negative Declaration (MND) meeting CEQA requirements, reviewed by the County Biologist, and having a mitigation monitoring and reporting program that was properly carried out.
- F. Development that is under an adopted Specific Plan may be exempt from this Ordinance as long as it can be demonstrated that the development received adequate review of the impacts to SEA Resources under the Specific Plan. Some Specific Plans incorporate a comprehensive analysis of the SEA Resources within the plan area. Developments that are regulated by these Specific Plans may be able

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<sup>19</sup> Although encroachment into the driplines of up to four SEA Protect Trees is allowed per this exemption, if any of the trees are also protected under the County Oak Tree Ordinance, which protects all oak trees over 8-inches DBH, the development will likely need to obtain an Oak Tree Permit for encroachment.

to prove that impacts to SEA Resources were adequately analyzed and mitigated through the Specific Plan, and therefore would be exempt from this Ordinance. However, not all Specific Plans include a detailed analysis of SEA Resources and may instead defer to the SEA Ordinance. Additionally, some Specific Plans remain unbuilt after several decades, which can result in biological analyses becoming outdated and not reflecting contemporary conservation regulations or resource needs. In such instances, a new development within an adopted Specific Plan may not be able to rely on previous biological analysis conducted for the Specific Plan. In all cases, the County Senior Biologist should be consulted when determining whether an adequate level of analysis of biological impacts was conducted through the Specific Plan.

- G. Rebuilding and replacement of damaged legally built structures that will not increase the previously existing development footprint are exempt from the SEA Ordinance. Check historical case files to determine that the structures were legally established. Note that the exemption prohibits the expansion of the development footprint, rather than the Building Site Area. This allows for necessary minor modifications to the Building Site Area needed to meet current building code requirements, as long as the development footprint will not be expanded by such changes. For example, structural changes that require expanded fuel modification or brush clearance would constitute expansion of the development footprint.
- H. Land divisions for the purposes of the Land Conservation Act/Williamson Act are exempt from the SEA Ordinance. Under the Land Conservation Act, also known as the Williamson Act, local governments can enter into voluntary contracts with private landowners for the purpose of restricting specified lands to agricultural or open space uses for defined periods of time. With the new land use designation under the Land Conservation Act, the property tax is assessed at a lower rate since the use of the land is now farming and open space as opposed to the full market value of the previous use.
- I. Fire protection through fuel modification and brush clearance (to provide defensible space) for existing structures is exempt from the SEA Ordinance. The applicant will need to submit a fuel modification plan approved by the Fire Department. Practices which disturb the soil, such as tilling and disking, are not allowed for fuel modification or brush clearance in SEAs.
- J. Periodic reviews established in Section 22.190.080 (Reclamation Plan) for previously approved surface mining permits and reclamation plans authorized to operate under Chapter 22.190 (Surface Mining Permits) are exempt from the SEA Ordinance, provided that such periodic review:
  - 1. is conducted during the life of that grant (e.g. the grant term of the permit is still valid);
  - 2. does not include proposed changes that would result in expanded development; and
  - 3. is consistent with valid permits.
- K. Maintenance of existing legally established driveways, streets, and highways is exempt from this Ordinance. Maintenance encompasses activities that do not extend beyond the previously disturbed footprint and occur exclusively within the established right of way, such as filling potholes, crack sealing, chip sealing, slurry seal, patching, and resurfacing. It does not include such things as road-widening, rerouting, or replacing washed out culverts or bridges.
- L. Certain sections of the County Code, including Titles 21 (Subdivisions) and 22 (Zoning), Title 12 (Low Impact Development), and Title 31 (Green Building), have regulations specifically related to tree

planting for various types of projects. If the only impact from a proposed development is related to trees planted to meet these code requirements, the development is exempt from this Ordinance. Such trees are typically planted within very close proximity to development, such as within parking lots and close to buildings, and encroachment into their driplines for regular maintenance and repairs of facilities is expected. Requiring SEA analysis for impacts to these trees alone will not be required. This exemption does not apply to native trees planted as required mitigation. Note that if the tree(s) being impacted is an oak species, the Oak Tree Ordinance may still apply depending on the size of the tree.

- M. Emergency removal of a SEA Protected Tree is exempt from this Ordinance if the reason for the removal is due to a hazardous or dangerous condition, such as trees damaged or destroyed by flood, fire, wind, drought, pests, or disease and posing a significant threat to people, structures, infrastructure, property, or other trees. ~~A recommendation for removal should come from a licensed arborist, and removal must be approved after a visual inspection by a Forester with the Fire Department or a in consultation with a County Biologist. At the discretion of the Department, the visual inspection may take the form of a letter and photo documentation provided by a certified arborist, qualified natural resource professional, or licensed forester, or through a site visit by the County Forester or County Biologist.~~ There is no requirement for planting of new trees to mitigate for emergency tree removals; however, replanting with appropriate native trees is strongly encouraged.
- N. Tree maintenance that is needed to ensure the continued health<sup>20</sup> of a SEA Protected Tree is exempt from the Ordinance as long as the maintenance is performed in accordance with guidelines published by the National Arborist Association, and that the pruning
1. does not remove branches in excess of two-inch diameter, and
  2. does not remove more than 25% of the tree's overall canopy within a two year period.

There are no submittal requirements; however, pruning or trimming in excess of that allowed which leads to loss of the tree or a notable decline in tree health, as determined by a Forester with the Fire Department or the County Biologist, is a violation of the Ordinance and will require a Protected Tree Permit.

- O. Emergency or routine maintenance of existing public utility infrastructure that is necessary to protect or maintain essential components of an existing utility or transmission system is exempt.
- P. Trees that qualify as protected, but which can be demonstrated to have been planted by a person for the purposes of affecting the architecture, climate, or aesthetics of a given place and that are, therefore, considered landscape features, may be planted, or removed or altered without an SEA or Protected Tree permit. Documentation of the planting must be provided, and may be in the form of invoices, photographs, an approved landscaping plan that clearly indicates the location and species of the new tree to be planted, or other reasonable means. Trees planted as mitigation do not qualify as introduced.

## SEA COUNSELING

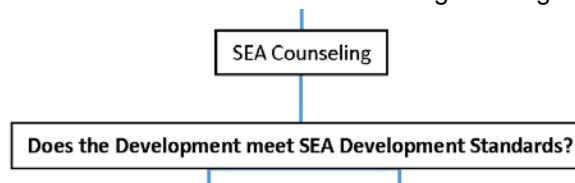
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<sup>20</sup> Additional Tree Pruning tips: see ISA Tree Pruning Guidelines: [www.treesaregood.org/treeowner/pruningyourtrees](http://www.treesaregood.org/treeowner/pruningyourtrees), Arbor Day Foundation "Keys to Pruning": [www.arborday.org/trees/tips/keys-to-pruning.cfm](http://www.arborday.org/trees/tips/keys-to-pruning.cfm), and Los Angeles Tree Trimming Guidelines: [losangelesaudubon.org/images/stories/pdf/TTGMay2011/ttg-may-2011-english-print-collate.pdf](http://losangelesaudubon.org/images/stories/pdf/TTGMay2011/ttg-may-2011-english-print-collate.pdf).



The purpose of SEA Counseling was previously discussed in Chapter 2. After confirming the applicability of the Ordinance and that no exemptions apply to the project, the applicant will submit, in-person to LDCC or online through EPIC-LA, the following required materials to schedule the SEA Counseling meeting:

1. SEA Counseling Application
2. Biological Constraints Map
3. Conceptual Project Design



The project will be assigned to an appropriate Case Planner and County Biologist based on the information provided in the SEA Counseling Application. A SEA Counseling meeting between the applicant, Case Planner, and County Biologist will be scheduled. The SEA Counseling may be combined with a One-Stop appointment for some projects. Below is a flowchart providing step-by-step guidance on SEA Counseling application procedures, including application intake, routing to the appropriate planner, and applying for a land use permit.

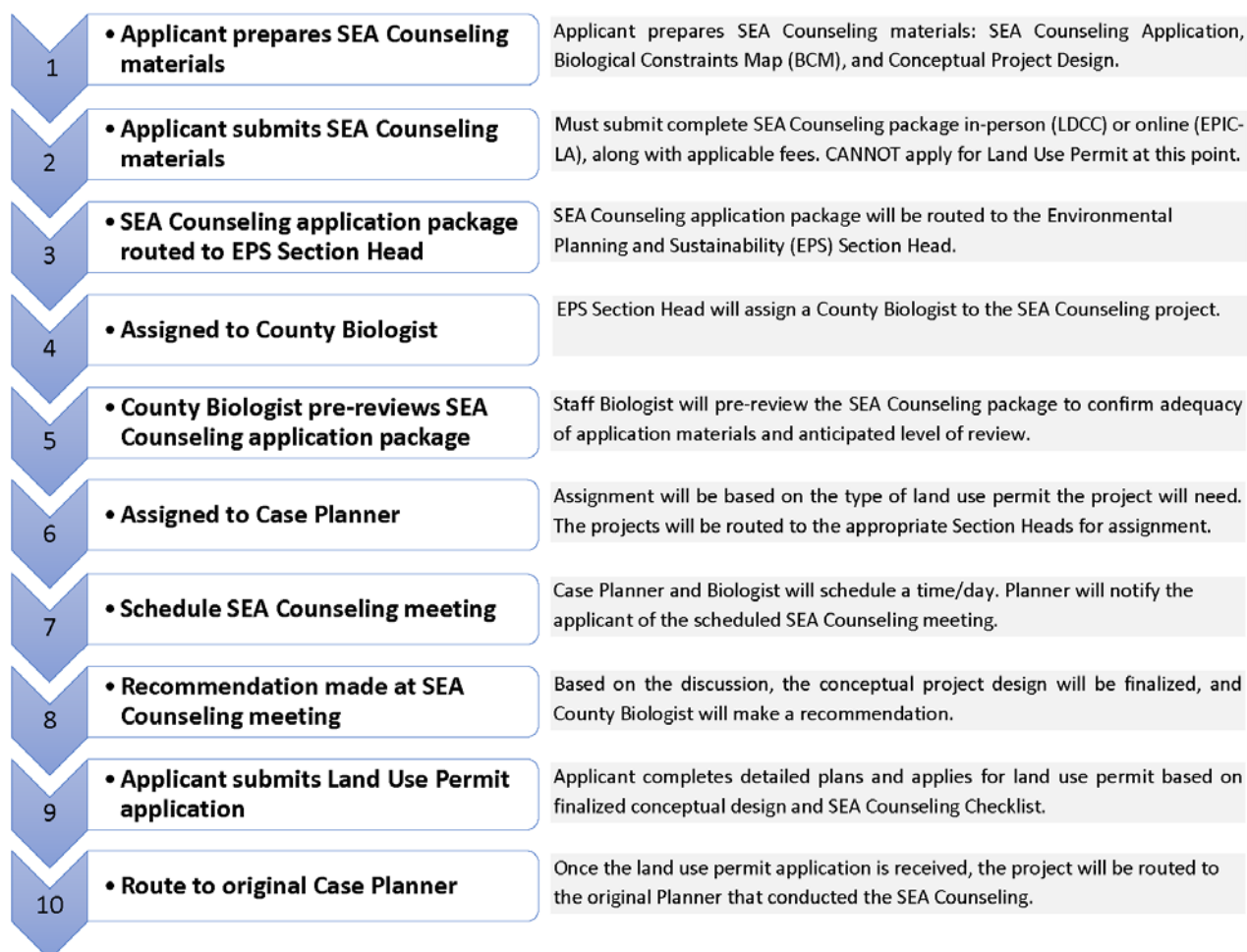


Figure 32. SEA Counseling Flowchart

## 1. SEA COUNSELING APPLICATION

For the SEA Counseling Application, the applicant will need to provide a sufficient project description. The information for the SEA Counseling Application should include, at minimum:

- ❖ Project name and address
- ❖ Assessor's Parcel Numbers (APNs)
- ❖ Size of parcel(s) – in acres
- ❖ Applicant name and contact information
- ❖ SEA name
- ❖ Consulting biologist name and contact information – Biologist must be on the SEATAC Certified Consultants List
- ❖ Date of Biological Survey
- ❖ Project Description – It is important that the applicant submit a detailed project description. The project description should include current and proposed uses. The more information we have about the project from the beginning, the better we can guide the applicant on how to design the project to minimize impacts to SEA Resources.

## 2. BIOLOGICAL CONSTRAINTS MAP (BCM)

See Chapter 6 for specific information regarding the preparation of the BCM and required content.

## 3. CONCEPTUAL PROJECT DESIGN

The Conceptual Project Design will allow the Case Planner and County Biologist to get an initial view of how the project may impact SEA Resources. The Conceptual Project Design can be shown directly on the BCM or separately as a Conceptual Site Plan. The Conceptual Project Design should depict the following:

- ❖ Graded areas
- ❖ Existing and proposed structure locations
- ❖ Fuel modification zone to 200-feet from all structures
- ❖ Utility access
- ❖ Driveways and parking areas
- ❖ Landscaped areas
- ❖ Exploratory testing locations

The purpose of the Conceptual Project Design is to guide project design to avoid or limit impact to SEA Resources. A Conceptual Project Design should not be as detailed as complete site plans for land use permit application submittal with engineering drawings. It should allow for flexibility and redesign based on the discussion at the SEA Counseling meeting.

## SEA COUNSELING ANALYSIS

After ensuring that the SEA Counseling application is complete, the Case Planner and County Biologist will analyze the Project Description, BCM, and Conceptual Project Design using the SEA Counseling Checklist, found in Appendix D. The Case Planner and County Biologist will analyze the project during SEA Counseling to recommend a SEA assessment track: Ministerial SEA Review, Ministerial SEA Review with Protected Tree Permit, or SEA CUP. For a Ministerial SEA Review, the project will need a development footprint of no more than 20,000 square feet, meet all Development Standards in the SEA Ordinance, and provide adequate on-site natural open space preservation to compensate for impacts to SEA Resources.

Projects that are unable to meet the requirements for a Ministerial SEA Review will be recommended for a SEA CUP, which is a discretionary review process.

## DEVELOPMENT STANDARDS

The SEA Ordinance Development Standards are organized under the following topics: SEA Resources, Water Resources, Other (or Area-Wide) Development Standards, and Land Use Specific Development Standards. Refer to Chapter 4 for more information on the Development Standards and design guidelines.

## VEGETATION REMOVAL AND NATURAL OPEN SPACE PRESERVATION

The Development Standards allow for a certain amount of SEA Resources to be disturbed but also require on-site preservation of natural open space at certain ratios to compensate for the disturbed resources. Staff will use the BCM and Conceptual Project Design to quantify the amount of each SEA Resource Category within the proposed development footprint and the amount of each remaining outside of the development footprint.

Amount to be Disturbed:	Remaining Available to Preserve:	Preservation Ratio Available:
sq ft	sq ft	<i>(area preserved: area disturbed)</i>

Staff will compare the proposed numbers to the thresholds and ratios detailed in the SEA Resources section of the Development Standards in the Ordinance. Projects that meet these thresholds and ratios may be recommended for a Ministerial SEA Review. Projects that do not meet the requirements will be recommended for a SEA CUP. Refer to Chapter 8 for more information on Natural Open Space preservation and the appropriate mechanisms.

## AFTER SEA COUNSELING

A copy of the completed SEA Counseling Checklist along with a signed and dated stamped copy of the SEA Counseling Application<sup>21</sup> will be given to the applicant to submit along with the application package to LDCC during Land Use Permit case intake. This checklist will indicate the SEA Counseling recommendation made by the Case Planner and County Biologist.

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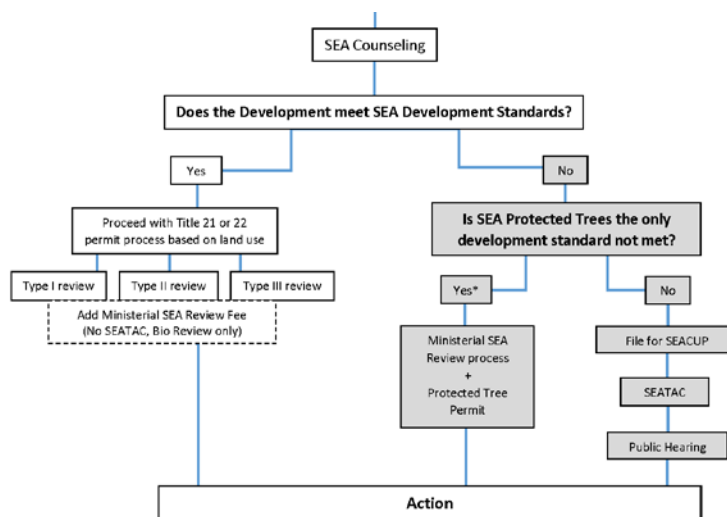
<sup>21</sup> Including the BCM and Conceptual Project Design assessed at the SEA Counseling.

## MINISTERIAL SEA REVIEW

### PROCESSING MINISTERIAL SEA REVIEW

Projects recommended for Ministerial SEA Review at the conclusion of the SEA Counseling will apply for the appropriate

land use permit based on the proposed use. The Ministerial SEA Review will be charged as an additional fee that covers the County Biologist's review. There will not be a separate approval for the Ministerial SEA Review, unless the development does not require a use permit, in which case the Ministerial SEA Review will be processed as a site plan review.



The application materials required for Ministerial SEA Review are found in Section 22.106.060(B). They include a site plan<sup>22</sup>, a biological constraints map, and natural open space recordation documentation. To meet the natural open space recordation documentation requirement, the applicant should submit a draft version of the deed restriction or covenant with the application for Department review. After Staff has reviewed and agreed that the document and area to be preserved satisfy the requirements of the SEA Ordinance, the natural open space may be recorded. The final recordation documentation should be submitted to the Department in order to receive the stamped plans.

The County Biologist will make the following determinations:

- ❖ Project meets all relevant Development Standards, and
- ❖ the required amount of on-site preserved natural open space is provided.

The Ministerial SEA Review will be reviewed concurrently with the processing of the land use permit. The Ministerial SEA Review will be approved as part of the land use permit final approval.

### MINISTERIAL SEA REVIEW ANALYSIS

When the Case Planner first receives the land use application package, the planner must confirm that the land use permit application site plan matches the conceptual project design reviewed at the SEA Counseling. Confer with the County Biologist if the project design submitted for the land use permit application is different from the original Conceptual Project Design. Substantial changes from the Conceptual Project Design previously vetted by the County Biologist may not meet Development Standards, thus changing the SEA assessment type.

The Case Planner will refer to the SEA Counseling Checklist and attached conceptual project design to confirm the Ministerial SEA Review determination before processing the permit. The Ministerial SEA

<sup>22</sup> Site plan should show all proposed development, including on-site and off-site ground disturbing activities and vegetation removal.

Review determination indicates that the project, the design that was reviewed during SEA Counseling, meets the Development Standards of the SEA Ordinance and is providing the required amount of preserved on-site natural open space.

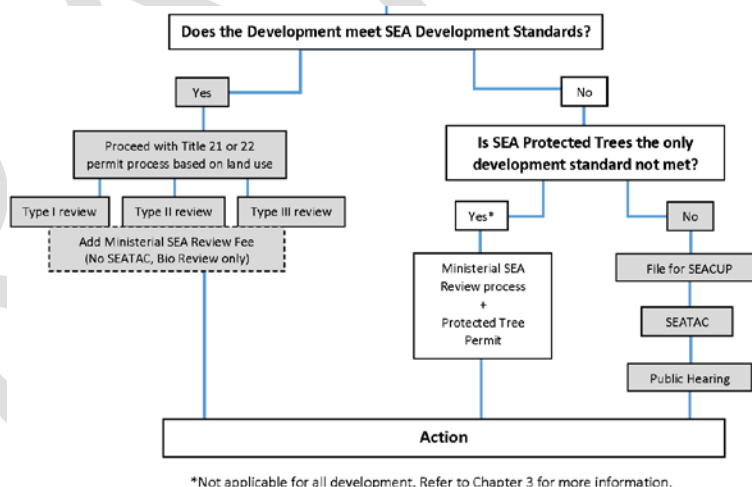
If the project requires a discretionary land use permit (i.e. a minor CUP or CUP) along with a Ministerial SEA Review, a statement of SEA Findings is not required. Meeting the Development Standards through a Ministerial SEA Review determination is the avenue of substantiating the SEA Findings, and the Staff Report for the land use permit should simply discuss how the project meets the SEA Ordinance Development Standards. Do not discuss the SEA Findings in the CUP Findings and Conditions as the Ministerial SEA Review is not a discretionary process.

### MINISTERIAL SEA REVIEW AND CEQA

Projects should refer to the land use permit for CEQA determination. Ministerial land use permits have a statutory CEQA exemption that do not require further discussion. Discretionary land use permits may have CEQA determinations that range from Categorical Exemption to EIR. The Biological Resources section of the Initial Study should include a detailed discussion on how the project meets Development Standards established in the SEA Ordinance. See the Annotated Initial Study, Biological Resources section, for further instructions on SEA discussion.

### MINISTERIAL SEA REVIEW WITH PROTECTED TREE PERMIT

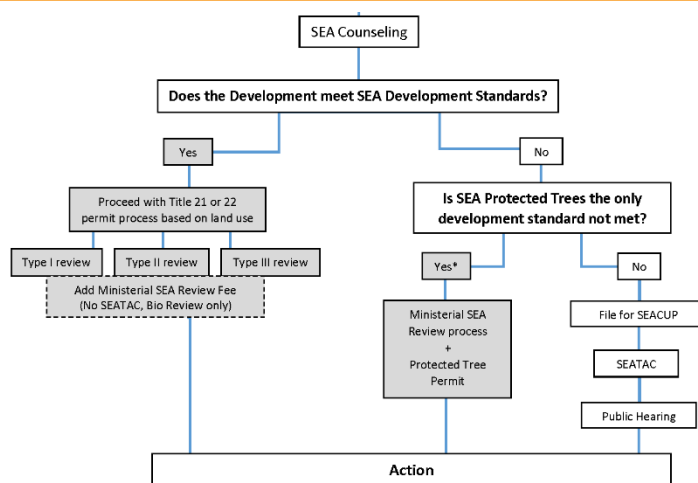
If a development is able to meet all Development Standards except for impacts to SEA Protected Trees, it may be able to obtain a Protected Tree Permit and proceed with the Ministerial SEA Review. All PTPs will have a corresponding Ministerial SEA Review, since the Ministerial SEA Review process will determine that all other Development Standards are met and identify the need for a PTP. A PTP may be obtained for pruning of protected trees in excess of that allowed by Exemption N, encroachments of up to 30% of the TPZ for any number of protected trees, and/or removal of two (non-heritage size) protected trees, provided that such activity can meet the findings and burden of proof. Removal of more than two SEA Protected Trees or removal of any Heritage Tree requires a SEA CUP. See Chapter 3 for details regarding the PTP application process.



## SEA CONDITIONAL USE PERMIT (SEA CUP)

### PROCESSING A SEA CUP

Projects that do not qualify for a Ministerial SEA Review will need to file for a SEA CUP. The land use and SEA impacts will be reviewed under the same SEA CUP. The applicant will provide the application materials required for CUPs and additional materials for the SEA portion of the review (e.g. Biological Constraints Analysis, Biota Report, etc.), as determined by the County Biologist. The required fees will include SEA CUP fee, Biologist Site Visit fee, and SEATAC fee.



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

There may be situations where the land use is a by-right use but due to the amount of impact to the SEA Resources, the project will require a SEA CUP. In these cases, both the by-right use and SEA impacts will receive a discretionary review through a SEA CUP. Both CUP and SEA Burden of Proofs will be required.

### SEA CUP ANALYSIS

The Case Planner will make sure that the SEA CUP application site plan matches the Conceptual Project Design that was reviewed at the SEA Counseling meeting. Changes from the Conceptual Project Design can change the SEA assessment type. The Case Planner will consult with the County Biologist to review the following:

- ❖ Adequacy of BCA and/or Biota Report
- ❖ Need for and adequacy of additional studies and reports (e.g. rare plant survey, jurisdictional waters delineations, oak tree reports, oak woodlands reports, protocol surveys)
- ❖ Adequacy of proposed mitigations
- ❖ On-site or off-site natural open space preservation (refer to Chapter 8)

### SEA CUP AND CEQA

All SEA CUPs will need a CEQA analysis since the result will be a discretionary land use permit. The Biological Resources section of the Initial Study should include a detailed discussion of project impacts on SEA Resources. See the Annotated Initial Study, Biological Resources section, for further instructions on SEA discussion. Projects applying for a SEA CUP will also be required to submit a BCA and Biota Report, which will assist in completing the Biological Resources section of the Initial Study.

### SEATAC REVIEW

SEATAC is an expert advisory committee that assists the Department in assessing a project's impacts on biological resources within SEAs. The scope of SEATAC purview consists of the following:

- ❖ Whether the proposed development is consistent with Section 22.102.060 (SEA Development Standards);



### CASE PLANNER'S SEA CUP ANALYSIS

Here are some questions the Case Planner can ask while analyzing the project. The answers will be incorporated into the Staff Report for Public Hearing.

- ✓ What are the impacts to SEA Resources within the proposed development and adjacent to project site?
- ✓ What are the cumulative losses to SEA Resources?
- ✓ How well do proposed measures avoid, mitigate, or protect SEA Resources?
- ✓ Is the project in compliance with SEA Findings?
- ✓ Are there any recommended changes to the proposed project to be in compliance with Development Standards and SEA Findings?
- ✓ Does the proposed project meet the relevant objectives and policies of the General Plan?
- ✓ Are there any recommended conditions that will ensure the proposed project can meet SEA Findings and relevant General Plan objectives and policies?
- ✓ What was SEATAC's determination of project compatibility? Does SEATAC have any applicable recommendations?

- ❖ Whether the appropriate natural open space mitigation ratios have been applied and the location of natural open space is appropriate;
- ❖ Whether the proposed development avoids disturbance to wildlife corridors;
- ❖ Whether the mitigation measures proposed for the project address impacts to SEA Resources;
- ❖ The proposed development's ability to demonstrate compatibility with the SEA Program per Section 22.102.080 (Findings and Decisions).

See the SEATAC Procedures Manual for more information on scheduling a SEATAC agenda item, required documents, and meeting procedures. The goal is for the applicant to efficiently utilize the SEATAC meetings to meet the recommendations of SEATAC.

The Case Planner should complete the SEATAC review before consulting other County Departments on the permit process. The project may need redesign based on SEATAC recommendations and/or mitigation measures. Once the project clears SEATAC and other department consultations, the Case Planner will schedule a public hearing for the SEA CUP.

### SEA ORDINANCE FINDINGS

Projects processed through ministerial review inherently meet the findings required by the SEA Ordinance since Development Standards and natural open space preservation must be met for a ministerial review designation. However, for a discretionary project to be approved, the decision-making body must be able to justify an action taken based on sufficient findings that meet the burden of proof.

### BURDEN OF PROOF

Applicants applying for a SEA CUP are required to provide Burden of Proof statements that substantiate how the proposed project will meet each required finding. These statements may assert how the project meets the burden of proof through project design or mitigation measures. Applicants are encouraged to

work with their consulting biologist(s) to draft biologically defensible statements based on the actual site conditions and regional context.

Planners will use the Burden of Proof statements provided by the applicant as the basis for demonstrating how the project addresses each required finding. The Ordinance, the SEA Implementation Guide, the BCM, the BCA, and/or the Biota Report will also contain information that can be used to justify support for the project. The County Biologist is available for technical assistance.

The purpose of this section is to pose questions to guide applicants and Case Planners through the thought-process of creating adequate responses. These questions are provided as a starting point; they do not cover the full spectrum of circumstances that may need to be considered.

Development in the SEAs must demonstrate how the proposed development is designed to:

- A. *Be highly compatible with the SEA Resources, including the preservation of natural open space areas and providing for the long-term maintenance of ecosystem functions;*
  - ❖ What types of biotic resources are present and where can it be found?
  - ❖ How much undisturbed land will be set aside for mitigation?
  - ❖ What types of vegetation does the set aside land consist of?
  - ❖ Is the vegetation comparable to the type of vegetation being disturbed by the project?
  - ❖ What ecosystem functions are being provided by the areas being disturbed in comparison with the areas to be preserved?
  - ❖ What actions will provide for long-term maintenance of ecosystem functions?
  - ❖ Are there any edge effects from the project? (e.g. the introduction of Argentine ants, potential spread of invasive plants, increased predation on wildlife by domesticated animals, etc.)
- B. *Avoid or minimize impacts to the SEA Resources and wildlife movement through one or more of the following: avoiding habitat fragmentation, minimizing edge effects, or siting development in the least sensitive location;*
  - ❖ Has the project's development footprint been consolidated in the least biologically impactful location (or locations)?
  - ❖ Has the project open space resulted in the largest and most intact block of habitat with the lowest perimeter to area ratio?
  - ❖ Where are the areas with the highest biological value located on the project site?
  - ❖ Where is there potential for wildlife movement across the project site?
  - ❖ What actions will be taken to minimize impacts to areas of biological value?
  - ❖ What actions will be taken to minimize impacts to wildlife movement?
  - ❖ Does the project remove obstacles to wildlife movement or seek to restore natural habitat?
  - ❖ See Appendix E for additional guidance for evaluating impacts of development on wildlife movement in LA County.
- C. *Buffer important habitat areas from development by retaining sufficient natural vegetation cover and/or natural open spaces and integrating sensitive design features;*
  - ❖ Where are the critical resource areas located on the parcel?
  - ❖ Are there any vegetated areas or open space (can be disturbed, agricultural, or non-native vegetation) that act as buffers between the development and critical resource areas?
  - ❖ Does the buffer area act as foraging habitat or a wildlife corridor?
  - ❖ How much of the buffer area will the project retain?

- ❖ Are locally native plant species being utilized in the landscaping plan to act as a transition zone between the development and natural open space?
  - ❖ Are fences and walls used in such a way as to buffer and protect natural habitat areas from impacts of the development, or do they create obstacles for wildlife movement?
  - ❖ What design features, best management practices, and mitigation measures are being integrated to ensure the SEA Resources are adequately buffered from the development?
- D. *Maintain the ecological and hydrological functions of water bodies, watercourses, and their tributaries;*
- ❖ Are there water bodies, watercourses, or tributaries on the parcel?
  - ❖ Are they being retained in their natural state?
  - ❖ If not being retained entirely in their natural state, what design features are utilized to ensure continued ecological function, connectivity, and hydrological function of the water resources?
  - ❖ Will water resources be impacted by runoff from the development site or animal keeping facilities into the water resources? If so, what best management practices and design features are proposed to minimize impacts to water quality?
  - ❖ What actions will be taken to preserve the natural state of the water bodies?
- E. *Ensure that roads, access roads, driveways, and utilities do not conflict with Priority Biological Resources, habitat areas or migratory paths; and*
- ❖ Does the project propose new roads, access road, driveways, and utilities?
  - ❖ If yes, are the roads proposed within areas with Priority Biological Resources, habitat areas or migratory paths?
  - ❖ Are there any design features or mitigation measures to minimize the impacts of roads on critical resource areas (e.g. wildlife crossings)?
  - ❖ Does the road bisect or encroach on migratory pathways?
- F. *Promote the resiliency of the SEA to the greatest extent possible. For purposes of this finding, SEA resiliency cannot be preserved when the proposed development may cause any of the following:*
- a. *Significant unmitigated loss of contiguity or connectivity of the SEA;*
  - b. *Significant unmitigated impact to a Priority Biological Resource;*
  - c. *Removal of habitat that is the only known location of a new or rediscovered species; or*
  - d. *Other factors as identified by SEATAC.*
- ❖ Does any part of the development footprint interrupt connectivity of the SEA?
  - ❖ Does the project remove Priority Biological Resource without adequately mitigating for their loss?
  - ❖ Does the project remove the only known location of a new or rediscovered species?
  - ❖ Was this project recommended for approval by SEATAC?
  - ❖ Did SEATAC identify additional factors that the project needs to address?
  - ❖ Could the project be redesigned to preserve SEA resiliency as defined in this Finding?

## PURPOSE OF SEA ORDINANCE

Although it is important to draft Burden of Proof statements with supportive evidence at the project level, the intent of the SEA Ordinance should always be considered. A comprehensive look at the overall project design, impacts, and mitigation measures and how these elements interact with the existing health of the individual SEAs should be conducted during project analysis. Adding a macro level review at the stage of

producing the findings will help protect against the possibilities of fragmenting SEAs and threatening their viability.

**22.102.010 Purpose.**

*This Chapter establishes regulations to conserve the unique biological and physical diversity of the natural communities found within Significant Ecological Areas (SEA) by requiring development to be designed to avoid and minimize impacts to SEA Resources. These requirements will help ensure the long-term survival of the SEAs and their connectivity to regional natural resources. This Chapter regulates development within SEAs by:*

- A. **Protecting the biodiversity, unique resources, and geological formations** contained in SEAs from incompatible development, as specified in the Conservation and Natural Resource Element of the General Plan;
- B. Ensuring that projects **reduce the effects of habitat fragmentation and edge effects** by providing additional technical review of existing resources, potential impacts, and required mitigations;
- C. Ensuring that development within a SEA **conserves biological diversity, habitat quality, and connectivity to sustain species populations and their ecosystem functions into the future**; and
- D. Directing development to be designed in a manner, which **considers and avoids impacts** to SEA resources within the Los Angeles County region.

## PUBLIC HEARING

The public hearing process for SEA CUPs will follow the procedures for public hearing in the zoning code. Although all discretionary land use permits go to public hearing, the level of impacts to SEA Resources will determine which decision-making body will hear the project.

SEA CUPs with minimal impacts to SEA Resources can go through a Hearing Officer public hearing. SEA CUPs with extensive impacts to SEA Resources will go through a RPC public hearing. This is due to the elevated level of review conducted and recommendations provided by SEATAC to the decision-making body.

## CHAPTER 6. BIOLOGICAL REPORTS

The SEA Ordinance requires special biological review for any development proposed within a SEA. The biological documentation required to process an application will depend on the extent of impacts to SEA Resources and ability to meet SEA Development Standards, and may include one or all of the following:

- ❖ Biological Constraints Map (BCM)
- ❖ Biological Constraints Analysis (BCA)
- ❖ Biota Report
- ❖ Restoration or Enhancement Plan

All of the above biological materials must be prepared by a biological consultant on the SEATAC Certified Biologist list maintained on the Department's SEATAC website<sup>23</sup>. These consultants are familiar with the preparation of biological reports for SEA applications, some of which are very similar to the biological sections of Environmental Impact Reports required for CEQA. They will also be able to provide guidance on avoidance of SEA Resources and best practices for minimizing impacts where Development Standards cannot be met. Additional surveys and reports may be required for SEA CUPs depending on the extent and condition of SEA Resources present on the project site; this may include an oak tree report, oak woodland analysis, rare plant survey, protocol survey for special status species, jurisdictional wetlands delineation, or habitat restoration or enhancement plan. The need for such reports will be determined by the County Biologist as early in the review process as possible, based on the BCM, BCA, and/or a County Biologist site visit.

It is the responsibility of the applicant or applicant's agent to hire one of the listed biologists to prepare the biological reports. Each report will be reviewed by a County Biologist to determine its accuracy and completeness, and the County Biologist may request changes or additions to biological reports to ensure that they are complete and accurate. If a submitted report is more than two (2) years old, the County Biologist may require updated field surveys and report revisions as necessary to accurately assess current conditions and proper classification of SEA Resources.

Early identification of SEA Resources and biological constraints assists in guiding applicants toward projects that are mindful of biological resources. For this reason, all non-exempt projects within a SEA are required to submit a BCM along with a Conceptual Project Design before applying for a development permit. The County Biologist and Case Planner will review the BCM along with the Conceptual Project Design at the SEA Counseling and again when the application is filed with the final site plans.

If the project meets the requirements for Ministerial SEA Review, the project's biological reporting ends here. If the review of the BCM and Conceptual Project Design at the SEA Counseling reveal that any of the Development Standards are not met, the applicant will have the opportunity to redesign the project while it is still in the conceptual phase or to move forward with a SEA CUP application. If the applicant is unable to, or chooses not to, redesign the project to meet all Development Standards, a SEA CUP will be needed, and additional biological reports, such as those indicated above, may be required. Chapters 2 (SEA Ordinance Assessment Process) and 5 (Permit Analysis) provide more detail regarding the SEA

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<sup>23</sup> Found online at [planning.lacounty.gov/agenda/seatac](http://planning.lacounty.gov/agenda/seatac)

assessment and permitting process. The primary biological reports required during the SEA assessment process are detailed below.

### BIOLOGICAL CONSTRAINTS MAP (BCM)

The BCM is a tool for quickly identifying areas of potential biological significance in the vicinity of the proposed development. In conjunction with a Conceptual Project Design, the BCM is utilized to evaluate whether SEA Development Standards can be met. The BCM must be drawn to scale and depict:

- ❖ the project site, including the full extent of all project parcels, and extending 200 feet out from the parcel(s)' boundaries ("study area");
- ❖ SEA boundaries (location of the project in relation to SEA boundaries may be shown on an inset or separate map);
- ❖ existing development (structures, graded areas, roads, etc.);
- ❖ natural communities, using descriptions in CNPS Online Manual of California Vegetation<sup>24</sup>, and indicating the SEA Resource Category for each;
- ❖ location, species and trunk diameter (at standard height) of all trees;
- ❖ tree protected zones for all SEA Protected Trees (see Appendix A);
- ❖ special status species observed during the biological survey as well as any previously recorded observations of special status species within the study area (e.g. using CNDDDB records, prior biological reports, etc.);
- ❖ special habitat features indicative of the presence of a special status or rare animal, such as nests, dens, burrows, and roosts;
- ❖ lands designated as Critical Habitat by USFWS;
- ❖ location and extent of water resources, such as streams, lakes, reservoirs, ponds, wetlands, marshes, seeps, springs, vernal pools, and playas;
- ❖ required setbacks from water resources;
- ❖ any physical site features that are expected to facilitate or restrict wildlife movement across the site, such as ridgelines, remnants or strips of habitat, culverts, fences, etc.;
- ❖ rock outcrops, cliffs, or other geological features that may be utilized by species that specialize in these uncommon structural niches; and
- ❖ protected open space that has been recorded over any part of the project site or on adjacent properties.

The process for preparing a BCM will vary slightly depending on the approach of each individual biologist. Each BCM should be based on the following, at minimum:

- ❖ a review of sensitive biological resources known or expected to occur in the vicinity of the project site utilizing such resources as the California Natural Diversity Database (CNDDDB), California Native Plant Society sensitive plant lists, and other reliable sources;

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<sup>24</sup> Available at: [www.cnps.org/vegetation](http://www.cnps.org/vegetation)



- ❖ a minimum of one field survey of the project site parcel(s)<sup>25</sup> conducted during the appropriate time of year (typically spring), utilizing survey methods appropriate to the species and habitats being surveyed;
- ❖ geographic coordinates of observed sensitive or rare plants, animals, and special habitat features indicative of the presence of a special status or rare animal;
- ❖ determination of natural communities (i.e. alliances and associations) present on the project site<sup>26</sup>, based on classifications presented in the CNPS Online Manual of California Vegetation;
- ❖ determination of CDFW imperilment<sup>27</sup> and CNPS rare plant rankings<sup>28</sup> for biological resources found on site; and
- ❖ preparation of the biological constraints map.

Additionally, a Conceptual Project Design should be provided either on the BCM or as a separate site plan for the SEA Stop. The Conceptual Project Design should include:

- ❖ the proposed locations of structures,
- ❖ fuel modification/brush clearance zones,
- ❖ utility access and driveways,
- ❖ exploratory testing,
- ❖ other areas of expected disturbance from the proposed project, and
- ❖ any areas of proposed natural open space to be recorded in order to meet Development Standards.

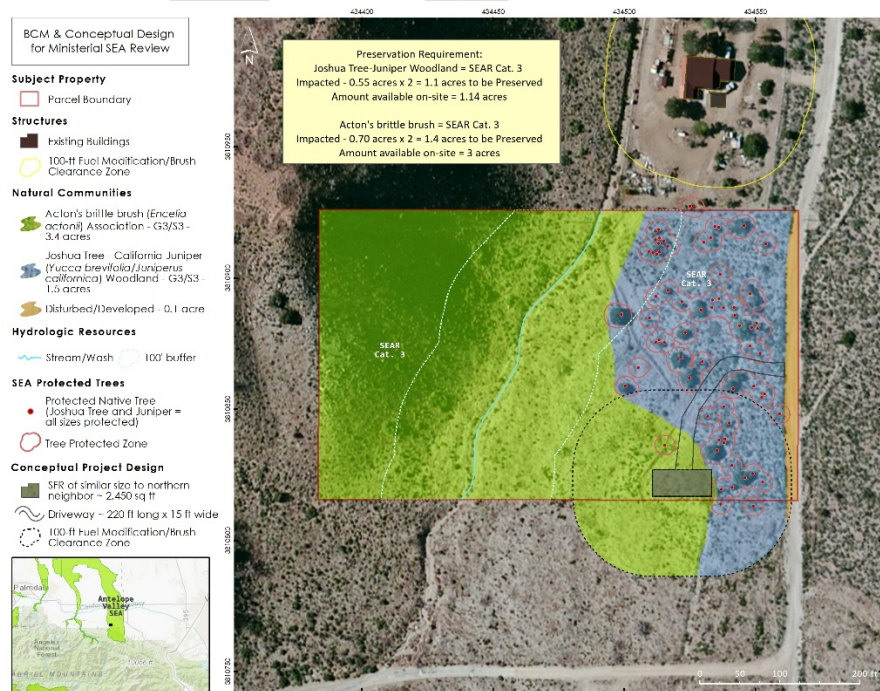


Figure 33. Example BCM with Conceptual Project Design for SEA Counseling.

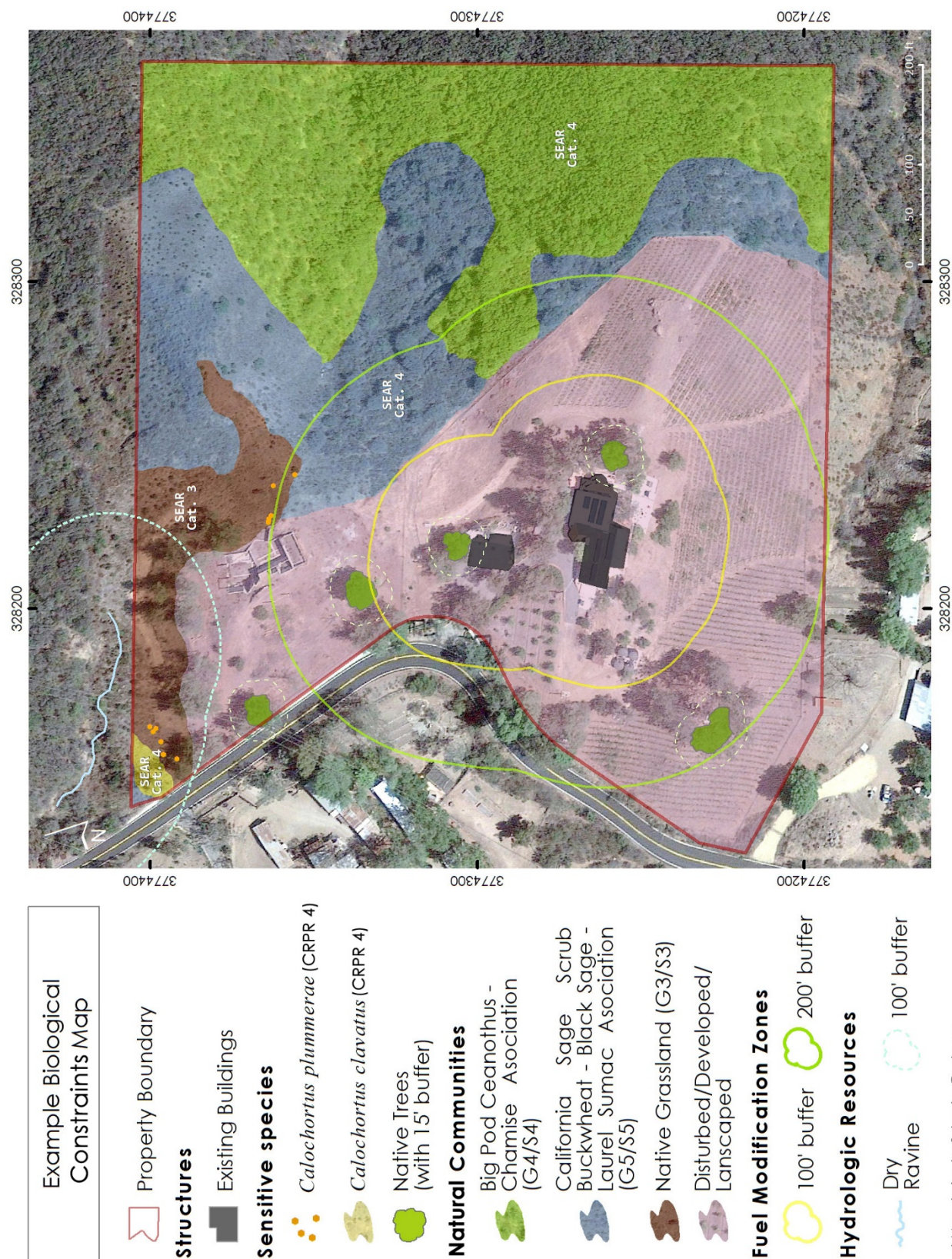
<sup>25</sup> Estimate resources within 200 feet of the project site on neighboring parcels if not physically accessible.

<sup>26</sup> In the event that the biologist encounters a natural community that has not been defined in the CNPS Online Manual of California Vegetation or ranked by CDFW Survey of California Vegetation, the biologist should consult with CNPS and CDFW to determine appropriate classification and ranking utilizing NatureServe's Conservation Status Assessment methodology for unranked communities.

<sup>27</sup> [www.wildlife.ca.gov/Data/VegCAMP/Natural-Communities](http://www.wildlife.ca.gov/Data/VegCAMP/Natural-Communities)

<sup>28</sup> [www.cnps.org/cnps/rareplants/inventory/index.php](http://www.cnps.org/cnps/rareplants/inventory/index.php)





## BIOLOGICAL CONSTRAINTS ANALYSIS (BCA)

A Biological Constraints Analysis (BCA) needs to be submitted with the applicant's SEA CUP application. This report builds on the BCM (which is to be included as part of the report), providing detailed discussions of the biological resources, natural features, and regional context of the project site, and providing a more thorough community-level assessment of the biological resources on the project site and surrounding area. The BCA is based on a combination of literature review and on-site investigations. As is the case with all biological reports prepared for SEA analysis, a SEATAC Certified Biological Consultant must prepare the BCA. At minimum, the report should include:

- ❖ a parcel description, including parcel size, location, and SEA;
- ❖ description of natural geographic features, including drainages and watershed with names;
- ❖ description of methodology of biological survey;
- ❖ vegetation data and natural community descriptions;
- ❖ tables and discussions of sensitive fauna and flora;
- ❖ lists of all plant and animal species observed directly or indirectly on site and in adjacent areas of similar habitat;
- ❖ description and map of existing land uses in the project area;
- ❖ description of open space reserves in the area and depiction of wildlife movement/habitat linkage relationships to open space;
- ❖ reference to and relationship with any conservation plans in the vicinity;
- ❖ description of habitats, alliances, associations and vegetative communities in the vicinity with respect to those on site;
- ❖ rough estimates of the overall population sizes of species of flora and fauna on site and in vicinity;
- ❖ description of overall biological value of the area as it fits in to the biotic mosaic and contributes to SEA ecological functions;
- ❖ regulatory framework; and
- ❖ the Biological Constraints Map.

The Department may waive the BCA requirement if the County Biologist determines that biological resources are sufficiently limited or uncomplicated to be adequately addressed by the BCM and Biota Report alone. A complete checklist of items required in the BCA is included Appendix D.

## BIOTA REPORT

The Biota Report is required for all SEA CUPs. The applicant will need to work closely with the project biologist on this report since some of the information required will need to be supplied by the applicant (e.g. the project description). The applicant should be prepared to meet with the project biologist to go over the SEA guidelines together for Biota Reports and assign responsibility as appropriate for the different items.

The Biota Report uses the data provided in the BCM, BCA, and additional surveys (i.e. rare plant survey, oak tree report, jurisdictional wetland delineations, special status species surveys, etc.) to provide a more complete analysis of the project's impacts on SEA Resources. The Biota Report includes a discussion of possible and probable impacts from the development and proposes specific mitigation measures and monitoring to address each impact.



The analysis presented in the Biota Report assists in the consistency review of the project, SEA findings, and in preparation of the Initial Study. If a Mitigated Negative Declaration (MND) or Environmental Impact Report (EIR) is required for the project, the Biota Report forms the basis of the Biological Resources section of the MND or EIR. A complete checklist of items required in the Biota Report is included in Appendix D. At minimum, the report will:

- ❖ incorporate the BCM and BCA as documentation of existing conditions on the project site;
- ❖ include a project description;
- ❖ discuss impacts (direct, indirect, and cumulative) to vegetation, special-status species, protected and noteworthy trees, wildlife habitat, and the integrity of the SEA;
- ❖ propose mitigation measures, such as natural open space preservation and/or habitat restoration;
- ❖ establish a monitoring program;
- ❖ discuss consistency with compatibility criteria; and
- ❖ have a conclusion as to whether any impacts remain after mitigation.

## RESTORATION OR ENHANCEMENT PLAN

A restoration or enhancement plan (or equivalent document) is required for any project proposing to restore or enhance natural habitat within a SEA. Habitat restoration is the process of returning a degraded habitat to its pre-existing condition, including restoring self-sustaining ecosystem functions. Enhancement is the process of altering a site to increase one or more functions (e.g., removal of invasive plant species or planting of native species).

Each restoration or enhancement plan should include the following components:

- ❖ A description and map of the area proposed to be restored or enhanced. Include a physical address or description of project location, geographic coordinates, watershed, USGS 7.5' Topographic Quadrangle, and Assessor Parcel Number(s).
- ❖ A description of proposed restoration or enhancement activities and their timelines. Include diagrams, drawings, plans, and/or maps that show the location and dimensions of the proposed restoration. Specify the equipment and machinery (if any) that will be used to complete the project and identify on plans where equipment will enter or exit the area. This description should include incidental and support activities (e.g. staging of equipment and materials, acquisition of plant materials, maintenance, etc.), as well as the principal restoration tasks. Describe best management practices to be employed to prevent sediment from entering watercourses during and after construction and avoidance and/or minimization measures to protect fish, wildlife, and plant resources.
- ❖ Plant palette and source of plant materials to be used.
- ❖ An inventory of SEA Resources on the project site, including an evaluation of existing habitat quality. Discuss how the project will provide a net benefit to SEA Resources (e.g. species and plant communities that are expected to benefit from the project).
- ❖ Clearly stated goals and objectives and well-defined performance standards (i.e. success criteria). Performance standards should be attainable and measurable, and stated quantitatively in biological terms.
- ❖ A description of methodologies to be followed, demonstrating that the project is consistent with sources that describe best available restoration and enhancement methodologies. List references and attach or provide a weblink to the document(s) when available.

- ❖ A description of maintenance tasks (e.g. weeding, watering, and other routine maintenance needed to ensure restoration success) and monitoring provisions. The plan should state type of maintenance, frequency, duration, and responsible party for both short-term and long-term maintenance.
- ❖ A qualitative and quantitative monitoring plan, including a map of proposed sampling locations. Monitoring will ideally include both structural (state) and functional (process) attributes and be measured at multiple levels of biological organizations, from population to landscape scale, as appropriate. The monitoring period for each restoration project will depend on the scale and type of restoration and specific site conditions. The SEA Ordinance requires a minimum monitoring period of five years, but some projects may require a longer monitoring period to ensure success. The length of the monitoring period should be based on realistic projections of the restored habitat becoming self-sustaining.

The restoration plan submitted for review does not necessarily have to be developed specifically for the SEA Ordinance. If a similar document is being/has been prepared for another permitting agency or for CEQA review, the Department will likely accept that document, provided that it contains sufficient detail to evaluate whether the project meets SEA Findings (see Section 22.102.080).

Chapter 7 provides general guidelines and best practices for habitat restoration within SEAs. All restoration projects should incorporate appropriate practices from Chapter 7 into their restoration and enhancement plans.

## CHAPTER 7. HABITAT RESTORATION

Many habitats in SEAs have been lost, degraded, or fragmented due to past development or use. This degradation is generally accompanied by loss and impairment of valuable ecosystem functions and amenities that support the health and wellbeing of the human populations of LA County. The County welcomes habitat restoration projects, which aim to restore SEA Resources and ecosystem services to degraded habitats. When done well, habitat restoration can regain and correct ecosystem process and functions that filter our water and air, help control air temperatures, support biodiversity, and provide movement opportunities for wildlife. Failure to restore degraded ecosystems can result in increased environmental cost later, in the extinction of species or natural communities, and in permanent ecological damage.

To improve the County's monitoring of ecosystem health and encourage best practices in habitat restoration, the SEA Ordinance establishes a mandatory (but free) review of habitat restoration projects within SEAs to ensure that the methodologies and practices being implemented are consistent with the goals and policies of the SEA Program. To qualify for this special Habitat Restoration Review, a project should demonstrate, through a Restoration or Enhancement Plan or the equivalent, that it meets the SEA Findings (Section 22.102.080(D)). The project must also be voluntary and not part of a larger project whose primary purpose is not habitat restoration, such as a land use permit for a non-habitat restoration construction activity. Restoration proposed as part of a larger project that includes non-habitat restoration development will be reviewed as part of the permit for that development. If the restoration project does not demonstrate that it meets the SEA Findings, it will be required to go through the same SEA assessment process as is required for a development project.

### WHAT IS HABITAT RESTORATION?

Habitat restoration is the process of returning a habitat to a close resemblance of its condition prior to disturbance.

Successful restoration means that both ecosystem structure and function have been recreated or repaired to such degree that the natural ecosystem processes that contribute to self-maintenance of the ecosystem are operating effectively and without the need for further human engineering or interference.

Even small scale or partial ecological restoration can substantially expand or improve SEA Resources and ecosystem services.

For restoration projects that meet the SEA Findings, the Habitat Restoration Review will be used by the County to provide guidance and recommendations for ensuring consistency with the SEA Program. By reviewing and monitoring habitat restoration projects, the County will be able to collect data on where and how restoration is taking place within SEAs, track successes, and identify trends and information gaps. The County will use this information to assist in evaluating the overall success of the SEA Program.

## HABITAT RESTORATION REVIEW

The purpose of Habitat Restoration Review is to assist restoration practitioners in designing sound habitat restoration and enhancement projects that are compatible with the goals of the SEA Program. This chapter is also intended to assist Department Staff in evaluating and approving restoration or enhancement projects. These guidelines and principles are general and intended to be applied flexibly on a site-by-site basis. They do not replace or supersede the permit requirements of any other agency, such as the U.S.





Figure 34. Habitat restoration before and after pictures. Source: Puente Hills Habitat Preservation Authority website.

Fish and Wildlife Service, Army Corps of Engineers, State Water Resources Control Board, or CA Department of Fish and Wildlife. However, the County review process is intended to allow for coordination with other permit processes by allowing the use of common application materials and content.

While it is not required by the Ordinance, we highly recommend that applicants schedule a pre-submittal counseling meeting with Department Staff to get feedback on the project and its environmental protection measures. Department Staff can provide valuable insight about local conditions, including likely presence of sensitive species, upcoming development in the project vicinity, and other important information that may affect project plans. Attending a pre-submittal counseling meeting will also help ensure that sufficient technical detail is included in the restoration document to be submitted. To schedule a pre-submittal counseling meeting, contact [sea@planning.lacounty.gov](mailto:sea@planning.lacounty.gov).

## BASIC PRINCIPLES

- ❖ The desired outcome for all restoration projects is to create and enhance biologically functional habitats that support target species as well as other species that are important to overall biodiversity.
- ❖ Restoration activities should not begin until the restoration plan is reviewed by the Department.
- ❖ The restoration should be led by an experienced restoration ecologist with documented experience of successful native habitat restoration in the region.
- ❖ The restoration should be performed by experienced restoration contractors specializing in native habitat restoration.
- ❖ There are numerous resources available to guide restoration practitioners on successful restoration strategies for the type of habitat being restored. The proposed methodology should be consistent with such manuals and documents that describe best available restoration and enhancement methodologies for the type of habitat being restored.
- ❖ Restoration should be conducted only on sites where soils, hydrology, and microclimate conditions are suitable for the type of community being restored. Identification of restoration sites should involve an analysis of the suitability of potential sites to support the desired habitat, including comprehensive mapping and documentation of physical and biological site conditions through species surveys, soils surveys, drainage mapping, and constraints analysis.

- ❖ Riparian Restoration: All sites should contain suitable hydrological conditions and surrounding land uses to ensure a self-sustaining functioning riparian vegetation community.
- ❖ Priority should be given to restoring areas that occur adjacent to existing areas of native habitat, especially those that support sensitive species, with the goal of increasing habitat patch size and connectivity while restoring habitat values that will benefit sensitive species.
- ❖ Implementation may be phased over a multi-year timeline (often 5-10 years) to provide for greater diversity of planting ages. Strategies for making prompt mid-course adjustments or corrections in response to changing conditions (e.g. rainfall, fire, flood, etc.) should be included in the restoration plan.
- ❖ Prior to implementation, funding sources and responsible entities for carrying out restoration should be secured.
- ❖ Prior to implementation, an explicit work plan should be developed, including schedules and budgets for site preparation, installation and post-installation actions.
- ❖ Practice adaptive management by developing strategies for revisiting implementation or performance standards if necessary. Identify an advisory team of experts to provide advice and direction.

## MANDATORY BEST MANAGEMENT PRACTICES

### STRESSORS

- ❖ Any stressors causing habitat degradation should be addressed prior to starting restoration.

### PLANT MATERIAL

- ❖ Provide details regarding the planned source of their plant material. If the source is from more than ten miles away or from a completely different vegetation or geology, provide reasonable support for why that stock has been chosen.
- ❖ Special consideration should be given to sources of tree seed and other long lived species. In the case of oak trees, it is preferable to grow seedlings from acorns collected in the immediate project vicinity (within approximately two miles of the project site).
- ❖ All stock should be from plants within Counties in or adjacent to the SEA. Nurseries used to grow stock should also be within counties in or adjacent to the SEA to prevent spread of soil borne diseases and insect pests.
- ❖ Plant material used for habitat restoration purposes should consist of native species that are local to the immediate area of the mitigation site.
- ❖ All plant material proposed for use in a habitat restoration program should be inspected by a qualified biological monitor to ensure that all container plants are in good health and do not contain pests or pathogens that may be harmful to existing native plants or wildlife species.
- ❖ Container plants and other landscaping materials (including organic mulches) should be inspected to ensure they do not contain Argentine ants.
- ❖ Native seed mixes should be inspected by a biological monitor prior to their application to ensure that they contain the proper species and that seed packages are in good condition and do not contain any pests or pathogens.
- ❖ Diseased or infested plant, seed, or landscape materials should be removed from the site and transported to an appropriate off-site green waste facility.

### INVASIVE PLANTS

- ❖ Removal of non-native species in patches of native habitat shall be conducted in such a way as to minimize impacts to the existing native vegetation.

- ❖ Provide a clear description of how green waste will be handled.
- ❖ Use of chemical methods should be utilized only as a last resort.
- ❖ Any proposals for use of herbicide treatments should be accompanied by a plan that demonstrates:
  - that other methods of invasive species control have been tested, and that a single application of herbicide has been determined to be the best solution;
  - that there is a post application plan for revegetation and/or mulching; and
  - that the treatment is a one-time application.
- ❖ Preemergent herbicide should never be used, as it may affect rare species in the seed bank.

#### IMPORTED SOIL

- ❖ Imported soil shall be free of exotic invasive plant species and shall come from a local source.

#### IRRIGATION

- ❖ Use plugs rather than larger plants to reduce the need for irrigation during establishment in order to conserve water resources. This also helps plants establish new roots that are adapted to the soil in the ground, rather than having a large root mass adapted to the soil in the nursery pot.
- ❖ If irrigation is required, describe the plan to control annual weeds that might occur and thrive from the irrigation.

#### MULCH

- ❖ Mulch is the least harmful and most beneficial way to prevent weeds, promote healthy soil, and help restore healthy organic material in the soil. One application of mulch can promote storage of large amounts of carbon in soils for years to come, helping with global climate change. It prevents water loss up to 30%. Almost all native habitat, outside of some desert ecosystems, have deep layers of organic material near trees and shrubs, keeping their roots cool and preventing evaporation.
- ❖ An area for native bee nesting without mulch can be set aside and marked. Monthly weeding will be necessary in this area until native plants can be established.

#### SCHEDULE

- ❖ Provide details regarding the planned schedule. Establishment of restoration/revegetation sites should be conducted during the appropriate time of year (between October 15 and January 30 for most projects), with planting and/or seeding occurring immediately after the restoration sites are prepared.

#### MAINTENANCE PLAN/GUIDELINES

- ❖ Provide a Maintenance Plan that includes (1) weed control, including cleaning of equipment to prevent further spread or introduction of new weeds; (2) herbivory control; (3) trash removal; (4) irrigation system maintenance; (5) maintenance training; and (6) replacement planting.

#### SIGNAGE AND FENCING

- ❖ If necessary, the restoration plan should include specifications on fencing to protect biological resources and restrict human access.
- ❖ Signage specifications should be developed to indicate the site is a restoration/preserve area and to either indicate that trespassing is not allowed or to instruct visitors to stay on trails if public access is allowed.

## CHAPTER 8. NATURAL OPEN SPACE

The SEA Ordinance requires preservation of natural open space to offset impacts to SEA Resources by proposed development. Additionally, the SEA Ordinance requires new development to be set back an adequate distance from existing protected natural open space areas to ensure that required defensible space where vegetation must be thinned or cleared for fire protection will not extend onto the adjacent protected natural open space.

Many wildlife species, particularly carnivores and other wide-ranging species require large areas of suitable habitat for genetically and demographically viable populations. In addition, large contiguous blocks of habitat are more likely to encompass diverse habitat types and are more easily buffered from potential impacts from surrounding developed lands. Most SEAs contain large blocks of habitat generally conforming to a significant topographical feature such as a watershed, major river, butte, etc. These habitat blocks are referred to as "core habitats." Protecting natural open space (i.e., undeveloped land) within and adjacent to or near these large patches will maintain valuable protected core habitats, which, in turn, can protect larger wildlife populations and potentially generate a greater diversity of species and communities.

### CONFIGURATION AND USE

To meet the requirements of the SEA Ordinance, preserved open space must be maintained in its natural undeveloped condition. To the greatest extent possible, natural open space should be configured into one contiguous area and be clustered with other natural open space areas on adjacent parcels.

No removal of trees or vegetation or other disturbance to natural features is allowed in these areas, unless the activity is approved by the Director prior to the disturbance (for instance, if it is written in as an acceptable use in the deed restriction, covenant, or conservation easement approved by the Department). The following are uses that may be deemed acceptable in preserved natural open space:

1. disease control and/or control of invasive species;
2. habitat restoration;
3. paths or trails constructed and maintained to minimize environmental impact to the area (for instance, to restrict recreational use into a single path);
4. wildlife permeable fences constructed and maintained to minimize environmental impact to the area (for instance, to keep trail users from crossing into sensitive habitat areas);
5. fire protection, when determined by the County Biologist to be compatible with the SEA Resources being preserved; or
6. activities intended to maintain a specific habitat condition, which may include animal grazing, when recommended by the County Biologist. Such activities must be detailed in a management plan to be reviewed by the County Biologist and approved by the Department.

Driveways, streets, roads, or highways are prohibited from crossing through natural open space areas. If the Hearing Officer or Commission determines that a driveway, street, road, or highway must transverse natural open space in order to ensure adequate circulation or access, it may not be counted as a portion of the total required natural open space to be preserved (i.e. the area occupied by the road must be subtracted from the total area of open space). Additionally, any such driveway, street, road, or highway must be designed to include any and all necessary wildlife crossings and/or other features necessary to avoid biological impacts.

## REQUIREMENTS FOR MINISTERIAL SEA REVIEW

Development approved through a Ministerial SEA Review that has impacts to SEA Resource Categories 2, 3 or 4 are required to preserve the corresponding amount and type of SEA Resources within the project site parcel(s), as shown in [TABLE 4](#) below. Development undergoing Ministerial SEA Review should have been vetted during SEA Counseling to ensure the project site parcel(s) contain appropriate preservation area(s) outside of the development footprint. Natural open space areas to be preserved cannot be located within any mandated fuel modification or brush clearance zones, or include any portion of a driveway, street, road, or highway.

On-site natural open space will need to be depicted on the approved site plan. A draft of the deed restriction or covenant should be submitted with the application materials for Department review prior to recordation. The natural open space covenant or deed restriction must then be recorded with the County Recorder's Office and a copy of the recorded document must be submitted to the Department prior to receiving the stamped site plan, along with a digital delineation of the boundary of the natural open space area (i.e. the boundary of recorded natural open space should be submitted in a GIS useable format such as .shp, .gdb, .kml/.kmz, .dwg, etc.)

**TABLE 4. ONSITE PRESERVATION RATIOS FOR MINISTERIAL SEA REVIEW**

SEA RESOURCE CATEGORY:	DISTURBANCE ALLOWED:	PRESERVATION RATIO:
1	none	N/A (need SEA CUP)
2	≤ 500 sq ft	2:1
3	≤ 500 sq ft	1:1
	> 500 sq ft	2:1
4	≤ <del>500</del> <u>5,000</u> sq ft	none
	> <del>500</del> <u>5,000</u> sq ft	1:1
5	any amount	none

### ALLOWABLE MECHANISMS

On-site preservation of natural open space, as required per (Section 22.102.090.A), must be provided through a permanent deed restriction or land use covenant between the County and the property owner. Both mechanisms are recorded with the County Recorder's Office and should include a map exhibit of the natural open space area. Any area recorded as natural open space for this purpose must be left in its natural state.

### EVALUATING THE ACCEPTABILITY OF ON-SITE PRESERVATION

There may be fewer opportunities to configure natural open space for projects undergoing Ministerial SEA Review. In many cases, the BCM will have already identified all the areas that can be preserved on-site with no excess of natural open space available for preservation. In cases where there is an excess of area available for preservation, the preserved area should be configured to minimize fragmentation and maintain the largest possible area-to-edge ratio (i.e., by using the shortest possible perimeter length).<sup>29</sup> Any existing adjacent preserved open space areas should also be considered, and new open space should be

<sup>29</sup> Area-to-edge ratio refers to the compactness of an area. A circle has the maximum area-to-edge ratio of any shape since it has the minimum possible perimeter length. Long, narrow shapes, or shapes with convoluted boundaries have low area-to-edge ratios. Shapes with high area-to-edge ratios are preferable in biological conservation because elements within the interior of the area have a greater likelihood of being far from the edge and are therefore less vulnerable to indirect impacts from development (invasive species, runoff, domestic animals, etc.).

configured to compliment and buffer existing off-site open space by connecting to it via the widest possible path.

## REQUIREMENTS FOR SEA CUP

Developments applying for a SEA CUP are required to provide preserved natural open space as mitigation. For SEA CUPs, the amount of natural open space to be required is considered mitigation and is not tied to the ratios in the Development Standards, nor is it required to be preserved on-site. Any and all mitigation must require like-for-like components for compensation. Soils, slope, topography, aspect, range, growing conditions, and habitat type must all match between development and mitigation sites and all must be within the same SEA.

The natural open space preservation requirement for SEA CUPs is dependent on the amount of proposed development, degree of impact, type and quality (e.g. intactness) of SEA Resources being disturbed, location, and setting of those SEA Resources, and the project's ability to address the SEA Findings. The preservation ratios listed in **TABLE 5** below will be utilized as a general guideline.

### ON-SITE PRESERVATION FOR SEA CUP

To evaluate the appropriate location and mechanism for preserved natural open space, Staff will first need to determine whether an adequate amount of suitable habitat is present on-site. Projects that do not have an adequate amount of suitable habitat available to protect on-site will need to provide any necessary natural open space preservation off-site, through one of the mechanisms discussed in the "Allowable Mechanisms" section below.

If it is determined that a suitable area of quality natural habitat occurs on the project site parcel(s), the area should be described in the Biota Report, depicted on site plans, and, if found to meet the mitigation needs of the development, recorded as permanent natural open space through one of the allowed mechanisms discussed below. Any area recorded as natural open space for this purpose must be maintained in its natural undeveloped state, with no removal of vegetation or disturbance of natural features.

When determining the suitability of habitat for on-site preservation, the following attributes should be considered:

- ❖ is it outside of all mandated fuel-modification and brush clearance zones?
- ❖ does it encompass any hydrological features?
- ❖ does it contain sensitive SEA Resources (e.g. Categories 1-3)?
- ❖ does it include any habitat restoration areas required as project mitigation?
- ❖ does it include sufficient low to moderate value habitat to buffer higher value habitats and elements from indirect impacts from developed areas?
- ❖ what is the extent of on and off-site habitat connectivity?
- ❖ is it part of a wildlife corridor, does it function as a buffer, or is it integral to a watershed?

Natural open space should be planned in such a way as to create the maximum amount of habitat connectivity between on-site and off-site areas and to encompass the maximum amount of diversity in type, function and structure of habitats. Whenever possible, natural movement pathways should be protected.



Although large blocks of habitat are generally better than smaller ones, there are cases when smaller patches or ribbons of habitat are vital to preserving wildlife movement or the long-term viability of SEA Resources. For instance, small patches of habitat may be useful as stepping-stones through a developed landscape, or a constrained movement pathway may provide the last tenuous connection between two larger patches of habitat. The loss of such connections may mean cutting off wildlife movement through that landscape. In such cases, it may be preferable to preserve the small patches or ribbon of natural habitat.

“Added value” can be given to proposed natural open space areas if they also contain unique or valuable habitat linkage resources, additional special-status species, surface waters, or sensitive habitats, etc. Proposed open-space with such added-value characteristics may be allowed to be smaller than the area that would typically be required and still be determined to be consistent with the SEA Program goals, subject to the discretion of the Department and a determination of consistency with the SEA Findings by SEATAC.

**TABLE 5. RECOMMENDED\* PRESERVATION RATIOS FOR SEA CUP**

SEA RESOURCE:	PRESERVATION RATIO:
<b>CATEGORY 1</b> <ul style="list-style-type: none"> <li>- State or federally listed species and their habitats</li> <li>- CA Rare Plant Ranks 1,2,3</li> <li>- Natural Communities Ranked G1/S1</li> <li>- Water Resources (e.g. wetlands, streams, ponds, lakes, vernal pools, marshes, etc.)</li> </ul> <b>BEACH &amp; DUNE</b>	5:1
<b>CATEGORY 2</b> <ul style="list-style-type: none"> <li>- Natural Communities Ranked G2/S2</li> <li>- <del>Sensitive Local Native Resources</del></li> <li>- Species of Special Concern and their habitats</li> </ul>	4:1
<b>CATEGORY 3</b> <ul style="list-style-type: none"> <li>- Natural Communities Ranked G3/S3</li> <li>- Oak Woodland</li> <li>- <u>Sensitive Local Native Resources</u></li> </ul> <b>ROCK OUTCROPS/ROCKLANDS</b>	3:1
<b>CATEGORY 4</b> <ul style="list-style-type: none"> <li>- Natural Communities Ranked G4/S4/G5/S5</li> <li>- CA Rare Plant Rank 4</li> </ul> <b>NON-NATIVE GRASSLANDS</b>	2:1
<b>CATEGORY 5 - <u>Wildlife linkage or corridor or Open space buffer</u></b>	1:1

\* Ratios are provided as a starting point. With a discretionary CUP, these ratios can be changed based on site specific factors and SEATAC recommendations, to the satisfaction of the Hearing Officer or Commission.

### OFF-SITE PRESERVATION FOR SEA CUP

Developments that do not have suitable habitat available for natural open space preservation on-site will be required to provide an equivalent amount of natural open space preservation off-site. This can be accomplished through one of the mechanisms discussed below. All off-site natural open space preservation will be reviewed by Department Staff in order to verify that it meets the project's mitigation requirements.

The following information should be submitted for review:

- ❖ a map of the proposed off-site area (similar to a BCM);
- ❖ a description of the biological resources of the proposed off-site area (similar to a BCA);
- ❖ a description of the mechanism to be used for preservation; and
- ❖ a management plan for the proposed preserved area, including a Habitat Mitigation and Monitoring Program (HMMP) if habitat restoration is required, which identifies responsible parties, funding mechanism, restoration methods, performance standards, and reporting requirements for restoration projects.

Off-site preservation shall be sited within or contiguous with the same affected SEA, and preferably within the same watershed. An area immediately adjacent to the SEA may be considered if the applicant can demonstrate that the area supports the same resource values and is connected with other natural open space. Preserved areas should be configured to:

- ❖ have sufficient self-buffering capacity,
- ❖ be situated adjacent to other natural open space areas, and
- ❖ support resources similar to those disturbed by the project and in the proper ratios.

“Added value” can be given to proposed open-space lands if they also contain unique or valuable habitat linkage resources, additional special-status species, surface waters, or sensitive habitats, etc. Proposed open-space lands with such added-value characteristics may be smaller than the area required by standard preservation ratios and still determined to be consistent with the SEA Program goals, subject to discretion of the Planning Department and a determination of consistency with the SEA Findings by SEATAC.

#### ALLOWABLE MECHANISMS

Following are the acceptable mechanisms for preserving natural open space to meet SEA CUP requirements. The mechanisms are ranked in order of preference by the County. The applicant will have to demonstrate that higher ranked mechanisms are infeasible or of less benefit in order to use an option lower down on the list. For instance, in-lieu fees are of lowest preference, so the applicant will need to show that the six previous mechanisms are infeasible or of substantially lower biological value than the in-lieu fee proposed for the project.

#### DEDICATION TO ~~LAND CONSERVATION ORGANIZATION~~ ACCREDITED LAND TRUST OR GOVERNMENT ENTITY

Land to be protected as natural open space may be transferred to a ~~qualified~~ accredited land trust, ~~conservation organization~~, or government entity that has the capacity to protect and manage the land as natural open space. The acquisition of the land (fee title or fee simple) allows the conservation owner to manage the property to preserve and protect its conservation values. The land can be acquired by purchase, donation or a combination of the two.

Any land being transferred to a non-profit organization or government entity for the purpose of mitigation for a SEA CUP must first record an open space restriction or easement over the entirety of the natural open space area prior to transfer of ownership in order to ensure the preservation of the natural open space in perpetuity.

#### CONSERVATION OR MITIGATION BANK

Conservation and mitigation banks provide a streamlined and predictable off-site compensatory mitigation program that can be of benefit to public and private developers, while incentivizing the protection and management of the most critically important areas within SEA boundaries. These “banks” are lands that are permanently protected and managed specifically for their natural resource values. In exchange for permanently protecting, managing, and monitoring lands that hold important resources (e.g. wetlands, endangered or threatened species, and supporting habitats), the bank sponsor (owner) is allowed to sell or transfer a specified number of habitat or species credits to project developers to offset the adverse impacts of their projects.

Conservation and mitigation banks are regulated and approved by certain state and federal agencies that are tasked with protection of natural resources (such as CDFW, USFWS, Army Corps of Engineers, Natural Resources and Conservation Service, National Marine Fisheries Service, US Environmental Protection Agency, etc.). Mitigation banks are generally formed to protect, restore, create, and enhance wetland habitat, and credits are sold for mitigation of unavoidable wetland losses. Conservation banks are targeted more toward protecting threatened and endangered species and habitat, with credits established for the specific sensitive species and habitat types that occur on the site. Although a bank may be established to protect a specific species or water resource, adjacent areas of supporting habitat are generally also included in the mitigation bank.

Currently there is only one conservation bank in LA County; however, the formation of new conservation or mitigation banks, especially within SEAs, is encouraged. For a proposed development within a SEA to utilize a conservation or mitigation bank for their development, the bank must be within the same SEA.

To learn more about mitigation banks, visit the CDFW website on Conservation and Mitigation Banking: [www.wildlife.ca.gov/Conservation/Planning/Banking](http://www.wildlife.ca.gov/Conservation/Planning/Banking). For CDFW approved mitigation banks see: [www.wildlife.ca.gov/conservation/planning/banking/approved-banks#r4](http://www.wildlife.ca.gov/conservation/planning/banking/approved-banks#r4).

## CONSERVATION EASEMENT

A Conservation Easement is a legal agreement between a landowner and an accredited land trust or government agency in which the land owner places certain restrictions on their property in order to permanently limit the uses of the land in order to protect its conservation values. The land trust or government agency<sup>30</sup> that accepts the easement is responsible for monitoring the easement to ensure compliance with the terms of the easement and to enforce the terms if violation occurs. Land trusts may be accredited through the Land Trust Accreditation Commission, an independent program of the Land Trust Alliance, or an equivalent program.

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<sup>30</sup> California Civil Code 815.3 defines qualified entities as: a) A tax-exempt nonprofit organization qualified under Section 501(c)(3) of the Internal Revenue Code and qualified to do business in this state which has as its primary purpose the preservation, protection, or enhancement of land in its natural, scenic, historical, agricultural, forested, or open-space condition or use. b) The state or any city, county, city and county, district, or other state or local governmental entity, if otherwise authorized to acquire and hold title to real property and if the conservation easement is voluntarily conveyed. 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. c) A federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the Native American Heritage Commission to protect a California Native American prehistoric, archaeological, cultural, spiritual, or ceremonial place, if the conservation easement is voluntarily conveyed.

Conservation Easements are one of the most frequently used tools for conserving private land. They are used to permanently limit uses (on all or a portion of the property) that would compromise the conservation values of the property, while allowing the landowner to retain certain reserved rights.

As with a deed restriction or covenant, a Conservation Easement is attached to the property's deed and recorded with the County. It is granted in perpetuity, meaning that all future owners of the land must respect the uses set forth in the document. Natural open space preservation required per the SEA Ordinance may be provided through a Conservation Easement, either on-site or off-site (but still within the same SEA).

#### PERMANENT ON-SITE DEED RESTRICTION

A deed restriction is a land use restriction that is added to the title of a property. It restricts the use of the property, and for the purposes of the SEA Ordinance, it can be used to ensure that an area of land is preserved as natural open space in perpetuity. Properly worded and recorded deed restrictions apply to all future owners of the property and cannot be easily changed or removed. To meet the SEA Ordinance natural open space requirements, the property owner may place a permanent open space deed restriction on the approved area of their property. The project cannot be approved until the restriction is filed ~~at~~ with the County Recorder's Office Registrar-Recorder/County Clerk.

#### COVENANT BETWEEN COUNTY AND PROPERTY OWNER

A covenant or "Covenants and Agreements" is a formal agreement or contract between the County and the property owner, in which the property owner gives the County certain promises and assurances, such as for the purpose of providing and recording an open space restriction over an area of land. The covenant obligates the owner to maintaining the specified area as natural open space, for a specified period of time. In order to meet the natural open space preservation requirements of the SEA Ordinance, the covenant must be permanent and properly worded to ensure the land is preserved in its natural, undeveloped condition. As with a deed restriction, the covenant runs with the land and is binding on all current and future owners of the property. If this mechanism is selected, the open space covenant must be filed at the County Recorder's Office prior to final permit approval.

#### CONSERVATION IN-LIEU FEE

Conservation in-lieu fees are another approach to fulfilling mitigation requirements and can be a source of funding for a natural resource management entity to purchase conservation land or Conservation Easements. This is a fee that is provided by a project developer to a mitigation sponsor, such as a natural resource management entity, in lieu of providing required compensatory mitigation. The in-lieu fee is then intended to be used to acquire the required mitigation land or Conservation Easement. In-lieu fees may be pooled with other in-lieu fees to create one or more sites to compensate for the resource functions lost as a result of development.

In order to meet the natural open space requirements of the SEA Ordinance, in-lieu fees must be used for the purpose of preserving specific SEA Resources (as determined by those impacted by the proposed development) within the same SEA. A nexus study must be prepared, and provisions should be made to ensure that the fee is regularly updated in response to changes in real estate values. The in-lieu fee should include costs associated with providing the required mitigation, including the cost of the land or Conservation Easement, cost of identifying and negotiating for the land or easement, surveys, appraisals, title research, legal review, preparation of documents, etc.

## CHAPTER 9. SEA PROGRAM MONITORING

The Conservation and Natural Resources Element of the General Plan identifies strategies for the preservation of natural resources. Specifically, *C/NR-1 SEA Preservation Program*<sup>31</sup> includes strategies such as establishing a Transfer of Development Rights Program, Habitat Conservation Plan, Mitigation Land Banking Program/Open Space Master Plan, or Open Space Land Acquisition Strategy. To maintain and sustain the SEAs, and to evaluate the applicability of these programs, monitoring disturbance to and protection of SEA Resources is needed. Monitoring will also allow the County to better work with partner organizations interested in permanently conserving the SEAs.

The effects of climate change will also be clearer through the County's monitoring of SEAs. Some of these concerns include the need to preserve ecosystems that can continue to support the biodiversity of the County despite future changes in temperature and precipitation and increased hazards from wildland fires. SEAs contain evolving biological resources that occur in places at risk from development pressures and climate change. To ensure the continued effectiveness of the SEA Program, the following monitoring practices shall be implemented:

- 1) Tracking approved development within SEAs;
- 2) Tracking habitat restoration within SEAs;
- 3) Mapping habitat information collected through the permitting process; and
- 4) Mapping natural open space protection resulting from approval of projects.

### TRACKING APPROVED DEVELOPMENT

As part of case processing, information from applicants and public agencies proposing to develop in SEAs will be collected, including information on land use and impacts to SEA Resources. Such information will be compiled into a Countywide SEA database, which will be used for tabulating types and amounts of approved development within each SEA.

### TRACKING HABITAT RESTORATION

Projects proposing habitat restoration either as mitigation or as an independent project will be tracked utilizing information collected during case processing or Habitat Restoration Review. Information to be compiled includes the location, size, and type of restoration being carried out in each SEA.

### MAPPING SEA RESOURCES

A Biological Constraints Map (BCM) is required before most development can occur within a SEA. As part of the application package, the applicant will be required to submit their BCM data to the Department in digital form<sup>32</sup> to be integrated into the SEA Resource database. The data acquired in this manner will allow the Department to more accurately map habitat information within unincorporated County SEAs. In instances where further assessment of sensitive biological resources is needed, a more in-depth Biological

<sup>31</sup> [planning.lacounty.gov/assets/upl/project/gp\\_final-general-plan-ch16.pdf](http://planning.lacounty.gov/assets/upl/project/gp_final-general-plan-ch16.pdf)

<sup>32</sup> Map or site plan data displaying SEA Resources, preserved open space, and development footprints must be submitted in a GIS useable format such as .shp, .gdb, .kml/.kmz, .dwg, etc.

Constraints Analysis could be required. In such cases, submittal of final SEA Resource map data will be required as a condition of approval.

## MAPPING PROTECTED OPEN SPACE

With the adoption of the SEA ordinance update, the County will embark on an effort to map protected open space in the unincorporated Los Angeles County. For this effort, any open space area that has legal protections through a permanent on-site deed restriction, conservation easement, conservation or mitigation bank, or dedication to a government entity or non-profit land conservation organization, as described in the Ordinance, will be considered “protected open space.” With this information, it will be possible to illustrate the extent to which the SEA Program is meeting the County’s overall goal to develop *permanent, sustainable preservation of genetically and physically diverse biological resources and ecological systems* (Los Angeles County General Plan Goal C/NR 3).

Starting with the California Protected Areas Database (CPAD), California Conservation Easements Database (CCED), and other open space geographic databases maintained by state and local organizations, the Department will establish a baseline of existing protected open space in the unincorporated County (including federal, state, and county owned open space and Conservation Easements monitored by land trusts). The resulting Open Space Database will include polygons of each recorded open space area with corresponding information such as date of adoption, type of protection, size, and ownership.

Protected open space will be monitored as follow:

1. The Department will integrate all newly dedicated open space associated with permits in SEAs into the Open Space Database. Data for new open space dedicated in this manner will also include project and permit numbers and will link to the public record(s) for the associated project.
2. The Department will identify resources to review previously approved projects in SEAs that included protection of open space as mitigation and incorporate those areas into the Open Space Database.
3. The Department will also track in-lieu fees and contributions to mitigation banks associated with SEA CUPs. In the case of in-lieu fees, the County Biologist will review and approve where the fees are used<sup>33</sup>, and any resulting new protected open space will be included in the Open Space Database.

## REPORTING REQUIREMENTS

### 1. GENERAL PLAN ANNUAL REPORT

The County is required to prepare a general plan annual progress report on the status of General Plan implementation. The annual report is prepared by the Department and presented to the Regional Planning Commission and the Board of Supervisors. The annual report is the County’s mechanism for comprehensively reporting on the following: 1) program implementation; 2) effectiveness of major policies; 3) updates to datasets; and 4) map maintenance.

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<sup>33</sup> In-lieu fees should be designated for use within the same SEA as that in which the associated development is located.



For the SEAs, the General Plan report is given biennially on the status of the County's SEAs and is required to include:

- ❖ A summary of new development within SEAs approved by DRP;
- ❖ A public comment process for accepting suggestions on improving the SEA Program, and its components;
- ❖ The overall status of biological functions within each SEA, if known;
- ❖ Identification of any new techniques or methods of conservation planning which are, or could, be utilized to enhance the SEA Program;
- ❖ Assessment of the necessity for new SEA studies and any resulting scientific studies undertaken on SEAs;
- ❖ Recommendations for any modifications to the SEA Program, including General Plan goals and policies, SEA boundaries and the SEA Ordinance;
- ❖ Identification of lands within individual SEAs as priority habitats or areas for protection;
- ❖ A description of any ongoing partnerships with conservation agencies and other stakeholders;
- ❖ A current map of SEA lands that are protected in perpetuity through deed restrictions, Conservation Easements, etc.; and
- ❖ The Director's conclusion as to the overall successes and challenges of the SEA Program in implementing General Plan goals and policies.

## 2. SUSTAINABILITY PLAN INDICATOR

The County's Chief Sustainability Office is in the process of preparing the first sustainability plan for the entire County. One of the important indicators for sustainability identified for the Plan is the health of the County's SEAs. In addition to communicating the status of the SEA Program through the General Plan Annual Report, the County's Sustainability Plan will be another avenue for reporting on the health of the SEAs.

## 3. SEA WEBSITE

The Department will be updating the SEA webpage housed within the Department's website to digitally provide information as information is gathered and mapped.

## CHAPTER 10. REVIEW PROCEDURES FOR COUNTY PROJECTS

The SEA Program is a component of the County's General Plan, which provides the policy framework for how and where the unincorporated Los Angeles County will grow through the year 2035. As a leader in sustainability, the County will assess infrastructure projects that may have impacts to SEA resources when the development is located partially or entirely within a mapped SEA. This SEA assessment process for County projects within SEAs will ensure that the proposed activities sustain species populations and ecological services into the future through environmentally sensitive site design. This process will allow for the appropriate level of compliance with the least amount of impacts to the maintenance, operation, and future development of those facilities.

### GENERAL COUNTY DEPARTMENT SEA ASSESSMENT PROCESS

County Departments that propose activities defined as development within a mapped SEA are encouraged to participate in the SEA assessment process. Similar to private development, SEA review for County Departments is intended to assist in avoiding or minimizing impacts to SEA Resources. Development that is covered under a County master plan that is undertaken by private entities, such as construction of County master planned highways and master planned trails, should be submitted by the appropriate County Department for review as a County Project.

#### GENERAL REVIEW PROCESS

The County Department may use Regional Planning's online GIS application, or contact Regional Planning staff, to determine if a proposed ground disturbing activity will be within a mapped SEA. If so, the project manager at the County Department should contact Regional Planning at [sea@planning.lacounty.gov](mailto:sea@planning.lacounty.gov) to initiate a consultation of the proposed activity.

At the end of the initial review of the proposed activity, the County Biologist will issue a recommendation letter which determines the following:

- a. need for any additional biological surveys to identify SEA Resources or evaluate the full extent of impacts;
- b. need for SEATAC consultation regarding impacts of proposed activities and/or appropriateness of proposed mitigation;
- c. ability of the proposed activity to maintain prescribed setbacks as described within the SEA Development Standards; and
- d. compatibility of the proposed activity with the SEA Program.

#### REVIEW OF EMERGENCY AND HAZARD MANAGEMENT ACTIVITIES

Ground disturbing activities in response to an emergency or for hazard management should be documented and communicated to Regional Planning. Following an emergency or hazard management activity, additional consultations may be initiated between County departments to address how to better coordinate and approach future similar activities or situations, or to discuss appropriate mitigation of impacts to SEA Resources, if needed. In these instances, the County Biologist will issue a recommendation letter, which may include recommendations for:

- a. additional consultations with SEATAC to determine appropriate mitigation for impacts to SEA Resources; or
- b. actions that could be taken in a future similar situation to avoid or minimize impacts to SEA Resources.

### NOTIFICATION OF DEVELOPMENT ACTIVITY

In addition to the general County Department SEA assessment process, County Departments may notify Regional Planning regarding activity within a mapped SEA on a project by project basis. The purpose of reporting development which may not need further review is to understand and disclose regular maintenance projects by County Departments that are in or adjacent to natural portions of the SEA which may potentially impact the SEAs, and to gain an understanding of this development. It is anticipated that development in this category could be moved to Activities Exempt from Review and Notification in future iterations of this guide.

### DEPARTMENT OF PARKS AND RECREATION (DPR)

Unless constructing new structures or grading within natural portions of a SEA, all maintenance, construction and other regular activities necessary to meet the standard operational needs at DPR facilities shall be exempt from SEA assessment. When a development project does involve significant removal of natural vegetation within a SEA, the DPR project manager will contact Regional Planning at [sea@planning.lacounty.gov](mailto:sea@planning.lacounty.gov) to initiate a consultation, providing the following information:

1. project location
2. project scope or description
3. site plan
4. any photographs of the site.

If necessary, a site visit meeting with the County Biologist will be scheduled.

In response to this review, the County Biologist will issue a letter which determines the following:

- ❖ The compatibility of the proposed development activity with the SEA Development Standards and Findings, if applicable.
- ❖ Whether additional review through SEATAC is recommended to determine appropriate SEA Resource mitigation, when needed.
- ❖ Whether additional biological information is needed to provide further recommendations.

### DPR ACTIVITIES EXEMPT FROM SEA ASSESSMENT AND NOTIFICATION

DPR will not need to notify Regional Planning of the following types of activities: 1) those that occur within already disturbed areas and will not result in expanded environmental impacts to the natural portions of SEAs, 2) those that are for the maintenance and operation of existing facilities, or 3) those that are for emergency or hazard management response.

Maintenance and operational activities include, but are not limited to:

- a. maintenance of existing landscaping including mowing and tree trimming;
- b. new landscaping and related irrigation;

- c. brush clearance;
- d. parking lot repair;
- e. health and safety related work such as slope repair and hazard removal;
- f. ADA compliance (path of travel, parking lot, restroom upgrades, etc.);
- g. Irrigation, plumbing, mechanical (HVAC) and electrical repairs;
- h. concessionaire maintenance and operational activities;
- i. temporary events (renaissance Faire, concerts);
- j. lake maintenance and remediation;
- k. ongoing upkeep, repair, rehabilitation, or reconstruction (in kind) of existing structures and facilities (park offices, gymnasiums, storage, restrooms, visitor centers, community centers, nature centers, sports fields, aquatic centers, etc.);
- l. addition to existing buildings and structures;
- m. installation of accessory structures, such as shade structures, picnic tables and benches, BBQ grills, play structures, fitness equipment, outdoor classroom, lighting, signage, fencing, etc.;
- n. grading that does not extend beyond previously disturbed areas;
- o. vegetation control that does not extend beyond previously disturbed areas; and
- p. trail maintenance.

#### EMERGENCY AND HAZARD MANAGEMENT ACTIVITIES

Activities which are for either emergency response or hazard management (such as fire, flood, or earthquake damage, etc.) are also exempt from prior notification and review, if time constraints would not allow for such review. These types of activities shall be reported to Regional Planning after they have taken place. Additional discussion may take place, if needed, to identify proper mitigation of impacts when needed.

#### DEPARTMENT OF PUBLIC WORKS (DPW)

DPW development activities such as construction of new facilities or roads located in undeveloped portion of SEAs, which are not exempt under emergency activities, will be submitted for a SEA assessment by Regional Planning during the preliminary planning stages. Maintenance projects or other cash contracts, which occur within a SEA and require the discretionary action of the Board of Supervisors, will also be submitted to Regional Planning for SEA assessment. The DPW project manager will contact Regional Planning at [sea@planning.lacounty.gov](mailto:sea@planning.lacounty.gov) to initiate a consultation, providing the following information:

- a. project location map,
- b. project scope of work,
- c. environmental documents, if available,
- d. regulatory permit requirements, and
- e. any photographs of the site.

If necessary, a site visit meeting with the County Biologist will be scheduled.

In response to this review, the County Biologist will issue a letter which determines the following:

- ❖ The compatibility of the proposed development activity with the SEA Development Standards and Findings, if applicable.

- ❖ Whether additional review through SEATAC is recommended to determine appropriate SEA Resource mitigation, when needed.
- ❖ Whether additional biological information is needed to provide further recommendations.

#### **DPW ACTIVITIES EXEMPT FROM SEA ASSESSMENT AND NOTIFICATION**

DPW will not need to notify Regional Planning for the following types of activities, which are exempt from SEA assessment and notification: 1) development required immediately in emergency situations to protect buildings, infrastructure or human life, 2) development that occurs at the site of manmade areas that are already disturbed and will not constitute expanded environmental impacts to the natural portions of the SEA, and 3) activities that are for the maintenance and operation of existing facilities,

Maintenance and operational activities include, but are not limited to:

- a. replacement of headwalls at culvert entrance/exit,
- b. replacement of rock rip-rap along the bank of a stream to protect/prevent roadway from erosion/failure,
- c. removal of accumulated sediment and/or vegetation as preventative maintenance on streams at bridges or culverts,
- d. shoulder grading that extends beyond the public right-of-way,
- e. vegetation control that does not extend beyond previously disturbed areas or the public right-of-way,
- f. removal of sloughage, slide material, and debris,
- g. repair and reconstruction (in kind) of existing retaining walls,
- h. inspection, repair, and replacement (in kind) of existing bridge elements,
- i. proactive sediment, rock, and vegetation removals under bridges as preventative maintenance,
- j. repair, reconstruction, or construction of new rail and timber walls,
- k. repair, reconstruction, or construction of new retaining walls

Other projects which may be exempt from initial review are Non-emergency activities routinely carried out by Public Works to maintain operational capabilities of Public Works' and Flood Control District's facilities. Unless an existing facility will be constructing new structures in natural portions of the SEA, all the maintenance, construction and all other regular operational needs at Public Works and Flood Control District facilities shall be exempt from initial review. This exemption also includes activities in the right-of-ways for roads and floodways. These activities may include, but are not limited to:

- a. pavement maintenance (crack sealing, chip sealing, slurry seal, patching, resurfacing),
- b. shoulder grading that does not extend beyond previously disturbed areas,
- c. vegetation control that does not extend beyond previously disturbed areas,
- d. tree trimming,
- e. repair or replace existing guardrail,
- f. inspection and cleaning of drainage facilities,
- g. cleaning beach drains and clearing existing access roads,
- h. repair and reconstruction (in kind) of existing retaining walls if within previously disturbed areas,
- i. inspection, repair, and replacement (in kind) of existing bridge elements that do not require encroachment into the streambed,
- j. repair and reconstruction of rail and timber walls that does not extend beyond previously disturbed area, and

- k. ongoing upkeep and repair at structures and facilities within SEAs, as marked on the SEA Development Map.

## EMERGENCY AND HAZARD MANAGEMENT ACTIVITIES

Ground disturbing activities which are for either emergency response or hazard management are also exempt from prior notification and review, if time would not allow for such review. These types of activities shall be notified to Regional Planning after they have taken place. Additional discussion may take place, if needed, to identify proper mitigation of impacts when needed. Mitigation of these areas disturbed will be treated as “Development subject to notification and review”.

An emergency activity may be defined as any activity necessary to restore operational capabilities of public facilities or activities necessary to protect human lives and properties after a major disaster event, such as earthquakes, flooding, fires, etc. In the event that emergency activities include construction of new facilities, a brief project scope of work and location map will be shared with Regional Planning after the fact. These activities may include, but are not limited to:

- a. replacement of failed culvert pipe,
- b. construction of corrugated metal pipe risers after wildfires,
- c. restoration of failed road segment following a flood,
- d. removal of accumulated sediment, rock, and/or vegetation on streams under/at bridges or culverts if causing stream to flow on roadway,
- e. construction of debris trash racks, or
- f. placement of rock rip-rap along the bank of a stream to protect the roadway from erosion/failure.

## NOTIFICATION OF DEVELOPMENT IN SEAs:

DPW will notify Regional Planning of any proposed development within or partially within a mapped SEA on a project by project basis. Further communication between DPW and Regional Planning may also include discussion of appropriate best practices for regular activities in SEAs, recommendations from SEATAC, and overall development activity within SEAs.

DPW's notification shall consist of:

- ❖ An Assessors Property Number (APN) for the parcel or parcels affected
- ❖ A brief description or name of the type of development (for example: tree removal, construction of a storage building, road maintenance, etc.)
- ❖ The anticipated completion date for the development.
- ❖ The person or division to contact for information about the development.

This information shall be maintained in an excel table or GIS shapefile, and submitted to Regional Planning.



## GLOSSARY

**Alliance:** a vegetation classification unit that is usually defined by a dominant and/or characteristic plant species in the upper layer of vegetation.

**Association:** a vegetation classification unit defined by the characteristic species in the overstory (upper layer) and understory (lower layer), as well as environmental factors.

**Building pad:** a building site prepared by artificial means including grading, excavation or filling, or any combination thereof.

**Building Site Area:** the portion of the development footprint that is or will be graded, paved, constructed, or otherwise physically transformed, including the building pad, all graded slopes, areas impacted by exploratory testing, all structures, decks, patios, impervious surfaces, retaining walls, and parking areas. To calculate the area of the proposed building site, include the building pad, all graded slopes, all structures, decks, patios, impervious surfaces, and parking areas. The applicant may exclude the following development associated with the primary use:

- The area of one access driveway or roadway that does not exceed 300 feet in length and 20 feet in width, and is the minimum design necessary to meet Los Angeles County Fire Department requirements;
- The area of one turn-around that is not located within the approved building pad, and is the minimum design necessary to ensure safety and comply with Fire Department requirements;
- Graded slopes exclusively associated with the access driveway or roadway and safety turn-around indicated above; and
- Fuel modification and brush clearance required by Los Angeles County Fire Department for approved structures.

**Chaparral:** broadly defined as an area dominated by tall woody shrubs two meters and taller, which can be further classified to the alliance or association level utilizing *A Manual of California Vegetation* by Sawyer, Keeler-Wolf, and Evens, available online at [www.cnps.org/vegetation](http://www.cnps.org/vegetation).

**Covenant:** a formal agreement or contract between LA County and the property owner, in which the property owner gives the County certain promises and assurances, such as for the purpose of providing and recording an open space restriction over an area of land.

**Crops:** cultivated plants including field, tree, bush, berry, and row, including nursery stock

**Cumulative impact:** the incremental effects of an individual project in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

**Deed restriction:** a limitation in the deed to a property that dictates certain uses that may or may not be made of the property.

**Defensible space:** in firefighting and prevention, an area of non-combustible surfaces separating urban and wildland areas, which is often utilized around residences in remote and/or high fire hazard areas to give firefighters additional time to reach the residence in the event of a wildfire.

**Development footprint:** 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.

**Disturbed area:** any portion of land or vegetation that is altered in any way by development, by the actions associated with development, or by use, whether intentional or unintentional, permitted or unpermitted.

**Easement:** a civil agreement between two parties which is used as a method of acquiring partial use rights of land with no transfer of fee title. A limited right to make use of a land owned by another, for example, a right of way across the property.

**Ecosystem:** a community of animals, plants, and microorganisms and the physical and chemical environment with which it is interrelated.

**Ecosystem functions:** natural processes and attributes that result from the complex interactions between living organisms and the physical and chemical components of their ecosystems, which contribute to the self-maintenance of an ecosystem. Ecosystem functions are complex and dependent on a wide variety of factors, such as habitat type, geology, geography, climate, position in the watershed, surrounding land use, and associated plant and animal communities.

**Ecosystem services:** the benefits (goods and services) provided to humans as a result of ecosystem functions, such as clean air and water, erosion and sediment control, carbon storage, fertile soils, pollination, raw materials in the form of foods, biofuels, and medicinal resources, buffering against natural disasters, regulation of temperatures, and scenic views.

**Edge effects:** the effects of development on adjacent natural areas due to introduction of structures and non-native and/or non-local plants and animals. Structures change the microclimate or constitute barriers to movement. Introduced species displace native species or interact with natural processes and change conditions so that the native species are no longer well-adapted to the altered environment.

**Encroachment:** an intrusion, disturbance, or construction activity within the protected zone of a SEA Protected Tree.

**Fragmentation:** the process by which a landscape is broken into small islands of natural habitat within a mosaic of other forms of land use or ownership.

**General Plan:** a statement of policies, including text and diagrams setting forth objectives, principles, standards, and plan proposals, for the future physical development of the County required by California State Government Code 65300 et seq.

**Geological feature:** landform or physical feature, such as beach, dune, rock outcrop, and rockland, formed through natural geological processes.

**Grading:** any excavation, fill, movement of soil, or any alteration of natural landforms through a combination thereof.

**Herbland:** broadly defined as an area dominated by annual or herbaceous perennial species, including native and non-native grasslands, which can be further classified to the alliance or association level utilizing

A Manual of California Vegetation by Sawyer, Keeler-Wolf, and Evens, available online at [www.cnps.org/vegetation](http://www.cnps.org/vegetation).

**Heritage tree:** any SEA Protected Tree with a trunk diameter that measures 36 inches or more in a single trunk or with two trunks that measure a total of 54 inches or more in diameter, as measured 54 inches above natural grade.

**Infrastructure:** basic utilities and facilities necessary for development, such as water, electricity, sewers, streets, and highways

**Invasive plants:** plants that are not native to a region or ecosystem that, once introduced, tend to spread aggressively, disrupting native species occurring in the area, and even changing ecosystem processes such as hydrology, fire regimes, and soil chemistry.

**Lake:** a large naturally occurring body of water that is surrounded by land. A lake is formed due to pooling of surface-water runoff and/or groundwater seepage in a low spot relative to the surrounding countryside.

**Land division:** division of improved or unimproved land, including subdivisions (through parcel map or tract map), and any other divisions of land including lot splits, lot line adjustments, redivisions, mergers, and legalization of lots created unlawfully through the approval of a certificate of compliance or other means.

**Landscaping:** Any activity that modifies the visible features of an area of land through alteration of natural elements, such as altering the contours of the ground or planting trees, shrubs, grasses, flowers, and other plants.

**Land Trust:** A non-profit organization that actively works to conserve land by undertaking or assisting in land or conservation easement acquisition, and is responsible to ensure the applicable preservation mechanisms required by the SEA Ordinance for lands received and terms of the conservation easement are upheld through stewardship activities.

**Marsh:** a type of wetland dominated by grasses and other herbaceous plants where water covers the ground for long periods of time. There are many different kinds of marshes, ranging from coastal to inland and freshwater to saltwater. All types receive most of their water from surface runoff, and many marshes are also fed by groundwater.

**Mitigation:** actions or project design features that reduce environmental impacts by avoiding adverse effects, minimizing, rectifying, or reducing adverse effects, or compensating for adverse effects.

**Native grassland:** broadly defined as an area where native grassland species comprise 10 percent or more of the total relative cover, as determined utilizing classifications in *A Manual of California Vegetation* by Sawyer, Keeler-Wolf, and Evens (available online at [www.cnps.org/vegetation](http://www.cnps.org/vegetation)).

**Native tree:** a tree species that evolved and occurs naturally in a given location.

**Natural community:** a natural community is a collection of plants that occurs together in a repeating pattern across a landscape. Classification of natural communities follows *A Manual of California Vegetation* by Sawyer, Keeler-Wolf, and Evens, available online at [www.cnps.org/vegetation](http://www.cnps.org/vegetation).

**Natural open space:** lands preserved in their natural, undeveloped condition.

**Oak woodland:** an oak stand having greater than 10 percent canopy cover, or that may have historically supported greater than 10 percent canopy cover (Fish and Game Code 1361, Oak Woodlands Conservation Act).

**Open space:** any parcel or area of land that is essentially unimproved, natural open landscape and is, or could be, devoted to open space uses such as the preservation of natural resources, passive outdoor recreation, or for public health and safety.

**Open space conservation easement:** a legally-binding recorded document that conveys an easement to a public agency over a parcel, or portion of a parcel, to conserve the area's ecological or open space values by prohibiting most types of uses in perpetuity.

**Ordinance:** a general term for local laws that regulate and set standards for land development.

**Parcel map:** a recorded map required for a subdivision where four or fewer parcels of land or condominium units are created (i.e., minor land division).

**Playas/Playa lakes:** a type of temporarily flooded wetland resulting from shallow, circular depressions that are seasonally or semi-permanently filled with rainwater.

**Pond:** a smaller and/or shallower waterbody formed in the same manner as a lake. From the perspective of the SEA Program, there is no fundamental difference between ponds and lakes.

**Pruning:** to trim or remove dead, overgrown, or unwanted branches or foliage from a tree or shrub.

**Relative cover:** the cover of a particular species as a percentage of total plant cover of a given area. In the case of perennial bunch grasses or other native herbaceous species that tend to be patchy/distributed in patches, the whole area should be delineated if native herbaceous species comprise 10 percent or more of the total relative cover, rather than delineating the patches individually.

**Reservoir:** a man-made lake that is created when a dam is built on a river, and river water backs up behind the dam.

**Ridgeline:** the line formed by the meeting of the tops of sloping surfaces of land.

**Riparian vegetation:** plants contiguous to and affected by surface and subsurface hydrologic features of perennial or intermittent water bodies (rivers, streams, lakes, or drainage ways). Riparian areas have one or both of the following characteristics: 1) distinctly different vegetative species than adjacent areas, and/or 2) species similar to adjacent areas but exhibiting more vigorous or robust growth forms. Riparian areas are usually transitional between wetland and upland.

**River:** a body of flowing water occurring within a channel or linear topographic depression. Rivers are typically larger in size than streams, but, for the purposes of the SEA Program, the terms are synonymous.

**Runoff:** the portion of rainfall or irrigation water that flows across ground surface and eventually is returned to streams. Runoff can pick up pollutants and debris from the air or the land and carry them to the receiving waters.

**Scrub:** broadly defined as an area dominated by low-growing shrubs up to two meters in height, which can be further classified to the alliance or association level utilizing A Manual of California Vegetation by Sawyer, Keeler-Wolf, and Evens, available online at [www.cnps.org/vegetation](http://www.cnps.org/vegetation).

**SEA Protected Tree:** any native tree listed in the SEA Protected Tree List (Appendix A) with a trunk diameter that meets or exceeds the diameter indicated for that species in the SEA Protected Tree List, or with two trunks that measure a total of at least eight inches in diameter, as measured 54 inches above natural grade.

**Setback:** a minimum distance required by zoning code to be maintained between two points, such as between two structures, between a structure or use and property lines, or between a structure and a protected resource.

**Springs/Seeps:** areas in which groundwater reaches the earth's surface from an underground aquifer and keeps the area wet when there is no obvious source of surface water. This results from an aquifer being filled to the point that the water overflows onto the land surface. Springs usually emerge from a single point and can be the source of a small trickle or stream of water, while seeps generally have a lower flow rate and emerge over a larger area, with no well-defined origin.

**Stream:** a physical feature which at least periodically conveys water through a channel or linear topographical depression, defined by the presence of hydrological and vegetative indicators. Streams in natural channels may be further classified as perennial (flowing continuously), intermittent or seasonal (flowing only at certain times of the year), and ephemeral (only flowing in direct response to precipitation). Other terms for streams include river, wash, arroyo, drainage, and creek. To accurately document the episodic streams (i.e. intermittent or ephemeral) on development sites, refer to the *Mapping Episodic Stream Activity (MESA)* protocols developed by CDFW and the California Energy Commission.

**Structure:** anything constructed or erected which requires a fixed location on the ground, or is attached to something having a fixed location on the ground.

**Subdivision:** the division of improved or unimproved land for the purpose of sale, lease, or financing, whether immediate or future.

**Take:** with respect to animal or plant life, take means "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." (Federal Endangered Species Act of 1973.)

**Tract Map:** a map required for a subdivision consisting of five or more lots or condominium units

**Vernal pool:** a type of temporarily flooded wetland resulting from a depression in the landscape where a hard underground layer (either bedrock or a hard clay pan) prevents rainwater from draining downward into the subsoils, causing the depression to fill during winter and spring rain events, and gradually evaporate until becoming completely dry in the summer and fall. Because of the weeks of inundation and months of aridity that vernal pools experience, they are not only difficult to identify, but they also provide a unique

habitat for numerous endemic rare plants and animals that are able to survive and thrive in these harsh conditions.

**Water Resource:** Sources of permanent or intermittent surface water, including but not limited to lakes, reservoirs, ponds, rivers, streams, marshes, seeps, springs, vernal pools, and playas. Additional information about LA County's water resources can be found in the Conservation and Natural Resources Element of the General Plan 2035.

**Watershed:** the geographical area of land from which runoff resulting from precipitation is collected and drained to a common point or outlet.

**Wetland:** an area of land that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, with determinations following guidelines defined in the US Fish and Wildlife Service Classification of Wetlands and Deepwater Habitats of the US (Cowardin, 1979).

**Wildlife corridor:** a type of habitat linkage which consists of natural areas of sufficient width to permit larger, more mobile species (such as foxes, bobcats, and coyote) to pass between larger areas of open space, or to disperse from one major open space region to another. Such areas are generally at least several hundred feet wide, unobstructed, and possess cover, food and water. The upland margins of a creek channel, open ridgelines, open valleys or the bottoms of drainages often serve as naturally occurring major corridors locally. Wildlife corridors connect two or more core habitat areas in order to promote genetic flow and continuous recolonization of habitats by all plant and animal species within an ecosystem, or between ecosystems.

**Wildlife-permeable fencing:** fencing that can be easily bypassed by all species of native wildlife found within the County, including but not limited to deer, coyotes, bobcats, mountain lions, ground rodents, amphibians, reptiles, and birds.

**Woodland:** broadly defined as an area dominated by trees, which may be widely spaced with as little as five percent (5%) cover (e.g. savanna), densely arrayed with nearly complete canopy closure, or various densities in between. Understory may vary from herbaceous to shrubby. Woodlands can be further classified to the alliance or association level utilizing A Manual of California Vegetation by Sawyer, Keeler-Wolf, and Evens, available online at [www.cnps.org/vegetation](http://www.cnps.org/vegetation).



## APPENDIX A: SEA PROTECTED TREE LIST

\* indicates species is listed as a rare plant by California Native Plant Society

## ALTADENA FOOTHILLS &amp; ARROYOS SEA

Scientific Name	Common Name	Protected DBH
<i>Abies concolor</i>	white fir	5"
<i>Acer macrophyllum</i>	bigleaf maple	3"
<i>Acer negundo</i>	boxelder	6"
<i>Aesculus californica</i>	California buckeye	6"
<i>Alnus rhombifolia</i>	white alder	3"
<i>Arbutus menziesii</i>	Pacific madrone	6"
<i>Arctostaphylos glandulosa</i> (all subspecies)	Eastwood manzanita	6"
<i>Arctostaphylos glauca</i>	big berry manzanita	6"
<i>Calocedrus decurrens</i>	incense cedar	5"
<i>Ceanothus spinosus</i>	greenbark ceanothus	6"
<i>Cercocarpus betuloides</i>	mountain mahogany	6"
<i>Fraxinus dipetala</i>	California ash	6"
<i>Fraxinus velutina</i>	velvet ash, Arizona ash	6"
<i>Heteromeles arbutifolia</i>	toyon	6"
<i>Juglans californica</i> *	southern California black walnut	3"
<i>Malosma laurina</i>	laurel sumac	6"
<i>Pinus coulteri</i>	Coulter pine	5"
<i>Pinus jeffreyi</i>	Jeffrey pine	5"
<i>Pinus lambertiana</i>	sugar pine	5"
<i>Pinus ponderosa</i>	ponderosa pine	5"
<i>Platanus racemosa</i>	western sycamore	3"
<i>Populus trichocarpa</i>	black cottonwood	3"
<i>Prunus ilicifolia</i>	holly leaf cherry	3"
<i>Pseudotsuga macrocarpa</i>	bigcone spruce	5"
<i>Quercus agrifolia</i>	coast live oak	6"
<i>Quercus berberidifolia</i>	inland scrub oak	6"
<i>Quercus chrysolepis</i>	canyon oak	6"
<i>Quercus durata</i> var. <i>gabrielensis</i> *	San Gabriel Mtns. leather oak	3"
<i>Quercus engelmannii</i> *	Engelmann oak	3"
<i>Quercus wislizeni</i>	interior live oak	6"
<i>Salix exigua</i>	narrowleaf / sandbar willow	3"
<i>Salix gooddingii</i>	Goodding's black willow	3"
<i>Salix laevigata</i>	red willow	3"
<i>Salix lasiandra</i>	yellow willow	3"
<i>Salix lasiolepis</i>	arroyo willow	3"
<i>Sambucus nigra</i> ssp. <i>caerulea</i>	blue elderberry	6"
<i>Umbellularia californica</i>	California bay	6"

## ANTELOPE VALLEY SEA

Scientific Name	Common Name	Protected DBH
<i>Abies concolor</i>	white fir	5"
<i>Acer macrophyllum</i>	bigleaf maple	3"
<i>Acer negundo</i>	boxelder	6"
<i>Adenostoma sparsifolium</i>	red shank	6"
<i>Aesculus californica</i>	California buckeye	6"

<i>Alnus rhombifolia</i>	white alder	3"
<i>Arctostaphylos glandulosa</i> (all subspecies)	Eastwood manzanita	6"
<i>Arctostaphylos glauca</i>	big berry manzanita	6"
<i>Calocedrus decurrens</i>	incense cedar	5"
<i>Cercocarpus betuloides</i>	mountain mahogany	6"
<i>Cercocarpus ledifolius</i>	curl leaf/desert mountain mahogany	6"
<i>Fraxinus dipetala</i>	California ash	6"
<i>Fraxinus velutina</i>	velvet ash, Arizona ash	6"
<i>Heteromeles arbutifolia</i>	toyon	6"
<i>Juglans californica</i> *	southern California black walnut	3"
<i>Juniperus californica</i>	California juniper	All specimens
<i>Juniperus grandis</i>	Sierra juniper	5"
<i>Juniperus osteosperma</i>	Utah juniper	5"
<i>Malosma laurina</i>	laurel sumac	6"
<i>Pinus coulteri</i>	Coulter pine	5"
<i>Pinus flexilis</i>	limber pine	5"
<i>Pinus jeffreyi</i>	Jeffrey pine	5"
<i>Pinus lambertiana</i>	sugar pine	5"
<i>Pinus monophylla</i>	pinyon pine	5"
<i>Pinus ponderosa</i>	ponderosa pine	5"
<i>Pinus sabiniana</i>	foothill pine	5"
<i>Platanus racemosa</i>	western sycamore	3"
<i>Populus fremontii</i>	Fremont cottonwood	3"
<i>Populus trichocarpa</i>	black cottonwood	3"
<i>Prosopis glandulosa</i>	honey mesquite	6"
<i>Prunus ilicifolia</i>	holly leaf cherry	3"
<i>Pseudotsuga macrocarpa</i>	bigcone spruce	5"
<i>Quercus berberidifolia</i>	inland scrub oak	6"
<i>Quercus chrysolepis</i>	canyon oak	6"
<i>Quercus cornelius-mulleri</i>	Muller's oak	6"
<i>Quercus john-tuckeri</i>	Tucker oak	6"
<i>Quercus kelloggii</i>	California black oak	6"
<i>Quercus palmeri</i>	Palmer's oak	6"
<i>Quercus wislizeni</i> var. <i>frutescens</i>	interior live oak	6"
<i>Quercus wislizeni</i> var. <i>wislizeni</i>	interior live oak	6"
<i>Salix exigua</i>	narrowleaf / sandbar willow	3"
<i>Salix gooddingii</i>	Goodding's black willow	3"
<i>Salix laevigata</i>	red willow	3"
<i>Salix lasiandra</i>	yellow willow	3"
<i>Salix lasiolepis</i>	arroyo willow	3"
<i>Sambucus nigra</i> ssp. <i>caerulea</i>	blue elderberry	6"
<i>Umbellularia californica</i>	California bay	6"
<i>Yucca brevifolia</i>	Joshua tree	All specimens

### CRUZAN MESA VERNAL POOLS SEA

Scientific Name	Common Name	Protected DBH
<i>Arctostaphylos glandulosa</i> (all subspecies)	Eastwood manzanita	6"
<i>Arctostaphylos glauca</i>	big berry manzanita	6"
<i>Cercocarpus betuloides</i>	mountain mahogany	6"
<i>Fraxinus velutina</i>	velvet ash, Arizona ash	6"
<i>Heteromeles arbutifolia</i>	Toyon	6"
<i>Juglans californica</i> *	southern California black walnut	3"

<i>Juniperus californica</i>	California juniper	All specimens
<i>Malosma laurina</i>	laurel sumac	6"
<i>Platanus racemosa</i>	western sycamore	3"
<i>Populus fremontii</i>	Fremont cottonwood	3"
<i>Prunus ilicifolia</i>	holly leaf cherry	3"
<i>Quercus agrifolia</i>	coast live oak	6"
<i>Quercus berberidifolia</i>	inland scrub oak	6"
<i>Quercus john-tuckeri</i>	Tucker oak	6"
<i>Quercus lobata</i>	Valley oak	6"
<i>Quercus wislizeni</i> var. <i>wislizeni</i>	interior live oak	6"
<i>Salix exigua</i>	narrowleaf / sandbar willow	3"
<i>Salix lasiolepis</i>	arroyo willow	3"
<i>Sambucus nigra</i> ssp. <i>caerulea</i>	blue elderberry	6"

## EAST SAN GABRIEL VALLEY SEA

Scientific Name	Common Name	Protected DBH
<i>Acer macrophyllum</i>	bigleaf maple	3"
<i>Acer negundo</i>	Boxelder	6"
<i>Alnus rhombifolia</i>	white alder	3"
<i>Arctostaphylos glandulosa</i>	Eastwood manzanita	6"
<i>Arctostaphylos glauca</i>	big berry manzanita	6"
<i>Ceanothus spinosus</i>	greenbark ceanothus	6"
<i>Ceanothus crassifolius</i>	hoaryleaf ceanothus	6"
<i>Ceanothus megacarpus</i>	big-pod ceanothus	6"
<i>Cercocarpus betuloides</i>	mountain mahogany	6"
<i>Fraxinus dipetala</i>	California ash	6"
<i>Fraxinus velutina</i>	velvet ash, Arizona ash	6"
<i>Heteromeles arbutifolia</i>	Toyon	6"
<i>Juglans californica</i> *	southern California black walnut	3"
<i>Malosma laurina</i>	laurel sumac	6"
<i>Platanus racemosa</i>	western sycamore	3"
<i>Populus fremontii</i>	Fremont cottonwood	3"
<i>Populus trichocarpa</i>	black cottonwood	3"
<i>Prunus ilicifolia</i>	holly leaf cherry	3"
<i>Quercus agrifolia</i>	coast live oak	6"
<i>Quercus berberidifolia</i>	inland scrub oak	6"
<i>Quercus durata</i> var. <i>gabrielensis</i> *	San Gabriel Mtns. leather oak	3"
<i>Quercus engelmannii</i> *	Engelmann oak	3"
<i>Quercus lobata</i>	Valley oak	6"
<i>Quercus wislizeni</i> var. <i>wislizeni</i>	interior live oak	6"
<i>Salix exigua</i>	narrowleaf / sandbar willow	3"
<i>Salix laevigata</i>	red willow	3"
<i>Salix lasiandra</i>	yellow willow	3"
<i>Salix lasiolepis</i>	arroyo willow	3"
<i>Sambucus nigra</i> ssp. <i>caerulea</i>	blue elderberry	6"
<i>Umbellularia californica</i>	California bay	6"

## HARBOR LAKE REGIONAL PARK SEA

Scientific Name	Common Name	Protected DBH
<i>Acer macrophyllum</i>	bigleaf maple	3"

<i>Fraxinus velutina</i>	velvet ash, Arizona ash	6"
<i>Heteromeles arbutifolia</i>	Toyon	6"
<i>Platanus racemosa</i>	western sycamore	3"
<i>Populus fremontii</i>	Fremont cottonwood	3"
<i>Prunus ilicifolia</i>	holly leaf cherry	3"
<i>Quercus agrifolia</i>	coast live oak	6"
<i>Quercus berberidifolia</i>	inland scrub oak	6"
<i>Salix exigua</i>	narrowleaf / sandbar willow	3"
<i>Salix gooddingii</i>	Goodding's black willow	3"
<i>Salix laevigata</i>	red willow	3"
<i>Salix lasiolepis</i>	arroyo willow	3"
<i>Sambucus nigra</i> ssp. <i>caerulea</i>	blue elderberry	6"
<i>Umbellularia californica</i>	California bay	6"

### JOSHUA TREE WOODLANDS SEA

Scientific Name	Common Name	Protected DBH
<i>Aesculus californica</i>	California buckeye	6"
<i>Cercocarpus ledifolius</i>	curl-leaf mountain-mahogany	6"
<i>Fraxinus velutina</i>	velvet ash, Arizona ash	6"
<i>Hesperocyparis nevadensis</i> *	Piute cypress	3"
<i>Juniperus californica</i>	California juniper	All specimens
<i>Pinus sabiniana</i>	foothill pine	5"
<i>Prosopis glandulosa</i>	honey mesquite	6"
<i>Yucca brevifolia</i>	Joshua tree	All specimens

### PALOS VERDE PENINSULA AND COASTLINE SEA

Scientific Name	Common Name	Protected DBH
<i>Acer macrophyllum</i>	bigleaf maple	3"
<i>Fraxinus velutina</i>	velvet ash, Arizona ash	6"
<i>Heteromeles arbutifolia</i>	Toyon	6"
<i>Juglans californica</i> *	southern California black walnut	3"
<i>Malosma laurina</i>	laurel sumac	6"
<i>Platanus racemosa</i>	western sycamore	3"
<i>Populus trichocarpa</i>	black cottonwood	3"
<i>Prunus ilicifolia</i>	holly leaf cherry	3"
<i>Prunus ilicifolia</i> ssp. <i>lyonii</i>	Catalina Island cherry	3"
<i>Quercus agrifolia</i>	coast live oak	6"
<i>Salix exigua</i>	narrowleaf / sandbar willow	3"
<i>Salix gooddingii</i>	Goodding's black willow	3"
<i>Salix laevigata</i>	red willow	3"
<i>Salix lasiolepis</i>	arroyo willow	3"
<i>Sambucus nigra</i> ssp. <i>caerulea</i>	blue elderberry	6"
<i>Umbellularia californica</i>	California bay	6"

### PUENTE HILLS SEA

Scientific Name	Common Name	Protected DBH
<i>Acer macrophyllum</i>	bigleaf maple	3"
<i>Acer negundo</i>	Boxelder	6"
<i>Aesculus californica</i>	California buckeye	6"

<i>Alnus rhombifolia</i>	white alder	3"
<i>Arctostaphylos glandulosa</i>	Eastwood manzanita	6"
<i>Arctostaphylos glauca</i>	big berry manzanita	6"
<i>Ceanothus megacarpus</i>	big-pod ceanothus	6"
<i>Ceanothus spinosus</i>	greenbark ceanothus	6"
<i>Cercocarpus betuloides</i>	mountain mahogany	6"
<i>Fraxinus dipetala</i>	California ash	6"
<i>Fraxinus velutina</i>	velvet ash, Arizona ash	6"
<i>Heteromeles arbutifolia</i>	Toyon	6"
<i>Juglans californica</i> *	southern California black walnut	3"
<i>Malosma laurina</i>	laurel sumac	6"
<i>Platanus racemosa</i>	western sycamore	3"
<i>Populus fremontii</i>	Fremont cottonwood	3"
<i>Populus trichocarpa</i>	black cottonwood	3"
<i>Prunus ilicifolia</i>	holly leaf cherry	3"
<i>Quercus agrifolia</i>	coast live oak	6"
<i>Quercus berberidifolia</i>	inland scrub oak	6"
<i>Quercus engelmannii</i> *	Engelmann oak	3"
<i>Quercus lobata</i>	Valley oak	6"
<i>Salix exigua</i>	narrowleaf / sandbar willow	3"
<i>Salix gooddingii</i>	Goodding's black willow	3"
<i>Salix laevigata</i>	red willow	3"
<i>Salix lasiolepis</i>	arroyo willow	3"
<i>Sambucus nigra</i> ssp. <i>caerulea</i>	blue elderberry	6"
<i>Umbellularia californica</i>	California bay	6"

### RIO HONDO COLLEGE AND WILDLIFE SANCTUARY SEA

Scientific Name	Common Name	Protected DBH
<i>Acer macrophyllum</i>	bigleaf maple	3"
<i>Fraxinus velutina</i>	velvet ash, Arizona ash	6"
<i>Heteromeles arbutifolia</i>	Toyon	6"
<i>Juglans californica</i> *	southern California black walnut	3"
<i>Malosma laurina</i>	laurel sumac	6"
<i>Platanus racemosa</i>	western sycamore	3"
<i>Prunus ilicifolia</i>	holly leaf cherry	3"
<i>Quercus agrifolia</i>	coast live oak	6"
<i>Sambucus nigra</i> ssp. <i>caerulea</i>	blue elderberry	6"

### SAN ANDREAS SEA

Scientific Name	Common Name	Protected DBH
<i>Abies concolor</i>	white fir	5"
<i>Acer macrophyllum</i>	bigleaf maple	3"
<i>Acer negundo</i>	Boxelder	6"
<i>Aesculus californica</i>	California buckeye	6"
<i>Alnus rhombifolia</i>	white alder	3"
<i>Arctostaphylos glandulosa</i>	Eastwood manzanita	6"
<i>Arctostaphylos glauca</i>	big berry manzanita	6"
<i>Calocedrus decurrens</i>	incense cedar	5"
<i>Cercocarpus betuloides</i>	mountain mahogany	6"
<i>Cercocarpus ledifolius</i>	curl leaf/desert mountain mahogany	6"

<i>Fraxinus dipetala</i>	California ash	6"
<i>Fraxinus velutina</i>	velvet ash, Arizona ash	6"
<i>Hesperocyparis nevadensis</i> *	Piute cypress	3"
<i>Heteromeles arbutifolia</i>	Toyon	6"
<i>Juglans californica</i> *	southern California black walnut	3"
<i>Juniperus californica</i>	Califonia juniper	All specimens
<i>Malosma laurina</i>	laurel sumac	6"
<i>Pinus coulteri</i>	Coulter pine	5"
<i>Pinus jeffreyi</i>	Jeffrey pine	5"
<i>Pinus lambertiana</i>	sugar pine	5"
<i>Pinus monophylla</i>	pinyon pine	5"
<i>Pinus ponderosa</i>	ponderosa pine	5"
<i>Pinus sabiniana</i>	foothill pine	5"
<i>Platanus racemosa</i>	western sycamore	3"
<i>Populus fremontii</i>	Fremont cottonwood	3"
<i>Populus trichocarpa</i>	black cottonwood	3"
<i>Prosopis glandulosa</i>	honey mesquite	6"
<i>Prunus ilicifolia</i>	holly leaf cherry	3"
<i>Pseudotsuga macrocarpa</i>	bigcone spruce	5"
<i>Quercus agrifolia</i>	coast live oak	6"
<i>Quercus berberidifolia</i>	inland scrub oak	6"
<i>Quercus chrysolepis</i>	canyon oak	6"
<i>Quercus douglasii</i>	blue oak	6"
<i>Quercus garryana</i>	Oregon oak	6"
<i>Quercus john-tuckeri</i>	Tucker oak	6"
<i>Quercus kelloggii</i>	California black oak	6"
<i>Quercus lobata</i>	Valley oak	6"
<i>Quercus wislizeni</i> var. <i>wislizeni</i>	interior live oak	6"
<i>Salix exigua</i>	narrowleaf / sandbar willow	3"
<i>Salix gooddingii</i>	Goodding's black willow	3"
<i>Salix laevigata</i>	red willow	3"
<i>Salix lasiandra</i>	yellow willow	3"
<i>Salix lasiolepis</i>	arroyo willow	3"
<i>Sambucus nigra</i> ssp. <i>caerulea</i>	blue elderberry	6"
<i>Umbellularia californica</i>	California bay	6"
<i>Yucca brevifolia</i>	Joshua tree	All specimens

### SAN DIMAS CANYON & SAN ANTONIO WASH SEA

Scientific Name	Common Name	Protected DBH
<i>Abies concolor</i>	white fir	5"
<i>Acer macrophyllum</i>	bigleaf maple	3"
<i>Acer negundo</i>	Boxelder	6"
<i>Adenostoma sparsifolium</i>	red shank	6"
<i>Aesculus californica</i>	California buckeye	6"
<i>Alnus rhombifolia</i>	white alder	3"
<i>Arctostaphylos glandulosa</i>	Eastwood manzanita	6"
<i>Arctostaphylos glauca</i>	big berry manzanita	6"
<i>Calocedrus decurrens</i>	incense cedar	5"
<i>Ceanothus megacarpus</i>	big-pod ceanothus	6"
<i>Ceanothus spinosus</i>	greenbark ceanothus	6"
<i>Cercocarpus betuloides</i>	mountain mahogany	6"
<i>Cercocarpus ledifolius</i>	curl leaf/desert mountain mahogany	6"



<i>Fraxinus dipetala</i>	California ash	6"
<i>Fraxinus velutina</i>	velvet ash, Arizona ash	6"
<i>Heteromeles arbutifolia</i>	Toyon	6"
<i>Juglans californica</i> *	southern California black walnut	3"
<i>Juniperus grandis</i>	Sierra juniper	5"
<i>Malosma laurina</i>	laurel sumac	6"
<i>Pinus coulteri</i>	Coulter pine	5"
<i>Pinus jeffreyi</i>	Jeffrey pine	5"
<i>Pinus lambertiana</i>	sugar pine	5"
<i>Pinus ponderosa</i>	ponderosa pine	5"
<i>Platanus racemosa</i>	western sycamore	3"
<i>Populus fremontii</i>	Fremont cottonwood	3"
<i>Populus trichocarpa</i>	black cottonwood	3"
<i>Prunus ilicifolia</i>	holly leaf cherry	3"
<i>Pseudotsuga macrocarpa</i>	bigcone spruce	5"
<i>Quercus agrifolia</i>	coast live oak	6"
<i>Quercus berberidifolia</i>	inland scrub oak	6"
<i>Quercus chrysolepis</i>	canyon oak	6"
<i>Quercus douglasii</i>	blue oak	6"
<i>Quercus durata</i> var. <i>gabrielensis</i> *	San Gabriel Mtns. leather oak	3"
<i>Quercus engelmannii</i> *	Engelmann oak	3"
<i>Quercus lobata</i>	Valley oak	6"
<i>Quercus wislizeni</i> var. <i>wislizeni</i>	interior live oak	6"
<i>Salix exigua</i>	narrowleaf / sandbar willow	3"
<i>Salix gooddingii</i>	Goodding's black willow	3"
<i>Salix laevigata</i>	red willow	3"
<i>Salix lasiandra</i>	yellow willow	3"
<i>Salix lasiolepis</i>	arroyo willow	3"
<i>Sambucus nigra</i> ssp. <i>caerulea</i>	blue elderberry	6"
<i>Umbellularia californica</i>	California bay	6"

## SAN GABRIEL CANYON SEA

Scientific Name	Common Name	Protected DBH
<i>Abies concolor</i>	white fir	5"
<i>Acer macrophyllum</i>	bigleaf maple	3"
<i>Acer negundo</i>	boxelder	6"
<i>Alnus rhombifolia</i>	white alder	3"
<i>Arbutus menziesii</i>	Pacific madrone	6"
<i>Arctostaphylos glandulosa</i>	Eastwood manzanita	6"
<i>Arctostaphylos glauca</i>	big berry manzanita	6"
<i>Calocedrus decurrens</i>	incense cedar	5"
<i>Ceanothus megacarpus</i>	big-pod ceanothus	6"
<i>Ceanothus spinosus</i>	greenbark ceanothus	6"
<i>Cercocarpus betuloides</i>	mountain mahogany	6"
<i>Fraxinus dipetala</i>	California ash	6"
<i>Fraxinus velutina</i>	velvet ash, Arizona ash	6"
<i>Heteromeles arbutifolia</i>	toyon	6"
<i>Juglans californica</i> *	southern California black walnut	3"
<i>Juniperus californica</i>	California juniper	All specimens
<i>Malosma laurina</i>	laurel sumac	6"
<i>Pinus coulteri</i>	Coulter pine	5"
<i>Pinus jeffreyi</i>	Jeffrey pine	5"

<i>Pinus lambertiana</i>	sugar pine	5"
<i>Pinus ponderosa</i>	ponderosa pine	5"
<i>Platanus racemosa</i>	western sycamore	3"
<i>Populus fremontii</i>	Fremont cottonwood	3"
<i>Populus trichocarpa</i>	black cottonwood	3"
<i>Prunus ilicifolia</i>	holly leaf cherry	3"
<i>Pseudotsuga macrocarpa</i>	bigcone spruce	5"
<i>Quercus agrifolia</i>	coast live oak	6"
<i>Quercus berberidifolia</i>	inland scrub oak	6"
<i>Quercus chrysolepis</i>	canyon oak	6"
<i>Quercus douglasii</i>	blue oak	6"
<i>Quercus durata</i> var. <i>gabrielensis</i> *	San Gabriel Mtns. leather oak	3"
<i>Quercus engelmannii</i> *	Engelmann oak	3"
<i>Quercus lobata</i>	Valley oak	6"
<i>Quercus wislizeni</i> var. <i>wislizeni</i>	interior live oak	6"
<i>Salix exigua</i>	narrowleaf / sandbar willow	3"
<i>Salix gooddingii</i>	Goodding's black willow	3"
<i>Salix laevigata</i>	red willow	3"
<i>Salix lasiolepis</i>	arroyo willow	3"
<i>Sambucus nigra</i> ssp. <i>caerulea</i>	blue elderberry	6"
<i>Umbellularia californica</i>	California bay	6"

### SANTA CLARA RIVER SEA

Scientific Name	Common Name	Protected DBH
<i>Acer macrophyllum</i>	bigleaf maple	3"
<i>Acer negundo</i>	boxelder	6"
<i>Adenostoma sparsifolium</i>	red shank	6"
<i>Alnus rhombifolia</i>	white alder	3"
<i>Arctostaphylos glandulosa</i>	Eastwood manzanita	6"
<i>Arctostaphylos glauca</i>	big berry manzanita	6"
<i>Calocedrus decurrens</i>	incense cedar	5"
<i>Ceanothus spinosus</i>	greenbark ceanothus	6"
<i>Cercocarpus betuloides</i>	mountain mahogany	6"
<i>Fraxinus dipetala</i>	California ash	6"
<i>Fraxinus velutina</i>	velvet ash, Arizona ash	6"
<i>Heteromeles arbutifolia</i>	toyon	6"
<i>Juglans californica</i> *	southern California black walnut	3"
<i>Juniperus californica</i>	Califonia juniper	All specimens
<i>Malosma laurina</i>	laurel sumac	6"
<i>Pinus monophylla</i>	pinyon pine	5"
<i>Pinus sabiniana</i>	foothill pine	5"
<i>Platanus racemosa</i>	western sycamore	3"
<i>Populus fremontii</i>	Fremont cottonwood	3"
<i>Populus trichocarpa</i>	black cottonwood	3"
<i>Prunus ilicifolia</i>	holly leaf cherry	3"
<i>Pseudotsuga macrocarpa</i>	bigcone spruce	5"
<i>Quercus agrifolia</i>	coast live oak	6"
<i>Quercus berberidifolia</i>	inland scrub oak	6"
<i>Quercus chrysolepis</i>	canyon oak	6"
<i>Quercus cornelius-mulleri</i>	desert scrub oak, Muller oak	6"
<i>Quercus douglasii</i>	blue oak	6"
<i>Quercus garryana</i>	Oregon oak	6"

<i>Quercus john-tuckeri</i>	Tucker oak	6"
<i>Quercus kelloggii</i>	California black oak	6"
<i>Quercus lobata</i>	Valley oak	6"
<i>Quercus palmeri</i>	Palmer's oak	6"
<i>Quercus wislizeni</i> var. <i>wislizeni</i>	interior live oak	6"
<i>Salix exigua</i>	narrowleaf / sandbar willow	3"
<i>Salix gooddingii</i>	Goodding's black willow	3"
<i>Salix laevigata</i>	red willow	3"
<i>Salix lasiandra</i>	yellow willow	3"
<i>Salix lasiolepis</i>	arroyo willow	3"
<i>Sambucus nigra</i> ssp. <i>caerulea</i>	blue elderberry	6"
<i>Umbellularia californica</i>	California bay	6"

**SANTA FELICIA SEA**

Scientific Name	Common Name	Protected DBH
<i>Acer macrophyllum</i>	bigleaf maple	3"
<i>Aesculus californica</i>	California buckeye	6"
<i>Alnus rhombifolia</i>	white alder	3"
<i>Arctostaphylos glandulosa</i>	Eastwood manzanita	6"
<i>Arctostaphylos glauca</i>	big berry manzanita	6"
<i>Cercocarpus betuloides</i>	mountain mahogany	6"
<i>Cercocarpus ledifolius</i>	curl leaf/desert mountain mahogany	6"
<i>Fraxinus dipetala</i>	California ash	6"
<i>Fraxinus velutina</i>	velvet ash, Arizona ash	6"
<i>Heteromeles arbutifolia</i>	toyon	6"
<i>Juglans californica</i> *	southern California black walnut	3"
<i>Juniperus californica</i>	California juniper	All specimens
<i>Malosma laurina</i>	laurel sumac	6"
<i>Platanus racemosa</i>	western sycamore	3"
<i>Populus fremontii</i>	Fremont cottonwood	3"
<i>Prunus ilicifolia</i>	holly leaf cherry	3"
<i>Pseudotsuga macrocarpa</i>	bigcone spruce	5"
<i>Quercus agrifolia</i>	coast live oak	6"
<i>Quercus berberidifolia</i>	inland scrub oak	6"
<i>Quercus chrysolepis</i>	canyon oak	6"
<i>Quercus cornelius-mulleri</i>	desert scrub oak, Muller oak	6"
<i>Quercus douglasii</i>	blue oak	6"
<i>Quercus garryana</i>	Oregon oak	6"
<i>Quercus john-tuckeri</i>	Tucker oak	6"
<i>Quercus kelloggii</i>	California black oak	6"
<i>Quercus lobata</i>	Valley oak	6"
<i>Quercus xmacdonaldii</i>	MacDonald oak	6"
<i>Quercus palmeri</i>	Palmer's oak	6"
<i>Quercus wislizeni</i> var. <i>wislizeni</i>	interior live oak	6"
<i>Salix gooddingii</i>	Goodding's black willow	3"
<i>Salix lasiolepis</i>	arroyo willow	3"
<i>Sambucus nigra</i> ssp. <i>caerulea</i>	blue elderberry	6"
<i>Umbellularia californica</i>	California bay	6"

## SANTA SUSANA MOUNTAINS &amp; SIMI HILLS SEA

Scientific Name	Common Name	Protected DBH
<i>Acer macrophyllum</i>	bigleaf maple	3"
<i>Acer negundo</i>	boxelder	6"
<i>Adenostoma sparsifolium</i>	red shank	6"
<i>Alnus rhombifolia</i>	white alder	3"
<i>Arctostaphylos glandulosa</i>	Eastwood manzanita	6"
<i>Arctostaphylos glauca</i>	big berry manzanita	6"
<i>Ceanothus megacarpus</i>	bigpod ceanothus	6"
<i>Ceanothus spinosus</i>	greenbark ceanothus	6"
<i>Cercocarpus betuloides</i>	mountain mahogany	6"
<i>Fraxinus dipetala</i>	California ash	6"
<i>Fraxinus velutina</i>	velvet ash, Arizona ash	6"
<i>Heteromeles arbutifolia</i>	toyon	6"
<i>Juglans californica</i> *	southern California black walnut	3"
<i>Malosma laurina</i>	laurel sumac	6"
<i>Platanus racemosa</i>	western sycamore	3"
<i>Populus fremontii</i>	Fremont cottonwood	3"
<i>Populus trichocarpa</i>	black cottonwood	3"
<i>Prunus ilicifolia</i>	holly leaf cherry	3"
<i>Pseudotsuga macrocarpa</i>	bigcone spruce	5"
<i>Quercus agrifolia</i>	coast live oak	6"
<i>Quercus berberidifolia</i>	inland scrub oak	6"
<i>Quercus chrysolepis</i>	canyon oak	6"
<i>Quercus douglasii</i>	blue oak	6"
<i>Quercus john-tuckeri</i>	Tucker oak	6"
<i>Quercus lobata</i>	Valley oak	6"
<i>Quercus palmeri</i>	Palmer's oak	6"
<i>Quercus wislizeni</i> var. <i>wislizeni</i>	interior live oak	6"
<i>Salix exigua</i>	narrowleaf / sandbar willow	3"
<i>Salix gooddingii</i>	Goodding's black willow	3"
<i>Salix laevigata</i>	red willow	3"
<i>Salix lasiolepis</i>	arroyo willow	3"
<i>Sambucus nigra</i> ssp. <i>caerulea</i>	blue elderberry	6"
<i>Umbellularia californica</i>	California bay	6"

## VALLEY OAKS SAVANNAH SEA

Scientific Name	Common Name	Protected DBH
<i>Acer macrophyllum</i>	bigleaf maple	3"
<i>Cercocarpus betuloides</i>	mountain mahogany	6"
<i>Heteromeles arbutifolia</i>	toyon	6"
<i>Populus fremontii</i>	Fremont cottonwood	3"
<i>Prunus ilicifolia</i>	holly leaf cherry	3"
<i>Quercus agrifolia</i>	coast live oak	6"
<i>Quercus john-tuckeri</i>	Tucker oak	6"
<i>Quercus lobata</i>	Valley oak	6"
<i>Salix lasiolepis</i>	arroyo willow	3"
<i>Sambucus nigra</i> ssp. <i>caerulea</i>	blue elderberry	6"

## APPENDIX B: SENSITIVE LOCAL NATIVE RESOURCES

### GENERAL PLAN 2035, CHAPTER 9

The County considers authoritatively defined **sensitive local native resources**, including species on watch lists, as important resources to identify and conserve.

The **Sensitive Local Native Resources List** is a list of SEA Resources (e.g. species or natural communities) that the County recognizes as particularly rare or sensitive on a local scale, even though they are not listed or ranked as endangered, threatened, sensitive, or rare at the state or federal levels.

The purpose of this list is to aid in the preservation of regional and local genetic diversity. The preservation of locally rare native resources is important for many reasons. For instance, a species may be deemed rare in a part of the County where it occurs only in a few isolated populations or exists at the edge of its geographic range. Such factors actually contribute to greater genetic variation in the species and more resilience in the face of difficult environmental conditions than the same species occurring in the heart of its natural range or in a larger population. Additionally, an isolated population may escape catastrophic events or pathogens moving rapidly through the larger population specifically because of its isolation from that larger population.

Sensitive Local Native Resources may be listed as sensitive County-wide or as sensitive in a particular SEA or group of SEAs. This list is based on vetted documentation, such as peer reviewed articles published in scientific journals and scientifically defensible research and databases compiled by recognized authorities on the subject matter (e.g. Audubon Society for avian species, California Native Plant Society or the Consortium of California Herbaria for plants, etc.). Since the list is based on the best available current knowledge of local resources, it is expected to be expanded or changed as new information becomes available. Proposed changes will be distributed to relevant authorities and experts prior to incorporation into the list. Such authorities may include the Los Angeles County Museum of Natural History, local academic authorities, the California Native Plant Society, regional herbaria (UC Riverside, Rancho Santa Ana, CSU Fullerton, UC Santa Barbara), the Santa Monica Mountains National Recreation Area, or others, depending on the taxonomic group of species included among the proposed changes.

### ALL SEAs:

Avian species on the Audubon Society's "Los Angeles County Sensitive Bird List" ( SEE: Los Angeles County Sensitive Bird Species Working Group. 2009. Los Angeles County's Sensitive Bird Species. Western Tanager 75(3):1-11. [planning.lacounty.gov/site/sea/wp-content/uploads/2018/08/LA-Countys-Sensitive-Bird-Species.pdf](http://planning.lacounty.gov/site/sea/wp-content/uploads/2018/08/LA-Countys-Sensitive-Bird-Species.pdf)

In general, unless a more precise local list is available (such as the Vascular Flora of the Liebre Mountains, Western Transverse Ranges, California (see below)), native plant species for which there are 5 or fewer known localities within the County are considered sensitive local native resources. This County-wide list is currently in development and will be distributed to local academic institutions for peer review once completed.

### ALTADENA FOOTHILLS AND ARROYOS SEA:

Use County-wide list

**ANTELOPE VALLEY SEA:**

Joshua Tree Woodland

Juniper Woodland

**CRUZAN MESA VERNAL POOLS SEA:**

Use County-wide list

**EAST SAN GABRIEL VALLEY SEA:**

Use County-wide list

**JOSHUA TREE WOODLAND SEA:**

Joshua Tree Woodland

Juniper Woodland

**PALOS VERDE PENINSULA AND COASTLINE SEA:**

Use County-wide list

**PUENTE HILLS SEA:**

Use County-wide list

**RIO HONDO COLLEGE AND WILDLIFE SANCTUARY SEA:**

Use County-wide list

**SAN ANDREAS SEA:**

Joshua Tree Woodland

Juniper Woodland

Rare Plants of the Liebre Mountains, Los Angeles County (SEE: Boyd, S. 1999. Vascular Flora of the Liebre Mountains, Western Transverse Ranges, California. (Occasional Publications, No. 5.) Rancho Santa Ana Botanic Garden, Claremont, California, reprinted from Aliso 18(2):93:139, 1999; [www.cnpsci.org/html/PlantInfo/Liebre\\_Rare.htm](http://www.cnpsci.org/html/PlantInfo/Liebre_Rare.htm))

**SAN DIMAS CANYON AND SAN ANTONIO WASH SEA:**

Use County-wide list

**SAN GABRIEL CANYON SEA:**

Use County-wide list

**SANTA CLARA RIVER SEA:**

Big sagebrush Shrubland



Juniper Woodland

Pinyon-Juniper Woodland

**SANTA FELICIA SEA:**

Use County-wide list

**SANTA SUSANA MOUNTAINS AND SIMI HILLS SEA:**

Use County-wide list

**VALLEY OAKS SAVANNAH SEA:**

Use County-wide list

## APPENDIX C: INVASIVE PLANT LIST

Planting of the following plant species is prohibited within Significant Ecological Areas (SEAs) due to their aggressive growth and potential to degrade native habitats. Any species not listed here that is listed as invasive by the California Invasive Plant Council is also prohibited within SEAs.

## PROHIBITED TREES AND SHRUBS

Family	Scientific Name	Common Name
Anacardiaceae	<i>Schinus molle</i>	Peruvian pepper
	<i>Schinus polygamus</i>	borocoi, Hardee/Chilean pepper tree
	<i>Schinus terebinthifolius</i>	Brazilian pepper
	<i>Searsia lancea</i>	African sumac
Apocynaceae	<i>Nerium oleander</i>	oleander
Aquifoliaceae	<i>Ilex aquifolium</i>	English holly
Arecaceae	<i>Phoenix canariensis</i>	Canary Island date palm
	<i>Washingtonia robusta</i>	Mexican fan palm
Bignoniaceae	<i>Jacaranda mimosifolia</i>	Jacaranda
Boraginaceae	<i>Echium candicans</i>	pride of Madeira
Chenopodiaceae	<i>Atriplex nummularia</i>	bluegreen saltbush, old man saltbush
Cistaceae	<i>Cistus incanus</i>	hairy rockrose, pink rockrose
	<i>Cistus ladanifer</i>	crimson-spot rockrose, gum rockrose
	<i>Cistus monspeliensis</i>	Montpelier rockrose
	<i>Cistus salviifolius</i>	sageleaf rockrose
Elaeagnaceae	<i>Elaeagnus angustifolia</i>	Russian olive
Euphorbiaceae	<i>Euphorbia dendroides</i>	tree-spurge
	<i>Ricinus communis</i>	castor bean
	<i>Triadica sebifera</i>	Chinese tallowtree
Fabaceae	<i>Acacia baileyana</i>	Bailey acacia
	<i>Acacia cyclops</i>	red-eyed wattle
	<i>Acacia dealbata</i>	silver wattle
	<i>Acacia longifolia</i>	Sydney golden wattle
	<i>Acacia melanoxylon</i>	blackwood acacia
	<i>Acacia redolens</i>	trailing acacia, bank catclaw
	<i>Acacia retinodes</i>	water wattle, swamp wattle
	<i>Albizia julibrissin</i>	mimosa
	<i>Albizia lophantha</i>	plume albizia/acacia
	<i>Caesalpinia gilliesii</i>	yellow bird of paradise
	<i>Caesalpinia spinosa</i>	tara
	<i>Colutea arborescens</i>	bladder senna
	<i>Cytisus multiflorus</i>	white Spanish broom
	<i>Cytisus proliferus</i>	white-flowered tree-lucerne, Canary Island false broom
	<i>Cytisus scoparius</i>	Scotch broom
	<i>Cytisus striatus</i>	Portuguese broom, striated broom
	<i>Genista canariensis</i>	Canary Island broom
	<i>Genista linifolia</i>	flax broom, Mediterranean broom

	<i>Genista monosperma</i>	bridal veil broom
	<i>Genista monspessulana</i>	French broom
	<i>Parkinsonia aculeata</i>	Jerusalem thorn, Mexican Palo Verde
	<i>Robinia pseudoacacia</i>	black locust
	<i>Sesbania punicea</i>	scarlet wisteria tree, rattlebox
	<i>Senna artemisioides</i>	feathery cassia, silver senna
	<i>Senna didymobotrya</i>	African senna, popcorn cassia
	<i>Senna multiglandulosa</i>	wooly senna, buttercup bush
	<i>Spartium junceum</i>	Spanish broom, gorse
	<i>Ulex europaeus</i>	common gorse
Fagaceae	<i>Quercus ilex</i>	Holm oak, holly oak
Geraniaceae	<i>Pelargonium panduriforme</i>	balsam scented geranium
Hypericaceae	<i>Hypericum canariense</i>	Canary Island St. John's wort
Meliaceae	<i>Melia azedarach</i>	china berry, Persian lilac
Moraceae	<i>Ficus carica</i>	fig, edible fig
Myrtaceae	<i>Eucalyptus camaldulensis</i>	red gum
	<i>Eucalyptus citriodora</i>	lemon-scented gum
	<i>Eucalyptus cladocalyx</i>	sugar gum
	<i>Eucalyptus globulus</i>	blue gum, Tasmanian blue gum
	<i>Eucalyptus polyanthemus</i>	silver-dollar gum
	<i>Eucalyptus sideroxylon</i>	red ironbark
	<i>Eucalyptus tereticornis</i>	forest red gum
	<i>Eucalyptus viminalis</i>	mannan gum, ribbon gum
	<i>Leptospermum laevigatum</i>	Australian tea tree
Oleaceae	<i>Ligustrum japonicum</i>	Japanese privet
	<i>Ligustrum lucidum</i>	glossy privet
	<i>Olea europaea</i>	olive
Pittosporaceae	<i>Pittosporum crassifolium</i>	karo
	<i>Pittosporum tobira</i>	tobira, mock orange, Japanese cheeseweed
Platanaceae	<i>Platanus acerifolia</i>	London plane tree
Proteaceae	<i>Grevillea robusta</i>	silk oak
Rosaceae	<i>Cotoneaster lacteus</i>	milkflower/Parney's cotoneaster
	<i>Cotoneaster pannosus</i>	cotoneaster
	<i>Malus pumila</i>	paradise apple
	<i>Prunus cerasifera</i>	cherry plum
	<i>Pyracantha angustifolia</i>	pyracantha
Salicaceae	<i>Rubus armeniacus</i>	Himalayan blackberry
	<i>Populus alba</i>	white poplar
Sapindaceae	<i>Salix babylonica</i>	weeping willow
	<i>Acer saccharinum</i>	silver maple
Scrophulariaceae	<i>Buddleja saligna</i>	false olive
	<i>Myoporum laetum</i>	ngaio tree, lollypop tree, myoporum
Simaroubaceae	<i>Ailanthus altissima</i>	tree of Heaven
Solanaceae	<i>Cestrum nocturnum</i>	night jessamine, Night Blooming Jasmine

	<i>Solanum aviculare</i>	kangaroo apple, New Zealand nightshade
	<i>Solanum lanceolatum</i>	orangeberry nightshade, lance leaf nightshade
	<i>Nicotiana glauca</i>	tree-tobacco
Tamaricaceae	<i>Tamarix aphylla</i>	athel tree
	<i>Tamarix chinensis</i>	salt cedar, chanise/fivestamen tamarisk
	<i>Tamarix gallica</i>	French tamarix
	<i>Tamarix parviflora</i>	small-flowered/fourstamen tamarisk
	<i>Tamarix ramosissima</i>	salt cedar, tamarisk
Ulmaceae	<i>Ulmus parvifolia</i>	Chinese elm
	<i>Ulmus pumila</i>	Siberian elm

### PROHIBITED VINES

Family	Scientific Name	Common Name
Apocynaceae	<i>Araujia sericifera</i>	bladder vine, bladderflower
	<i>Vinca major</i>	periwinkle
Araliaceae	<i>Hedera canariensis</i>	Algerian ivy
	<i>Hedera helix</i>	English ivy
Asparagaceae	<i>Asparagus asparagoides</i>	Bridal Creeper, Smilax Asparagus, African asparagus fern
Asteraceae	<i>Delairea odorata</i>	Cape ivy, German ivy
Caprifoliaceae	<i>Lonicera japonica</i>	Japanese honeysuckle
Fabaceae	<i>Lathyrus latifolius</i>	perennial sweetpea, everlasting peavine
Polygonaceae	<i>Muehlenbeckia complexa</i>	mattress vine, maidenhair vine
Rosaceae	<i>Rubus ulmifolius</i> var. <i>ulmifolius</i>	elmleaf blackberry
Tropaeolaceae	<i>Tropaeolum majus</i>	garden nasturtium

### PROHIBITED SUCCULENTS AND CACTUS

Family	Scientific Name	Common Name
Aizoaceae	<i>Carpobrotus chilensis</i>	sea fig
	<i>Carpobrotus edulis</i>	Hottentot fig
	<i>Malephora crocea</i>	coppery mesemb
	<i>Mesembryanthemum crystallinum</i>	crystalline iceplant, common iceplant
	<i>Mesembryanthemum nodiflorum</i>	slenderleaf iceplant
Aizoaceae	<i>Aptenia cordifolia</i>	heartleaf iceplant, baby sun-rose
	<i>Conicosia pugioniformis</i>	narrow-leaved iceplant, roundleaf iceplant
	<i>Delosperma litorale</i>	ice plant, seaside deloperma
	<i>Drosanthemum floribundum</i>	Rosy ice plant, showy dewflower
Cactaceae	<i>Opuntia microdasys</i>	bunny-ears
Crassulaceae	<i>Aeonium arboreum</i> var. <i>arboreum</i>	blackrose
	<i>Aeonium haworthii</i>	pinwheel
	<i>Cotyledon orbiculata</i> var. <i>oblonga</i>	pig's ear

### PROHIBITED AQUATIC PLANTS

Family	Scientific Name	Common Name
Amaranthaceae	<i>Alternanthera philoxeroides</i>	alligatorweed

Haloragaceae	<i>Myriophyllum aquaticum</i>	parrot feather watermilfoil, Parrot's feather
	<i>Myriophyllum spicatum</i>	Eurasian/America milfoil, spike watermilfoil
Hydrocharitaceae	<i>Egeria densa</i>	Brazilian waterweed
	<i>Hydrilla verticillata</i>	hydrilla
Pontederiaceae	<i>Eichhornia crassipes</i>	water hyacinth
Salviniaceae	<i>Salvinia molesta</i>	giant waterfern, giant salvinia

**PROHIBITED FERNS**

Family	Scientific Name	Common Name
Dryopteridaceae	<i>Cyrtomium falcatum</i>	Hollyfern, Japanese netvein hollyfern
Pteridaceae	<i>Pteris cretica</i>	Cretan brake fern, ribbon fern, table fern
	<i>Pteris vittata</i>	ladder brake

**PROHIBITED ANNUAL AND PERENNIAL HERBS**

Family	Scientific Name	Common Name
Alliaceae	<i>Ipheion uniflorum</i>	spring star flower
	<i>Allium vineale</i>	wild garlic
Amaranthaceae	<i>Amaranthus hybridus</i>	prince's feather
Amaryllidaceae	<i>Amaryllis belladonna</i>	belladonna lily, naked ladies
	<i>Narcissus tazetta</i>	narcissus, paper white
	<i>Pancratium maritimum</i>	sea daffodil
Apiaceae	<i>Ammi majus</i>	Queen Anne's lace
Apocynaceae	<i>Asclepias curassavica</i>	Mexican butterfly weed, bloodflower milkweed
Araceae	<i>Zantedeschia aethiopica</i>	common calla, calla lily
Asphodelaceae	<i>Asphodelus fistulosus</i>	onionweed, asphodel
Asteraceae	<i>Ageratina adenophora</i>	eupatorium, eupatory, sticky snakeroot, thoroughwort, croftonweed
	<i>Arctotheca calendula</i>	Cape weed
	<i>Arctotis venusta</i>	blue-eyed African daisy
	<i>Argyranthemum foeniculaceum</i>	Canary Island marguerite, dill daisy
	<i>Bellis perennis</i>	English daisy
	<i>Calendula officinalis</i>	pot marigold
	<i>Centaurea cineraria</i>	dusty miller
	<i>Centaurea cyanus</i>	bachelor's button
	<i>Coreopsis tinctoria</i>	calliopsis, golden tickseed
	<i>Cosmos bipinnatus</i>	garden cosmos
	<i>Cynara cardunculus</i>	artichoke thistle
	<i>Dimorphotheca ecklonis</i>	Cape marguerite, African daisy
	<i>Dimorphotheca fruticosa</i>	trailing African daisy, shrubby daisybush
	<i>Dimorphotheca sinuata</i>	African daisy
	<i>Gazania linearis</i>	treasureflower, gazania
	<i>Glebionis coronaria</i>	annual chrysanthemum, garland/crown daisy
	<i>Helianthus tuberosus</i>	Jerusalem artichoke
	<i>Leucanthemum vulgare</i>	ox-eye daisy
	<i>Oncosiphon piluliferum</i>	globe chamomile
	<i>Ratibida columnifera</i>	Mexican hat
	<i>Tanacetum parthenium</i>	feverfew
	<i>Tanacetum vulgare</i>	tansy, common tansy

Boraginaceae	<i>Heliotropium amplexicaule</i>	clasping heliotrope
Brassicaceae	<i>Brassica nigra</i>	black mustard
	<i>Brassica rapa</i>	field mustard; turnip
	<i>Brassica tournefortii</i>	Sahara/Moroccan/Asian mustard
	<i>Erysimum cheiri</i>	English wallflower
	<i>Hirschfeldia incana</i>	short-pod mustard
	<i>Lobularia maritima</i>	sweet alyssum
	<i>Lunaria annua</i>	money plant
	<i>Matthiola incana</i>	hoary stock
	<i>Sinapis arvensis</i>	wild/charlock/common/field mustard
Caryophyllaceae	<i>Gypsophila elegans</i>	annual baby's breath
	<i>Lychnis coronaria</i>	dusty miller, rose campion
	<i>Silene vulgaris</i>	bladder campion
	<i>Saponaria officinalis</i>	bouncing bet, bouncing betty, soapwort, goodbye summer
Chenopodiaceae	<i>Atriplex semibaccata</i>	Australian saltbush
	<i>Kochia scoparia ssp. scoparia</i>	summer cypress, red sage, Mexican fireweed
Commelinaceae	<i>Tradescantia fluminensis</i>	wandering Jew
Convolvulaceae	<i>Dichondra micrantha</i>	Asian ponysfoot
	<i>Ipomoea indica</i>	blue dawn flower, blue morningglory
Crassulaceae	<i>Sedum album</i>	white stonecrop
Cyperaceae	<i>Carex texensis</i>	Texas sedge
	<i>Cyperus difformis</i>	variable flatsedge, umbrella sedge
	<i>Cyperus involucratus</i>	umbrella plant
Dipsacaceae	<i>Dipsacus fullonum</i>	Fuller's teasel, wild teasel
Euphorbiaceae	<i>Euphorbia lathyris</i>	gopher spurge
Fabaceae	<i>Coronilla valentina ssp. glauca</i>	Mediterranean crownvetch
	<i>Lathyrus odoratus</i>	annual sweetpea
	<i>Lotus corniculatus</i>	bird's foot trefoil
	<i>Trifolium repens</i>	white clover
Geraniaceae	<i>Geranium robertianum</i>	herb Robert
	<i>Pelargonium grossularioides</i>	gooseberry geranium
Hypericaceae	<i>Hypericum perforatum</i>	klamathweed, St. John's wort
Iridaceae	<i>Chasmanthe floribunda</i>	African flag
	<i>Crocasmia x crocosmiiflora</i>	montbretia, crocosmia
	<i>Iris germanica</i>	German iris
	<i>Iris pseudacorus</i>	yellow flag, yellow water iris
Lamiaceae	<i>Melissa officinalis</i>	lemon balm
	<i>Mentha spicata</i>	spearmint
	<i>Mentha suaveolens</i>	apple mint, pineapple mint
	<i>Nepeta cataria</i>	catnip
Linaceae	<i>Linum grandiflorum</i>	flowering flax, garden flax
Lythraceae	<i>Lythrum salicaria</i>	purple loosestrife
Malvaceae	<i>Abutilon theophrasti</i>	velvetleaf
	<i>Alcea rosea</i>	hollyhock
Martyniaceae	<i>Proboscidea louisianica ssp. louisianica</i>	ram's horn, common devil's claw
	<i>Proboscidea lutea</i>	devil's claw
Myrsinaceae	<i>Anagallis arvensis</i>	scarlet pimpernel, birds-eye
Nyctaginaceae	<i>Mirabilis jalapa var. jalapa</i>	four o'clock, wishbone bush
Onagraceae	<i>Oenothera sinuosa</i>	wavy-leaf gaura
	<i>Oenothera speciosa</i>	Mexican evening-primrose, pink ladies
	<i>Oenothera xenogaura</i>	scented gaura, Drummond's gaura, Drummond's bee blossom



Oxalidaceae	<i>Oxalis articulata ssp. rubra</i>	windowbox woodsorrel
	<i>Oxalis corniculata</i>	creeping wood-sorrel
	<i>Oxalis pes-caprae</i>	buttercup oxalis, Bermuda buttercup, yellow oxalis
Papaveraceae	<i>Papaver somniferum</i>	opium poppy
Plantaginaceae	<i>Digitalis purpurea</i>	foxglove
	<i>Linaria bipartita</i>	clovenlip toadflax
	<i>Linaria dalmatica ssp. dalmatica</i>	Dalmatian toadflax
	<i>Linaria maroccana</i>	baby snapdragon
	<i>Linaria pinifolia</i>	pine needle toadflax
Plumbaginaceae	<i>Limonium perezii</i>	Perez's sea lavender
	<i>Limonium ramosissimum</i>	Algerian sea lavender
	<i>Limonium sinuatum</i>	wavyleaf sea lavender
Polygonaceae	<i>Persicaria capitata</i>	pink knotweed, Himalayan smartweed
	<i>Rumex conglomeratus</i>	clustered dock, creek dock
Portulacaceae	<i>Portulaca oleracea</i>	purslane
Ranunculaceae	<i>Consolida ajacis</i>	rocket larkspur
Resedaceae	<i>Reseda alba</i>	white mignonette
Rosaceae	<i>Duchesnea indica var. indica</i>	Indian mock-strawberry
Rutaceae	<i>Ruta chalepensis</i>	fringed rue
Scrophulariaceae	<i>Scrophularia peregrina</i>	Mediterranean figwort
	<i>Verbascum blattaria</i>	moth mullein
Solanaceae	<i>Salpichroa organifolia</i>	Pampas lily of the valley
	<i>Solanum elaeagnifolium</i>	silverleaf nightshade
Valerianaceae	<i>Centranthus ruber</i>	red valerian, Jupiter's beard
Verbenaceae	<i>Verbena bonariensis</i>	purpletop vervain, tall vervain
	<i>Verbena pulchella</i>	moss verbena
Violaceae	<i>Viola odorata</i>	sweet violet

### PROHIBITED GRASSES

Family	Scientific Name	Common Name
Poaceae	<i>Agropyron cristatum ssp. pectinatum</i>	crested wheatgrass
	<i>Agrostis gigantea</i>	redtop, giant redtop bentgrass
	<i>Agrostis stolonifera</i>	creeping bent
	<i>Aira caryophylla</i>	silver hairgrass
	<i>Alopecurus pratensis</i>	yellow foxtail grass, meadow foxtail
	<i>Arundo donax</i>	giant reed
	<i>Briza maxima</i>	rattlesnake grass
	<i>Cortaderia jubata</i>	jubata grass
	<i>Cortaderia selloana</i>	Pampas grass
	<i>Cynodon dactylon</i>	Bermuda grass
	<i>Festuca arundinacea</i>	tall fescue, alta fescue, reed fescue
	<i>Festuca myuros</i>	mouse-tail fescue, rattail sixweeks grass
	<i>Festuca perennis</i>	Italian ryegrass
	<i>Festuca pratensis</i>	meadow fescue
	<i>Festuca trachyphylla</i>	hard fescue, rough leaved fescue
	<i>Holcus lanatus</i>	velvet grass
	<i>Hordeum marinum ssp. gussoneanum</i>	sea barley
	<i>Melinis repens ssp. repens</i>	natal grass, ruby grass
	<i>Pennisetum clandestinum</i>	kikuyu grass
	<i>Pennisetum setaceum</i>	African/Crimson fountain grass
	<i>Pennisetum villosum</i>	feathertop
	<i>Poa annua</i>	annual bluegrass

	<i>Poa pratensis ssp. pratensis</i>	Kentucky bluegrass
	<i>Poa trivialis</i>	rough blue grass
	<i>Polypogon monspeliensis</i>	rabbitsfoot grass
	<i>Stenotaphrum secundatum</i>	Saint Augustine grass
	<i>Stipa tenuissima</i>	Mexican feathergrass

## APPENDIX D: SEA CHECKLISTS & WORKSHEETS

1 – SEA COUNSELING CHECKLISTS

2 – BIOLOGICAL CONSTRAINTS ANALYSIS (BCA) CHECKLIST

3 – BIOTA REPORT CHECKLIST

DRAFT

## SEA COUNSELING CHECKLIST

## BCM &amp; CONCEPTUAL PROJECT DESIGN

A Case Planner and County Biologist shall initial in the designated section, indicating that the items have been provided and reviewed.

BCM CHECKLIST	COMPLETE
<b>I. Biological Constraints Map (BCM)</b>	
A. Shows all project site parcel(s) boundaries <sup>34</sup>	
B. Existing development (structures, graded areas, roads, etc.)	
C. Vegetation communities (utilizing Sawyer, Keeler-Wolf, Evens 2009 classifications), and indicating CDFW Natural Community Rarity Ranking, extending out to 200-feet from the project site boundaries <sup>35</sup>	
D. Trees: show location of all trees and indicate species. For native trees, record DBH and show canopy extent and a 15 foot protected zone (measured from the dripline).	
E. Location of observed and previously recorded sensitive species (e.g. from site survey, previous biological reports, or identified through CNDDDB records, etc.)	
F. Delineated boundaries of water resources, such as rivers and streams (including intermittent and ephemeral drainages), lakes, reservoirs, ponds, wetlands, marshes, seeps, springs, vernal pools, and playas AND required setbacks.	
G. Important physical site features that are expected to provide important habitat for sensitive species (e.g. rock outcrops) or facilitate or restrict wildlife movement, such as ridgelines, culverts, fences, etc.	
H. Open space that has been recorded over or adjacent to any part of the subject parcel.	
<b>Biologist's Initials:</b>	
<b>II. Conceptual Project Design</b>	
I. Either on the BCM or on a separate plan, show the conceptual development footprint of the proposed project, including: <ul style="list-style-type: none"> <li>- all anticipated graded areas</li> <li>- existing and proposed structure locations</li> <li>- fuel modification to 200-feet from all structures</li> <li>- utility access</li> <li>- driveways and parking areas</li> <li>- landscaped areas</li> <li>- exploratory testing locations</li> </ul>	
<b>Planner's Initials:</b>	

<sup>34</sup> Include all parcels or lots involved with the land use project.

<sup>35</sup> Vegetation communities can be estimated offsite using visual surveys from the project site and adjacent roads or trails in conjunction with aerial imagery and existing data.

SEA Counseling Date: \_\_\_\_\_

Case Planner: \_\_\_\_\_

County Biologist: \_\_\_\_\_

Address & APN(s) of project site: \_\_\_\_\_

\_\_\_\_\_

**RECOMMENDATION:**

☐

SEA Review

☐

SEA CUP

☐

PTP

**Biologist Site Visit Needed?**

☐

Yes

☐

No

**Adequacy of BCM**

Does the Biological Constraints Map adequately document the biological resources on the project site?

☐ Yes

☐ No

**Adequacy of Conceptual Project Design**

Does the Conceptual Project Design include adequate information to evaluate the ability of the development to meet Development Standards?

☐ Yes

☐ No

**Ability to Comply with Development Standards**

Does the conceptual project design adequately demonstrate the ability to comply with the SEA Development Standards? (Some Development Standards, such as fence materials, outdoor lighting, and glass reflectivity, do not need to be shown in conceptual project design, but the applicant should be made aware of these requirements, and they should be specified in site plan documents when the application is submitted.)

☐ Yes

☐ No

**Additional Biological Reports Needed**

☐ BCA

☐ Biota Report

☐ Restoration/enhancement plan

☐ Oak Tree Report

☐ Other \_\_\_\_\_

☐ Rare Plant Survey

☐ Protocol Survey for \_\_\_\_\_

☐ Jurisdictional Waters/Wetlands

### BIOLOGICAL CONSTRAINTS ANALYSIS (BCA) CHECKLIST

The Case Planner and County Biologist shall initial in the designated section, indicating that the items have been included in the report and that the report is adequate and ready for SEATAC review.

#### BIOLOGICAL CONSTRAINTS ANALYSIS (BCA) CHECKLIST

**COMPLETE**

<b>I. COVER / SPINE / TITLE PAGE</b>	
A. Project name, type of report (Biological Constraints Analysis)	
B. County identification numbers (Project number, CUP number, APNs).	
C. Applicant name and contact information	
D. SEA name(s)	
E. Name of head biologist and consulting company directive information	
F. Date of report	
<b>II. INTRODUCTION</b>	
A. Project Description	
1. Project name, type of report, address of project	
2. County application identification numbers including APNs	
3. Applicant name and contact information	
4. SEA name(s)	
5. Supervising biologist, company, directive information	
6. Parcel and Acreage Table (for more than one parcel)	
7. Location	
a) Map of regional features in vicinity showing project location, and including all drainages and wetlands	
b) Color USGS topographic map with outline of project parcels, SEA, open space resource areas, etc.; scale about 1:24000	
c) Color orthogonal aerial showing project parcels, SEA, open space, etc.	
	<b>Planner Initials:</b>
B. Description of Natural Geographic Features	
1. Summary of known biological resources including relation to:	
a) Landforms and geomorphology	
b) Drainage and wetland features	
c) Soils; include soil map	
d) Vegetation communities	
e) SEA criteria and resources	
2. Color site photography with keys	
3. Summary of biological resources and pertinent literature review	
C. Methodology of Biological Survey	
1. Table of surveys (surveys approximately 1 year old or more recent)	
2. Text description of survey methods	
3. Table of information on biologist(s) and other contributors for BCA; appendix of contributors' experience	
4. Proof of permits or Memoranda of Understanding for trapping shall be in the appendix.	



<b>III. BIOLOGICAL CHARACTERISTICS OF THE SITE</b>	
A. Vegetation Data and Descriptions	
1. Vegetation map of Sawyer, Keeler-Wolf, Evens (2009) alliances and associations of vegetation types, relevé locations	
2. Vegetation cover table	
3. Map of trees (for jurisdictional oaks, State and County, an oak tree report will be needed. Oak tree reports will be in an appendix.)	
4. Summary of vegetation site habitats in relation to soil, sensitivity, rainfall, potential for impact (Only necessary if there is a possibility of rare plant occurrences that would be made possible by the presence of some important soil type or geological formation)	
5. CD/DVD of georeferenced files for vegetation data as ESRI .shp including metadata (may be combined with other project data on CD/DVD)	
B. Fauna and Flora Sensitive Species Tables and Discussion	
1. Table of sensitive species known from the region, sensitivity rankings, habitat requirements, and likelihood of occurrence on site—with rationale for likelihood determination.	
2. Table of break points on rough estimate of population size (appendix)	
3. Paragraphs for each sensitive species on characteristics that might lead to project impact. Listed species paragraphs in separate section.	
C. Maps of occurrence for sensitive species	
D. Wildlife movement/habitat linkage analysis with map of site and movement areas	
E. Floral and faunal compendia (all plant and animal species observed directly or indirectly on site, and for animals, in adjacent areas of similar habitat), updated for latest observation if multiple versions of the BCA are submitted, version date	
F. All voucher collections shall be deposited in an appropriate, recognized public institution, and shall be tabulated in the floristic and faunal lists.	
<b>IV. CHARACTERISTICS OF THE SURROUNDING AREA</b>	
A. Description of Existing Land Uses in the Project Area	
B. Table of development projects in the vicinity and summary discussion (acreage, units, etc.)	
C. Map of land uses	
D. Description of open space reserves in the area and depiction of wildlife movement/habitat linkage relationships to open space. Include known conservation and open space easements in perpetuity. Refer to maps II.A.7	
E. Reference to and relationship to any conservation plans in the vicinity	
F. Description of Habitats, alliances, associations and vegetative communities in the vicinity with respect to those on site	
G. Rough estimates of the overall population sizes of species of flora and fauna on site and in vicinity fauna on site and in vicinity	
H. Description of overall biological value of the area: fit to the biotic mosaic; contribution to surrounding area and SEA ecological functions	
<b>V. CONCLUSION</b>	
A. Regulatory framework	
B. Summarized biological data with respect to regulatory framework	
C. Biological Constraints Map	

D. Explicit statement of SEA/SERA/ESHA acreages total and in project parcels; explicit statement of length of watersheds on project parcels and total; potential affected area of watercourses	
E. Recommendations for further studies needed to prepare Biota Report	
<b>VI. BIBLIOGRAPHY</b>	
A. Bibliography of references cited in text	
B. Bibliography of general references used to prepare document but not cited	
<b>VII. APPENDICES [as appropriate]</b>	
A. Table of biologists and other contributors; Preparer and other contributor qualifications; permits, MOUs	
B. Vegetation alliance relevé data	
C. Oak Tree Report for sites with jurisdictional native oak trees (5" DBH and larger)	
D. Focused and floristic survey reports.	
E. Floral and faunal compendia	
F. Copies of meeting minutes from previous SEATAC/ERB reviews of project	
G. Correspondence with State and Federal trustee agencies	
H. Completed BCA Checklist (this table)	
I. SEA Counseling Checklist with BCM and Conceptual Project Design	
J. Digital Copies of BCA as .pdf for final version; georeferenced files of vegetative data and sensitive species occurrences.	
	<b>Biologist Initials:</b>

## BIOTA REPORT CHECKLIST

The Case Planner and County Biologist shall initial in the designated section, indicating that the items have been included in the report and that the report is adequate and ready for SEATAC review.

## BIOTA REPORT CHECKLIST

## COMPLETE

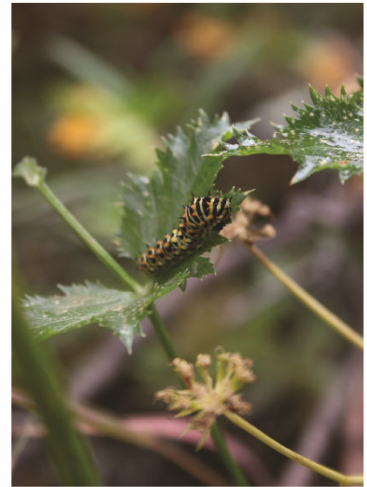
<b>I. COVER / SPINE / TITLE PAGE</b>	
A. Project name, type of report (Biota Report)	
B. County identification numbers (Project number, CUP number, APNs).	
C. Applicant name and contact information	
D. SEA name(s)	
E. Name of head biologist and consulting company directive information	
F. Date of report	
<b>II. INTRODUCTION</b>	
A. Summary of project impacts and mitigation	
B. Project description	
1. Project name, type of report, address of project	
2. County application identification numbers including APNs	
3. Applicant name and contact information	
4. SEA name(s)	
5. Supervising biologist, company, directive information	
6. Parcel and Acreage Table (for more than one parcel)	
7. Location (Note, these maps/photos may be excerpts or contain less detail than those submitted in the BCA so long as they provide an adequate indication of the project location and the surrounding area)	
a) Map of regional features in vicinity showing project location, and including all drainages and wetlands	
b) Color USGS topographic map with outline of project parcels, SEA, open space resource areas, etc.; scale about 1:24000	
	<b>Planner Initials:</b>
8. Project and alternatives description	
a) Site plans; at least one superimposed on vegetation map with topo lines	
b) Grading plans; at least one superimposed on vegetation map, topo lines	
c) Description of disturbance schedule	
d) Permits requested	
e) Alternatives	
<b>III. IMPACTS</b>	
A. Regulatory framework	
B. Tables	
1. Table of impact for sensitive vegetation and species	
2. Table of vegetation type and proposed changes	
3. Table of acreage additions and deductions of SEA land	
C. Discussion of logic on conclusions of significance	

D. Maps [may be combined, but each of the following should be illustrated in one form or other]	
1. Map(s) of vegetation constraints.	
2. Map of proposed vegetation impacts (grading and fuel-modification superimposed on vegetation map)	
3. Map of noteworthy or protected tree species, sensitive plant observations (and animal if highly resource dependent, e.g. aquatics, burrowing owl, etc.), showing removals and disturbance proposed.	
4. Regional and local maps of wildlife corridors and habitat linkages [including regional and statewide efforts (e.g. South Coast Missing Linkages, California Essential Connectivity Project, Puente Hills "Missing Middle", etc.), as well as any site-specific features (ridgelines, drainages, culverts, fencing, etc.) that may facilitate or constrain movement.	
E. Discussion of Impacts—direct (grading and fuel-modification), indirect, and cumulative impacts to each of the following must be discussed	
1. Vegetation, with note of any sensitive vegetation types (refer to State and Global sensitivity rankings included on the CDFW Natural Communities List) or noteworthy natural stands that may be unique to the site.	
2. Special-status species, including any locally-recognized sensitive species (e.g. the Los Angeles Audubon list of Los Angeles County's Sensitive Bird Species) and unusual sightings of otherwise common taxa (e.g. <i>Gilia diegensis</i> in the Liebre Mountains, <i>Petalonyx thurberi</i> in the Santa Clara River, etc.)	
3. Protected and noteworthy trees	
4. Wildlife habitat, including wildlife corridors and habitat linkages	
5. Project impact on integrity of the SEA	
F. Discussion of project consistency with SEA CUP compatibility criteria	
1. That the requested development is designed to be highly compatible with the biotic resources present, including the setting aside of appropriate and sufficient undisturbed areas	
2. That the requested development is designed to maintain water bodies, watercourses, and their tributaries in a natural state	
3. That the requested development is designed so that wildlife movement corridors (migratory paths) are left in an undisturbed and natural state	
4. That the requested development retains sufficient natural vegetative cover and/or open spaces to buffer critical resources, habitat areas, or migratory paths	
5. That the roads and utilities serving the proposed development are located and designed so as not to conflict with critical resources, habitat areas, or migratory paths	
<b>V. MITIGATION MEASURES</b>	
A. List of impact and mitigation measures that apply. The following aspects of SEA impact must be addressed:	
1. Acreage remaining as natural open space and percentage of original	
2. Existing designated open space on and adjacent to the parcel in question	

3. Short and long term measures & preservation instruments that will provide protection of natural open areas	
4. Type and amount of landscaping; utilization of locally-indigenous native plants; prohibition on invasive plants	
<b>V. MONITORING PROGRAM</b>	
A. Directly applicable to addressing impact; measurement of biological response to mitigation	
B. Performance standards	
C. Alternatives for failure to meet performance standards	
D. Funding and bond establishment	
E. Schedule	
F. Responsible parties	
G. Adaptive management	
<b>V. BIBLIOGRAPHY</b>	
A. Bibliography of cited references	
B. Bibliography of general references used to prepare report but not cited	
<b>V. APPENDICES</b>	
A. Table of biologists and other contributors; Preparer and other contributor qualifications; permits, MOUs	
B. Oak Tree Report for sites with jurisdictional native oak trees (5" DBH and larger)	
C. Focused and floristic survey reports.	
D. Copies of meeting minutes from previous SEATAC/ERB reviews of project	
E. Completed Biota Report Checklist (this table)	
F. Correspondence with State and Federal trustee agencies	
G. CD or DVD of BCA and Biota reports as .pdf & Georeferenced shapefiles (ESRI .shp, geographic) for vegetative maps and observations of sensitive species	
	<b>Biologist Initials:</b>

## APPENDIX E: GUIDANCE FOR EVALUATING IMPACTS ON WILDLIFE MOVEMENT

The Department of Regional Planning (DRP) considers linkage of natural areas as one of the most critical elements for maintaining the County's environmental quality and biological diversity. These linkages promote healthy biological populations and increases their resilience against environmental impacts of all kinds, including climate change. Linkage is essential to preserving genetic diversity and maintaining the complexity and functioning of natural communities that provide services for all life. Potential impacts to wildlife movement opportunities are a part of the Department's analysis of environmental impacts under the California Environmental Quality Act (CEQA). We recognize that all wildlife needs to move across various spatial scales in support of regular daily and seasonal activities. In addition, these linkages are necessary for the permanent movements of individuals and potential long-term shifts in species range in response to climate change.



When evaluating impacts to wildlife movement in a heavily populated and extensively developed region like Los Angeles County, it is important to remember that ecologically ideal conditions for wildlife movement rarely exist. Wildlife dispersing or moving between habitat blocks in the County are bound to encounter constrictions and obstacles, both artificial and natural. Yet wildlife are resilient, and in the absence of ideal circumstances, many will utilize whatever movement opportunities exist – navigating through constricted areas and moving around, over, under or through obstacles, when necessary.



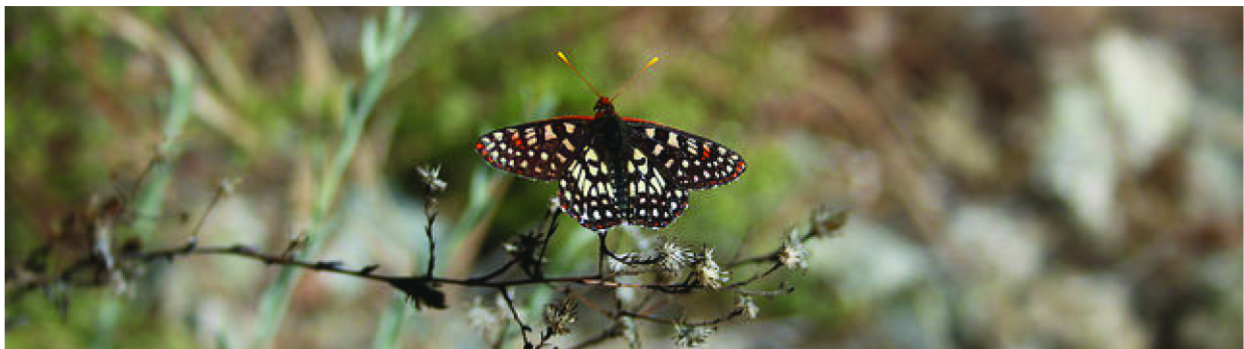
Therefore, analysis of potential impacts to wildlife movement cannot rely exclusively on identification and evaluation of the project's impacts to intact or ecologically superior corridors. All potential wildlife movement pathways, including those with existing obstacles and constrictions, such as roads, pipelines, aqueducts, and landscaped or otherwise altered terrain, must be identified and evaluated. The value of constricted or tenuous pathways should not be overlooked or undervalued simply because they are perceived as being rarely used or not ecologically pristine. Doing so ignores the reality that such tenuous linkages and islands of habitat are in many cases the only remaining opportunities available to wildlife in the County.





Biological consultants preparing analyses of project impacts to wildlife movement must consider the existing and post-project opportunities present to wildlife to enter and exit the project site. An adequate assessment of impacts is one that looks at the cumulative impacts of the proposed project in light of existing constrictions and obstacles. When evaluated in this light, a proposed development may actually be able to improve wildlife movement by removing obstacles or including provisions to facilitate safe passage as part of the project.

The standard for wildlife movement analysis entails studies that check for use of possible corridors on a daily basis for a period of three (3) years or more (usually by motion-activated cameras). This is expensive and requires a lengthy period of observation, so most projects will not be doing this kind of study. Analysis will chiefly be conjectural, and it is important that the wildlife movement discussion in biological reports observe this point, presenting drawbacks and opportunities equally balanced. Los Angeles County will generally regard as insufficient analyses of movement which emphasize what an opportunity is not (e.g., it doesn't provide cover; it is not dominated by native plants; it doesn't get used very often; it is not aligned along a ridge line, water feature, or drainage; etc.). Instead discussion should concentrate on what possible use could occur (e.g. "the culvert is a tenuous connection between useable habitat areas"). Such analyses should include what wildlife would use if the landscape were unfragmented and then consider use under fragmented conditions. If wildlife had a choice, what is the optimal path without the project, and what is the choice under proposed conditions of fragmentation? The goal is to posit the effect of a proposed project on existing wildlife movement.

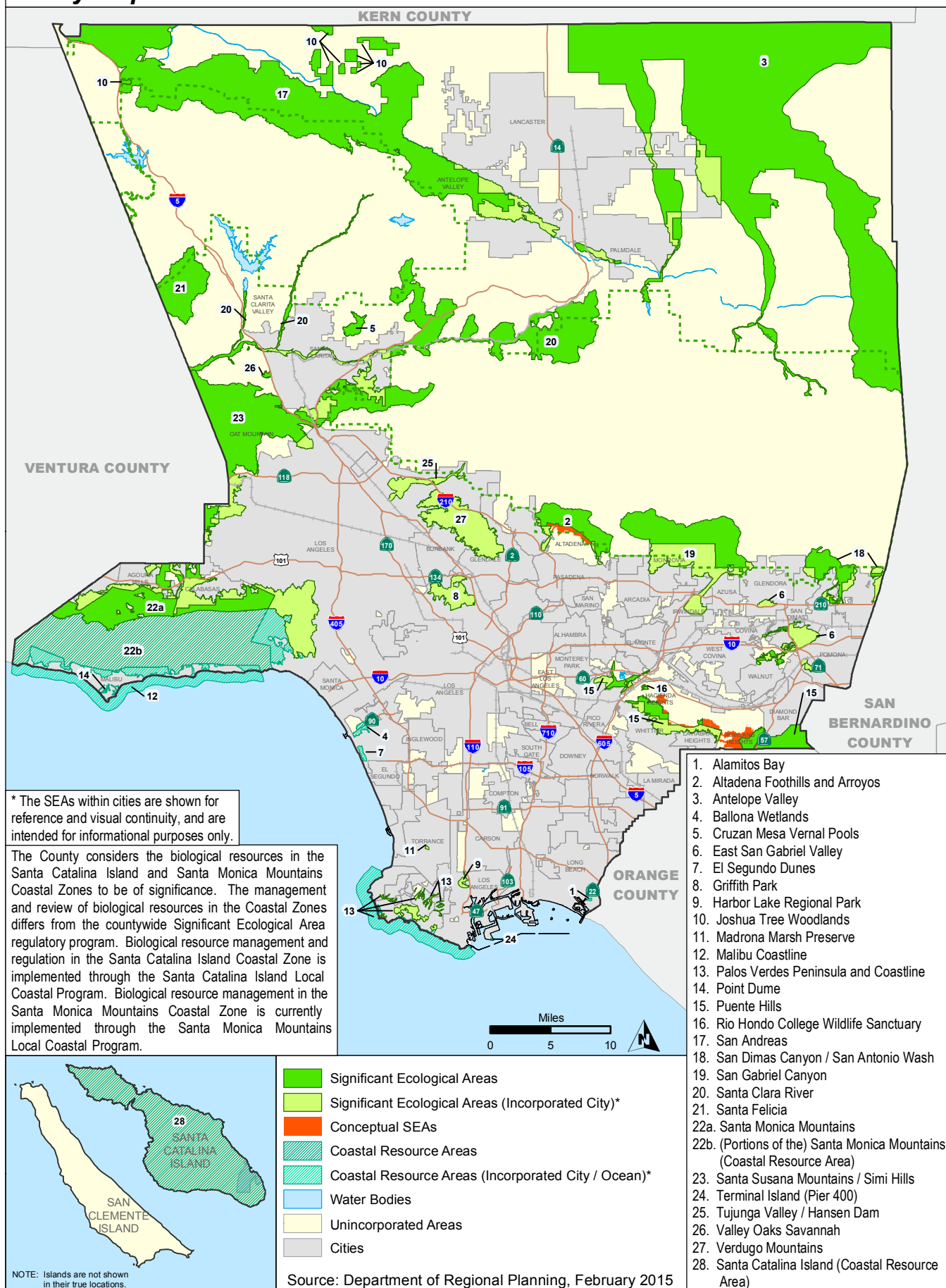


*All photos by J. Decruyenaere*



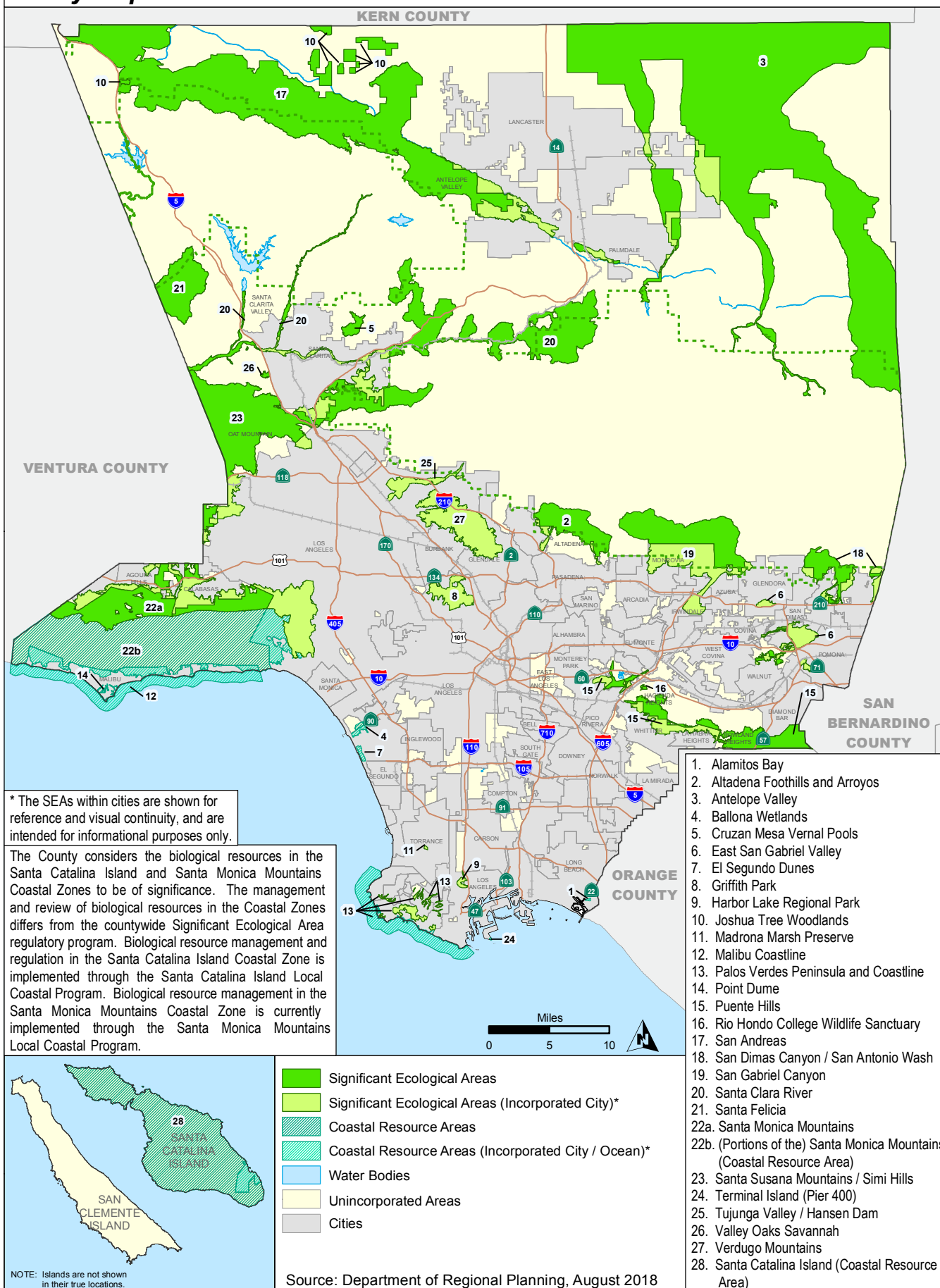
# Significant Ecological Areas and Coastal Resource Areas Policy Map

Figure 9.3



# Significant Ecological Areas and Coastal Resource Areas Policy Map

**DRAFT**



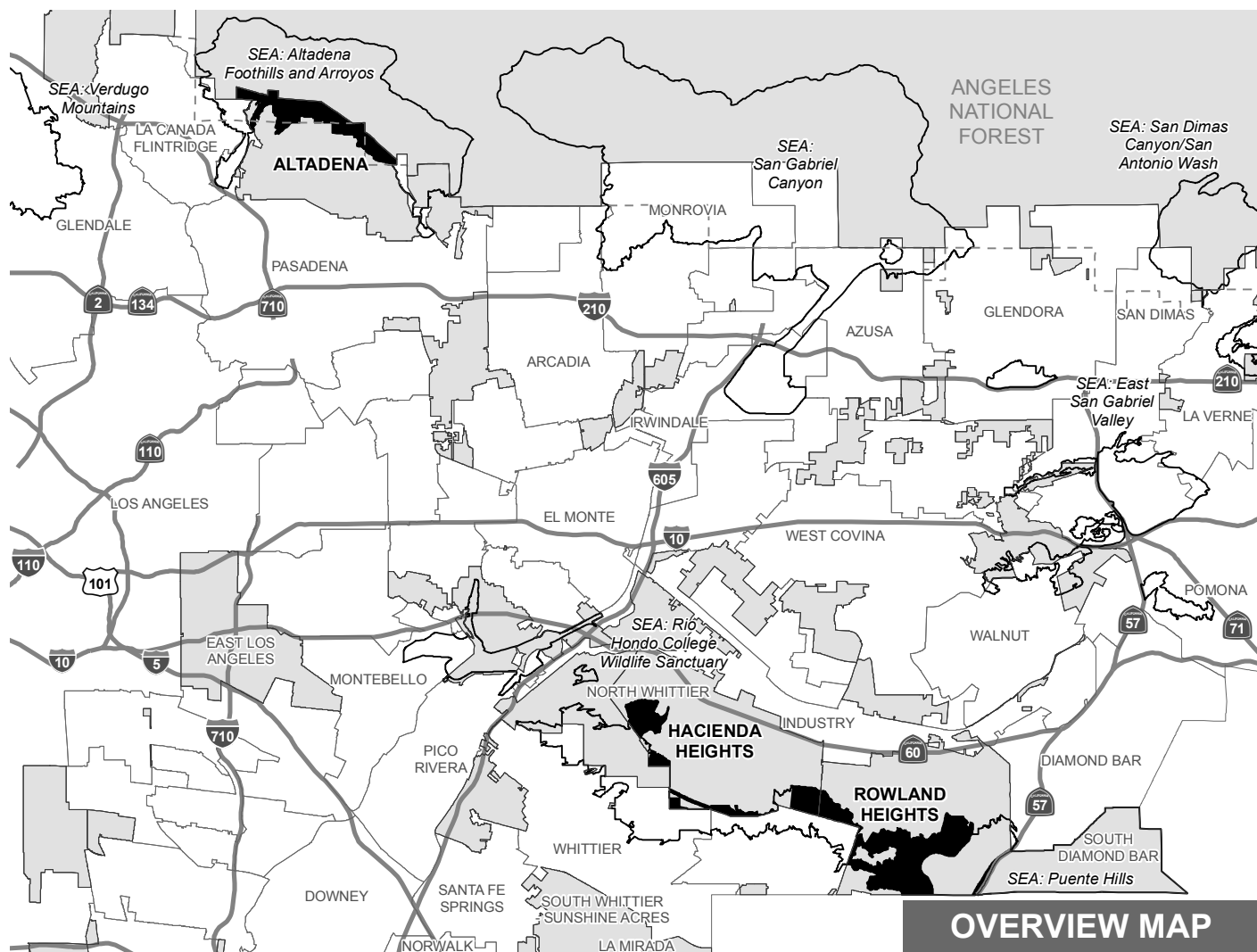
AMENDMENT TO COUNTYWIDE GENERAL PLAN  
ALTADENA, HACIENDA HEIGHTS AND ROWLAND HEIGHTS

**PLAN AMENDMENT: RPPL 2018003985**

ON: \_\_\_\_\_

**CHANGE TO ADOPTED SIGNIFICANT ECOLOGICAL AREAS**

CHANGING CATEGORY FROM 'CONCEPTUAL SEA' TO  
'SIGNIFICANT ECOLOGICAL AREA'



**LEGEND**

- ANGELES NATIONAL FOREST
- SIGNIFICANT ECOLOGICAL AREAS
- CITY AND COMMUNITY BOUNDARIES
- PLAN AMENDMENT AREA (CONCEPTUAL SEA TO SEA)
- UNINCORPORATED AREA

**DIGITAL DESCRIPTION:** \ZCO\ZD\_ALTADENA\

THE REGIONAL PLANNING COMMISSION  
COUNTY OF LOS ANGELES  
DAVID W. LOUIE, CHAIR  
AMY J. BODEK, PLANNING DIRECTOR



# AMENDMENT TO COUNTYWIDE GENERAL PLAN

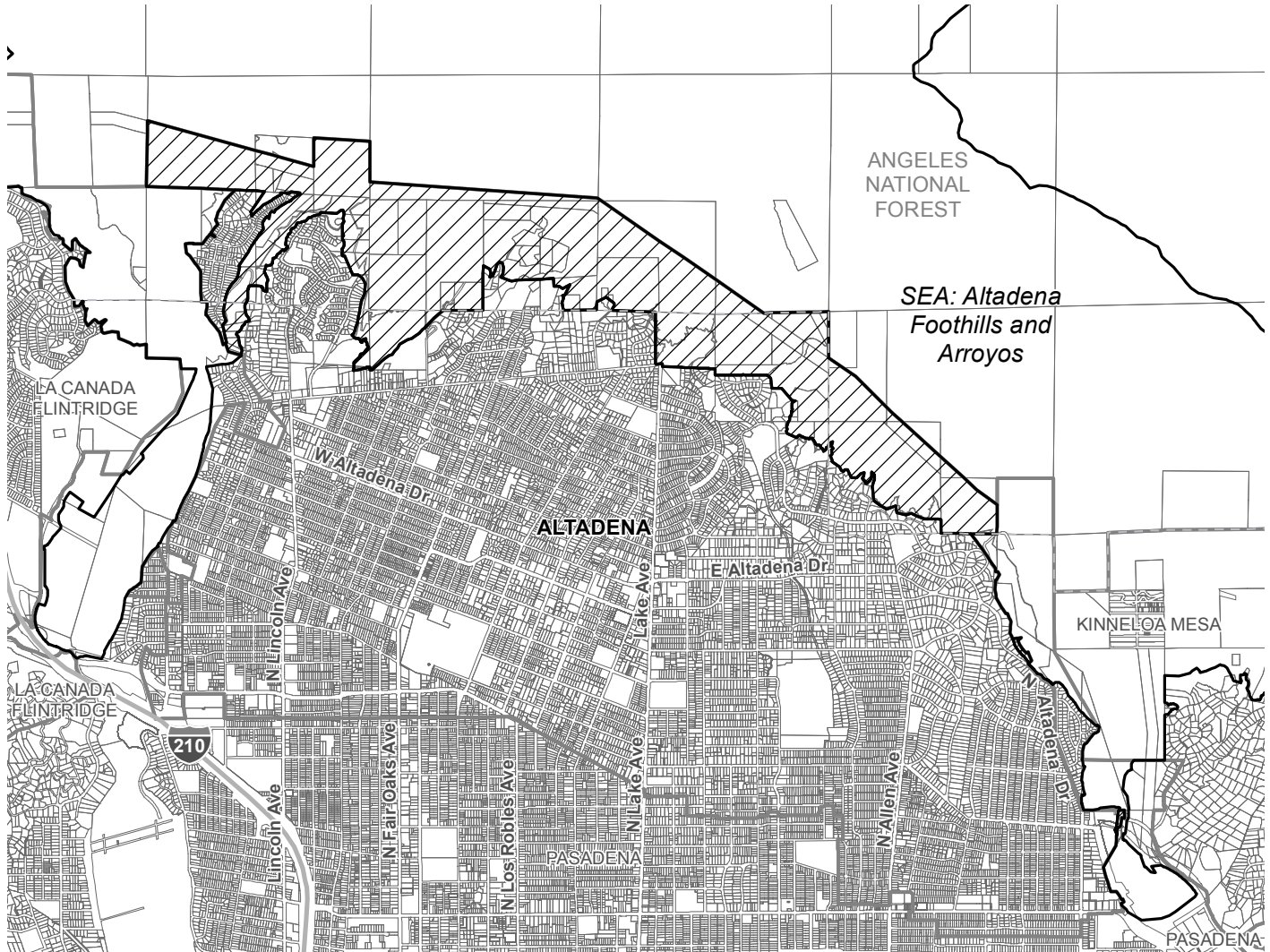
## ALTADENA COMMUNITY

### PLAN AMENDMENT: RPPL 2018003985






ON: \_\_\_\_\_

## CHANGE TO ADOPTED SIGNIFICANT ECOLOGICAL AREAS

CHANGING CATEGORY FROM 'CONCEPTUAL SEA' TO  
'SIGNIFICANT ECOLOGICAL AREA'



#### LEGEND:

-  PLAN AMENDMENT AREA (FROM CONCEPTUAL SEA TO SEA)
-  SIGNIFICANT ECOLOGICAL AREAS
-  ANGELES NATIONAL FOREST
-  CITY AND COMMUNITY BOUNDARIES
-  ASSESSOR PARCEL BOUNDARY



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**DIGITAL DESCRIPTION:** \ZCO\ZD\_ALTADENA\

THE REGIONAL PLANNING COMMISSION  
COUNTY OF LOS ANGELES  
DAVID W. LOUIE, CHAIR  
AMY J. BODEK, PLANNING DIRECTOR

# AMENDMENT TO COUNTYWIDE GENERAL PLAN

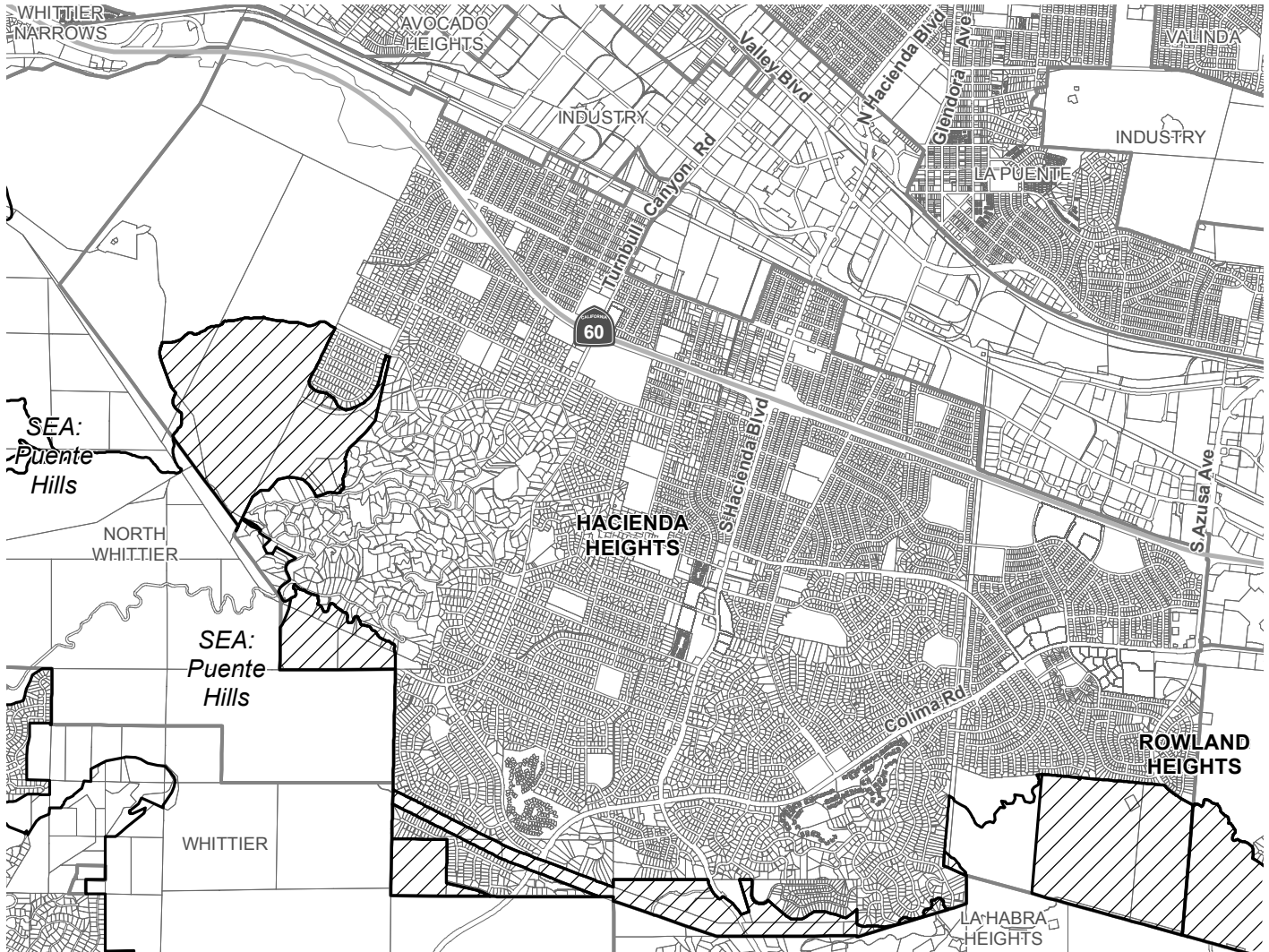
## HACIENDA HEIGHTS COMMUNITY

### PLAN AMENDMENT: RPPL 2018003985






ON: \_\_\_\_\_

### CHANGE TO ADOPTED SIGNIFICANT ECOLOGICAL AREAS

CHANGING CATEGORY FROM 'CONCEPTUAL SEA' TO  
'SIGNIFICANT ECOLOGICAL AREA'



#### LEGEND:

-  PLAN AMENDMENT AREA (FROM CONCEPTUAL SEA TO SEA)
-  SIGNIFICANT ECOLOGICAL AREAS
-  ANGELES NATIONAL FOREST
-  CITY AND COMMUNITY BOUNDARIES
-  ASSESSOR PARCEL BOUNDARY



0 2,000 4,000  
FEET

DIGITAL DESCRIPTION: \ZCO\ZD\_ALTADENA\

THE REGIONAL PLANNING COMMISSION  
COUNTY OF LOS ANGELES  
DAVID W. LOUIE, CHAIR  
AMY J. BODEK, PLANNING DIRECTOR



AMENDMENT TO COUNTYWIDE GENERAL PLAN

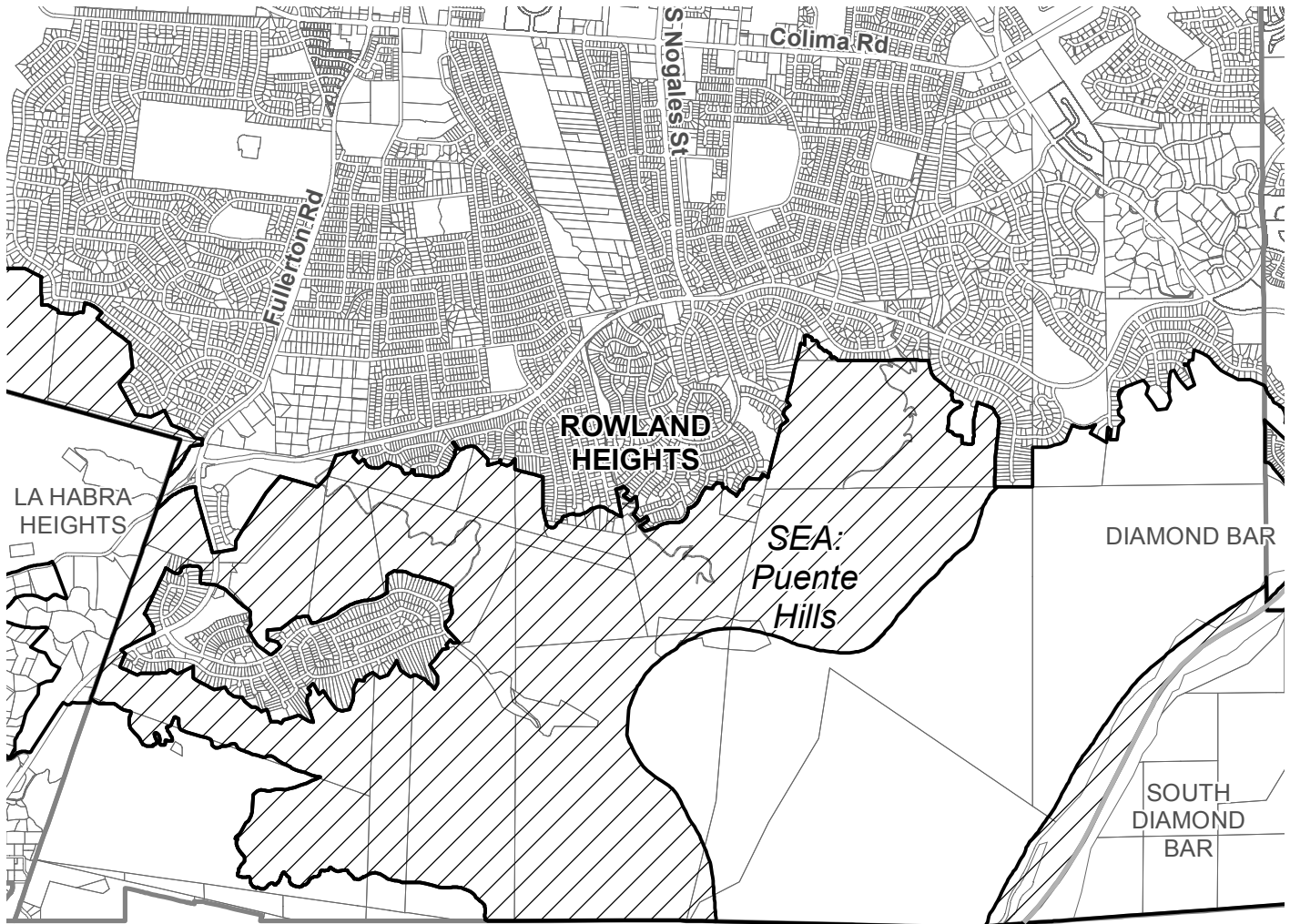
ROWLAND HEIGHTS COMMUNITY

**PLAN AMENDMENT: RPPL 2018003985**






ON: \_\_\_\_\_

**CHANGE TO ADOPTED SIGNIFICANT ECOLOGICAL AREAS**

CHANGING CATEGORY FROM 'CONCEPTUAL SEA' TO  
'SIGNIFICANT ECOLOGICAL AREA'



**LEGEND:**

-  PLAN AMENDMENT AREA (FROM CONCEPTUAL SEA TO SEA)
-  SIGNIFICANT ECOLOGICAL AREAS
-  ANGELES NATIONAL FOREST
-  CITY AND COMMUNITY BOUNDARIES
-  ASSESSOR PARCEL BOUNDARY



0 1,500 3,000  
FEET

**DIGITAL DESCRIPTION:** \ZCO\ZD\_ALTADENA\

THE REGIONAL PLANNING COMMISSION  
COUNTY OF LOS ANGELES  
DAVID W. LOUIE, CHAIR  
AMY J. BODEK, PLANNING DIRECTOR



United States  
Department of  
Agriculture

Forest  
Service

Angeles National Forest  
San Gabriel Mountains National  
Monument

701 North Santa Anita Avenue  
Arcadia, CA 91006-2725  
626-574-1613

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2018 OCT 18 PM 12:13 File Code: 1950  
Date: October 12, 2018

DEPT OF REGIONAL PLANNING

Iris Chi  
Los Angeles County Department of Regional Planning (DRP)  
320 W. Temple Street  
Los Angeles, CA 90012

Dear Ms. Chi:

The Angeles National Forest received the notice and invitation to comment on the Significant Ecological Areas (SEA) Ordinance Amendment project. The project number is Environmental Assessment No. RPPL2018004477.

After carefully reviewing the proposed amendment, the Angeles National Forest supports the alternative option. The alternative option stated that other than the exempted areas, the rest of the areas will follow the county-wide SEA regulation for single-family residences and agricultural uses (shown in green on map titled "Single Family Residence Exemptions-Alternative Option Santa Clara River SEA").

Angeles National Forest manages the largest contiguous open space within Los Angeles County, however, habitat connectivity does not end at the National Forest boundary. The Angeles National Forest Land Management Plan (ANF LMP) sets the general management direction to different program areas within the Forest. The ANF LMP specifically articulated the responsibility of the National Forest to coordinate with local government, developers, and other entities to complement adjacent federal and non-federal land use zones. The National Forest would participate in regional planning effort to identify linkage to surrounding habitat reserves and other natural areas to maintain biodiversity. This LMP strategy aligns well with the goal of the alternative option in the SEA amendment. For more details, please see ANF LMP Part 2 Link 1- Habitat Linkages Planning (p.107, 2005).

The National Forest appreciates the opportunity to comment on this project and we look forward to future collaboration on maintaining long-term habitat linkages.

Sincerely,

  
RACHEL SMITH  
Acting Forest Supervisor



**BRANDON CALANDRI**

43511 70th St. East  
Lancaster, CA 93535

October 05, 2018

Department of Regional Planning  
Hall of Records  
320 W. Temple Street, Room 1360  
Los Angeles, CA 90012

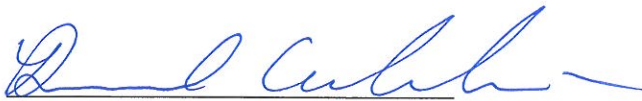
RE: SEA (exemptions for Farm Land)

To Whom It May Concern,

In 2015 farmers in the Antelope Valley were given an exemption from SEA overlays on their "previously disturbed farm land." Farmers worked along side the Dept. of Regional Planning and various other groups, to establish that farm ground would not be affected by SEA's. Now, just a few years later, the SEA's are back! I strongly oppose the proposed removal of SEA's from farm land and would like to be assured the Regional Planning Commission hears of my opposition.

SEA's will place unnecessary restrictions on our farm property and destroy the value of our land.

Sincerely,



Brandon Calandri

cc: Supervisor Kathryn Barger

Calandri Farms, Inc.  
P.O. Box 6680  
Lancaster, CA 93539-6680

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Sup. Kathryn Berger  
Los Angeles Co. Board of Supervisors  
500 W. Temple St. Room 869  
Los Angeles, CA 90012

5001212723 0059





Oct 5, 18

Dept of Regional Planning  
Hall of Records  
320 W. Temple St., Rm 1360  
Los Angeles, Calif. 90012

Dear Dept of Regional Planning,

I oppose the Regional Planning's proposal to remove the SEA exemptions from disturbed farm land in the Antelope Valley. My Grandpa and Dad farmed here and now I farm with my son. We take care of the land and it takes care of us. We see the placing of SEA's on our farm as a taking of property rights! You will find more birds, rabbits, coyotes and other wildlife around our farming operation than you will in the middle of the desert. We have bird watchers show up regularly at our farm. But what you want to do could & would hamper our farming. Disturbed farm land should continue to be exempt from SEA's. I want to make sure that the Regional Planning Commission hears our position on the removal of SEA exemptions from farm land in the Antelope Valley.

Thank you Jailer Kyle - Kyle & Kyle Ranches  
CC: Sup. Kathy Barger

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2018 OCT 10 PM 4:19

DEPT OF REGIONAL PLANNING

(10/10/18)

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JACOB KYLE  
11202 E. Avenue H  
Lancaster, CA 93535  
661-609-8924

October 3, 2018

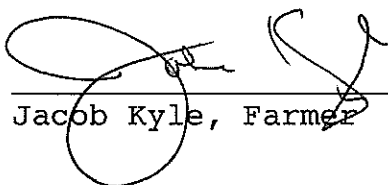
Dept. of Regional Planning  
Hall of Records  
320 W. Temple St., Room 1360  
Los Angeles, CA 90012

RE: SEA's exemption removal proposal

Dear Dept. of Regional Planning,

I am a 4th generation farmer in the Antelope Valley. As a farmer, I work to take care of our farm land; to produce a quality crop, to make a living for my family, provide products to our community, and employment for many individuals. Removing SEA exemptions from farm land is a destructive idea that will limit what land owners can do on their own ground and reduce the value of a farmers investment in his future - the land itself. Please be sure to pass my opposition of removing SEA exemptions to previously disturbed farm land along to the Regional Planning Commission.

Sincerely,

  
\_\_\_\_\_  
Jacob Kyle, Farmer

CC Supervisor Kathryn Barger

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2018 OCT 10 PM 4:20

DEPT OF REGIONAL PLANNING

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11/1/18  
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11/1/18

JULIE KYLE  
12345 E. Avenue J  
Lancaster, CA 93535  
661-946-1784

October 4, 2018

Dept. of Regional Planning  
Hall of Records  
320 W. Temple St., Room 1360  
Los Angeles, CA 90012

Dear Sir/Madam,

I would like to register my profound indignation with the current efforts of the Los Angeles County Department of Regional Planning to consider removal of SEA exemptions from Agricultural/Farm property in the Antelope Valley. I worked along side of the Blue Ribbon Committee, negotiating in good faith with the County and Dept. of Regional Planning, and now, 3 years later, we are again facing SEA overlays being placed on our farm ground.

What is the rationale behind removing the SEA exclusions from Agricultural now? Are expansion of SEA's appropriate? I see no substantiation for changing the SEA designations. Disturbed Agricultural ground and farms should continue to be exempt from being including in SEA's. The proposed blanket designations of additional SEA's on Agricultural property is being considered without satisfactory justification. The sudden change in designations of SEA's is not well documented and supported by science.

Farmers work along side of the natural environment and do not infringe on wildlife corridors. Farmers understand the value of our natural biological resources. Farmers do not want to do a biological review on their farm property if the property has been fallowed for a few years. Once again, disturbed farm ground needs to be exempt.

I am quite concerned SEA overlays will hinder our Valley's farmers and devalue our land.

I want to be assured the Regional Planning Commission hears our position in opposition of removing SEA exemptions from farm land.

Sincerely,



Julie Kyle

cc: Supervisor Kathryn Barger

RECEIVED

2018 OCT 10 PM 4:19

DEPT OF HEALTH PLANNING

From:

Richard Miner  
9678 Dawn Road  
Rosamond, Ca. 93560

DATE:

OCTOBER 6, 2018

To:

Dept of Regional Planning  
Hall of Records  
320 W. Temple St., Room 1360  
Los Angeles, Ca 90012

Dear Sirs:

I am a board member of the Los Angeles County Farm Bureau and I am a farmer. The recent change in your plans regarding SEA's is the reason for this letter.

I am personally not affected by the SEA designation. I do have farmer friends that are affected. I believe that existing farmland should not be re-zoned into the SEA classification. It is just that simple for me. Please reconsider your area plan decisions.

Sincerely,  
Richard Miner

RECEIVED

2018 OCT 10 AM 8:22

DEPT OF REVENUE



**Iris Chi**

---

**From:** Janet Lammon <lllummo62@gmail.com>  
**Sent:** Monday, January 28, 2019 8:35 PM  
**To:** DRP SEA  
**Subject:** SEA Ordinance public comment for the RPC hearing

To Whom it may concern,

The travesty of the SEA Ordinance is in the property value reduction without any compensation for lack of use of the land owned, bought and paid for by the principle owners. The tax structure remains the same without reduction for maintenance of the SEA Ordinance. This appears to be prime fodder for law suits (TORTS) based on the RICO laws and constitutional laws regarding property. Backing into public land and parks thru taking private citizen's land would also seem to be un- American.

Sincerely troubled by this over reach of Government,

Janet Lammon

## Iris Chi

---

**From:** Stephen Maxwell <sm1001ms@gmail.com>  
**Sent:** Wednesday, February 13, 2019 4:41 PM  
**To:** DRP SEA  
**Subject:** Re: SEA Landowner Comments

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hello,

I am providing comments on the version of the draft Ordinance provided here: <http://planning.lacounty.gov/site/sea/wp-content/uploads/2019/01/SEA-Ordinance-Public-hearing-Draft-1-28-2019.pdf> and the version of the implementation guide described here: <http://planning.lacounty.gov/site/sea/wp-content/uploads/2019/01/SEA-IG-Public-Hearing-Draft-1-28-2019.pdf>.

You had added an exemption P to address my concern that I wanted to be able to plant SEA native trees on my parcel within an SEA for aesthetic reasons or to replace naturally senescent trees that had provided aesthetic value, without requiring a permit or enforcement action prohibiting me from this sensible, reasonable improvement. As proposed, I read it as enabling of a different purpose, which is the removal or alteration of trees that had already already planted, perhaps before the time the Ordinance was adopted, although it's unclear. The implementation guide states that these trees "may be removed or altered without an SEA or Protected Tree permit." There is no mention about establishing the trees in the first place. I think the confusion stems from the language in the Ordinance itself, which contains no verb, in contrast to most other exemption terms:

"P. Introduced trees which qualify for protection under the definition of SEA Protected Tree, but which can be demonstrated to have been planted by a person for the purposes of affecting the architecture, climate, or aesthetics of a given place and are, therefore, considered landscape features. Documentation of the planting must be provided. Trees planted as mitigation do not qualify as introduced."

The following would be a much clearer wording, if you keep a single exemption:

"P. **Introduction of** trees which qualify for protection under the definition of SEA Protected Tree, but which can be demonstrated to have been planted by a person for the purposes of affecting the architecture, climate, or aesthetics of a given place and are, therefore, considered landscape features, **or subsequent removal or other alteration of only those trees that qualify as introduced. Removal or other alteration of an introduced tree shall require** documentation of the **introduction**. Trees planted as mitigation do not qualify as introduced."

The way you had it worded, planting SEA Native Trees was not clearly exempt, only the removal or alteration of trees that you had earlier introduced. Also, I don't need to provide you documentation when I introduce a tree, only when I try to remove or alter it later, because you need to know whether I planted it in the first place for aesthetic reasons or whether it was established naturally.

Stephen

## NOTICE OF PUBLIC HEARING

The Los Angeles County Regional Planning Commission will conduct a public hearing to consider the project described below. You will have an opportunity to testify, or you can submit written comments to the planner below or at the public hearing. If the final decision on this proposal is challenged in court, testimony may be limited to issues raised before or at the public hearing.

**Hearing Date and Time:** Wednesday February 27, 2019 at 9:00 a.m.

**Hearing Location:** 320 West Temple St., Hall of Records, Rm. 150, Los Angeles, CA 90012

**Project & Permit(s):** Project No. 2017-003723 – Significant Ecological Areas (SEA) Program Update

General Plan Amendment No. RPPL2018003985 - SEA Program Update – Conceptual SEAs

Advance Planning No. RPPL2017006228 - SEA Program Update – SEA Ordinance

Environmental Assessment No. RRPL2018004477

**Project Location:** Countywide within SEAs

**Environmental Documentation:** Class 8 - Actions by Regulatory Agencies for Protection of the Environment (SEA ordinance) and Addendum to Certified Final EIR Project 02-305 Los Angeles County General Plan (Conceptual SEAs).

**Project Description:** The Conceptual SEAs project is an amendment to the General Plan to remove all text references to “Conceptual SEAs” and amend Figure 9.3 to designate the Altadena Foothills and Arroyos and the Puente Hills “Conceptual SEAs” as official “SEAs” and subject to the SEA Ordinance. General Plan Implementation Program C/NR-2 SEA Ordinance will make changes to the SEA Ordinance in Los Angeles County Code Title 22, which regulate permitting, design standards, and the review process for development within SEAs.

For more information regarding this application, contact **Iris Chi**, Los Angeles County Department of Regional Planning (DRP), 320 W. Temple St., Los Angeles, CA 90012. Telephone: (213) 974-6461, Fax: (213) 626-0434, E-mail: [ichi@planning.lacounty.gov](mailto:ichi@planning.lacounty.gov). Case materials are available online at [planning.lacounty.gov/site/sea/meetings](http://planning.lacounty.gov/site/sea/meetings) or at the East Los Angeles Library (4837 E. 3<sup>rd</sup> St., Los Angeles, CA 90022), Graham Library (1900 E. Firestone Blvd., Los Angeles, CA 90001), Topanga Library (122 N. Topanga Canyon Blvd., Topanga, CA 90290), Hacienda Heights Library (Steinmetz Park, 1545 S. Stimson Ave., Hacienda Heights, CA 91745), Rowland Heights Library (1850 Nogales St., Rowland Heights, CA 91748), Altadena Library (600 E. Mariposa St., Altadena, CA 91001), Acton Agua Dulce Library (33792 Crown Valley Rd., Acton, CA 93510), Lake Los Angeles Library (16921 E. Avenue O, #A, Palmdale, CA 93591), and Lancaster Regional Library (601 W. Lancaster Blvd., Lancaster, CA 93534). All correspondence received by DRP shall be considered a public record.

If you need reasonable accommodations or auxiliary aids, contact the Americans with Disabilities Act (ADA) Coordinator at (213) 974-6488 (Voice) or (213) 617-2292 (TDD) with at least 3 business days’ notice. **Si necesita más información por favor llame al (213) 974-6427.**



# Los Angeles County Department of Regional Planning

*Planning for the Challenges Ahead*



Amy J. Bodek, AICP  
Director

Dennis Slavin  
Chief Deputy Director

## **SUPPLEMENTAL REPORT TO THE REGIONAL PLANNING COMMISSION**

---

DATE ISSUED:	February 21, 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	
CASE PLANNER:	Iris Chi, AICP, Regional Planner ichi@planning.lacounty.gov	

---

Staff is submitting additional materials for the above-mentioned item in addition to the staff report package submitted to your Regional Planning Commission ("Commission") on February 14, 2019. This supplemental package contains:

- Minor correction to the SEA Ordinance - Public Hearing Draft (February 2019)
- Revised Draft Resolution (Exhibit A)
- Additional public comment letters (Exhibit B)

### Minor correction to the SEA Ordinance

A minor correction was made to the Draft Significant Ecological Areas ("SEA") Ordinance marked as Exhibit C of the staff report package submitted February 14, 2019. Subsection 22.102.140.B.4 was revised to clarify that habitat restoration projects will need to meet the spirit of the SEA Conditional Use Permit ("SEA CUP") Findings to be considered as a habitat restoration project. Please see below for the correction (shown as highlighted). Revisions will be made to the Draft Implementation Guide to reflect the changes made to the Ordinance.



#### 22.102.140 Review Procedures for Habitat Restoration Projects

Proposed habitat restoration, if not required as a mitigation for an approved permit, shall submit for a review by the Department of a restoration or enhancement plan that ~~illustrates~~ demonstrates how ~~an area is proposed to restore~~ habitat function consistent with this Chapter shall be restored.

A. **Information Required.** A Restoration Plan shall be submitted. An existing plan or equivalent that fulfills the requirements of a Restoration Plan may be accepted as a substitute.

B. **Review.**

1. The Director, in consultation with the County Biologist, shall review the project proposal.
2. **Site Visit.** A site visit by the County Biologist may be deemed necessary by the Director ~~or County Biologist~~ to adequately evaluate the impacts to SEA Resources.
3. Subsequent activities that fall within the scope of the approved restoration or enhancement plan shall not require further review by the Department.
4. If the proposed habitat restoration projects is not found to shall be required to demonstrate how the project substantiates Subsection 22.102.080.D (Findings), then a SEA CUP shall be required per Section 22.102.080 (SEA Conditional Use Permit).

Revised Draft Resolution

Exhibit A contains the revised Draft Resolution. Additional language was added to summarize previous public hearings and discussions that the Commission conducted over the history of the SEA Program Update.

Additional public comment letters

Exhibit B contains the additional public comment letters received since the staff report package was submitted to your Commission.

Should you have any questions regarding any of the hearing materials submitted to the Commission, please contact Iris Chi in the Environmental Planning and Sustainability Section at 213-974-6461 or [sea@planning.lacounty.gov](mailto:sea@planning.lacounty.gov).

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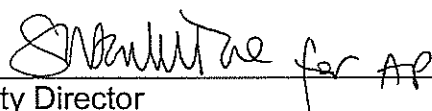
Report

Reviewed By:

  
Patricia Hachiya, Supervising Regional Planner

Report

Approved By:

  
Deputy Director

---

**LIST OF ATTACHED EXHIBITS**

EXHIBIT A	Revised Draft Resolution of the Regional Planning Commission
EXHIBIT B	Additional Public Comment Letters





**DRAFT RESOLUTION  
REGIONAL PLANNING COMMISSION  
COUNTY OF LOS ANGELES  
PROJECT NO. 2017-003725-(1-5)  
ADVANCE PLANNING NO. RPPL2017006228  
GENERAL PLAN AMENDMENT NO. RPPL2018003985  
ENVIRONMENTAL ASSESSMENT NO. RPPL2018004477**

**WHEREAS**, pursuant to Article 6 of Chapter 3 of Division 1 of Title 7 of the Government Code of the State of California (commencing with Section 65350), the County of Los Angeles ("County") is authorized to adopt amendments to its General Plan and elements thereof;

**WHEREAS**, pursuant to Article 1 of Chapter 4 of Division 1 of Title 7 of the Government Code of the State of California (commencing with Section 65800) and Chapter 22.232 of the County Code, the County is authorized to adopt amendments to Title 22 of the County Code (Planning and Zoning);

**WHEREAS**, the Regional Planning Commission of the County of Los Angeles ("Commission") has conducted a duly noticed public hearings on October 8, 2014; December 10, 2014; May 17, 2017; July 12, 2017; November 8, 2017; September 26, 2018; and February 27, 2019 to consider Project No. 2017-003725-(1-5) which includes amendments to the General Plan and Title 22 (~~Planning and Zoning~~) of the Los Angeles County Code (~~"County Code"~~) related to the Significant Ecological Areas Program ("SEA") Update; and

**WHEREAS**, the Commission finds as follows:

1. 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.
2. The SEA Ordinance is a countywide ordinance that 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 SEA Ordinance update. The Santa Catalina Island CRA will also be subject to the 1982 ordinance until the Santa Catalina Island Local Coastal Program is amended.

**Regional Planning Commission**  
**SEA Program Update**  
**Draft Resolution**

3. The Conceptual SEA Update is an amendment to the General Plan 2035 ~~that will to~~ make minor text changes and mapping changes ~~in order~~ to make the Conceptual SEAs become full SEAs and subject to the new SEA ordinance. During the General Plan 2035 adoption process, County the Board of Supervisors ~~decided to~~ 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 County Department of Regional Planning (“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.
4. The SEAs categorized as “Conceptual” amended per General Plan Amendment No. RPPL2018003985} are located in the communities of Altadena (Altadena Foothills and Arroyos SEA), and Hacienda Heights and Rowland Heights (Puente Hills SEA).
5. The SEA Ordinance Update proposes changes to the permitting and review processes, establishes new design and development standards, requires mandatory open space preservation, and enforces unpermitted activities in the SEAs. These include:

Development Standards and Thresholds

Standard industry-recognized concepts were used 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.

Preliminary Biological Review

In the ~~updated~~ new 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.

Streamlined Review Process

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

**Regional Planning Commission**  
**SEA Program Update**  
**Draft Resolution**

designed projects to accommodate the biological constraints of the property. In the ~~updated~~ new 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 nor be reviewed by the SEA Technical Advisory Committee ("SEATAC").

Natural Open Space Preservation

Both Ministerial SEA Reviews and SEA CUPs will be required to provide natural open space preservation. The ratios for open space preservation are based on the amount and type of SEA Resources disturbed.

SEA Protected Trees

The SEA Protected Trees development standard and Protected Tree Permit were developed to better assess impacts on native trees in the SEAs. Mitigation ratios were developed for the Protected Tree Permit. The Protected Tree Permit will allow for development that otherwise meets all development standards except for the SEA Protected Trees development standard.

Enforcement

Any activity defined as development in the SEAs prior to an approved permit, is prohibited. A Ministerial SEA Review or SEA CUP shall be obtained to assess the impacts of the unpermitted development and require necessary mitigations. If neither permit is obtained, then a Restoration Permit shall be required to restore the disturbed area to a close resemblance of its original natural habitat.

6. The SEA Ordinance and Conceptual SEA Updates work towards achieving General Plan Goal C/NR 3. In comparison to the existing SEA Ordinance, the ~~updated~~ new SEA Ordinance is more protective of the natural habitats that ~~make up~~ comprise the SEAs. The ~~updated~~ new SEA Ordinance requires preliminary assessment of biological resources to guide sustainable development and provides for permanent preservation of sensitive habitats. The adoption of the Conceptual SEAs as part of the SEA policy map will ensure additional protections for those areas.
7. 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

**Regional Planning Commission**  
**SEA Program Update**  
**Draft Resolution**

setbacks from SEA Resources. The requirement of natural open space preservation enables permanent protection of within the SEAs.

8. 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 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 Certified Final EIR fully analyzed the areas categorized as Conceptual SEAs as part of the proposed Altadena Foothills and Arroyos, and Puente Hills SEAs. The General Plan EIR did not make any specific mention of Conceptual SEAs. 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.~~
9. County departments were consulted during the Project’s development. Departments consulted include Public Works, Public Health, Parks and Recreation, and Fire. Comments and recommendation on review procedures for County projects were received from County departments and were incorporated into the Public Hearing Draft of the SEA Ordinance and Implementation Guide.
- ~~10. The Department conducted a robust public engagement campaign during the period from March to September 2018. 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.~~
10. On October 8, 2014, the Commission conducted a continued public hearing for the General Plan 2035 Update. The SEA Program Update was a part of the General Plan Update which included updated boundaries, policies, and updated ordinance. Staff recommended that the SEA Ordinance be taken off calendar to allow additional time to address stakeholders concerns regarding the SEA Ordinance, and to allow for more comprehensive community-level outreach; the remaining pieces of the SEA Program Update progressed with the General Plan 2035 Update. Thirteen individuals testified at the hearing. The majority spoke in opposition of the expansion of SEAs on mining properties, agricultural areas, and Economic Opportunity Areas proposed in the Antelope Valley Area Plan Update, and expressed concerns over the implementation of the SEA Ordinance. One individual spoke in support of the SEA Program, with recommendations to change the SEA Ordinance. Three individuals inquired about zoning consistency and the impact on a specific property in Kinneloa Mesa.

**Regional Planning Commission**  
**SEA Program Update**  
**Draft Resolution**

11. On December 10, 2014, the Commission conducted a continued public hearing for the General Plan Update. The Commission considered the General Plan Update in its entirety and the Final EIR, closed the public hearing, and recommended the EIR and General Plan Update to the Board for approval. Seven individuals testified at the hearing on various topics. Regarding SEAs, one individual expressed concerns over not having been notified of the changes to the SEA Program. Another individual commented on the importance of maintaining the proposed SEAs, and suggested that some large sites in the East San Gabriel Valley be designated Rural Land 40 (RL 40) to prevent parcel fragmentation. The Commission expressed concerns over the proposed SEAs in existing community plan areas. Before closing the public hearing related to SEAs, the Commission directed staff to designate proposed expanded SEAs within the communities of Altadena, Hacienda Heights and Rowland Heights as "Conceptual SEAs," and add language to clarify that the Conceptual SEAs be further considered and effective upon the preparation of community-based planning efforts. It was noted that the existing adopted SEA boundaries within these areas will remain in place and will not be affected by the designation of proposed expanded SEAs as Conceptual SEAs.
12. On May 17, 2017, the Commission conducted a duly-noticed public hearing where staff gave a presentation on the history of the SEA Program and the latest updates to the SEA Ordinance. The Commission heard from a number of testifiers and continued the hearing to provide additional time for public review and comment and for staff to further refine the draft language to be consistent with the Zoning Code Technical Update. The Commission continued the public hearing to July 12, 2017 and requested that staff return with a document responding to the comment letters received.
13. On July 12, 2017, the Commission conducted a continued public hearing. The Commission requested further clarification on portions of the updated SEA Ordinance. The Commission also had questions on the relationship between the SEA Ordinance and the then-pending Accessory Dwelling Units Ordinance. The Commission requested information on the number of permits processed, the draft Implementation Guide, and the overall intent and purpose of the SEA Ordinance. The Commission also directed staff to conduct additional outreach given that there was only one testifier in attendance.
14. On November 8, 2017, the Commission conducted a continued public hearing. Staff provided additional information in response to questions and comments raised by the Commission at the July 12, 2017 public hearing. Staff also introduced an alternative approach for the SEA Ordinance that would incorporate an early biological review to streamline the process and help design projects that avoid or minimize impacts. Staff requested that the SEA Ordinance be taken off calendar to allow Staff to revise the ordinance, complete the SEA Implementation Guide, allow the Santa Monica Mountains North Area Plan effort to proceed



**Regional Planning Commission**  
**SEA Program Update**  
**Draft Resolution**

separately in developing more specific policies and standards for the Santa Monica Mountains SEA based on habitat mapping, and allow for further outreach. The Commission took the matter off calendar.

15. On March 14, 2018, Staff presented an updated on the SEA Ordinance to the Commission as a Discussion Item. Staff presented the Public Review Draft of the SEA Ordinance and Implementation Guide, and notified the Commission of the start of a 75-day public review period.
16. The Department conducted a robust public engagement campaign during the period from March to September 2018. 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.
17. On September 26, 2018, the Commission conducted a duly-noticed public hearing on the draft SEA Ordinance and Implementation Guide. Staff introduced Conceptual SEA Update also be updated. Staff recommended that the Conceptual SEAs in the communities of Altadena, Rowland Heights, Hacienda Heights be adopted as official SEAs. Staff reported that the recommendation was a result of constituents in those communities wanting the conceptual SEAs to become official SEAs. 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 CUPs, applicability of the Ordinance to already submitted applications, and notifications of approved Ministerial SEA Reviews. The Commission requested clarification on the definition of heritage trees, performance standards for mitigation trees, and cost estimates for additional County 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. The Commission continued the matter off calendar to allow for staff to make the requested changes and address issues raised by the Commission and members of the public.

18. Reserved for Hearing Proceedings.

19. Members of the public had three four opportunities to comment on the draft SEA Ordinance since the project was taken off of the General Plan Update. The first comment period for Drafts No. 7, 8, and 9 during the May 17 and July 12, 2017 Commission public hearings. The first second comment period for the Public Review Draft was from March 14 to May 31, 2018. The comments received included the Antelope Valley exemptions, protection of Conceptual SEAs, applicability of the SEA Ordinance. The second third comment period for the

**Regional Planning Commission  
SEA Program Update  
Draft Resolution**

Public Hearing Draft (September 2018) was from August 27, 2018 to September 26, 2018. The ~~third~~ fourth comment period for the Public Hearing Draft (February 2019) was from January 28, 2019 to February 27, 2019.

- ~~4220.~~ 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.
- ~~4321.~~ 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.
- ~~4522.~~ The location of the documents and other materials constituting the record of proceedings upon which the Commission's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Environmental Planning and Sustainability section, ~~Los Angeles County of the Department of Regional Planning;~~

**THEREFORE, BE IT RESOLVED THAT** the Regional Planning Commission recommends to the Board of Supervisors of the County of Los Angeles as follows:

1. Hold a public hearing to consider Project No. 2017-003725-(1-5), which includes General Plan Amendment No. RPPL2018003985, Advance Planning No. RPPL2017006228, and Environmental Assessment No. RPPL 2018004477;
2. Find that the Addendum to the Certified Final EIR for the Los Angeles County General Plan Update Project 02-305 has been prepared in compliance with the California Environmental Quality Act and state and local agency guidelines related thereto and reflect the independent judgement of the Board;
- ~~43.~~ Adopt the Conceptual SEAs Update, General Plan Amendment No. RPPL2018003985, an amendment to the General Plan which designates the Altadena Foothills and Arroyos and the Puente Hills Conceptual SEAs as official SEAs and subject to the regulations of the SEA Ordinance; and

**Regional Planning Commission  
SEA Program Update  
Draft Resolution**

34. Adopt the SEA Ordinance Update, Advance Planning No. RPPL2017006228, containing the proposed amendments to Title 22 (Planning and Zoning), and determine that the amendments are compatible with and supportive of the goals and policies of the Los Angeles County General Plan.

I hereby certify that the foregoing resolution was adopted by a majority of the voting members of the Regional Planning Commission of the County of Los Angeles on February 27, 2019.

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Rosie O. Ruiz, Secretary  
Regional Planning Commission  
County of Los Angeles

APPROVED AS TO FORM:

MARY C. WICKHAM  
County Counsel

By 

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Elaine Lemke  
Assistant County Counsel  
Property Division

# ENDANGERED HABITATS LEAGUE

DEDICATED TO ECOSYSTEM PROTECTION AND SUSTAINABLE LAND USE



February 19, 2019

*VIA ELECTRONIC MAIL*

Elvin W. Moon, Chair  
Los Angeles County Regional Planning Commission  
320 W. Temple Street, 13<sup>th</sup> Floor  
Los Angeles, CA 90012

Environmental Planning & Sustainability Section  
Los Angeles County Department of Regional Planning  
320 W. Temple Street, Room 1354  
Los Angeles, CA 90012

**RE: Item 7; Project No. 2017-003723 – Significant Ecological Areas (SEA)  
Program Update General Plan Amendment No. RPPL2018003985 – SEA  
Program Update – Conceptual SEAs Advance Planning No. RPPL2017006228 –  
SEA Program Update – SEA Ordinance Environmental Assessment No.  
RRPL201800447; Hearing Date, February 27, 2019 — *SUPPORT***

Dear Chairperson Moon and Members of the Commission:

Endangered Habitats League (EHL) and the undersigned organizations ***support*** the adoption of this Ordinance, as revised on January 28, 2019, and associated General Plan Amendment. EHL is a Southern California regional conservation group which has been actively engaged in the SEA process. *This letter is also sent on behalf of Palos Verdes/South Bay Audubon Society, Los Angeles Audubon Society, Audubon California, Hills for Everyone, Natural Resources Defense Council, Transition Habitat Conservancy, The Urban Wildlands Group, and The Nature Conservancy.*

Years of thoughtful effort and stakeholder outreach have yielded a sound and important accomplishment. The conversion of “Conceptual SEAs” to official SEAs is a vital improvement that has been retained in the current version. We are, however, disappointed that this iteration does not remove the wholly unscientific and unjustified exemptions for single family homes and previously disturbed farmland in the Antelope Valley. *We therefore ask you to include in your motion a recommendation to remove these exemptions as soon as possible.*

The essence of what this Ordinance accomplishes is the successful combination of project streamlining with the principles of conservation biology. Indeed, a ministerial process can supersede the need for SEA Conditional Use Permits, which, with their many ambiguities, were the mainstay of the old ordinance. Simplified compliance with the Development Standards now serves as a positive incentive for applicants.

Construction of single-family homes on legal lots and new subdivisions of land will all benefit. Clear, up-front, and biologically based requirements for amount and configuration of natural open space, as well as standardized mitigation ratios, will ensure that the goal of the ordinance—protection of precious SEA resources during development—will actually be met. As noted by the U.S. Fish and Wildlife Service, these development standards will also simplify any necessary federal permitting.

Staff has wisely put in place a consultative process for the *early* identification of biological constraints, so that applicants' time and money is not wasted. And an illustrated Implementation Guide provides detailed guidance for compliance.

Finally, we note that prior Commission direction to bring site design considerations into the findings for SEA Conditional Use Permits has resulted in additional improvements to that process.

Over the years, numerous changes have led to an Ordinance that gets the “big picture” of resource protection right and also includes many important details, from night lighting to non-reflective glass which will save the lives of birds. While we could suggest additional improvements, a threshold has been crossed, and the time has come to adopt and move forward, accompanied by the recommendation to expeditiously remove the Antelope Valley exemptions.

Thank you for considering our views.

Yours truly,



Dan Silver  
Executive Director

Jess Morton  
*Treasurer*  
Palos Verdes/South Bay Audubon Society

Claire Schlotterbeck  
*Executive Director*  
Hills for Everyone

Damon Nagami  
*Senior Attorney*  
Natural Resources Defense Council

Catherine Rich  
*Executive Officer*  
The Urban Wildlands Group

Travis Longcore  
*Conservation Chair*  
Los Angeles Audubon Society

Jill Bays  
*President*  
Transition Habitat Conservancy

Shona Ganguly  
*Assoc. Director, Advocacy & Campaigns*  
The Nature Conservancy

Garry George  
*Renewable Energy Director*  
Audubon California



# **Puente Hills Habitat Preservation Authority**

Endowment Provided by the Puente Hills Landfill

February 19, 2019

David W. Louie, Chair  
Los Angeles County Regional Planning Commission

c/o Los Angeles County Department of Regional Planning  
Environmental Planning & Sustainability Section  
Attn: Iris Chi, AICP, Planner  
320 W. Temple Street, 13<sup>th</sup> Floor  
Los Angeles, CA 90012  
[sea@planning.lacounty.gov](mailto:sea@planning.lacounty.gov)

## **Regarding: Comments on Significant Ecological Area Ordinance**

Dear Chair Louie and Members of the Commission:

The Puente Hills Habitat Preservation Authority (Habitat Authority) appreciates the opportunity to comment on the final draft of the Significant Ecological Area (SEA) Ordinance.

The Habitat Authority is a joint powers authority established pursuant to California Government Code Section 6500 *et seq.* with a Board of Directors consisting of the City of Whittier, County of Los Angeles, Sanitation Districts of Los Angeles County, and the Hacienda Heights Improvement Association. According to its mission, the Habitat Authority is dedicated to the acquisition, restoration, and management of open space in the Puente Hills for preservation of the land in perpetuity, with the primary purpose to protect the biological diversity. Additionally, the agency endeavors to provide opportunities for outdoor education and low-impact recreation. The Habitat Authority owns and or manages over 3,800 acres which lie within the Cities of Whittier and La Habra Heights, as well as in the County unincorporated area of the Puente Hills known as Hacienda Heights.

Overall, the Habitat Authority recognizes the need for an updated SEA Ordinance to protect sensitive ecological areas of the County of Los Angeles. We are supportive in concept of this final draft including making conceptual SEAs permanent with adoption of the ordinance, but have remaining reservations.

**Exempt Government Open Space Land Managers from the Ordinance** - Organizations and especially public land management agencies that do not collect public tax dollars and whose main mission are in alignment with the goals of the Ordinance, such as the Habitat Authority, should be considered exempt from the Ordinance including its fee structure. Government organizations are held accountable to a higher standard of transparency and due diligence in their process and conduct. This extra layer of regulating for planning and routine management is significant for a small agency





such as ours. Additionally, if this ordinance is to apply to local government agencies, we recommend that it also apply to all county departments.

Thank you for your consideration of our comments. Feel free to contact me or Andrea Gullo, Executive Director, at (562) 945-9003 or [agullo@habitatauthority.org](mailto:agullo@habitatauthority.org) for further discussion. Also, please maintain our agency on the contact list for this planning process regarding the SEA Ordinance.

Sincerely,

A handwritten signature in black ink, appearing to read "Bob Henderson". The signature is fluid and cursive, with the first name "Bob" being more prominent than the last name "Henderson".

Bob Henderson  
Chairman

cc: Board of Directors  
Citizens Technical Advisory Committee

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>Since animals move and generally flee or hide when <del>biological human activity is detected surveys are underway</del>, 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 <u>scat, tracks, and</u> special habitat features such as nests, dens, burrows, and roosts. <u>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>

Clarification as to whether the Implementation Guide is part of the Ordinance and will be approved by the Board.	Acton TC	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.
SEA Ordinance does not articulate the use restrictions for preserved open space.	Acton TC	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.
Concerned that property owners will need to pay property taxes in perpetuity on preserved open spaces.	Acton TC	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.
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.	Acton TC	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.  CA Civil Code 815.3 is cited in the Implementation Guide to define qualified entities to accept a conservation easement.  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.
Concerned that removal of dead of fallen trees require a Protected Tree Permit as dead trees may be a fire safety hazard	Acton TC	Dead or fallen trees that are considered a safety hazard can be removed through an emergency permit issued by the Foresters.
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.	Acton TC	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.



Iris Chi  
Department of Regional Planning  
County of Los Angeles  
320 W. Temple Street  
Los Angeles, CA 90012.

January 15, 2019

Subject: Supplemental Comments Solicited by the Department of Regional Planning from the Acton Town Council on the Draft SEA Ordinance.

Reference: Meeting between the Department of Regional Planning and the Acton Town Council October 29, 2018.

Dear Ms. Chi;

The Acton Town Council ("ATC") greatly appreciates the efforts that you, Ms. Hikichi, and Ms. Mongolo have put forth to address concerns raised by Acton residents regarding the draft Significant Ecological Area ("SEA") Ordinance. We also appreciate the meeting on October 29 that you put together between the Department of Regional Planning ("DRP") and Acton residents. Several important issues were addressed at the meeting; some matters were resolved and others resulted in the ATC's commitment to complete a "homework" assignment pertaining to "set aside" ratios and other key elements of the Draft Ordinance. The purpose of this letter is to set forth our understanding of the issues that have been resolved, and to report to you the results of our completed "homework". We have also included a section addressing concerns and clarification requests that the ATC has received from residents attending recent community meetings (the latest being the meeting convened December 17, 2018).

The ATC recently learned that DRP staff intend to make a presentation regarding the Draft SEA Ordinance at the January meeting of the Association of Rural Town Councils, and we recognize that, during this scheduled presentation, some or all of the outstanding issues set forth below may be addressed. If this happy coincidence occurs, then the ATC will submit a revised comment letter which removes the issues and concerns addressed by the staff presentation.

***Matters Resolved:***

The ATC understands that the following will be reflected into the next draft of the SEA Ordinance:



1. Facilities located within an SEA that have an existing CUP will not be subject to SEA CUP requirements when they renew their CUP; rather, they will be subject to a ministerial process involving a site plan and biological survey. The Draft SEA Ordinance will be revised to reflect this.
2. Any land that is "set aside" for preservation purposes pursuant to the SEA Ordinance will not be restricted in any way which precludes access or egress by vehicles or emergency response equipment during any emergency event that threatens life or property. This term will apply to all lands, including those granted to a government entity, land conservation organization, mitigation bank, or land bank, and those preserved by any other means including, but not limited to, a conservation easement, deed restriction, or covenant.

***ATC "Homework" Completed:***

The following recommendations and supplemental information have been compiled over the last ten weeks from public comments that the ATC has received and research that the ATC has conducted:

1. The alternate version of the Draft SEA Ordinance specifies that the exemption for single family residential/accessory use development in the Antelope Valley Plan Area applies only to those properties "Within the Antelope Valley Area Plan portion of eastern Santa Clara River SEA, and outside of the National Forest". At the October 29 meeting, the ATC explained that this alternative is somewhat problematic because it would omit more than 60 Acton parcels from the single-family residential exemption in a manner that is not consistent with the 2015 Board motion that adopted the Antelope Valley Area Plan and its attendant SEA Boundary exemption. The ATC suggested that this problem can be eliminated by recognizing the bright-line distinction between the San Gabriel Mountains National Monument (which encompasses all of the 60+ Acton Parcels of concern) and the Angeles National Forest (which does not encompass any Acton parcels). The ATC committed to providing DRP with a USDA Forest Service map showing this distinction; the map is provided in the attached Figure 1. The ATC requests that you consider this map and amend the proposed alternative SEA Ordinance to recognize the distinct difference between the Angeles National Forest and the San Gabriel Mountains National Monument in a manner which ensures that no Acton parcels are omitted from the single family/accessory use exemption. For instance, the language of the alternative could be revised to apply the exemption only to properties "Within the Antelope Valley Area Plan portion of eastern Santa Clara River SEA, omitting therefrom all such areas inside the National Forest, but including therein all such areas inside the San Gabriel Mountains National Monument".

2. The ATC has solicited extensive public comment regarding the "set aside" ratios established in Table 5 of the SEA Guidelines, and convened public discussions regarding the Draft SEA Ordinance in general and these "set aside" ratios in particular on December 3 and December 17, 2018. The following is a synopsis of what was gathered:
- Category 4 lands represent natural communities that commonly occur within the county and encompass "apparently secure" habitat, thus Category 4 lands are not "biologically sensitive" (as that term is used in the adopted Antelope Valley Area Plan). Yet, the SEA Guidelines establish a 2:1 "set aside" ratio to mitigate disturbances to Category 4 resources (see Table 5) and thus require property owners to give the equivalent 67% of such disturbed lands to a land conservancy or otherwise dedicate it as "open space". Given that Category 4 lands themselves are not "biologically sensitive", it is not clear how taking 67% of such lands from property owners will further any of the biological resource protection goals or policies set forth in adopted planning documents. It is also not clear why any taking is even warranted, given that the land is not "biologically sensitive", thus disturbing it results in no real or substantive biological resource impacts. Moreover, nearly all the lands within the Acton SEA are (and will continue to be) large lots that, for the most part, are dedicated to residential purposes, thus they are limited to a total impervious surface area of 10% [County Code Section 22.44.126(C)(4)(a)]. These parcels are also restricted to a 10% vegetation removal limit [County Code Section 22.44.126(C)(2)]. Thus, 90% of nearly all the private property in the Acton SEA is already protected from "covering" development and vegetation removal anyway. Given this, the ATC contends that Category 4 lands within the Acton SEA should not be subject to any "set aside" requirements.
  - From the description provided in the SEA Guidelines, it appears that Category 5 lands are not biologically sensitive, support no distinct natural community, have non-native species, and/or are already "cleared". Nonetheless, the SEA Guidelines mandate a 1:1 (or 50%) "set aside" ratio to mitigate disturbances to Category 5 resources (see Table 5). Given that Category 5 lands themselves have no identifiable biological resource value, it is not clear how "taking" 50% of such lands from property owners will further any of the biological resource protection goals or policies set forth in adopted planning documents. In fact, it is not clear why any "taking" of Category 5 resources is warranted at all, given that 1) disturbing it results in no real or substantive biological resource impacts; and 2) nearly all of the private property within the Acton SEA is used for residential and accessory purposes and thus already protected from "covering" development and vegetation removal (as discussed above). Therefore, the ATC contends that private property designated as "Category 5" lands within the Acton SEA should not be subject to any "set aside" requirements.

- Category 3 lands include those lands that are currently secure but may become vulnerable in future. Nonetheless, the SEA Guidelines mandate a 3:1 "set aside" ratio to mitigate disturbances to Category 3 resources (see Table 5) and thus compel property owners to give 75% of such lands to a land conservancy or otherwise dedicate it as "open space". There has been extensive debate in Acton regarding the appropriateness of a 3:1 mitigation ratio for the currently secure biological resources supported by Category 3 lands, particularly in light of the substantial native vegetation protection provisions and impervious surface restrictions already imposed on nearly all the lands within the Acton SEA. Acton residents are concerned by the lack of quantitative evidence demonstrating any need to take 75% of a property to protect already "secure" biological resources. Therefore, the ATC respectfully requests that the DRP provide compelling and quantitative evidence demonstrating that the biological resource protection provisions, policies and goals established by adopted planning documents will not be met unless 75% of biologically "secure" Category 3 lands are taken from the property owner and "set aside" for preservation; if no such evidence can be provided, then there should be no "set aside" ratio for Category 3 lands.
- Category 2 lands comprise two types: 1) "Juniper Woodland" and "Sensitive Native Resources"; and 2) "Imperiled Natural Communities". The Draft SEA Ordinance identifies a 4:1 (or 80%) "set aside" ratio for Category 2 resources, however the Guidelines provide no details regarding why or how "Juniper Woodland" resources merit a Category 2 designation or warrant an 80% "set aside". The ATC notes that virtually all juniper resources located in Los Angeles County occur within the transverse ranges (including the Verdugo Mountains, the San Gabriel Mountains, the Sierra Pelona, the Simi Hills, and even the Santa Susana and Santa Monica Mountains) and that most of these areas are already protected from disturbance because they are held within existing Land Conservancies, National Recreation Areas, National Monuments, National Forests, and BLM Lands. As discussed in detail below, the private property within the SEA in Acton is surrounded by thousands of acres of biologically similar (and already protected) woodland resources, thus, it does not seem necessary to "take" an additional 80% of private property in Acton to preserve biological resources that are already locally abundantly and protected in adjacent (and already dedicated) "open space". Therefore, the ATC respectfully requests that DRP provide compelling and quantitative evidence demonstrating that the biological resource protection provisions, policies and goals established by adopted planning documents will not be met unless 80% of local woodland occurring on private lands within the SEA in Acton lands are taken from the property owner and "set aside" for preservation purposes.

### ***Remaining Issues of Concern:***

The following concerns raised by Acton residents remain outstanding and the ATC respectfully requests that they be addressed in future revisions to the Draft SEA Ordinance and SEA Guidelines:

1. Residents have expressed concerns regarding the designation of "Juniper Woodland" as a Category 2 resource; this confers upon "Juniper Woodland" resources a higher protection status than "Oak Woodland" resources (notably, the SEA Guidelines designate "Oak Woodland" as a mere Category 3 resource). This is *remarkable* given that DRP has historically accorded "Oak Trees" the highest possible protection status. Nonetheless, the SEA Guidelines relegate "Oak Woodland" resources to Category 3, and catapult "juniper Woodland" resources to Category 2. The Guidelines provide no explanation for this, and they do not clarify why or how "Juniper Woodlands" warrant an 80% "set aside" ratio and a Category 2 protection designation that is generally reserved for G2/S2 resources. This is particularly mystifying given that the California Native Plant Society ("CNPS") designates the California Juniper as an S4/G4 species. The only relevant statement provided by the SEA Guidelines is that "Juniper Woodlands" are "much rarer or more significant on a local scale than they are on a global, state, or even regional scale" [see page 29]. However, the SEA guidelines provide no supporting information to substantiate this declaratory claim that juniper woodland is "rare" on a "local level". Worse yet, the guidelines fail to provide appropriate thresholds for the determination of whether "local" stands of Juniper Woodland are indeed "rare" and therefore warrant a 4:1 "set aside" ratio. And, contrary to what the SEA Guidelines state, published data conclusively reveal that "Juniper Woodland" resources in Southern California are neither "rare" nor "significant" on any scale ("local" or otherwise) within the transverse ranges where they typically occur. In fact, in the "local" areas along the north slopes of the San Gabriel Mountains (where Acton lies), there are extensive "juniper woodland" resources, and most of them are already preserved and protected. For instance, the U.S. Forest Service estimates that the combined area of juniper and pinyon woodlands found within the "Desert Montane" of Southern California is approximately 350,000 acres [see page 21 of the U.S. Forest Service's "Southern California Mountains and Foothills Assessment" report found at [https://www.fs.fed.us/psw/publications/documents/psw\\_gtr172/psw\\_gtr172.pdf](https://www.fs.fed.us/psw/publications/documents/psw_gtr172/psw_gtr172.pdf) ]. This report also indicates that, on the "desert side" of the San Gabriel Mountains (where Acton is located), there are 26,000+ acres of such woodlands [Page 33 and Table 2.13 of the USFS assessment cited above] and that 79% of these "local" woodland resources occur on public lands and are therefore already protected [Table 2.13 of the USFS assessment cited above]. Furthermore, the existing protections already accorded these "local" woodland resources in Acton were recently increased and rendered permanent by President Obama's 2014 proclamation that created the San Gabriel Mountains National Monument. Additional analysis via the County's GIS system further

demonstrates that most of what could be deemed "local" juniper woodland and other resources in and around Acton's SEA are already preserved and therefore do not warrant a Category 2 designation (nor do they warrant a Category 3 designation). Specifically, and according to the County's GIS System, the SEA in Acton occupies approximately 17,000 acres, and, as the DRP is aware, much of it supports Junipers (though many junipers have been eliminated by numerous area fires that have occurred since 2004). The GIS system also reveals that 8,750 acres of this SEA area are already preserved as designated "Open Space" lands, and that an additional 1,300 acres of preserved Open Space land also lie near, but outside, both the SEA and the National Monument boundaries. The GIS system also reveals that there is an additional 4,500+ acres of designated "Open Space" woodland immediately adjacent to the SEA boundary in Acton which is already fully protected because it lies within the National Monument. As indicated in Figures 2 - 4, these 4,500+ acres have "woodland" and other resources similar to those lying within the SEA in Acton because they surround, and lie immediately adjacent to, the SEA in Acton. Taken together, these facts demonstrate that there is already more than 14,500 acres of preserved, "Open Space" occurring within and adjacent to the SEA in Acton; *this is more than 85% of the total 17,000 acres captured by the entire SEA in Acton.* In other words, the existing, "local", "open space" area within and surrounding the SEA in Acton already exceeds 85% of total SEA area in Acton; *these lands will remain permanently preserved and fully intact even if all of the privately held non-open space lands within the Acton SEA were entirely stripped of all vegetation.* So, there is no need to "take" any private lands within Acton to achieve the 80% "open space" preservation goal set for Category 2 resources. Nor is there any similar need to "take" private lands to achieve the 75%, 66%, or 50% preservation goals established for Category 3, 4, and 5 lands, respectively because the existing preserved area within and adjacent to the SEA in Acton **already** exceeds 80%. The ATC does not perceive any reason to "take" up to 80% of private lands within the SEA in Acton to achieve "open space" goals that have already been met via existing woodland and other resources that are fully protected in perpetuity.

2. At the ATC meeting on May 7, 2018, residents were assured that any Biological Constraints Analysis ("BCA") conducted pursuant to the SEA Ordinance would report only those species that are actually observed during the survey because the draft SEA Ordinance directs the biologist to assess "the biological resources on a project site and in the surrounding area" [see section 22.102.020(A)]. At the ATC meeting, it was conveyed that this restrictive language does not permit the biologist to report that a species is present or could be present based on the type of habitat that the property supports could support, and that the BCA will identify only those plants and animals that are actually noted during the survey. However, this interpretation of the plain language of the Draft SEA Ordinance is not supported by the SEA Guidelines. In fact, the SEA Guidelines state that the biologist will consider a species to be present "even if the

animal itself has not been directly observed on the project site" based on "special habitat features". This statement is of substantial concern, particularly since the entire SEA within Acton could be deemed to have "special habitat features" that are capable of supporting any number of "Category 2" resources (such as the San Diego Coast Horned lizard or "juniper woodland") or even Category 1 species *regardless of whether such species are actually present*. As written, the SEA Guidelines appear to authorize a biologist to designate an entire parcel as a "Category 2" resource that is subject to an 80% "set aside" requirement by merely stating that "special habitat features" on the property indicate a possibility for Juniper Woodland or other Category 2 species. Thus, the SEA Guidelines must be revised to state clearly that any BCA developed pursuant to the SEA Ordinance will only report the presence of species that are *actually* observed.

3. As indicated previously, there is substantial concern regarding the significant "set-aside" ratios for Category 5, 4, 3, and 2 lands that are established by Table 5 of the SEA Guidelines. The ATC is particularly concerned that these "set-aside" ratios conflict with a substantial body of caselaw (beginning with *Dolan v. City of Tigard*, 512 U.S. 374 [1994]) which require that the nature and extent of exactions involving the dedication of private property be "roughly proportional" to the impact created by a proposed development. For instance, consider the 50% "set-aside" ratio that is established for Category 5 resources (which are not biologically sensitive and are described as supporting no "distinct natural community") and the 66% "set-aside" ratio for Category 4 resources (described as "common" and "secure"). It is clear from these descriptions that development of Category 4 or Category 5 land will result in negligible biological resource impacts because lands that are in these categories have no significant biological "value". Under such circumstances, no "exactions" are warranted because biological resource impacts are negligible. Nonetheless, the SEA Guidelines mandate a 50% taking for Category 5 lands and a 66% taking for Category 4 lands in a manner that is utterly contrary to the Court's holding in *Dolan*. The ATC contends that, if a development project does not impact any significant biological resources, then there is nothing "proportional" about taking 50% or 66% of these private lands to "mitigate" such non-existent biological resource impacts. Therefore, the proposed "set aside" ratios in the Draft SEA and SEA Guidelines do not comply with the proportionality mandate established by the Dolan Court.
4. Large stands of junipers in Acton have been destroyed by fires over the last 15 years (such as the Crown Fire in 2004, the Station Fire in 2009, the Sand Fire in 2016, etc.), and juniper regrowth has not occurred in these areas to any great extent. The ATC seeks to understand whether these areas will be deemed "Juniper Woodland" under the Draft SEA Ordinance even though the junipers themselves are burned and dead and the little regrowth that has occurred does not meet the 5% coverage threshold set by the SEA Guidelines' definition of "woodland".



5. Page 77 of the SEA Guidelines state that "Developments that do not have suitable habitat available for natural open space preservation on-site will be required to provide an equivalent amount of natural open space preservation off-site". The ATC observes that, *by definition*, the County's "open space" interests are neither served nor advanced by the "taking" of land which has no "suitable habitat" for "open space" preservation. Correspondingly, the development of such lands cannot be deemed to create any "open space" impacts, thus there is no legal nexus for the County to impose any "open space" mitigation requirements on the development of such land in the form of "in lieu fees", "off-site mitigation", or any other "taking" mechanism. In other words, the County's "Open Space" preservation interests are not thwarted or impeded in any way by the development of lands that are not suitable for "open space" preservation, therefore the County cannot impose "open space" mitigation requirements as a condition of developing such lands. Time and again, state and federal courts have ruled that government agencies must conclusively prove that there is a substantial nexus between the impacts that are created by a project and the mitigation measures that are imposed to reduce such impacts. The foundational decision on this issue [*Nollan v. California Coastal Commission*, 483 U.S. 825 (1987)] held that a government could require an exaction without paying compensation as a condition for granting a development permit *provided that the exaction would substantially advance the same government interest that would furnish a valid ground for denial of the permit*. The restrictions set forth in the *Nollan* decision and expanded in subsequent case law are not met under the circumstances described on page 77 of the SEA Guidelines that address property with no "suitable habitat" for "open space" preservation. This is because *Nollan* prevents the County from citing "Open Space" preservation interests as the basis for denying a permit to develop land that has no intrinsic "Open Space" value. The bottom line is that *Nollan* prevents the County from imposing "open space" exactions (either on-site or off-site) on land that is not suitable for "open space" preservation.
6. The ATC seeks clarification regarding the status of the "SEA Guidelines" document, and whether it is considered part of the SEA Ordinance and thus subject to public review and approval by the Board of Supervisors. The matter is of considerable importance, because the Draft SEA Guidelines "interpret" the Draft SEA Ordinance and provide specific directions to both applicants and staff regarding how the Ordinance will be implemented and the manner in which violations will be addressed. As such, the ATC considers the document to be "part and parcel" an essential element of the Draft SEA Ordinance and must therefore be adopted by the Board of Supervisors as part of the SEA Ordinance and cannot be amended thereafter without public hearings and specific Board action.

7. The ATC is concerned by provisions set forth in the SEA Guidelines pertaining to the removal of dead or fallen trees and that such activity may, in and of itself, require an SEA Permit [see page 23]. Dead trees constitute a very real and very pressing fire safety concern, and the ATC opposes any ordinance or guideline that hinders the prompt removal of a dead tree which poses a potential life/safety threat. The ATC is also concerned that DRP may apply the dead tree removal restrictions set forth in the SEA guidelines to the removal of dead branches and "limb up" activities advocated by the Fire Department; if so, then the ATC opposes such restrictions as well.
8. The ATC is concerned that the draft SEA Ordinance does not clearly articulate the use restrictions that will be placed on the private lands that are "taken" via exactions for "open space" purposes. It is not clear whether hiking or other non-development uses will be permitted in the "open space" areas that are "taken", or whether the property owners from whom the lands are "taken" will have any access to them once they are "taken". The SEA Guidelines indicate that some uses of the lands will be permitted after they are "taken" (for example, page 79 describes a Conservation Easement as limiting uses of the property "that would compromise the conservation values of the property, while allowing the landowner to retain certain reserved rights"). However, neither the Draft SEA Ordinance nor the SEA Guidelines provide any indication of what these permitted uses will be or how they are determined. Therefore, the ATC respectfully requests that the Draft SEA Ordinance be amended to reflect the extent to which lands exacted through operation of the SEA Ordinance may be used after they are "taken" and also enumerate the purposes to which such lands may be put.
9. Residents have expressed concern that they will be required to pay property taxes in perpetuity on all the private lands that will be "taken" pursuant to the SEA Ordinance. Therefore, the ATC respectfully requests that the Draft SEA Ordinance be amended to include a provision that decrements the assessed "land value" portion of the property by an amount that is equal to the total percent of the land that is "taken" for "open space" purposes.
10. The ATC objects to the "ranking" of open space preservation "mechanisms" set forth in the Draft SEA Ordinance and particularly objects to the mandate imposed by the SEA Guidelines that the applicant "demonstrate that higher ranked mechanisms are infeasible or of less benefit in order to use an option lower down on the list" [see page 78]. These provisions preferentially compel property owners to "give away" sizeable portions of land to "conservancy" organizations and "government entities" rather than execute covenants or deed restrictions that preserve private control and jurisdiction. The ATC has the following concerns with this mandate:

- The SEA Guidelines do not show that it is necessary to transfer land to a "conservancy" or "government entity" to ensure it is permanently preserved, nor do the Guidelines demonstrate that "Open Space" land is less protected if it is secured solely via recorded "deed restriction" or "covenant" and not transferred to a "conservancy" or "government entity". In fact, the SEA Guidelines identify the recordation of "open space" restrictions as being the actual mechanism which properly "ensures the preservation of natural open space in perpetuity", and it further mandated that such recordation occur *before* the land is transferred to a "conservancy" or "government entity" (see page 78). In other words, and according to the SEA Guidelines, it is not the transfer of land to a "conservancy" or "government entity" which preserves the land as open space in perpetuity, rather it is the recordation of open space restrictions on the land which achieves this purpose. Therefore, the County has no cause to compel property owners to give their land away to a "conservancy" or "government entity" in order to preserve it as open space. If a property owner wishes to transfer "open space" lands to a "conservancy" or "government entity" after recording an open space restriction, that option can be set forth in the SEA Ordinance. However, the County has no basis for *requiring* a property owner to give land to a "Conservancy" or "Government Entity". Thus, the compulsory hierarchy of open space preservation "mechanisms" set forth in the SEA Guidelines is insupportable and must be revised.
- California Civil Code 815.3 contains 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". It is not clear how the compulsory hierarchy of "open space" preservation "mechanisms" set forth in the SEA Guidelines comply with this regulatory provision, and we respectfully request that some explanation regarding this be provided in the SEA Guidelines.
- Many "conservancies" and "government entities" derive significant financial benefit from properties that they control as "Open Space". For example, the Mountains Recreation and Conservation Authority earns substantial amounts from filming and other commercial activities that take place on their "preserved" lands in the Santa Monica Mountains and elsewhere [see <https://mrca.ca.gov/film-photography/>]. The ATC fully expects that lands in Acton which are "given" to "conservancies" or "government entities" through compulsory operation of the SEA Ordinance will be used for filming or other commercial purposes because the County issues multiple permits for "location" filming activities in Acton every week. The ATC is firmly set against any scheme that allows a "conservancy" or "government entity" to benefit financially from land that it is "given" via compulsory "transfer" from a private landowner. Therefore, the ATC vehemently objects to the hierarchy of compulsory open space preservation "mechanisms" that are established by the SEA Guidelines.

- The ATC notes that, in the recently approved Centennial Project (Specific Plan No. 02-232), the County permitted the applicant to retain control over the "Open Space" lands that were created and preserved by the project, and that at least half the "open space" land is preserved via "deed restrictions". The County did not require the property owner to transfer the "open space" lands out of their control. It is the ATC's understanding that the "open space" lands of the Centennial Project remain entirely private and completely off limits to all but the property owners and their invited guests, and that the property owner is even permitted to use the land for hunting and other purposes. The ATC anticipates that the County will accord Acton property owners the same rights that were granted to the Centennial Project landowners, and eliminate the compulsory hierarchy of open space preservation "mechanisms" set forth in the SEA Guidelines.

11. The ATC respectfully requests confirmation that the exemptions identified in Section 22.104.040 of the Draft SEA Ordinance apply to the tree trimming and removal provisions of the proposed Chapter 22.102.
12. According to the SEA Guidelines, the Draft SEA Ordinance "relies largely on existing standards, requirements, and thresholds already in use by state, federal, and county resource agencies and authorities" (see page 27). However, none of these "existing standards, requirements, and thresholds" are identified in either the Guidelines or the Draft SEA Ordinance, thus it is impossible to ascertain the extent to which the Draft SEA Ordinance is consistent with such existing standards, requirements, or thresholds. The ATC is particularly concerned with the "existing standards, requirements, and thresholds" that were used to establish the "set-aside" ratios set forth in Table 5 of the SEA Guidelines. The ATC is not aware of any federal, state, or local standards which impose a 2:1 "set aside" ratio (and thus a 66% "taking" of private property) to preserve "common" biological resources that are not significant (such as those found on Category 4 lands). In fact, it appears that federal agencies impose less restrictive "set aside" ratios than what is set forth in Table 5 of the SEA Guidelines. For instance, the Bureau of Land Management ("BLM") applies a 2:1 "set aside" ratio to biological resources that are demonstrably critical (such as wetlands and "key population centers" for the protected Mohave Ground Squirrel) *if* they lie within "Areas of Critical Environmental Concern" [see Table 18 of the "Desert Renewable Energy Conservation Plan" found here: [https://www.drecp.org/finaldrecp/lupa/DRECP\\_BLM\\_LUPA.pdf](https://www.drecp.org/finaldrecp/lupa/DRECP_BLM_LUPA.pdf)]. The ATC is also not aware of any existing standards which impose a 1:1 "set aside" ratio for lands that have no identifiable biological resource value (such as those found on Category 5 lands). The ATC considers it imperative that the SEA Guidelines be revised to identify and discuss the existing standards, requirements, and thresholds that were used to establish the Table 5 "set aside" ratios, particularly in regards to Category 5, 4, and 3 lands.

13. The ATC respectfully requests that the Antelope Valley Area Plan exemptions established by the Draft SEA Ordinance be revised to include minor land divisions. This will not result in extensive property development because of the "large lot" land use restrictions imposed on Acton lands by the AV Plan Land Use element. This request stems directly from the motion that was made by Supervisor Antonovich when the AV Area Plan was adopted and which established the SEA Ordinance exemption mechanism.

The ATC stands ready to discuss these issues and concerns with County staff, therefore please do not hesitate to contact the Acton Town Council at [atc@actontowncouncil.org](mailto:atc@actontowncouncil.org) if you wish to pursue such an option.

Sincerely,

/s/ Jeremiah Owen

---

Jeremiah Owen, President  
The Acton Town Council

cc: Kathryn Barger –Los Angeles County 5<sup>th</sup> District Supervisor [kathryn@bos.lacounty.gov]  
Donna Termeer – Field Deputy to Supervisor Barger [DTermeer@bos.lacounty.gov]



Figure 1. USDA Forest Service Map of the San Gabriel Mountains National Monument.

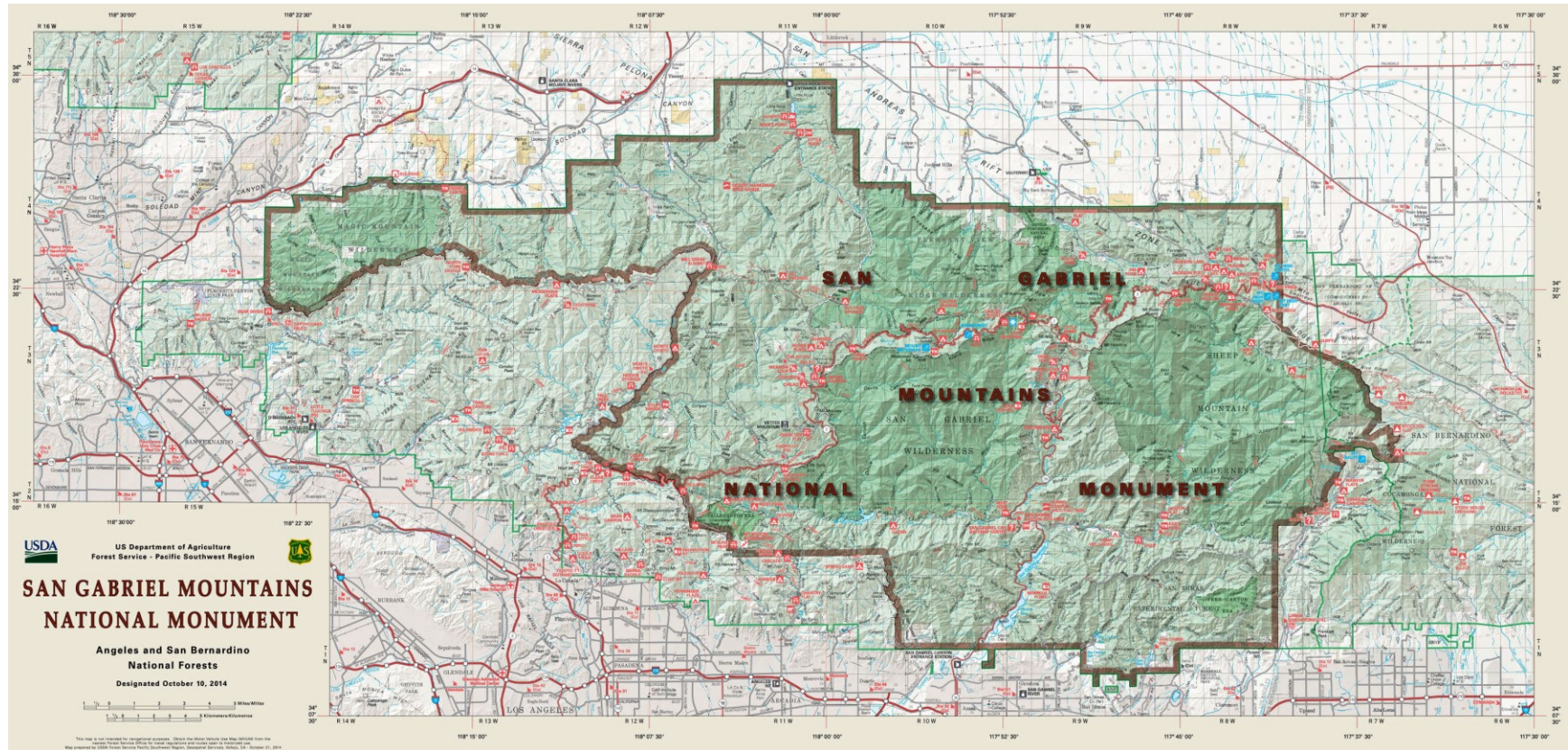




Figure 2. Photograph of Land Area Along SEA Boundary in Acton.





Figure 3. Photograph of Land Area Along SEA Boundary in Acton.

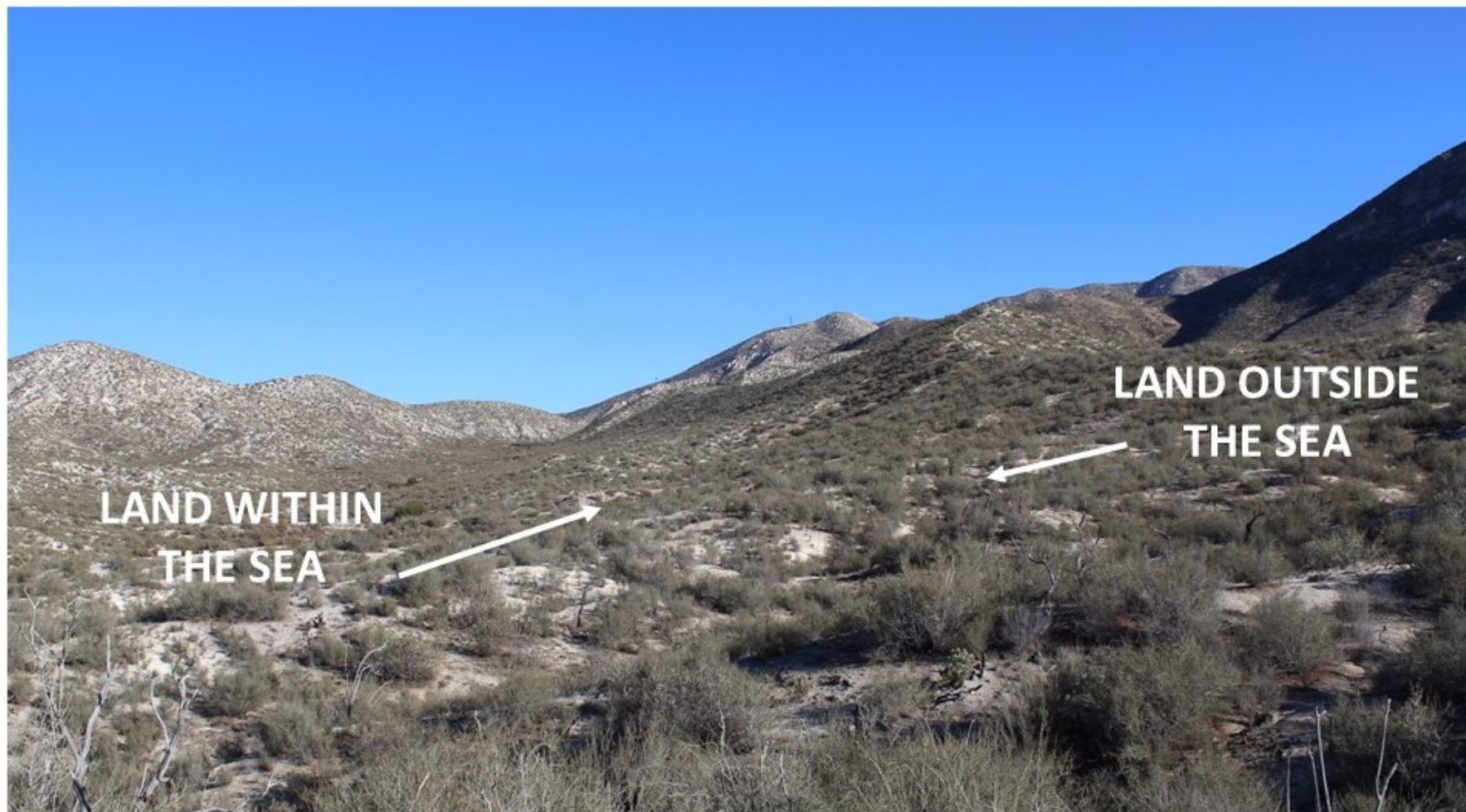


Figure 4. Photograph of Land Area Along SEA Boundary in Acton.





February 26, 2019

The Regional Planning Commission

320 W Temple Street

Los Angeles, CA 90012

Electronic Transmission of 6 page to [rruiz@planning.lacounty.gov](mailto:rruiz@planning.lacounty.gov)

## **PLEASE CONFIRM RECEIPT**

Subject: Significant Ecological Area Ordinance

Reference: Planning Commission Agenda Item 7

Honorable Commissioners;

A few months ago, the County Counsel's Office told a Superior Court Judge that several letters which the Acton Town Council ("ATC") had submitted to the County regarding a discretionary project should not be included in the record of the proceeding before the Court because the County Counsel's Office said that the letters were never actually received by the County. There was evidence that the letters had been sent by the Acton Town Council to County staff, but based on the County's unsubstantiable claim that the letters were not actually *received* by those recipients, the letters were omitted from the record. You can imagine, therefore, how stunned the ATC was to see that a letter we sent more than 6 weeks ago and on which we collectively spent hundreds of hours on via meetings, research, writing and extensive public outreach has also been omitted from the record. Indeed, as of today (the day before the SEA Ordinance hearing), it is still not shown as a timely submitted public comment (see screen shot in Figure 1). As if to corroborate this omission, we note that none of the issues raised therein are reflected or even mentioned in any staff reports or memorandum. So as far as the Acton Town Council is concerned, there are still very important issues that remain outstanding that the Planning Commission should care about and seek resolution on before taking action on this ordinance.

For instance, facilities applying for a renewal of an existing CUP are exempt from the SEA Ordinance only if their prior CUP included a biological resource review. If the property owner cannot provide definitive proof that the property has already undergone biological review, then they are subject to the SEA Ordinance. According to 22.102.060, if their parcel has a building site that exceeds 20,000 square feet or if it has more than 500 square feet of development in an area that is deemed juniper woodland - Category 2, then they will be forced to undergo the full SEA CUP process because they are not eligible for a ministerial review given that they do not meet the development standards of 11.102.090. We have been told over and over that this is not true and that our concerns are unfounded and that only a ministerial review will be required because the County simply wants to map the resources on such properties. However, when you actually step through the various layers of the proposed SEA Ordinance process, you see that the ministerial review option does not apply in many circumstances, and it will affect many. The SEA in Acton is now **enormous** and it covers nearly 30 square miles. We have more non-residential uses in our SEA than probably anywhere else in the County. We have campgrounds. We have sports fields. We have animal rescues and exotic animal preserves like Shambala. We have water haulers. We have movie ranches. We have 500 kV transmission lines and substations. We have County rehabilitation facilities. We have County Waterworks District facilities. We have farms. We even have a sulky race track. This issue is of substantial concern to our community and we cannot just not let it go.

We have other unanswered concerns as well, including:

1. We have asked that the SEA Ordinance prohibit land conservancies and other entities which receive SEA "set aside" lands from restricting motorized vehicles on or over the land for life-safety purposes. This issue is of *paramount importance* to the Community of Acton because we have been informed by the County Fire Department that they have been refused entry into conservation lands for fire-fighting purposes merely because the conservancy recorded a motorized vehicle restriction on the land. We were told in October that the Draft SEA Ordinance would be revised to incorporate this prohibition, but we see no evidence of this.
2. We have asked why Juniper Woodland is given a higher Category 2 protection status than Oak woodland (which is only Category 3) when junipers do not have a special status like oaks, and they are neither rare nor threatened nor insecure. We have never received an answer.



3. Regarding the areas of the Acton SEA where there are no living junipers but plenty of dead ones as a result of the Crown fire, Station fire, and Sand fire; we have asked repeatedly if these lands still be considered "juniper woodland" subject to a Category 2 80% taking under the SEA Ordinance. We have never received an answer.
4. We have asked whether a biologist can conclude a species is present without actually observing it. In a community meeting last Spring, we were told no, that the biologist must lay eyes on the species in order to map it. However, the proposed SEA Guidelines says just the opposite because it permits the County Biologist to infer the presence of a species based solely on habitat features. It is our understanding that this will allow the County Biologist to designate an entire parcel as Category 2 and subject to an 80% taking simply because it is covered in non-sensitive chaparral or loose sandy scrub and therefore could sustain a coast horned lizard even though no coast horned lizards or ant nests (their primary food source) are even found. We have asked repeatedly for this inconsistency to be specifically addressed, because it permits the County to conclude that virtually all of Acton falls into Category 2 merely because a horned lizard or a juniper "could" be present irrespective of whether it actually is present.
5. We have also asked about home-based occupations that do not occupy the home such as a resident that gives riding lessons to community members or has chickens and sells the eggs or operates a small kennel or dog rescue. We know that, at any time, the County could decide that these activities are "businesses" and therefore do not comply with section 22.20.020 of the code because they do not occur entirely within a dwelling, thus resulting in enforcement action under the SEA Ordinance. This was brought up at our meeting with County Staff in October, and we understood that a clarification on this issue would be forthcoming, but we have not yet received it.
6. We have asked why the SEA Development Standards set forth in Section 22.102.090 call for a 50% taking for Category 4 resources that by definition have no biological resource value at all. We have also asked why the SEA Guidelines call for a 66% taking of Category 4 lands and a 50% taking of Category 5 resources that are even less valuable than Category 4 resources. We have asked why the guidelines call for a 75% taking of Category 3 resources that, by definition, are entirely secure and neither sensitive nor threatened. We have also asked why the guidelines call for an 80% taking of Juniper woodland resources of which we have conclusively shown that 80% is already secure in



existing land preserves such as the San Gabriel Mountains National Monument. We have asked these questions over and over and over, yet we have never received an answer. Instead, we were directed to make recommendations on what we considered appropriate set asides ratios to be. We made such recommendations in the letter sent 6 weeks ago which now stands completely omitted from the record.

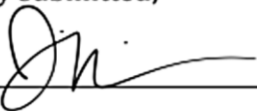
7. We have asked where the set aside ratios written into the Draft SEA Ordinance and the SEA Guidelines come from and we have shown that they are not consistent with federal or state set aside ratios at all, such as those used in the Mojave Desert Resource Conservation Plan that this Regional Planning Department worked on in concert with state and federal agencies. We have never received an answer.
8. We have asked where the studies are that show it is essential to take 75% of a subdivider's land under 22.102.090 and then on top of it take an additional 50% or more of each parcel when it is developed pursuant to this same provision and which results in an overall taking of nearly 90%. We have also asked time and again why it is essential that 66% of Category 3 land (which is biologically secure and neither rare, threatened or even listed) be taken pursuant to 22.102.090. There is not a shred of evidence anywhere in the record showing that the massive takings that will result from this ordinance are even necessary to achieve any General Plan goals and policies. These studies have not been done. There is no evidence that the substantial restrictions and set aside ratios mandated in the Ordinance and the guidelines are essential to achieving General Plan goals or policies. There isn't even any evidence showing that General Plan policies will be met by these substantial restrictions and set aside ratios. The staff reports and memorandum fail to do the one thing that is required by state law, which is show an essential and proportional nexus between the substantial takings that will result from this draft ordinance and the preservation goals and policies that are set forth in the General Plan.
9. We have asked how this ordinance complies with the motion adopted with the Antelope Valley Plan that exempts minor land divisions from SEA compliance requirements. We have never received an answer.

This list is not exhaustive and includes only some of the questions that remain outstanding. We also note that the revised definition of "SEA" in the draft Ordinance now captures lands if they are deemed to hold resources representing the County's

biodiversity according to criteria set forth in the General Plan. With this definition, all lands in unincorporated areas that are deemed to have biodiverse resources which meet the General Plan criteria will be captured by the SEA Ordinance regardless of whether they are located within a mapped SEA. In other words, with this definition, enforcement of the SEA ordinance will occur anywhere and everywhere that the County Biologist deems these resources to exist. If this seems improbable or unlikely, then we suggest that you consult with other agencies such as the South Coast Air Quality Management District and ask what happens when a regulatory term is defined so broadly that it captures things that were never contemplated in the beginning.

The SEA Ordinance will not directly affect most of the people present in the hearing room tomorrow. But we in Acton will have to live with the SEA Ordinance forever, so we consider it essential that you as decision makers have complete answers to all of the questions and concerns and deficiencies that the Acton Town Council has raised ***before*** taking any action on the Draft SEA ordinance.

Respectfully submitted;

A handwritten signature in black ink, appearing to read 'J. Owen', is written over a horizontal line.

Jeremiah Owen, President  
The Acton Town Council

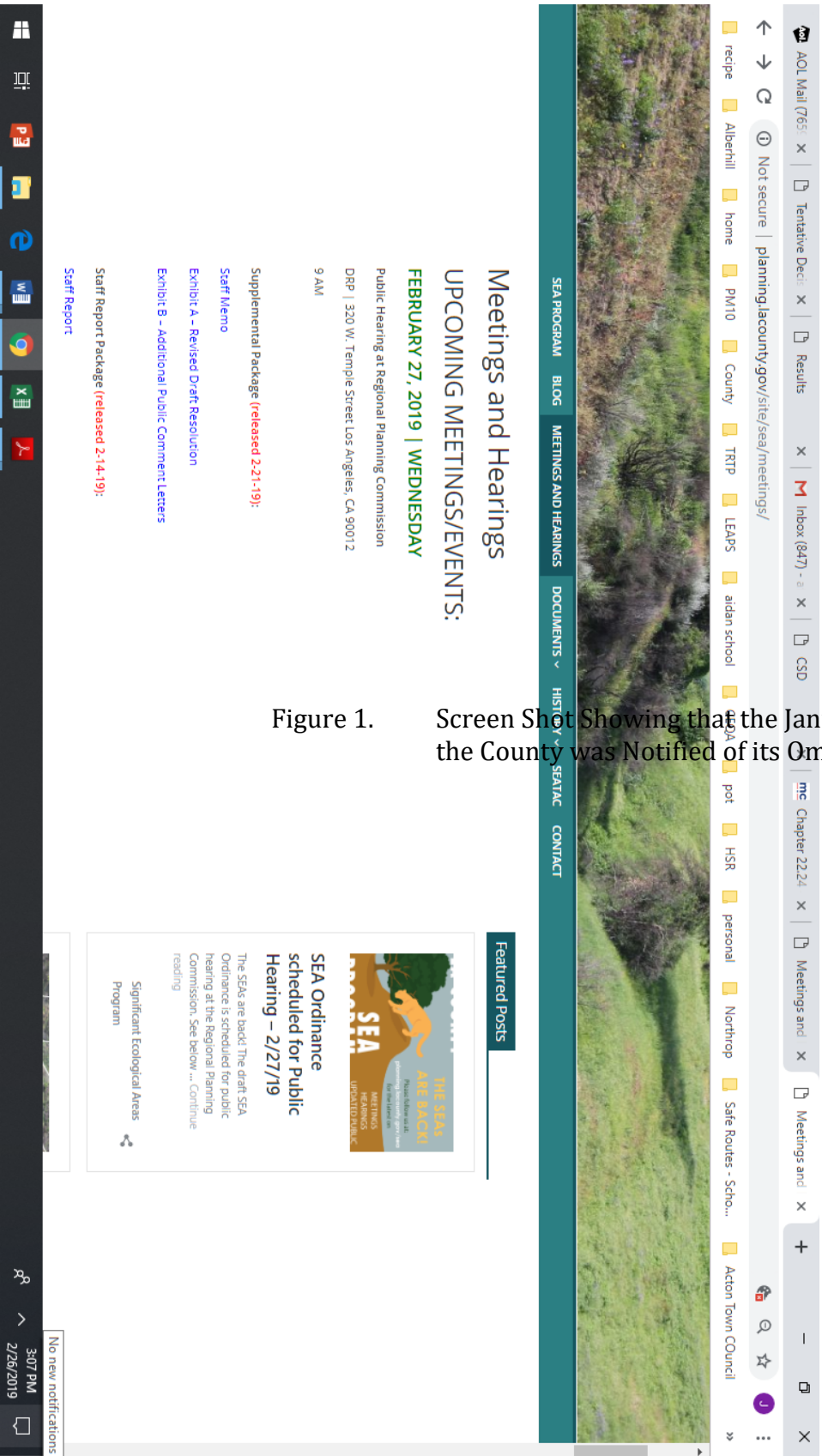


Figure 1. Screen Shot Showing that the January 15, 2019 ATC Letter has not been received by the County was Notified of its Omission on February 23, 2019

**Iris Chi**

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**From:** Acton Town Council <atc@actontowncouncil.org>  
**Sent:** Monday, February 25, 2019 7:42 AM  
**To:** Rosie Ruiz; Iris Chi; Termeer, Donna; Acton Towncouncil; kathryn@bos.lacounty.gov  
**Subject:** SEA Ordinance hearing and omission of the Acton Town Council comments from the record

The Regional Planning Commission  
320 W Temple Street  
Los Angeles, CA 90012  
Electronic Transmission to [r Ruiz@planning.lacounty.gov](mailto:r Ruiz@planning.lacounty.gov)

**Subject:** Significant Ecological Area Ordinance  
**Reference:** Planning Commission Agenda Item 7

**PLEASE ACKNOWLEDGE RECEIPT**

**Honorable Commissioners;**

On behalf of the Acton Town Council and the residents of Acton, I am respectfully requesting the removal of the SEA Ordinance from the upcoming planning agenda meeting on February 27, 2019. The Acton Town Council has held numerous publicized meetings in which we gathered feedback from the community in regard to the proposed SEA ordinance. At the explicit direction of the SEA planners we gathered input and feedback on numerous aspects of the proposed SEA ordinance and the planners assured the community that their feedback was to be considered and integrated into the ordinance draft.

After the collection of the feedback, we submitted our letter detailing our communities concerns on January 15, 2019 and received notification it was received by Ms. Chi on January 16, 2019. As of February 23, 2019, **I have yet to ascertain where our public comments have been posted, or where the concerns we have raised are being addressed.** This is especially worrisome as the Acton Town Council highlighted several issues unique to Acton, including concerns about exemptions for our water haulers. We are also awaiting feedback regarding the status of home based businesses, both of which are crucial to the vitality of our community. I believe you will agree that the stakeholders in our community should have their concerns recognized and addressed, especially in regards to how they will be affected with such a sweeping expansion of the SEA, one that will change the nature of property ownership in a significant portion of Acton.

I implore you the Commissioners as well as the Board of Supervisors to please consider the input from the people who live in Acton, people that have proven to be good stewards of the land in what I consider to be a crown jewel of Los Angeles County.

Jeremiah Owen  
President  
The Acton Town Council



# Greater Antelope Valley Association of REALTORS®

1112 West Avenue M-4 • Palmdale, CA 93551 • 661.726.9175 • Fax: 661.726.9199

[www.gavar.org](http://www.gavar.org)

February 25, 2019

Chairman Elvin W. Moon  
Regional Planning Commission  
LA County Department of Regional Planning 320 W. Temple St., Room 1354  
Los Angeles, CA 90012

RE: Comments Related to the Significant Ecological Ordinance (SEA) Update; public hearing draft released 2/14/2019.

Dear Chairman Moon and Commissioners,

The Greater Antelope Valley Association of REALTORS® represents more than 1,700 members and affiliates. On behalf of our membership, we are submitting comments regarding the current public review draft of the Significant Ecological Area (SEA) Ordinance released in on February 14, 2019.

As contributors to the efforts of the Blue Ribbon Committee in the adoption of the Antelope Valley Area Plan (AVAP), we are very familiar with the plan and the additional restrictions placed on development of land in the Antelope Valley through the SEAs. For this reason, we are very pleased to see the exemptions within the boundaries of the Antelope Valley Area Plan as previously approved by the County Board of Supervisors have been maintained.

As the current draft is simultaneously being proposed with changes to the implementation guidelines within the SEA's, we ask that you include in the SEA exemptions the assurance that facilities located within a SEA that have an existing CUP will not be subject to SEA CUP requirements when they renew their CUP, but will rather be limited to a ministerial process involving a site plan and biological survey. We further request an additional exemption which would include minor land divisions. These minor land divisions will not result in extensive property development because of the large lot sizes imposed on lands in the Antelope Valley Area Plan.

Based on descriptions provided in the SEA Implementation Guidelines, Category 5 lands are not deemed to be biologically sensitive; they do not support distinct natural communities and have non-native species or may already be cleared, yet the SEA Implementation Guidelines require a 50% set aside to mitigate disturbances to Category 5 land. We do not believe the Category 5 lands should be subject to the proposed set-aside requirements. We strongly oppose any set-aside for lands in this category. This taking will not advance the biological resource or protection goals set forth in previously adopted planning documents

We further believe that Category 4 lands which represent natural communities which commonly occur within the county, and are not considered biologically sensitive, should **not** be included in the SEA "set-aside." **Given that Category 4 lands are not biologically sensitive, we do not believe it is appropriate for the county to take 67% of such lands from property owners.** This taking will not advance the biological resource or protection goals set forth in previously adopted planning documents but will negatively impact property owners.

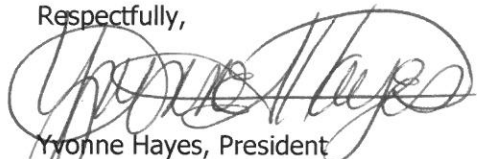
We also have concerns regarding designations of Juniper Woodlands in the SEAs located within the Antelope Valley as Category 2. As Juniper Woodlands have not previously been deemed either "rare" or "significant" on any scale, local or otherwise, where they typically occur, we do not believe the Category 2 designation is warranted, nor is the 80% set-aside required by this designation.

Additionally, we have a serious concern with the SEA Implementing Guidelines which provide authorization to the county biologist to consider a species to be present "even if the animal itself has not been directly observed on the project site" based on "special habitat features." Many land areas in the Antelope Valley could be deemed capable of supporting various resources which could make the property subject to up to an 80% set-aside simply because they have the potential to support a habitat at some point in the future, not because they are actually supporting any vital resource. We strongly urge the Guidelines be revised to state any biological report will be based only on plant or animal species actually observed.

Additionally, we strongly encourage you to take under serious consideration the specific issues raised by the Acton Town Council in their comprehensive response to the SEA Update and Implementing Guidelines. The discussion of the hierarchy of open space set-aside mechanisms in the SEA Guidelines is comprehensive, and we strongly support their request to eliminate the compulsory open space preservation "mechanisms" and hierarchy that are established in the SEA Guideline, in their letter to Regional Planner Iris Chi on January 15, 2019.

We respectfully urge you to consider our comments and create an ordinance that balances the need for environmental safeguards while still protecting the private property rights of all property owners in the Antelope Valley. We strongly encourage the Regional Planning Commission to consider our requests for modifications to the proposed SEA update as discussed above.

Respectfully,

A handwritten signature in black ink, appearing to read 'Yvonne Hayes', written over a horizontal line.

Yvonne Hayes, President  
Greater Antelope Valley Association of REALTORS®





Lakes Town Council  
PO Box 784  
Lake Hughes, CA 93532

"Where Nature Is Your  
Neighbor"

*Council Members:*

Teri Gordon  
*President*

Robin Kennard  
*Vice President*

Louisa Stephen  
*Secretary*

*Treasurer*

*Member*

Contact  
(661) 262-3130  
[info.LakesTownCouncil@gmail.com](mailto:info.LakesTownCouncil@gmail.com)

February 23, 2019

County of Los Angeles Department of Regional Planning  
Environmental Planning and Sustainability  
Attn: Iris Chi, AICP Planner  
320 W. Temple Street, 13th Floor  
Los Angeles, CA 90012

Sent via email

Re: Antelope Valley Significant Ecological Area (SEA) Ordinance

Dear Ms. Chi,

The Lakes Town Council (LTC) is grateful for the opportunity to comment on the SEA Ordinance. The LTC will incorporate certain aspects of the original SEA in our revised CSD's.

We remain opposed to the exemption of the Antelope Valley from the SEA Ordinance regarding Single Family Residential (SFR) development and agricultural use. In addition, we strongly disagree with the exemption of minor subdivisions within the boundaries of the Antelope Valley Areawide Plan and dropping the review process every two years.

Respectfully,  
*Teri Gordon*

Teri Gordon  
President



## LEONA VALLEY TOWN COUNCIL

P.O. Box 795 • LEONA VALLEY • CA 93551

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February 26, 2019

Los Angeles County Regional Planning Commission  
c/o Los Angeles County Department of Regional Planning  
320 W. Temple St.  
Los Angeles, CA 90012

Re: SEA Ordinance

Dear Members of the Regional Planning Commission:

The Leona Valley Town Council appreciates the opportunity to comment on the proposed SEA Ordinance.

Regional Planning staff attended the Associated Rural Town Council meeting in January to answer questions about the Antelope Valley exemption for single family residences and previously disturbed farmland. They told us that communities in the Antelope Valley that do not want the exemption can add language to their Community Standards Districts to prohibit such exemptions. However, in their current report, released February 14, 2019, they state that they "will work ... to ensure consistency with the SEA Ordinance." How can CSDs incorporate language prohibiting the exemptions and still be "consistent" with an SEA Ordinance that requires the exemptions? The Regional Planning personnel who attended the ARTC meeting on January 30, 2019, were unable to answer this question, further confusing those in attendance.

We wish to request more pressure and education be placed on your local building departments to comply with the approved 2015 Antelope Valley Area Plan. The vast majority of Antelope Valley residents treasure minimal invasiveness to the land, their views, dark skies, Joshua trees, and way of life, and depend on you and your departments to know what is allowed or restricted within your existing Plans and Ordinances. It is pointless to add more layers when your staff struggles to understand and comply with what has already been approved.

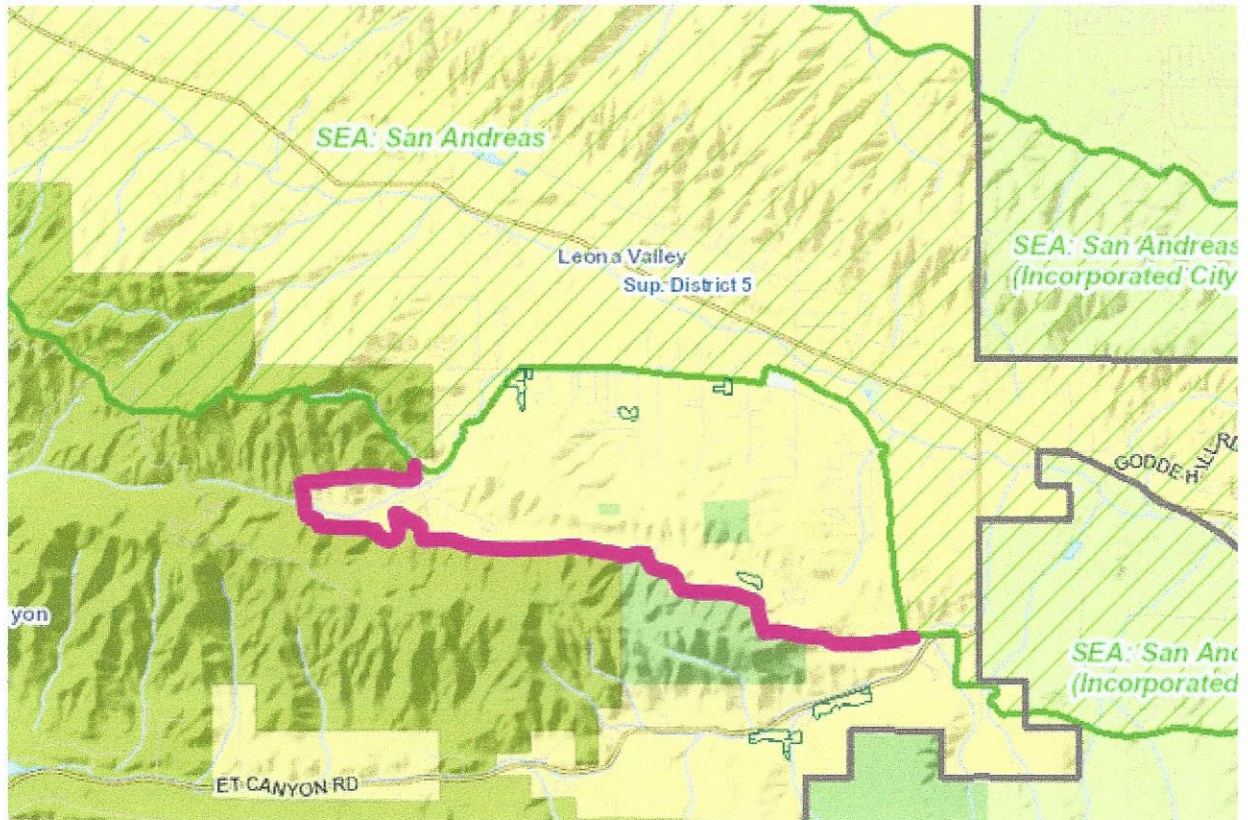
Finally, while reviewing the SEA map we discovered that a portion of the southern boundary line of the SEA bifurcates our community by following Leona Avenue. The excluded south portion of Leona Valley contains as much (if not more) natural area as the north portion does. The south portion also abuts the Angeles National Forest, so it is a transitional area for a lot of our wildlife. We would like to make the suggestion that the SEA line be moved to follow the forest boundary line so as to be more consistent with what is being proposed and restored to the original map that we agreed to. See our suggestion in pink in the diagram below.





# LEONA VALLEY TOWN COUNCIL

P.O. Box 795 • LEONA VALLEY • CA 93551



Thank you for your consideration,

*Peggy Fuller*

Peggy Fuller,  
Land Use Chair, LVTC

Cc: Kathryn Barger



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**EXECUTIVE OFFICER**  
Clark Stevens

26 February 2019

Iris Chi, AICP  
Regional Planner  
Environmental Planning and Sustainability Section  
County of Los Angeles  
Department of Regional Planning  
320 W. Temple St, 13<sup>th</sup>, Fl  
Los Angeles, CA 90012

Via Email to [sea@planning.lacounty.gov](mailto:sea@planning.lacounty.gov)

**RE: Significant Ecological Areas (SEA) Program Update**

Dear Iris Chi:

The Resource Conservation District of the Santa Monica Mountains (RCDSMM) appreciates the opportunity to provide input related to the Significant Ecological Areas (SEA) Program Update. As a non-regulatory reviewing and natural resource agency in the Santa Monica Mountains (SMM), the RCDSMM is actively involved in monitoring resources and local restoration efforts in the area. We also have extensive experience with the SMM Local Coastal Program and North Area permitting process. We would like to provide the following comments and considerations relative to the SEA Update:

Firstly, the RCDSMM appreciates the extensive work the Planning Department has put into developing a practical document for planning in the County's most ecologically sensitive areas. The RCDSMM supports the adoption of this Ordinance, which for the most part strikes a good balance between protecting significant areas of biodiversity and maintaining property rights. In particular, the adoption of a ministerial review for projects meeting SEA development standards should help streamline the permitting process and serve as a positive incentive for applicants. The RCDSMM also appreciates the inclusion of the Santa Monica Mountains as a SEA. We have a few suggestions, based on our experience in the SMM:

- Please study the benefits of programs that incentivize redevelopment, upgrading existing properties, and using existing footprints so that existing property upgrades are effectively encouraged through regulatory review. Such programs incentivize development of currently impacted land and relieve pressure on undeveloped areas.
- In the Coastal Zone, the recent interpretation of mitigation of native trees to allow for preserving sub-legal size trees should be beneficial, as it will allow for different tree age classes in the SMM to develop over time, and de-incentivize the cutting of these



trees before they reach legal age. The SEA should consider this and other incentives for landowners to harbor and restore trees and other sensitive species and habitats within private property.

Thank you for the opportunity to submit our comments at this stage of the SEA Update process. We look forward to participating as the work progresses. If you have any questions or would like to more directly engage the RCDSMM in additional study efforts, please feel free to contact our Senior Conservation Biologist, Rosi Dagit, or our Environmental Services Coordinator, Tanessa Hartwig, using the contact information provided on this letter.

Respectfully submitted,

Clark Stevens, Architect  
Executive Officer

3250 Wilshire Blvd #1106,  
Los Angeles, CA 90010



Telephone: 213-387-4287  
E-mail:  
angeles.chapter@sierraclub.org

## San Gabriel Valley Task Force

February 25, 2019

To: Los Angeles County Regional Planning Commission

Re: Draft Resolution Regional Planning Commission adoption of amendments to the General Plan on Significant Ecological Areas

To Whom It May Concern:

The following comments are submitted by the San Gabriel Valley Task Force of the Angeles Chapter of Sierra Club relative to the amendments on Significant Ecological Areas to be discussed at the Planning Commission Meeting on Feb. 27, 2019. The San Gabriel Valley Task Force of the Angeles Chapter of Sierra Club thanks you and your agency for the opportunity to comment on the comprehensive update of the Significant Ecological Area (SEA) Ordinance.

The San Gabriel Valley Task Force was organized by the Angeles Chapter of the Sierra Club in 1999 to work with San Gabriel Valley cities, Los Angeles County and political leaders to seek ways to create a more livable environment for residents in the San Gabriel Valley proper, the hills within the Valley, and the foothills of the San Gabriel Mountains and to protect the diversity of habitats within the region for the benefit of wildlife, plant communities, and recreational opportunities for local residents. We are particularly interested in the protection and development of wildlife corridors, the preservation of biodiversity of both plant communities and wildlife within our region—both of which have been sorely impacted by urban development.

We have reviewed the DRAFT RESOLUTION REGIONAL PLANNING COMMISSION COUNTY OF LOS ANGELES PROJECT NO. 2017-003725-(1-5) ADVANCE PLANNING NO. RPPL2017006228 GENERAL PLAN AMENDMENT NO. RPPL2018003985 ENVIRONMENTAL ASSESSMENT NO. RPPL2018004477 and offer the following comments:

- We strongly support the making of the existing Conceptual SEAs into full SEAs as in the Puente Chino Hills and the foothills of the San Gabriel Mountains thus providing those areas with the full protection of the new SEA Ordinance. In the Puente Hills region several Conceptual SEAs border the open space of the Puente Hills Native Habitat Authority. We support these actions to create a wildlife corridor that would extend from the Whittier Narrows to Chino Hills State Park and believe these areas are extremely important in linking areas already protected. We also strongly support the creation of the Altadena Foothills and Arroyos SEA. The protection of the foothills in this area forms an important buffer between the protected areas of the San Gabriel Mountains and the highly urbanized regions of the San Gabriel Valley.
- We agree with the new proposed SEA Ordinance in which prospective applicants are required to identify SEA resources and create a Biological Constraints Map of their proposal area at the beginning



of the design phase and be counseled by staff on how to minimize or avoid impacts to the SEA resources. This will streamline the permitting process while leading to better design of new projects in these sensitive areas.

Thank you again for this opportunity to take part in this important decision.

Respectfully submitted,

A handwritten signature in black ink that reads "Joan Licari". The script is fluid and cursive, with the first name "Joan" and last name "Licari" clearly distinguishable.

Joan Licari, D.Env.  
Chair, San Gabriel Valley Task Force  
Angeles Chapter of Sierra Club  
Contact:  
626-330-4229  
jlicari2013@gmail.com  
16017 Villa Flores  
Hacienda Heights CA 91745



Three Points-Liebre Mountain Town Council  
P.O. Box 76  
Lake Hughes, CA 93532  
[3pointsliebremountain@gmail.com](mailto:3pointsliebremountain@gmail.com)  
661.724.2043

SENT VIA EMAIL

25 February 2019

Los County Department of Regional Planning  
Significant Ecological Areas Program  
Ms. Pat Hachiya, Supervising Regional Planner  
Ms. Iris Chi, Regional Planner  
320 West Temple Street,  
Los Angeles, CA 90012  
[ichi@planning.lacounty.gov](mailto:ichi@planning.lacounty.gov)  
[sea@planning.lacounty.gov](mailto:sea@planning.lacounty.gov)  
[phachiya@planning.lacounty.gov](mailto:phachiya@planning.lacounty.gov)

Dear Ms. Hachiya and Ms. Chi,

Subject: Significant Ecological Areas Ordinance, Project No. 2017-003725-(1-5); Advance Planning No. RPPL2017006228; General Plan Amendment No. RPPL2018003985; Environmental Assessment No. RPPL2018004477

The Three Points-Liebre Mountain Town Council appreciates the opportunity to comment on the final disposition of the Significant Ecological Areas (SEAs) Ordinance. Our council area is virtually complete in its inclusion in the San Andreas SEA 17, and welcomed the expansion of this SEA to enjoin the Angeles National Forest south of our community, while also concurrently lamenting the continued exemption of Single Family Residential (SFR), and agricultural (Ag) development from Antelope Valley (AV) SEAs, as well as other exemption stipulations. We anticipated the completion of the SEA Ordinance because we viewed it as a potential avenue of protection with regard to inappropriate development in our exceptionally biologically rich area, identified as a known important wildlife linkage. All our work aimed at specific projects and Regional Planning's guiding documents has been to preserve the special qualities and natural/biological resources of our community. In addition, we supported our unincorporated sister communities' conversion of Conceptual SEAs to full inclusion in the County's SEA map; they are guided by the General Plan (GP) that will fully implement the ordinance's guidance. We are thankful that our town council, as well as other councils, will be able to provide guidance to development in our council areas by implementing the SEA Ordinances through Community Standards District documents, currently underway with Regional Planning.

The SEA 17 possesses an incredible array of habitats, biological resources, and biodiversity "Hot Spots," found nowhere else in the County, at the convergence of the Tehachapi, Transverse, and San Gabriel mountain ranges that is now threatened by the Centennial Project, Gorman Post Ranch Project, and the expansion of the Northwest Highway 138. We in no way discount the value of other Antelope Valley SEAs—Numbered 3, 10, and 20—containing other very diverse biological resources. In fact, we argue for the protection of all SEAs in the County, and desire to see them fall under the aegis of the ordinance without the mentioned exclusions. We are very disappointed the Alternative Option Ordinance was dropped from consideration, since we supported reversal of the exemption for SFRs and Ag developments applied to the Antelope Valley SEAs.

SEAs, Wildlife Movement and Connectivity, SFRs and Agricultural Development

One hundred ninety thousand acres of AV land experienced zone change to A-2, Heavy Agriculture, with the approval of the Antelope Valley Area Plan, including lands in AV SEAs. There are a variety of intensive uses allowed on agriculturally zoned land, and even Open Space, and the piecemeal effect of SFR and Ag development yields great and serious potential for dramatic loss of habitats, sensitive species, connectivity, and wildlife movement corridor viability that this ordinance, Implementation Guide, AVAP, and the General Plan (Policy C/NR 3.9) looks to alleviate to the greatest extent feasible. In fact, California Department of Fish and Wildlife (CDFW), writes in the GP 2035 Final EIR “Los Angeles County supports seven regional wildlife linkages: San Gabriel-Castaic Connection, San Gabriel-San Bernardino Connection, Santa Monica-Sierra Madre Connection, Sierra Madre-Castaic Connection, Tehachapi Connection, Antelope Valley Connection, and the Puente Hills-Chino Hills connection. There are 11 linkages along principle watercourses, 9 linkages along ranges of mountains and hills, and one known important linkage along the San Andreas Fault.” (Los Angeles County General Plan Update Final EIR, 2. Response to Comments, Pg. 2-112).

Moreover, the CDFW comments that “mitigation measures and the update to the SEA Ordinance may provide some protection measures to avoid or minimize impacts to wildlife corridors and nursery sites, however for those Projects where avoidance or minimization of impacts is infeasible [or not required per the exemption], the policies proposed in the Proposed Project [GP] do not provide for mitigation for loss of wildlife movement opportunities or nursery sites. If development impacts regional wildlife linkages and impedes wildlife movement, connectivity will be lost on a regional scale in these vital landscape corridors and linkages” (2-112). We point out the final GP 2035 Conservation and Natural Resources, Chapter 9 neither mentions the AVAP or the SEA exemptions, nor is it identified in the GP Final Environmental Review Appendix H when it was completed and approved after the AVAP and the BOS motion's changes and exemptions (AVAP FEIR, October 2014; GP FEIR, March 2015).

The SEA Ordinance will be applied unevenly across the County, as you know, by SEA Program Specific Changes (AVAP)--the restrictions placed by Board of Supervisors Motion (November 12, 2015) without adequate opportunity for public or agency comment, proven consistency with the General Plan, or adequate environmental impact evaluation. Those most threatening to sustainability sought by the AVAP and General Plans, and the SEA Ordinance are listed below:

**SEA Program Specific Changes:**

1. Add a provision that ensures that if a conflict exists between the Antelope Valley Area Plan (AVAP) and any new or existing Significant Ecological Area (SEA) ordinance, the provisions in the AVAP shall control.
2. Exempt from the SEA Ordinance single family residences and their accessory structures and animal keeping areas and facilities located within the boundaries of the AVAP.
3. Exempt from the SEA Ordinance all previously disturbed farmland located within the boundaries of the AVAP.
4. Exempt from the SEA Ordinance minor subdivisions located within the boundaries of the AVAP;
5. Delete the policy and process outlined in Chapter 8 (AVAP), Implementation, calling for a review of the SEA in the Antelope Valley every two years.
6. Adjust the Significant Ecological Area (SEA) designation within the East and Central Economic Opportunity Areas (EOA) to the boundaries which generally align with the existing adopted SEAs and do not include any additional SEA expansion in the EOAs. Also remove the SEA designation from the RL-1, CR and IL in the West EOA.

These changes added by the motion prevent the opening statements of the ordinance from applying requirements in the AV, that “will help insure the long-term survival of the SEAs and their connectivity to regional natural resources” (Significant Ecological Areas Ordinance Update, Public Hearing Draft, January 28, 2019, pg. 3). We believe the SEA Program states an effort that considers regional connectivity, but is hindered by exemptions that allow unfettered agricultural use (A-2 Heavy Ag), minor subdivisions, SFR development, wildlife impermeable fencing, fragmentation of habitat and corridors, requires no restoration, no mitigation--for replacement of SEA Protected Trees, or sensitive habitat supporting threatened or endangered species, unless a project requires a Conditional Use Permit. Contributing further to these egregious program changes is the deletion of the AVAP Implementation policy and process that eliminates the review of SEAs every two years. The intent to protect as much as possible the health and sustainability of the AV SEAs, is prohibited, and cannot be determined as development occurs over time! Conversely, AVAP Implementation Policy, Chapter 8, Section II, A. Significant Ecological Areas states “The Significant Ecological Areas (SEAs) in this Area Plan are based on conservation biology principles that seek to conserve habitats of unique and threatened species, and retain linkages and wildlife movement across important ecological areas,” and “[i]n order to ensure the Antelope Valley SEA Program continues to remain relevant and appropriately located, the County will review the performance of the SEA Program periodically.” Additionally, “[t]he SEA Program within this Area Plan is intended to complement and where appropriate, further refine aspects of the General Plan SEA Program, and will be consistent with it” (IMP-2). The implementation of SEA Program Specific Changes reveal inconsistency with the GP, and conflict with stated policies discussed above.

Furthermore, in their SEA response letter dated November 24, 2014, the California Department of Fish and Wildlife recommended “the County avoid exempting from CEQA as a ministerial action (CEQA guideline 15268); single family homes, agriculture use, and other non-emergency activities within the SEA until it is determined the activities would not have a significant impact on biological resources or potentially result in impacts to waters of the state. Single family homes, for example, can be exempt from CEQA using a Class 3 Exemption (CEQA Guidelines § 150303) unless significant impacts may occur (CEQA Guidelines § 15300.1). Permitting the above activities as Ministerial within the Ordinance would result in the activities being Statutorily Exempt under CEQA for the County; however, in situations where the project would impact CESA-listed species or impact waters of the state subject to a Lake or Streambed Alteration Agreement (LSAA), the Department, as the Responsible Agency issuing a Discretionary permit (CEQA Guidelines § 15268(d), must assume CEQA Lead Agency authority for the project and issue a separate CEQA document” (2). CDFW has repeatedly questioned the exemption of agricultural clearing, especially in SEAs supporting special status species: “Agricultural clearing may not be exempt from state and/or federal incidental take authorization under CESA and FESA, from Section 1600 *et seq.* of the California Fish and Game Code relating to the alteration of Department jurisdictional drainages or lakes, nor from state and federal laws protecting native birds species. Unlike activities that are subject to CEQA, County-exempted agricultural clearing activities are not brought to the attention of natural resources agencies or the public because there are no requirements that these entities be publicly noticed of such activity. The lack of CEQA oversight at the County level for agricultural clearing also frequently results in no biological assessment being required to determine impacts to special status species and jurisdictional waters of the state in order to plan for mitigation measures and regulatory compliance. This blanket exemption of oversight makes it very difficult for the Department to protect public trust resources, contributes to violations of law, and furthers unmitigated loss of biological diversity” (CDFW Letter, September 20, 2011, AVAP NOP, DPEIR).

The Draft Resolution, Item 7, states, “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.” Does this ordinance qualify for Class 8 exemption? The largest SEA areas in the county, within the AVAP, have “Specific Changes” imposed upon them showing inconsistency with the GP, and will not “enable permanent protection of the SEAs.” Neither the GP, nor its Final PEIR make specific mention of the AVAP and exemptions imposed that would conflict with its policy; and as indicated above, the AVAP claims consistency with the GP.

#### SEAs and CSDs

While we truly appreciate the opportunity to include the SEA Ordinance implementation in our town council area, we are cognizant that town council areas comprise a relatively small area within the AVAP boundaries and will provide little connectivity. Hence, we remain concerned regarding the overall effects of the SEA Program Specific Changes on local resources. In fact, the San Andreas SEA 17 spans at least two other council areas, and without agreement, continuity for these particular wildlife linkages and their movement capabilities are certain to become fragmented and lose “resiliency and long-term sustainability” and are wholly “dependent upon the careful land use decisions by the County to maintain core habitats and linkages” (GP Chapter 9, Conservation and Natural Resources Element 135).

#### San Andreas SEA, an “irreplaceable biological resource”:

The SEA includes several important linkages for wildlife movement. The foothills in the western-most part of the SEA are an important linkage between the San Gabriel Mountains, the Tehachapi Mountains, and the Coastal Ranges. The linkage to the Tehachapi Mountains is important because the Tehachapis connect to the southern-most extent of the Sierra Nevada Mountains. The Tehachapi Mountains represent the only mountain linkage from the Transverse Ranges and the Coast Ranges to the Sierra Nevada Range. This feature may be an important topographic reference for migrating birds, and provides high elevation foraging grounds along the migratory route. The several ranges that meet at the western end of the SEA provide a valuable link for gene flow between divergent subspecies, varieties, and populations of many species. The SEA includes numerous drainages that extend onto the Antelope Valley floor towards resources such as the Fairmont and Antelope buttes. These washes provide an important linkage for animals traveling between the Valley floor, the buttes and the western part of the San Gabriel Mountains. In addition, Anaverde Creek, Amargosa Creek, and Pine Canyon facilitate east-west wildlife movement through the mountains, Portal Ridge, and Ritter Ridge. Tributary drainages from the Santa Clara River, such as Elizabeth Lake Canyon and San Francisquito Canyon, connect coastal drainages and the coastal ecoregion to the San Andreas Fault and interior watersheds. The frequency of valuable riparian communities along this travel route, which is located within an otherwise arid climate, further contributes to the SEA’s importance for wildlife and habitat linkages in the region. (Appendix A: Conservation and Open Space Element Resources Antelope Valley Area Plan APP-A-3 June 2015)

What is apparent and necessary is adherence, across the board, to the GP's Policy C/NR 3.9: Consider the following in the design of a project that is located within an SEA, to the greatest extent feasible—Preservation of biologically valuable habitats, species, wildlife corridors and linkages (138); and also the AVAP's Conservation/Open Space Policy (2015), Chapter 4.4:

Require new development in Significant Ecological Areas, to consider the following in design of the project, to the greatest extent feasible:

- Preservation of biologically valuable habitats, species, wildlife corridors and linkages;
- Protection of sensitive resources on the site within open space;
- Protection of water sources from hydromodification in order to maintain the ecological function of riparian habitats.

This adherence is made “feasible” by the existence of the SEA Ordinance and its requirements, mitigations, monitoring, and enforcement, but does not fully apply to the Antelope Valley SEAs.

SEA Ordinance/Implementation Guide

As you have ascertained, our displeasure arises from the exemptions to certain development within the confines of the Antelope Valley Area Plan. With that said, we complement Regional Planning staff on their development of the ordinance and the implementation guide we consider to be outstanding. Our council looks forward to the support it will provide to our CSD. We understand our community's presence within the San Andreas SEA 17 imposes a footprint; but our work as a town council, as with the SEA Ordinance, seeks to preserve and maintain the truly exceptional natural qualities that define the San Andreas SEA 17.

Finally, we reiterate our agreement with the SEA Implementation Guide as it identifies “Guiding Principles” that recognize importance of biodiversity—that it is passed on to future generations; provides for reduction of fragmentation, maximizes preservation, and preserves connectivity and functionality; and also seeks to “Ensure the continuation of natural ecosystem services that improves quality of life for *all* who live in Los Angeles County.” The exemption of Single Family Residences (SFRs), Economic Opportunity Areas (EOAs), and “disturbed” agricultural lands in the Antelope Valley from SEA review; failure of SEA biannual review, runs counter to this principle. Statements in the Implementation Guide regarding the natural qualities that make SEAs worthy of protections are also those that provide previously mentioned “ecosystem services,” like the benefits of “clean air, clean water, fertile soils . . . and protection from natural disasters like floods and droughts, and regulation of temperatures.” We believe Antelope Valley residents are worthy of those benefits, as are our counterparts in other parts of the county. Are our SEAs less valuable than those of the rest of the County? The Implementation Guide further recognizes “cultural services” provided by “healthy, functioning ecosystems, such as scenic views, opportunities for recreation, tourism, culture, art, and design.” If SFRs, EOAs, and agricultural lands in the AV are exempt from the SEA Ordinance requirements, residents here will be unfairly exempt from the “cultural services” provided by SEA resources enjoyed by all other County residents.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan Zahuti". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

President





Los Angeles/Ventura Chapter

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February 26, 2019

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Department of Regional Planning  
320 West Temple Street  
Los Angeles, CA 90012

#### **Re: Los Angeles County Significant Ecological Areas Ordinance**

Dear Chair Moon,

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The Los Angeles/Ventura Chapter of the Building Industry Association of Southern California, Inc. (BIA), is a non-profit trade association of nearly 1,200 companies employing over 100,000 people all affiliated with building and development. On behalf of our membership, we would like to submit an updated comment and opposition letter based on the most recent draft of the County's Significant Ecological Areas (SEA) Ordinance. Unfortunately, the latest draft still falls short in addressing BIA's previously expressed concerns. We hope that our former and current comments are evaluated and considered for implementation.

Over the last several years, BIA-LAV has worked with the County and submitted various comment letters to help produce drafts 7, 8, 9 of the SEA ordinances. Draft 10 and 11 of the SEA documents was reviewed by our membership, and in the past, we had the opportunity to meet with County staff to communicate several technical changes. We had hoped to see most of the additions adopted in the new, January 2019 draft, but very few of the changes were implemented. Particularly, two previously expressed comments still remain at the forefront of our concerns; Native Tree Permits, and Enforcement Mechanisms. These concerns are described below, and the rest of our remaining concerns are attached in a separate document;



Los Angeles/Ventura Chapter

1. Concern - Native Trees Permits: Native trees will be further assessed for negative impacts, through the SEA Protected Trees development standard and Protected Tree Permit. 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.

Recommendation - BIA previously requested that SEA Draft 10, Section 22.102.050, be removed from additional permitted uses and asked that they only be subject to ministerial review. This included but was not limited to native and non-native vegetation removal, crops, native habitat restoration, etc. The new Protected Tree Permit is in direct conflict with this request and duplicates compliance conditions, as such mitigation efforts are already fulfilled through current permit processes and under the SEA Development Standards.

2. Concern – Enforcement Mechanisms: Notice of SEA violations and violation enforcements were created 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.

Recommendation - As previously conveyed in our past letter, development permitted prior to the expansion of an SEA mapped area would not have been previously reviewed for impacts to SEA resources. BIA recommends the language that was adopted by former versions of the ordinance be considered in lieu of the above suggested review and permit process: “Any development authorized by a valid land use approval, or permit authorized by this Title 22, that was not subject to Section 22.56.215 as it existed prior to the effective date of the ordinance establishing the former section. In such cases, the development shall be governed by the land use approval or permit during the life of that grant.” This language would be more appropriate when referring to a legally established development.

In summary, BIA believes that these considerations will strengthen the SEA ordinance by providing balance between past drafts and previous industry suggestions. Builders need clarity and certainty when new regulations are updated or introduced, especially when existing investments and current projects are impacted. These small changes will provide BIA members and housing producers that certainty and allow fair housing production to battle the housing crisis that has afflicted the region. We ask that the Final Significant Ecological Areas ordinance be written with our requested adjustments, so we can reasonably achieve the County’s goal of ecosystem conservation. We look forward to continuing to work with the County as this draft ordinance is finalized.



Los Angeles/Ventura Chapter

Thank you for your consideration of these suggestions and comments. Should you have any questions please contact, BIA-LAV Director of Government Affairs, Diana Coronado, at (213) 797-5965 or at [dcoronado@bialav.org](mailto:dcoronado@bialav.org).

Sincerely,

Tim Piasky  
Chief Executive Officer  
BIA-Los Angeles/Ventura

Sent via e-mail

## **2019 BIA-LAV Significant Ecological Areas Ordinance (SEA) Suggestions & Recommendations**

In 2018, our members submitted several technical changes and additions to the SEA Ordinance, detailed below. The highlighted key explains what recommendations the County did or did not adopt:

**Yellow = Recommendation Not Adopted**

**Green = Recommendation Adopted**

### **A. Requested changes from September 2018 Letter**

#### **1. Definition of “Biological Constraints Analysis” (Page 3 – §22.102.20 (A)):**

The County has provided that, a “Biological Constraints Analysis (BCA)” means a report, prepared by a qualified biologist as listed in the SEATAC Certified Biologist List maintained by the Department...” This draft definition requires that developments in an SEA area would have to work with a biologist on the SEATAC Certified Biologist List. Applicants should not be limited to the SEATAC list. Many of the biologists our members work with are well qualified and are familiar with the specific development that, often times, they have been working on over several years. If this suggestion were to be adopted we would request that references to the “SEATAC Certified Biologist List” be taken out from the entirety of the ordinance.

#### **2. Definition of “Development” (Page 5 & 33 – §22.102.20 (J) & (J)7.):**

(J). Currently, the definition of development is stated as, “Development” means any of the following activities within an SEA.” For clarity, we would like the inclusion of language that points out that the “following activities” under the SEA “Development” definition excludes exempted developments under Section 22.102.040 of the ordinance. This would eliminate any confusion related to what is exempted and not subject to this section or definition. Accordingly, BIA requests that §22.102.20 (J) be revised to read (requested change underlined):

J. “Development” means any of the following activities within an SEA, unless otherwise exempt under Section 22.102.040

(J)7. Also, in this provision, the County describes “Land Divisions” as a development activity. Our membership has requested that this be excluded from the definition of development.

#### **3. Exemptions (Page 11 – Section §22.102.040):**

In this section the ordinance states that, “The following developments are exempt from the regulations of this Chapter.” Here, BIA suggests adding language that reinforces the fact that an SEA permit is not required for the listed exemptions. BIA requests that §22.102.040 be revised to read (requested change underlined):

“The following developments are exempt from the regulations of this Chapter, and shall not require an SEA permit. Development that does not qualify for any of the exemptions listed below is subject to the regulations of this Chapter.”

**4. Exemptions (Page 12 & 13 – §22.102.040 (B)1., (D), (H)) And the addition of §22.102.040 (P) and (Q)(1. - 8.):**

(B)1. Under the ordinance Section 22.102.040 (B)1., the specific total building site and areas that would be exempted for additions and modifications are listed as not increasing “20,000 square feet, or encroach into more than 10% dripline for up to four SEA Native Trees.” Our membership feels that this type of specificity may not be appropriate in all cases and is too prescriptive. That should be noted throughout the ordinance, including; SEA Development Standards §22.102.080 (A) 2. (a.), 5., (B), (C) 6. & (D) 3., and Open Spaces §22.102.90 (A) 3.

(D) & (E). Currently, the ordinance exempts, “Maintenance, minor additions, or changes to existing legally established development previously reviewed for impacts to SEA Resources...” and “Development requiring renewal of previously approved use permits...” However, development permitted prior to the expansion of an SEA mapped area would not have been previously review for impacts to SEA resources. Instead, former versions of the ordinance stated that, “Any development authorized by a valid land use approval, or permit authorized by this Title 22, that was not subject to Section 22.56.215 as it existed prior to the effective date of the ordinance establishing the former section. In such cases, the development shall be governed by the land use approval or permit during the life of that grant.” This language would be more appropriate in defining an exemption for a previously existing, legally established development.

(H). This portion of the exemptions refers to the, “rebuilding and replacement of legally built structures which have been damaged or partially destroyed and will not increase the previously existing development footprint.” BIA suggests that County staff should currently have the ability to approve these types of changes to a structure if regulations requiring replacement require it or if it can be demonstrated that it wouldn’t affect sensitive vegetation.

(P). BIA suggests adding (P) to Section 22.102.040 to exempt “Lot line adjustments.”

(Q). BIA suggests adding (Q) to Section 22.102.040 to exempt “Ground Disturbance Activities” and the following activities as exemptions:

1. Implementation of mitigation (installation, maintenance, and monitoring), including habitat restoration, expansion, enhancement, and removal of non-native or invasive species;
2. Testing and survey activities conducted pursuant to environmental analysis prepared pursuant to the California Environmental Quality Act;
3. Activities on lands within the historic limits of existing agricultural operations and production, including lands that are fallow as part of long-term crop management. Agricultural operations may include, but are not limited to,

irrigated and non-irrigated farmland, nurseries, fruit stands, and composting facilities. Agricultural operations and production include access to, installation, repair, and maintenance of agricultural related infrastructure;

4. Activities associated with existing managed grazing lands for traditional livestock (including resource management) and the construction and maintenance of corrals, barns, sheds, fencing, water systems, and access roads as an accessory use, as allowed by this Title 22 and other applicable County regulations, including, but not limited to, regulations related to time of year, County wildlife preserves, and hazardous dust conditions;
5. Activities associated with existing oil and gas operations, including maintenance of wells, pipelines, tanks, fencing, sheds, access roads, and equipment and material storage;
6. Activities associated with required alterations in previously developed areas within a SEA (e.g., upsizing an existing utility);
7. Maintenance of existing facilities located within a SEA (e.g., grading and vegetation removal necessary to provide continued access); and
8. Construction of County master planned highways and master planned trails.

**5. SEA Counseling (Page 17 & 14 – §22.102.050(B), And the addition of Section 22.102.050 (C)):**

(B). As written, the ordinance requires that during the SEA Stop process that the Regional Planning Director recommend “two subsections...” appearing to mean that the two recommendations listed under a. and b. have to both be adopted. However, a. and b. appear to be written as adopting one or another – not necessitating both for a ministerial review, and an SEA Conditional Use Permit. To provide clarity and eliminate confusion, we recommend that the §22.102.050(B) be revised to read (requested change underlined):

**“Recommendation. The Director shall recommend at the SEA Stop one of the following two subsections:”**

(C). BIA also requests that Section 22.102.050 (C) be added to the ordinance to expand applicability requirements, including additional permitted uses subject only to ministerial review. We recommend the following:

**“C. Ministerial SEA Review. The following activities shall be presumed to comply with Section 22.102.080 (SEA Development Standards) and only a ministerial SEA review pursuant to Section 22.102.060 shall be required:**

1. Activities to improve the quality of biological or water resources in an SEA, such as, but not limited to:
  - a. Non-native vegetation removal programs;
  - b. Native Habitat restoration programs; and
  - c. Construction of wildlife crossing structures
2. New crops as follows:
  - a. Personal crops that exceed one acre in size; and,
  - b. Commercial crops of any size.



3. Vegetation removal as follows:

- a. Vegetation removal in excess of what is required for the placement of permitted structures, accessory structures, access, fuel modification areas, and paths; and
- b. Vegetation removal not associated with the development of an approved permit."

**6. SEA Review (Page 18 – §22.102.060 Title, And (A)):**

Title: BIA requests clarification under the SEA Review title, providing the word "Ministerial," makes it clear that this is meant to be a description of the ministerial process. We recommend that the title read, "SEA Review (Ministerial)."

(A). We recommend that under §22.102.060 (A) there should be clarifying language, that refers back to the eligibility of projects to undergo a ministerial review based on the Director's recommendation. BIA requests that §22.102.060 be revised to read (requested change underlined):

"A ministerial SEA Review pursuant to this section shall be required for any development recommended by the Director pursuant to section 22.102.50, subpart B, and any development included in section 22.102.50, subpart C, to determine compliance with the following:"

**7. SEA Conditional Use Permit (Page 24 – §22.102.080 Title):**

Title: BIA requests clarification under the SEA Conditional Use Permit title, providing the word "Discretionary," makes it clear that this is meant to be a description of the discretionary review process. We recommend that the title read, "SEA Conditional Use Permit (Discretionary)."

**8. SEA Development Standards (Page 29 - 33 – §22.102.090 (2)a., (C), (D)1., And (D)2.(c)):**

(2) a. BIA requests that the use of "minimum" results in great uncertainty to builders and developers and should be more specific. That should be noted throughout the ordinance, including; §22.102.080, (3) b.

(C). BIA suggests removing the fencing standards, under "Area-wide Development Standards," based on the broad nature of the resources within the County SEAs, a one size standard does not fit all. For this reason, the fencing should be looked at on a case-by-case basis.

(D) 1. We are concerned that the section describing permissible crops is too limited to non-invasive species, most crops are invasive when water is available.

(D) 2. (c). This section and the three points under the subsection does not appear to be necessary, because of the language above this section under (D) 2. (b), requiring exploratory testing stabilization.

**9. Open Spaces (Page 34 – §22.102.100 (A) 4.):**

BIA suggests that this provision is removed because Open Space could be set aside in the Final Map process.

**10. Open Space Use (Page 35 & 24 – §22.102.90 (C), Add 7., And (D) 1. & (D)2.(d)):**

Add (C) 7. We would like to add point 7. under exemptions to Open Space Use in subsection (C), to read:

“7. Trails and/or other recreational amenities”

(D) 1. & (D) 2. (d). BIA requests clarifications to expand the term “property owner” to include a “Property Owners Association.”

**11. Findings (Page 37– §22.102.110 (A), (B) & (F)):**

(A). BIA believes that the language under subsection A. be amended to eliminate any potential misinterpretations under current language. We recommend the section to be revised to read:

“A. To the extent feasible, the proposed development minimizes potential impacts to identified biological resources present on the portions of the proposed development site that are located within the SEA from incompatible development through the application of environmentally sensitive site design practices and development standards.”

(B). Also, to eliminate any misinterpretations, and conflicting exemptions, BIA suggests the language under subsection B. be replaced with the following:

“B. Potential conflicts between conservation of the resources in SEAs (as identified in the County’s General Plan) and the proposed development have been equitably resolved.”

(F) To create consistency across this “Findings” section, based on the earlier replacement language suggested above, (F) should be amended to read:

“F. The proposed development does not have the potential to result in the loss of resiliency of the SEA, to the extent feasible.”

Especially of concern, under subsection (F) is point 4.: “Other factors as identified by SEATAC.” This language is incredibly broad, and could pose unforeseen restrictions and challenges on builders and developers.

**11. Fees (Page 42 – §22.102.110 (A)5.(b)):**

Under current language, the SEATAC review fee only covers up to three SEATAC meetings, and would require new fee for additional meetings. BIA believes that this language should be amended to read:

“b. The SEATAC Review Fee shall cover all SEATAC meetings.”

**B. Requested changes from November 2018 Letter**

**1. Concern – Native Trees Permits (Page 19 – 22.102.070 Protected Tree Permit):**

Native trees will be further assessed for negative impacts, through the SEA Protected Trees development standard and Protected Tree Permit. 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.

Recommendation - BIA previously requested that SEA Draft 10, Section 22.102.050, remove additional permitted uses and asked that they only be subject to ministerial review. This included but was not limited to native and non-native vegetation removal, crops, native habitat restoration, etc. The new Protected Tree Permit is in direct conflict with this request and duplicates compliance conditions, as such mitigation efforts are already fulfilled through current permit processes and under the SEA Development Standards.

**2. Concern – Enforcement Mechanisms (Page 36 – 22.102.110 Enforcement):**

Notice of SEA violations and violation enforcements were created 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.

Recommendation - As previously conveyed in our past letter, development permitted prior to the expansion of an SEA mapped area would not have been previously reviewed for impacts to SEA resources. BIA recommends the language that was adopted by former versions of the ordinance be considered in lieu of the above suggested review and permit process: “Any development authorized by a valid land use approval, or permit authorized by this Title 22, that was not subject to Section 22.56.215 as it existed prior to the effective date of the ordinance establishing the former section. In such cases, the development shall be governed by the land use approval or permit during the life of that grant.” This language would be more appropriate when referring to a legally established development.

**3. Concern – Antelope Valley Exemption (Page 14 – 22.102.040 Exemptions):**

All Antelope Valley (AV) areas (except for the Eastern portion) had always been exempted in previous SEA ordinance drafts. The latest ordinance mandates that the AV areas will also be included as part of the county-wide SEA regulations for single-family residences and agricultural uses. This is meant to protect wildlife corridors and fragment natural communities that provide habitat for protected species and species.

Recommendation - In 2014, the Board of Supervisors passed a resolution to exempt the Antelope Valley Area Plan from encroachment of the SEA ordinance.

This motion ensured that the provisions in the Antelope Valley Area Plan supersede any new or existing SEA ordinance. This exemption was reached through the input of Town Councils, Antelope Valley Area Plan Blue Ribbon Committee, and the Department of Regional Planning to achieve an appropriate balance between economic growth and development, the preservation of important environmental resources, and the protection of the unique rural character of the Antelope Valley. The resolution was promulgated by the 200,000-acre expansion of the SEA in 2014. The recommendation to overturn a previous Board resolution is troublesome and changes the trajectory of developments that were created and dependent on this exemption.



# Los Angeles County Department of Regional Planning

*Planning for the Challenges Ahead*



Amy J. Bodek, AICP  
Director

August 23, 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) - Plan No. RPPL2018003985 - Plan No. RPPL2017006228  
- AMENDMENT TO GENERAL PLAN AND TITLE 22 FOR SIGNIFICANT ECOLOGICAL  
AREAS - RPC Meeting: September 26, 2018 - Agenda Item: TBD**

## **30-DAY COURTESY PACKAGE**

This is a 30-day courtesy package to allow the Regional Planning Commission (Commission) time to review the draft SEA Ordinance and Implementation Guide. The staff report will be submitted in the staff report package two weeks before the hearing date and will refer to the materials in this courtesy package. Please keep the review materials in this courtesy package for the Commission hearing on September 26, 2018.

## **BACKGROUND**

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

The Conceptual SEAs Update is an amendment to the General Plan to remove all text references to "Conceptual SEAs" and amend the Significant Ecological Areas and Coastal Resource Areas Policy Map (Figure 9.3) to designate the Altadena Foothills and Arroyos and the Puente Hills "Conceptual SEAs" as official "SEAs" and subject to the SEA Ordinance. 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. A discussion on this component will be included in the upcoming staff report.

The SEA Ordinance Update implements the General Plan and amends Title 22 (Zoning Ordinance) of the County Code that regulates development within a SEA. The SEA Ordinance was last discussed at a discussion item at the March 14, 2018 Commission meeting. Staff presented the draft Ordinance and Implementation Guide to the Commission and received some initial feedback from the Commission.

### **DRAFT ORDINANCE**

The enclosed draft SEA Ordinance (Attachment A) is the Public Hearing Draft to be heard at the September 26, 2018 Commission hearing. The Public Review Draft (March 2018) was revised based on comments received during the subsequent 75-day public comment period.

#### Formatting Key

The SEA Ordinance will be implemented through revisions to the existing County Code. Those revisions, along with the revisions made between drafts, are indicated within the Public Hearing Draft through the following text formatting:

<u>Underline in Black</u>	New text to be added to Title 22
<del>Strikethrough in Black</del>	Existing text in Title 22 to be removed
<u>Underline in Blue</u>	New text added to previous draft ordinance
<del>Strikethrough in Blue</del>	Text removed from previous draft ordinance
No Formatting	Existing draft text that will not change

### **DRAFT IMPLEMENTATION GUIDE**

The Public Hearing Draft of the SEA Implementation Guide is enclosed (Attachment B). Staff revised the Implementation Guide to correspond with changes made to the Ordinance. A list of general changes made to the Implementation Guide is also provided in Attachment B.

### **ALTERNATIVE OPTION**

Many of the comments received from members of the public during the 75-day public comment period expressed that single-family residences and agricultural uses in the Antelope Valley should also undergo SEA review. In response to this feedback, staff drafted an Alternative Option for the Antelope Valley exemptions, which is currently being reviewed by stakeholders and the general public. The Alternative Option was posted on the SEA website on July 25, 2018 and members of the public have until the hearing date to submit comments. Please see the enclosure (Attachment C) for a comparison of the current draft language and the alternative option.

Should you have any questions regarding this memo 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 SEA Ordinance (Public Hearing Draft)
- B – Draft SEA Implementation Guide (Public Hearing Draft)
- C – Alternative Option
- D – Hearing Notice



~~Chapter 22.102~~ **SIGNIFICANT ECOLOGICAL AREAS**

**ORDINANCE NO. \_\_\_\_\_**

An ordinance amending Title 22 – Planning and Zoning – of the Los Angeles County Code related to the update of regulations for Significant Ecological Areas and associated provisions.

**SECTION 1.** Division 2 - Definitions is hereby amended to read as follows:

...

-- **Significant eEcological aArea (SEA).** Land that is identified to hold important biological resources representing the wide-ranging biodiversity of the County, based on the criteria for SEA designation established by the General Plan and as defined in the adopted SEA Policy Map. ~~A. Significant ecological areas/habitat management areas designated on the special management areas map of the general plan.~~

~~B. — Environmentally sensitive habitat areas, sensitive environmental resource areas, and rare plant habitat areas, identified in the Santa Catalina Island Local Coastal Program depicting any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.~~

...

~~--“SEATAC” means the significant ecological areas technical advisory committee.~~

-- **Significant Ecological Areas Technical Advisory Committee (SEATAC).**  
An expert advisory committee, which assists the Department in their administration of Chapter 22.102 and provides recommendations regarding development within the designated Significant Ecological Areas.

...

**SECTION 2.** Chapter 22.102 is hereby deleted in its entirety.

...

**SECTION 3.** Chapter 22.102 is hereby added to read as follows:

## **SIGNIFICANT ECOLOGICAL AREAS**

### **SECTIONS:**

**22.102.010** Purpose

**22.102.020** Definitions

**22.102.030** Applicability

**22.102.040** Exemptions

**22.102.050** SEA Counseling

**22.102.060** [Ministerial](#) SEA Review

**[22.102.070](#)** Protected Tree Permit

**22.102.~~070~~[080](#)** SEA Conditional Use Permit

**22.102.~~080~~[090](#)** SEA Development Standards

**22.102.~~090~~[100](#)** [Natural](#) Open Space [Preservation](#)

**~~22.102.100~~** Findings

**[22.102.110](#)** Enforcement

**22.102.~~110~~[120](#)** [Filing](#) Fees

**22.102.~~120~~[130](#)** Review Procedures for County Projects

**22.102.~~130~~[140](#)** Review Procedures for Habitat Restoration Projects

**22.102.~~140~~[150](#)** Significant Ecological Areas Technical Advisory Committee

### **22.102.010 Purpose.**

This Chapter establishes regulations to conserve the unique biological and physical diversity of the natural communities found within Significant Ecological Areas (SEA) by

## ***Significant Ecological Areas Ordinance Update***

*Public Hearing Draft (August 23, 2018)*

requiring development to be designed to avoid and minimize impacts to SEA Resources.

These requirements will help ensure the long-term survival of the SEAs and their connectivity to regional natural resources. This Chapter regulates development within SEAs by:

- A. Protecting the biodiversity, unique resources, and geological formations contained in SEAs from incompatible development, as specified in the Conservation and Natural Resources Element of the General Plan;
- B. Ensuring that projects reduce the effects of habitat fragmentation and edge effects by providing additional technical review of existing resources, potential impacts, and required mitigations;
- C. Ensuring that development within ~~an~~ SEA conserves biological diversity, habitat quality, and connectivity to sustain species populations and their ecosystem functions into the future; and
- D. Directing development to be designed in a manner, which considers and avoids impacts to SEA resources within the Los Angeles County region.

### **22.102.020 Definitions.**

For purposes of this Chapter, the following definitions apply:

- A. **“Biological Constraints Analysis (BCA)”** ~~means a~~ report, prepared by a qualified biologist ~~as~~ listed in the SEATAC Certified Biologist List maintained by the Department, which assesses the biological resources on a project site and in the surrounding area. A comprehensive list of what should be included in the BCA is found in the BCA Checklist to be maintained by the Department.
- B. **“Biological Constraints Map (BCM)”** ~~means a~~ map of the project site prepared by a qualified biologist ~~as~~ listed in the SEATAC Certified Biologist List maintained by the Department, which identifies all SEA Resources, as defined within this Chapter.

## **Significant Ecological Areas Ordinance Update**

Public Hearing Draft (August 23, 2018)

A comprehensive list of what should be included in the BCM is found in the BCM Checklist to be maintained by the Department.

- C. **"Biota Report"** ~~means a~~ report prepared by a qualified biologist ~~as~~ listed in the SEATAC Certified Biologist List maintained by the Department that addresses project impacts on the biological resources identified in the BCM ~~and/or~~ BCA and outlines proposed mitigation strategies. A comprehensive list of what should be included in the Biota Report is found in the Biota Report Checklist to be maintained by the Department.

~~D. "Building site" means the portion of the development footprint that is or will be developed, including building pad and all graded slopes, all structures, decks, patios, impervious surfaces, and parking areas. For the purpose of limiting the building site area to 20,000 square feet per Subsection 22.102.060.A (Review Procedures), the following development may be excluded from the total building site area calculation:~~

- ~~1. The area of one access driveway or roadway that does not exceed 20 feet in width and 300 feet in length, and is the minimum design necessary, as required by the Fire Department;~~
- ~~2. The area of one approved Fire Department turnaround that is the minimum design necessary to ensure safety and comply with Fire Department requirements and not located within the approved building pad;~~
- ~~3. Graded slopes exclusively associated with the access driveway or roadway and hammerhead safety turnaround indicated above; and~~
- ~~4. Fuel modification area required by the Fire Department.~~

- ~~ED.~~ **"Conservation easement"** ~~means a~~ legal agreement between a landowner and a land trust or government agency in which the land owner places restrictions to permanently limit uses of the land in order to protect its conservation values and the land trust or government agency monitors and enforces the restrictions.

## **Significant Ecological Areas Ordinance Update**

Public Hearing Draft (August 23, 2018)

~~FE~~. **“Conservation or mitigation bank”** ~~means~~ permanently protected lands that are conserved and permanently managed for specific natural resource values, for which a specified number of habitat or species credits may be sold to project developers to offset adverse impacts from their projects.

~~GE~~. **“Conservation in-lieu fee”** ~~means~~ a fee that is provided by a project developer to a mitigation sponsor, such as a natural resource management entity, in lieu of providing required compensatory mitigation, which the mitigation sponsor may pool with other in-lieu fees to create one or more sites to compensate for the resource functions lost as a result of the development.

~~HG~~. **“County Biologist”** ~~means~~ a biologist employed by, or under contract to, the Department.

~~IH~~. **“Deed restriction”** ~~means~~ a land use restriction that is added to the deed of a property and restricts the use of the property.

~~JL~~. **“Development”** ~~means~~ any of the following activities within ~~a~~ SEA:

1. Alteration to existing vegetation, including but not limited to vegetation removal for fuel modification, landscaping, or active recreational activities;
2. Alteration to topography, including excavation, drilling, blasting, dredging, tillage and disking, earthwork, and grading of any amount, such as cut, fill, or combination thereof;
3. Construction, placement, ~~modification~~, expansion, or demolition of any access road, driveway, street or highway, including all associated construction staging;
4. Construction, placement, modification, expansion, or demolition of any infrastructure, including but not limited to, water and sewerage lines, drainage facilities, telephone lines, and electrical power transmission and distribution lines, including all associated construction staging;

**Significant Ecological Areas Ordinance Update**

Public Hearing Draft (August 23, 2018)

5. Construction, placement, modification, expansion, or demolition of any structure, including all associated construction staging;
6. Fenced areas used for livestock or companion animals including riding rings, kennels, paddocks, and grazing lands, or for security reasons/purposes;
7. Land divisions, except for projects with all development rights dedicated to the County, to another public agency that manages conserved natural land, or to an accredited land conservancy; and
8. Construction, placement, modification, expansion, or demolition of trails (biking, hiking, equestrian, etc.).

~~KJ.~~ **“Development footprint”** ~~means the~~ means the area of disturbance for development both temporary and permanent, including but not limited to, all structures, driveways and access, fuel modification areas, and direct habitat disturbances associated with the development.

1. **Building site area.** The portion of the development footprint that is or will be developed, including building pad and all graded slopes, all structures, decks, patios, impervious surfaces, and parking areas. For the purpose of limiting the building site area to 20,000 square feet per Subsection 22.102.060.A (Review Procedures), the following development associated with the primary use may be excluded from the total building site area calculation:
  - a. The area of one access driveway or roadway that does not exceed 20 feet in width and 300 feet in length, and is the minimum design necessary, as required by the Fire Department;
  - b. The area of one turn-around not located within the approved building pad, and is the minimum design necessary to ensure safety and comply with Fire Department requirements;



**Significant Ecological Areas Ordinance Update**

Public Hearing Draft (August 23, 2018)

- c. Graded slopes exclusively associated with the access driveway or roadway and safety turnaround indicated above; and
- d. Fuel modification area required by the Fire Department.

~~LK.~~ **"Ecosystem"** ~~\_ means a~~ biological community of interacting organisms and their physical environment.

~~ML.~~ **"Ecosystem function"** ~~\_ means t~~he natural processes (chemical, biological, geochemical, and physical), that take place within an ecosystem and contribute to its self-maintenance.

~~NM.~~ **"Ecosystem service"** ~~\_ means t~~he results of ecosystem functions which provide a benefit to the natural environment and humans. Examples of ecosystem services include air pollution reduction, maintenance and/or improvement of water quality, temperature moderation, fertile soil, and scenic views.

N. **Edge Effects.** The effects of development on adjacent natural areas due to introduction of structures, non-native and/or non-local plants, and animals. Structures change the microclimate or constitute barriers to movement. Introduced species displace native species or interact with natural processes and change conditions so that the native species are no longer well-adapted to the altered environment.

O. **Encroachment.** An intrusion, disturbance, or construction activity within the protected zone of a tree.

~~OP.~~ **"Exploratory testing"** ~~\_ Means a~~ny excavation for the purpose of evaluating soil and/or hydrologic conditions, or geologic hazards. This includes exploratory test holes for water wells, percolation testing for on-site wastewater treatment systems, the access road to the test site, and any other activity associated with evaluating a site for development.

~~P. "Formation Type" means the generalized structure of a stand of vegetation or physical feature. Formation types recognized in this Chapter include the following:~~

## **Significant Ecological Areas Ordinance Update**

Public Hearing Draft (August 23, 2018)

- ~~1. Beach and dune is habitat defined by generally sparse vegetation and prevalence of wind- or wave-deposited sand.~~
  - ~~2. Chaparral is a vegetation dominated by tall woody shrubs 2 meters and taller.~~
  - ~~3. Herbland is a vegetation dominated by annual or herbaceous perennial species including native and non-native grasslands.~~
  - ~~4. Rock Outcrops and Rockland are defined by the presence of rocky habitats, typically largely barren of vegetation. Plant life may be generally limited to lichen, liverworts or mosses, although vascular plants may be present within cracks, crevices, pockets, etc.~~
  - ~~5. Scrub is vegetation dominated by low-growing shrubs up to 2 meters in size.~~
  - ~~6. Stream is a physical feature which at least periodically conveys water through a channel or linear topographical depression, defined by the presence of hydrological and vegetative indicators.~~
  - ~~7. Wetland is an area of land that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, with determinations following guidelines defined in the Corps of Engineers Wetland Delineation Manual.~~
  - ~~8. Woodland is vegetation dominated by trees. Trees may be widely spaced with as little as five percent (5%) canopy cover (e.g., savanna), densely arrayed with nearly complete canopy closure, or various densities in between. Understory may vary from herbaceous to shrubby.~~
- Q. **"Fragmentation"** ~~means~~ the process by which a landscape is broken into small islands of vegetation-natural habitat within a mosaic of other forms of land use or ownership, such as islands of a particular age class (e.g. old growth) that remain within areas of younger-aged forest.

~~R. "Habitat Type" is a subdivision of Formation Type that more precisely identifies dominant species rather than growth form or physical structure. Habitat types are generally referable to vegetation types as defined by standard references, such as Holland (1988) or Sawyer et al (2009).~~

R. **Fuel Modification.** The process of providing a defensible space for fire suppression forces and protection of structures from radiant and convective heat through project design and the reduction of fuel loads. A Fire Department approved Fuel Modification Plan is required for all new structures and additions to existing structures that are equal to or greater than 50% of the existing square footage, which are located in the Very High Fire Hazard Severity Zone. A fuel modification plan typically consists of the following zones:

1. **Zone A.** The Setback Zone, which typically extends 20 feet from any qualifying structure, is required to be cleared of all vegetation except for irrigated ground cover, lawn, adequately-spaced low-growing plant species, or hardscape.
2. **Zone B.** The Irrigated Zone, which typically extends from 20 to 100 feet from any qualifying structure or to the property line, requires an irrigated landscape and thinning and removal of plant species constituting high-fire risk.
3. **Zone C.** The Thinning Zone, extends from 100 to 200 feet from any qualifying structure or to the property line. Thinning the density of existing native vegetation is required in this zone to reduce the amount of fuel and slow the rate of fire spread, slow flame lengths, and reduce the intensity of fire before it reaches the irrigated zones.

S. **Geological Features.** Landform and physical features, such as beaches, dunes, rock outcrops, and rocklands, formed through natural geological processes.

**Significant Ecological Areas Ordinance Update**

Public Hearing Draft (August 23, 2018)

- T. Landscaping. Any activity that modifies the visible features of an area of land through alteration of natural elements, such as altering the contours of the ground or planting trees, shrubs, grasses, flowers, and other plants.
- SU. **“Large Lot Parcel Map”.** ~~means a~~ map with parcels with 20 acres or more and less than 40 acres with no improvements and with required access to a public street or highway, or, parcels with 40 acres or more without improvements and not required to have access to a public street or highway.
- TV. **“Linkage”.** ~~means a~~ n area of land that possesses sufficient cover, food, forage, water, and other essential elements to serve as a movement pathway for species between two or more major areas of habitat.
- UW. **“Natural Community”.** ~~means a~~ distinctive assemblage of plant species that live together and are linked by their effects on one another and their environment, and which present a characteristic appearance based on size, shape, and spacing that is reflective of the effects of local climate, soil, water, disturbance, and other environmental factors.
- X. Natural Open Space. Lands preserved in their natural, undeveloped condition.
- YY. **“Previously disturbed farmland”.** ~~means f~~ Farmland not grazed by domestic stock identified within the State of California Farmland Mapping and Monitoring Program (published in 2017) ~~that has been inactive for a period of less than three consecutive years~~ that has been used for agricultural production at some time during the four years prior to the most recent mapping date.
- WZ. **“Priority Biological Resource”.** ~~means~~ SEA Resource Categories 1, 2, and/or 3.
- AA. Protected Zone. The area within the dripline of a tree and extending therefrom to a point at least five feet outside the dripline, or 15 feet from the trunk, whichever is greater.

**BB. Restoration Plan.** A plan that delineates the process of habitat restoration in order to return the habitat to a close resemblance of its condition prior to disturbance. A Restoration Plan shall be prepared by a qualified biologist or restoration ecologist, and includes the following:

1. Description and map of the area proposed to be restored or enhanced;
2. Description of restoration or enhancement activities, including incidental activities, and their timeline;
3. An inventory of SEA Resources onsite, including an evaluation of existing and pre-disturbance habitat quality;
4. Statement of restoration goals and performance standards;
5. Revegetation and restoration methodologies to be implemented; and
6. Maintenance and monitoring provisions, including a monitoring period of no less than five years for individual restoration projects.

**CC. SEA Protected Trees.** Native trees listed in the SEA Protected Tree List maintained by the Department are protected under the provisions of this Chapter, as described below:

1. Any listed native tree with a trunk diameter that meets or exceeds the diameter listed in the SEA Protected Tree List maintained by the Department, as measured 54 inches above natural grade.
2. Any listed native tree with two or more trunks that measure a total of at least 8 inches in diameter, as measured 54 inches above natural grade.
3. **Heritage Tree.** Any listed native tree with a trunk diameter that measures 36 inches or more in a single trunk or two trunks that measures a total of 54 inches or more in diameter. A Heritage Tree is considered irreplaceable because of the tree's rarity, distinctive features (e.g. size, form, shape, color), or prominent location within a community or landscape.

## **Significant Ecological Areas Ordinance Update**

Public Hearing Draft (August 23, 2018)

~~XDD.~~ **“SEA Resource”** ~~means the biological and physical natural resources that~~ contribute to and support the biodiversity of SEAs and the ecosystem services they provide. SEA Resources include the species listed below within the five SEA Resource categories. SEA Resources are generally ranked based on rarity, sensitivity, and level of protection as it relates to the SEAs.

1. **“SEA Resource Category 1”** ~~includes natural communities ranked G1 or S1 by the accepted by California Department of Fish and Wildlife (CDFW) and ranked G1 or S1 by CDFW,~~ or utilizing NatureServe’s Conservation Status Assessment methodology for unranked communities; plant species categorized by the California Native Plant Society (CNPS) as California Rare Plant Rank (RPR) 1A, 1B, 2A, 2B, or 3; plant and animal species formally listed or proposed for listing under the State and/or Federal Endangered Species Acts and habitat occupied by any such species; and water resources as defined by this [Ordinance Chapter](#).
2. **“SEA Resource Category 2”** ~~includes natural communities ranked G2 or S2 accepted by CDFW and ranked G2 or S2 by CDFW,~~ or utilizing NatureServe’s Conservation Status Assessment methodology for unranked communities; animals listed by CDFW as Species of Special Concern and habitat occupied by any such species; ~~oak woodlands as defined by the Los Angeles County Oak Woodland Conservation Management Plan;~~ and any biological or physical natural resource identified in the Sensitive Local Native Resources list maintained by the Department.
3. **“SEA Resource Category 3”** ~~includes natural communities ranked G3 or S3 accepted by CDFW and ranked G3 or S3 by CDFW,~~ or utilizing NatureServe’s Conservation Status Assessment methodology for unranked communities; and oak woodlands as defined by the Los Angeles County Oak Woodland Conservation Management Plan.



**Significant Ecological Areas Ordinance Update**

Public Hearing Draft (August 23, 2018)

4. **“SEA Resource Category 4”** ~~includes natural communities ranked G4, S4, or G5, or S5~~ accepted by CDFW and ranked G4, S4, G5 or S5 by CDFW, or utilizing NatureServe’s Conservation Status Assessment methodology for unranked communities; plant species categorized by CNPS as RPR 4; and habitat occupied by annual or herbaceous RPR 4 plant species.
  5. **“SEA Resource Category 5”** ~~includes~~ disturbed, early successional, or isolated resource elements, such as plant communities dominated by non-native species, agricultural fields, hedges, and non-native trees, which continue to provide habitat and movement opportunities for ~~wildfire~~wildlife, buffers between development and wildlands, and ecosystem functions valuable to the resilience of the SEAs.
- ~~YEE.~~ **“Sensitive Local Native Resources”** ~~means~~ species identified by the Department to be rare or uncommon in the County or within a specific SEA, due to, but not limited to, being at the outer limits of their known range, having declining populations in the region, occurring in naturally small populations, being dependent on habitat that is declining in size and quality, having few records within the region, or having historically been abundant in the region but for which there are no recent records. A list of Sensitive Local Native Resources is maintained by the Department.
- ~~FF.~~ **Stream.** Stream is a physical feature that at least periodically conveys water through a channel or linear topographical depression, defined by the presence of hydrological and vegetative indicators.
- ~~GG.~~ **Trim or Prune.** The cutting of or removal of any limbs, branches, or roots of trees.
- ~~ZHH.~~ **“Vegetation”** ~~means~~ ground cover that includes trees, shrubs, bushes, grasses, wildflowers, and other plant life.
- ~~AAII.~~ **“Water resources”** ~~means~~ sources of permanent or intermittent surface water, including but not limited to lakes, reservoirs, ponds, rivers, streams, marshes, seeps,

## **Significant Ecological Areas Ordinance Update**

Public Hearing Draft (August 23, 2018)

springs, vernal pools, and playas. ~~Additional information about specific water resources is provided in the General Plan 2035.~~

JJ. **Wetland.** Wetland is an area of land that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, with delineations following guidelines defined in the USFW Classification of Wetlands and Deepwater Habitats of the United States (Cowardin, 1979).

~~BBKK.~~ **“Wildlife”** ~~means a~~ All animal life, including mammals, birds, reptiles, amphibians, fish, and invertebrates.

~~CCLL.~~ **“Wildlife Corridor”** ~~means a~~ An area of open space with sufficient width to permit larger, mobile species (such as, but not limited to foxes, bobcats, and coyote) to pass between or disperse from one major area of open space or region to another.

~~DDMM.~~ **“Wildlife permeable fencing”** ~~means a~~ fence, wall, or gate that can be easily bypassed by all species of wildlife found within SEAs (such as, but not limited to deer, coyotes, bobcats, mountain lions, rodents, amphibians, reptiles, and birds).

### **22.102.030 Applicability**

- A. Applications submitted on or after the effective date of this ordinance are subject to the regulations herein. Pending projects with a complete application prior to the date of applicability for this Chapter may choose to comply with the SEA Ordinance applicable at the time of a complete application submittal or the amended SEA regulations made effective through this ordinance amending this Chapter.
- B. This Chapter applies to all activities that meet the definition of development herein where occurring within all areas designated in the General Plan and related maps as SEAs.

## ***Significant Ecological Areas Ordinance Update***

*Public Hearing Draft (August 23, 2018)*

- C. Where a provision of the zone, supplemental district, or anywhere else in this Title 22 regulates the same matter as this Chapter, whichever provision is more protective of biological resources shall apply.
- D. Until such time as the Santa Catalina Island Local Coastal Program (“LCP”) is amended, development within SEAs as mapped in the LCP shall be regulated by the version of the SEA Ordinance in effect at the time of certification of the LCP.
- E. Until such time as the Santa Monica Mountains North Area Community Standards District (“SMMNA CSD”) is amended, development occurring within SEAs in the boundaries of the Santa Monica Mountains North Area Plan shall be regulated by the version of the SEA Ordinance in effect at the time of the adoption of the Los Angeles County General Plan 2035.

### **22.102.040 Exemptions**

The following developments are exempt from the regulations of this Chapter. Development that does not qualify for any of the exemptions listed below is subject to the regulations of this Chapter.

- A. Within the boundaries of the Antelope Valley Area Plan:

~~1. Construction of a new single-family residence regardless of size, additions to existing single-family residences regardless of size, associated landscaping, new accessory structures, additions to existing accessory structures, and new or expanded animal-keeping areas and facilities.~~

- 1. Construction of a new single-family residence, regardless of size;
- 2. Improvements accessory to a single-family residence, regardless of size:
  - a. Additions to an existing single-family residence;
  - b. Landscaping;
  - c. New accessory structures;

**Significant Ecological Areas Ordinance Update**

Public Hearing Draft (August 23, 2018)

d. Additions to existing accessory structures; and

e. New or expanded animal keeping areas and facilities.

23. Agricultural uses on Aall previously disturbed farmland as defined by Section 22.102.020 (Definitions).

B. All areas outside the boundaries of the Antelope Valley Area Plan:

1. Additions or modifications to existing single-family residences, ~~or~~ associated accessory structures, or animal keeping areas/structures, as long as such addition or modification does not increase the total building site area to more than 20,000 square feet or encroach into more than 10% percent of the dripline for up to four SEA ~~Native Protected~~ Trees.

E2. A maximum of one accessory animal keeping structure less than 120 square feet ~~shall be permitted~~. Such structure shall be located no more than 100 feet from the primary use.

DC. Maintenance, minor additions, or changes to existing legally established development previously reviewed for impacts to SEA Resources, if:

1. Maintenance, additions, or changes do not expand the previously approved development footprint; or
2. Maintenance, additions, or changes are operating under a valid use permit and found to be in substantial compliance with such permit.

ED. Development requiring renewal of previously approved ~~use~~ discretionary permits, if:

1. The previously approved development footprint is not expanded; and
2. Impacts to SEA Resources were reviewed under the prior permit.

FE. ~~Projects within expanded SEA boundaries requiring renewal of previously approved discretionary permits~~ Renewal of previously approved discretionary permits located within the adopted expanded SEA boundaries, if:

1. The previously approved development footprint is not expanded; and

**Significant Ecological Areas Ordinance Update**

Public Hearing Draft (August 23, 2018)

2. Impacts to SEA Resources were reviewed under the prior permit.
- ~~GE~~. Any development regulated by an adopted Specific Plan, provided that such development complies with the applicable provisions of the Specific Plan and can ~~be~~ demonstrated that the ~~project development~~ received adequate biological review of ~~the~~ SEA ~~r~~Resources and impacts to them.
- ~~HG~~. The rebuilding and replacement of legally built structures which have been damaged or partially destroyed and will not increase the previously existing development footprint.
- ~~IH~~. Land divisions for the purposes of the California Land Conservation Act of 1965 commonly referred to as the Williamson Act.
- ~~JI~~. Legally required fuel modification and brush clearance activities with the exception of tilling and disking, as approved by the Fire Department, associated with existing legal structures for the purpose of fire protection.
- ~~KJ~~. Periodic reviews established in Section 22.190.080 (Reclamation Plan) for previously approved ~~S~~surface mining permits and reclamation plans ~~approved or otherwise~~ authorized to operate under Chapter 22.190 (Surface Mining Permits) ~~during the life of that grant, including the periodic reviews established in Section 22.190.080 (Reclamation Plan)~~ provided that such periodic review is conducted during the life of that grant, does not include proposed changes that would result in expanded development, and is consistent with valid permits.
- ~~LK~~. Development activity necessary for the maintenance of existing legally established driveways, streets, and highways.
- ~~ML~~. Development where the only impact to SEA Resources involve trees planted as required per Titles 21 and 22, Low Impact Development per Title 12, or Green Building requirements per Title 31.

## **Significant Ecological Areas Ordinance Update**

Public Hearing Draft (August 23, 2018)

- NM.** Emergency removal of any tree listed on the SEA ~~Native Protected Tree~~ List maintained by the Department, due to a hazardous or dangerous condition, being irretrievably damaged or destroyed through flood, fire, wind, lightning, drought, pests, or disease, as ~~determined after visual inspection~~ recommended by a licensed arborist and approved by a ~~licensed~~ Forester with the Fire Department or a County Biologist.
- ON.** Tree maintenance, limited to removal of dead wood and pruning of branches not to exceed two inches in diameter and 20 25 percent of live foliage within a two year period, intended to ~~ie~~nsure the continued health of an SEA ~~native Protected t~~ree, in accordance with guidelines published by the National Arborists Association. Should excessive maintenance, trimming, or pruning adversely affect the health of the tree, as determined by the County Biologist or Forester with the Fire Department, a Protected Tree Permit per Section 22.102.070 (Protected Tree Permit) or SEA Conditional Use Permit (SEA CUP) per Section 22.102.080 (SEA Conditional Use Permit) may be required.
- O.** Emergency or routine maintenance by a public utility necessary to protect or maintain essential components of an existing utility or transmission system.
- P.** Introduced trees which qualify for protection under the definition of SEA Protected Tree, but which can be demonstrated to have been planted by a person for the purposes of affecting the architecture, climate, or aesthetics of a given place and are, therefore, considered landscape features. Documentation of the planting must be provided. Trees planted as mitigation do not qualify as introduced.

### **22.102.050 SEA Counseling**

Prior to the submittal of an application for activities involving development within a SEA, a preliminary review of proposed development activities and consideration of the



## ***Significant Ecological Areas Ordinance Update***

*Public Hearing Draft (August 23, 2018)*

associated impacts on SEA Resources shall occur through a SEA Counseling meeting (~~“SEA Stop”~~), unless waived at the discretion of the Director.

A. **Application Materials.** The applicant shall submit the following:

1. SEA ~~Stop~~ Counseling Application and applicable fees;
2. Biological Constraints Map (BCM); and
3. Conceptual Project Design.

B. **Recommendation.** The Director shall recommend at the SEA ~~Stop~~ Counseling meeting the two subsections one of the following:

1. The conceptual project demonstrates the ability to comply with Section 22.102.090 (SEA Development Standards) and only a Ministerial SEA Review shall be required per Section 22.102.060 (Ministerial SEA Review);
2. The conceptual project demonstrates the ability to comply with Section 22.102.090 (SEA Development Standards) with the exception of Subsection 22.102.090.B (SEA Protected Trees) and a Ministerial SEA Review and Protected Tree Permit shall be required per Sections 22.102.060 (Ministerial SEA Review) and 22.102.070 (Protected Tree Permit); or
3. The conceptual project does not demonstrate the ability to comply with Section 22.102.090 (SEA Development Standards) and a SEA CUP shall be required per Section 22.102.080 (SEA Conditional Use Permit).

### **22.102.060 Ministerial SEA Review**

A. **Review Procedures.** The Ministerial SEA Review shall be a biological review, conducted by the County Biologist, to accompany the review process for the use permit required by the underlying zone and other provisions of this Title 22. If the development does not require a use permit, the SEA Review shall be processed as a

**Significant Ecological Areas Ordinance Update**

Public Hearing Draft (August 23, 2018)

Site Plan (Type II) Review. ~~A~~ Ministerial SEA Review shall be required for any development to determine compliance with the following:

1. The total building site area shall be no more than 20,000 square feet;
42. Development is consistent with Section 22.102.~~080~~090 (SEA Development Standards); and
23. Natural ~~O~~open space preservation is provided in compliance with Section 22.102.~~090~~100 (Natural Open Space Preservation).

~~B. Site Visit. A site visit by the County Biologist may be deemed necessary by the Director or County Biologist to adequately determine compliance with Sections 22.102.080 (SEA Development Standards) and 22.102.090 (Open Space).~~

~~C. The SEA Review shall be a biological review, conducted by the County Biologist, to accompany the review process for the use permit required by the underlying zone and other provisions of this Title 22. If the development does not require a use permit, the SEA Review shall be processed as a site plan review.~~

DB. **Application Materials.** In addition to the required application materials for the appropriate use permit, the following materials shall be submitted for the Ministerial SEA Review:

1. **Site Plan.** A site plan identifying:
  - a. All proposed development, including on-site and off-site ground disturbing activity and vegetation removal;
  - b. Grading activity location, description, and quantities identified by cut, fill, import, natural grade, export and, when applicable, remedial and over-excavation is required;
  - c. Areas to be re-vegetated or restored, including a plant identification list with the botanical and common names of all planting materials;

**Significant Ecological Areas Ordinance Update**

Public Hearing Draft (August 23, 2018)

- d. Location and square footage of decorative landscaping ~~and~~ or crops, including proposed groundcover areas, shrub mass, and existing and proposed tree locations, for all common or open space areas not left in a natural state. Plant identification lists shall include botanical and common names of all planting materials; and
  - e. On-site natural open space preservation, as applicable.
2. A Biological Constraints Map (BCM).
  3. Natural Open Space Recordation ~~D~~documentation per Section 22.102.~~090~~100 (Natural Open Space Preservation) with an attached exhibit identifying the required preserved natural open space area.

**BC. Additional Review.**

1. **Site Visit.** A site visit by the County Biologist may be deemed necessary by the Director or County Biologist to adequately determine compliance with Sections 22.102.090 (SEA Development Standards) and 22.102.100 (Natural Open Space Preservation).

**22.102.070 Protected Tree Permit**

Trees serve a significant role in the SEAs by providing habitat and ecosystem services. The intent of the following tree protection regulations is to encourage the responsible management of trees in the SEAs.

A. **Permit Required.** A Protected Tree Permit shall be required for development which cannot demonstrate compliance with only Subsection 22.102.090.B (SEA Protected Trees) and shall be required for any of the following impacts:

1. Pruning or trimming of branches of SEA Protected Trees in excess of two inches in diameter or 25 percent of live foliage for one or more trees;

***Significant Ecological Areas Ordinance Update***

*Public Hearing Draft (August 23, 2018)*

2. Encroachments of up to 30 percent into a SEA Protected Tree's protected zone.  
Any encroachment of more than 30 percent into the protected zone of a tree shall be considered as a tree removal as described in Subsection A.3 below; or
  3. Removal of up to two SEA Protected Trees that are not designated as Heritage Trees.
  4. Tree location poses significant risk to the health or survival rate of a tree. Any relocation of a SEA Protected Tree shall therefore be processed as a removal as described in Subsection A.3 above.
- B. A SEA CUP shall be required per Section 22.102.080 (SEA Conditional Use Permit) for the following impacts:
1. Removal of more than two SEA Protected Trees; or
  2. Removal of any SEA Protected Tree designated as a Heritage Tree.
- C. **Application Materials.** The following materials shall be submitted for the Protected Tree Permit:
1. Application materials for Type II Review;
  2. Protected Tree Report prepared by a qualified arborist or resource specialist shall include the following:
    - a. Associated tree survey map;
    - b. Descriptions of all existing SEA Protected Trees on the subject property and impacted SEA Protected Tree(s) adjacent to the subject property;
    - c. Existing health and potential impacts of development of each SEA Protected Tree;
    - d. Identification of all SEA Protected Tree removals and encroachments; and
    - e. Recommendations for avoiding, minimizing, and/or mitigating SEA Protected Tree impacts.

***Significant Ecological Areas Ordinance Update***

*Public Hearing Draft (August 23, 2018)*

3. Oak tree species may require additional application materials as stated in Chapter 22.174 (Oak Tree Permits).

C. **Burden of Proof.** In addition to the materials required per Subsection 22.102.070.B (Application Materials), the application shall substantiate to the satisfaction of the Commission or Hearing Officer the following facts:

1. That any proposed construction will be accomplished without endangering the health of the remaining SEA Protected Tree(s), if any, on the property; and
2. That the removal or encroachment of the SEA Protected Tree(s) proposed will not result in soil erosion through the diversion or increased flow of surface waters that cannot be satisfactorily mitigated.

D. **Findings.** A Protected Tree Permit may be approved only if the action proposed will not be contrary to or be in substantial conflict with the intent and purpose of the Protected Tree Permit procedures and the following findings are made:

1. That the proposed impacts to SEA Protected Tree(s) will be mitigated in compliance with Subsection 22.102.070.F (Mitigation); and
2. One or more of the findings below:
  - a. That the required action is necessary to allow reasonable economic or other enjoyment of the property and there is no other feasible design alternative that would avoid impact to the SEA Protected Tree(s); or
  - b. That the SEA Protected Tree(s) proposed for removal, encroachment, or pruning interferes with utility services or streets and highways, either within or outside of the subject property, and no reasonable alternative to such interference exists other than removal of the SEA Protected Tree(s); or

c. That the condition of the SEA Protected Tree(s) proposed for removal, encroachment, or pruning due to disease, danger, or falling is such that it cannot be remedied through reasonable preservation practices.

**E. Mitigation.**

1. **Mitigation Ratios.** Impacts to SEA Protected Trees shall be mitigated per the mitigation ratios in Table 22.102.070-A.

<b><u>TABLE 22.102.070-A: MITIGATION RATIOS FOR PROTECTED TREE PERMIT</u></b>	
<b><u>Impact</u></b>	<b><u>Mitigation Requirements</u></b>
<u>Pruning of branches larger than two inches in diameter or in excess of 25 percent of live foliage</u>	<u>Monitoring per Subsection E.2</u>
<u>Up to 30 percent encroachment into protected zones</u>	<u>Monitoring per Subsection E.3</u>
<u>Removal of trees not designated as Heritage Trees</u>	<u>2:1 Replacement Ratio and Monitoring per Subsection E.4</u>
<u>Removal of Heritage Tree</u>	<u>SEA CUP required</u>

2. Where pruning or trimming of SEA Protected Trees exceeds 25 percent of live foliage or involves cutting of branches greater than two inches in diameter, each affected tree shall be monitored for a period of not less than seven years, with monitoring visits occurring in years two, four, and seven. Should any of these trees be lost or suffer worsened health or vigor as a result of the pruning, the applicant shall mitigate the impacts at a 2:1 ratio per Subsection E.4 below.

3. Where development encroaches up to 30 percent of the protected zone of SEA Protected Trees, each affected tree shall be monitored for a period of not less than seven years, with monitoring visits occurring in years two, four, and seven. Should any of these trees be lost or suffer worsened health or vigor as a result of



**Significant Ecological Areas Ordinance Update**

Public Hearing Draft (August 23, 2018)

the proposed development, the applicant shall mitigate the impacts at a 2:1 ratio per Subsection E.4 below.

4. Required replacement trees shall consist exclusively of native trees of the same species being removed, and shall be in the ratio required in Table 22.102.070-A. Replacement trees shall be properly cared for and maintained for a period of seven years and replaced by the applicant or permittee if mortality occurs within that period. Each replacement tree shall be monitored for a period of not less than seven years, with monitoring visits in years two, four, and seven.

5. **Protected Tree Fund.** If replacement on the project site of SEA Protected Trees proposed for encroachment or removal is inappropriate, a Forester with the Fire Department or County Biologist may recommend that the applicant pay into the Protected Tree Fund the amount equivalent to the resource value of the trees described in the Protected Tree Report. The resource value shall be calculated by the applicant and approved by a Forester with the Fire Department or County Biologist according to the most current edition of the International Society of Arboriculture's "Guide for Plant Appraisal."

a. Funds collected shall be used for the following purposes:

i. Establishing and planting native trees on public lands;

ii. Maintaining existing native trees on public lands;

iii. Purchasing native tree woodlands; and/or

iv. Purchasing sensitive native trees of ecological, cultural, or historic significance.

b. Not more than seven percent of the funds collected may be used to study and identify appropriate programs for accomplishing the purposes described in Subsection E.2.a above.

- F. **Noticing and Public Hearing.** Noticing and public hearing procedures a Protected Tree Permit shall be consistent with the requirements of Type II Review stated in Division 9.
- G. **Enforcement.** In interpreting the provisions of Section 22.102.070 (Protected Tree Permit) as applied to this Chapter, each individual tree cut, destroyed, removed, relocated or damaged in violation of these provisions shall be deemed a separate offense.

**22.102.070080 SEA Conditional Use Permit**

- A. **Permit Required.** A discretionary SEA Conditional Use Permit (“SEA CUP”) application ~~is~~ shall be required for development, which cannot demonstrate compliance with Section 22.102.070 (Protected Tree Permit), or Sections 22.102.080090 (SEA Development Standards) and 22.102.090100 (Natural Open Space Preservation).
- B. **Application Materials and Review Procedures.** An application for a SEA CUP shall be filed and processed in compliance with Section 22.230 (Type III Review – Discretionary).
1. In addition to the application materials listed in Subsection 22.102.060.0B (Application Materials), the applicant shall submit the following to the satisfaction of the Director in consultation with the County Biologist:
- Biological Constraints Analysis (BCA);
  - Biota Report; and
  - Additional materials and information that may be deemed necessary by the Director, County Biologist, or SEATAC to adequately evaluate the application.

## **Significant Ecological Areas Ordinance Update**

Public Hearing Draft (August 23, 2018)

~~2. An application for an SEA CUP shall be filed and processed in compliance with Section 22.230 (Type III Review – Discretionary).~~

~~e~~2. The Director may waive one or more of the items in this Subsection B when deemed unnecessary to process the application.

### AC. **Additional Review.**

1. **Site Visit.** ~~A~~sSite visit(s) by the County Biologist may be deemed necessary by the Director or County Biologist to adequately evaluate the impacts to SEA Resources.
2. **SEATAC Review.** Prior to a public hearing, a SEA CUP application shall be required to undergo R~~r~~review by the Significant Ecological Areas Technical Advisory Committee (“SEATAC”), unless waived by the Director. The scope of the SEATAC Review shall be consistent with Section 22.102.~~440~~150 (Significant Ecological Areas Technical Advisory Committee).
3. **Director’s Report.** The Director shall provide the following analyses and recommendations as part of the public hearing staff report:
  - a. Evaluation of the proposed development and impacts to SEA Resources;
  - b. Evaluation of the SEA Resources contained within and adjacent to the project site;
  - c. Evaluation of the cumulative losses to the SEA Resources resulting from proposed and prior project development activity;
  - d. Appraisal of measures proposed to avoid, mitigate, or protect the identified impacts to resources contained within the SEA;
  - e. Evaluation of whether the project, as proposed, is ~~in-compliance~~ consistent with Subsection 22.102.~~400~~080.D (Findings);
  - f. Recommended changes, if any, to the proposed development necessary or desirable to achieve compliance with Section 22.102.~~080~~090 (SEA

**Significant Ecological Areas Ordinance Update**

Public Hearing Draft (August 23, 2018)

Development Standards) and consistent with Subsection 22.102.400080.D

(Findings), and relevant objectives goals and policies of the General Plan;

- g. Recommended conditions, if any, to be imposed to ensure that the proposed development will be in—accordance consistent with Subsection 22.102.400080.D (Findings) and the objectives goals and policies of the General Plan;
- h. SEATAC's determination of project compatibility and applicable recommendations; and
- i. Any relevant information as deemed necessary by the Director or County Biologist.

D. Findings. The Commission or Hearing Officer shall approve an application for a SEA CUP if the Commission or Hearing Officer finds that the application substantiates, in addition to those required by Section 22.56.090 (Conditional Use Permit), the following findings:

- 1. The proposed development is highly compatible with the SEA Resources, including the preservation of natural open space areas and providing for the long-term maintenance of ecosystem functions;
- 2. The proposed development avoids or minimizes impacts to the SEA Resources and wildlife movement;
- 3. Important habitat areas are adequately buffered from the previous development by retaining sufficient natural vegetation cover and/or natural open spaces and integrating sensitive design features;
- 4. The proposed development maintains ecological and hydrological functions of water bodies, watercourses, and their tributaries;

## **Significant Ecological Areas Ordinance Update**

Public Hearing Draft (August 23, 2018)

5. The proposed development ensures that roads, access roads, driveways, and utilities do not conflict with Priority Biological Resources, habitat areas, migratory paths, or wildlife corridors; and
6. The proposed development promotes the resiliency of the SEA to the greatest extent possible. For purposes of this finding, SEA resiliency is not promoted when the proposed development may cause any of the following:
  - a. Significant unmitigated loss of contiguity or connectivity of the SEA;
  - b. Significant unmitigated impact to a Priority Biological Resource;
  - c. Removal of habitat that is the only known location of a new or rediscovered species; or
  - d. Other factors as identified by SEATAC.

### **22.102.080090 SEA Development Standards**

Development in SEAs shall avoid or minimize impacts to SEA resources, habitat linkages, and wildlife corridors in accordance with this Section:

- A. **SEA Resource Categories.** ~~Development is permitted to disturb up to the threshold amounts listed herein.~~ The following are disturbance thresholds and onsite natural open space preservation requirements organized by SEA Resource Category. ~~Preserved open space~~ SEA Resource preservation shall be provided on-site, in accordance to Section 22.102.090100 (Natural Open Space Preservation) within this Chapter.

#### **1. SEA Resource Category 1**

- a. No amount ~~may~~ shall be disturbed.

#### **2. SEA Resource Category 2**

- a. Disturbances shall not exceed 500 square feet and shall preserve ~~a minimum~~ of at least two times the disturbed area of the same type of SEA Resource.

**Significant Ecological Areas Ordinance Update**

Public Hearing Draft (August 23, 2018)

- b. ~~No Development shall not result in abandonment or failure of any~~ den, burrow, roost, nest, or special habitat feature utilized by animals included in SEA Resource Category 2 ~~may be disturbed.~~
  - c. ~~A minimum 15-foot setback from the dripline of an SEA native tree is required.~~
3. **SEA Resource Category 3**
- a. Disturbances not exceeding 500 square feet shall preserve an amount equal to the disturbed area of the same type of SEA Resource.
  - b. Disturbances that exceed 500 square feet shall preserve ~~a minimum of at~~ least two times the disturbed area of the same type of SEA Resource.
4. **SEA Resource Category 4**
- a. Disturbances that exceed 500 square feet shall preserve an amount equal to the disturbed area of the same type of SEA Resource.
  - b. Disturbance of more than 10 individual rare plants in this category shall preserve an equal number of the same species of rare plants ~~of the same type of SEA Resource.~~
5. ~~In addition to above, the total building site area shall be no more than 20,000 square feet.~~

**B. SEA Protected Trees**

- 1. A minimum 5-foot setback from the dripline or 15-foot setback from the trunk, whichever is greater, of a SEA Protected Tree shall be required.
- 2. Encroachment into no more than 10 percent of the protected zone of up to four SEA Protected Trees listed in the SEA Protected Tree List maintained by the Department may be permitted; and
- 3. Removal of one SEA Protected Tree that is not designated as a Heritage Tree.



**Significant Ecological Areas Ordinance Update**

Public Hearing Draft (August 23, 2018)

- BC. Water Resources.** All development, inclusive of fuel modification/brush clearance is subject to the following setbacks from a water resource [per Table 22.102.090-A](#).

<b>TABLE 22.102.090-A: SETBACKS FROM WATER RESOURCES</b>		
<b>Water Resource</b>	<b>Water Resource Size</b>	<b>Setback</b>
Lakes, reservoirs, <a href="#">and</a> ponds	Any Size	150 feet or the watershed boundary, whichever is greater
Rivers <a href="#">and</a> streams	Less than 50 feet wide during or immediately following a 10-year storm event	100 feet
	50 to 100 feet wide during or immediately following a 10-year storm event	150 feet
	Greater than 100 feet wide during or immediately following a 10-year storm event	300 feet
Marshes, Seeps, and springs	Less than one-half acre	100 feet
	One-half acre up to one acre	150 feet
	Greater than one acre	300 feet
Vernal pools and playas	Any size	150 feet or the watershed boundary, whichever is greater

**CD. Area-wide [Other](#) Development Standards.**

1. **Impermeable Fencing, Wall or Enclosure.** Wildlife-impermeable fencing, walls, and enclosures shall be permitted within the [development footprint building site area](#). [One impermeable enclosure for the purpose of protecting livestock or companion animals shall be permitted within the development footprint.](#)
2. **Permeable Fencing.** When needed to delineate lot boundaries or to section off development features, such as streets, trails, driveways, active recreation areas, or animals keeping structures, wildlife-permeable fencing shall be used outside of

**Significant Ecological Areas Ordinance Update**

Public Hearing Draft (August 23, 2018)

the ~~development footprint~~ building site area. Permeable fencing shall be designed as follows:

- a. Fences shall be of an open design and made of materials visible to wildlife, such as wood rail, steel pipe, vinyl rail, PVC pipe, recycled plastic rail, or coated wire;
  - b. The bottom edge of the lowest horizontal element shall be no closer than 18 inches from the ground; and
  - c. Except where a different height is stated, the top edge of the topmost horizontal element shall be no higher than 42 inches from the ground.
3. **Fencing Materials.** Fencing shall be designed with materials not harmful to wildlife. Prohibited materials include, but are not limited to, spikes, glass, razor wire, and nets. All hollow fence and sign posts, or posts with top holes, such as metal pipes or sign posts with open bolt holes, shall be capped and the bolt holes filled to prevent the entrapment of bird species.
  4. **Window Reflectivity.** All windows shall be comprised of non-glare/non-reflective glass.
  5. **Outdoor Lighting.** Outdoor lighting in all SEAs shall be provided in accordance with applicable provisions of Chapter 22.80 (Rural Outdoor Lighting District) and shall be directed to avoid light trespass upwards into the night sky and onto natural habitat areas.
  6. **Natural Open Space Buffer.** Habitable structures shall be set back at least 200 feet from existing and proposed ~~preserved~~ natural open space located within the project site lot(s) or ~~preserved~~ natural open space recorded on adjacent lots, unless the Fire Department approves a modified distance specified in an approved fuel modification plan.

7. **Landscaping and Fuel Modification.** ~~Plants listed on the Invasive Species list maintained by the Department shall be prohibited in all proposed landscaped and restoration areas.~~ Landscape plans shall be submitted with an application for new development, that includes all cut and fill slopes, areas disturbed by the proposed construction activities, required fuel modification or brush clearance, and any proposed restoration area(s).
- a. All new development shall minimize removal of natural vegetation to minimize erosion and sedimentation, impacts to scenic resources, and impacts to biological and scenic resources.
  - b. All cut and fill slopes and other areas disturbed by construction activities shall be landscaped or revegetated.
  - c. Plantings within the building site area and Fuel Modification Zones A and B shall consist of a mix of locally indigenous, drought-tolerant plant species and non-invasive, drought-tolerant ornamental plants and gardens, with associated irrigation.
  - d. Fuel Modification Zone C shall consist of thinning the density of existing native vegetation. Should additional planting be needed in Zone C or outside of fuel modification areas, the plant palette shall consist entirely of locally indigenous, drought-tolerant plant species that blend with the existing natural vegetation and habitats on the site.
  - e. All vegetative species utilized in landscaping shall be consistent with Fire Department requirements and all efforts shall be made to conserve water.
  - f. Plants listed on the Invasive Species list maintained by the Department shall be prohibited in all proposed landscaped and restoration areas.
  - g. Tilling and disking shall be prohibited for fuel modification and brush clearance activities in all Fuel Modification Zones.

8. **Natural Open Space.** Driveways, streets, roads, or highways shall not be placed within required ~~preserved~~ natural open space areas.

**DE. Land Use-Specific Development Standards**

1. ***Crops.***

- ~~4a.~~ Crops as an accessory use shall consist of non-invasive species and shall be located entirely within a required ~~irrigated~~ ~~f~~uel ~~m~~odification ~~z~~one B (Irrigated Zone).
- b. Crops as a primary use shall consist of non-invasive species and shall be located entirely within SEA Resource Category 5.

2. ***Exploratory Testing.***

- a. *Permitted use.* Exploratory testing as a primary or accessory use shall be permitted ~~in areas where this Chapter is applicable~~ and shall comply with the following:
  - i. Access for exploratory testing shall ~~use~~ consist of existing roads, previously graded or disturbed areas, or use track-mounted drill rigs.
  - ii. Vegetation removal activities shall be conducted in a manner that protects s existing vegetative ~~root stock~~ rootstock to the maximum extent feasible.
  - iii. Any exploratory testing accessory to a primary use where such primary use development is exempt from this Chapter per Section 22.102.040 (Exemptions) ~~is shall~~ herein be exempt from this development standard ~~for exploratory testing accessory to the primary use.~~
  - iv. A Restoration Plan shall be required at the time of application submittal.
- b. *Exploratory Testing Stabilization.* Within 90 days from completion of exploratory testing, areas of disturbance resulting from exploratory testing shall be stabilized with temporary erosion control measures and seeded with locally indigenous species to prevent erosion and instability.

## **Significant Ecological Areas Ordinance Update**

Public Hearing Draft (August 23, 2018)

- c. *Exploratory Testing Restoration.* Full restoration of areas of disturbances resulting from exploratory testing shall be conducted as follows:
  - i. Where a subsequent project is withdrawn, denied or determined to be infeasible, or exploratory testing areas are found to be unusable, restoration of the disturbed area shall commence within one year of withdrawal, denial or determination of infeasibility.
  - ii. Where a subsequent project is approved, ~~the exploratory testing areas that will be utilized for the approved development shall be stabilized per Subsection D.2.b (Exploratory Testing), above.~~ the ~~E~~exploratory testing locations outside of the approved ~~development footprint~~ building site area shall be restored, with restoration commencing within one year of disturbance.
  - iii. All required restoration shall be completed to the satisfaction of the Director.

### 3. **Land Divisions.** All land division projects shall be required to preserve at least 75 percent of the original undivided parcels as natural open space.

- ~~4a.~~ *Large Lot Parcel Map.* Large lot parcel maps for sale, lease, ~~finance~~ financing, or transfer purposes, shall demonstrate that all resulting parcels have reasonable potential for future development that meets ~~the standards for Ministerial SEA Review per~~ Section 22.102.090 (SEA Development Standards), (e.g. adequate areas of SEA Resource Categories 4 and/or 5, setback from water resources).
- ~~3b.~~ ~~Land Divisions.~~ All other ~~L~~and divisions shall not exceed a maximum ~~disturbed developed area~~ development footprint of 25 percent of the project site. Development areas shall be designed in one contiguous location and

result in the largest, intact blocks of habitat with the lowest perimeter to area ratio, to the maximum extent feasible.

## **22.102.090100 Natural Open Space Preservation**

This Section sets forth the preservation and recordation requirements for natural open space when required by this Chapter, either in compliance with Section 22.102.080090 (SEA Development Standards) or to offset impacts to SEA Resources through a SEA CUP.

A. **Natural Open Space Requirements.** Development within a mapped SEA shall preserve natural open space as follows:

1. **Ministerial SEA Review.** Provided on-site as required per Section 22.102.080090 (SEA Development Standards); or
2. **SEA CUP.** ~~For projects unable to meet requirements per Section 22.102.080~~ (SEA Development Standards), Provide on-site or off-site per Subsection D.2 (Natural Open Space Preservation Mechanisms), as approved by the ~~Regional~~ Planning Commission or Hearing Officer.
- 3a. For land division projects, at least 75 percent of the ~~net area of the development site~~ original undivided parcels shall be preserved as required ~~preserved natural~~ open space.
3. Natural open space recordation shall occur prior to any grading, removal of vegetation, construction, or occupancy.

B. **Natural Open Space Configuration.**

1. Preserved natural open space shall be configured into one contiguous area, to the maximum extent feasible, unless the County Biologist determines that multiple, noncontiguous areas is the environmentally superior configuration.



**Significant Ecological Areas Ordinance Update**

Public Hearing Draft (August 23, 2018)

2. Preserved natural open space areas shall be contiguous with other natural open space areas on adjoining lots, to the maximum extent feasible.
  3. Driveways, streets, roads, or highways ~~may be placed within the preserved open space area if~~ shall be prohibited in natural open space area(s), unless the ~~Hearing Officer or~~ Commission or Hearing Officer finds it necessary to ensure adequate circulation or access. Such driveways, streets, roads, or highways shall not be counted as a portion of the total required natural open space provided. ~~Such driveways, streets, roads, or highways shall include~~ and shall include any necessary wildlife crossings and/or other features necessary to avoid biological impacts.
- C. **Natural Open Space Use.** Preserved natural open space required by this Chapter shall be maintained in its natural undeveloped condition. There shall be no removal of trees or vegetation or other disturbance of natural features, with the following exceptions as deemed appropriate by the Director prior to the disturbance:
1. Disease control and/or control of non-native plants;
  2. Habitat restoration;
  3. Paths constructed and maintained to minimize environmental impact to the area;
  4. Wildlife permeable fences constructed and maintained to minimize environmental impact to the area;
  5. Fire protection, when determined by the County Biologist to be compatible with the SEA Resources being preserved; or
  6. Activities to maintain a specific habitat condition, including animal grazing, when recommended by the County Biologist ~~to maintain a specific habitat condition~~ and accompanied by an approved management plan.
- D. **Natural Open Space Preservation Mechanisms.**

## ***Significant Ecological Areas Ordinance Update***

*Public Hearing Draft (August 23, 2018)*

1. **Ministerial SEA Review.** Development that complies with Section 22.102.~~080090~~ (SEA Development Standards) shall provide required natural open space preservation on-site through a permanent ~~on-site~~ deed restriction or a covenant between the County and the property owner.
2. **SEA CUP.** Development not in compliance with Section 22.102.~~080090~~ (SEA Development Standards) shall provide required natural open space preservation within or contiguous with the same SEA through one or more of the following, listed in the order of County preference:
  - a. Dedication of land for the purpose of natural open space preservation to:
    - ~~ai. Dedication to a~~ non-profit land conservation organization that meets the qualifications of non-profits requesting to hold mitigation land pursuant to Section 65965, et seq. of the California Government Code; or
    - ~~bji. Dedication to a~~ government entity, such as a county, city, state, federal, or joint powers authority for the purpose of natural open space preservation;
  - ~~fb.~~ Conservation or Mitigation Bank;
  - ~~ec.~~ A conservation easement recorded with the Registrar-Recorder/County Clerk as an irrevocable offer to dedicate or equivalent instrument that requires the natural open space to remain in perpetuity and extinguishes all future development rights;
  - ~~ed.~~ Permanent on-site deed restriction;
  - e. Covenant between County and property owner; or
  - f. Conservation In-lieu Fees.

### **22.102.100 Findings**

~~The Regional Planning Commission or Hearing Officer shall approve an application for a conditional use permit for development in SEAs if the Regional Planning Commission or~~

## ***Significant Ecological Areas Ordinance Update***

*Public Hearing Draft (August 23, 2018)*

~~Hearing Officer finds that the application substantiates, in addition to those required by Section 22.56.090 (Conditional Use Permit), the following findings:~~

- ~~A. The proposed development is highly compatible with the SEA Resources, including the preservation of natural open space areas and providing for the long-term maintenance of ecosystem functions;~~
- ~~B. The proposed development avoids or minimizes impacts to the SEA Resources and wildlife movement;~~
- ~~C. The proposed development buffers important habitat areas from development by retaining sufficient natural vegetation cover and/or natural open spaces and integrating sensitive design features;~~
- ~~D. The proposed development maintains ecological and hydrological functions of water bodies, watercourses, and their tributaries;~~
- ~~E. The proposed development ensures that roads, access roads, driveways, and utilities do not conflict with Priority Biological Resources, habitat areas or migratory paths; and~~
- ~~F. The proposed development promotes the resiliency of the SEA to the greatest extent possible. For purposes of this finding, SEA resiliency cannot be preserved when the proposed development may cause any of the following:~~
  - ~~1. Bisection of the SEA;~~
  - ~~2. Removal of the only known location of a Priority Biological Resource;~~
  - ~~3. Removal of habitat that is the only known location of a new or rediscovered species; or~~
  - ~~4. Other factors as identified by SEATAG.~~

### **22.102.110 Enforcement**

***Significant Ecological Areas Ordinance Update***

*Public Hearing Draft (August 23, 2018)*

- A. Any activity defined as development in the SEAs prior to an approved permit is prohibited.
- B. Unpermitted disturbed areas shall be stabilized with temporary erosion control measures and temporarily seeded with locally indigenous species within 30 days of issuance of a Notice of Violation, as directed by the County Biologist.
- C. **Restoration Permit.** If a permit is not obtained per Sections 22.102.060 (Ministerial SEA Review), 22.102.070 (Protected Tree Permit), or 22.102.080 (SEA Conditional Use Permit, or restoration of disturbed exploratory testing area is not completed per 22.102.090.E.2 (Exploratory Testing), a Restoration Permit shall be required.
  - 1. **Application Materials.**
    - a. Application materials for Type II Review; and
    - b. Restoration Plan.
  - 2. **Findings.** The Commission or Hearing Officer shall approve an application for a Restoration Permit in a SEA, if the Commission or Hearing Officer finds that the application substantiates the following findings:
    - a. The restoration corresponds with the SEA Resources, habitats, and ecosystem services that were degraded by the unpermitted development;
    - b. The restoration will create and enhance biologically functional habitats;
    - c. The restoration resolves any violations of unpermitted development; and
    - d. The restoration is consistent with Section 22.102.010 (Purpose) and Subsection 22.102.080.D (Findings).
  - 3. **Noticing and Public Hearing.** Noticing and public hearing procedures for a Restoration Permit shall be consistent with the requirements of Type II Review stated in Division 9.
- D. When a Notice of Violation has been issued by the Department, the Director may set the matter for a public hearing before the Commission to consider a five-year ban on

## ***Significant Ecological Areas Ordinance Update***

*Public Hearing Draft (August 23, 2018)*

filing any new application, or acting upon any application for the subject property. In such case, all procedures relative to notification, public hearing, and appeal shall be the same as for a SEA CUP per Section 22.102.080 (SEA Conditional Use Permit). Following a public hearing, the Commission may place up to a five-year ban on filing any applications, but may exempt emergency permits and/or permits deemed by the Director as necessary, for the subject property to address a violation or permit revocation on the property. The five-year period shall commence from the date of the hearing. The Director shall record such five-year ban in the office of the County Recorder.

### **22.102.~~110~~120 Fees**

#### **A. Filing Fees.** Fees and deposits shall be in compliance with Section 22.222.080

(Fees and Deposit).

1. Filing fees for SEA Counseling found within Section 22.60.100.

2. Filing fees for SEA Review found within Section 22.60.100.

3. Filing fees for SEA CUP found within Section 22.60.100.

4. Filing fees for Biologist Site Visit found within Section 22.60.100.

5. SEATAC Review Fee.

a. Development subject to SEATAC Review shall require a filing fee per Section 22.60.100.

b. The SEATAC Review Fee shall cover a maximum of three SEATAC meetings. Additional review meetings by SEATAC will require a new fee.

c. This fee may be refunded if a written request is received from the applicant prior to the scheduling of the first SEATAC meeting and if the development project is re-designed to meet standards outlined in Section 22.102.080 (SEA Development Standards).

**B. SEA Counseling Fee.**

1. The SEA Counseling Fee shall cover up to two SEA Counseling meetings.
2. The SEA Counseling Fee shall be applied to projects filed within one year of the SEA Counseling.

**C. SEATAC Review Fee.** Development subject to SEATAC Review shall require an additional filing fee per Section 22.222.080 (Fees and Deposit), subject to the following:

1. The SEATAC Review Fee shall cover up to three SEATAC meetings. Additional review meetings by SEATAC shall require a new fee.
2. The SEATAC Review Fee may be refunded if a written request is received from the applicant prior to the scheduling of the first SEATAC meeting and if the development is re-designed to meet standards outlined in Section 22.102.090 (SEA Development Standards).

**22.102.~~120~~130 Review Procedures for County Projects**

County projects proposing development in an SEA shall submit an application for a review by the Department. County projects and maintenance activities performed as a result of emergency or hazard management shall be documented. The documentation shall be provided to the Department for a determination of the applicability of this Chapter. Emergency or hazard management activities include, any activity required, requested, authorized, or permitted by a local, state, or Federal agency, in response to an emergency.

**A. Information Required.** Prior to the start of the project, the lead County Department shall provide the following:

1. Project scope of work;
2. Location map;



## ***Significant Ecological Areas Ordinance Update***

*Public Hearing Draft (August 23, 2018)*

3. Environmental documents, if applicable; and
4. Regulatory permit requirements, if applicable.

### **B. Review.**

1. **Initial Review.** The County Biologist shall review the project; and
2. **SEATAC Review.** The County Biologist may determine that SEATAC Review is necessary based on the project proposal.

C. **Recommendation.** The County Biologist and SEATAC as necessary, may submit a report to the lead County Department that includes recommendations on the project design and compatibility with Subsection 22.102.080.D (Findings).

## **22.102.130140 Review Procedures for Habitat Restoration Projects**

Proposed habitat restoration, if not required as a mitigation for an approved permit, shall submit for a review by the Department of a restoration or enhancement plan that illustrates how an area is proposed to restore habitat function consistent with this Chapter.

A. **Information Required.** ~~A restoration or enhancement plan shall be submitted that includes the following:~~ A Restoration Plan shall be submitted. An existing plan or equivalent that fulfills the requirements of a Restoration Plan may be accepted as a substitute.

- ~~1. Description and map of the area proposed to be restored or enhanced;~~
- ~~2. Description of restoration or enhancement activities, include plant palette, incidental activities, and timeline;~~
- ~~3. An inventory of SEA Resources onsite, including an evaluation of existing habitat quality;~~
- ~~4. Statement of goals and performance standards;~~
- ~~5. Revegetation and restoration methodologies to be implemented; and~~

## **Significant Ecological Areas Ordinance Update**

Public Hearing Draft (August 23, 2018)

~~6. Maintenance and monitoring provisions, including a monitoring period of no less than five (5) years for individual restoration projects.~~

~~7. An existing plan or equivalent that fulfills the above requirements may be accepted.~~

### **B. Review.**

1. The Director, in consultation with the County Biologist, shall review the project proposal.
2. **Site Visit.** A site visit by the County Biologist may be deemed necessary by the Director or County Biologist to adequately evaluate the impacts to SEA Resources.
3. Subsequent activities that fall within the scope of the approved restoration or enhancement plan ~~will~~ shall not require further review by the Department.
4. If the proposed habitat restoration is not found to ~~be in compliance with~~ substantiate Subsection 22.102.100080.D (Findings), then an SEA CUP ~~will~~ shall be required per Section 22.102.070080 (SEA Conditional Use Permit).

### **22.102.150 Significant Ecological Areas Technical Advisory Committee (SEATAC)**

SEATAC serves as an expert advisory committee that assists the Department in assessing a project's impact on SEA Resources.

A. **Rules and Procedure.** The Director shall ~~adopt~~ establish rules and procedures necessary or convenient for the conduct of SEATAC's business.

B. **SEATAC Review.** SEATAC shall evaluate projects requiring SEATAC review per Section 22.102.080 (SEA Conditional Use Permit), as follows:

1. Ruling on the adequacy of the BCA and Biota reports, if applicable;

***Significant Ecological Areas Ordinance Update***

*Public Hearing Draft (August 23, 2018)*

2. Recommending redesign and/or mitigation measures to avoid, minimize, or mitigate impacts to SEA Resources; and
3. Recommending a determination of the compatibility of the development project and this Chapter, including consideration of the following:
  - a. The project's ability to comply with Section 22.102.090 (SEA Development Standards);
  - b. The project's ability to mitigate impacts to SEA Resources through natural open space preservation;
  - c. The project's ability to meet the findings of Subsection 22.102.080.D (Findings); and
  - d. The Project's avoidance of disturbance to Regional Habitat Linkages.

**SECTION 4.** Section 22.190.080 is hereby amended to read as follows:

**22.190.080 Reclamation Plan**

...

**A. Findings Prerequisite to Approval.**

...

3. In approving a Reclamation Plan, the Commission or Hearing Officer shall:
  - e. Require as a condition of approval financial assurances in accordance with Section 2773.1 of the California Public Resources Code.
  - f. Require that the mine operator file a covenant against the property with the Registrar-Recorder/County Clerk containing the following statement before commencing operation of a new surface mine or, in the case of an existing mine as described in Section 22.190.030.D.4, within 30 days following notice of approval:

***Significant Ecological Areas Ordinance Update***

*Public Hearing Draft (August 23, 2018)*

This property is subject to Reclamation Plan (enter case number), requiring, together with other conditions, the completion of a reclamation program before use of the property for a purpose other than surface mining, except as otherwise provided in said plan. Agents of the County of Los Angeles and the State of California may enter upon such land to enforce a Reclamation Plan and to effect reclamation, subject to compliance with applicable provisions of law:

g. Shall verify that the reclamation plan for any surface mining operation located in a Significant Ecological Area, was reviewed by SEATAC in accordance with Section 22.102.140 (Significant Ecological Areas Technical Advisory Committee).

4. The Commission or Hearing Officer may require modification of the Reclamation Plan or impose such conditions that the Commission or Hearing Officer deems necessary to ensure that the plan is in accord with the requirements on Subsection C, below. and

...

**SECTION 5.** Section 22.250.010 is hereby amended to read as follows:

...

**22.250.010 Filing Fees and Deposits.**

- A. For the purpose of defraying the expense involved in connection with any application or petition required or authorized by this Title 22, the following fees, as provided in Table 22.250.010-A, below, shall accompany the application or petition. Table 22.250.010-A may be referred to as the Filing Fee Schedule.

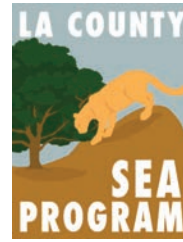
**Significant Ecological Areas Ordinance Update**

Public Hearing Draft (August 23, 2018)

TABLE 22.250.010-A: FILING FEE SCHEDULE		
...		
Conditional Use Permit	Concurrent filing ( <del>except SEA CUPs</del> )	\$8,951.00
	<del>Significant Ecological Areas</del>	<del>\$20,717.00</del>
	<del>Significant Ecological Areas, construction projects up to 3,500 square feet of total new building areas and no land division</del>	<del>\$9,473.00</del>
	<u>Significant Ecological Areas, development within</u>	<u>\$18,217.00</u>
...		
County Biologist Site Visit		<u>\$267.64</u>
...		
Minor Conditional Use Permit	Permit	\$1,621.00
	<u>Protected Tree Permit</u>	<u>\$1,621.00</u>
	Residential Infill	\$1,326.00
	<u>Restoration Permit</u>	<u>\$1,621.00</u>
...		
<u>Significant Ecological Areas Counseling</u>		<u>\$361.00</u>
<u>Significant Ecological Areas Review, Ministerial</u>		<u>\$401.46</u>
<u>Significant Ecological Areas Technical Advisory Committee Review (SEATAC Review)</u>		<u>\$2,500.00</u>
...		

...





## Los Angeles County **REGIONAL PLANNING**



## Significant Ecological Areas (SEA) Ordinance **IMPLEMENTATION GUIDE** Public Hearing Draft — Released August 23, 2018



# Implementation Guide – List of Major Edits since Public Review Draft (March 2018)

## **General**

Formatting, text size, and caption colors improved to meet ADA requirements  
Captioned all Illustrations and Tables  
Increased size of most illustrations and added new illustrations

## **Chapter 1: Introduction**

Added public notification information in “Changes to this Guide” section

## **Chapter 2: SEA Ordinance Assessment Process**

Moved description of Building Site Area to under “Ministerial SEA Review” section and added an illustration to show distinction between Building Site Area and Development Footprint.  
Added sections “Protected Tree Permit” & “Enforcement”

## **NEW Chapter 3: SEA Protected Trees**

Added entire chapter to describe tree protections

## **Chapter 4: Design & Development Standards (previously Ch 3)**

Oak Woodlands: moved from SEA Resource Category 2 to SEA Resource Category 3  
Native Trees: moved from SEA Resource Category 2 to own section  
SEA Resource Category 5: Added clarifying language  
Window Reflectivity: Added information on methods for preventing collisions of birds with window glass  
Landscaping: Added detailed landscaping requirements  
Crops: added crops as a primary use  
Land Divisions: added illustration, moved Large Lot Parcel Maps into this section, and revised language

## **Chapter 5: Permit Analysis (previously Ch 4)**

Added language, as requested by CDFW, that development exempt from the SEA Ordinance is still subject to any applicable state or federal protections for biological or water resources  
Updated language for exemptions that changed in Ordinance and added descriptions for new exemptions

## **Chapter 6: Biological Reports (previously Ch 5)**

Added timeframe that a biological report is valid for before it needs to be updated  
Added that BCM should show any areas designated by USFWS as Critical Habitat

## **Chapter 7: Habitat Restoration (previously Ch 6)**

revised and added best management practices

## **Chapter 8: Open Space**

added “Configuration and Use” section  
changed order of allowable mechanisms to match new draft Ordinance

## **Glossary**

added more terms

## **Appendix A: SEA Protected Tree List**

divided into separate lists for each SEA and revised protected sizes based on criteria listed in Chapter 3

## **Appendix D: SEA Checklists and Worksheets**

Removed SEA Resource Disturbance Worksheet  
Revised SEA Counseling Checklists

## **NEW Appendix E: Guidance for Evaluating Impacts on Wildlife Movement in Los Angeles County**

## CONTENTS

ACKNOWLEDGMENTS .....	3
SEA PROGRAM GUIDING PRINCIPLES .....	4
CHAPTER 1. INTRODUCTION TO THE SIGNIFICANT ECOLOGICAL AREAS (SEA) PROGRAM.....	5
<i>SEA Program Components</i> .....	6
<i>SEA Implementation Guide</i> .....	9
CHAPTER 2. SEA ORDINANCE ASSESSMENT PROCESS.....	10
<i>Information Gathering</i> .....	11
<i>SEA Counseling</i> .....	12
<i>File Project Application/Staff Review</i> .....	13
<i>SEATAC Review</i> .....	15
<i>Public Hearing</i> .....	16
<i>Enforcement</i> .....	16
CHAPTER 3. SEA PROTECTED TREES .....	17
<i>SEA Protected Tree Exemptions</i> .....	18
<i>SEA Protected Trees Development Standard</i> .....	20
<i>Protected Tree Permit</i> .....	21
<i>SEA CUP for Impacts To SEA Protected Trees</i> .....	23
<i>Best Management Practices</i> .....	23
CHAPTER 4. DESIGN & DEVELOPMENT STANDARDS .....	25
<i>SEA Resources</i> .....	26
<i>SEA Protected Trees</i> .....	35
<i>Water Resources</i> .....	36
<i>Other Development Standards</i> .....	38
<i>Land Use Specific Development Standards</i> .....	43
CHAPTER 5. PERMIT ANALYSIS .....	48
<i>SEA Ordinance Applicability</i> .....	48
<i>SEA Counseling</i> .....	52
<i>Ministerial SEA Review</i> .....	55
<i>Ministerial SEA Review with Protected Tree Permit</i> .....	57
<i>SEA Conditional Use Permit (SEA CUP)</i> .....	57
<i>SEA ORDINANCE FINDINGS</i> .....	58
<i>Public Hearing</i> .....	61
CHAPTER 6. BIOLOGICAL REPORTS .....	63
<i>Biological Constraints Map (BCM)</i> .....	64
<i>Biological Constraints Analysis (BCA)</i> .....	67
<i>Biota Report</i> .....	67
<i>Restoration or Enhancement Plan</i> .....	68
CHAPTER 7. HABITAT RESTORATION.....	70
<i>Habitat Restoration Review</i> .....	70
<i>Basic Principles</i> .....	71
<i>Mandatory Best Management Practices</i> .....	72
CHAPTER 8. NATURAL OPEN SPACE .....	74
<i>Configuration And Use</i> .....	74
<i>Requirements for Ministerial SEA Review</i> .....	75
<i>Requirements for SEA CUP</i> .....	76
CHAPTER 9. SEA PROGRAM MONITORING .....	81
<i>Tracking Approved Development</i> .....	81
<i>Tracking Habitat Restoration</i> .....	81
<i>Mapping SEA Resources</i> .....	81
<i>Mapping Protected Open Space</i> .....	82
<i>Reporting Requirements</i> .....	82
CHAPTER 10. REVIEW PROCEDURES FOR COUNTY PROJECTS.....	84
<i>General County Department SEA Assessment process</i> .....	84
<i>Department of Parks and Recreation (DPR)</i> .....	85

<i>Department of Public Works (DPW)</i> .....	86
GLOSSARY .....	89
APPENDIX A: SEA PROTECTED TREE LIST .....	95
APPENDIX B: SENSITIVE LOCAL NATIVE RESOURCES .....	105
APPENDIX C: INVASIVE PLANT LIST .....	108
APPENDIX D: SEA CHECKLISTS & WORKSHEETS .....	115
APPENDIX E: GUIDANCE FOR EVALUATING IMPACTS ON WILDLIFE MOVEMENT .....	124

## ACKNOWLEDGMENTS

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### Board of Supervisors

Hilda L. Solis, Supervisorial District 1  
Mark Ridley-Thomas, Supervisorial District 2  
Sheila Kuehl, Supervisorial District 3  
Janice Hahn, Supervisorial District 4  
Kathryn Barger, Supervisorial District 5

### Regional Planning Commission

Doug Smith, Supervisorial District 1  
David W. Louie, Supervisorial District 2  
Laura Shell, Supervisorial District 3  
Elvin W. Moon, Supervisorial District 4  
Pat Modugno, Supervisorial District 5

### Department of Regional Planning

Amy Bodek, Director  
Dennis Slavin, Chief Deputy Director  
Richard J. Bruckner, Former Director  
Mark Child, Deputy Director

### Environmental Planning & Sustainability

Patricia L. Hachiya, AICP, Supervising Planner  
Alejandrina Baldwin, Principal Planner  
Iris Chi, AICP, Planner  
Joseph Decruyenaere, Senior Biologist  
Jennifer Mongolo, Biologist

### Implementation Guide Workgroup

Jennifer Borobia, *LDCC/Site Plan Review*  
Michele Bush, *Zoning Permits East*  
Samuel Dea, *Zoning Permits North*  
Luis Duran, *Community Studies West*  
Kevin Finkel, AICP, *Coastal Permits*  
Oscar Gomez, *Zoning Enforcement North*  
Anita Gutierrez, AICP, *Community Studies West*  
Lynda Hikichi, AICP, *Land Division*  
Thuy Hua, AICP, *Zoning Permits North*  
Alyssa Netto, AICP, *Community Studies West*  
Susan Tae, AICP, *Community Studies North*

### Geographic Information Systems (GIS)

Daniel Hoffman, Principal GIS Analyst

### Strategic Planning and Program Services

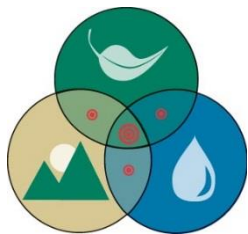
Misty Fong, Graphic Designer

## SEA PROGRAM GUIDING PRINCIPLES



### **BIODIVERSITY:**

- ❖ Recognize that biodiversity is necessary to maintaining a sustainable Los Angeles County.
- ❖ Identify and protect the places where biodiversity exist in Los Angeles County.
- ❖ Restore places where biodiversity can be woven through the urban fabric.
- ❖ Ensure that the legacy of the unique biotic diversity is passed on to future generations.



### **RESILIENCY:**

- ❖ Ensure that individual SEAs are able to thrive by reducing fragmentation, and creating or preserving connectivity and habitat functionality.
- ❖ Guide development within SEAs to maximize preservation.
- ❖ Encourage best practices for sustainable design in the SEAs that are aligned with the protection of natural resources.



### **PUBLIC SERVICE:**

- ❖ Ensure the continuation of natural ecosystem services that improves quality of life for all who live in Los Angeles County.
- ❖ Ensure that property rights are maintained in the SEAs by providing clear guidelines and expectations about the requirements for development in SEAs.

## CHAPTER 1. INTRODUCTION TO THE SIGNIFICANT ECOLOGICAL AREAS (SEA) PROGRAM

Los Angeles County (“County”) is host to one of the most remarkable assortments of biological diversity in North America. Natural communities in the County extend from the Pacific Ocean to the Mojave Desert, with coastal plains and valleys, a 10,000-foot tall mountain range, and hills and canyons in every orientation in between. This irreplaceable diversity of natural and biological resources is our heritage, and the reason for which the County developed the Significant Ecological Area (SEA) Program.

The biodiversity of the County is a product of the forces that shaped California, and its variety corresponds directly to the variety of places in the County where we choose to live. The feelings and images we associate with these locations are inextricably entwined in the biota they support. Imagine Palos Verdes without California sagebrush; Saddleback Butte without Joshua trees and creosote; the Tehachapi Mountains without vibrant wildflower fields; the Puente Hills without black walnut and coast live oak; or San Antonio Canyon without California scalebroom, white alder, and western sycamore. Even if you are not familiar with the names of these plants, it doesn’t matter—you recognize these places in large part because of their characteristic vegetation and habitats.

Nature is slow, and the landscape that supports nature is changing, in some cases more rapidly than nature can keep up. Much of this change has already taken place—the San Fernando Valley was once an oak savanna; the western Antelope Valley was once a Joshua-juniper forest. Some of the changes we face may be out of our control, but many are within our ability to shape. Siting development to avoid obvious detrimental impacts to biota is the biggest part of the SEA program and is an effective method for protecting the important biodiversity of Los Angeles County.



Figure 1. Palos Verdes Coastline, April 2017. Photo by Sergei Gushev (source: Flickr)



Figure 2. Joshua trees under the milky way in the Antelope Valley. Photo by Mayra Vasquez, Los Angeles County



Figure 3. Wildflower fields in front of the Tehachapi Mountains, March 2009. Photo by Rennett Stowe (source: Flickr)

IT TOOK A VERY LONG TIME FOR THIS BIODIVERSITY TO BE GENERATED AND DISTRIBUTED THROUGHOUT THE COUNTY THE WAY WE SEE IT TODAY, AND THE LAND USE DECISIONS WE MAKE TODAY WILL PERMANENTLY AFFECT THE BIODIVERSITY WE LEAVE FOR THE FUTURE.



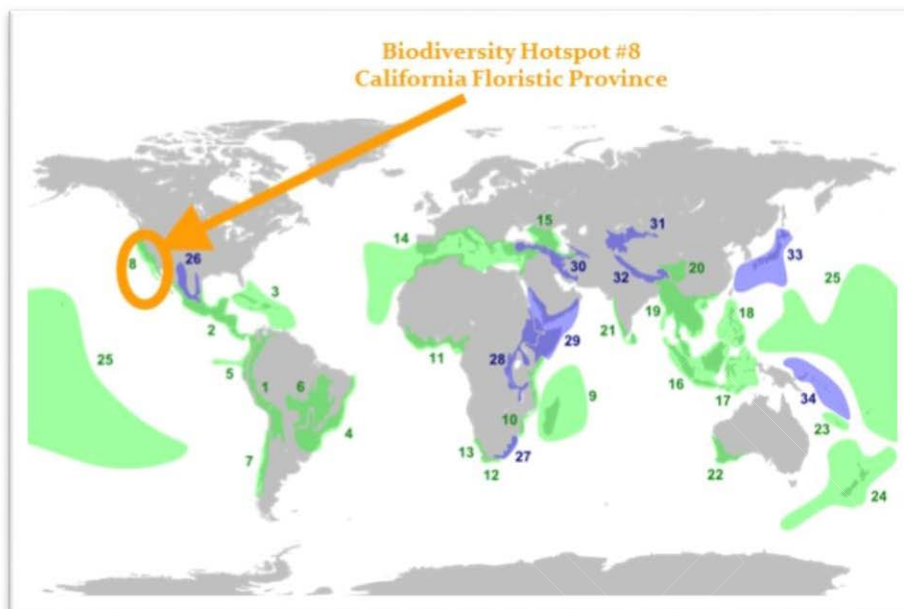


Figure 4. Los Angeles County lies within the California Floristic Province, which is globally recognized as a hotspot of native biodiversity.

## SEA PROGRAM COMPONENTS

The SEA Program was originally established as a part of the 1980 County General Plan, to help conserve the genetic and physical diversity within Los Angeles County by designating biological resource areas capable of sustaining themselves into the future. The General Plan 2035 ("General Plan") updated the SEA boundary map, goals and policies in 2015.

SEAs are places where the County deems it important to facilitate a balance between development and biological resource conservation. Where occurring within SEAs, development activities are carefully guided and reviewed with a key focus on site design as a means for conserving fragile resources such as streams, woodlands, and threatened or endangered species and their habitats. The SEA Program does not change the land use designation or the zoning of a property; rather it uses guidance and biological review and the application of certain development standards to balance the preservation of the County's natural biodiversity with private property rights.

The SEA Program consists of the following components, which are discussed in further detail below:

1. The SEA Goals and Policies found in the Conservation and Natural Resources Element of the Los Angeles County General Plan 2035;
2. The Significant Ecological Areas and Coastal Resource Areas Policy Map ("SEA Boundary Map") also found in the Los Angeles County General Plan 2035; and
3. The SEA Ordinance of the County Zoning Code.

### SEA GOALS AND POLICIES (GENERAL PLAN 2035, CONSERVATION AND NATURAL RESOURCES ELEMENT)

[Chapter 9: Conservation and Natural Resources Element](#), of the General Plan establishes goals and policies for SEAs. Areas of the County designated as SEAs satisfy at least one of the following six SEA Selection Criteria:

- A. Habitat of core populations of endangered or threatened plant or animal species.
- B. On a regional basis, biotic communities, vegetative associations, and habitat of plant or animal species that are either unique or are restricted in distribution.
- C. Within the County, biotic communities, vegetative associations, and habitat of plant or animal species that are either unique or are restricted in distribution
- D. Habitat that at some point in the life cycle of a species or group of species, serves as concentrated breeding, feeding, resting, migrating grounds and is limited in availability either regionally or in the County.
- E. Biotic resources that are of scientific interest because they are either an extreme in physical/geographical limitations or represent unusual variation in a population or community.
- F. Areas that would provide for the preservation of relatively undisturbed examples of the original natural biotic communities in the County

[Appendix E of the General Plan](#) includes detailed descriptions of each SEA, including boundaries, representative resources, wildlife movement opportunities, and designation criteria analysis. The SEA designation does not identify every individual biotic resource, and SEAs are not preserves or conservation areas; rather, SEAs are areas in which planning decisions are made with extra sensitivity toward biological resources and ecosystem functions.

#### **SEA BOUNDARY MAP (GENERAL PLAN 2035 - FIGURE 9.3)**

The General Plan 2035 established the current SEA boundaries, as depicted on the SEA Boundary Map (Figure 5). In order to facilitate maintenance of sufficient habitat and to promote species movement, the SEAs were mapped over large areas of undisturbed or lightly disturbed land, linking together and supporting regional resources, such as agricultural lands, forests, mountains, canyons, and open space.

#### **SEA ORDINANCE (TITLE 22 PLANNING AND ZONING CODE)**

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. The goal of the SEA Ordinance is to guide development to the least impactful areas on a property in order to avoid adverse impacts to biological resources. The level of SEA assessment is dependent on the area of disturbance, sensitivity of biological resources impacted, and consistency with Development Standards. Chapter 2 explains the SEA assessment process in more detail.



Figure 5. The SEA Boundary Map depicts 21 SEAs and nine Coastal Resource Areas (CRAs)<sup>1</sup>. Four SEAs are located entirely outside of the County's jurisdiction, while 12 others have portions located within incorporated cities. The SEA Boundary Map shows CRAs and SEAs within cities for reference and visual continuity only. The SEA Program applies solely to adopted SEAs located within unincorporated areas. Conceptual SEAs will be subject to SEA Ordinance once they are formally adopted as SEAs.

<sup>1</sup> CRAs include biological resources equal in significance to SEAs, but, since they occur in the coastal zone, they fall under the authority of the California Coastal Commission. Ecological resources of CRAs are protected by specific provisions within an area's certified local coastal program.

## SEA IMPLEMENTATION GUIDE

The purpose of this SEA Implementation Guide (“Guide”) is to provide an overview of the SEA Program, guidance for reviewing proposed development in SEAs, and counseling to the public on appropriate development within SEAs. As its name suggests, this document should guide implementation of the SEA Program and clarify regulatory language in the SEA Ordinance, and as such, it should always be used in conjunction with goals and policies of the General Plan, the SEA boundary map, and the SEA Ordinance regulations.

This Guide contains tools and information for:

- ❖ identifying and prioritizing SEA Resources present on a project site;
- ❖ complying with SEA Development Standards;
- ❖ understanding the SEA assessment process, including permit requirements and analysis;
- ❖ guiding project design to avoid impacts to SEA Resources;
- ❖ meeting natural open space preservation requirements; and
- ❖ monitoring the overall effectiveness of the SEA Program in protecting resources.

### CHANGES TO THIS GUIDE

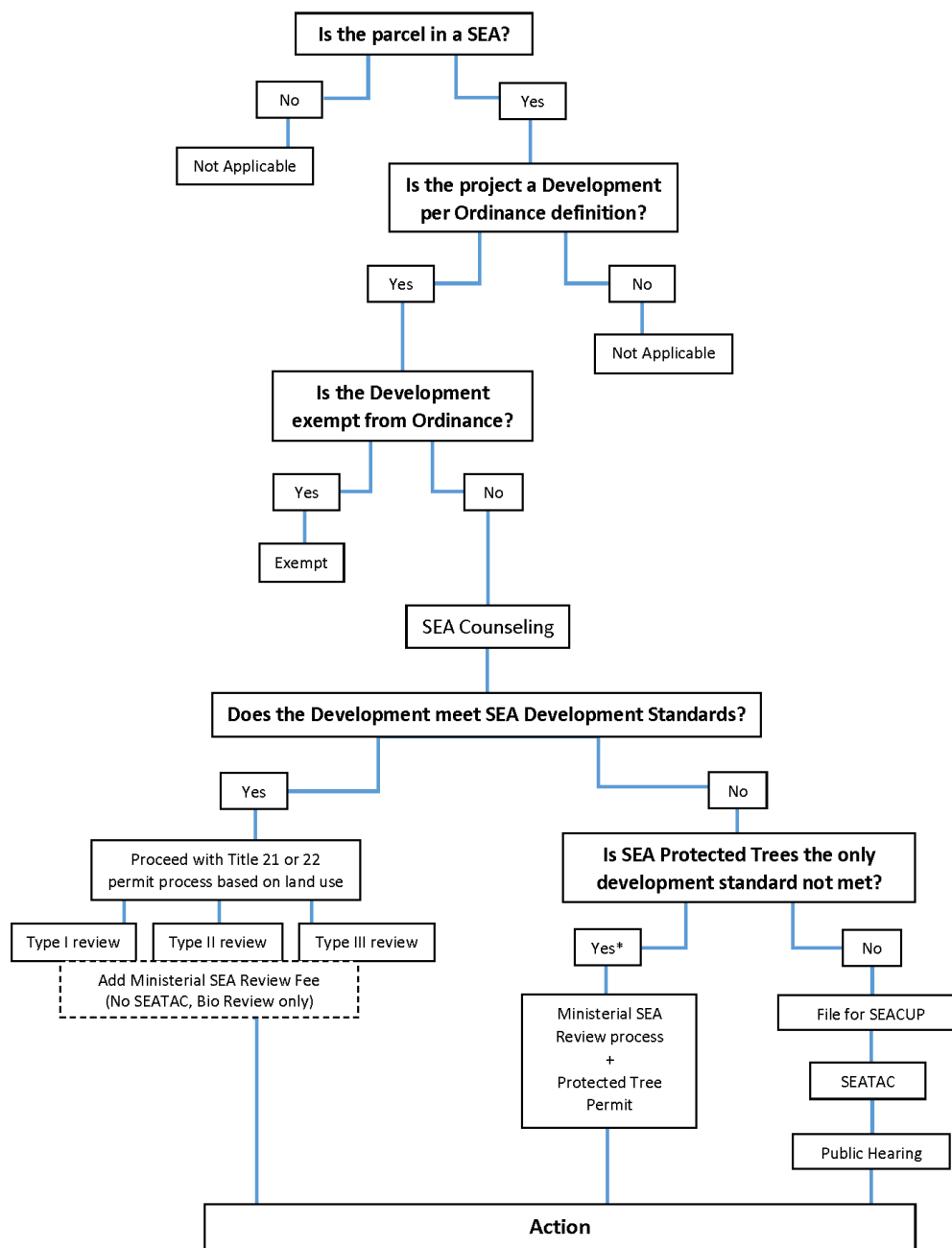
This Guide does not provide additional policies or regulatory provisions and is only to be used to clarify goals, policies, ordinance provisions, and processes. Please refer to the SEA Ordinance within Title 22 of the Los Angeles County Code for the specific SEA Ordinance regulations.

The SEA assessment process described within this Guide reflects current and best practices of the Department of Regional Planning (“Department”). This Guide will be updated as necessary by the Director to reflect current permit processing practice. This 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.

Public notification of changes to this Guide will be posted on the SEA website ([planning.lacounty.gov/sea](http://planning.lacounty.gov/sea)) and emailed to those who subscribe to our email list. Such changes may include revisions affecting the permitting process or updates to the Department maintained lists in the appendices. Email the Environmental Planning and Sustainability section at [sea@planning.lacounty.gov](mailto:sea@planning.lacounty.gov) to subscribe to the SEA email list.

## 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**

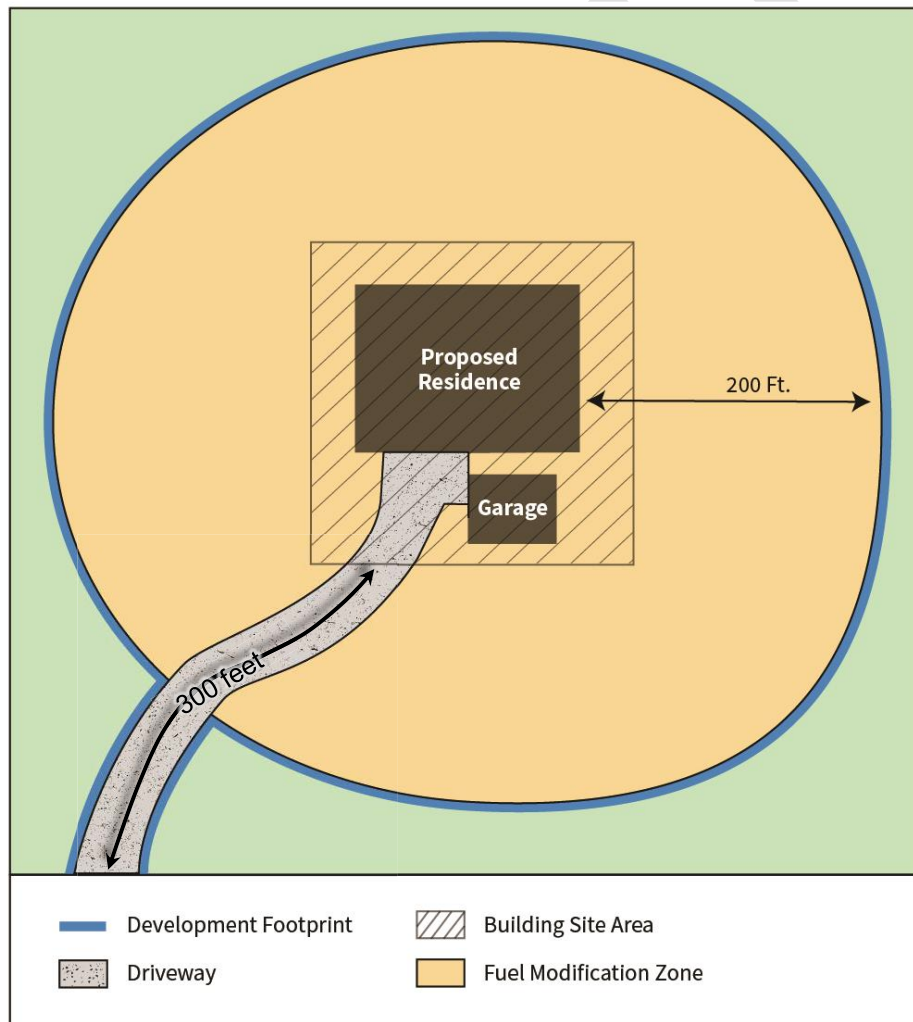
Only development with a Building Site Area of 20,000 square foot or less is eligible for Ministerial SEA Review. The Building Site Area is the portion of the development footprint that is or will be graded, paved, constructed, or otherwise physically transformed. To calculate the Building Site Area, 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.

## CHAPTER 3. SEA PROTECTED TREES

Native trees are those that evolved and occur naturally in a given location. Maintaining and protecting native trees in SEAs is important not only for the health and perpetuation of the SEAs, but also for the welfare of the County as a whole. The intent of the tree protection regulations in the SEA Ordinance is to encourage responsible management of trees within SEAs.

Healthy trees provide benefits for public health (e.g. producing oxygen, reducing smog, and intercepting airborne particulates), social welfare (e.g. reducing stress and promoting physical activity), the environment (e.g. filtering, slowing and retaining rainwater, and cooling air temperatures), and the economy (e.g. improving property values). And native trees are especially important because they coevolved with the flora and fauna of the region, are adapted to local climates and soils, and are intricately tied to the function of ecosystems and the maintenance of biodiversity.



Figure 8. Native trees are especially important because they coevolved with the flora and fauna of the region, are adapted to local climates and soils, and are intricately tied to the function of ecosystems and the maintenance of biodiversity.

### SEA PROTECTED TREES

A list of trees that are native to each SEA is included in Appendix A. SEA native trees become protected once their trunk diameter reaches the size indicated in the list. Trunk diameter is measured at 54 inches above natural grade (also referred to as “diameter at breast height” or “DBH”).

The size at which native tree species become protected was determined as follows:

- ✓ All Joshua trees (*Yucca brevifolia*) and California juniper (*Juniperus californica*) are protected, regardless of size<sup>7</sup>,
- ✓ Riparian species and trees listed as rare by California Native Plant Society (“CNPS”) are protected at 3-inch DBH,
- ✓ Coniferous species are protected at 5-inch DBH, and
- ✓ Upland hardwood species are protected at 6-inch DBH.

Additionally, for all listed native trees with multiple trunks, the tree is protected if the combined diameter of the two largest trunks equals eight inches or more.

### HERITAGE TREES

A SEA CUP is required to remove any Heritage Tree, which are considered irreplaceable because of their rarity, distinctive features, and prominence within the landscape. To be designated as a Heritage Tree, a SEA Protected Tree must have a single trunk that measures 36 inches or more in diameter, or two trunks that collectively measure 54 inches or more in diameter. For tree species with unnaturally enlarged trunks due to injury or disease (e.g., burls and galls), the tree must be at least 60 feet tall or 50 years old. Age

<sup>7</sup> These are very slow growing trees that are particularly vulnerable to impacts of development and important to the maintenance of biodiversity of the SEAs in which they occur.



should be determined from historical accounts, photographs, or associations with historic structures; age may not be determined by growth ring counts in cores taken from the edge to the center of the tree.

### TREE PROTECTED ZONE

Tree roots extend well beyond the visible canopy of the tree and can be greatly impacted by disturbances to the ground around them (e.g., from compaction, grading, paving, etc.). Healthy roots that have access to nutrients, air, and water are vital to maintaining the health of the tree. Subsection 22.102.090(B) establishes minimum setbacks for SEA Protected Trees, known as the Tree Protected Zone, or “TPZ”. The TPZ extends a minimum of five feet out from the dripline of a protected tree or 15 feet from the trunk, whichever distance is greater.

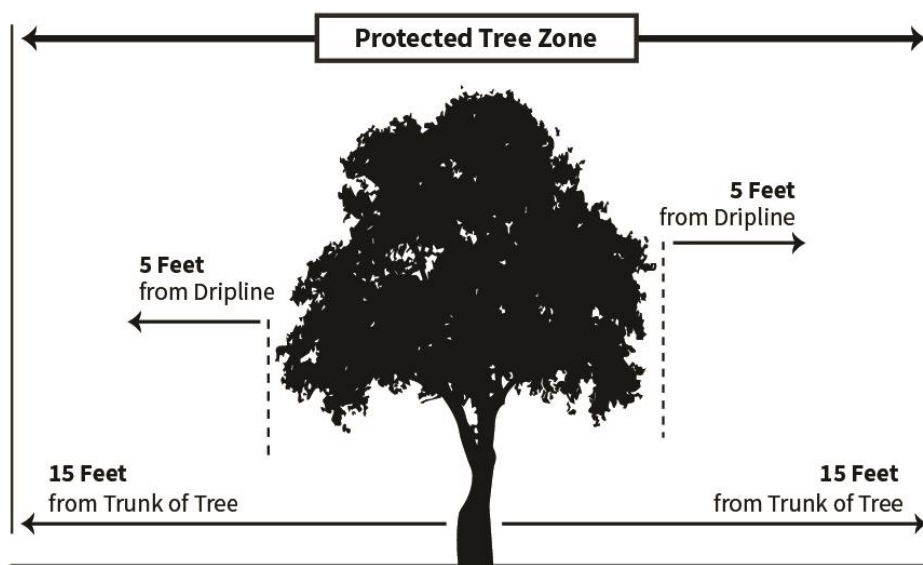


Figure 9. Development must be set back a minimum of 5-feet from the dripline or 15-feet from the trunk of a SEA Protected Tree, whichever distance is greater.

### SEA PROTECTED TREE EXEMPTIONS

The following exemptions (B, M, N, and P) listed in 22.102.040 (Exemptions) pertain to SEA Protected Trees. See Chapter 5 of this Guide for a full explanation of SEA Ordinance exemptions.

#### Exemption B.

*All areas outside the boundaries of the Antelope Valley Area Plan:*

1. *Additions or modifications to existing single-family residences, associated accessory structures, or animal keeping areas/structures, as long as such addition or modification does not increase the total building site area to more than 20,000 square feet or **encroach into more than 10 percent of the dripline for up to four SEA Protected Trees.***

This exemption allows for expansions or modifications to single-family residences, or their accessory structures or animal keeping facilities, to have minimal encroachments on a limited number of trees. Note that it specifically refers to encroachments into the driplines of the protected trees, rather than the protected zone.

Key elements of this exemption related to SEA Protected Trees include:

- ✓ the addition or modification may not encroach within more than 10 percent of the dripline of any protected tree, and
- ✓ the addition or modification may not encroach within the driplines of more than 4 protected trees.

#### Exemption M.

*Emergency removal of any tree listed on the SEA Protected Tree List maintained by the Department, due to a hazardous or dangerous condition, being irretrievably damaged or destroyed through flood, fire, wind, lightning, drought, pests, or disease, as recommended by a licensed arborist and approved by a forester with the Fire Department or a County Biologist.*

The County Biologist or County Forester can issue an emergency tree removal permit for trees that are determined to be in a hazardous or dangerous condition. This generally means that the tree is in a condition and location that directly endangers the safety of people or property. An emergency removal may also be allowed when the tree is determined to be diseased or infested by non-native pests and removal of the tree is determined to be necessary to prevent a more widespread infestation.

#### Exemption N.

*Tree maintenance, limited to removal of dead wood and pruning of branches not to exceed two inches in diameter and 25 percent of live foliage within a two year period, intended to ensure the continued health of a SEA Protected Tree, in accordance with guidelines published by the National Arborists Association. Should excessive maintenance, trimming, or pruning adversely affect the health of the tree, as determined by the County Biologist or Forester with the Fire Department, a Protected Tree Permit per Section 22.102.070 (Protected Tree Permit) or SEA Conditional Use Permit (SEA CUP) per Section 22.102.080 (SEA Conditional Use Permit) may be required.*

This exemption allows for pruning of protected trees that is necessary to maintain the health of the tree, remove fuel ladders for fire protection, or protect persons or property from the risk of falling limbs. Tree maintenance is exempt from the Ordinance as long as the maintenance is performed in accordance with guidelines published by the National Arborist Association, and as long as the pruning:

1. does not remove branches in excess of two-inch diameter, and
2. does not remove more than 25% of the tree's overall canopy within a two year period.

There are no submittal requirements; however, pruning or trimming in excess of that allowed that leads to loss of the tree or a notable decline in tree health, as determined by a Forester with the Fire Department or the County Biologist, is a violation of the Ordinance and will require a Protected Tree Permit.

#### Exemption P.

*Introduced trees which qualify for protection under the definition of SEA Protected Tree, but which can be demonstrated to have been planted by a person for the purposes of affecting the architecture, climate, or aesthetics of a given place and are, therefore, considered landscape features. Documentation of the planting must be provided. Trees planted as mitigation do not qualify as introduced.*

Trees that qualify as protected but which can be demonstrated to have been planted by a person for the purposes of affecting the architecture, climate, or aesthetics of a given place and that are, therefore, considered landscape features, may be removed or altered without an SEA or Protected Tree permit. Documentation of the planting must be provided, and may be in the form of invoices, photographs, an

approved landscaping plan that clearly indicates the location and species of the new tree to be planted, or other reasonable means. Trees planted as mitigation do not qualify as introduced.

## SEA PROTECTED TREES DEVELOPMENT STANDARD

The SEA Ordinance includes the following Development Standards for SEA Protected Trees:

1. Establishment of the tree protected zone (see above),
2. Limitation on number and extent of encroachments allowed:
  - ✓ no more than four encroachments into the TPZ of SEA Protected Trees; and
  - ✓ no more than 10 percent encroachment into the TPZ of each of those protected trees.
3. Limitation on number and size of removals allowed:
  - ✓ removal of one SEA Protected Tree<sup>8</sup> is allowed through Ministerial SEA Review; but
  - ✓ the tree to be removed cannot be a Heritage Tree.

A development that can comply with this requirement for protected trees and all other Development Standards requires only the Ministerial SEA Review. Any impacts to SEA Protected Trees beyond that allowed by the Development Standard require either a Protected Tree Permit or a SEA CUP (TABLE 1).

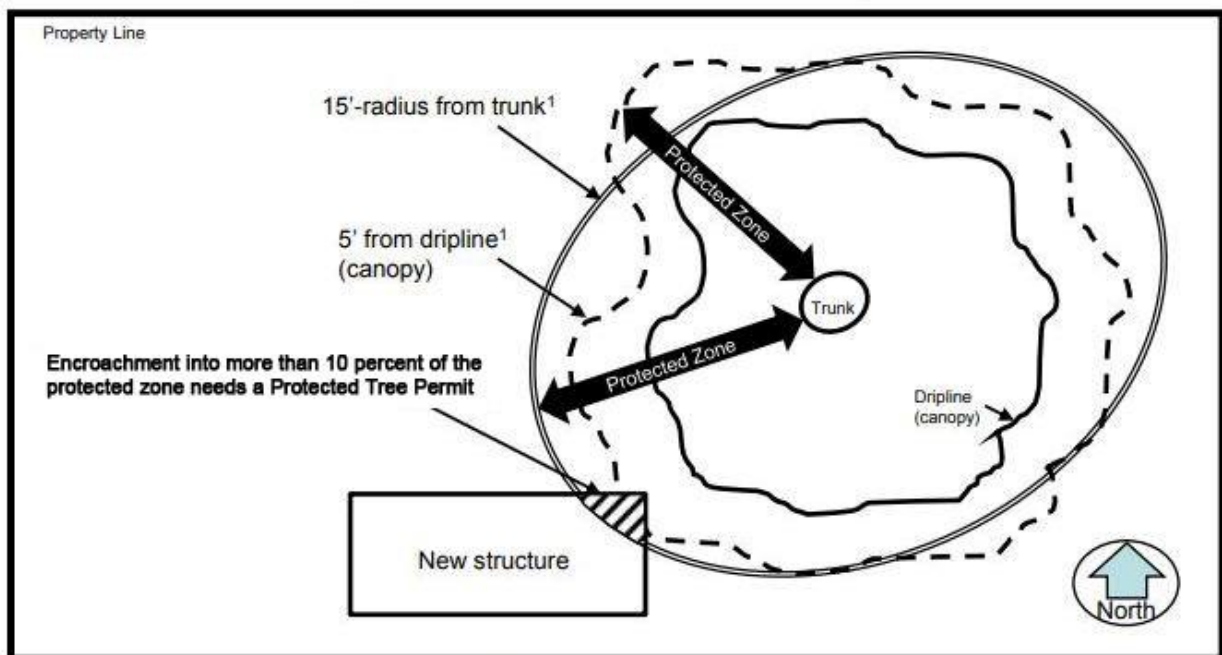


Figure 10. Any development (including but not limited to structures, walls, fences, grading, paving, irrigation, landscaping, decks, storage, and parking) must be located outside the tree protected zones of all SEA Protected Trees. When determining whether there is an encroachment, consider the protected zones of both protected trees on the subject property and those outside the property, including within the public right of way.

<sup>8</sup> Oak trees may require additional application materials for an Oak Tree Permit.

## PROTECTED TREE PERMIT

If a development is able to meet all Development Standards except for impacts to SEA Protected Trees, it may be able to obtain a Protected Tree Permit (“PTP”) and proceed with the Ministerial SEA Review. All PTPs will have a corresponding Ministerial SEA Review, since the Ministerial SEA Review process will determine that all other Development Standards are met and identify the need for a PTP. A PTP may be obtained for pruning of protected trees in excess of that allowed by Exemption N, encroachments of up to 30% of the TPZ for any number of protected trees, and/or removal of two (non-heritage size) protected trees, provided that such activity can meet the findings and burden of proof. Removal of more than two SEA Protected Trees or removal of any Heritage Tree requires an SEA CUP.

### A PROTECTED TREE PERMIT (PTP) IS REQUIRED WHEN...

the development is able to meet all development standards, except for the SEA Protected Trees development standard, and the impacts to SEA Protected Trees include one or more of the following:

- ✓ Pruning of branches greater than two-inches diameter;
- ✓ Pruning in excess of 25% of live foliage;
- ✓ Encroachments up to 30% of the protected zone; or
- ✓ Removal of up to two trees that are not designated as Heritage Trees.

### APPLICATION MATERIALS

The PTP will follow the Type II Review process. The application materials for PTPs include:

1. Standard application materials for Type II Review
2. Protected Tree Report prepared by a qualified arborist or resource specialist, which includes:
  - ✓ a tree survey map;
  - ✓ descriptions of all existing SEA Protected Trees on the subject property and any potentially impacted SEA Protected Trees adjacent to the subject property;
  - ✓ evaluation of existing health and potential impacts of development for each SEA Protected Tree;
  - ✓ identification of all SEA Protected Tree removals and encroachments; and
  - ✓ recommendations for avoiding, minimizing, and/or mitigating SEA Protected Tree impacts<sup>9</sup>.

*Oak tree species may require additional application materials for an Oak Tree Permit.*

### MITIGATION & MONITORING

Removal of any SEA Protected Tree will require mitigation in the form of two replacement plantings. Replacement trees should be seedlings of the same species being removed, and should be planted in an area of the project site where there is suitable habitat and where the trees will be able to remain in perpetuity. The replacement trees will need to be nurtured and maintained in a healthy condition, and will

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<sup>9</sup> If replacement plantings are required for mitigation of tree removals, recommendations for planting and maintaining these plantings should be included in the report as well. Proposed locations for the replacement plantings should be shown on the tree survey map or site plan.

be monitored. If any of the replacement plantings fail during the monitoring period of seven years, the applicant will be responsible for replanting and nurturing those new trees.

Protected Tree Permits for encroachments or excessive pruning will require monitoring of those impacted trees for a period of seven years. The County Biologist or a Forester with the Fire Department will conduct a minimum of three monitoring visits during that seven year period, with visits occurring in years two, four, and seven. If, at any time during the monitoring period, the County Biologist or Forester detects a noticeable decline in the tree's health, they will make recommendations regarding actions that should be taken to improve the tree's condition. If tree health continues to decline or if the tree is found to be dead or dying, the applicant will be required to mitigate that loss by planting two replacement trees (for each tree lost).

**TABLE 1. SEA PROTECTED TREES PERMIT REQUIREMENTS**

	IMPACT	PERMIT	MITIGATION
<b>Pruning</b>	Up to 25%; ≤ 2-inch branch diameter	Exempt	None
	More than 25%; > 2-inch branch diameter	Protected Tree Permit	Monitoring – 7 years
<b>Encroachment</b>	Up to 10%; maximum 4 trees	Ministerial SEA Review	None
	Up to 30%; any number of trees	Protected Tree Permit	Monitoring – 7 years
	More than 30%	Processed as Removal (see below)	
<b>Removal</b>	1 tree (under heritage size)	Ministerial SEA Review	None
	2 trees (under heritage size)	Protected Tree Permit	2:1
	More than 2 trees	SEA CUP	Determined through discretionary review
	Heritage Trees	SEA CUP	

### PROTECTED TREE FUND

If the County Biologist or Forester determines that replacement plantings on the project site is inappropriate (e.g. no adequate locations for plantings exist), they may recommend that the applicant pay into the Protected Tree Fund instead. The amount to be paid into the fund would be an amount equivalent to the resource value of the trees described in the Protected Tree Report. The resource value of the trees will be calculated according to the most current edition of the International Society of Arboriculture's "Guide for Plant Appraisal", and approved by the County Biologist or Forester. The applicant should consult with a qualified arborist or resource professional in calculating the value of SEA Protected Trees.

The Protected Tree Fund will be used for projects related to native tree and woodland establishment and protection, including planting, establishing, and maintaining native trees on public lands, purchasing native tree woodlands, and/or purchasing sensitive native trees of ecological, cultural, or historic significance. Up to seven percent of the funds collected may be used to study and identify appropriate programs for use of the fund.

## SEA CUP FOR IMPACTS TO SEA PROTECTED TREES

Any development that will remove a Heritage Tree or will remove more than two non-heritage size SEA Protected Trees will require an SEA CUP. Mitigation and monitoring for such removals will be determined as part of the discretionary SEA CUP review and included as conditions of approval in the permit. Mitigation and monitoring requirements for SEA CUPs should meet or exceed the mitigation and monitoring requirements of the PTP.

## BEST MANAGEMENT PRACTICES

The following are recommended best practices for properly caring for trees in SEAs.

### DEAD AND FALLEN TREES

Dead and/or fallen trees provide habitat for a host of flora and fauna, and contribute to the nutrient cycling of an ecosystem. Therefore, when occurring outside of the development footprint, dead and/or fallen trees should be left in place to serve their purpose as a natural part of the habitat. Removal of a tree which has fallen naturally and/or the felling and subsequent removal of standing, certifiably dead trees is considered development and may require a SEA permit or Protected Tree Permit. An exemption for emergency removal may be obtained if a report is prepared by a certified arborist, which details the need for removal (e.g. disease, potential for spreading infestation to other trees, blocking public roadways, etc.). Any emergency removal of infested, dead, or fallen trees which have been shown to have a disease or infestation should follow proper Best Management Practices for tree removal and disposal.

### IRRIGATION

Spray-type irrigation systems should not be used within a tree's protected zone and water should never be sprayed against the trunk of a native tree. Continuously wet soil near the root crown (the area where the tree trunk meets the soil surface) favors the growth of tree pests that lead to rot and disease.

### NESTING BIRDS

Proposed project activities (including, but not limited to, tree removal, maintenance, and/or construction activities) should occur outside of the avian breeding season ("nesting bird season") to avoid take of birds or their eggs. Nesting bird season generally runs from February 1 to August 31, but may start as early as January 1 for some raptors. Take means to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill (Fish and Game Code Section 86), and includes take of eggs or young resulting from disturbances which cause abandonment of active nests. Depending on the avian species present, a qualified biologist may determine that a change in the breeding season dates is warranted.

If avoidance of the avian breeding season is not feasible, a qualified biologist with experience in conducting breeding bird surveys should conduct nesting bird surveys to detect protected native birds occurring in suitable nesting habitat that is to be disturbed and (as access to adjacent areas allows) any other such habitat within 500 feet of the disturbance area. Depending on the habitat present and the magnitude of disturbance to take place, the biologist may recommend weekly surveys to be conducted over a 30-day period, two surveys to be conducted within one or two weeks prior to disturbance, or a single survey to be



conduct within three days of disturbance. Regardless of the number of surveys conducted, the last survey should always be conducted no more than three days prior to the initiation of project activities.

If a protected native bird is found, the project proponent may delay all project activities within 300 feet of on- and off-site suitable nesting habitat (or within 500 feet for suitable raptor nesting habitat) until August 31. Alternatively, the qualified biologist may continue the surveys in order to locate any nests. If an active nest is located, project activities within 300 feet of the nest (within 500 feet for raptor nests) or as determined by a qualified biological monitor, should be postponed until the nest is vacated and juveniles have fledged and there is no evidence of a second attempt at nesting.

For more information on bird-friendly tree maintenance, refer to Los Angeles Audubon's "Guide to Bird-Friendly Tree and Shrub Trimming and Removal", available online at: [planning.lacounty.gov/site/sea/resources](http://planning.lacounty.gov/site/sea/resources).

### TREE TRIMMING OR PRUNING

Be careful not to excessively and inappropriately trim native trees. Removal of live tissue for ornamental or aesthetic purposes alone is not appropriate for SEA Protected Trees. Over trimming results in trees that are less healthy and more vulnerable to pests and disease, and reduces the amount of habitat available for birds and other wildlife. The amount of live foliage that can be removed while maintaining a healthy tree depends on a variety of factors, such as the tree's size, species, and age. Younger trees tolerate more pruning than mature trees. Generally, no more than 25% of a tree's live foliage should be removed at once – less for mature trees. Removing even a single, large limb can result in significant canopy loss and can create a wound that the tree may not be able to close, leaving it vulnerable to pests and disease. This is especially true for mature trees that are already impacted by drought, development, or other stressors, or if the pruning is done improperly or at the wrong time of year. For this reason, pruning of branches two-inches or more in diameter is prohibited without a Protected Tree Permit.

With the exception of periodic removal of dead wood, most native trees require very little pruning. Dead wooding, which refers to the removal of dead tissue in the tree canopy, may be performed without a permit. Pruning of branches with major defects, such as decay, cavities, cracks, physical imbalance, fire damage, disease, or insects, that pose a threat to the safety of persons or property, or to the continued well-being of the tree, should follow standards endorsed by the International Society of Arboriculture.

It is always recommended to consult with a certified arborist, licensed landscaper, or qualified tree trimmer who knows and cares about tree health before pruning or trimming native trees. For more information on proper tree pruning and maintenance, visit the International Society of Arboriculture website at: [www.treesaregood.org/treeowner/pruningyourtrees](http://www.treesaregood.org/treeowner/pruningyourtrees).

## CHAPTER 4. DESIGN & DEVELOPMENT STANDARDS

Development standards set forth minimum requirements and maximum allowances (e.g., minimum setbacks from a street or maximum height of a structure). The SEA Ordinance establishes Development Standards to ensure that development is designed in a manner that supports the long-term sustainability of each SEA. Projects must comply with all Development Standards in order to obtain approval, or they may request modification of Development Standards through a SEA Conditional Use Permit. This chapter provides additional guidance and information to assist applicants with understanding and meeting Development Standards, as well as some best practices for designing development in a way that is compatible with SEA resources.

### RECOMMENDED DESIGN GUIDELINES FOR PROJECTS WITHIN SEAS

- ✓ Locate new development as close to existing development and roadways as possible.
- ✓ Cluster structures and infrastructure within 25% or less of the lot area (including roads, utilities, landscaping, and fire management requirements) and maintain the remaining portions of the site in a natural undisturbed state.
- ✓ Place utilities underground and adjacent to roadways (i.e. within the right of way).
- ✓ Avoid placing development on slopes greater than 25%, unless the outcome is biologically superior (e.g. avoids impacts to sensitive biological resources). See the Hillside Management Area Ordinance (Chapter 22.104) for hillside design requirements in areas with 25% or greater natural slopes.
- ✓ Locate development away from wildlife corridors and use only wildlife permeable fencing outside of development to allow wildlife to move easily through the undeveloped portion of the project site.
- ✓ Locate development away from the most sensitive natural resources and protect those resources and contiguous natural areas as open space.
- ✓ Do not alter, grade, build upon, fill or divert water from any wetland area. Maintain minimum buffers around such areas, as specified in the SEA Development Standards.
- ✓ Do not alter, grade, fill or build within any part of the 100-year flood plain of a river or stream.
- ✓ Avoid removal of native trees, such as oak, walnut, sycamore, juniper, and Joshua trees (see SEA Protected Tree List in Appendix A).
- ✓ Landscape with plant materials that are locally indigenous and drought-tolerant. Do not landscape with invasive species listed in the Invasive Species List (Appendix C) or listed as invasive by California Invasive Plant Council.
- ✓ Direct outdoor lighting downward and away from adjacent natural areas.
- ✓ Use non-glare/non-reflective glass and/or other methods for preventing collisions of birds with window glass.

## SEA RESOURCES

The SEA Ordinance defines *SEA Resources* as “the biological and physical natural resources that contribute to and support the biodiversity of SEAs and the ecosystem services they provide.” In Chapter 1, the concept of biodiversity and its importance to maintaining the character of LA County was introduced. Biodiversity, at its core, is simply the variety of life that occurs in a particular place. While biodiversity speaks to the diversity of living organisms, it is the combination of those living organisms (plants, animals, fungi, microbes, etc.) and the physical natural resources (non-living resources such as water, rocks, minerals, and air) that make up an *ecosystem*.

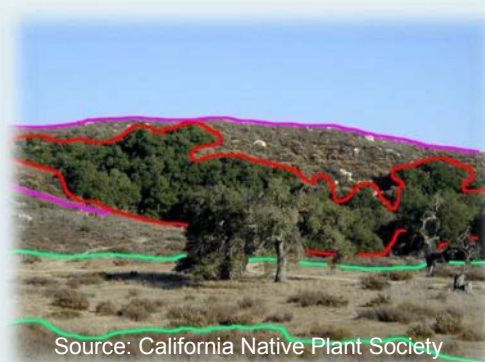
Many interactions take place within an ecosystem between the living organisms and their physical environment, and these chemical, biological, geochemical, or physical interactions provide the ecosystem with the raw materials it needs to continue to thrive. Many of these interactions, or *ecosystem functions*, also provide direct and indirect benefits to people. Such benefits are known as *ecosystem services*, and include things like clean air and water, fertile soils, pollination, raw materials in the form of foods, biofuels, and medicinal resources, protection from natural disasters like floods and droughts, and regulation of temperatures. There are also many social and cultural services provided by healthy, functioning ecosystems, such as scenic views and opportunities for recreation, tourism, culture, art, and design. The continued ability of our local ecosystems to provide the ecosystem services and biodiversity that we enjoy in LA County today depends in large part on ensuring adequate protections for the resources themselves, many of which are concentrated within and adjacent to SEAS.

To that end, the SEA Ordinance divides SEA Resources into five categories, with each category afforded a certain level of protection consistent with its relative abundance in the County and sensitivity to disturbance. Categories 1 through 3 are referred to in the Ordinance as Priority Biological Resources. SEA Resources are divided into categories based on the following factors:

- ❖ sensitivity to impacts of development;
- ❖ relative scarcity within the state, County, or SEA;

### NATURAL COMMUNITIES

A natural community is a collection of plants that occur together in a repeating pattern across a landscape. Without even knowing the names of the plants, one can start to detect patterns based solely on their size, shape, and spacing.



By grouping vegetation together in this way, they can be described, mapped, and ranked based on sensitivity and rarity. Mapping natural communities can be used to:

- ✓ predict available habitat for plant and animal species,
- ✓ depict patterns of biodiversity,
- ✓ help predict fuel loads and fire risk, and
- ✓ track and evaluate changes over time.

Examining and protecting natural communities shifts the conservation emphasis from a single-species approach to a landscape approach that encompasses groups of species and ecosystems, as well the interplay between those groups.

This approach recognizes that species never occur in isolation, but rather exist as members of a community of interdependent plants and animals.

- ❖ role in supporting populations of species and ecosystem services;
- ❖ and ability to recover from disturbance (resilience).

The SEA Ordinance relies largely on existing standards, requirements, and thresholds already in use by state, federal, and county resource agencies and authorities. Each category is described in more detail below. The SEA Ordinance includes specific Development Standards for SEA Resource Categories 1 through 4 (TABLE 2). Other area-wide and land use specific Development Standards are intended to preserve valuable elements of Category 5 SEA Resources.

**TABLE 2. ALLOWABLE DISTURBANCE & PRESERVATION FOR SEA RESOURCES BY CATEGORIES**

SEA RESOURCE CATEGORY:	DISTURBANCE ALLOWED:	OPEN SPACE PRESERVATION RATIO:
1	none	N/A (requires SEA CUP)
2	≤ 500 sq ft	2:1
3	≤ 500 sq ft	1:1
	> 500 sq ft	2:1
4	≤ 500 sq ft	none
	> 500 sq ft	1:1
5	any amount	none

\* The total building site area may be no larger than 20,000 square feet.

### SEA RESOURCE CATEGORY 1

No amount of disturbance<sup>10</sup> to resources in this category is allowed under a Ministerial SEA Review, as they are of the highest sensitivity and vulnerability in the region. Most of these resources also have state or federal regulations in place to protect them. Development should always strive to avoid resources in this category. Any development proposing impacts to Category 1 SEA Resources will require a SEA CUP with SEATAC review and a public hearing and will likely also trigger permitting requirements from other state or federal agencies (e.g. USFWS, Army Corps, CDFW, etc.). Mitigation for impacts to these resources is sometimes not a viable option because they are so rare, difficult to detect, or have habitats that are next to impossible to re-create. SEA Resources that fall into this category include the following:

#### ENDANGERED, THREATENED, OR RARE PLANTS AND ANIMALS:

The U.S. Fish and Wildlife Service (USFWS) administers the Federal Endangered Species Act (FESA), which provides a process for listing species as endangered and threatened, and provides guidance for protecting those listed species and the habitats upon which they depend. The California Endangered Species Act (CESA) prohibits the take of any fish, wildlife, or plant species designated by the California Fish and Game Commission as endangered, threatened, or candidate species. The California Department of Fish and Wildlife (CDFW) oversees the species protected by CESA. Both the federal and state regulations prohibit the take of any listed endangered or threatened plant or animal species, including the destruction of a listed species' habitat. All species protected under



Figure 11. The arroyo toad (*Anaxyrus californicus*) is both federally and state listed as an endangered species. Photo by Chris Brown, USGS.

<sup>10</sup> Disturbance includes clearing or thinning of vegetation for fuel modification and fire protection purposes.



FESA or CESA are Category 1 SEA Resources. For the purposes of the SEA Program, both the protected species and their occupied habitat are Category 1 SEA Resources.



Figure 12. Braunton's milkvetch (*Astragalus brauntonii*) is a perennial herb listed as federally endangered and CNPS rare plant rank 1B.1. Photo by Benjamin Smith 2010, from CalPhotos.

#### CALIFORNIA RARE PLANT RANKS 1A OR B, 2A OR B, AND 3:

CDFW works in collaboration with the California Native Plant Society (CNPS) and with botanical experts to maintain an inventory of California's sensitive plant species. This inventory consists of a ranking system known as the California Rare Plant Ranks (CRPR), which officially defines and categorizes the level of rarity of California's plants based on known information about the rarity, geographic range, and ecological requirements of each species. All the plants ranked 1A, 1B, 2A, 2B, and 3 meet the definitions of the CESA, are eligible for state listing, and are Category 1 SEA Resources. More detailed information about the CNPS Rare Plant Program can be found online at <http://www.cnps.org/cnps/rareplants/>.



Figure 13. *Dudleya greenei*-*Dudleya* spp. Succulent Scrub Herbaceous Alliance is a G1/S1 natural community that is found on the Channel Islands. Photo by Nicole Swabey, NPS.

#### CRITICALLY IMPERILED NATURAL COMMUNITIES<sup>11</sup> (G1/S1):

Natural communities with a global rank of G1 or a state rank of S1 are considered to be "critically imperiled". Critically imperiled natural communities are at very high risk of extinction due to extreme rarity (often with only six or fewer populations remaining worldwide or statewide, and/or up to 1,000 hectares remaining), very steep declines, and other factors. Since they have extremely limited distribution statewide and globally and are highly vulnerable to the impacts of development projects, no amount of disturbance to G1/S1 natural communities is allowed without a SEA CUP.



Figure 14. Wetlands are diverse ecosystems that provide vital services and habitat for broad range of species. Photo by City of Los Angeles Department of Cultural Affairs.

#### WATER RESOURCES:

Water resources are highly vulnerable and complex hydrologic and biotic systems that are capable of supporting a vast range of important ecosystem functions. The Conservation and Natural Resources Element (Chapter 9) of the General Plan 2035 characterizes local water resources "an invaluable resource" and recognizes that effective management and preservation of water resources are vital to preserving a high quality of life for LA County's residents and sustaining the functioning of watersheds and the natural environment.

<sup>11</sup> Since 1999, CDFW has classified and mapped natural communities throughout the state of California. One purpose of this classification is to assist in determining the level of rarity and imperilment of natural communities throughout the state. CDFW's current list rates 350 vegetation alliances and over 2,100 associations with a G (global) and S (state) rank according to their degree of imperilment following NatureServe's Heritage Methodology ([www.natureserve.org/conservation-tools/conservation-status-assessment](http://www.natureserve.org/conservation-tools/conservation-status-assessment)).

Since water resources are so sensitive to changes that occur along their boundaries and within their watersheds, the SEA Ordinance goes beyond prohibiting development within their boundaries, to requiring additional buffers between proposed developments and the water resources. See section “B. Water Resources” below for more details on required buffers.

## SEA RESOURCE CATEGORY 2

This category includes species and natural communities that are rare, sensitive, or highly important to maintaining the biodiversity and ecosystem services within SEAs. Only minimal amounts of disturbance may be allowed to these resources, as discussed below.



Figure 15. Desert needlegrass grassland (*Achnotherum speciosum* Herbaceous Alliance) is a S2 natural community. Photo by Todd Keeler-Wolf.

### IMPERILED NATURAL COMMUNITIES (G2/S2):

Natural communities with a global rank of G2 or a state rank of S2 are considered “imperiled”. Imperiled natural communities are at high risk of extinction or elimination due to very restricted range, very few populations (6-20 viable occurrences remaining worldwide or statewide, and/or from 1,000 to 2,000 hectares remaining), steep declines, or other factors.



Figure 16. Joshua Tree Woodland is a Sensitive Local Native Resource in the SEAs in which it occurs (see Appendix B). Photo by Enaid Silverwolf, 2017.

### SENSITIVE LOCAL NATIVE RESOURCES:

Some species and natural communities are much rarer or more significant on a local scale than they are on a global, state, or even regional scale. For this reason, the Department maintains a list of native resources that are rare or significant within the County or specific SEAs (Appendix B). Any species included on this list will be treated as a Category 2 resource within the region(s) indicated on the list, regardless of its state and global rankings.

The SEA Ordinance does not allow more than 500 square feet of cumulative disturbance to SEA Resource Category 2. Additionally, any proposed impacts to SEA Resource Category 2 up to 500 square feet must be compensated for through preservation of an area at least twice the size of that being disturbed. Preserved areas must be protected in perpetuity and maintained in a natural condition. All other relevant Development Standards must also be met, including the required setbacks from native trees occurring within the area to be disturbed.

To meet the requirements of the Development Standard, the area to be preserved must be:

1. the same type of SEA Resource(s) as that being disturbed,
2. located entirely outside of the development footprint (including fuel modification zones) of the proposed project,
3. located outside of any existing brush clearance zones of neighboring structures,



4. at least two-times the size of the area disturbed<sup>12</sup>, and
5. recorded through a permanent on-site deed restriction or covenant (see Chapter 8).

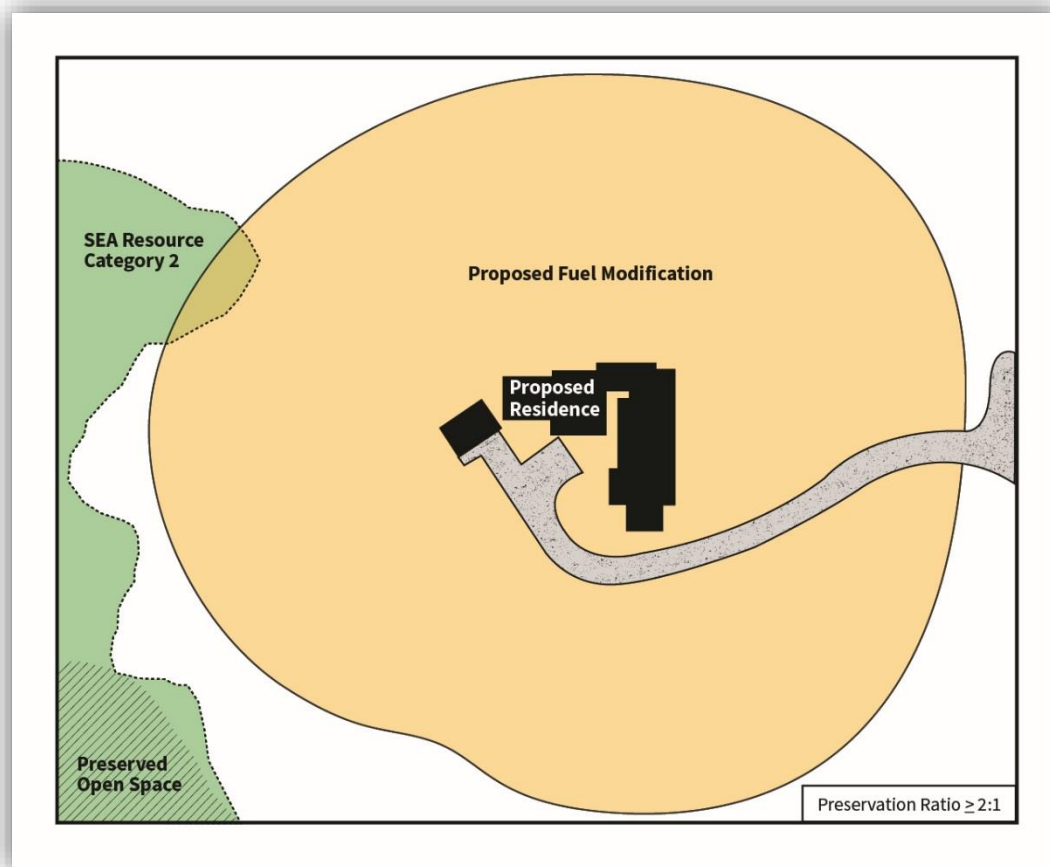


Figure 17. Up to 500 square feet of disturbance to SEA Resource Category 2 is allowed, provided that the applicant preserve at least twice that amount of the same type of habitat on site, through an open space deed restriction or covenant.

<sup>12</sup> While applicants are encouraged to go beyond the minimum requirement, particularly when sensitive resources are present, and preserve as much of the sensitive resource as feasible, the Department will not require more than 2 to 1 preservation through a Ministerial SEA Review.



Figure 18. The Western Burrowing Owl (*Athene cunicularia hypugea*) is a CA Species of Special Concern. Photo by Andy Long, Audubon Photography Awards.

#### SPECIES OF SPECIAL CONCERN:

CDFW uses this status for rare and sensitive animals not listed under FESA or CESA, but which nonetheless are declining at a rate that could result in listing, as well as for animals that historically occurred in low numbers that have known threats to their continued presence. More information on Species of Special Concern can be found on the CDFW website at [www.wildlife.ca.gov/Conservation/SSC](http://www.wildlife.ca.gov/Conservation/SSC). For the purposes of the SEA Program, both Species of Special Concern and their occupied habitat are Category 2 SEA Resources.

Since animals move and generally flee or hide when biological 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 special habitat features such as nests, dens, burrows, and roosts. The SEA Ordinance prohibits development that results in abandonment or failure of any such habitat features that have been identified by a qualified biologist as belonging to a special status species. If a special habitat feature indicates presence of a species of special concern, the consulting biologist should confer with the County Biologist and CDFW to determine the appropriate buffer to maintain between the habitat feature and the proposed development, and this buffer must be shown on the BCM.

#### SEA RESOURCE CATEGORY 3

This category includes natural communities considered by CDFW to be likely to become imperiled unless the circumstances that are threatening their survival improve. Resources in this category include the following:



Figure 19. Chamise-white sage chaparral (*Adenostoma fasciculatum* - *Salvia apiana* Shrubland Alliance) is a G3/S3 ranked natural community. Photo by Julie M. Evens.

#### VULNERABLE NATURAL COMMUNITIES (G3/S3):

Natural communities with a global rank of G3 or a state rank of S3 are considered "vulnerable". Vulnerable communities are at moderate risk of extinction or elimination due to restricted range, relatively few populations (21-80 viable occurrences remaining worldwide or statewide and/or from 2,000 to 50,000 hectares remaining), recent and widespread declines, or other factors.



Figure 20. The County regards oak woodlands as being essential to the maintenance of biodiversity and ecosystem services. Photo by James Keeney.

#### OAK WOODLANDS:

LA County has long prioritized the protection of oaks, starting with enacting the Oak Tree Ordinance in 1982, and subsequently through the adoption of the LA County Oak Woodlands Conservation Management Plan in 2011. The Oak Woodlands Conservation Management Plan changed the way the Department reviews projects that occur within or near oak woodlands. The main goal of the plan is to conserve oak woodlands in perpetuity with no permanent net loss of existing woodlands. As such, although many natural communities dominated by oak trees are ranked as being less rare or sensitive in the CDFW Natural Communities list, the County regards them as essential to the maintenance of biodiversity and ecosystem services within SEAs and places them in a more protective category.

The SEA Ordinance includes provisions for two tiers of impact to vulnerable natural communities, namely disturbances under 500 square feet and disturbances over 500 square feet.

1. Development not exceeding 500 square feet of disturbance to SEA Resource Category 3 is required to preserve an equal area of the same SEA Resource(s) elsewhere on the project site (1:1 preservation ratio).
2. Developments that exceeds 500 square feet of impact to SEA Resource Category 3 are required to preserve an area of the same SEA Resource(s) at least two-times the size of that impacted (2:1 preservation ratio).

For both tiers, all other Development Standards must be met, including the maximum total building site area and required setback for native trees. Additionally, to meet the requirements of this Development Standard, the area to be preserved must:

1. consist of the same type of SEA Resource(s) as that being disturbed,
2. be located outside of the development footprint of the proposed project,
3. be located outside of any existing brush clearance zones of neighboring structures, and
4. be recorded through a permanent on-site deed restriction or covenant (see Chapter 8).

### WHY ARE OAK WOODLANDS IMPORTANT TO LOS ANGELES COUNTY?

Adapted from the *Los Angeles County Oak Woodlands Conservation Management Plan*:

Oak woodlands are much more than a collection of individual trees. Associated with those trees, are over 300 vertebrate species and more than 5,000 invertebrates, not to mention hundreds of native plant species. Entering oak woodlands, you experience the complex interconnections of the trees, plants, and animals that create a dynamic living system.

Oak woodlands provide essential ecosystem function services, at little to no cost. The canopies of oaks filter out air pollution, absorb carbon dioxide, and create islands of welcome shade and cooler temperatures. Hillsides covered with oaks provide erosion control through roots that hold the soil and foliage that diffuses rainfall, allowing it to percolate into the ground. Stream banks shaded by oaks slow down floodwaters and help filter out water pollutants.

Oak woodlands provide extensive recreational opportunities that are easily accessed by the huge urban population of Los Angeles County. The health benefits provided by access to trails that wind through the oaks are immeasurable. For many people, a walk through the oaks is a welcome stress relief. Real estate prices for homes in or near oak woodlands are consistently higher than those without oaks or other natural spaces.

Oak woodlands are an iconic part of the visual landscape of Los Angeles County. The daily commute of millions is enhanced by views of oak studded hillsides along crowded freeways. Oaks and humans have a long history of inter-dependence. While few people today rely on acorns as a dietary staple, living in and among oak woodlands is clearly still important to many of us.

### SEA RESOURCE CATEGORY 4

This category represents the more common natural communities that occur within the County, as well as certain plant species with limited distribution within the state.



Figure 21. Redshank chaparral (*Adenostoma sparsifolium* Shrubland Alliance) is a G4/S4 ranked natural community. Photo by Julie M. Evens.

#### APPARENTLY SECURE NATURAL COMMUNITIES (G4/S4):

Natural communities with a global rank of G4 or a state rank of S4 are considered to be “apparently secure” within their range. Apparently secure communities may be uncommon within a given geographic range, but they are not rare on a larger scale. Some cause for long-term concern for these communities due to declines and other factors may be warranted regionally. G4/S4 natural communities are defined as having from 81-300 viable occurrences worldwide or statewide, and/or more than 50,000 to 200,000 hectares remaining.





Figure 22. Chamise chaparral (*Adenostoma fasciculatum* Shrubland Alliance) is a G5/S5 ranked natural community. Photo by Todd Keeler-Wolf.

#### SECURE NATURAL COMMUNITIES (G5/S5):

Natural communities with a global rank of G5 or a state rank of S5 are considered to be “secure” within their range. These are the most common, widespread, and abundant natural communities, and are demonstrably secure due to worldwide and statewide abundance.

The SEA Ordinance allows for up to 500 square feet of disturbance to these natural communities without requiring preservation. However, projects proposing to disturb more than 500 square feet are required to preserve an area at least equal in size to that which is being disturbed.

To meet the requirements of the Development Standard for disturbance over 500 square feet, the area to be preserved must be:

1. the same type(s) of natural community as that being disturbed,
2. located outside of the development footprint of the proposed project,
3. located outside of any existing fuel modification/brush clearance zones of neighboring structures,
4. equal or larger in size to the area of the disturbed natural community, and
5. recorded through a permanent on-site deed restriction or covenant (see Chapter 8 for natural open space preservation requirements).



Figure 24. Plummer's mariposa lily (*Calochortus plummerae*) is a CRPR 4 perennial herb. Photo by Jen Mongolo.

#### CALIFORNIA RARE PLANT RANK 4:

RPR4 plants, as identified by the CNPS Rare Plant Program (available online at [www.cnps.org/cnps/rareplants](http://www.cnps.org/cnps/rareplants)), are “watch list” plants. These plants are of limited distribution and may be locally significant. They warrant regular monitoring and may be transferred to a more protective rank by CNPS should the degree of endangerment or rarity change. This category includes both individual woody plants (for example, tree or shrub species) and habitat containing annual or herbaceous plants.



Figure 23. Southern California Black Walnut (*Juglans californica*) is a CRPR 4 deciduous tree. Photo by Michael O'Brien.

Similar to Category 4 Natural Communities, the SEA Ordinance allows for up to 500 square feet of disturbance to habitat containing RPR4 annual or herbaceous plants without natural open space preservation. It also allows for disturbance of up to 10 individual woody plants ranked RPR4 without preservation. If disturbance to more than 500 square feet of occupied habitat of annual or herbaceous species or disturbance to 10 individuals of woody species is proposed, the applicant must be able to preserve an area containing an equal amount of habitat for the species (or an equal number of individuals if woody species), elsewhere on the property.

### SEA RESOURCE CATEGORY 5

All SEA lands and resources that are not included in one of the categories listed above but that nonetheless contribute to the biodiversity, ecosystem services, wildlife corridors, migration pathways, and preservation of the SEAs are included in this category. Examples of such resources include vegetation dominated by non-native species, agricultural fields, hedges, early successional vegetation that has yet to form into a distinct natural community, cleared or disturbed areas, and non-native trees and shrubs. Although disturbed, such areas still contribute to the preservation of SEAs and often play a vital role in wildlife movement (see Appendix E) and the protection of SEA Resources listed above in Categories 1 through 4.

Since SEA Resource Category 5 has already been impacted in some way by development, it is not considered to be as sensitive to additional impacts of development as natural habitat areas. For this reason, the SEA Ordinance does not include a disturbance threshold or preservation ratio for impacts to this Category. However, the value of biotic resources, connectivity, and buffers provided by SEA Resource Category 5 will be taken into consideration during discretionary review, as these areas may play a role in meeting the SEA Findings.

### SEA PROTECTED TREES

Subsection 22.102.090(B) establishes minimum setbacks for SEA Protected Trees (listed in Appendix A). This setback, or buffer, is known as the Tree Protected Zone (“TPZ”), and it extends a minimum of five feet out from the dripline of a protected tree or 15 feet from the trunk, whichever distance is greater.

#### ENCROACHMENTS

Any intrusion, disturbance or construction activity occurring within the protected zone of a SEA Protected Tree is considered an encroachment. Development is limited to the following encroachments:

- ✓ a maximum of four SEA Protected Trees may have encroachments; and
- ✓ for those trees impacted, development must not encroach more than 10 percent into their TPZ.

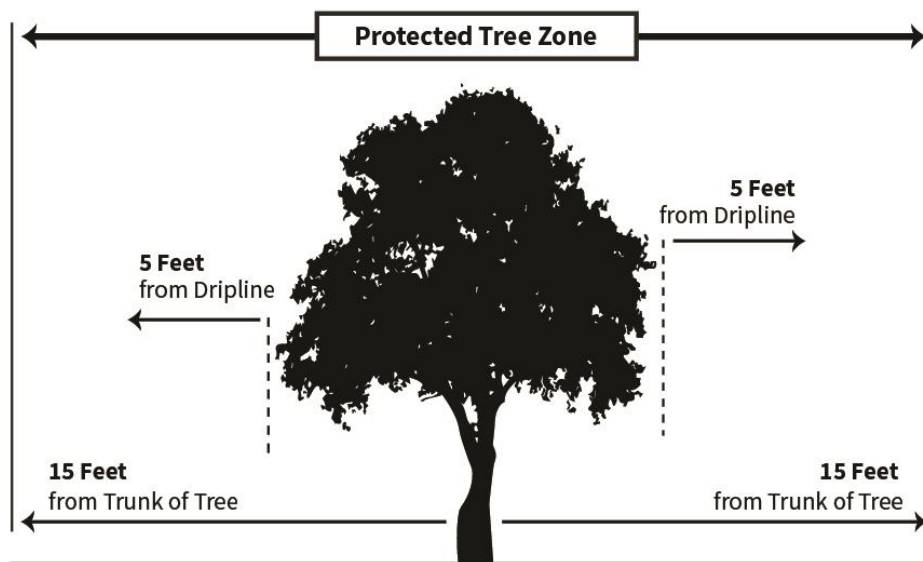


Figure 25. Development must be set back a minimum of 5-feet from the dripline or 15-feet from the trunk of a SEA Protected Tree, whichever distance is greater.



## REMOVALS

Development may remove one SEA Protected Tree, provided it is not designated as a Heritage Tree. If the tree to be removed is an oak tree protected by the County Oak Tree Ordinance (all trees of the genus *Quercus* greater than eight inches DBH or with two trunks totaling 12-inches DBH), an Oak Tree Permit will still be required.

See Chapter 3 for more information on SEA Protected Trees and permitting requirements.

## WATER RESOURCES

No direct disturbance to our County's limited water resources is allowed within SEAs. Furthermore, since water resources are highly vulnerable to changes that occur within their watersheds, and especially to activities that occur around their edges, all development (as defined in the SEA Ordinance), including fuel modification, is required to be set back a minimum distance from water resources identified in the vicinity of the project, as shown in **TABLE 3** below.

While the Ordinance requires minimum setbacks, applicants are encouraged to plan their developments as far from water resources as possible (beyond required setbacks) to ensure that the development does not have adverse inhibitory effects on wildlife using the water sources. The year-round water supplied by marshes, seeps, and springs is of the utmost importance for wildlife, and intermittent and ephemeral waters play a vital role in the lifecycles of countless indigenous plants and animals, as well as migrating birds. It is vital that access to and use of these resources remain unfettered by further human disturbance. Human uses, such as stables and animal keeping, may have adverse inhibitory effects on the wildlife using the water sources.

In the SEA Program, the term water resource is used to identify all forms of surface water protected by the SEA Ordinance and may differ from the definitions used by other agencies. The various types of water resources referenced in the SEA Ordinance include lakes, reservoirs, ponds, rivers, streams, marshes, springs, vernal pools, and playas (see Glossary for definitions of each type of water resource). For the purpose of the SEA Ordinance, all water resources within SEAs are protected, even in instances where the resource was initially created artificially by human activities. Similarly, ephemeral and intermittent water resources are protected in equal measure to perennial water resources.

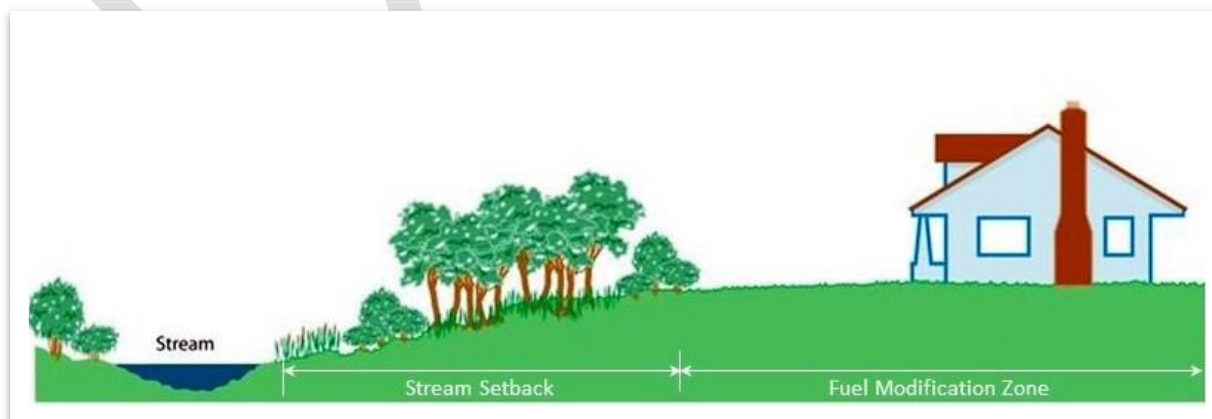


Figure 26. Fuel modification and brush clearance required by the Fire Department or Agricultural Commission for fire protection is considered development within SEAs, and therefore must be located entirely outside of required water resource setbacks.

There are other state and federal laws and regulations governing the use of and impacts to water resources, such as the Clean Water Act, the Lake and Streambed Alteration Program, and the Endangered Species Act (in the case of habitat for listed species), to name a few. Applicants should contact all appropriate resource management agencies (e.g. US Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), USFWS, and CDFW) to determine what additional permits may be needed. In general, if a development meets the required setbacks from water resources, the need for additional permits is unlikely. If a development is not able to meet setbacks from water resources, a jurisdictional waters delineation may be needed to determine if proposed activities fall within the jurisdiction of any such agencies. The applicant should work directly with the appropriate agency to obtain necessary permits.

**TABLE 3. REQUIRED SETBACKS FOR WATER RESOURCES IN SEAS.**

<b>WATER RESOURCE:</b>	<b>SIZE</b>	<b>REQUIRED SETBACK*</b>	<b>MEASURED FROM**</b>
<b>Lakes, reservoirs, ponds</b>	Any Size	150 feet or the watershed boundary, whichever is greater	High water mark
<b>Marshes, seeps, springs</b>	<0.5 acre	100 ft	Edge of saturated soil
	0.5 – 1 acre	150 ft	
	>1 acre	300 ft	
<b>Vernal pools, playas</b>	Any Size	150 ft or the watershed boundary, whichever is greater	Maximum pool extent
<b>Rivers and streams</b>	<50 ft wide during or immediately following a 10-yr storm	100 ft	Outside edge of riparian vegetation (i.e. dripline) on either side of the active channel. If riparian vegetation is absent or sparse, use bed and bank of the active channel inclusive of any braided channel conditions.
	50-100 ft wide during or immediately following a 10-yr storm	150 ft	
	>100 ft wide during or immediately following a 10-yr storm	300 ft	

\* All setbacks should be measured horizontally, in plan view, since they are intended to serve as spatial buffers. For SEA CUPs, a lesser setback may be considered if topography and/or other physical features in combination with best management practices are determined to provide adequate screening and buffering.

\*\*All wetland delineations should follow the methodology described in the US Fish and Wildlife Service Classification of Wetlands and Deepwater Habitats of the United States (Cowardin, 1979). The Mapping Episodic Stream Activity (MESA) protocol (Vyverberg and Brady, 2013) developed by CDFW and the California Energy Commission should be employed to accurately document episodic streams when water is absent.

## OTHER DEVELOPMENT STANDARDS

The following Development Standards apply to all projects within SEAs. The primary purpose of these Development Standards is to ensure the preservation of natural habitat and wildlife movement opportunities within SEAs.

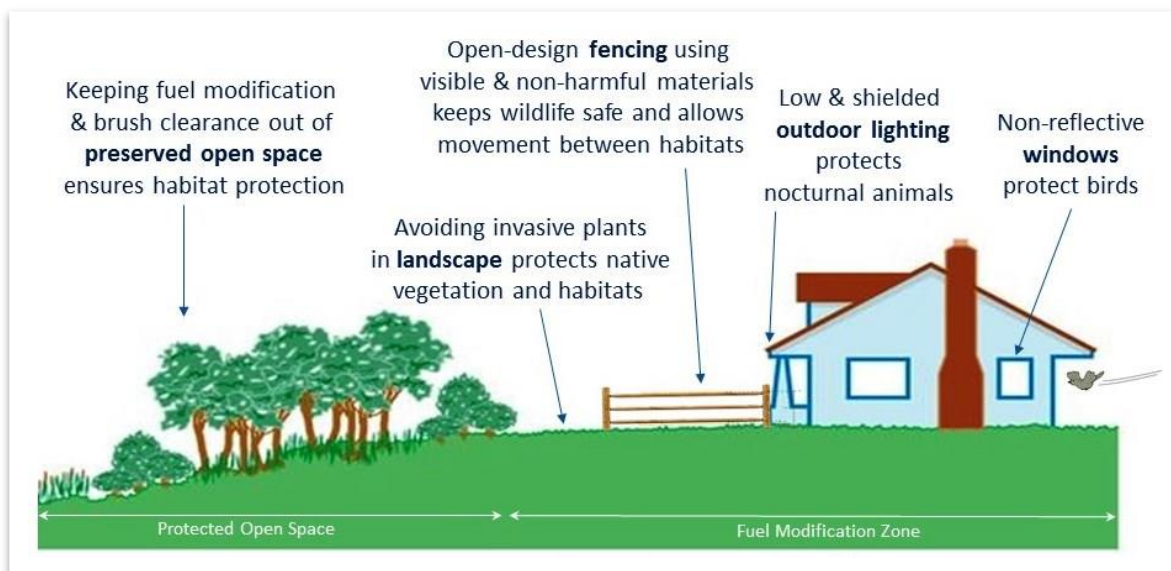


Figure 27. Area-wide Development Standards focus on ensuring the preservation of natural habitat and wildlife movement opportunities.

### IMPERMEABLE FENCING, WALLS OR ENCLOSURES

Fencing within SEAs is generally discouraged, as fences can create hazards and barriers for wildlife movement, seasonal migrations, and access to food and water. When used, fencing should be designed and sited in such a way as to not restrict wildlife movement within the SEA.

Wildlife impermeable fencing is fencing that prevents or creates a barrier for the passage of wildlife from one side to the other. In SEAs, impermeable fencing, walls, and enclosures are only allowed within the development footprint, and should only be used around the immediate vicinity of residences and associated yards, for the control and safety of domestic animals<sup>13</sup>, and where public health and safety dictates their use. Impermeable fencing, walls, or enclosures should never be constructed around areas that contain natural habitat, except where temporary exclusion fencing is needed to keep wildlife away from habitat restoration areas while they become established.

#### A FENCE MAY BE PROBLEMATIC FOR WILDLIFE IF...

- ✓ it is too high to jump over
- ✓ it is too low to crawl under
- ✓ it is too wide and creates a three-dimensional obstacle
- ✓ there are loose or broken wires
- ✓ its wires or boards are spaced too closely together
- ✓ it has elements that can impale or snag a leaping or flying animal
- ✓ it is not readily visible to running animals or flying birds

<sup>13</sup> Within the urban-wildland interface, it is strongly recommended that livestock and domesticated animals are provided with appropriate fencing to provide protection against predation by mountain lions and other predatory wildlife.

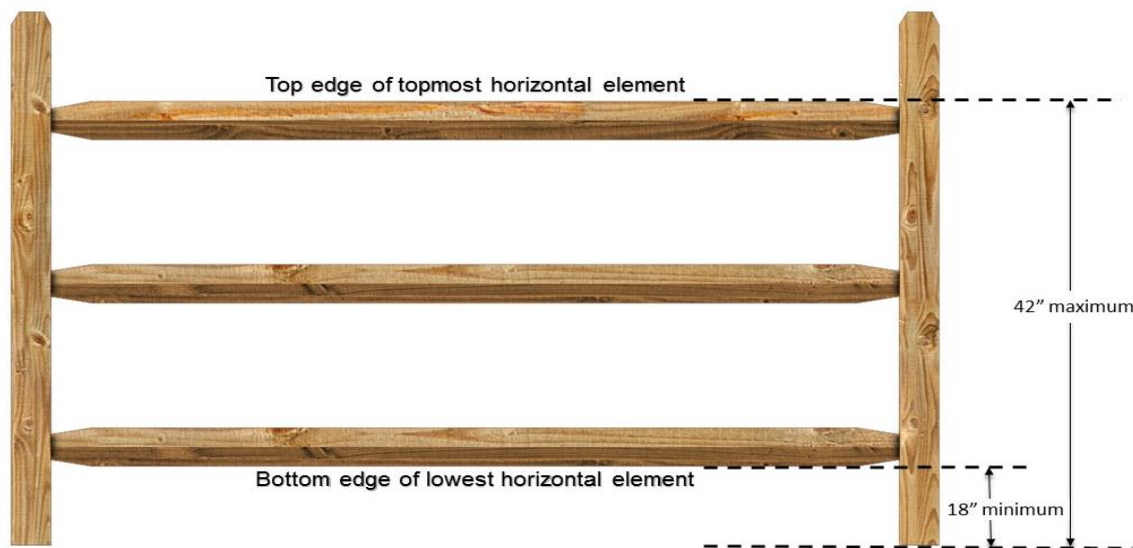


Figure 28. Wildlife permeable fencing must be of open design and constructed of materials that are readily visible to wildlife. Height of top rail may be no more than 42-inches above ground-level, and the bottom rail must be at least 18-inches above ground-level to permit movement of wildlife both under and over the fence.

### PERMEABLE FENCING

Wildlife permeable fencing may be utilized elsewhere on the property to delineate property lines or to section off development features. A wildlife permeable fence is one that incorporates, at minimum, the following principles:

- ❖ Wildlife should be able to easily see all fence posts and horizontal elements. Materials that are visible to wildlife include wooden rails, steel pipes, vinyl rails, PVC pipes, recycled plastic rails, coated wires, or smooth wires covered with PVC or clearly marked with flagging.
- ❖ The top edge of the uppermost horizontal elements shall be no more than 42 inches above ground level to allow wildlife to jump over the fence.
- ❖ The bottom edge of the lowest horizontal elements shall be no lower than 18 inches above ground level to allow wildlife to pass under the fence.

### FENCING MATERIALS

Never construct or top fences, gates, and walls with spikes, glass, razors, nets, or other such materials that may be harmful to wildlife. To prevent the entrapment of birds, fence and signposts should not be hollow at the top or have unfilled bolt holes. Wildlife friendly fences are those constructed of materials that are

### ALTERNATIVES TO FENCING

SINCE FENCES CAN POSE SERIOUS PROBLEMS FOR WILDLIFE IN WAYS THAT WE DO NOT ALWAYS SEE OR ANTICIPATE, ALTERNATIVE DESIGN FEATURES THAT COULD SERVE THE SAME PURPOSE SHOULD BE CONSIDERED. BARRIERS OR DESIGNS USING NATURAL MATERIALS ARE OFTEN VERY EFFECTIVE AT PREVENTING ACCESS OR PROVIDING PRIVACY, WHILE SIMULTANEOUSLY PROVIDING A MORE NATURAL APPEARANCE AND MINIMIZING MAINTENANCE REQUIREMENTS. CLOSELY SPACED NATURAL VEGETATION (E.G. HEDGES) CAN SERVE AS A PRIVACY FENCE, FOR EXAMPLE, OR A ROW OF TREES OR BOULDERS COULD SERVE AS BOUNDARY MARKERS.

readily visible to wildlife, preventing unfortunate accidents such as collisions, entanglement, entrapment, or impaling of unsuspecting animals. Barbed wire may be used on the interior horizontal elements of the fence, but may not be used as the top- or bottom-most elements.

## WINDOW REFLECTIVITY

Windows can be a big problem for birds. A 2014 study published by the American Ornithological Society found that between 365 and 988 million birds are killed each year in the United States by building collisions<sup>14</sup>. Reflective windows, sometimes in combination with artificial outdoor lighting, are the major cause of such collisions. The vast majority of structures that birds collide with are residences and low-rise buildings. A single home may kill a dozen or more birds each year without the owner being aware. Birds typically collide with windows because they see the reflection of surrounding habitat and fly full-speed into it, or they attempt to fly past reflected buildings or through reflected passageways, with fatal results. Even if the initial impact does not kill the bird immediately, it may hemorrhage after flying away from the site or be left injured and vulnerable to predation.

The Ordinance requires that all windows in SEAs be comprised of non-glare/non-reflective glass. Additional methods for preventing collisions of birds with window glass include:

- ❖ incorporating elements in the building design that preclude collisions without completely obscuring vision, for example the use of decorative facades, recessed windows, shutters, grilles, or exterior shades;
- ❖ using UV Patterned, Opaque, or Translucent Glass;
- ❖ applying patterns on glass (particularly on the external surface) to block glass reflections, acting like a screen;
- ❖ applying external window films or decals; and
- ❖ avoiding plantings in front of glass windows.

## OUTDOOR LIGHTING

Outdoor lighting can be very disruptive to natural animal behavior. According to a research article by Travis Longcore and Catherine Rich, “light pollution has demonstrable effects on the behavioral and population ecology of organisms in natural settings. As a whole, these effects derive from changes in orientation, disorientation, or misorientation, and attraction or repulsion from the altered light environment, which in turn may affect foraging, reproduction, migration, and communication.”<sup>15</sup> For example, lighting the night sky can disrupt bird migration and nocturnal foraging by bats and birds, while lighting terrestrial habitat areas can disturb foraging patterns of other nocturnal animals.

Chapter 22.80 (Rural Outdoor Lighting District) of the County Code is a supplemental zoning district that encompasses rural areas of LA County. The Rural Outdoor Lighting District “promotes and maintains dark skies for the health and enjoyment of individuals and wildlife.” The majority of SEAs are already included in the Rural Outdoor Lighting District, and the current SEA Ordinance essentially expands the district to include any parts of SEAs that were not originally covered by the supplemental district, by requiring those

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<sup>14</sup> Loss, Scott R., Tom Will, Sara S. Loss, and Peter P. Marra. 2014. Bird–building collisions in the United States: Estimates of annual mortality and species vulnerability. *The Condor* 116(1):8-23. [doi.org/10.1650/CONDOR-13-090.1](https://doi.org/10.1650/CONDOR-13-090.1)

<sup>15</sup> Longcore, T. and Rich, C. (2004), Ecological light pollution. *Frontiers in Ecology and the Environment*, 2: 191-198. [doi:10.1890/1540-9295\(2004\)002\[0191:ELP\]2.0.CO;2](https://doi.org/10.1890/1540-9295(2004)002[0191:ELP]2.0.CO;2)



areas to abide by the same standards. Further, the Ordinance prohibits outdoor lights to be directed upwards into the night sky or to be directed onto natural habitat.

Applicants can meet this Development Standard and protect habitat and dark skies by following these general guidelines for outside lighting:

#### KEEP IT LOW



Mount light fixtures as low as possible to minimize light trespass (see Part 9 of Chapter 22.44 for specific height requirements by use).



Use the lowest amount of light needed for the task. Consider using motion sensors to avoid steady-burning lights, or timers to ensure that lights aren't left on longer than necessary.

#### KEEP IT SHIELDED



Use fixtures that are shielded so that the bulbs and/or glowing lenses are not visible, minimizing light trespass into natural habitat areas or skywards.

#### KEEP IT WARM



Use only warm light sources for outdoor lighting. Blue light is now known to brighten the night sky more than any other color of light, so minimizing the amount of blue light emitted is important. Exposure to blue light at night has been shown to harm human health and endanger wildlife. Warm (or subdued) light sources recommended for use outdoors include LPS, HPS and low-color-temperature LEDs.

Per Section 22.44.530, the following types of outdoor lighting are prohibited: drop-down lenses, mercury vapor lights, ultraviolet lights, and searchlights, laser lights, or other outdoor lighting that flashes, blinks, alternates, or moves.

#### NATURAL OPEN SPACE BUFFER

In order to minimize edge effects and reduce the impacts of fuel modification, brush clearance, or other vegetation disturbing activities within protected natural open space (i.e. state or county park, conservation easement, open space deed restriction, etc.), the SEA Ordinance requires that all new habitable structures be set back a minimum of 200 feet from the boundary of any such lands. A 200-foot buffer is the standard distance required by the LA County Fire Department and Agricultural Commission for fuel modification and brush clearance to protect a habitable structure. If the Fire Department approves a fuel modification plan with non-standard distances for fuel modification zones, the setback for habitable structures from natural open space should be based on those approved in the Fire Department approved fuel modification plan. Department Staff can assist in identifying protected natural open space in the project vicinity.

Additionally, since dedication of natural open space will be a requirement for many projects within SEAs, it is important to remember that this requirement will also apply to those proposed natural open space areas. Any natural open space proposed for dedication in association with the development must be located at least 200-feet from any existing or proposed structure.



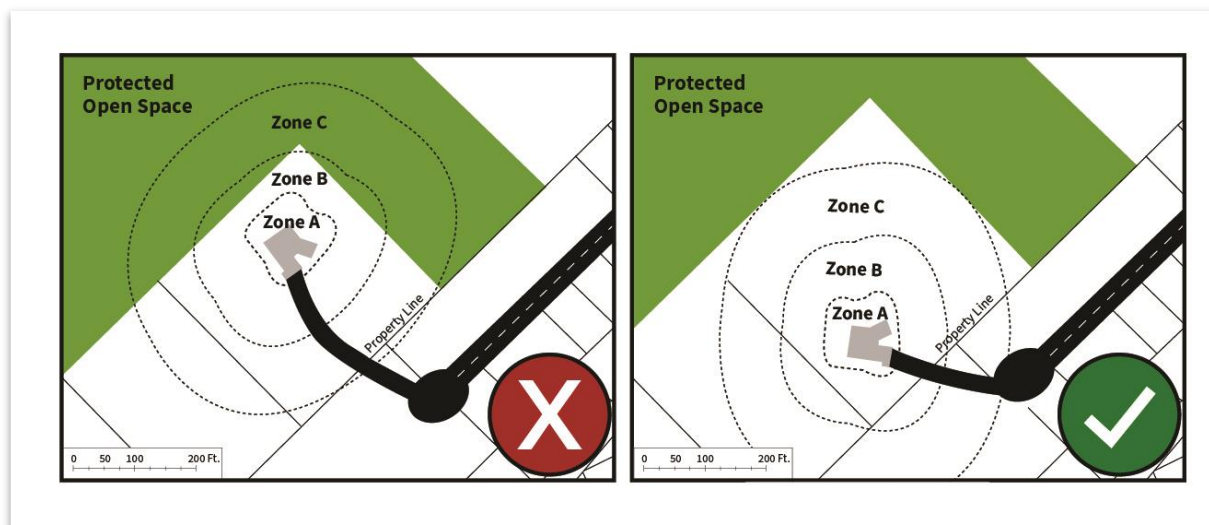


Figure 29. All new habitable structures must be set back a minimum of 200 feet from the boundary of any preserved natural open space.

### LANDSCAPING AND FUEL MODIFICATION

Any development requiring new landscaping and/or fuel modification will need to submit landscape plans. Landscape plans will be reviewed by the Case Planner and County Biologist for compliance with the Development Standards, and they may also require review by the Fire Department for approval along with the Fuel Modification Plan.

#### LANDSCAPE & FUEL MODIFICATION REQUIREMENTS

- ❖ Minimize removal of natural vegetation to minimize erosion and sedimentation, minimize impacts to biological and scenic resources, and reduce the need for supplemental irrigation.
- ❖ Landscape or revegetate all cut and fill slopes and other areas disturbed by construction activities.
- ❖ Fuel Modification Zones A and B may utilize a mix of locally-indigenous, drought-tolerant plant species and non-invasive, drought tolerant ornamental plants and gardens.<sup>16</sup> These zones require irrigation, per Fire Department regulations.
- ❖ Fuel Modification Zone C should consist exclusively of native vegetation. In order to meet Fire Department regulations, existing vegetation in this zone may need to be thinned to provide defensible space for fire suppression.
- ❖ For necessary landscaping or revegetation in Zone C or outside of fuel modification areas, use only locally-indigenous, drought-tolerant plant species that blend with the existing natural vegetation and habitats in the area. Locally-indigenous plants are adapted to the local climate and natural rainfall patterns, and have adaptations to survive diminished rainfall, so landscapes with local natives minimize irrigation needs and remain healthy during times of drought.
- ❖ In all Fuel Modification Zones, use only plant species that are consistent with Fire Department requirements.
- ❖ Check the Invasive Plant List in Appendix C to ensure that none of the plants proposed for use are invasive plants, and therefore prohibited within SEAs.

<sup>16</sup> Use your address to identify locally appropriate plants at [Calscape.org](http://Calscape.org), and find out what plant nurseries may have them available.

- ❖ Tilling and disking are not acceptable methods of vegetation removal or maintenance for fuel modification or brush clearance.

All landscaping activities occurring within SEAs should employ current best practices (such as watershed-wise landscape design and hydrozones) to the greatest extent possible, avoid unnecessary direct impacts to habitat, utilize low impact design principles, and conform to legal standards for all pesticide, herbicide, and fertilizer applications. The use of chemical fertilizers or herbicides is strongly discouraged, particularly in native plant areas; amendments such as native plant mulch should be used instead.

### INVASIVE PLANTS

THE SEA ORDINANCE PROHIBITS THE USE OF INVASIVE PLANTS WITHIN SEAs, INCLUDING ANY HORTICULTURAL PLANT SPECIES LISTED IN APPENDIX C OF THIS GUIDE AND ANY OTHER SPECIES THAT IS LISTED AS INVASIVE BY THE CALIFORNIA INVASIVE PLANT COUNCIL (CAL-IPC). THE MAJORITY OF SPECIES LISTED IN APPENDIX C ARE PLANTS THAT WERE ORIGINALLY INTRODUCED TO THE REGION FOR HORTICULTURAL PURPOSES OR EROSION CONTROL THAT HAVE DEMONSTRATED AN ABILITY TO ESCAPE FROM CULTIVATION AND SPREAD INTO NATURAL ECOSYSTEMS, DEVELOPING SELF-SUSTAINING POPULATIONS AND BECOMING DOMINANT OR DISRUPTIVE TO THOSE ECOSYSTEMS. GIVEN THE IMPACTS THAT INVASIVE PLANTS CAN HAVE ON NATIVE SPECIES, THE PREVENTION OF NEW INTRODUCTIONS OF INVASIVE PLANTS INTO SEAs IS VITAL TO THE PRESERVATION OF BIODIVERSITY AND ECOSYSTEM SERVICES.

### NATURAL OPEN SPACE

Any required natural open space preservation areas as described above must be located outside of the development footprint. The natural open space area should not include any existing or proposed driveways, streets, roads, or highways.

## LAND USE SPECIFIC DEVELOPMENT STANDARDS

The following Development Standards relate to specific types of land use.

### CROPS

The SEA Ordinance divides crops into two categories: 1) crops as an accessory use, and 2) crops as a primary use. For both categories, use of plant species recognized in Appendix C or by the California Invasive Plant Council (CAL-IPC) as invasive are prohibited. Invasive plants are defined as plants that are not native to a region or ecosystem that, once introduced, tend to spread aggressively, disrupting native species occurring in the area, and even changing ecosystem processes such as hydrology, fire regimes, and soil chemistry.

All agricultural activities occurring within SEAs should employ current best management practices (BMPs) recognized in the industry, avoid unnecessary direct impacts to natural habitat, utilize low impact design principles, and conform to legal standards for all pesticide, herbicide, and fertilizer applications.

## CROPS AS AN ACCESSORY USE

Within zoning and land use areas that permit them as an accessory use, crops may be cultivated within the required irrigated fuel modification zones of a permitted development. The irrigated fuel modification zones include zones A and B, which typically extend out to 100 feet from permitted structures. New crops proposed as a primary use outside of an irrigated fuel modification zone may require a SEA CUP, except in the Antelope Valley where they occur on previously disturbed farmland, as defined by Section 22.102.020 (see Chapter 5 for more information on this exemption).

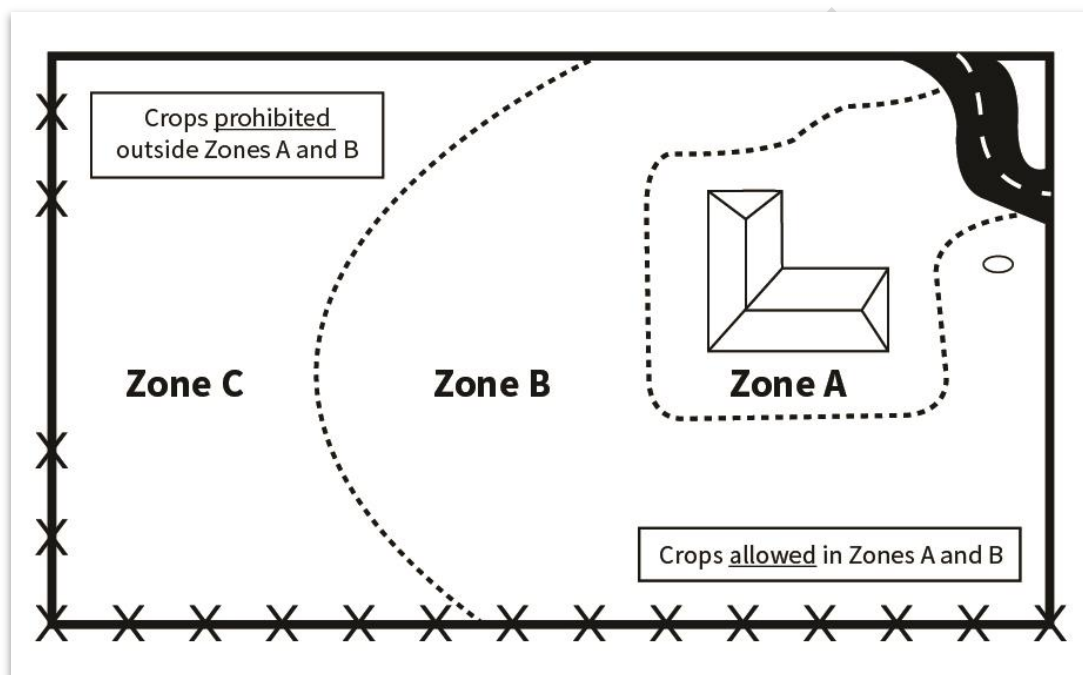


Figure 30. Crops as an accessory use must be located entirely within the irrigated fuel modification zones (Zones A & B).

## CROPS AS A PRIMARY USE

Within zoning and land use areas that permit them as a primary use, crops may be cultivated within areas classified as SEA Resource Category 5, as determined by a qualified biologist in preparation of the BCM. Such areas would typically consist of previously disturbed or fallow farmland that has not recovered to a recognizable natural community and is not occupied by sensitive species. Additionally, crops may be cultivated within any irrigated fuel modification zones associated with legally established buildings on the project site.

## EXPLORATORY TESTING

Exploratory testing and geotechnical investigations are often a necessary step in the project design process that provide necessary information for completing detailed engineering and architectural designs of access roads, bridges, septic systems, and structures. However, these activities can also cause a great deal of disturbance to the landscape. For this reason, exploratory testing, in and of itself, within SEAs is considered

a permitted use, and requires an application for Ministerial SEA Review. All exploratory testing must comply with the following practices:

- ❖ utilize existing roads and previously graded or disturbed areas, wherever possible. If the area occurs away from existing roads and previously graded or disturbed areas, the use of track mounted vehicles is required in order to create the least amount of impact to the vegetation possible.
- ❖ If it is necessary to disturb vegetation in order to provide access for the testing equipment, plants should be selectively cut above the soil, and soil left intact so that seeds and roots that are already present in the soil may resprout and revegetate the area naturally after testing is complete.
- ❖ Exploratory testing for development that is exempt from the SEA Ordinance is also exempt from this Development Standard. However, such development is strongly encouraged to follow practices described herein to reduce impacts to SEA Resources and protect the aesthetic qualities of the property being tested.
- ❖ A restoration plan is required to be submitted along with the application for exploratory testing. This plan should meet the requirements for Restoration or Enhancement Plans detailed in Chapter 6 of this Guide, and should incorporate basic principles and best management practices detailed in Chapter 7.

#### EXPLORATORY TESTING STABILIZATION

Any areas disturbed by exploratory testing are likely to be vulnerable to soil erosion and invasion by nonnative, invasive plants. For this reason, the SEA Ordinance requires that immediate action be taken to stabilize soils and reestablish native vegetative cover following the disturbance event. Such actions may consist of installation of temporary erosion control measures and application of seed from locally indigenous plants. These temporary stabilization activities should take place **as soon as possible** after disturbance of soil, and must be implemented within 90 days of completing or terminating the exploratory testing.

#### EXPLORATORY TESTING RESTORATION

Based on the results of the exploratory testing, the project will either move forward with site plans and submittal of a land use application, or any area disturbed by exploratory testing will be required to be returned to its natural state, per the restoration plan that was approved at the time of exploratory testing application submittal. Applications submitted within one year following exploratory testing activities must include provisions to stabilize all disturbed soil within the proposed development footprint and to restore any areas outside of the proposed development footprint to their natural condition. Site plans should show exploratory testing restoration areas, and a restoration or enhancement plan should be included with the application materials.

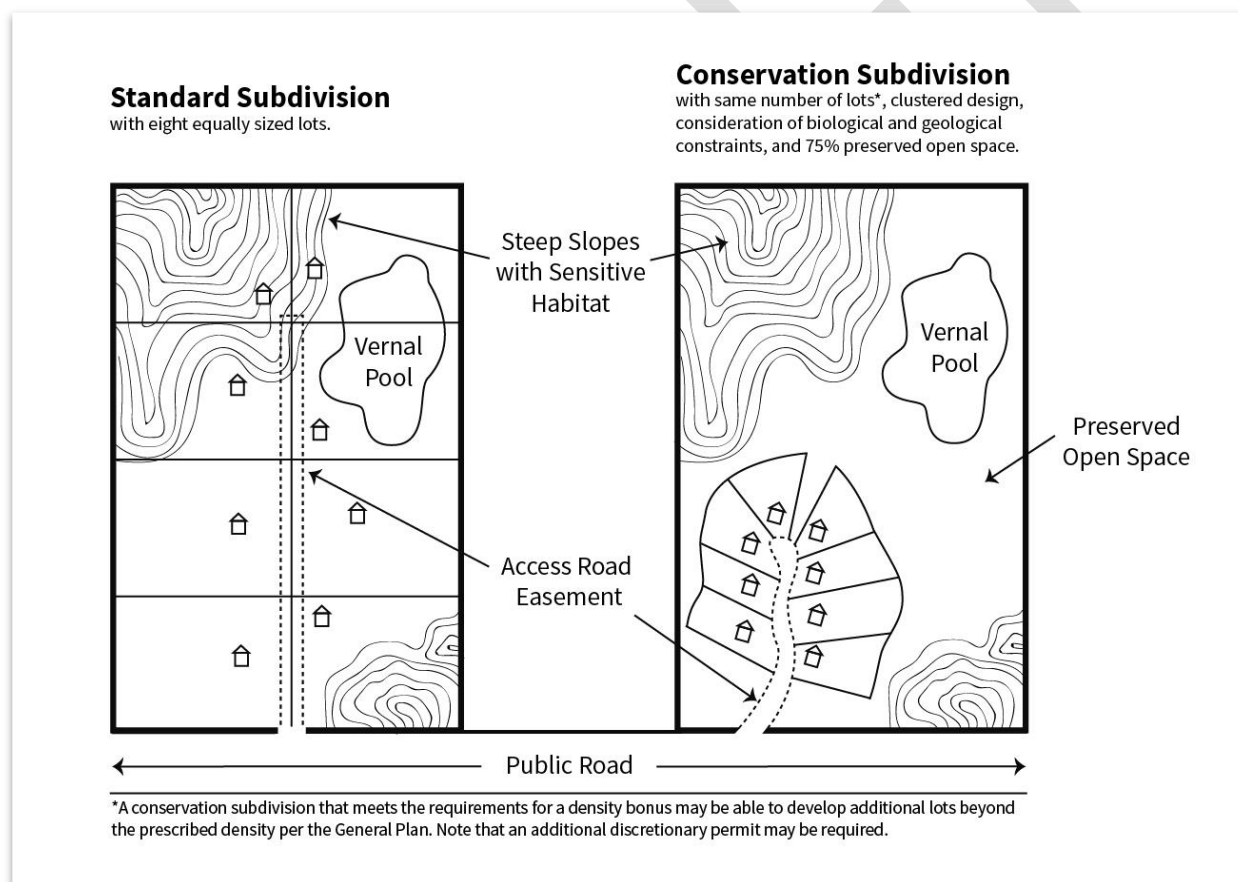
For any disturbance to natural areas caused by exploratory testing that is not followed by a land use application within one year, as well as for applications that are subsequently withdrawn by the applicant or denied by the Commission or Board, full restoration of the disturbed area is required. See Chapter 6 of this Guide for what to include in the restoration plan and Chapter 7 for guidance on conducting habitat restoration in SEAs.

Restoration of natural areas impacted by exploratory testing that are outside of the proposed development footprint of a pending or approved land use application must begin within one year of the disturbance.

## LAND DIVISIONS

Land divisions have a high degree of potential to negatively affect SEA Resources, interrupt wildlife corridors, and create habitat fragmentation. Yet a great deal of opportunity also exists for land divisions to result in long-term preservation of previously unprotected SEA Resources, wildlife corridors, and ecosystem services. Since land divisions within SEAs typically concern large areas of undeveloped land, the opportunities for both resource disturbance and resource protection are great.

The SEA Ordinance requires land division projects to focus on configurations and designs that result in the least amount of disturbance to SEA Resources and wildlife movement by requiring development to be grouped together in a single area and restricting it to 25% or less of the project site, with 75% of the project site preserved as natural open space. Development areas should be sited in locations that are overall least impactful to SEA functions and values. Previously, all proposed land divisions in SEAs needed a SEA CUP. Under the new Ordinance, a land division could potentially qualify for Ministerial SEA Review if it can be demonstrated to meet all Development Standards, though it may still be subject to other discretionary reviews by the County.



**Figure 31. Land divisions shall not exceed a maximum development footprint of 25 percent of the project site (i.e. the original undivided parcels), and development areas shall be designed in one contiguous location and result in the largest, intact blocks of habitat with the lowest perimeter to area ratio. §22.102.090(E)(3)(b)**

Land divisions should be designed as follows:

- ✓ With the lowest amount of interface between development and preserved areas (also known as the lowest perimeter to area ratio). A shorter perimeter will translate to less potential for edge effects to degrade the natural open space.

- ✓ The shape, size, and location of the area to be preserved as natural open space should create the maximum amount of habitat connectivity between on and off-site natural areas, preserve wildlife movement (see Appendix E for guidance on evaluating wildlife movement opportunities), and maximize the amount of resources available for resident wildlife.

## LARGE LOT PARCEL MAP

This Development Standard allows for a “big picture” biological review of large lot parcel map land divisions that are strictly for the purposes of sale, lease, financing, or transfer. This type of land division is not required to specify the location of development or prepare site plans. As such, the intent of this Development Standard is to ensure that when parcels are created without site planning, future proposed development on the resultant parcels has a potential to meet SEA Development Standards. The process will allow for large contiguous parcels of sensitive habitats to remain intact, while also providing that individual parcels created through the land division have a reasonable opportunity to undergo a Ministerial SEA Review (per Section 22.102.060) when future development is proposed.

Large lot parcel map projects will be required to submit an Informational Exhibit and a BCM. The Informational Exhibit should consist of materials that show areas of development feasibility on the proposed lots and show open space amount and configuration. The BCM for a Large Lot Parcel Map subdivision project can be based on a desktop analysis of the area using the best available data and most recent aerial imagery available as supplemented by field surveys, if directed by Staff, such as for field verification of SEA Resource Categories. Subsequent development on the created parcels will require a site specific BCM and SEA Counseling to determine the appropriate SEA permit needed.

At the Large Lot Parcel Map phase, each parcel created by the subdivision must have at least 20,000 square feet of SEA Resource Category 4 and/or 5 on which a potential future development could occur. The potential developable area should be located a minimum of 200 feet (to account for fuel modification) from the required setback(s) of any identified water resources (see Water Resources Development Standard section above). Any Category 4 habitat beyond 500 square feet located in the potential developable area should be matched elsewhere on the same parcel by an equivalent or greater area of Category 4 habitat. As a land division, these projects do require a 75% set aside of natural open space. For complying with this open space requirement, and to maintain unit count, one or more dedicated open space lots may be created, or “pie shaped” lots utilized to effectively cluster development at the apex of these lots.



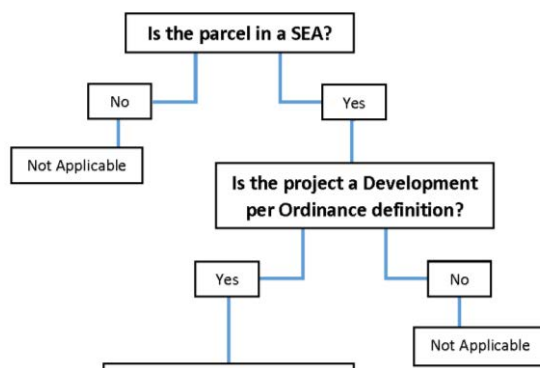
## CHAPTER 5. PERMIT ANALYSIS

Chapter 2 of this Implementation Guide provided an overview of the SEA assessment process. Chapter 5 will discuss the requirements of each step of the SEA assessment process and provide guidance to Case Planners on how to analyze projects that require a Ministerial SEA Review or SEA CUP. It is recommended that the applicant find out whether the SEA regulations apply to their project as early as possible in the project design process, as a project may require revisions during the review process.

### SEA ORDINANCE APPLICABILITY

Project applications submitted after the effective date of the SEA Ordinance will be subject to this Ordinance. Pending projects with a complete application prior to the adoption of the SEA Ordinance can choose to be subject to the previous SEA Ordinance or to this Ordinance.

All areas designated in the General Plan as SEA within unincorporated LA County are subject to this Ordinance. This information can be found on DRP's online GIS application (Layer: SEA) and the Significant Ecological Areas and Coastal Resources Areas Map (Figure 9.3 of the General Plan).

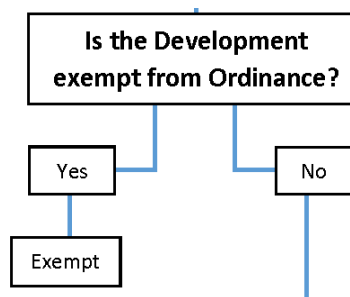


Exceptions to this applicability include the Santa Monica Mountains (SMM) and Santa Catalina Island SEAs. The SMM North Area (SMMNA) Community Standards District (CSD) boundaries encompass the majority of the Santa Monica Mountains SEA. Since these areas so closely overlap, and since the SMMNA Plan was being updated concurrently with the SEA Ordinance and would incorporate similar measures for protecting SEA Resources, it was determined that development within areas of the SMM SEA that are also within the boundaries of the SMMNA Plan should continue to be regulated by the previous version of the SEA Ordinance, until such time that the SMMNA Plan becomes effective. Once the SMMNA Plan becomes effective, development within its SEAs will be regulated by the SMMNA Plan and CSD alone. Projects in the Santa Monica Mountains Coastal Zone, which is a CRA, are not subject to this Ordinance or the SMMNA Plan, but rather are governed by the SMM Local Coastal Program, which provides more specific and protective regulations of SEA Resources in the Santa Monica Mountains Coastal Zone. For Santa Catalina Island SEA, the SEA boundaries will remain as mapped in the Santa Catalina Island Local Coastal Program, and development in those areas will continue to be regulated through the version of the SEA Ordinance that was in effect at the time of certification of that LCP. The Santa Catalina Islands LCP will have to be amended and certified by the California Coastal Commission for this Ordinance to apply.

Another potential exception to the applicability of this ordinance could occur where there are provisions for a zone, supplemental district (e.g. Community Standards Districts, etc.), or elsewhere in Title 22 that also regulates development within the SEA. In such instances, the Case Planner shall apply the regulations that are more protective of the biological resources.

## EXEMPTIONS

Following is a list of exemptions to the SEA Ordinance, as per Section 22.102.040 of the Zoning Code. Where exemptions apply, developers are nevertheless strongly encouraged to follow Development Standards and to consult with a biologist prior to disturbing natural habitat. Further, developers are required to abide by all state and federal regulations protecting biological resources, including protections for listed species (Fish and Game Code § 2050 et seq.), nesting birds (Fish and Game Code § 3500 et seq.), and alterations conducted within waters of the state (Fish and Game Code § 1600 et seq.), and obtain proper permits from the appropriate governing agencies, regardless of SEA Ordinance exemption status provided by the County.



### A. WITHIN THE BOUNDARIES OF THE ANTELOPE VALLEY ("AV") AREA PLAN:

1. Construction of a new single-family residence ("SFR"), regardless of size, and
2. Improvements that are accessory to a SFR, regardless of size, including:
  - a. additions to an existing SFR;
  - b. landscaping,
  - c. new accessory structures,
  - d. additions to existing accessory structures, and
  - e. new or expanded animal keeping areas and facilities.

All such improvements must be associated with a single family residence and intended for personal use to be exempt from the SEA Ordinance. The boundaries of the AV Area Plan can be found using DRP's online GIS application.

3. Agricultural uses occurring on previously disturbed farmland. Previously disturbed farmland is defined by the Ordinance as non-grazing farmland mapped in the State of California Farmland Mapping and Monitoring Program (FMMP), that has been used for agricultural production at some time during the previous four years prior to the most recent mapping date<sup>17</sup> and is located within the boundaries of the AV Area Plan. Information on the FMMP can be found on the State of California Department of Conservation, Division of Land Resource Protection website.<sup>18</sup>

*These AV exemptions for development within the boundaries of the Antelope Valley Area Plan were expressly required per a Board of Supervisors motion from November 12, 2014.*

### B. ALL AREAS OUTSIDE OF THE BOUNDARIES OF THE AV AREA PLAN:

1. Additions or modifications to existing SFRs, associated accessory structures, or animal keeping areas/structures, as long as such addition or modification does not increase the total

<sup>17</sup> In order to be included in the FMMP, land must have been used for agricultural production at some time during the four years prior to the mapping date. FMMP maps are updated every two years, with 2016 data being the most recent year published at the time of this Ordinance's effective date.

<sup>18</sup> Information about the FMMP can be found at [www.conservation.ca.gov/dlrp/fmmp/](http://www.conservation.ca.gov/dlrp/fmmp/).

- building site area to more than 20,000 square feet or encroach into more than 10 percent of the dripline for up to four SEA Protected Trees<sup>19</sup>.
2. A maximum of one accessory animal keeping structure not exceeding 120 square feet in size, provided it is located within 100 feet of the primary use. If proposing more than one animal keeping structure or any additional development, if the animal keeping structure is larger than 120 square feet, or if any part of the proposed animal keeping structure is more than 100 feet away from the primary use, it is subject to this Ordinance.

#### IN ALL SEAS

- C. SEA CUPs and other valid use permits previously reviewed for impacts to SEA Resources that require a Revised Exhibit "A" for maintenance, minor additions, or changes (not to exceed 10% of the approved project) may be exempt from this Ordinance if:
  1. additions or changes do not expand the previously approved development footprint, or
  2. maintenance, additions, or changes are operating under a valid use permit and found to be in substantial compliance with such permit.
- D. Discretionary permits (e.g., CUPs) that are in need of renewal of land use entitlements may be exempt from this Ordinance if the proposed project scope does not expand the previously approved development footprint and if impacts to SEA Resources were reviewed under the prior permit(s). Expired SEA CUPs applying for a renewal are exempt as long as the project is not proposing extensive improvements or modifications.
- E. The General Plan 2035 expanded the SEA boundaries in 2015. As such, some existing developments that are within SEAs today were located outside of the SEA boundaries at the time of approval, and therefore were not subject to the previous SEA Ordinance. When renewal of these discretionary permits becomes necessary, they may be exempt from the current SEA Ordinance as long as the following two conditions apply:
  1. the proposed project does not expand the previously approved development footprint; and
  2. impacts to SEA Resources (e.g. biological resources, water resources, etc.) were reviewed under the prior permit(s). An example of adequate review of impacts to SEA Resources would be the completion of a Mitigated Negative Declaration (MND) meeting CEQA requirements, reviewed by the County Biologist, and having a mitigation monitoring and reporting program that was properly carried out.
- F. Development that is under an adopted Specific Plan may be exempt from this Ordinance as long as it can be demonstrated that the development received adequate review of the impacts to SEA Resources under the Specific Plan. Some Specific Plans incorporate a comprehensive analysis of the SEA Resources within the plan area. Developments that are regulated by these Specific Plans may be able to prove that impacts to SEA Resources were adequately analyzed and mitigated through the Specific Plan, and therefore would be exempt from this Ordinance. However, not all Specific Plans include a detailed analysis of SEA Resources and may instead defer to the SEA Ordinance. Additionally, some Specific Plans remain unbuilt after several decades, which can result in biological analyses becoming

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<sup>19</sup> Although encroachment into the driplines of up to four SEA Protect Trees is allowed per this exemption, if any of the trees are also protected under the County Oak Tree Ordinance, which protects all oak trees over 8-inches DBH, the development will likely need to obtain an Oak Tree Permit for encroachment.

outdated and not reflecting contemporary conservation regulations or resource needs. In such instances, a new development within an adopted Specific Plan may not be able to rely on previous biological analysis conducted for the Specific Plan. In all cases, the County Biologist should be consulted when determining whether an adequate level of analysis of biological impacts was conducted through the Specific Plan.

- G. Rebuilding and replacement of damaged legally built structures that will not increase the previously existing development footprint are exempt from the SEA Ordinance. Check historical case files to determine that the structures were legally established. Note that the exemption prohibits the expansion of the development footprint, rather than the Building Site Area. This allows for necessary minor modifications to the Building Site Area needed to meet current building code requirements, as long as the development footprint will not be expanded by such changes. For example, structural changes that require expanded fuel modification or brush clearance would constitute expansion of the development footprint.
- H. Land divisions for the purposes of the Land Conservation Act/Williamson Act are exempt from the SEA Ordinance. Under the Land Conservation Act, also known as the Williamson Act, local governments can enter into voluntary contracts with private landowners for the purpose of restricting specified lands to agricultural or open space uses for defined periods of time. With the new land use designation under the Land Conservation Act, the property tax is assessed at a lower rate since the use of the land is now farming and open space as opposed to the full market value of the previous use.
- I. Fire protection through fuel modification and brush clearance (to provide defensible space) for existing structures is exempt from the SEA Ordinance. The applicant will need to submit a fuel modification plan approved by the Fire Department. Practices which disturb the soil, such as tilling and disking, are not allowed for fuel modification or brush clearance in SEAs.
- J. Periodic reviews established in Section 22.190.080 (Reclamation Plan) for previously approved surface mining permits and reclamation plans authorized to operate under Chapter 22.190 (Surface Mining Permits) are exempt from the SEA Ordinance, provided that such periodic review:
  - 1. is conducted during the life of that grant (e.g. the grant term of the permit is still valid);
  - 2. does not include proposed changes that would result in expanded development; and
  - 3. is consistent with valid permits.
- K. Maintenance of existing legally established driveways, streets, and highways is exempt from this Ordinance. Maintenance encompasses activities that do not extend beyond the previously disturbed footprint and occur exclusively within the established right of way, such as filling potholes, crack sealing, chip sealing, slurry seal, patching, and resurfacing. It does not include such things as road-widening, rerouting, or replacing washed out culverts or bridges.
- L. Certain sections of the County Code, including Titles 21 (Subdivisions) and 22 (Zoning), Title 12 (Low Impact Development), and Title 31 (Green Building), have regulations specifically related to tree planting for various types of projects. If the only impact from a proposed development is related to trees planted to meet these code requirements, the development is exempt from this Ordinance. Such trees are typically planted within very close proximity to development, such as within parking lots and close to buildings, and encroachment into their driplines for regular maintenance and repairs of facilities is

expected. Requiring SEA analysis for impacts to these trees alone will not be required. This exemption does not apply to native trees planted as required mitigation. Note that if the tree(s) being impacted is an oak species, the Oak Tree Ordinance may still apply depending on the size of the tree.

- M. Emergency removal of a SEA Protected Tree is exempt from this Ordinance if the reason for the removal is due to a hazardous or dangerous condition, such as trees damaged or destroyed by flood, fire, wind, drought, pests, or disease and posing a significant threat to people, structures, infrastructure, property, or other trees. A recommendation for removal should come from a licensed arborist, and removal must be approved by a Forester with the Fire Department or a County Biologist. At the discretion of the Department, the visual inspection may take the form of a letter and photo documentation provided by a certified arborist, qualified natural resource professional, or licensed forester, or through a site visit by the County Forester or County Biologist. There is no requirement for planting of new trees to mitigate for emergency tree removals; however, replanting with appropriate native trees is strongly encouraged.
- N. Tree maintenance that is needed to ensure the continued health<sup>20</sup> of a SEA Protected Tree is exempt from the Ordinance as long as the maintenance is performed in accordance with guidelines published by the National Arborist Association, and that the pruning
  - 1. does not remove branches in excess of two-inch diameter, and
  - 2. does not remove more than 25% of the tree's overall canopy within a two year period.

There are no submittal requirements; however, pruning or trimming in excess of that allowed which leads to loss of the tree or a notable decline in tree health, as determined by a Forester with the Fire Department or the County Biologist, is a violation of the Ordinance and will require a Protected Tree Permit.

- O. Emergency or routine maintenance of existing public utility infrastructure that is necessary to protect or maintain essential components of an existing utility or transmission system is exempt.
- P. Trees that qualify as protected but which can be demonstrated to have been planted by a person for the purposes of affecting the architecture, climate, or aesthetics of a given place and that are, therefore, considered landscape features, may be removed or altered without an SEA or Protected Tree permit. Documentation of the planting must be provided, and may be in the form of invoices, photographs, an approved landscaping plan that clearly indicates the location and species of the new tree to be planted, or other reasonable means. Trees planted as mitigation do not qualify as introduced.

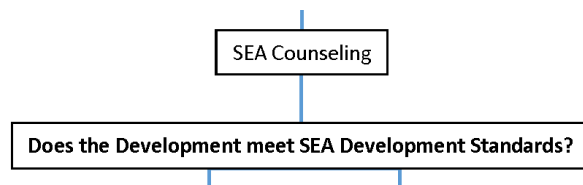
## SEA COUNSELING

The purpose of SEA Counseling was previously discussed in Chapter 2. After confirming the applicability of the Ordinance and that no exemptions apply to the project, the applicant will submit, in-person to LDCC or online through EPIC-LA, the following required materials to schedule the SEA Counseling meeting:

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<sup>20</sup> Additional Tree Pruning tips: see ISA Tree Pruning Guidelines: [www.treesaregood.org/treeowner/pruningyourtrees](http://www.treesaregood.org/treeowner/pruningyourtrees), Arbor Day Foundation "Keys to Pruning": [www.arborday.org/trees/tips/keys-to-pruning.cfm](http://www.arborday.org/trees/tips/keys-to-pruning.cfm), and Los Angeles Tree Trimming Guidelines: [losangelesaudubon.org/images/stories/pdf/TTGMay2011/ttg-may-2011-english-print-collate.pdf](http://losangelesaudubon.org/images/stories/pdf/TTGMay2011/ttg-may-2011-english-print-collate.pdf).

1. SEA Counseling Application
2. Biological Constraints Map
3. Conceptual Project Design



The project will be assigned to an appropriate Case Planner and County Biologist based on the information provided in the SEA Counseling Application. A SEA Counseling meeting between the applicant, Case Planner, and County Biologist will be scheduled. The SEA Counseling may be combined with a One-Stop appointment for some projects. Below is a flowchart providing step-by-step guidance on SEA Counseling application procedures, including application intake, routing to the appropriate planner, and applying for a land use permit.

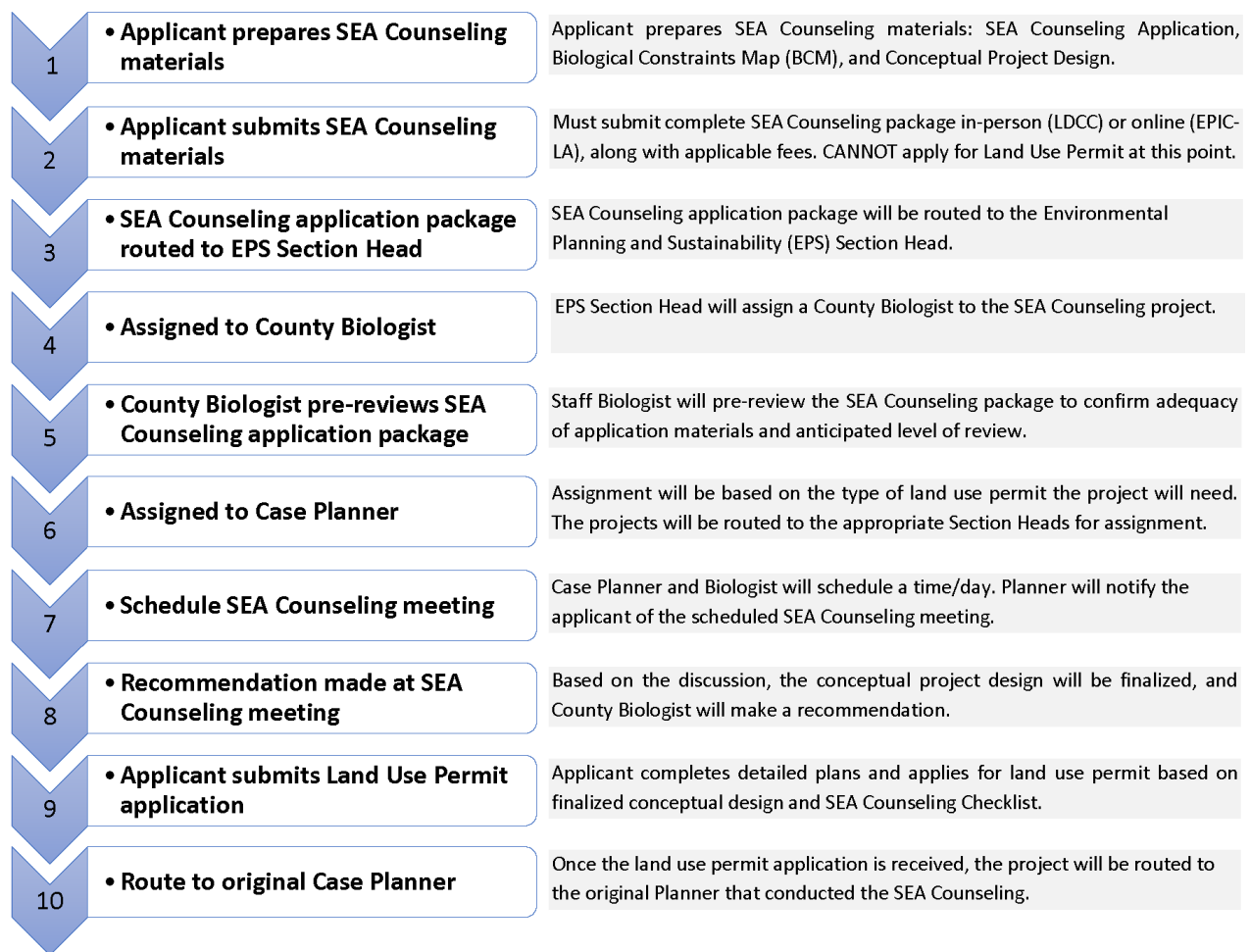


Figure 32. SEA Counseling Flowchart

### 1. SEA COUNSELING APPLICATION

For the SEA Counseling Application, the applicant will need to provide a sufficient project description. The information for the SEA Counseling Application should include, at minimum:

- ❖ Project name and address
- ❖ Assessor's Parcel Numbers (APNs)



- ❖ Size of parcel(s) – in acres
- ❖ Applicant name and contact information
- ❖ SEA name
- ❖ Consulting biologist name and contact information – Biologist must be on the SEATAC Certified Consultants List
- ❖ Date of Biological Survey
- ❖ Project Description – It is important that the applicant submit a detailed project description. The project description should include current and proposed uses. The more information we have about the project from the beginning, the better we can guide the applicant on how to design the project to minimize impacts to SEA Resources.

## 2. BIOLOGICAL CONSTRAINTS MAP (BCM)

See Chapter 6 for specific information regarding the preparation of the BCM and required content.

## 3. CONCEPTUAL PROJECT DESIGN

The Conceptual Project Design will allow the Case Planner and County Biologist to get an initial view of how the project may impact SEA Resources. The Conceptual Project Design can be shown directly on the BCM or separately as a Conceptual Site Plan. The Conceptual Project Design should depict the following:

- ❖ Graded areas
- ❖ Existing and proposed structure locations
- ❖ Fuel modification zone to 200-feet from all structures
- ❖ Utility access
- ❖ Driveways and parking areas
- ❖ Landscaped areas
- ❖ Exploratory testing locations

The purpose of the Conceptual Project Design is to guide project design to avoid or limit impact to SEA Resources. A Conceptual Project Design should not be as detailed as complete site plans for land use permit application submittal with engineering drawings. It should allow for flexibility and redesign based on the discussion at the SEA Counseling meeting.

## SEA COUNSELING ANALYSIS

After ensuring that the SEA Counseling application is complete, the Case Planner and County Biologist will analyze the Project Description, BCM, and Conceptual Project Design using the SEA Counseling Checklist, found in Appendix D. The Case Planner and County Biologist will analyze the project during SEA Counseling to recommend a SEA assessment track: Ministerial SEA Review, Ministerial SEA Review with Protected Tree Permit, or SEA CUP. For a Ministerial SEA Review, the project will need a development footprint of no more than 20,000 square feet, meet all Development Standards in the SEA Ordinance, and provide adequate on-site natural open space preservation to compensate for impacts to SEA Resources. Projects that are unable to meet the requirements for a Ministerial SEA Review will be recommended for a SEA CUP, which is a discretionary review process.

## DEVELOPMENT STANDARDS

The SEA Ordinance Development Standards are organized under the following topics: SEA Resources, Water Resources, Other (or Area-Wide) Development Standards, and Land Use Specific Development Standards. Refer to Chapter 4 for more information on the Development Standards and design guidelines.

## VEGETATION REMOVAL AND NATURAL OPEN SPACE PRESERVATION

The Development Standards allow for a certain amount of SEA Resources to be disturbed but also require on-site preservation of natural open space at certain ratios to compensate for the disturbed resources. Staff will use the BCM and Conceptual Project Design to quantify the amount of each SEA Resource Category within the proposed development footprint and the amount of each remaining outside of the development footprint.

Amount to be Disturbed:	Remaining Available to Preserve:	Preservation Ratio Available:
sq ft	sq ft	(area preserved: area disturbed)

Staff will compare the proposed numbers to the thresholds and ratios detailed in the SEA Resources section of the Development Standards in the Ordinance. Projects that meet these thresholds and ratios may be recommended for a Ministerial SEA Review. Projects that do not meet the requirements will be recommended for a SEA CUP. Refer to Chapter 8 for more information on Natural Open Space preservation and the appropriate mechanisms.

### AFTER SEA COUNSELING

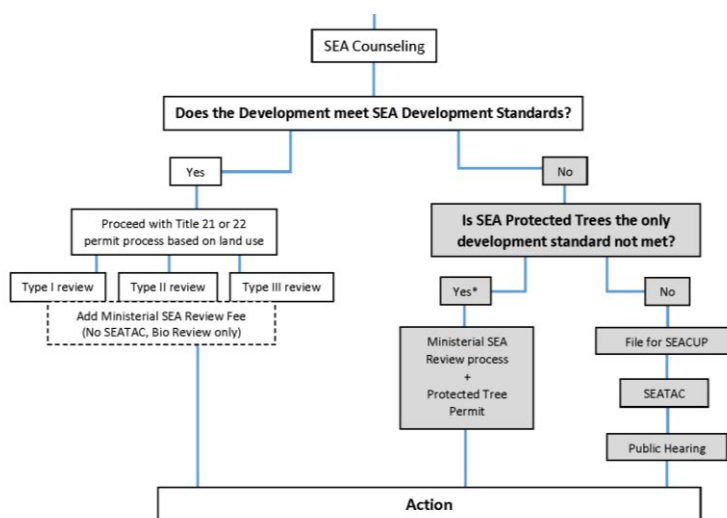
A copy of the completed SEA Counseling Checklist along with a signed and dated stamped copy of the SEA Counseling Application<sup>21</sup> will be given to the applicant to submit along with the application package to LDCC during Land Use Permit case intake. This checklist will indicate the SEA Counseling recommendation made by the Case Planner and County Biologist.

## MINISTERIAL SEA REVIEW

### PROCESSING MINISTERIAL SEA REVIEW

Projects recommended for Ministerial SEA Review at the conclusion of the SEA Counseling will apply for the appropriate

land use permit based on the proposed use. The Ministerial SEA Review will be charged as an additional fee that covers the County Biologist's review. There will not be a separate approval for the Ministerial SEA Review, unless the development does not require a use permit, in which case the Ministerial SEA Review will be processed as a site plan review.



<sup>21</sup> Including the BCM and Conceptual Project Design assessed at the SEA Counseling.

The application materials required for Ministerial SEA Review are found in Section 22.106.060(B). They include a site plan<sup>22</sup>, a biological constraints map, and natural open space recordation documentation. To meet the natural open space recordation documentation requirement, the applicant should submit a draft version of the deed restriction or covenant with the application for Department review. After Staff has reviewed and agreed that the document and area to be preserved satisfy the requirements of the SEA Ordinance, the natural open space may be recorded. The final recordation documentation should be submitted to the Department in order to receive the stamped plans.

The County Biologist will make the following determinations:

- ❖ Project meets all relevant Development Standards, and
- ❖ the required amount of on-site preserved natural open space is provided.

The Ministerial SEA Review will be reviewed concurrently with the processing of the land use permit. The Ministerial SEA Review will be approved as part of the land use permit final approval.

### MINISTERIAL SEA REVIEW ANALYSIS

When the Case Planner first receives the land use application package, the planner must confirm that the land use permit application site plan matches the conceptual project design reviewed at the SEA Counseling. Confer with the County Biologist if the project design submitted for the land use permit application is different from the original Conceptual Project Design. Substantial changes from the Conceptual Project Design previously vetted by the County Biologist may not meet Development Standards, thus changing the SEA assessment type.

The Case Planner will refer to the SEA Counseling Checklist and attached conceptual project design to confirm the Ministerial SEA Review determination before processing the permit. The Ministerial SEA Review determination indicates that the project, the design that was reviewed during SEA Counseling, meets the Development Standards of the SEA Ordinance and is providing the required amount of preserved on-site natural open space.

If the project requires a discretionary land use permit (i.e. a minor CUP or CUP) along with a Ministerial SEA Review, a statement of SEA Findings is not required. Meeting the Development Standards through a Ministerial SEA Review determination is the avenue of substantiating the SEA Findings, and the Staff Report for the land use permit should simply discuss how the project meets the SEA Ordinance Development Standards. Do not discuss the SEA Findings in the CUP Findings and Conditions as the Ministerial SEA Review is not a discretionary process.

### MINISTERIAL SEA REVIEW AND CEQA

Projects should refer to the land use permit for CEQA determination. Ministerial land use permits have a statutory CEQA exemption that do not require further discussion. Discretionary land use permits may have CEQA determinations that range from Categorical Exemption to EIR. The Biological Resources section of the Initial Study should include a detailed discussion on how the project meets Development Standards

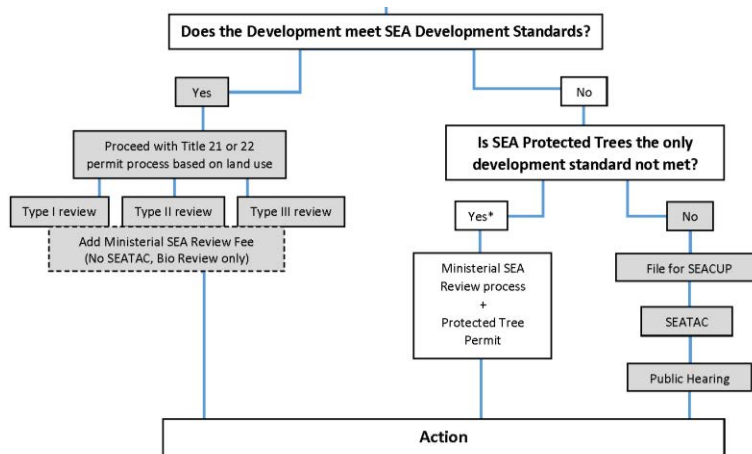
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<sup>22</sup> Site plan should show all proposed development, including on-site and off-site ground disturbing activities and vegetation removal.

established in the SEA Ordinance. See the Annotated Initial Study, Biological Resources section, for further instructions on SEA discussion.

## MINISTERIAL SEA REVIEW WITH PROTECTED TREE PERMIT

If a development is able to meet all Development Standards except for impacts to SEA Protected Trees, it may be able to obtain a Protected Tree Permit and proceed with the Ministerial SEA Review. All PTPs will have a corresponding Ministerial SEA Review, since the Ministerial SEA Review process will determine that all other Development Standards are met and identify the need for a PTP. A PTP may be obtained for pruning of protected trees in excess of that allowed by Exemption N, encroachments of up to 30% of the TPZ for any number of protected trees, and/or removal of two (non-heritage size) protected trees, provided that such activity can meet the findings and burden of proof. Removal of more than two SEA Protected Trees or removal of any Heritage Tree requires a SEA CUP. See Chapter 3 for details regarding the PTP application process.

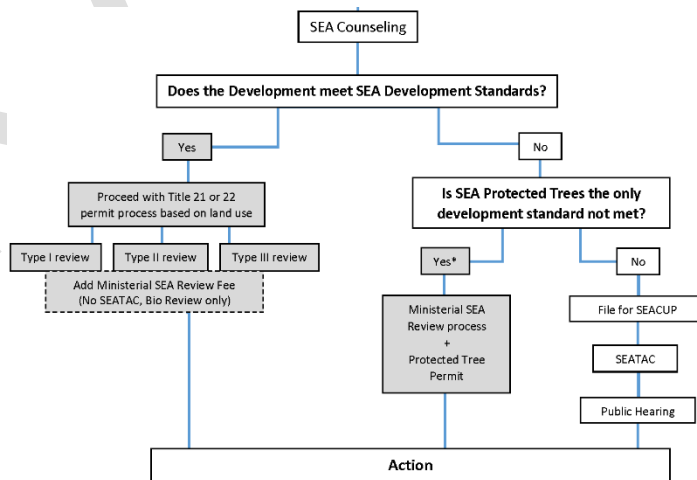


\*Not applicable for all development. Refer to Chapter 3 for more information.

## SEA CONDITIONAL USE PERMIT (SEA CUP)

### PROCESSING A SEA CUP

Projects that do not qualify for a Ministerial SEA Review will need to file for a SEA CUP. The land use and SEA impacts will be reviewed under the same SEA CUP. The applicant will provide the application materials required for CUPs and additional materials for the SEA portion of the review (e.g. Biological Constraints Analysis, Biota Report, etc.), as determined by the County Biologist. The required fees will include SEA CUP fee, Biologist Site Visit fee, and SEATAC fee.



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

There may be situations where the land use is a by-right use but due to the amount of impact to the SEA Resources, the project will require a SEA CUP. In these cases, both the by-right use and SEA impacts will receive a discretionary review through a SEA CUP. Both CUP and SEA Burden of Proofs will be required.

### SEA CUP ANALYSIS

The Case Planner will make sure that the SEA CUP application site plan matches the Conceptual Project Design that was reviewed at the SEA Counseling meeting. Changes from the Conceptual Project Design can change the SEA assessment type. The Case Planner will consult with the County Biologist to review the following:

- ❖ Adequacy of BCA and/or Biota Report
- ❖ Need for and adequacy of additional studies and reports (e.g. rare plant survey, jurisdictional waters delineations, oak tree reports, oak woodlands reports, protocol surveys)
- ❖ Adequacy of proposed mitigations
- ❖ On-site or off-site natural open space preservation (refer to Chapter 8)

### SEA CUP AND CEQA

All SEA CUPs will need a CEQA analysis since the result will be a discretionary land use permit. The Biological Resources section of the Initial Study should include a detailed discussion of project impacts on SEA Resources. See the Annotated Initial Study, Biological Resources section, for further instructions on SEA discussion. Projects applying for a SEA CUP will also be required to submit a BCA and Biota Report, which will assist in completing the Biological Resources section of the Initial Study.

### SEATAC REVIEW

SEATAC is an expert advisory committee that assists the Department in assessing a project's impacts on biological resources within SEAs. The scope of SEATAC purview consists of the following:

- ❖ Whether the proposed development is consistent with Section 22.102.060 (SEA Development Standards);
- ❖ Whether the appropriate natural open space mitigation ratios have been applied and the location of natural open space is appropriate;
- ❖ Whether the proposed development avoids disturbance to wildlife corridors;
- ❖ Whether the mitigation measures proposed for the project address impacts to SEA Resources;
- ❖ The proposed development's ability to demonstrate compatibility with the SEA Program per Section 22.102.080 (Findings and Decisions).

See the SEATAC Procedures Manual for more information on scheduling a SEATAC agenda item, required documents, and meeting procedures. The goal is for the applicant to efficiently utilize the SEATAC meetings to meet the recommendations of SEATAC.

The Case Planner should complete the SEATAC review before consulting other County Departments on the permit process. The project may need redesign based on SEATAC recommendations and/or mitigation measures. Once the project clears SEATAC and other department consultations, the Case Planner will schedule a public hearing for the SEA CUP.

## SEA ORDINANCE FINDINGS

Projects processed through ministerial review inherently meet the findings required by the SEA Ordinance since Development Standards and natural open space preservation must be met for a ministerial review designation. However, for a discretionary project to be approved, the decision-making body must be able to justify an action taken based on sufficient findings that meet the burden of proof.

### CASE PLANNER'S SEA CUP ANALYSIS

Here are some questions the Case Planner can ask while analyzing the project. The answers will be incorporated into the Staff Report for Public Hearing.

- ✓ What are the impacts to SEA Resources within the proposed development and adjacent to project site?
- ✓ What are the cumulative losses to SEA Resources?
- ✓ How well do proposed measures avoid, mitigate, or protect SEA Resources?
- ✓ Is the project in compliance with SEA Findings?
- ✓ Are there any recommended changes to the proposed project to be in compliance with Development Standards and SEA Findings?
- ✓ Does the proposed project meet the relevant objectives and policies of the General Plan?
- ✓ Are there any recommended conditions that will ensure the proposed project can meet SEA Findings and relevant General Plan objectives and policies?
- ✓ What was SEATAC's determination of project compatibility? Does SEATAC have any applicable recommendations?

### BURDEN OF PROOF

Applicants applying for a SEA CUP are required to provide Burden of Proof statements that substantiate how the proposed project will meet each required finding. These statements may assert how the project meets the burden of proof through project design or mitigation measures. Applicants are encouraged to work with their consulting biologist(s) to draft biologically defensible statements based on the actual site conditions and regional context.

Planners will use the Burden of Proof statements provided by the applicant as the basis for demonstrating how the project addresses each required finding. The Ordinance, the SEA Implementation Guide, the BCM, the BCA, and/or the Biota Report will also contain information that can be used to justify support for the project. The County Biologist is available for technical assistance.

The purpose of this section is to pose questions to guide applicants and Case Planners through the thought-process of creating adequate responses. These questions are provided as a starting point; they do not cover the full spectrum of circumstances that may need to be considered.

Development in the SEAs must demonstrate how the proposed development is designed to:

- A. *Be highly compatible with the SEA Resources, including the preservation of natural open space areas and providing for the long-term maintenance of ecosystem functions;*
  - ❖ What types of biotic resources are present and where can it be found?
  - ❖ How much undisturbed land will be set aside for mitigation?
  - ❖ What types of vegetation does the set aside land consist of?
  - ❖ Is the vegetation comparable to the type of vegetation being disturbed by the project?
  - ❖ What ecosystem functions are being provided by the areas being disturbed in comparison with the areas to be preserved?
  - ❖ What actions will provide for long-term maintenance of ecosystem functions?



- ❖ Are there any edge effects from the project? (e.g. the introduction of Argentine ants, potential spread of invasive plants, increased predation on wildlife by domesticated animals, etc.)

*B. Avoid or minimize impacts to the SEA Resources and wildlife movement:*

- ❖ Where are the areas with the highest biological value located on the project site?
- ❖ Where is there potential for wildlife movement across the project site?
- ❖ What actions will be taken to minimize impacts to areas of biological value?
- ❖ What actions will be taken to minimize impacts to wildlife movement?
- ❖ Does the project remove obstacles to wildlife movement or seek to restore natural habitat?
- ❖ See Appendix E for additional guidance for evaluating impacts of development on wildlife movement in LA County.

*C. Buffer important habitat areas from development by retaining sufficient natural vegetation cover and/or natural open spaces and integrating sensitive design features:*

- ❖ Where are the critical resource areas located on the parcel?
- ❖ Are there any vegetated areas or open space (can be disturbed, agricultural, or non-native vegetation) that act as buffers between the development and critical resource areas?
- ❖ Does the buffer area act as foraging habitat or a wildlife corridor?
- ❖ How much of the buffer area will the project retain?
- ❖ Are locally native plant species being utilized in the landscaping plan to act as a transition zone between the development and natural open space?
- ❖ Are fences and walls used in such a way as to buffer and protect natural habitat areas from impacts of the development, or do they create obstacles for wildlife movement?
- ❖ What design features, best management practices, and mitigation measures are being integrated to ensure the SEA Resources are adequately buffered from the development?

*D. Maintain the ecological and hydrological functions of water bodies, watercourses, and their tributaries:*

- ❖ Are there water bodies, watercourses, or tributaries on the parcel?
- ❖ Are they being retained in their natural state?
- ❖ If not being retained entirely in their natural state, what design features are utilized to ensure continued ecological function, connectivity, and hydrological function of the water resources?
- ❖ Will water resources be impacted by runoff from the development site or animal keeping facilities into the water resources? If so, what best management practices and design features are proposed to minimize impacts to water quality?
- ❖ What actions will be taken to preserve the natural state of the water bodies?

*E. Ensure that roads, access roads, driveways, and utilities do not conflict with Priority Biological Resources, habitat areas or migratory paths; and*

- ❖ Does the project propose new roads, access road, driveways, and utilities?
- ❖ If yes, are the roads proposed within areas with Priority Biological Resources, habitat areas or migratory paths?
- ❖ Are there any design features or mitigation measures to minimize the impacts of roads on critical resource areas (e.g. wildlife crossings)?
- ❖ Does the road bisect or encroach on migratory pathways?

- F. Promote the resiliency of the SEA to the greatest extent possible. For purposes of this finding, SEA resiliency cannot be preserved when the proposed development may cause any of the following:
- Significant unmitigated loss of contiguity or connectivity of the SEA;
  - Significant unmitigated impact to a Priority Biological Resource;
  - Removal of habitat that is the only known location of a new or rediscovered species; or
  - Other factors as identified by SEATAC.
- ❖ Does any part of the development footprint interrupt connectivity of the SEA?
  - ❖ Does the project remove Priority Biological Resource without adequately mitigating for their loss?
  - ❖ Does the project remove the only known location of a new or rediscovered species?
  - ❖ Was this project recommended for approval by SEATAC?
  - ❖ Did SEATAC identify additional factors that the project needs to address?
  - ❖ Could the project be redesigned to preserve SEA resiliency as defined in this Finding?

## PURPOSE OF SEA ORDINANCE

Although it is important to draft Burden of Proof statements with supportive evidence at the project level, the intent of the SEA Ordinance should always be considered. A comprehensive look at the overall project design, impacts, and mitigation measures and how these elements interact with the existing health of the individual SEAs should be conducted during project analysis. Adding a macro level review at the stage of producing the findings will help protect against the possibilities of fragmenting SEAs and threatening their viability.

### 22.102.010 Purpose.

*This Chapter establishes regulations to conserve the unique biological and physical diversity of the natural communities found within Significant Ecological Areas (SEA) by requiring development to be designed to avoid and minimize impacts to SEA Resources. These requirements will help ensure the long-term survival of the SEAs and their connectivity to regional natural resources. This Chapter regulates development within SEAs by:*

- Protecting the biodiversity, unique resources, and geological formations** contained in SEAs from incompatible development, as specified in the Conservation and Natural Resource Element of the General Plan;
- Ensuring that projects **reduce the effects of habitat fragmentation and edge effects** by providing additional technical review of existing resources, potential impacts, and required mitigations;
- Ensuring that development within a SEA **conserves biological diversity, habitat quality, and connectivity to sustain species populations and their ecosystem functions into the future;** and
- Directing development to be designed in a manner, which **considers and avoids impacts** to SEA resources within the Los Angeles County region.

## PUBLIC HEARING

The public hearing process for SEA CUPs will follow the procedures for public hearing in the zoning code. Although all discretionary land use permits go to public hearing, the level of impacts to SEA Resources will determine which decision-making body will hear the project.

SEA CUPs with minimal impacts to SEA Resources can go through a Hearing Officer public hearing. SEA CUPs with extensive impacts to SEA Resources will go through a RPC public hearing. This is due to the elevated level of review conducted and recommendations provided by SEATAC to the decision-making body.

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## CHAPTER 6. BIOLOGICAL REPORTS

The SEA Ordinance requires special biological review for any development proposed within a SEA. The biological documentation required to process an application will depend on the extent of impacts to SEA Resources and ability to meet SEA Development Standards, and may include one or all of the following:

- ❖ Biological Constraints Map (BCM)
- ❖ Biological Constraints Analysis (BCA)
- ❖ Biota Report
- ❖ Restoration or Enhancement Plan

All of the above biological materials must be prepared by a biological consultant on the SEATAC Certified Biologist list maintained on the Department's SEATAC website<sup>23</sup>. These consultants are familiar with the preparation of biological reports for SEA applications, some of which are very similar to the biological sections of Environmental Impact Reports required for CEQA. They will also be able to provide guidance on avoidance of SEA Resources and best practices for minimizing impacts where Development Standards cannot be met. Additional surveys and reports may be required for SEA CUPs depending on the extent and condition of SEA Resources present on the project site; this may include an oak tree report, oak woodland analysis, rare plant survey, protocol survey for special status species, jurisdictional wetlands delineation, or habitat restoration or enhancement plan. The need for such reports will be determined by the County Biologist as early in the review process as possible, based on the BCM, BCA, and/or a County Biologist site visit.

It is the responsibility of the applicant or applicant's agent to hire one of the listed biologists to prepare the biological reports. Each report will be reviewed by a County Biologist to determine its accuracy and completeness, and the County Biologist may request changes or additions to biological reports to ensure that they are complete and accurate. If a submitted report is more than two (2) years old, the County Biologist may require updated field surveys and report revisions as necessary to accurately assess current conditions and proper classification of SEA Resources.

Early identification of SEA Resources and biological constraints assists in guiding applicants toward projects that are mindful of biological resources. For this reason, all non-exempt projects within a SEA are required to submit a BCM along with a Conceptual Project Design before applying for a development permit. The County Biologist and Case Planner will review the BCM along with the Conceptual Project Design at the SEA Counseling and again when the application is filed with the final site plans.

If the project meets the requirements for Ministerial SEA Review, the project's biological reporting ends here. If the review of the BCM and Conceptual Project Design at the SEA Counseling reveal that any of the Development Standards are not met, the applicant will have the opportunity to redesign the project while it is still in the conceptual phase or to move forward with a SEA CUP application. If the applicant is unable to, or chooses not to, redesign the project to meet all Development Standards, a SEA CUP will be needed, and additional biological reports, such as those indicated above, may be required. Chapters 2 (SEA Ordinance Assessment Process) and 5 (Permit Analysis) provide more detail regarding the SEA

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<sup>23</sup> Found online at [planning.lacounty.gov/agenda/seatac](http://planning.lacounty.gov/agenda/seatac)

assessment and permitting process. The primary biological reports required during the SEA assessment process are detailed below.

### BIOLOGICAL CONSTRAINTS MAP (BCM)

The BCM is a tool for quickly identifying areas of potential biological significance in the vicinity of the proposed development. In conjunction with a Conceptual Project Design, the BCM is utilized to evaluate whether SEA Development Standards can be met. The BCM must be drawn to scale and depict:

- ❖ the project site, including the full extent of all project parcels, and extending 200 feet out from the parcel(s)' boundaries ("study area");
- ❖ SEA boundaries (location of the project in relation to SEA boundaries may be shown on an inset or separate map);
- ❖ existing development (structures, graded areas, roads, etc.);
- ❖ natural communities, using descriptions in CNPS Online Manual of California Vegetation<sup>24</sup>, and indicating the SEA Resource Category for each;
- ❖ location, species and trunk diameter (at standard height) of all trees;
- ❖ tree protected zones for all SEA Protected Trees (see Appendix A);
- ❖ special status species observed during the biological survey as well as any previously recorded observations of special status species within the study area (e.g. using CNDDDB records, prior biological reports, etc.);
- ❖ special habitat features indicative of the presence of a special status or rare animal, such as nests, dens, burrows, and roosts;
- ❖ lands designated as Critical Habitat by USFWS;
- ❖ location and extent of water resources, such as streams, lakes, reservoirs, ponds, wetlands, marshes, seeps, springs, vernal pools, and playas;
- ❖ required setbacks from water resources;
- ❖ any physical site features that are expected to facilitate or restrict wildlife movement across the site, such as ridgelines, remnants or strips of habitat, culverts, fences, etc.;
- ❖ rock outcrops, cliffs, or other geological features that may be utilized by species that specialize in these uncommon structural niches; and
- ❖ protected open space that has been recorded over any part of the project site or on adjacent properties.

The process for preparing a BCM will vary slightly depending on the approach of each individual biologist. Each BCM should be based on the following, at minimum:

- ❖ a review of sensitive biological resources known or expected to occur in the vicinity of the project site utilizing such resources as the California Natural Diversity Database (CNDDDB), California Native Plant Society sensitive plant lists, and other reliable sources;

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<sup>24</sup> Available at: [www.cnps.org/vegetation](http://www.cnps.org/vegetation)

- ❖ a minimum of one field survey of the project site parcel(s)<sup>25</sup> conducted during the appropriate time of year (typically spring), utilizing survey methods appropriate to the species and habitats being surveyed;
- ❖ geographic coordinates of observed sensitive or rare plants, animals, and special habitat features indicative of the presence of a special status or rare animal;
- ❖ determination of natural communities (i.e. alliances and associations) present on the project site<sup>26</sup>, based on classifications presented in the CNPS Online Manual of California Vegetation;
- ❖ determination of CDFW imperilment<sup>27</sup> and CNPS rare plant rankings<sup>28</sup> for biological resources found on site; and
- ❖ preparation of the biological constraints map.

Additionally, a Conceptual Project Design should be provided either on the BCM or as a separate site plan for the SEA Stop. The Conceptual Project Design should include:

- ❖ the proposed locations of structures,
- ❖ fuel modification/brush clearance zones,
- ❖ utility access and driveways,
- ❖ exploratory testing,
- ❖ other areas of expected disturbance from the proposed project, and
- ❖ any areas of proposed natural open space to be recorded in order to meet Development Standards.

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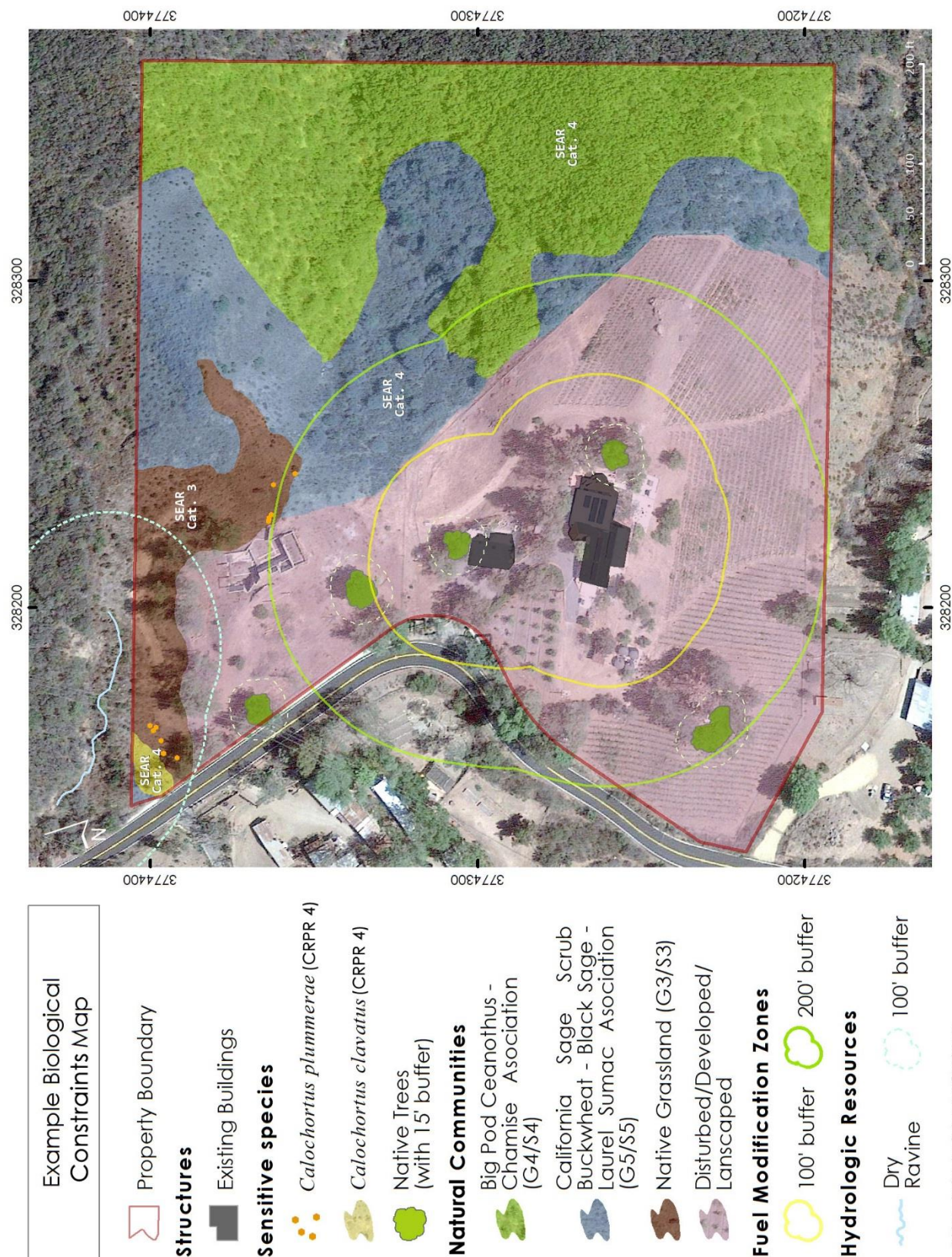
<sup>25</sup> Estimate resources within 200 feet of the project site on neighboring parcels if not physically accessible.

<sup>26</sup> In the event that the biologist encounters a natural community that has not been defined in the CNPS Online Manual of California Vegetation or ranked by CDFW Survey of California Vegetation, the biologist should consult with CNPS and CDFW to determine appropriate classification and ranking utilizing NatureServe's Conservation Status Assessment methodology for unranked communities.

<sup>27</sup> [www.wildlife.ca.gov/Data/VegCAMP/Natural-Communities](http://www.wildlife.ca.gov/Data/VegCAMP/Natural-Communities)

<sup>28</sup> [www.cnps.org/cnps/rareplants/inventory/index.php](http://www.cnps.org/cnps/rareplants/inventory/index.php)





## BIOLOGICAL CONSTRAINTS ANALYSIS (BCA)

A Biological Constraints Analysis (BCA) needs to be submitted with the applicant's SEA CUP application. This report builds on the BCM (which is to be included as part of the report), providing detailed discussions of the biological resources, natural features, and regional context of the project site, and providing a more thorough community-level assessment of the biological resources on the project site and surrounding area. The BCA is based on a combination of literature review and on-site investigations. As is the case with all biological reports prepared for SEA analysis, a SEATAC Certified Biological Consultant must prepare the BCA. At minimum, the report should include:

- ❖ a parcel description, including parcel size, location, and SEA;
- ❖ description of natural geographic features, including drainages and watershed with names;
- ❖ description of methodology of biological survey;
- ❖ vegetation data and natural community descriptions;
- ❖ tables and discussions of sensitive fauna and flora;
- ❖ lists of all plant and animal species observed directly or indirectly on site and in adjacent areas of similar habitat;
- ❖ description and map of existing land uses in the project area;
- ❖ description of open space reserves in the area and depiction of wildlife movement/habitat linkage relationships to open space;
- ❖ reference to and relationship with any conservation plans in the vicinity;
- ❖ description of habitats, alliances, associations and vegetative communities in the vicinity with respect to those on site;
- ❖ rough estimates of the overall population sizes of species of flora and fauna on site and in vicinity;
- ❖ description of overall biological value of the area as it fits in to the biotic mosaic and contributes to SEA ecological functions;
- ❖ regulatory framework; and
- ❖ the Biological Constraints Map.

The Department may waive the BCA requirement if the County Biologist determines that biological resources are sufficiently limited or uncomplicated to be adequately addressed by the BCM and Biota Report alone. A complete checklist of items required in the BCA is included Appendix D.

## BIOTA REPORT

The Biota Report is required for all SEA CUPs. The applicant will need to work closely with the project biologist on this report since some of the information required will need to be supplied by the applicant (e.g. the project description). The applicant should be prepared to meet with the project biologist to go over the SEA guidelines together for Biota Reports and assign responsibility as appropriate for the different items.

The Biota Report uses the data provided in the BCM, BCA, and additional surveys (i.e. rare plant survey, oak tree report, jurisdictional wetland delineations, special status species surveys, etc.) to provide a more complete analysis of the project's impacts on SEA Resources. The Biota Report includes a discussion of possible and probable impacts from the development and proposes specific mitigation measures and monitoring to address each impact.



The analysis presented in the Biota Report assists in the consistency review of the project, SEA findings, and in preparation of the Initial Study. If a Mitigated Negative Declaration (MND) or Environmental Impact Report (EIR) is required for the project, the Biota Report forms the basis of the Biological Resources section of the MND or EIR. A complete checklist of items required in the Biota Report is included in Appendix D. At minimum, the report will:

- ❖ incorporate the BCM and BCA as documentation of existing conditions on the project site;
- ❖ include a project description;
- ❖ discuss impacts (direct, indirect, and cumulative) to vegetation, special-status species, protected and noteworthy trees, wildlife habitat, and the integrity of the SEA;
- ❖ propose mitigation measures, such as natural open space preservation and/or habitat restoration;
- ❖ establish a monitoring program;
- ❖ discuss consistency with compatibility criteria; and
- ❖ have a conclusion as to whether any impacts remain after mitigation.

## RESTORATION OR ENHANCEMENT PLAN

A restoration or enhancement plan (or equivalent document) is required for any project proposing to restore or enhance natural habitat within a SEA. Habitat restoration is the process of returning a degraded habitat to its pre-existing condition, including restoring self-sustaining ecosystem functions. Enhancement is the process of altering a site to increase one or more functions (e.g., removal of invasive plant species or planting of native species).

Each restoration or enhancement plan should include the following components:

- ❖ A description and map of the area proposed to be restored or enhanced. Include a physical address or description of project location, geographic coordinates, watershed, USGS 7.5' Topographic Quadrangle, and Assessor Parcel Number(s).
- ❖ A description of proposed restoration or enhancement activities and their timelines. Include diagrams, drawings, plans, and/or maps that show the location and dimensions of the proposed restoration. Specify the equipment and machinery (if any) that will be used to complete the project and identify on plans where equipment will enter or exit the area. This description should include incidental and support activities (e.g. staging of equipment and materials, acquisition of plant materials, maintenance, etc.), as well as the principal restoration tasks. Describe best management practices to be employed to prevent sediment from entering watercourses during and after construction and avoidance and/or minimization measures to protect fish, wildlife, and plant resources.
- ❖ Plant palette and source of plant materials to be used.
- ❖ An inventory of SEA Resources on the project site, including an evaluation of existing habitat quality. Discuss how the project will provide a net benefit to SEA Resources (e.g. species and plant communities that are expected to benefit from the project).
- ❖ Clearly stated goals and objectives and well-defined performance standards (i.e. success criteria). Performance standards should be attainable and measurable, and stated quantitatively in biological terms.
- ❖ A description of methodologies to be followed, demonstrating that the project is consistent with sources that describe best available restoration and enhancement methodologies. List references and attach or provide a weblink to the document(s) when available.

- ❖ A description of maintenance tasks (e.g. weeding, watering, and other routine maintenance needed to ensure restoration success) and monitoring provisions. The plan should state type of maintenance, frequency, duration, and responsible party for both short-term and long-term maintenance.
- ❖ A qualitative and quantitative monitoring plan, including a map of proposed sampling locations. Monitoring will ideally include both structural (state) and functional (process) attributes and be measured at multiple levels of biological organizations, from population to landscape scale, as appropriate. The monitoring period for each restoration project will depend on the scale and type of restoration and specific site conditions. The SEA Ordinance requires a minimum monitoring period of five years, but some projects may require a longer monitoring period to ensure success. The length of the monitoring period should be based on realistic projections of the restored habitat becoming self-sustaining.

The restoration plan submitted for review does not necessarily have to be developed specifically for the SEA Ordinance. If a similar document is being/has been prepared for another permitting agency or for CEQA review, the Department will likely accept that document, provided that it contains sufficient detail to evaluate whether the project meets SEA Findings (see Section 22.102.080).

Chapter 7 provides general guidelines and best practices for habitat restoration within SEAs. All restoration projects should incorporate appropriate practices from Chapter 7 into their restoration and enhancement plans.

## CHAPTER 7. HABITAT RESTORATION

Many habitats in SEAs have been lost, degraded, or fragmented due to past development or use. This degradation is generally accompanied by loss and impairment of valuable ecosystem functions and amenities that support the health and wellbeing of the human populations of LA County. The County welcomes habitat restoration projects, which aim to restore SEA Resources and ecosystem services to degraded habitats. When done well, habitat restoration can regain and correct ecosystem process and functions that filter our water and air, help control air temperatures, support biodiversity, and provide movement opportunities for wildlife. Failure to restore degraded ecosystems can result in increased environmental cost later, in the extinction of species or natural communities, and in permanent ecological damage.

To improve the County's monitoring of ecosystem health and encourage best practices in habitat restoration, the SEA Ordinance establishes a mandatory (but free) review of habitat restoration projects within SEAs to ensure that the methodologies and practices being implemented are consistent with the goals and policies of the SEA Program. To qualify for this special Habitat Restoration Review, a project should demonstrate, through a Restoration or Enhancement Plan or the equivalent, that it meets the SEA Findings (Section 22.102.080(D)). The project must also be voluntary and not part of a larger project whose primary purpose is not habitat restoration, such as a land use permit for a non-habitat restoration construction activity. Restoration proposed as part of a larger project that includes non-habitat restoration development will be reviewed as part of the permit for that development. If the restoration project does not demonstrate that it meets the SEA Findings, it will be required to go through the same SEA assessment process as is required for a development project.

### WHAT IS HABITAT RESTORATION?

Habitat restoration is the process of returning a habitat to a close resemblance of its condition prior to disturbance.

Successful restoration means that both ecosystem structure and function have been recreated or repaired to such degree that the natural ecosystem processes that contribute to self-maintenance of the ecosystem are operating effectively and without the need for further human engineering or interference.

Even small scale or partial ecological restoration can substantially expand or improve SEA Resources and ecosystem services.

For restoration projects that meet the SEA Findings, the Habitat Restoration Review will be used by the County to provide guidance and recommendations for ensuring consistency with the SEA Program. By reviewing and monitoring habitat restoration projects, the County will be able to collect data on where and how restoration is taking place within SEAs, track successes, and identify trends and information gaps. The County will use this information to assist in evaluating the overall success of the SEA Program.

## HABITAT RESTORATION REVIEW

The purpose of Habitat Restoration Review is to assist restoration practitioners in designing sound habitat restoration and enhancement projects that are compatible with the goals of the SEA Program. This chapter is also intended to assist Department Staff in evaluating and approving restoration or enhancement projects. These guidelines and principles are general and intended to be applied flexibly on a site-by-site basis. They do not replace or supersede the permit requirements of any other agency, such as the U.S.



Figure 33. Habitat restoration before and after pictures. Source: Puente Hills Habitat Preservation Authority website.

Fish and Wildlife Service, Army Corps of Engineers, State Water Resources Control Board, or CA Department of Fish and Wildlife. However, the County review process is intended to allow for coordination with other permit processes by allowing the use of common application materials and content.

While it is not required by the Ordinance, we highly recommend that applicants schedule a pre-submittal counseling meeting with Department Staff to get feedback on the project and its environmental protection measures. Department Staff can provide valuable insight about local conditions, including likely presence of sensitive species, upcoming development in the project vicinity, and other important information that may affect project plans. Attending a pre-submittal counseling meeting will also help ensure that sufficient technical detail is included in the restoration document to be submitted. To schedule a pre-submittal counseling meeting, contact [sea@planning.lacounty.gov](mailto:sea@planning.lacounty.gov).

## BASIC PRINCIPLES

- ❖ The desired outcome for all restoration projects is to create and enhance biologically functional habitats that support target species as well as other species that are important to overall biodiversity.
- ❖ Restoration activities should not begin until the restoration plan is reviewed by the Department.
- ❖ The restoration should be led by an experienced restoration ecologist with documented experience of successful native habitat restoration in the region.
- ❖ The restoration should be performed by experienced restoration contractors specializing in native habitat restoration.
- ❖ There are numerous resources available to guide restoration practitioners on successful restoration strategies for the type of habitat being restored. The proposed methodology should be consistent with such manuals and documents that describe best available restoration and enhancement methodologies for the type of habitat being restored.
- ❖ Restoration should be conducted only on sites where soils, hydrology, and microclimate conditions are suitable for the type of community being restored. Identification of restoration sites should involve an analysis of the suitability of potential sites to support the desired habitat, including comprehensive mapping and documentation of physical and biological site conditions through species surveys, soils surveys, drainage mapping, and constraints analysis.



- ❖ Riparian Restoration: All sites should contain suitable hydrological conditions and surrounding land uses to ensure a self-sustaining functioning riparian vegetation community.
- ❖ Priority should be given to restoring areas that occur adjacent to existing areas of native habitat, especially those that support sensitive species, with the goal of increasing habitat patch size and connectivity while restoring habitat values that will benefit sensitive species.
- ❖ Implementation may be phased over a multi-year timeline (often 5-10 years) to provide for greater diversity of planting ages. Strategies for making prompt mid-course adjustments or corrections in response to changing conditions (e.g. rainfall, fire, flood, etc.) should be included in the restoration plan.
- ❖ Prior to implementation, funding sources and responsible entities for carrying out restoration should be secured.
- ❖ Prior to implementation, an explicit work plan should be developed, including schedules and budgets for site preparation, installation and post-installation actions.
- ❖ Practice adaptive management by developing strategies for revisiting implementation or performance standards if necessary. Identify an advisory team of experts to provide advice and direction.

## MANDATORY BEST MANAGEMENT PRACTICES

### STRESSORS

- ❖ Any stressors causing habitat degradation should be addressed prior to starting restoration.

### PLANT MATERIAL

- ❖ Provide details regarding the planned source of their plant material. If the source is from more than ten miles away or from a completely different vegetation or geology, provide reasonable support for why that stock has been chosen.
- ❖ Special consideration should be given to sources of tree seed and other long lived species. In the case of oak trees, it is preferable to grow seedlings from acorns collected in the immediate project vicinity (within approximately two miles of the project site).
- ❖ All stock should be from plants within Counties in or adjacent to the SEA. Nurseries used to grow stock should also be within counties in or adjacent to the SEA to prevent spread of soil borne diseases and insect pests.
- ❖ Plant material used for habitat restoration purposes should consist of native species that are local to the immediate area of the mitigation site.
- ❖ All plant material proposed for use in a habitat restoration program should be inspected by a qualified biological monitor to ensure that all container plants are in good health and do not contain pests or pathogens that may be harmful to existing native plants or wildlife species.
- ❖ Container plants and other landscaping materials (including organic mulches) should be inspected to ensure they do not contain Argentine ants.
- ❖ Native seed mixes should be inspected by a biological monitor prior to their application to ensure that they contain the proper species and that seed packages are in good condition and do not contain any pests or pathogens.
- ❖ Diseased or infested plant, seed, or landscape materials should be removed from the site and transported to an appropriate off-site green waste facility.

### INVASIVE PLANTS

- ❖ Removal of non-native species in patches of native habitat shall be conducted in such a way as to minimize impacts to the existing native vegetation.

- ❖ Provide a clear description of how green waste will be handled.
- ❖ Use of chemical methods should be utilized only as a last resort.
- ❖ Any proposals for use of herbicide treatments should be accompanied by a plan that demonstrates:
  - that other methods of invasive species control have been tested, and that a single application of herbicide has been determined to be the best solution;
  - that there is a post application plan for revegetation and/or mulching; and
  - that the treatment is a one-time application.
- ❖ Preemergent herbicide should never be used, as it may affect rare species in the seed bank.

#### IMPORTED SOIL

- ❖ Imported soil shall be free of exotic invasive plant species and shall come from a local source.

#### IRRIGATION

- ❖ Use plugs rather than larger plants to reduce the need for irrigation during establishment in order to conserve water resources. This also helps plants establish new roots that are adapted to the soil in the ground, rather than having a large root mass adapted to the soil in the nursery pot.
- ❖ If irrigation is required, describe the plan to control annual weeds that might occur and thrive from the irrigation.

#### MULCH

- ❖ Mulch is the least harmful and most beneficial way to prevent weeds, promote healthy soil, and help restore healthy organic material in the soil. One application of mulch can promote storage of large amounts of carbon in soils for years to come, helping with global climate change. It prevents water loss up to 30%. Almost all native habitat, outside of some desert ecosystems, have deep layers of organic material near trees and shrubs, keeping their roots cool and preventing evaporation.
- ❖ An area for native bee nesting without mulch can be set aside and marked. Monthly weeding will be necessary in this area until native plants can be established.

#### SCHEDULE

- ❖ Provide details regarding the planned schedule. Establishment of restoration/revegetation sites should be conducted during the appropriate time of year (between October 15 and January 30 for most projects), with planting and/or seeding occurring immediately after the restoration sites are prepared.

#### MAINTENANCE PLAN/GUIDELINES

- ❖ Provide a Maintenance Plan that includes (1) weed control, including cleaning of equipment to prevent further spread or introduction of new weeds; (2) herbivory control; (3) trash removal; (4) irrigation system maintenance; (5) maintenance training; and (6) replacement planting.

#### SIGNAGE AND FENCING

- ❖ If necessary, the restoration plan should include specifications on fencing to protect biological resources and restrict human access.
- ❖ Signage specifications should be developed to indicate the site is a restoration/preserve area and to either indicate that trespassing is not allowed or to instruct visitors to stay on trails if public access is allowed.

## CHAPTER 8. NATURAL OPEN SPACE

The SEA Ordinance requires preservation of natural open space to offset impacts to SEA Resources by proposed development. Additionally, the SEA Ordinance requires new development to be set back an adequate distance from existing protected natural open space areas to ensure that required defensible space where vegetation must be thinned or cleared for fire protection will not extend onto the adjacent protected natural open space.

Many wildlife species, particularly carnivores and other wide-ranging species require large areas of suitable habitat for genetically and demographically viable populations. In addition, large contiguous blocks of habitat are more likely to encompass diverse habitat types and are more easily buffered from potential impacts from surrounding developed lands. Most SEAs contain large blocks of habitat generally conforming to a significant topographical feature such as a watershed, major river, butte, etc. These habitat blocks are referred to as "core habitats." Protecting natural open space (i.e., undeveloped land) within and adjacent to or near these large patches will maintain valuable protected core habitats, which, in turn, can protect larger wildlife populations and potentially generate a greater diversity of species and communities.

### CONFIGURATION AND USE

To meet the requirements of the SEA Ordinance, preserved open space must be maintained in its natural undeveloped condition. To the greatest extent possible, natural open space should be configured into one contiguous area and be clustered with other natural open space areas on adjacent parcels.

No removal of trees or vegetation or other disturbance to natural features is allowed in these areas, unless the activity is approved by the Director prior to the disturbance (for instance, if it is written in as an acceptable use in the deed restriction, covenant, or conservation easement approved by the Department). The following are uses that may be deemed acceptable in preserved natural open space:

1. disease control and/or control of invasive species;
2. habitat restoration;
3. paths or trails constructed and maintained to minimize environmental impact to the area (for instance, to restrict recreational use into a single path);
4. wildlife permeable fences constructed and maintained to minimize environmental impact to the area (for instance, to keep trail users from crossing into sensitive habitat areas);
5. fire protection, when determined by the County Biologist to be compatible with the SEA Resources being preserved; or
6. activities intended to maintain a specific habitat condition, which may include animal grazing, when recommended by the County Biologist. Such activities must be detailed in a management plan to be reviewed by the County Biologist and approved by the Department.

Driveways, streets, roads, or highways are prohibited from crossing through natural open space areas. If the Hearing Officer or Commission determines that a driveway, street, road, or highway must transverse natural open space in order to ensure adequate circulation or access, it may not be counted as a portion of the total required natural open space to be preserved (i.e. the area occupied by the road must be subtracted from the total area of open space). Additionally, any such driveway, street, road, or highway must be designed to include any and all necessary wildlife crossings and/or other features necessary to avoid biological impacts.

## REQUIREMENTS FOR MINISTERIAL SEA REVIEW

Development approved through a Ministerial SEA Review that has impacts to SEA Resource Categories 2, 3 or 4 are required to preserve the corresponding amount and type of SEA Resources within the project site parcel(s), as shown in [TABLE 4](#) below. Development undergoing Ministerial SEA Review should have been vetted during SEA Counseling to ensure the project site parcel(s) contain appropriate preservation area(s) outside of the development footprint. Natural open space areas to be preserved cannot be located within any mandated fuel modification or brush clearance zones, or include any portion of a driveway, street, road, or highway.

On-site natural open space will need to be depicted on the approved site plan. A draft of the deed restriction or covenant should be submitted with the application materials for Department review prior to recordation. The natural open space covenant or deed restriction must then be recorded with the County Recorder's Office and a copy of the recorded document must be submitted to the Department prior to receiving the stamped site plan, along with a digital delineation of the boundary of the natural open space area (i.e. the boundary of recorded natural open space should be submitted in a GIS useable format such as .shp, .gdb, .kml/.kmz, .dwg, etc.)

**TABLE 4. ONSITE PRESERVATION RATIOS FOR MINISTERIAL SEA REVIEW**

SEA RESOURCE CATEGORY:	DISTURBANCE ALLOWED:	PRESERVATION RATIO:
<b>1</b>	none	N/A (need SEA CUP)
<b>2</b>	≤ 500 sq ft	2:1
<b>3</b>	≤ 500 sq ft	1:1
	> 500 sq ft	2:1
<b>4</b>	≤ 500 sq ft	none
	> 500 sq ft	1:1
<b>5</b>	any amount	none

### ALLOWABLE MECHANISMS

On-site preservation of natural open space, as required per (Section 22.102.090.A), must be provided through a permanent deed restriction or land use covenant between the County and the property owner. Both mechanisms are recorded with the County Recorder's Office and should include a map exhibit of the natural open space area. Any area recorded as natural open space for this purpose must be left in its natural state.

### EVALUATING THE ACCEPTABILITY OF ON-SITE PRESERVATION

There may be fewer opportunities to configure natural open space for projects undergoing Ministerial SEA Review. In many cases, the BCM will have already identified all the areas that can be preserved on-site with no excess of natural open space available for preservation. In cases where there is an excess of area available for preservation, the preserved area should be configured to minimize fragmentation and maintain the largest possible area-to-edge ratio (i.e., by using the shortest possible perimeter length).<sup>29</sup> Any existing adjacent preserved open space areas should also be considered, and new open space should be

<sup>29</sup> Area-to-edge ratio refers to the compactness of an area. A circle has the maximum area-to-edge ratio of any shape since it has the minimum possible perimeter length. Long, narrow shapes, or shapes with convoluted boundaries have low area-to-edge ratios. Shapes with high area-to-edge ratios are preferable in biological conservation because elements within the interior of the area have a greater likelihood of being far from the edge and are therefore less vulnerable to indirect impacts from development (invasive species, runoff, domestic animals, etc.).

configured to compliment and buffer existing off-site open space by connecting to it via the widest possible path.

## REQUIREMENTS FOR SEA CUP

Developments applying for a SEA CUP are required to provide preserved natural open space as mitigation. For SEA CUPs, the amount of natural open space to be required is considered mitigation and is not tied to the ratios in the Development Standards, nor is it required to be preserved on-site. Any and all mitigation must require like-for-like components for compensation. Soils, slope, topography, aspect, range, growing conditions, and habitat type must all match between development and mitigation sites and all must be within the same SEA.

The natural open space preservation requirement for SEA CUPs is dependent on the amount of proposed development, degree of impact, type and quality (e.g. intactness) of SEA Resources being disturbed, location, and setting of those SEA Resources, and the project's ability to address the SEA Findings. The preservation ratios listed in **TABLE 5** below will be utilized as a general guideline.

### ON-SITE PRESERVATION FOR SEA CUP

To evaluate the appropriate location and mechanism for preserved natural open space, Staff will first need to determine whether an adequate amount of suitable habitat is present on-site. Projects that do not have an adequate amount of suitable habitat available to protect on-site will need to provide any necessary natural open space preservation off-site, through one of the mechanisms discussed in the "Allowable Mechanisms" section below.

If it is determined that a suitable area of quality natural habitat occurs on the project site parcel(s), the area should be described in the Biota Report, depicted on site plans, and, if found to meet the mitigation needs of the development, recorded as permanent natural open space through one of the allowed mechanisms discussed below. Any area recorded as natural open space for this purpose must be maintained in its natural undeveloped state, with no removal of vegetation or disturbance of natural features.

When determining the suitability of habitat for on-site preservation, the following attributes should be considered:

- ❖ is it outside of all mandated fuel-modification and brush clearance zones?
- ❖ does it encompass any hydrological features?
- ❖ does it contain sensitive SEA Resources (e.g. Categories 1-3)?
- ❖ does it include any habitat restoration areas required as project mitigation?
- ❖ does it include sufficient low to moderate value habitat to buffer higher value habitats and elements from indirect impacts from developed areas?
- ❖ what is the extent of on and off-site habitat connectivity?
- ❖ is it part of a wildlife corridor, does it function as a buffer, or is it integral to a watershed?

Natural open space should be planned in such a way as to create the maximum amount of habitat connectivity between on-site and off-site areas and to encompass the maximum amount of diversity in type, function and structure of habitats. Whenever possible, natural movement pathways should be protected.

Although large blocks of habitat are generally better than smaller ones, there are cases when smaller patches or ribbons of habitat are vital to preserving wildlife movement or the long-term viability of SEA Resources. For instance, small patches of habitat may be useful as stepping-stones through a developed landscape, or a constrained movement pathway may provide the last tenuous connection between two larger patches of habitat. The loss of such connections may mean cutting off wildlife movement through that landscape. In such cases, it may be preferable to preserve the small patches or ribbon of natural habitat.

“Added value” can be given to proposed natural open space areas if they also contain unique or valuable habitat linkage resources, additional special-status species, surface waters, or sensitive habitats, etc. Proposed open-space with such added-value characteristics may be allowed to be smaller than the area that would typically be required and still be determined to be consistent with the SEA Program goals, subject to the discretion of the Department and a determination of consistency with the SEA Findings by SEATAC.

**TABLE 5. RECOMMENDED\* PRESERVATION RATIOS FOR SEA CUP**

SEA RESOURCE:	PRESERVATION RATIO:
<b>CATEGORY 1</b> <ul style="list-style-type: none"> <li>- State or federally listed species and their habitats</li> <li>- CA Rare Plant Ranks 1,2,3</li> <li>- Natural Communities Ranked G1/S1</li> <li>- Water Resources (e.g. wetlands, streams, ponds, lakes, vernal pools, marshes, etc.)</li> </ul> <b>BEACH &amp; DUNE</b>	5:1
<b>CATEGORY 2</b> <ul style="list-style-type: none"> <li>- Natural Communities Ranked G2/S2</li> <li>- Sensitive Local Native Resources</li> <li>- Species of Special Concern and their habitats</li> </ul>	4:1
<b>CATEGORY 3</b> <ul style="list-style-type: none"> <li>- Natural Communities Ranked G3/S3</li> <li>- Oak Woodland</li> </ul> <b>ROCK OUTCROPS/ROCKLANDS</b>	3:1
<b>CATEGORY 4</b> <ul style="list-style-type: none"> <li>- Natural Communities Ranked G4/S4/G5/S5</li> <li>- CA Rare Plant Rank 4</li> </ul> <b>NON-NATIVE GRASSLANDS</b>	2:1
<b>CATEGORY 5</b>	1:1

\* Ratios are provided as a starting point. With a discretionary CUP, these ratios can be changed based on site specific factors and SEATAC recommendations, to the satisfaction of the Hearing Officer or Commission.

#### OFF-SITE PRESERVATION FOR SEA CUP

Developments that do not have suitable habitat available for natural open space preservation on-site will be required to provide an equivalent amount of natural open space preservation off-site. This can be accomplished through one of the mechanisms discussed below. All off-site natural open space preservation will be reviewed by Department Staff in order to verify that it meets the project's mitigation requirements.

The following information should be submitted for review:



- ❖ a map of the proposed off-site area (similar to a BCM);
- ❖ a description of the biological resources of the proposed off-site area (similar to a BCA);
- ❖ a description of the mechanism to be used for preservation; and
- ❖ a management plan for the proposed preserved area, including a Habitat Mitigation and Monitoring Program (HMMP) if habitat restoration is required, which identifies responsible parties, funding mechanism, restoration methods, performance standards, and reporting requirements for restoration projects.

Off-site preservation shall be sited within or contiguous with the same affected SEA, and preferably within the same watershed. An area immediately adjacent to the SEA may be considered if the applicant can demonstrate that the area supports the same resource values and is connected with other natural open space. Preserved areas should be configured to:

- ❖ have sufficient self-buffering capacity,
- ❖ be situated adjacent to other natural open space areas, and
- ❖ support resources similar to those disturbed by the project and in the proper ratios.

“Added value” can be given to proposed open-space lands if they also contain unique or valuable habitat linkage resources, additional special-status species, surface waters, or sensitive habitats, etc. Proposed open-space lands with such added-value characteristics may be smaller than the area required by standard preservation ratios and still determined to be consistent with the SEA Program goals, subject to discretion of the Planning Department and a determination of consistency with the SEA Findings by SEATAC.

#### ALLOWABLE MECHANISMS

Following are the acceptable mechanisms for preserving natural open space to meet SEA CUP requirements. The mechanisms are ranked in order of preference by the County. The applicant will have to demonstrate that higher ranked mechanisms are infeasible or of less benefit in order to use an option lower down on the list. For instance, in-lieu fees are of lowest preference, so the applicant will need to show that the six previous mechanisms are infeasible or of substantially lower biological value than the in-lieu fee proposed for the project.

#### DEDICATION TO LAND CONSERVATION ORGANIZATION OR GOVERNMENT ENTITY

Land to be protected as natural open space may be transferred to a qualified land trust, conservation organization, or government entity that has the capacity to protect and manage the land as natural open space. The acquisition of the land (fee title or fee simple) allows the conservation owner to manage the property to preserve and protect its conservation values. The land can be acquired by purchase, donation or a combination of the two.

Any land being transferred to a non-profit organization or government entity for the purpose of mitigation for a SEA CUP must first record an open space restriction or easement over the entirety of the natural open space area prior to transfer of ownership in order to ensure the preservation of the natural open space in perpetuity.

#### CONSERVATION OR MITIGATION BANK

Conservation and mitigation banks provide a streamlined and predictable off-site compensatory mitigation program that can be of benefit to public and private developers, while incentivizing the protection and

management of the most critically important areas within SEA boundaries. These “banks” are lands that are permanently protected and managed specifically for their natural resource values. In exchange for permanently protecting, managing, and monitoring lands that hold important resources (e.g. wetlands, endangered or threatened species, and supporting habitats), the bank sponsor (owner) is allowed to sell or transfer a specified number of habitat or species credits to project developers to offset the adverse impacts of their projects.

Conservation and mitigation banks are regulated and approved by certain state and federal agencies that are tasked with protection of natural resources (such as CDFW, USFWS, Army Corps of Engineers, Natural Resources and Conservation Service, National Marine Fisheries Service, US Environmental Protection Agency, etc.). Mitigation banks are generally formed to protect, restore, create, and enhance wetland habitat, and credits are sold for mitigation of unavoidable wetland losses. Conservation banks are targeted more toward protecting threatened and endangered species and habitat, with credits established for the specific sensitive species and habitat types that occur on the site. Although a bank may be established to protect a specific species or water resource, adjacent areas of supporting habitat are generally also included in the mitigation bank.

Currently there is only one conservation bank in LA County; however, the formation of new conservation or mitigation banks, especially within SEAs, is encouraged. For a proposed development within a SEA to utilize a conservation or mitigation bank for their development, the bank must be within the same SEA.

To learn more about mitigation banks, visit the CDFW website on Conservation and Mitigation Banking: [www.wildlife.ca.gov/Conservation/Planning/Banking](http://www.wildlife.ca.gov/Conservation/Planning/Banking). For CDFW approved mitigation banks see: [www.wildlife.ca.gov/conservation/planning/banking/approved-banks#r4](http://www.wildlife.ca.gov/conservation/planning/banking/approved-banks#r4).

## CONSERVATION EASEMENT

A Conservation Easement is a legal agreement between a landowner and a land trust or government agency in which the land owner places certain restrictions on their property in order to permanently limit the uses of the land in order to protect its conservation values. The land trust or government agency<sup>30</sup> that accepts the easement is responsible for monitoring the easement to ensure compliance with the terms of the easement and to enforce the terms if violation occurs.

Conservation Easements are one of the most frequently used tools for conserving private land. They are used to permanently limit uses (on all or a portion of the property) that would compromise the conservation values of the property, while allowing the landowner to retain certain reserved rights.

As with a deed restriction or covenant, a Conservation Easement is attached to the property's deed and recorded with the County. It is granted in perpetuity, meaning that all future owners of the land must respect

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<sup>30</sup> California Civil Code 815.3 defines qualified entities as: a) A tax-exempt nonprofit organization qualified under Section 501(c)(3) of the Internal Revenue Code and qualified to do business in this state which has as its primary purpose the preservation, protection, or enhancement of land in its natural, scenic, historical, agricultural, forested, or open-space condition or use. b) The state or any city, county, city and county, district, or other state or local governmental entity, if otherwise authorized to acquire and hold title to real property and if the conservation easement is voluntarily conveyed. 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. c) A federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the Native American Heritage Commission to protect a California Native American prehistoric, archaeological, cultural, spiritual, or ceremonial place, if the conservation easement is voluntarily conveyed.

the uses set forth in the document. Natural open space preservation required per the SEA Ordinance may be provided through a Conservation Easement, either on-site or off-site (but still within the same SEA).

#### PERMANENT ON-SITE DEED RESTRICTION

A deed restriction is a land use restriction that is added to the title of a property. It restricts the use of the property, and for the purposes of the SEA Ordinance, it can be used to ensure that an area of land is preserved as natural open space in perpetuity. Properly worded and recorded deed restrictions apply to all future owners of the property and cannot be easily changed or removed. To meet the SEA Ordinance natural open space requirements, the property owner may place a permanent open space deed restriction on the approved area of their property. The project cannot be approved until the restriction is filed at the County Recorder's Office.

#### COVENANT BETWEEN COUNTY AND PROPERTY OWNER

A covenant or "Covenants and Agreements" is a formal agreement or contract between the County and the property owner, in which the property owner gives the County certain promises and assurances, such as for the purpose of providing and recording an open space restriction over an area of land. The covenant obligates the owner to maintaining the specified area as natural open space, for a specified period of time. In order to meet the natural open space preservation requirements of the SEA Ordinance, the covenant must be permanent and properly worded to ensure the land is preserved in its natural, undeveloped condition. As with a deed restriction, the covenant runs with the land and is binding on all current and future owners of the property. If this mechanism is selected, the open space covenant must be filed at the County Recorder's Office prior to final permit approval.

#### CONSERVATION IN-LIEU FEE

Conservation in-lieu fees are another approach to fulfilling mitigation requirements and can be a source of funding for a natural resource management entity to purchase conservation land or Conservation Easements. This is a fee that is provided by a project developer to a mitigation sponsor, such as a natural resource management entity, in lieu of providing required compensatory mitigation. The in-lieu fee is then intended to be used to acquire the required mitigation land or Conservation Easement. In-lieu fees may be pooled with other in-lieu fees to create one or more sites to compensate for the resource functions lost as a result of development.

In order to meet the natural open space requirements of the SEA Ordinance, in-lieu fees must be used for the purpose of preserving specific SEA Resources (as determined by those impacted by the proposed development) within the same SEA. A nexus study must be prepared, and provisions should be made to ensure that the fee is regularly updated in response to changes in real estate values. The in-lieu fee should include costs associated with providing the required mitigation, including the cost of the land or Conservation Easement, cost of identifying and negotiating for the land or easement, surveys, appraisals, title research, legal review, preparation of documents, etc.

## CHAPTER 9. SEA PROGRAM MONITORING

The Conservation and Natural Resources Element of the General Plan identifies strategies for the preservation of natural resources. Specifically, *C/NR-1 SEA Preservation Program*<sup>31</sup> includes strategies such as establishing a Transfer of Development Rights Program, Habitat Conservation Plan, Mitigation Land Banking Program/Open Space Master Plan, or Open Space Land Acquisition Strategy. To maintain and sustain the SEAs, and to evaluate the applicability of these programs, monitoring disturbance to and protection of SEA Resources is needed. Monitoring will also allow the County to better work with partner organizations interested in permanently conserving the SEAs.

The effects of climate change will also be more clear through the County's monitoring of SEAs. Some of these concerns include the need to preserve ecosystems that can continue to support the biodiversity of the County despite future changes in temperature and precipitation and increased hazards from wildland fires. SEAs contain evolving biological resources that occur in places at risk from development pressures and climate change. To ensure the continued effectiveness of the SEA Program, the following monitoring practices shall be implemented:

- 1) Tracking approved development within SEAs;
- 2) Tracking habitat restoration within SEAs;
- 3) Mapping habitat information collected through the permitting process; and
- 4) Mapping natural open space protection resulting from approval of projects.

### TRACKING APPROVED DEVELOPMENT

As part of case processing, information from applicants and public agencies proposing to develop in SEAs will be collected, including information on land use and impacts to SEA Resources. Such information will be compiled into a Countywide SEA database, which will be used for tabulating types and amounts of approved development within each SEA.

### TRACKING HABITAT RESTORATION

Projects proposing habitat restoration either as mitigation or as an independent project will be tracked utilizing information collected during case processing or Habitat Restoration Review. Information to be compiled includes the location, size, and type of restoration being carried out in each SEA.

### MAPPING SEA RESOURCES

A Biological Constraints Map (BCM) is required before most development can occur within a SEA. As part of the application package, the applicant will be required to submit their BCM data to the Department in digital form<sup>32</sup> to be integrated into the SEA Resource database. The data acquired in this manner will allow the Department to more accurately map habitat information within unincorporated County SEAs. In instances where further assessment of sensitive biological resources is needed, a more in-depth Biological

<sup>31</sup> [planning.lacounty.gov/assets/upl/project/gp\\_final-general-plan-ch16.pdf](http://planning.lacounty.gov/assets/upl/project/gp_final-general-plan-ch16.pdf)

<sup>32</sup> Map or site plan data displaying SEA Resources, preserved open space, and development footprints must be submitted in a GIS useable format such as .shp, .gdb, .kml/.kmz, .dwg, etc.

Constraints Analysis could be required. In such cases, submittal of final SEA Resource map data will be required as a condition of approval.

## MAPPING PROTECTED OPEN SPACE

With the adoption of the SEA ordinance update, the County will embark on an effort to map protected open space in the unincorporated Los Angeles County. For this effort, any open space area that has legal protections through a permanent on-site deed restriction, conservation easement, conservation or mitigation bank, or dedication to a government entity or non-profit land conservation organization, as described in the Ordinance, will be considered “protected open space.” With this information, it will be possible to illustrate the extent to which the SEA Program is meeting the County’s overall goal to develop *permanent, sustainable preservation of genetically and physically diverse biological resources and ecological systems* (Los Angeles County General Plan Goal C/NR 3).

Starting with the California Protected Areas Database (CPAD), California Conservation Easements Database (CCED), and other open space geographic databases maintained by state and local organizations, the Department will establish a baseline of existing protected open space in the unincorporated County (including federal, state, and county owned open space and Conservation Easements monitored by land trusts). The resulting Open Space Database will include polygons of each recorded open space area with corresponding information such as date of adoption, type of protection, size, and ownership.

Protected open space will be monitored as follow:

1. The Department will integrate all newly dedicated open space associated with permits in SEAs into the Open Space Database. Data for new open space dedicated in this manner will also include project and permit numbers and will link to the public record(s) for the associated project.
2. The Department will identify resources to review previously approved projects in SEAs that included protection of open space as mitigation and incorporate those areas into the Open Space Database.
3. The Department will also track in-lieu fees and contributions to mitigation banks associated with SEA CUPs. In the case of in-lieu fees, the County Biologist will review and approve where the fees are used<sup>33</sup>, and any resulting new protected open space will be included in the Open Space Database.

## REPORTING REQUIREMENTS

### 1. GENERAL PLAN ANNUAL REPORT

The County is required to prepare a general plan annual progress report on the status of General Plan implementation. The annual report is prepared by the Department and presented to the Regional Planning Commission and the Board of Supervisors. The annual report is the County’s mechanism for comprehensively reporting on the following: 1) program implementation; 2) effectiveness of major policies; 3) updates to datasets; and 4) map maintenance.

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<sup>33</sup> In-lieu fees should be designated for use within the same SEA as that in which the associated development is located.

For the SEAs, the General Plan report is given biennially on the status of the County's SEAs and is required to include:

- ❖ A summary of new development within SEAs approved by DRP;
- ❖ A public comment process for accepting suggestions on improving the SEA Program, and its components;
- ❖ The overall status of biological functions within each SEA, if known;
- ❖ Identification of any new techniques or methods of conservation planning which are, or could, be utilized to enhance the SEA Program;
- ❖ Assessment of the necessity for new SEA studies and any resulting scientific studies undertaken on SEAs;
- ❖ Recommendations for any modifications to the SEA Program, including General Plan goals and policies, SEA boundaries and the SEA Ordinance;
- ❖ Identification of lands within individual SEAs as priority habitats or areas for protection;
- ❖ A description of any ongoing partnerships with conservation agencies and other stakeholders;
- ❖ A current map of SEA lands that are protected in perpetuity through deed restrictions, Conservation Easements, etc.; and
- ❖ The Director's conclusion as to the overall successes and challenges of the SEA Program in implementing General Plan goals and policies.

## **2. SUSTAINABILITY PLAN INDICATOR**

The County's Chief Sustainability Office is in the process of preparing the first sustainability plan for the entire County. One of the important indicators for sustainability identified for the Plan is the health of the County's SEAs. In addition to communicating the status of the SEA Program through the General Plan Annual Report, the County's Sustainability Plan will be another avenue for reporting on the health of the SEAs.

## **3. SEA WEBSITE**

The Department will be updating the SEA webpage housed within the Department's website to digitally provide information as information is gathered and mapped.



## CHAPTER 10. REVIEW PROCEDURES FOR COUNTY PROJECTS

The SEA Program is a component of the County's General Plan, which provides the policy framework for how and where the unincorporated Los Angeles County will grow through the year 2035. As a leader in sustainability, the County will assess infrastructure projects that may have impacts to SEA resources when the development is located partially or entirely within a mapped SEA. This SEA assessment process for County projects within SEAs will ensure that the proposed activities sustain species populations and ecological services into the future through environmentally sensitive site design. This process will allow for the appropriate level of compliance with the least amount of impacts to the maintenance, operation, and future development of those facilities.

### GENERAL COUNTY DEPARTMENT SEA ASSESSMENT PROCESS

County Departments that propose activities defined as development within a mapped SEA are encouraged to participate in the SEA assessment process. Similar to private development, SEA review for County Departments is intended to assist in avoiding or minimizing impacts to SEA Resources. Development that is covered under a County master plan that is undertaken by private entities, such as construction of County master planned highways and master planned trails, should be submitted by the appropriate County Department for review as a County Project.

#### GENERAL REVIEW PROCESS

The County Department may use Regional Planning's online GIS application, or contact Regional Planning staff, to determine if a proposed ground disturbing activity will be within a mapped SEA. If so, the project manager at the County Department should contact Regional Planning at [sea@planning.lacounty.gov](mailto:sea@planning.lacounty.gov) to initiate a consultation of the proposed activity.

At the end of the initial review of the proposed activity, the County Biologist will issue a recommendation letter which determines the following:

- a. need for any additional biological surveys to identify SEA Resources or evaluate the full extent of impacts;
- b. need for SEATAC consultation regarding impacts of proposed activities and/or appropriateness of proposed mitigation;
- c. ability of the proposed activity to maintain prescribed setbacks as described within the SEA Development Standards; and
- d. compatibility of the proposed activity with the SEA Program.

#### REVIEW OF EMERGENCY AND HAZARD MANAGEMENT ACTIVITIES

Ground disturbing activities in response to an emergency or for hazard management should be documented and communicated to Regional Planning. Following an emergency or hazard management activity, additional consultations may be initiated between County departments to address how to better coordinate and approach future similar activities or situations, or to discuss appropriate mitigation of impacts to SEA Resources, if needed. In these instances, the County Biologist will issue a recommendation letter, which may include recommendations for:

- a. additional consultations with SEATAC to determine appropriate mitigation for impacts to SEA Resources; or
- b. actions that could be taken in a future similar situation to avoid or minimize impacts to SEA Resources.

#### NOTIFICATION OF DEVELOPMENT ACTIVITY

In addition to the general County Department SEA assessment process, County Departments may notify Regional Planning regarding activity within a mapped SEA on a project by project basis. The purpose of reporting development which may not need further review is to understand and disclose regular maintenance projects by County Departments that are in or adjacent to natural portions of the SEA which may potentially impact the SEAs, and to gain an understanding of this development. It is anticipated that development in this category could be moved to Activities Exempt from Review and Notification in future iterations of this guide.

#### DEPARTMENT OF PARKS AND RECREATION (DPR)

Unless constructing new structures or grading within natural portions of a SEA, all maintenance, construction and other regular activities necessary to meet the standard operational needs at DPR facilities shall be exempt from SEA assessment. When a development project does involve significant removal of natural vegetation within a SEA, the DPR project manager will contact Regional Planning at [sea@planning.lacounty.gov](mailto:sea@planning.lacounty.gov) to initiate a consultation, providing the following information:

1. project location
2. project scope or description
3. site plan
4. any photographs of the site.

If necessary, a site visit meeting with the County Biologist will be scheduled.

In response to this review, the County Biologist will issue a letter which determines the following:

- ❖ The compatibility of the proposed development activity with the SEA Development Standards and Findings, if applicable.
- ❖ Whether additional review through SEATAC is recommended to determine appropriate SEA Resource mitigation, when needed.
- ❖ Whether additional biological information is needed to provide further recommendations.

#### DPR ACTIVITIES EXEMPT FROM SEA ASSESSMENT AND NOTIFICATION

DPR will not need to notify Regional Planning of the following types of activities: 1) those that occur within already disturbed areas and will not result in expanded environmental impacts to the natural portions of SEAs, 2) those that are for the maintenance and operation of existing facilities, or 3) those that are for emergency or hazard management response.

Maintenance and operational activities include, but are not limited to:

- a. maintenance of existing landscaping including mowing and tree trimming;
- b. new landscaping and related irrigation;

- c. brush clearance;
- d. parking lot repair;
- e. health and safety related work such as slope repair and hazard removal;
- f. ADA compliance (path of travel, parking lot, restroom upgrades, etc.);
- g. Irrigation, plumbing, mechanical (HVAC) and electrical repairs;
- h. concessionaire maintenance and operational activities;
- i. temporary events (renaissance Faire, concerts);
- j. lake maintenance and remediation;
- k. ongoing upkeep, repair, rehabilitation, or reconstruction (in kind) of existing structures and facilities (park offices, gymnasiums, storage, restrooms, visitor centers, community centers, nature centers, sports fields, aquatic centers, etc.);
- l. addition to existing buildings and structures;
- m. installation of accessory structures, such as shade structures, picnic tables and benches, bbq grills, play structures, fitness equipment, outdoor classroom, lighting, signage, fencing, etc.;
- n. grading that does not extend beyond previously disturbed areas;
- o. vegetation control that does not extend beyond previously disturbed areas; and
- p. trail maintenance.

#### EMERGENCY AND HAZARD MANAGEMENT ACTIVITIES

Activities which are for either emergency response or hazard management (such as fire, flood, or earthquake damage, etc.) are also exempt from prior notification and review, if time constraints would not allow for such review. These types of activities shall be reported to Regional Planning after they have taken place. Additional discussion may take place, if needed, to identify proper mitigation of impacts when needed.

#### DEPARTMENT OF PUBLIC WORKS (DPW)

DPW development activities such as construction of new facilities or roads located in undeveloped portion of SEAs, which are not exempt under emergency activities, will be submitted for a SEA assessment by Regional Planning during the preliminary planning stages. Maintenance projects or other cash contracts, which occur within a SEA and require the discretionary action of the Board of Supervisors, will also be submitted to Regional Planning for SEA assessment. The DPW project manager will contact Regional Planning at [sea@planning.lacounty.gov](mailto:sea@planning.lacounty.gov) to initiate a consultation, providing the following information:

- a. project location map,
- b. project scope of work,
- c. environmental documents, if available,
- d. regulatory permit requirements, and
- e. any photographs of the site.

If necessary, a site visit meeting with the County Biologist will be scheduled.

In response to this review, the County Biologist will issue a letter which determines the following:

- ❖ The compatibility of the proposed development activity with the SEA Development Standards and Findings, if applicable.

- ❖ Whether additional review through SEATAC is recommended to determine appropriate SEA Resource mitigation, when needed.
- ❖ Whether additional biological information is needed to provide further recommendations.

#### **DPW ACTIVITIES EXEMPT FROM SEA ASSESSMENT AND NOTIFICATION**

DPW will not need to notify Regional Planning for the following types of activities, which are exempt from SEA assessment and notification: 1) development required immediately in emergency situations to protect buildings, infrastructure or human life, 2) development that occurs at the site of manmade areas that are already disturbed and will not constitute expanded environmental impacts to the natural portions of the SEA, and 3) activities that are for the maintenance and operation of existing facilities,

Maintenance and operational activities include, but are not limited to:

- a. replacement of headwalls at culvert entrance/exit,
- b. replacement of rock rip-rap along the bank of a stream to protect/prevent roadway from erosion/failure,
- c. removal of accumulated sediment and/or vegetation as preventative maintenance on streams at bridges or culverts,
- d. shoulder grading that extends beyond the public right-of-way,
- e. vegetation control that does not extend beyond previously disturbed areas or the public right-of-way,
- f. removal of sloughage, slide material, and debris,
- g. repair and reconstruction (in kind) of existing retaining walls,
- h. inspection, repair, and replacement (in kind) of existing bridge elements,
- i. proactive sediment, rock, and vegetation removals under bridges as preventative maintenance,
- j. repair, reconstruction, or construction of new rail and timber walls,
- k. repair, reconstruction, or construction of new retaining walls

Other projects which may be exempt from initial review are Non-emergency activities routinely carried out by Public Works to maintain operational capabilities of Public Works' and Flood Control District's facilities. Unless an existing facility will be constructing new structures in natural portions of the SEA, all the maintenance, construction and all other regular operational needs at Public Works and Flood Control District facilities shall be exempt from initial review. This exemption also includes activities in the right-of-ways for roads and floodways. These activities may include, but are not limited to:

- a. pavement maintenance (crack sealing, chip sealing, slurry seal, patching, resurfacing),
- b. shoulder grading that does not extend beyond previously disturbed areas,
- c. vegetation control that does not extend beyond previously disturbed areas,
- d. tree trimming,
- e. repair or replace existing guardrail,
- f. inspection and cleaning of drainage facilities,
- g. cleaning beach drains and clearing existing access roads,
- h. repair and reconstruction (in kind) of existing retaining walls if within previously disturbed areas,
- i. inspection, repair, and replacement (in kind) of existing bridge elements that do not require encroachment into the streambed,
- j. repair and reconstruction of rail and timber walls that does not extend beyond previously disturbed area, and

- k. ongoing upkeep and repair at structures and facilities within SEAs, as marked on the SEA Development Map.

## EMERGENCY AND HAZARD MANAGEMENT ACTIVITIES

Ground disturbing activities which are for either emergency response or hazard management are also exempt from prior notification and review, if time would not allow for such review. These types of activities shall be notified to Regional Planning after they have taken place. Additional discussion may take place, if needed, to identify proper mitigation of impacts when needed. Mitigation of these areas disturbed will be treated as “Development subject to notification and review”.

An emergency activity may be defined as any activity necessary to restore operational capabilities of public facilities or activities necessary to protect human lives and properties after a major disaster event, such as earthquakes, flooding, fires, etc. In the event that emergency activities include construction of new facilities, a brief project scope of work and location map will be shared with Regional Planning after the fact. These activities may include, but are not limited to:

- a. replacement of failed culvert pipe,
- b. construction of corrugated metal pipe risers after wildfires,
- c. restoration of failed road segment following a flood,
- d. removal of accumulated sediment, rock, and/or vegetation on streams under/at bridges or culverts if causing stream to flow on roadway,
- e. construction of debris trash racks, or
- f. placement of rock rip-rap along the bank of a stream to protect the roadway from erosion/failure.

## NOTIFICATION OF DEVELOPMENT IN SEAS:

DPW will notify Regional Planning of any proposed development within or partially within a mapped SEA on a project by project basis. Further communication between DPW and Regional Planning may also include discussion of appropriate best practices for regular activities in SEAs, recommendations from SEATAC, and overall development activity within SEAs.

DPW's notification shall consist of:

- ❖ An Assessors Property Number (APN) for the parcel or parcels affected
- ❖ A brief description or name of the type of development (for example: tree removal, construction of a storage building, road maintenance, etc.)
- ❖ The anticipated completion date for the development.
- ❖ The person or division to contact for information about the development.

This information shall be maintained in an excel table or GIS shapefile, and submitted to Regional Planning.

## GLOSSARY

**Alliance:** a vegetation classification unit that is usually defined by a dominant and/or characteristic plant species in the upper layer of vegetation.

**Association:** a vegetation classification unit defined by the characteristic species in the overstory (upper layer) and understory (lower layer), as well as environmental factors.

**Building pad:** a building site prepared by artificial means including grading, excavation or filling, or any combination thereof.

**Building Site Area:** the portion of the development footprint that is or will be graded, paved, constructed, or otherwise physically transformed, including the building pad, all graded slopes, areas impacted by exploratory testing, all structures, decks, patios, impervious surfaces, retaining walls, and parking areas. To calculate the area of the proposed building site, include the building pad, all graded slopes, all structures, decks, patios, impervious surfaces, and parking areas. The applicant may exclude the following development associated with the primary use:

- The area of one access driveway or roadway that does not exceed 300 feet in length and 20 feet in width, and is the minimum design necessary to meet Los Angeles County Fire Department requirements;
- The area of one turn-around that is not located within the approved building pad, and is the minimum design necessary to ensure safety and comply with Fire Department requirements;
- Graded slopes exclusively associated with the access driveway or roadway and safety turn-around indicated above; and
- Fuel modification and brush clearance required by Los Angeles County Fire Department for approved structures.

**Chaparral:** broadly defined as an area dominated by tall woody shrubs two meters and taller, which can be further classified to the alliance or association level utilizing *A Manual of California Vegetation* by Sawyer, Keeler-Wolf, and Evens, available online at [www.cnps.org/vegetation](http://www.cnps.org/vegetation).

**Covenant:** a formal agreement or contract between LA County and the property owner, in which the property owner gives the County certain promises and assurances, such as for the purpose of providing and recording an open space restriction over an area of land.

**Crops:** cultivated plants including field, tree, bush, berry, and row, including nursery stock

**Cumulative impact:** the incremental effects of an individual project in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

**Deed Restriction:** a limitation in the deed to a property that dictates certain uses that may or may not be made of the property.

**Defensible space:** in firefighting and prevention, an area of non-combustible surfaces separating urban and wildland areas, which is often utilized around residences in remote and/or high fire hazard areas to give firefighters additional time to reach the residence in the event of a wildfire.



**Development footprint:** 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.

**Disturbed area:** any portion of land or vegetation that is altered in any way by development, by the actions associated with development, or by use, whether intentional or unintentional, permitted or unpermitted.

**Easement:** a civil agreement between two parties which is used as a method of acquiring partial use rights of land with no transfer of fee title. A limited right to make use of a land owned by another, for example, a right of way across the property.

**Ecosystem:** a community of animals, plants, and microorganisms and the physical and chemical environment with which it is interrelated.

**Ecosystem functions:** natural processes and attributes that result from the complex interactions between living organisms and the physical and chemical components of their ecosystems, which contribute to the self-maintenance of an ecosystem. Ecosystem functions are complex and dependent on a wide variety of factors, such as habitat type, geology, geography, climate, position in the watershed, surrounding land use, and associated plant and animal communities.

**Ecosystem services:** the benefits (goods and services) provided to humans as a result of ecosystem functions, such as clean air and water, erosion and sediment control, carbon storage, fertile soils, pollination, raw materials in the form of foods, biofuels, and medicinal resources, buffering against natural disasters, regulation of temperatures, and scenic views.

**Edge effects:** the effects of development on adjacent natural areas due to introduction of structures and non-native and/or non-local plants and animals. Structures change the microclimate or constitute barriers to movement. Introduced species displace native species or interact with natural processes and change conditions so that the native species are no longer well-adapted to the altered environment.

**Encroachment:** an intrusion, disturbance, or construction activity within the protected zone of a SEA Protected Tree.

**Fragmentation:** the process by which a landscape is broken into small islands of natural habitat within a mosaic of other forms of land use or ownership.

**General Plan:** a statement of policies, including text and diagrams setting forth objectives, principles, standards, and plan proposals, for the future physical development of the County required by California State Government Code 65300 et seq.

**Geological feature:** landform or physical feature, such as beach, dune, rock outcrop, and rockland, formed through natural geological processes.

**Grading:** any excavation, fill, movement of soil, or any alteration of natural landforms through a combination thereof.

**Herbland:** broadly defined as an area dominated by annual or herbaceous perennial species, including native and non-native grasslands, which can be further classified to the alliance or association level utilizing

A Manual of California Vegetation by Sawyer, Keeler-Wolf, and Evens, available online at [www.cnps.org/vegetation](http://www.cnps.org/vegetation).

**Heritage tree:** any SEA Protected Tree with a trunk diameter that measures 36 inches or more in a single trunk or with two trunks that measure a total of 54 inches or more in diameter, as measured 54 inches above natural grade.

**Infrastructure:** basic utilities and facilities necessary for development, such as water, electricity, sewers, streets, and highways

**Invasive plants:** plants that are not native to a region or ecosystem that, once introduced, tend to spread aggressively, disrupting native species occurring in the area, and even changing ecosystem processes such as hydrology, fire regimes, and soil chemistry.

**Lake:** a large naturally occurring body of water that is surrounded by land. A lake is formed due to pooling of surface-water runoff and/or groundwater seepage in a low spot relative to the surrounding countryside.

**Land division:** division of improved or unimproved land, including subdivisions (through parcel map or tract map), and any other divisions of land including lot splits, lot line adjustments, redivisions, mergers, and legalization of lots created unlawfully through the approval of a certificate of compliance or other means.

**Landscaping:** Any activity that modifies the visible features of an area of land through alteration of natural elements, such as altering the contours of the ground or planting trees, shrubs, grasses, flowers, and other plants.

**Marsh:** a type of wetland dominated by grasses and other herbaceous plants where water covers the ground for long periods of time. There are many different kinds of marshes, ranging from coastal to inland and freshwater to saltwater. All types receive most of their water from surface runoff, and many marshes are also fed by groundwater.

**Mitigation:** actions or project design features that reduce environmental impacts by avoiding adverse effects, minimizing, rectifying, or reducing adverse effects, or compensating for adverse effects.

**Native grassland:** broadly defined as an area where native grassland species comprise 10 percent or more of the total relative cover, as determined utilizing classifications in *A Manual of California Vegetation* by Sawyer, Keeler-Wolf, and Evens (available online at [www.cnps.org/vegetation](http://www.cnps.org/vegetation)).

**Native tree:** a tree species that evolved and occurs naturally in a given location.

**Natural community:** a natural community is a collection of plants that occurs together in a repeating pattern across a landscape. Classification of natural communities follows *A Manual of California Vegetation* by Sawyer, Keeler-Wolf, and Evens, available online at [www.cnps.org/vegetation](http://www.cnps.org/vegetation).

**Natural open space:** lands preserved in their natural, undeveloped condition.

**Oak woodland:** an oak stand having greater than 10 percent canopy cover, or that may have historically supported greater than 10 percent canopy cover (Fish and Game Code 1361, Oak Woodlands Conservation Act).

**Open space:** any parcel or area of land that is essentially unimproved, natural open landscape and is, or could be, devoted to open space uses such as the preservation of natural resources, passive outdoor recreation, or for public health and safety.

**Open space conservation easement:** a legally-binding recorded document that conveys an easement to a public agency over a parcel, or portion of a parcel, to conserve the area's ecological or open space values by prohibiting most types of uses in perpetuity.

**Ordinance:** a general term for local laws that regulate and set standards for land development.

**Parcel map:** a recorded map required for a subdivision where four or fewer parcels of land or condominium units are created (i.e., minor land division).

**Playas/Playa lakes:** a type of temporarily flooded wetland resulting from shallow, circular depressions that are seasonally or semi-permanently filled with rainwater.

**Pond:** a smaller and/or shallower waterbody formed in the same manner as a lake. From the perspective of the SEA Program, there is no fundamental difference between ponds and lakes.

**Pruning:** to trim or remove dead, overgrown, or unwanted branches or foliage from a tree or shrub.

**Relative cover:** the cover of a particular species as a percentage of total plant cover of a given area. In the case of perennial bunch grasses or other native grassland herbaceous species that tend to be patchy/distributed in patches, the whole area should be delineated if native herbaceous species comprise 10 percent or more of the total relative cover, rather than merely delineating the patches individually.

**Reservoir:** a man-made lake that is created when a dam is built on a river, and river water backs up behind the dam.

**Ridgeline:** the line formed by the meeting of the tops of sloping surfaces of land.

**Riparian vegetation:** plants contiguous to and affected by surface and subsurface hydrologic features of perennial or intermittent water bodies (rivers, streams, lakes, or drainage ways). Riparian areas have one or both of the following characteristics: 1) distinctly different vegetative species than adjacent areas, and/or 2) species similar to adjacent areas but exhibiting more vigorous or robust growth forms. Riparian areas are usually transitional between wetland and upland.

**River:** a body of flowing water occurring within a channel or linear topographic depression. Rivers are typically larger in size than streams, but, for the purposes of the SEA Program, the terms are synonymous.

**Runoff:** the portion of rainfall or irrigation water that flows across ground surface and eventually is returned to streams. Runoff can pick up pollutants and debris from the air or the land and carry them to the receiving waters.

**Scrub:** broadly defined as an area dominated by low-growing shrubs up to two meters in height, which can be further classified to the alliance or association level utilizing A Manual of California Vegetation by Sawyer, Keeler-Wolf, and Evens, available online at [www.cnps.org/vegetation](http://www.cnps.org/vegetation).

**SEA Protected Tree:** any native tree listed in the SEA Protected Tree List (Appendix A) with a trunk diameter that meets or exceeds the diameter indicated for that species in the SEA Protected Tree List, or with two trunks that measure a total of at least eight inches in diameter, as measured 54 inches above natural grade.

**Setback:** a minimum distance required by zoning code to be maintained between two points, such as between two structures, between a structure or use and property lines, or between a structure and a protected resource.

**Springs/Seeps:** areas in which groundwater reaches the earth's surface from an underground aquifer and keeps the area wet when there is no obvious source of surface water. This results from an aquifer being filled to the point that the water overflows onto the land surface. Springs usually emerge from a single point and can be the source of a small trickle or stream of water, while seeps generally have a lower flow rate and emerge over a larger area, with no well-defined origin.

**Stream:** a physical feature which at least periodically conveys water through a channel or linear topographical depression, defined by the presence of hydrological and vegetative indicators. Streams in natural channels may be further classified as perennial (flowing continuously), intermittent or seasonal (flowing only at certain times of the year), and ephemeral (only flowing in direct response to precipitation). Other terms for streams include river, wash, arroyo, drainage, and creek. To accurately document the episodic streams (i.e. intermittent or ephemeral) on development sites, refer to the *Mapping Episodic Stream Activity (MESA)* protocols developed by CDFW and the California Energy Commission.

**Structure:** anything constructed or erected which requires a fixed location on the ground, or is attached to something having a fixed location on the ground.

**Subdivision:** the division of improved or unimproved land for the purpose of sale, lease, or financing, whether immediate or future.

**Take:** with respect to animal or plant life, take means "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." (Federal Endangered Species Act of 1973.)

**Tract Map:** a map required for a subdivision consisting of five or more lots or condominium units

**Vernal pool:** a type of temporarily flooded wetland resulting from a depression in the landscape where a hard underground layer (either bedrock or a hard clay pan) prevents rainwater from draining downward into the subsoils, causing the depression to fill during winter and spring rain events, and gradually evaporate until becoming completely dry in the summer and fall. Because of the weeks of inundation and months of aridity that vernal pools experience, they are not only difficult to identify, but they also provide a unique habitat for numerous endemic rare plants and animals that are able to survive and thrive in these harsh conditions.

**Water Resource:** Sources of permanent or intermittent surface water, including but not limited to lakes, reservoirs, ponds, rivers, streams, marshes, seeps, springs, vernal pools, and playas. Additional information about LA County's water resources can be found in the Conservation and Natural Resources Element of the General Plan 2035.

**Watershed:** the geographical area of land from which runoff resulting from precipitation is collected and drained to a common point or outlet.

**Wetland:** an area of land that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, with determinations following guidelines defined in the US Fish and Wildlife Service Classification of Wetlands and Deepwater Habitats of the US (Cowardin, 1979).

**Wildlife corridor:** a type of habitat linkage which consists of natural areas of sufficient width to permit larger, more mobile species (such as foxes, bobcats, and coyote) to pass between larger areas of open space, or to disperse from one major open space region to another. Such areas are generally at least several hundred feet wide, unobstructed, and possess cover, food and water. The upland margins of a creek channel, open ridgelines, open valleys or the bottoms of drainages often serve as naturally occurring major corridors locally. Wildlife corridors connect two or more core habitat areas in order to promote genetic flow and continuous recolonization of habitats by all plant and animal species within an ecosystem, or between ecosystems.

**Wildlife-permeable fencing:** fencing that can be easily bypassed by all species of native wildlife found within the County, including but not limited to deer, coyotes, bobcats, mountain lions, ground rodents, amphibians, reptiles, and birds.

**Woodland:** broadly defined as an area dominated by trees, which may be widely spaced with as little as five percent (5%) cover (e.g. savanna), densely arrayed with nearly complete canopy closure, or various densities in between. Understory may vary from herbaceous to shrubby. Woodlands can be further classified to the alliance or association level utilizing A Manual of California Vegetation by Sawyer, Keeler-Wolf, and Evens, available online at [www.cnps.org/vegetation](http://www.cnps.org/vegetation).

## APPENDIX A: SEA PROTECTED TREE LIST

\* indicates species is listed as a rare plant by California Native Plant Society

## ALTADENA FOOTHILLS &amp; ARROYOS SEA

Scientific Name	Common Name	Protected DBH
<i>Abies concolor</i>	white fir	5"
<i>Acer macrophyllum</i>	bigleaf maple	3"
<i>Acer negundo</i>	boxelder	6"
<i>Aesculus californica</i>	California buckeye	6"
<i>Alnus rhombifolia</i>	white alder	3"
<i>Arbutus menziesii</i>	Pacific madrone	6"
<i>Arctostaphylos glandulosa</i> (all subspecies)	Eastwood manzanita	6"
<i>Arctostaphylos glauca</i>	big berry manzanita	6"
<i>Calocedrus decurrens</i>	incense cedar	5"
<i>Ceanothus spinosus</i>	greenbark ceanothus	6"
<i>Cercocarpus betuloides</i>	mountain mahogany	6"
<i>Fraxinus dipetala</i>	California ash	6"
<i>Fraxinus velutina</i>	velvet ash, Arizona ash	6"
<i>Heteromeles arbutifolia</i>	toyon	6"
<i>Juglans californica</i> *	southern California black walnut	3"
<i>Malosma laurina</i>	laurel sumac	6"
<i>Pinus coulteri</i>	Coulter pine	5"
<i>Pinus jeffreyi</i>	Jeffrey pine	5"
<i>Pinus lambertiana</i>	sugar pine	5"
<i>Pinus ponderosa</i>	ponderosa pine	5"
<i>Platanus racemosa</i>	western sycamore	3"
<i>Populus trichocarpa</i>	black cottonwood	3"
<i>Prunus ilicifolia</i>	holly leaf cherry	3"
<i>Pseudotsuga macrocarpa</i>	bigcone spruce	5"
<i>Quercus agrifolia</i>	coast live oak	6"
<i>Quercus berberidifolia</i>	inland scrub oak	6"
<i>Quercus chrysolepis</i>	canyon oak	6"
<i>Quercus durata</i> var. <i>gabrielensis</i> *	San Gabriel Mtns. leather oak	3"
<i>Quercus engelmannii</i> *	Engelmann oak	3"
<i>Quercus wislizeni</i>	interior live oak	6"
<i>Salix exigua</i>	narrowleaf / sandbar willow	3"
<i>Salix gooddingii</i>	Goodding's black willow	3"
<i>Salix laevigata</i>	red willow	3"
<i>Salix lasiandra</i>	yellow willow	3"
<i>Salix lasiolepis</i>	arroyo willow	3"
<i>Sambucus nigra</i> ssp. <i>caerulea</i>	blue elderberry	6"
<i>Umbellularia californica</i>	California bay	6"

## ANTELOPE VALLEY SEA

Scientific Name	Common Name	Protected DBH
<i>Abies concolor</i>	white fir	5"
<i>Acer macrophyllum</i>	bigleaf maple	3"
<i>Acer negundo</i>	boxelder	6"
<i>Adenostoma sparsifolium</i>	red shank	6"
<i>Aesculus californica</i>	California buckeye	6"



<i>Alnus rhombifolia</i>	white alder	3"
<i>Arctostaphylos glandulosa</i> (all subspecies)	Eastwood manzanita	6"
<i>Arctostaphylos glauca</i>	big berry manzanita	6"
<i>Calocedrus decurrens</i>	incense cedar	5"
<i>Cercocarpus betuloides</i>	mountain mahogany	6"
<i>Cercocarpus ledifolius</i>	curl leaf/desert mountain mahogany	6"
<i>Fraxinus dipetala</i>	California ash	6"
<i>Fraxinus velutina</i>	velvet ash, Arizona ash	6"
<i>Heteromeles arbutifolia</i>	toyon	6"
<i>Juglans californica</i> *	southern California black walnut	3"
<i>Juniperus californica</i>	California juniper	All specimens
<i>Juniperus grandis</i>	Sierra juniper	5"
<i>Juniperus osteosperma</i>	Utah juniper	5"
<i>Malosma laurina</i>	laurel sumac	6"
<i>Pinus coulteri</i>	Coulter pine	5"
<i>Pinus flexilis</i>	limber pine	5"
<i>Pinus jeffreyi</i>	Jeffrey pine	5"
<i>Pinus lambertiana</i>	sugar pine	5"
<i>Pinus monophylla</i>	pinyon pine	5"
<i>Pinus ponderosa</i>	ponderosa pine	5"
<i>Pinus sabiniana</i>	foothill pine	5"
<i>Platanus racemosa</i>	western sycamore	3"
<i>Populus fremontii</i>	Fremont cottonwood	3"
<i>Populus trichocarpa</i>	black cottonwood	3"
<i>Prosopis glandulosa</i>	honey mesquite	6"
<i>Prunus ilicifolia</i>	holly leaf cherry	3"
<i>Pseudotsuga macrocarpa</i>	bigcone spruce	5"
<i>Quercus berberidifolia</i>	inland scrub oak	6"
<i>Quercus chrysolepis</i>	canyon oak	6"
<i>Quercus cornelius-mulleri</i>	Muller's oak	6"
<i>Quercus john-tuckeri</i>	Tucker oak	6"
<i>Quercus kelloggii</i>	California black oak	6"
<i>Quercus palmeri</i>	Palmer's oak	6"
<i>Quercus wislizeni</i> var. <i>frutescens</i>	interior live oak	6"
<i>Quercus wislizeni</i> var. <i>wislizeni</i>	interior live oak	6"
<i>Salix exigua</i>	narrowleaf / sandbar willow	3"
<i>Salix gooddingii</i>	Goodding's black willow	3"
<i>Salix laevigata</i>	red willow	3"
<i>Salix lasiandra</i>	yellow willow	3"
<i>Salix lasiolepis</i>	arroyo willow	3"
<i>Sambucus nigra</i> ssp. <i>caerulea</i>	blue elderberry	6"
<i>Umbellularia californica</i>	California bay	6"
<i>Yucca brevifolia</i>	Joshua tree	All specimens

#### CRUZAN MESA VERNAL POOLS SEA

Scientific Name	Common Name	Protected DBH
<i>Arctostaphylos glandulosa</i> (all subspecies)	Eastwood manzanita	6"
<i>Arctostaphylos glauca</i>	big berry manzanita	6"
<i>Cercocarpus betuloides</i>	mountain mahogany	6"
<i>Fraxinus velutina</i>	velvet ash, Arizona ash	6"
<i>Heteromeles arbutifolia</i>	Toyon	6"
<i>Juglans californica</i> *	southern California black walnut	3"

<i>Juniperus californica</i>	California juniper	All specimens
<i>Malosma laurina</i>	laurel sumac	6"
<i>Platanus racemosa</i>	western sycamore	3"
<i>Populus fremontii</i>	Fremont cottonwood	3"
<i>Prunus ilicifolia</i>	holly leaf cherry	3"
<i>Quercus agrifolia</i>	coast live oak	6"
<i>Quercus berberidifolia</i>	inland scrub oak	6"
<i>Quercus john-tuckeri</i>	Tucker oak	6"
<i>Quercus lobata</i>	Valley oak	6"
<i>Quercus wislizeni</i> var. <i>wislizeni</i>	interior live oak	6"
<i>Salix exigua</i>	narrowleaf / sandbar willow	3"
<i>Salix lasiolepis</i>	arroyo willow	3"
<i>Sambucus nigra</i> ssp. <i>caerulea</i>	blue elderberry	6"

## EAST SAN GABRIEL VALLEY SEA

Scientific Name	Common Name	Protected DBH
<i>Acer macrophyllum</i>	bigleaf maple	3"
<i>Acer negundo</i>	Boxelder	6"
<i>Alnus rhombifolia</i>	white alder	3"
<i>Arctostaphylos glandulosa</i>	Eastwood manzanita	6"
<i>Arctostaphylos glauca</i>	big berry manzanita	6"
<i>Ceanothus spinosus</i>	greenbark ceanothus	6"
<i>Ceanothus crassifolius</i>	hoaryleaf ceanothus	6"
<i>Ceanothus megacarpus</i>	big-pod ceanothus	6"
<i>Cercocarpus betuloides</i>	mountain mahogany	6"
<i>Fraxinus dipetala</i>	California ash	6"
<i>Fraxinus velutina</i>	velvet ash, Arizona ash	6"
<i>Heteromeles arbutifolia</i>	Toyon	6"
<i>Juglans californica</i> *	southern California black walnut	3"
<i>Malosma laurina</i>	laurel sumac	6"
<i>Platanus racemosa</i>	western sycamore	3"
<i>Populus fremontii</i>	Fremont cottonwood	3"
<i>Populus trichocarpa</i>	black cottonwood	3"
<i>Prunus ilicifolia</i>	holly leaf cherry	3"
<i>Quercus agrifolia</i>	coast live oak	6"
<i>Quercus berberidifolia</i>	inland scrub oak	6"
<i>Quercus durata</i> var. <i>gabrielensis</i> *	San Gabriel Mtns. leather oak	3"
<i>Quercus engelmannii</i> *	Engelmann oak	3"
<i>Quercus lobata</i>	Valley oak	6"
<i>Quercus wislizeni</i> var. <i>wislizeni</i>	interior live oak	6"
<i>Salix exigua</i>	narrowleaf / sandbar willow	3"
<i>Salix laevigata</i>	red willow	3"
<i>Salix lasiandra</i>	yellow willow	3"
<i>Salix lasiolepis</i>	arroyo willow	3"
<i>Sambucus nigra</i> ssp. <i>caerulea</i>	blue elderberry	6"
<i>Umbellularia californica</i>	California bay	6"

## HARBOR LAKE REGIONAL PARK SEA

Scientific Name	Common Name	Protected DBH
<i>Acer macrophyllum</i>	bigleaf maple	3"

<i>Fraxinus velutina</i>	velvet ash, Arizona ash	6"
<i>Heteromeles arbutifolia</i>	Toyon	6"
<i>Platanus racemosa</i>	western sycamore	3"
<i>Populus fremontii</i>	Fremont cottonwood	3"
<i>Prunus ilicifolia</i>	holly leaf cherry	3"
<i>Quercus agrifolia</i>	coast live oak	6"
<i>Quercus berberidifolia</i>	inland scrub oak	6"
<i>Salix exigua</i>	narrowleaf / sandbar willow	3"
<i>Salix gooddingii</i>	Goodding's black willow	3"
<i>Salix laevigata</i>	red willow	3"
<i>Salix lasiolepis</i>	arroyo willow	3"
<i>Sambucus nigra</i> ssp. <i>caerulea</i>	blue elderberry	6"
<i>Umbellularia californica</i>	California bay	6"

### JOSHUA TREE WOODLANDS SEA

Scientific Name	Common Name	Protected DBH
<i>Aesculus californica</i>	California buckeye	6"
<i>Cercocarpus ledifolius</i>	curl-leaf mountain-mahogany	6"
<i>Fraxinus velutina</i>	velvet ash, Arizona ash	6"
<i>Hesperocyparis nevadensis</i> *	Piute cypress	3"
<i>Juniperus californica</i>	California juniper	All specimens
<i>Pinus sabiniana</i>	foothill pine	5"
<i>Prosopis glandulosa</i>	honey mesquite	6"
<i>Yucca brevifolia</i>	Joshua tree	All specimens

### PALOS VERDE PENINSULA AND COASTLINE SEA

Scientific Name	Common Name	Protected DBH
<i>Acer macrophyllum</i>	bigleaf maple	3"
<i>Fraxinus velutina</i>	velvet ash, Arizona ash	6"
<i>Heteromeles arbutifolia</i>	Toyon	6"
<i>Juglans californica</i> *	southern California black walnut	3"
<i>Malosma laurina</i>	laurel sumac	6"
<i>Platanus racemosa</i>	western sycamore	3"
<i>Populus trichocarpa</i>	black cottonwood	3"
<i>Prunus ilicifolia</i>	holly leaf cherry	3"
<i>Prunus ilicifolia</i> ssp. <i>lyonii</i>	Catalina Island cherry	3"
<i>Quercus agrifolia</i>	coast live oak	6"
<i>Salix exigua</i>	narrowleaf / sandbar willow	3"
<i>Salix gooddingii</i>	Goodding's black willow	3"
<i>Salix laevigata</i>	red willow	3"
<i>Salix lasiolepis</i>	arroyo willow	3"
<i>Sambucus nigra</i> ssp. <i>caerulea</i>	blue elderberry	6"
<i>Umbellularia californica</i>	California bay	6"

### PUENTE HILLS SEA

Scientific Name	Common Name	Protected DBH
<i>Acer macrophyllum</i>	bigleaf maple	3"
<i>Acer negundo</i>	Boxelder	6"
<i>Aesculus californica</i>	California buckeye	6"

<i>Alnus rhombifolia</i>	white alder	3"
<i>Arctostaphylos glandulosa</i>	Eastwood manzanita	6"
<i>Arctostaphylos glauca</i>	big berry manzanita	6"
<i>Ceanothus megacarpus</i>	big-pod ceanothus	6"
<i>Ceanothus spinosus</i>	greenbark ceanothus	6"
<i>Cercocarpus betuloides</i>	mountain mahogany	6"
<i>Fraxinus dipetala</i>	California ash	6"
<i>Fraxinus velutina</i>	velvet ash, Arizona ash	6"
<i>Heteromeles arbutifolia</i>	Toyon	6"
<i>Juglans californica</i> *	southern California black walnut	3"
<i>Malosma laurina</i>	laurel sumac	6"
<i>Platanus racemosa</i>	western sycamore	3"
<i>Populus fremontii</i>	Fremont cottonwood	3"
<i>Populus trichocarpa</i>	black cottonwood	3"
<i>Prunus ilicifolia</i>	holly leaf cherry	3"
<i>Quercus agrifolia</i>	coast live oak	6"
<i>Quercus berberidifolia</i>	inland scrub oak	6"
<i>Quercus engelmannii</i> *	Engelmann oak	3"
<i>Quercus lobata</i>	Valley oak	6"
<i>Salix exigua</i>	narrowleaf / sandbar willow	3"
<i>Salix gooddingii</i>	Goodding's black willow	3"
<i>Salix laevigata</i>	red willow	3"
<i>Salix lasiolepis</i>	arroyo willow	3"
<i>Sambucus nigra</i> ssp. <i>caerulea</i>	blue elderberry	6"
<i>Umbellularia californica</i>	California bay	6"

#### RIO HONDO COLLEGE AND WILDLIFE SANCTUARY SEA

Scientific Name	Common Name	Protected DBH
<i>Acer macrophyllum</i>	bigleaf maple	3"
<i>Fraxinus velutina</i>	velvet ash, Arizona ash	6"
<i>Heteromeles arbutifolia</i>	Toyon	6"
<i>Juglans californica</i> *	southern California black walnut	3"
<i>Malosma laurina</i>	laurel sumac	6"
<i>Platanus racemosa</i>	western sycamore	3"
<i>Prunus ilicifolia</i>	holly leaf cherry	3"
<i>Quercus agrifolia</i>	coast live oak	6"
<i>Sambucus nigra</i> ssp. <i>caerulea</i>	blue elderberry	6"

#### SAN ANDREAS SEA

Scientific Name	Common Name	Protected DBH
<i>Abies concolor</i>	white fir	5"
<i>Acer macrophyllum</i>	bigleaf maple	3"
<i>Acer negundo</i>	Boxelder	6"
<i>Aesculus californica</i>	California buckeye	6"
<i>Alnus rhombifolia</i>	white alder	3"
<i>Arctostaphylos glandulosa</i>	Eastwood manzanita	6"
<i>Arctostaphylos glauca</i>	big berry manzanita	6"
<i>Calocedrus decurrens</i>	incense cedar	5"
<i>Cercocarpus betuloides</i>	mountain mahogany	6"
<i>Cercocarpus ledifolius</i>	curl leaf/desert mountain mahogany	6"

<i>Fraxinus dipetala</i>	California ash	6"
<i>Fraxinus velutina</i>	velvet ash, Arizona ash	6"
<i>Hesperocyparis nevadensis</i> *	Piute cypress	3"
<i>Heteromeles arbutifolia</i>	Toyon	6"
<i>Juglans californica</i> *	southern California black walnut	3"
<i>Juniperus californica</i>	Califonia juniper	All specimens
<i>Malosma laurina</i>	laurel sumac	6"
<i>Pinus coulteri</i>	Coulter pine	5"
<i>Pinus jeffreyi</i>	Jeffrey pine	5"
<i>Pinus lambertiana</i>	sugar pine	5"
<i>Pinus monophylla</i>	pinyon pine	5"
<i>Pinus ponderosa</i>	ponderosa pine	5"
<i>Pinus sabiniana</i>	foothill pine	5"
<i>Platanus racemosa</i>	western sycamore	3"
<i>Populus fremontii</i>	Fremont cottonwood	3"
<i>Populus trichocarpa</i>	black cottonwood	3"
<i>Prosopis glandulosa</i>	honey mesquite	6"
<i>Prunus ilicifolia</i>	holly leaf cherry	3"
<i>Pseudotsuga macrocarpa</i>	bigcone spruce	5"
<i>Quercus agrifolia</i>	coast live oak	6"
<i>Quercus berberidifolia</i>	inland scrub oak	6"
<i>Quercus chrysolepis</i>	canyon oak	6"
<i>Quercus douglasii</i>	blue oak	6"
<i>Quercus garryana</i>	Oregon oak	6"
<i>Quercus john-tuckeri</i>	Tucker oak	6"
<i>Quercus kelloggii</i>	California black oak	6"
<i>Quercus lobata</i>	Valley oak	6"
<i>Quercus wislizeni</i> var. <i>wislizeni</i>	interior live oak	6"
<i>Salix exigua</i>	narrowleaf / sandbar willow	3"
<i>Salix gooddingii</i>	Goodding's black willow	3"
<i>Salix laevigata</i>	red willow	3"
<i>Salix lasiandra</i>	yellow willow	3"
<i>Salix lasiolepis</i>	arroyo willow	3"
<i>Sambucus nigra</i> ssp. <i>caerulea</i>	blue elderberry	6"
<i>Umbellularia californica</i>	California bay	6"
<i>Yucca brevifolia</i>	Joshua tree	All specimens

#### SAN DIMAS CANYON & SAN ANTONIO WASH SEA

Scientific Name	Common Name	Protected DBH
<i>Abies concolor</i>	white fir	5"
<i>Acer macrophyllum</i>	bigleaf maple	3"
<i>Acer negundo</i>	Boxelder	6"
<i>Adenostoma sparsifolium</i>	red shank	6"
<i>Aesculus californica</i>	California buckeye	6"
<i>Alnus rhombifolia</i>	white alder	3"
<i>Arctostaphylos glandulosa</i>	Eastwood manzanita	6"
<i>Arctostaphylos glauca</i>	big berry manzanita	6"
<i>Calocedrus decurrens</i>	incense cedar	5"
<i>Ceanothus megacarpus</i>	big-pod ceanothus	6"
<i>Ceanothus spinosus</i>	greenbark ceanothus	6"
<i>Cercocarpus betuloides</i>	mountain mahogany	6"
<i>Cercocarpus ledifolius</i>	curl leaf/desert mountain mahogany	6"

<i>Fraxinus dipetala</i>	California ash	6"
<i>Fraxinus velutina</i>	velvet ash, Arizona ash	6"
<i>Heteromeles arbutifolia</i>	Toyon	6"
<i>Juglans californica</i> *	southern California black walnut	3"
<i>Juniperus grandis</i>	Sierra juniper	5"
<i>Malosma laurina</i>	laurel sumac	6"
<i>Pinus coulteri</i>	Coulter pine	5"
<i>Pinus jeffreyi</i>	Jeffrey pine	5"
<i>Pinus lambertiana</i>	sugar pine	5"
<i>Pinus ponderosa</i>	ponderosa pine	5"
<i>Platanus racemosa</i>	western sycamore	3"
<i>Populus fremontii</i>	Fremont cottonwood	3"
<i>Populus trichocarpa</i>	black cottonwood	3"
<i>Prunus ilicifolia</i>	holly leaf cherry	3"
<i>Pseudotsuga macrocarpa</i>	bigcone spruce	5"
<i>Quercus agrifolia</i>	coast live oak	6"
<i>Quercus berberidifolia</i>	inland scrub oak	6"
<i>Quercus chrysolepis</i>	canyon oak	6"
<i>Quercus douglasii</i>	blue oak	6"
<i>Quercus durata</i> var. <i>gabrielensis</i> *	San Gabriel Mtns. leather oak	3"
<i>Quercus engelmannii</i> *	Engelmann oak	3"
<i>Quercus lobata</i>	Valley oak	6"
<i>Quercus wislizeni</i> var. <i>wislizeni</i>	interior live oak	6"
<i>Salix exigua</i>	narrowleaf / sandbar willow	3"
<i>Salix gooddingii</i>	Goodding's black willow	3"
<i>Salix laevigata</i>	red willow	3"
<i>Salix lasiandra</i>	yellow willow	3"
<i>Salix lasiolepis</i>	arroyo willow	3"
<i>Sambucus nigra</i> ssp. <i>caerulea</i>	blue elderberry	6"
<i>Umbellularia californica</i>	California bay	6"

## SAN GABRIEL CANYON SEA

Scientific Name	Common Name	Protected DBH
<i>Abies concolor</i>	white fir	5"
<i>Acer macrophyllum</i>	bigleaf maple	3"
<i>Acer negundo</i>	boxelder	6"
<i>Alnus rhombifolia</i>	white alder	3"
<i>Arbutus menziesii</i>	Pacific madrone	6"
<i>Arctostaphylos glandulosa</i>	Eastwood manzanita	6"
<i>Arctostaphylos glauca</i>	big berry manzanita	6"
<i>Calocedrus decurrens</i>	incense cedar	5"
<i>Ceanothus megacarpus</i>	big-pod ceanothus	6"
<i>Ceanothus spinosus</i>	greenbark ceanothus	6"
<i>Cercocarpus betuloides</i>	mountain mahogany	6"
<i>Fraxinus dipetala</i>	California ash	6"
<i>Fraxinus velutina</i>	velvet ash, Arizona ash	6"
<i>Heteromeles arbutifolia</i>	toyon	6"
<i>Juglans californica</i> *	southern California black walnut	3"
<i>Juniperus californica</i>	California juniper	All specimens
<i>Malosma laurina</i>	laurel sumac	6"
<i>Pinus coulteri</i>	Coulter pine	5"
<i>Pinus jeffreyi</i>	Jeffrey pine	5"



<i>Pinus lambertiana</i>	sugar pine	5"
<i>Pinus ponderosa</i>	ponderosa pine	5"
<i>Platanus racemosa</i>	western sycamore	3"
<i>Populus fremontii</i>	Fremont cottonwood	3"
<i>Populus trichocarpa</i>	black cottonwood	3"
<i>Prunus ilicifolia</i>	holly leaf cherry	3"
<i>Pseudotsuga macrocarpa</i>	bigcone spruce	5"
<i>Quercus agrifolia</i>	coast live oak	6"
<i>Quercus berberidifolia</i>	inland scrub oak	6"
<i>Quercus chrysolepis</i>	canyon oak	6"
<i>Quercus douglasii</i>	blue oak	6"
<i>Quercus durata</i> var. <i>gabrielensis</i> *	San Gabriel Mtns. leather oak	3"
<i>Quercus engelmannii</i> *	Engelmann oak	3"
<i>Quercus lobata</i>	Valley oak	6"
<i>Quercus wislizeni</i> var. <i>wislizeni</i>	interior live oak	6"
<i>Salix exigua</i>	narrowleaf / sandbar willow	3"
<i>Salix gooddingii</i>	Goodding's black willow	3"
<i>Salix laevigata</i>	red willow	3"
<i>Salix lasiolepis</i>	arroyo willow	3"
<i>Sambucus nigra</i> ssp. <i>caerulea</i>	blue elderberry	6"
<i>Umbellularia californica</i>	California bay	6"

## SANTA CLARA RIVER SEA

Scientific Name	Common Name	Protected DBH
<i>Acer macrophyllum</i>	bigleaf maple	3"
<i>Acer negundo</i>	boxelder	6"
<i>Adenostoma sparsifolium</i>	red shank	6"
<i>Alnus rhombifolia</i>	white alder	3"
<i>Arctostaphylos glandulosa</i>	Eastwood manzanita	6"
<i>Arctostaphylos glauca</i>	big berry manzanita	6"
<i>Calocedrus decurrens</i>	incense cedar	5"
<i>Ceanothus spinosus</i>	greenbark ceanothus	6"
<i>Cercocarpus betuloides</i>	mountain mahogany	6"
<i>Fraxinus dipetala</i>	California ash	6"
<i>Fraxinus velutina</i>	velvet ash, Arizona ash	6"
<i>Heteromeles arbutifolia</i>	toyon	6"
<i>Juglans californica</i> *	southern California black walnut	3"
<i>Juniperus californica</i>	California juniper	All specimens
<i>Malosma laurina</i>	laurel sumac	6"
<i>Pinus monophylla</i>	pinyon pine	5"
<i>Pinus sabiniana</i>	foothill pine	5"
<i>Platanus racemosa</i>	western sycamore	3"
<i>Populus fremontii</i>	Fremont cottonwood	3"
<i>Populus trichocarpa</i>	black cottonwood	3"
<i>Prunus ilicifolia</i>	holly leaf cherry	3"
<i>Pseudotsuga macrocarpa</i>	bigcone spruce	5"
<i>Quercus agrifolia</i>	coast live oak	6"
<i>Quercus berberidifolia</i>	inland scrub oak	6"
<i>Quercus chrysolepis</i>	canyon oak	6"
<i>Quercus cornelius-mulleri</i>	desert scrub oak, Muller oak	6"
<i>Quercus douglasii</i>	blue oak	6"
<i>Quercus garryana</i>	Oregon oak	6"

<i>Quercus john-tuckeri</i>	Tucker oak	6"
<i>Quercus kelloggii</i>	California black oak	6"
<i>Quercus lobata</i>	Valley oak	6"
<i>Quercus palmeri</i>	Palmer's oak	6"
<i>Quercus wislizeni</i> var. <i>wislizeni</i>	interior live oak	6"
<i>Salix exigua</i>	narrowleaf / sandbar willow	3"
<i>Salix gooddingii</i>	Goodding's black willow	3"
<i>Salix laevigata</i>	red willow	3"
<i>Salix lasiandra</i>	yellow willow	3"
<i>Salix lasiolepis</i>	arroyo willow	3"
<i>Sambucus nigra</i> ssp. <i>caerulea</i>	blue elderberry	6"
<i>Umbellularia californica</i>	California bay	6"

## SANTA FELICIA SEA

Scientific Name	Common Name	Protected DBH
<i>Acer macrophyllum</i>	bigleaf maple	3"
<i>Aesculus californica</i>	California buckeye	6"
<i>Alnus rhombifolia</i>	white alder	3"
<i>Arctostaphylos glandulosa</i>	Eastwood manzanita	6"
<i>Arctostaphylos glauca</i>	big berry manzanita	6"
<i>Cercocarpus betuloides</i>	mountain mahogany	6"
<i>Cercocarpus ledifolius</i>	curl leaf/desert mountain mahogany	6"
<i>Fraxinus dipetala</i>	California ash	6"
<i>Fraxinus velutina</i>	velvet ash, Arizona ash	6"
<i>Heteromeles arbutifolia</i>	toyon	6"
<i>Juglans californica</i> *	southern California black walnut	3"
<i>Juniperus californica</i>	California juniper	All specimens
<i>Malosma laurina</i>	laurel sumac	6"
<i>Platanus racemosa</i>	western sycamore	3"
<i>Populus fremontii</i>	Fremont cottonwood	3"
<i>Prunus ilicifolia</i>	holly leaf cherry	3"
<i>Pseudotsuga macrocarpa</i>	bigcone spruce	5"
<i>Quercus agrifolia</i>	coast live oak	6"
<i>Quercus berberidifolia</i>	inland scrub oak	6"
<i>Quercus chrysolepis</i>	canyon oak	6"
<i>Quercus cornelius-mulleri</i>	desert scrub oak, Muller oak	6"
<i>Quercus douglasii</i>	blue oak	6"
<i>Quercus garryana</i>	Oregon oak	6"
<i>Quercus john-tuckeri</i>	Tucker oak	6"
<i>Quercus kelloggii</i>	California black oak	6"
<i>Quercus lobata</i>	Valley oak	6"
<i>Quercus ×macdonaldii</i>	MacDonald oak	6"
<i>Quercus palmeri</i>	Palmer's oak	6"
<i>Quercus wislizeni</i> var. <i>wislizeni</i>	interior live oak	6"
<i>Salix gooddingii</i>	Goodding's black willow	3"
<i>Salix lasiolepis</i>	arroyo willow	3"
<i>Sambucus nigra</i> ssp. <i>caerulea</i>	blue elderberry	6"
<i>Umbellularia californica</i>	California bay	6"

## SANTA SUSANA MOUNTAINS &amp; SIMI HILLS SEA

Scientific Name	Common Name	Protected DBH
<i>Acer macrophyllum</i>	bigleaf maple	3"
<i>Acer negundo</i>	boxelder	6"
<i>Adenostoma sparsifolium</i>	red shank	6"
<i>Alnus rhombifolia</i>	white alder	3"
<i>Arctostaphylos glandulosa</i>	Eastwood manzanita	6"
<i>Arctostaphylos glauca</i>	big berry manzanita	6"
<i>Ceanothus megacarpus</i>	bigpod ceanothus	6"
<i>Ceanothus spinosus</i>	greenbark ceanothus	6"
<i>Cercocarpus betuloides</i>	mountain mahogany	6"
<i>Fraxinus dipetala</i>	California ash	6"
<i>Fraxinus velutina</i>	velvet ash, Arizona ash	6"
<i>Heteromeles arbutifolia</i>	toyon	6"
<i>Juglans californica</i> *	southern California black walnut	3"
<i>Malosma laurina</i>	laurel sumac	6"
<i>Platanus racemosa</i>	western sycamore	3"
<i>Populus fremontii</i>	Fremont cottonwood	3"
<i>Populus trichocarpa</i>	black cottonwood	3"
<i>Prunus ilicifolia</i>	holly leaf cherry	3"
<i>Pseudotsuga macrocarpa</i>	bigcone spruce	5"
<i>Quercus agrifolia</i>	coast live oak	6"
<i>Quercus berberidifolia</i>	inland scrub oak	6"
<i>Quercus chrysolepis</i>	canyon oak	6"
<i>Quercus douglasii</i>	blue oak	6"
<i>Quercus john-tuckeri</i>	Tucker oak	6"
<i>Quercus lobata</i>	Valley oak	6"
<i>Quercus palmeri</i>	Palmer's oak	6"
<i>Quercus wislizeni</i> var. <i>wislizeni</i>	interior live oak	6"
<i>Salix exigua</i>	narrowleaf / sandbar willow	3"
<i>Salix gooddingii</i>	Goodding's black willow	3"
<i>Salix laevigata</i>	red willow	3"
<i>Salix lasiolepis</i>	arroyo willow	3"
<i>Sambucus nigra</i> ssp. <i>caerulea</i>	blue elderberry	6"
<i>Umbellularia californica</i>	California bay	6"

## VALLEY OAKS SAVANNAH SEA

Scientific Name	Common Name	Protected DBH
<i>Acer macrophyllum</i>	bigleaf maple	3"
<i>Cercocarpus betuloides</i>	mountain mahogany	6"
<i>Heteromeles arbutifolia</i>	toyon	6"
<i>Populus fremontii</i>	Fremont cottonwood	3"
<i>Prunus ilicifolia</i>	holly leaf cherry	3"
<i>Quercus agrifolia</i>	coast live oak	6"
<i>Quercus john-tuckeri</i>	Tucker oak	6"
<i>Quercus lobata</i>	Valley oak	6"
<i>Salix lasiolepis</i>	arroyo willow	3"
<i>Sambucus nigra</i> ssp. <i>caerulea</i>	blue elderberry	6"

## APPENDIX B: SENSITIVE LOCAL NATIVE RESOURCES

**GENERAL PLAN 2035, CHAPTER 9**

The County considers authoritatively defined **sensitive local native resources**, including species on watch lists, as important resources to identify and conserve.

The **Sensitive Local Native Resources List** is a list of SEA Resources (e.g. species or natural communities) that the County recognizes as particularly rare or sensitive on a local scale, even though they are not listed or ranked as endangered, threatened, sensitive, or rare at the state or federal levels.

The purpose of this list is to aid in the preservation of regional and local genetic diversity. The preservation of locally rare native resources is important for many reasons. For instance, a species may be deemed rare in a part of the County where it occurs only in a few isolated populations or exists at the edge of its geographic range. Such factors actually contribute to greater genetic variation in the species and more resilience in the face of difficult environmental conditions than the same species occurring in the heart of its natural range or in a larger population. Additionally, an isolated population may escape catastrophic events or pathogens moving rapidly through the larger population specifically because of its isolation from that larger population.

Sensitive Local Native Resources may be listed as sensitive County-wide or as sensitive in a particular SEA or group of SEAs. This list is based on vetted documentation, such as peer reviewed articles published in scientific journals and scientifically defensible research and databases compiled by recognized authorities on the subject matter (e.g. Audubon Society for avian species, California Native Plant Society or the Consortium of California Herbaria for plants, etc.). Since the list is based on the best available current knowledge of local resources, it is expected to be expanded or changed as new information becomes available. Proposed changes will be distributed to relevant authorities and experts prior to incorporation into the list. Such authorities may include the Los Angeles County Museum of Natural History, local academic authorities, the California Native Plant Society, regional herbaria (UC Riverside, Rancho Santa Ana, CSU Fullerton, UC Santa Barbara), the Santa Monica Mountains National Recreation Area, or others, depending on the taxonomic group of species included among the proposed changes.

**ALL SEAS:**

Avian species on the Audubon Society's "Los Angeles County Sensitive Bird List" ( SEE: Los Angeles County Sensitive Bird Species Working Group. 2009. Los Angeles County's Sensitive Bird Species. Western Tanager 75(3):1-11. [planning.lacounty.gov/site/sea/wp-content/uploads/2018/08/LA-Countys-Sensitive-Bird-Species.pdf](http://planning.lacounty.gov/site/sea/wp-content/uploads/2018/08/LA-Countys-Sensitive-Bird-Species.pdf)

In general, unless a more precise local list is available (such as the Vascular Flora of the Liebre Mountains, Western Transverse Ranges, California (see below)), native plant species for which there are 5 or fewer known localities within the County are considered sensitive local native resources. This County-wide list is currently in development and will be distributed to local academic institutions for peer review once completed.

**ALTADENA FOOTHILLS AND ARROYOS SEA:**

Use County-wide list

**ANTELOPE VALLEY SEA:**

Joshua Tree Woodland

Juniper Woodland

**CRUZAN MESA VERNAL POOLS SEA:**

Use County-wide list

**EAST SAN GABRIEL VALLEY SEA:**

Use County-wide list

**JOSHUA TREE WOODLAND SEA:**

Joshua Tree Woodland

Juniper Woodland

**PALOS VERDE PENINSULA AND COASTLINE SEA:**

Use County-wide list

**PUENTE HILLS SEA:**

Use County-wide list

**RIO HONDO COLLEGE AND WILDLIFE SANCTUARY SEA:**

Use County-wide list

**SAN ANDREAS SEA:**

Joshua Tree Woodland

Juniper Woodland

Rare Plants of the Liebre Mountains, Los Angeles County (SEE: Boyd, S. 1999. Vascular Flora of the Liebre Mountains, Western Transverse Ranges, California. (Occasional Publications, No. 5.) Rancho Santa Ana Botanic Garden, Claremont, California, reprinted from Aliso 18(2):93:139, 1999; [www.cnpsci.org/html/PlantInfo/Liebre\\_Rare.htm](http://www.cnpsci.org/html/PlantInfo/Liebre_Rare.htm))

**SAN DIMAS CANYON AND SAN ANTONIO WASH SEA:**

Use County-wide list

**SAN GABRIEL CANYON SEA:**

Use County-wide list

**SANTA CLARA RIVER SEA:**

Big sagebrush Shrubland

Juniper Woodland

Pinyon-Juniper Woodland

**SANTA FELICIA SEA:**

Use County-wide list

**SANTA SUSANA MOUNTAINS AND SIMI HILLS SEA:**

Use County-wide list

**VALLEY OAKS SAVANNAH SEA:**

Use County-wide list



## APPENDIX C: INVASIVE PLANT LIST

Planting of the following plant species is prohibited within Significant Ecological Areas (SEAs) due to their aggressive growth and potential to degrade native habitats. Any species not listed here that is listed as invasive by the California Invasive Plant Council is also prohibited within SEAs.

## PROHIBITED TREES AND SHRUBS

Family	Scientific Name	Common Name
Anacardiaceae	<i>Schinus molle</i>	Peruvian pepper
	<i>Schinus polygamus</i>	borocoi, Hardee/Chilean pepper tree
	<i>Schinus terebinthifolius</i>	Brazilian pepper
	<i>Searsia lancea</i>	African sumac
Apocynaceae	<i>Nerium oleander</i>	oleander
Aquifoliaceae	<i>Ilex aquifolium</i>	English holly
Arecaceae	<i>Phoenix canariensis</i>	Canary Island date palm
	<i>Washingtonia robusta</i>	Mexican fan palm
Bignoniaceae	<i>Jacaranda mimosifolia</i>	Jacaranda
Boraginaceae	<i>Echium candicans</i>	pride of Madeira
Chenopodiaceae	<i>Atriplex nummularia</i>	bluegreen saltbush, old man saltbush
Cistaceae	<i>Cistus incanus</i>	hairy rockrose, pink rockrose
	<i>Cistus ladanifer</i>	crimson-spot rockrose, gum rockrose
	<i>Cistus monspeliensis</i>	Montpelier rockrose
	<i>Cistus salviifolius</i>	sageleaf rockrose
Elaeagnaceae	<i>Elaeagnus angustifolia</i>	Russian olive
Euphorbiaceae	<i>Euphorbia dendroides</i>	tree-spurge
	<i>Ricinus communis</i>	castor bean
	<i>Triadica sebifera</i>	Chinese tallowtree
Fabaceae	<i>Acacia baileyana</i>	Bailey acacia
	<i>Acacia cyclops</i>	red-eyed wattle
	<i>Acacia dealbata</i>	silver wattle
	<i>Acacia longifolia</i>	Sydney golden wattle
	<i>Acacia melanoxylon</i>	blackwood acacia
	<i>Acacia redolens</i>	trailing acacia, bank catclaw
	<i>Acacia retinodes</i>	water wattle, swamp wattle
	<i>Albizia julibrissin</i>	mimosa
	<i>Albizia lophantha</i>	plume albizia/acacia
	<i>Caesalpinia gilliesii</i>	yellow bird of paradise
	<i>Caesalpinia spinosa</i>	tara
	<i>Colutea arborescens</i>	bladder senna
	<i>Cytisus multiflorus</i>	white Spanish broom
	<i>Cytisus proliferus</i>	white-flowered tree-lucerne, Canary Island false broom
	<i>Cytisus scoparius</i>	Scotch broom
	<i>Cytisus striatus</i>	Portuguese broom, striated broom
	<i>Genista canariensis</i>	Canary Island broom
	<i>Genista linifolia</i>	flax broom, Mediterranean broom

	<i>Genista monosperma</i>	bridal veil broom
	<i>Genista monspessulana</i>	French broom
	<i>Parkinsonia aculeata</i>	Jerusalem thorn, Mexican Palo Verde
	<i>Robinia pseudoacacia</i>	black locust
	<i>Sesbania punicea</i>	scarlet wisteria tree, rattlebox
	<i>Senna artemisioides</i>	feathery cassia, silver senna
	<i>Senna didymobotrya</i>	African senna, popcorn cassia
	<i>Senna multiglandulosa</i>	wooly senna, buttercup bush
	<i>Spartium junceum</i>	Spanish broom, gorse
	<i>Ulex europaeus</i>	common gorse
Fagaceae	<i>Quercus ilex</i>	Holm oak, holly oak
Geraniaceae	<i>Pelargonium panduriforme</i>	balsam scented geranium
Hypericaceae	<i>Hypericum canariense</i>	Canary Island St. John's wort
Meliaceae	<i>Melia azedarach</i>	china berry, Persian lilac
Moraceae	<i>Ficus carica</i>	fig, edible fig
Myrtaceae	<i>Eucalyptus camaldulensis</i>	red gum
	<i>Eucalyptus citriodora</i>	lemon-scented gum
	<i>Eucalyptus cladocalyx</i>	sugar gum
	<i>Eucalyptus globulus</i>	blue gum, Tasmanian blue gum
	<i>Eucalyptus polyanthemos</i>	silver-dollar gum
	<i>Eucalyptus sideroxylon</i>	red ironbark
	<i>Eucalyptus tereticornis</i>	forest red gum
	<i>Eucalyptus viminalis</i>	mannan gum, ribbon gum
	<i>Leptospermum laevigatum</i>	Australian tea tree
Oleaceae	<i>Ligustrum japonicum</i>	Japanese privet
	<i>Ligustrum lucidum</i>	glossy privet
	<i>Olea europaea</i>	olive
Pittosporaceae	<i>Pittosporum crassifolium</i>	karo
	<i>Pittosporum tobira</i>	tobira, mock orange, Japanese cheeseweed
Platanaceae	<i>Platanus acerifolia</i>	London plane tree
Proteaceae	<i>Grevillea robusta</i>	silk oak
Rosaceae	<i>Cotoneaster lacteus</i>	milkflower/Parney's cotoneaster
	<i>Cotoneaster pannosus</i>	cotoneaster
	<i>Malus pumila</i>	paradise apple
	<i>Prunus cerasifera</i>	cherry plum
	<i>Pyracantha angustifolia</i>	pyracantha
Salicaceae	<i>Rubus armeniacus</i>	Himalayan blackberry
	<i>Populus alba</i>	white poplar
Sapindaceae	<i>Salix babylonica</i>	weeping willow
	<i>Acer saccharinum</i>	silver maple
Scrophulariaceae	<i>Buddleja saligna</i>	false olive
	<i>Myoporum laetum</i>	ngaio tree, lollypop tree, myoporum
Simaroubaceae	<i>Ailanthus altissima</i>	tree of Heaven
Solanaceae	<i>Cestrum nocturnum</i>	night jessamine, Night Blooming Jasmine

	<i>Solanum aviculare</i>	kangaroo apple, New Zealand nightshade
	<i>Solanum lanceolatum</i>	orangeberry nightshade, lance leaf nightshade
	<i>Nicotiana glauca</i>	tree-tobacco
Tamaricaceae	<i>Tamarix aphylla</i>	athel tree
	<i>Tamarix chinensis</i>	salt cedar, chanise/fivestamen tamarisk
	<i>Tamarix gallica</i>	French tamarix
	<i>Tamarix parviflora</i>	small-flowered/fourstamen tamarisk
	<i>Tamarix ramosissima</i>	salt cedar, tamarisk
Ulmaceae	<i>Ulmus parvifolia</i>	Chinese elm
	<i>Ulmus pumila</i>	Siberian elm

**PROHIBITED VINES**

Family	Scientific Name	Common Name
Apocynaceae	<i>Araujia sericifera</i>	bladder vine, bladderflower
	<i>Vinca major</i>	periwinkle
Araliaceae	<i>Hedera canariensis</i>	Algerian ivy
	<i>Hedera helix</i>	English ivy
Asparagaceae	<i>Asparagus asparagoides</i>	Bridal Creeper, Smilax Asparagus, African asparagus fern
Asteraceae	<i>Delairea odorata</i>	Cape ivy, German ivy
Caprifoliaceae	<i>Lonicera japonica</i>	Japanese honeysuckle
Fabaceae	<i>Lathyrus latifolius</i>	perennial sweetpea, everlasting peavine
Polygonaceae	<i>Muehlenbeckia complexa</i>	mattress vine, maidenhair vine
Rosaceae	<i>Rubus ulmifolius</i> var. <i>ulmifolius</i>	elmleaf blackberry
Tropaeolaceae	<i>Tropaeolum majus</i>	garden nasturtium

**PROHIBITED SUCCULENTS AND CACTUS**

Family	Scientific Name	Common Name
Aizoaceae	<i>Carpobrotus chilensis</i>	sea fig
	<i>Carpobrotus edulis</i>	Hottentot fig
	<i>Malephora crocea</i>	coppery mesemb
	<i>Mesembryanthemum crystallinum</i>	crystalline iceplant, common iceplant
	<i>Mesembryanthemum nodiflorum</i>	slenderleaf iceplant
Aizoaceae	<i>Aptenia cordifolia</i>	heartleaf iceplant, baby sun-rose
	<i>Conicosia pugioniformis</i>	narrow-leaved iceplant, roundleaf iceplant
	<i>Delosperma litorale</i>	ice plant, seaside deloperma
	<i>Drosanthemum floribundum</i>	Rosy ice plant, showy dewflower
Cactaceae	<i>Opuntia microdasys</i>	bunny-ears
Crassulaceae	<i>Aeonium arboreum</i> var. <i>arboreum</i>	blackrose
	<i>Aeonium haworthii</i>	pinwheel
	<i>Cotyledon orbiculata</i> var. <i>oblonga</i>	pig's ear

**PROHIBITED AQUATIC PLANTS**

Family	Scientific Name	Common Name
Amaranthaceae	<i>Alternanthera philoxeroides</i>	alligatorweed

Haloragaceae	<i>Myriophyllum aquaticum</i>	parrot feather watermilfoil, Parrot's feather
	<i>Myriophyllum spicatum</i>	Eurasian/America milfoil, spike watermilfoil
Hydrocharitaceae	<i>Egeria densa</i>	Brazilian waterweed
	<i>Hydrilla verticillata</i>	hydrilla
Pontederiaceae	<i>Eichhornia crassipes</i>	water hyacinth
Salvinaceae	<i>Salvinia molesta</i>	giant waterfern, giant salvinia

**PROHIBITED FERNS**

Family	Scientific Name	Common Name
Dryopteridaceae	<i>Cyrtomium falcatum</i>	Hollyfern, Japanese netvein hollyfern
Pteridaceae	<i>Pteris cretica</i>	Cretan brake fern, ribbon fern, table fern
	<i>Pteris vittata</i>	ladder brake

**PROHIBITED ANNUAL AND PERENNIAL HERBS**

Family	Scientific Name	Common Name
Alliaceae	<i>Ipheion uniflorum</i>	spring star flower
	<i>Allium vineale</i>	wild garlic
Amaranthaceae	<i>Amaranthus hybridus</i>	prince's feather
Amaryllidaceae	<i>Amaryllis belladonna</i>	belladonna lily, naked ladies
	<i>Narcissus tazetta</i>	narcissus, paper white
	<i>Pancratium maritimum</i>	sea daffodil
Apiaceae	<i>Ammi majus</i>	Queen Anne's lace
Apocynaceae	<i>Asclepias curassavica</i>	Mexican butterfly weed, bloodflower milkweed
Araceae	<i>Zantedeschia aethiopica</i>	common calla, calla lily
Asphodelaceae	<i>Asphodelus fistulosus</i>	onionweed, asphodel
Asteraceae	<i>Ageratina adenophora</i>	eupatorium, eupatory, sticky snakeroot, thoroughwort, croftonweed
	<i>Arctotheca calendula</i>	Cape weed
	<i>Arctotis venusta</i>	blue-eyed African daisy
	<i>Argyranthemum foeniculaceum</i>	Canary Island marguerite, dill daisy
	<i>Bellis perennis</i>	English daisy
	<i>Calendula officinalis</i>	pot marigold
	<i>Centaurea cineraria</i>	dusty miller
	<i>Centaurea cyanus</i>	bachelor's button
	<i>Coreopsis tinctoria</i>	calliopsis, golden tickseed
	<i>Cosmos bipinnatus</i>	garden cosmos
	<i>Cynara cardunculus</i>	artichoke thistle
	<i>Dimorphotheca ecklonis</i>	Cape marguerite, African daisy
	<i>Dimorphotheca fruticosa</i>	trailing African daisy, shrubby daisybush
	<i>Dimorphotheca sinuata</i>	African daisy
	<i>Gazania linearis</i>	treasureflower, gazania
	<i>Glebionis coronaria</i>	annual chrysanthemum, garland/crown daisy
	<i>Helianthus tuberosus</i>	Jerusalem artichoke
	<i>Leucanthemum vulgare</i>	ox-eye daisy
	<i>Oncosiphon piluliferum</i>	globe chamomile
	<i>Ratibida columnifera</i>	Mexican hat
	<i>Tanacetum parthenium</i>	feverfew
	<i>Tanacetum vulgare</i>	tansy, common tansy

Boraginaceae	<i>Heliotropium amplexicaule</i>	clasping heliotrope
Brassicaceae	<i>Brassica nigra</i>	black mustard
	<i>Brassica rapa</i>	field mustard; turnip
	<i>Brassica tournefortii</i>	Sahara/Moroccan/Asian mustard
	<i>Erysimum cheiri</i>	English wallflower
	<i>Hirschfeldia incana</i>	short-pod mustard
	<i>Lobularia maritima</i>	sweet alyssum
	<i>Lunaria annua</i>	money plant
	<i>Matthiola incana</i>	hoary stock
	<i>Sinapis arvensis</i>	wild/charlock/common/field mustard
Caryophyllaceae	<i>Gypsophila elegans</i>	annual baby's breath
	<i>Lychnis coronaria</i>	dusty miller, rose campion
	<i>Silene vulgaris</i>	bladder campion
	<i>Saponaria officinalis</i>	bouncing bet, bouncing betty, soapwort, goodbye summer
Chenopodiaceae	<i>Atriplex semibaccata</i>	Australian saltbush
	<i>Kochia scoparia ssp. scoparia</i>	summer cypress, red sage, Mexican fireweed
Commelinaceae	<i>Tradescantia fluminensis</i>	wandering Jew
Convolvulaceae	<i>Dichondra micrantha</i>	Asian ponysfoot
	<i>Ipomoea indica</i>	blue dawn flower, blue morningglory
Crassulaceae	<i>Sedum album</i>	white stonecrop
Cyperaceae	<i>Carex texensis</i>	Texas sedge
	<i>Cyperus difformis</i>	variable flatsedge, umbrella sedge
	<i>Cyperus involucratus</i>	umbrella plant
Dipsacaceae	<i>Dipsacus fullonum</i>	Fuller's teasel, wild teasel
Euphorbiaceae	<i>Euphorbia lathyris</i>	gopher spurge
Fabaceae	<i>Coronilla valentina ssp. glauca</i>	Mediterranean crownvetch
	<i>Lathyrus odoratus</i>	annual sweetpea
	<i>Lotus corniculatus</i>	bird's foot trefoil
	<i>Trifolium repens</i>	white clover
Geraniaceae	<i>Geranium robertianum</i>	herb Robert
	<i>Pelargonium grossularioides</i>	gooseberry geranium
Hypericaceae	<i>Hypericum perforatum</i>	klamathweed, St. John's wort
Iridaceae	<i>Chasmanthe floribunda</i>	African flag
	<i>Crocasmia x crocosmiiflora</i>	montbretia, crocosmia
	<i>Iris germanica</i>	German iris
	<i>Iris pseudacorus</i>	yellow flag, yellow water iris
Lamiaceae	<i>Melissa officinalis</i>	lemon balm
	<i>Mentha spicata</i>	spearmint
	<i>Mentha suaveolens</i>	apple mint, pineapple mint
	<i>Nepeta cataria</i>	catnip
Linaceae	<i>Linum grandiflorum</i>	flowering flax, garden flax
Lythraceae	<i>Lythrum salicaria</i>	purple loosestrife
Malvaceae	<i>Abutilon theophrasti</i>	velvetleaf
	<i>Alcea rosea</i>	hollyhock
Martyniaceae	<i>Proboscidea louisianica ssp. louisianica</i>	ram's horn, common devil's claw
	<i>Proboscidea lutea</i>	devil's claw
Myrsinaceae	<i>Anagallis arvensis</i>	scarlet pimpernel, birds-eye
Nyctaginaceae	<i>Mirabilis jalapa var. jalapa</i>	four o'clock, wishbone bush
Onagraceae	<i>Oenothera sinuosa</i>	wavy-leaf gaura
	<i>Oenothera speciosa</i>	Mexican evening-primrose, pink ladies
	<i>Oenothera xenogaura</i>	scented gaura, Drummond's gaura, Drummond's bee blossom

Oxalidaceae	<i>Oxalis articulata ssp. rubra</i>	windowbox woodsorrel
	<i>Oxalis corniculata</i>	creeping wood-sorrel
	<i>Oxalis pes-caprae</i>	buttercup oxalis, Bermuda buttercup, yellow oxalis
Papaveraceae	<i>Papaver somniferum</i>	opium poppy
Plantaginaceae	<i>Digitalis purpurea</i>	foxglove
	<i>Linaria bipartita</i>	clovenlip toadflax
	<i>Linaria dalmatica ssp. dalmatica</i>	Dalmatian toadflax
	<i>Linaria maroccana</i>	baby snapdragon
	<i>Linaria pinifolia</i>	pine needle toadflax
	<i>Limonium perezii</i>	Perez's sea lavender
Plumbaginaceae	<i>Limonium ramosissimum</i>	Algerian sea lavender
	<i>Limonium sinuatum</i>	wavyleaf sea lavender
	<i>Persicaria capitata</i>	pink knotweed, Himalayan smartweed
Polygonaceae	<i>Rumex conglomeratus</i>	clustered dock, creek dock
Portulacaceae	<i>Portulaca oleracea</i>	purslane
Ranunculaceae	<i>Consolida ajacis</i>	rocket larkspur
Resedaceae	<i>Reseda alba</i>	white mignonette
Rosaceae	<i>Duchesnea indica var. indica</i>	Indian mock-strawberry
Rutaceae	<i>Ruta chalepensis</i>	fringed rue
Scrophulariaceae	<i>Scrophularia peregrina</i>	Mediterranean figwort
	<i>Verbascum blattaria</i>	moth mullein
Solanaceae	<i>Salpichroa oranifolia</i>	Pampas lily of the valley
	<i>Solanum elaeagnifolium</i>	silverleaf nightshade
Valerianaceae	<i>Centranthus ruber</i>	red valerian, Jupiter's beard
Verbenaceae	<i>Verbena bonariensis</i>	purpletop vervain, tall vervain
	<i>Verbena pulchella</i>	moss verbena
Violaceae	<i>Viola odorata</i>	sweet violet

### PROHIBITED GRASSES

Family	Scientific Name	Common Name
Poaceae	<i>Agropyron cristatum ssp. pectinatum</i>	crested wheatgrass
	<i>Agrostis gigantea</i>	redtop, giant redtop bentgrass
	<i>Agrostis stolonifera</i>	creeping bent
	<i>Aira caryophylla</i>	silver hairgrass
	<i>Alopecurus pratensis</i>	yellow foxtail grass, meadow foxtail
	<i>Arundo donax</i>	giant reed
	<i>Briza maxima</i>	rattlesnake grass
	<i>Cortaderia jubata</i>	jubata grass
	<i>Cortaderia selloana</i>	Pampas grass
	<i>Cynodon dactylon</i>	Bermuda grass
	<i>Festuca arundinacea</i>	tall fescue, alta fescue, reed fescue
	<i>Festuca myuros</i>	mouse-tail fescue, rattail sixweeks grass
	<i>Festuca perennis</i>	Italian ryegrass
	<i>Festuca pratensis</i>	meadow fescue
	<i>Festuca trachyphylla</i>	hard fescue, rough leaved fescue
	<i>Holcus lanatus</i>	velvet grass
	<i>Hordeum marinum ssp. gussoneanum</i>	sea barley
	<i>Melinis repens ssp. repens</i>	natal grass, ruby grass
	<i>Pennisetum clandestinum</i>	kikuyu grass
	<i>Pennisetum setaceum</i>	African/Crimson fountain grass
	<i>Pennisetum villosum</i>	feathertop
	<i>Poa annua</i>	annual bluegrass



	<i>Poa pratensis ssp. pratensis</i>	Kentucky bluegrass
	<i>Poa trivialis</i>	rough blue grass
	<i>Polypogon monspeliensis</i>	rabbitsfoot grass
	<i>Stenotaphrum secundatum</i>	Saint Augustine grass
	<i>Stipa tenuissima</i>	Mexican feathergrass

APPENDIX D: SEA CHECKLISTS & WORKSHEETS

1 – SEA COUNSELING CHECKLISTS

2 – BIOLOGICAL CONSTRAINTS ANALYSIS (BCA) CHECKLIST

3 – BIOTA REPORT CHECKLIST

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## SEA COUNSELING CHECKLIST

### BCM & CONCEPTUAL PROJECT DESIGN

A Case Planner and County Biologist shall initial in the designated section, indicating that the items have been provided and reviewed.

BCM CHECKLIST	COMPLETE
<b>I. Biological Constraints Map (BCM)</b>	
A. Shows all project site parcel(s) boundaries <sup>34</sup>	
B. Existing development (structures, graded areas, roads, etc.)	
C. Vegetation communities (utilizing Sawyer, Keeler-Wolf, Evens 2009 classifications), and indicating CDFW Natural Community Rarity Ranking, extending out to 200-feet from the project site boundaries <sup>35</sup>	
D. Trees: show location of all trees and indicate species. For native trees, record DBH and show canopy extent and a 15 foot protected zone (measured from the dripline).	
E. Location of observed and previously recorded sensitive species (e.g. from site survey, previous biological reports, or identified through CNDDB records, etc.)	
F. Delineated boundaries of water resources, such as rivers and streams (including intermittent and ephemeral drainages), lakes, reservoirs, ponds, wetlands, marshes, seeps, springs, vernal pools, and playas AND required setbacks.	
G. Important physical site features that are expected to provide important habitat for sensitive species (e.g. rock outcrops) or facilitate or restrict wildlife movement, such as ridgelines, culverts, fences, etc.	
H. Open space that has been recorded over or adjacent to any part of the subject parcel.	
<b>Biologist's Initials:</b>	
<b>II. Conceptual Project Design</b>	
I. Either on the BCM or on a separate plan, show the conceptual development footprint of the proposed project, including: <ul style="list-style-type: none"> <li>- all anticipated graded areas</li> <li>- existing and proposed structure locations</li> <li>- fuel modification to 200-feet from all structures</li> <li>- utility access</li> <li>- driveways and parking areas</li> <li>- landscaped areas</li> <li>- exploratory testing locations</li> </ul>	
<b>Planner's Initials:</b>	

<sup>34</sup> Include all parcels or lots involved with the land use project.

<sup>35</sup> Vegetation communities can be estimated offsite using visual surveys from the project site and adjacent roads or trails in conjunction with aerial imagery and existing data.

SEA Counseling Date: \_\_\_\_\_

Case Planner: \_\_\_\_\_

County Biologist: \_\_\_\_\_

Address & APN(s) of project site: \_\_\_\_\_

\_\_\_\_\_

**RECOMMENDATION:**

☐

SEA Review

☐

SEA CUP

☐

PTP

**Biologist Site Visit Needed?**

☐

Yes

☐

No

**Adequacy of BCM**

Does the Biological Constraints Map adequately document the biological resources on the project site?

☐ Yes

☐ No

**Adequacy of Conceptual Project Design**

Does the Conceptual Project Design include adequate information to evaluate the ability of the development to meet Development Standards?

☐ Yes

☐ No

**Ability to Comply with Development Standards**

Does the conceptual project design adequately demonstrate the ability to comply with the SEA Development Standards? (Some Development Standards, such as fence materials, outdoor lighting, and glass reflectivity, do not need to be shown in conceptual project design, but the applicant should be made aware of these requirements, and they should be specified in site plan documents when the application is submitted.)

☐ Yes

☐ No

**Additional Biological Reports Needed**

☐ BCA

☐ Biota Report

☐ Restoration/enhancement plan

☐ Oak Tree Report

☐ Other \_\_\_\_\_

☐ Rare Plant Survey

☐ Protocol Survey for \_\_\_\_\_

☐ Jurisdictional Waters/Wetlands

**BIOLOGICAL CONSTRAINTS ANALYSIS (BCA) CHECKLIST**

The Case Planner and County Biologist shall initial in the designated section, indicating that the items have been included in the report and that the report is adequate and ready for SEATAC review.

**BIOLOGICAL CONSTRAINTS ANALYSIS (BCA) CHECKLIST****COMPLETE**

<b>I. COVER / SPINE / TITLE PAGE</b>	
A. Project name, type of report (Biological Constraints Analysis)	
B. County identification numbers (Project number, CUP number, APNs).	
C. Applicant name and contact information	
D. SEA name(s)	
E. Name of head biologist and consulting company directive information	
F. Date of report	
<b>II. INTRODUCTION</b>	
A. Project Description	
1. Project name, type of report, address of project	
2. County application identification numbers including APNs	
3. Applicant name and contact information	
4. SEA name(s)	
5. Supervising biologist, company, directive information	
6. Parcel and Acreage Table (for more than one parcel)	
7. Location	
a) Map of regional features in vicinity showing project location, and including all drainages and wetlands	
b) Color USGS topographic map with outline of project parcels, SEA, open space resource areas, etc.; scale about 1:24000	
c) Color orthogonal aerial showing project parcels, SEA, open space, etc.	
	<b>Planner Initials:</b>
B. Description of Natural Geographic Features	
1. Summary of known biological resources including relation to:	
a) Landforms and geomorphology	
b) Drainage and wetland features	
c) Soils; include soil map	
d) Vegetation communities	
e) SEA criteria and resources	
2. Color site photography with keys	
3. Summary of biological resources and pertinent literature review	
C. Methodology of Biological Survey	
1. Table of surveys (surveys approximately 1 year old or more recent)	
2. Text description of survey methods	
3. Table of information on biologist(s) and other contributors for BCA; appendix of contributors' experience	
4. Proof of permits or Memoranda of Understanding for trapping shall be in the appendix.	

<b>III. BIOLOGICAL CHARACTERISTICS OF THE SITE</b>	
A. Vegetation Data and Descriptions	
1. Vegetation map of Sawyer, Keeler-Wolf, Evens (2009) alliances and associations of vegetation types, relevé locations	
2. Vegetation cover table	
3. Map of trees (for jurisdictional oaks, State and County, an oak tree report will be needed. Oak tree reports will be in an appendix.)	
4. Summary of vegetation site habitats in relation to soil, sensitivity, rainfall, potential for impact (Only necessary if there is a possibility of rare plant occurrences that would be made possible by the presence of some important soil type or geological formation)	
5. CD/DVD of georeferenced files for vegetation data as ESRI .shp including metadata (may be combined with other project data on CD/DVD)	
B. Fauna and Flora Sensitive Species Tables and Discussion	
1. Table of sensitive species known from the region, sensitivity rankings, habitat requirements, and likelihood of occurrence on site—with rationale for likelihood determination.	
2. Table of break points on rough estimate of population size (appendix)	
3. Paragraphs for each sensitive species on characteristics that might lead to project impact. Listed species paragraphs in separate section.	
C. Maps of occurrence for sensitive species	
D. Wildlife movement/habitat linkage analysis with map of site and movement areas	
E. Floral and faunal compendia (all plant and animal species observed directly or indirectly on site, and for animals, in adjacent areas of similar habitat), updated for latest observation if multiple versions of the BCA are submitted, version date	
F. All voucher collections shall be deposited in an appropriate, recognized public institution, and shall be tabulated in the floristic and faunal lists.	
<b>IV. CHARACTERISTICS OF THE SURROUNDING AREA</b>	
A. Description of Existing Land Uses in the Project Area	
B. Table of development projects in the vicinity and summary discussion (acreage, units, etc.)	
C. Map of land uses	
D. Description of open space reserves in the area and depiction of wildlife movement/habitat linkage relationships to open space. Include known conservation and open space easements in perpetuity. Refer to maps II.A.7	
E. Reference to and relationship to any conservation plans in the vicinity	
F. Description of Habitats, alliances, associations and vegetative communities in the vicinity with respect to those on site	
G. Rough estimates of the overall population sizes of species of flora and fauna on site and in vicinity fauna on site and in vicinity	
H. Description of overall biological value of the area: fit to the biotic mosaic; contribution to surrounding area and SEA ecological functions	
<b>V. CONCLUSION</b>	
A. Regulatory framework	
B. Summarized biological data with respect to regulatory framework	
C. Biological Constraints Map	



D. Explicit statement of SEA/SERA/ESHA acreages total and in project parcels; explicit statement of length of watersheds on project parcels and total; potential affected area of watercourses	
E. Recommendations for further studies needed to prepare Biota Report	
<b>VI. BIBLIOGRAPHY</b>	
A. Bibliography of references cited in text	
B. Bibliography of general references used to prepare document but not cited	
<b>VII. APPENDICES [as appropriate]</b>	
A. Table of biologists and other contributors; Preparer and other contributor qualifications; permits, MOUs	
B. Vegetation alliance relevé data	
C. Oak Tree Report for sites with jurisdictional native oak trees (5" DBH and larger)	
D. Focused and floristic survey reports.	
E. Floral and faunal compendia	
F. Copies of meeting minutes from previous SEATAC/ERB reviews of project	
G. Correspondence with State and Federal trustee agencies	
H. Completed BCA Checklist (this table)	
I. SEA Counseling Checklist with BCM and Conceptual Project Design	
J. Digital Copies of BCA as .pdf for final version; georeferenced files of vegetative data and sensitive species occurrences.	
	<b>Biologist Initials:</b>

## BIOTA REPORT CHECKLIST

The Case Planner and County Biologist shall initial in the designated section, indicating that the items have been included in the report and that the report is adequate and ready for SEATAC review.

## BIOTA REPORT CHECKLIST

COMPLETE

<b>I. COVER / SPINE / TITLE PAGE</b>	
A. Project name, type of report (Biota Report)	
B. County identification numbers (Project number, CUP number, APNs).	
C. Applicant name and contact information	
D. SEA name(s)	
E. Name of head biologist and consulting company directive information	
F. Date of report	
<b>II. INTRODUCTION</b>	
A. Summary of project impacts and mitigation	
B. Project description	
1. Project name, type of report, address of project	
2. County application identification numbers including APNs	
3. Applicant name and contact information	
4. SEA name(s)	
5. Supervising biologist, company, directive information	
6. Parcel and Acreage Table (for more than one parcel)	
7. Location (Note, these maps/photos may be excerpts or contain less detail than those submitted in the BCA so long as they provide an adequate indication of the project location and the surrounding area)	
a) Map of regional features in vicinity showing project location, and including all drainages and wetlands	
b) Color USGS topographic map with outline of project parcels, SEA, open space resource areas, etc.; scale about 1:24000	
	<b>Planner Initials:</b>
8. Project and alternatives description	
a) Site plans; at least one superimposed on vegetation map with topo lines	
b) Grading plans; at least one superimposed on vegetation map, topo lines	
c) Description of disturbance schedule	
d) Permits requested	
e) Alternatives	
<b>III. IMPACTS</b>	
A. Regulatory framework	
B. Tables	
1. Table of impact for sensitive vegetation and species	
2. Table of vegetation type and proposed changes	
3. Table of acreage additions and deductions of SEA land	
C. Discussion of logic on conclusions of significance	

D. Maps [may be combined, but each of the following should be illustrated in one form or other]	
1. Map(s) of vegetation constraints.	
2. Map of proposed vegetation impacts (grading and fuel-modification superimposed on vegetation map)	
3. Map of noteworthy or protected tree species, sensitive plant observations (and animal if highly resource dependent, e.g. aquatics, burrowing owl, etc.), showing removals and disturbance proposed.	
4. Regional and local maps of wildlife corridors and habitat linkages [including regional and statewide efforts (e.g. South Coast Missing Linkages, California Essential Connectivity Project, Puente Hills "Missing Middle", etc.), as well as any site-specific features (ridgelines, drainages, culverts, fencing, etc.) that may facilitate or constrain movement.	
E. Discussion of Impacts—direct (grading and fuel-modification), indirect, and cumulative impacts to each of the following must be discussed	
1. Vegetation, with note of any sensitive vegetation types (refer to State and Global sensitivity rankings included on the CDFW Natural Communities List) or noteworthy natural stands that may be unique to the site.	
2. Special-status species, including any locally-recognized sensitive species (e.g. the Los Angeles Audubon list of Los Angeles County's Sensitive Bird Species) and unusual sightings of otherwise common taxa (e.g. <i>Gilia diegensis</i> in the Liebre Mountains, <i>Petalonyx thurberi</i> in the Santa Clara River, etc.)	
3. Protected and noteworthy trees	
4. Wildlife habitat, including wildlife corridors and habitat linkages	
5. Project impact on integrity of the SEA	
F. Discussion of project consistency with SEA CUP compatibility criteria	
1. That the requested development is designed to be highly compatible with the biotic resources present, including the setting aside of appropriate and sufficient undisturbed areas	
2. That the requested development is designed to maintain water bodies, watercourses, and their tributaries in a natural state	
3. That the requested development is designed so that wildlife movement corridors (migratory paths) are left in an undisturbed and natural state	
4. That the requested development retains sufficient natural vegetative cover and/or open spaces to buffer critical resources, habitat areas, or migratory paths	
5. That the roads and utilities serving the proposed development are located and designed so as not to conflict with critical resources, habitat areas, or migratory paths	
<b>V. MITIGATION MEASURES</b>	
A. List of impact and mitigation measures that apply. The following aspects of SEA impact must be addressed:	
1. Acreage remaining as natural open space and percentage of original	
2. Existing designated open space on and adjacent to the parcel in question	

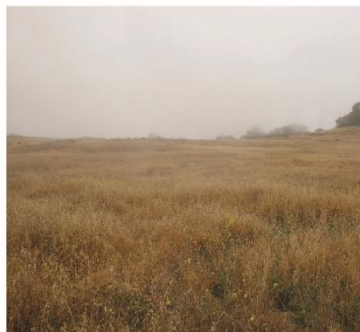
3. Short and long term measures & preservation instruments that will provide protection of natural open areas	
4. Type and amount of landscaping; utilization of locally-indigenous native plants; prohibition on invasive plants	
<b>V. MONITORING PROGRAM</b>	
A. Directly applicable to addressing impact; measurement of biological response to mitigation	
B. Performance standards	
C. Alternatives for failure to meet performance standards	
D. Funding and bond establishment	
E. Schedule	
F. Responsible parties	
G. Adaptive management	
<b>V. BIBLIOGRAPHY</b>	
A. Bibliography of cited references	
B. Bibliography of general references used to prepare report but not cited	
<b>V. APPENDICES</b>	
A. Table of biologists and other contributors; Preparer and other contributor qualifications; permits, MOUs	
B. Oak Tree Report for sites with jurisdictional native oak trees (5" DBH and larger)	
C. Focused and floristic survey reports.	
D. Copies of meeting minutes from previous SEATAC/ERB reviews of project	
E. Completed Biota Report Checklist (this table)	
F. Correspondence with State and Federal trustee agencies	
G. CD or DVD of BCA and Biota reports as .pdf & Georeferenced shapefiles (ESRI .shp, geographic) for vegetative maps and observations of sensitive species	
	<b>Biologist Initials:</b>

## APPENDIX E: GUIDANCE FOR EVALUATING IMPACTS ON WILDLIFE MOVEMENT

The Department of Regional Planning (DRP) considers linkage of natural areas as one of the most critical elements for maintaining the County's environmental quality and biological diversity. These linkages promote healthy biological populations and increases their resilience against environmental impacts of all kinds, including climate change. Linkage is essential to preserving genetic diversity and maintaining the complexity and functioning of natural communities that provide services for all life. Potential impacts to wildlife movement opportunities are a part of the Department's analysis of environmental impacts under the California Environmental Quality Act (CEQA). We recognize that all wildlife needs to move across various spatial scales in support of regular daily and seasonal activities. In addition, these linkages are necessary for the permanent movements of individuals and potential long-term shifts in species range in response to climate change.



When evaluating impacts to wildlife movement in a heavily populated and extensively developed region like Los Angeles County, it is important to remember that ecologically ideal conditions for wildlife movement rarely exist. Wildlife dispersing or moving between habitat blocks in the County are bound to encounter constrictions and obstacles, both artificial and natural. Yet wildlife are resilient, and in the absence of ideal circumstances, many will utilize whatever movement opportunities exist – navigating through constricted areas and moving around, over, under or through obstacles, when necessary.



Therefore, analysis of potential impacts to wildlife movement cannot rely exclusively on identification and evaluation of the project's impacts to intact or ecologically superior corridors. All potential wildlife movement pathways, including those with existing obstacles and constrictions, such as roads, pipelines, aqueducts, and landscaped or otherwise altered terrain, must be identified and evaluated. The value of constricted or tenuous pathways should not be overlooked or undervalued simply because they are perceived as being rarely used or not ecologically pristine. Doing so ignores the reality that such tenuous linkages and islands of habitat are in many cases the only remaining opportunities available to wildlife in the County.





Biological consultants preparing analyses of project impacts to wildlife movement must consider the existing and post-project opportunities present to wildlife to enter and exit the project site. An adequate assessment of impacts is one that looks at the cumulative impacts of the proposed project in light of existing constrictions and obstacles. When evaluated in this light, a proposed development may actually be able to improve wildlife movement by removing obstacles or including provisions to facilitate safe passage as part of the project.

The standard for wildlife movement analysis entails studies that check for use of possible corridors on a daily basis for a period of three (3) years or more (usually by motion-activated cameras). This is expensive and requires a lengthy period of observation, so most projects will not be doing this kind of study. Analysis will chiefly be conjectural, and it is important that the wildlife movement discussion in biological reports observe this point, presenting drawbacks and opportunities equally balanced. Los Angeles County will generally regard as insufficient analyses of movement which emphasize what an opportunity is not (e.g., it doesn't provide cover; it is not dominated by native plants; it doesn't get used very often; it is not aligned along a ridge line, water feature, or drainage; etc.). Instead discussion should concentrate on what possible use could occur (e.g. "the culvert is a tenuous connection between useable habitat areas"). Such analyses should include what wildlife would use if the landscape were unfragmented and then consider use under fragmented conditions. If wildlife had a choice, what is the optimal path without the project, and what is the choice under proposed conditions of fragmentation? The goal is to posit the effect of a proposed project on existing wildlife movement.

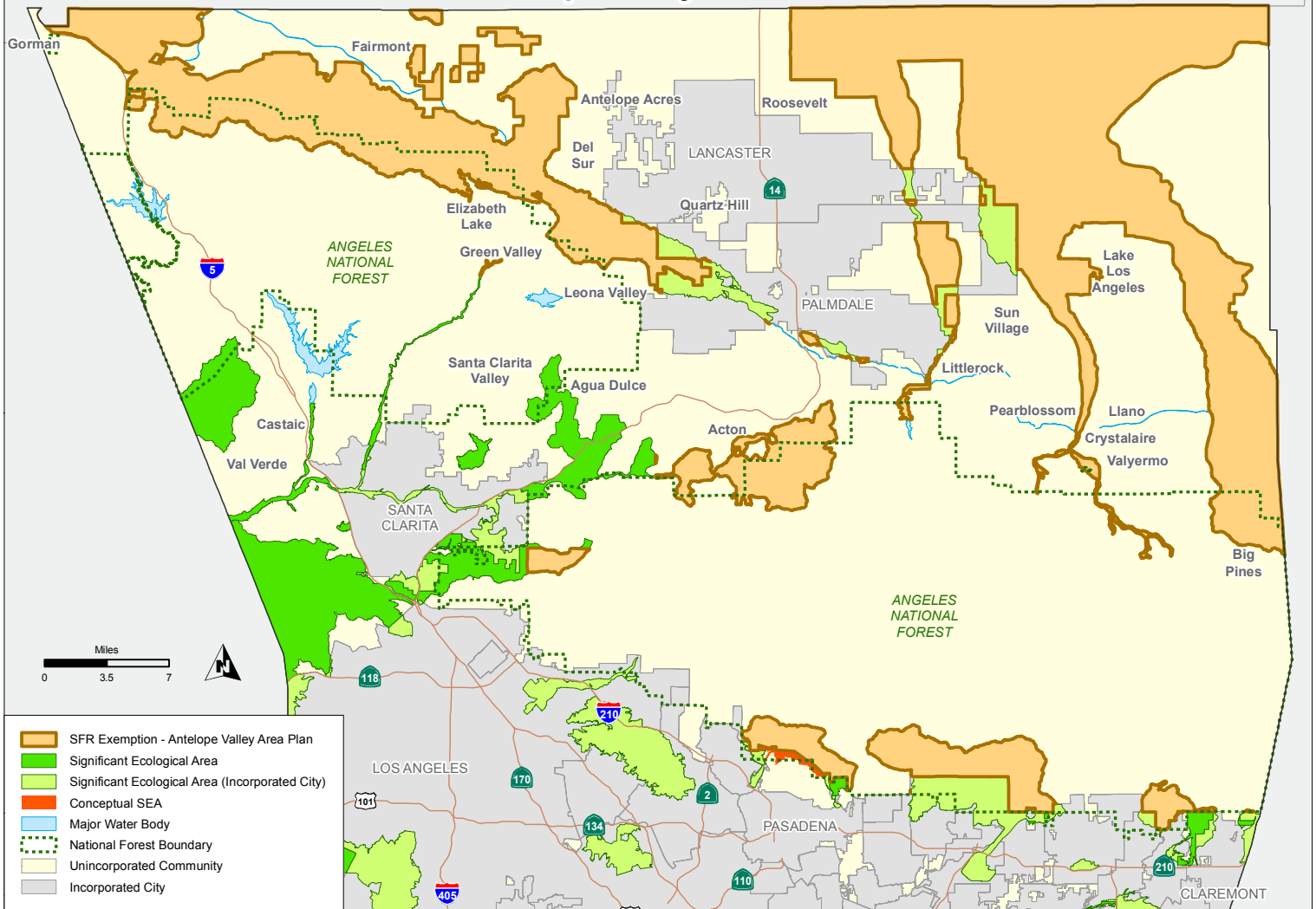


*All photos by J. Decruyenaere*





## Single Family Residence Exemptions – Current Draft Ordinance Antelope Valley Area Plan



### Current Draft SEA Ordinance

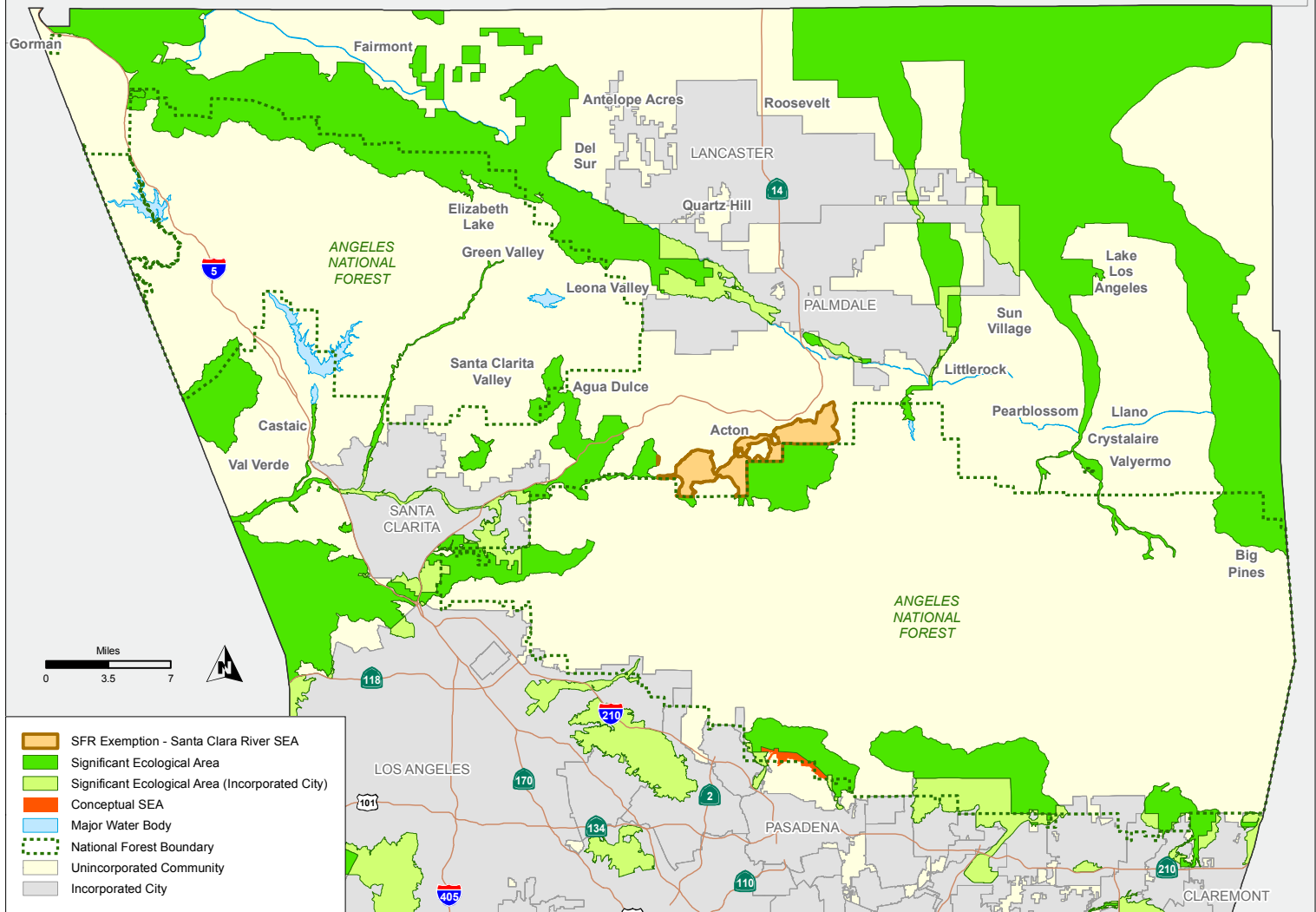
In the current draft ordinance, any new single-family residences, additions, and agricultural uses in the SEAs within the AV Plan boundaries are exempt from SEA review. This exemption will apply to SEAs that extend from the border of northern LA county to the southern foothills of the San Gabriel Mountains (shown in orange).

### Current draft ordinance language:

***“Within the boundaries of the Antelope Valley Area Plan, the following are exempt:***

- Construction of a new single-family, regardless of size;***
- Improvements accessory to a single-family residence, regardless of size:***
  - Additions to an existing single-family residence;***
  - Landscaping;***
  - New accessory structures;***
  - Additions to existing accessory structures; and***
  - New or expanded animal keeping areas and facilities.***
- Agricultural uses on all previously disturbed farmland”***

## Single Family Residence Exemptions – Alternative Option Santa Clara River SEA



### Alternative Option

The alternative option will have the exemption as described above apply only to the eastern portion of the Santa Clara River SEA (shown in orange) that is outside of the National Forest boundary. The rest of the SEAs in the AV (shown in green) will follow the county-wide SEA regulations for single-family residences and agricultural uses. The county-wide regulations will require single-family residences and agricultural uses to undergo biological review. A ministerial review track is available if development is able to meet SEA development standards and within a 20,000 square ft building site area. A discretionary permit is required if the development is unable to meet ministerial review requirements.

### Alternative option ordinance language:

***“Within the Antelope Valley Area Plan portion of eastern Santa Clara River SEA, and outside of the National Forest, the following are exempt:***

- ***Construction of a new single-family residence regardless of size;***
- ***Improvements accessory to a single-family residence, regardless of size:***
  - ***Additions to an existing single-family residence;***
  - ***Landscaping;***
  - ***New accessory structures;***
  - ***Additions to existing accessory structures; and***
  - ***New or expanded animal keeping areas and facilities.***
- ***Agricultural uses on all previously disturbed farmland”***

## NOTICE OF PUBLIC HEARING

The Los Angeles County Regional Planning Commission will conduct a public hearing to consider the project described below. You will have an opportunity to testify, or you can submit written comments to the planner below or at the public hearing. If the final decision on this proposal is challenged in court, testimony may be limited to issues raised before or at the public hearing.

**Hearing Date and Time:** Wednesday September 26, 2018 at 9:00 a.m.

**Hearing Location:** 320 West Temple St., Hall of Records, Rm. 150, Los Angeles, CA 90012

**Project & Permit(s):** Project No. 2017-003723

Permit No. RPPL2018003985 - SEA Program Update – Conceptual SEAs

Permit No. RPPL2017006228 - SEA Program Update – SEA Ordinance

**Project Location:** Countywide within Significant Ecological Areas (SEA)

**Environmental Documentation:** Class 8 - Actions by Regulatory Agencies for Protection of the Environment (SEA ordinance) and Addendum to Certified Final EIR Project 02-305 Los Angeles County General Plan (Conceptual SEAs).

**Project Description:** The Conceptual SEAs project is an amendment to the General Plan to remove all text references to “Conceptual SEAs” and amend Figure 9.3 to designate the Altadena Foothills and Arroyos and the Puente Hills “Conceptual SEAs” as official “SEAs” and subject to the SEA Ordinance. General Plan Implementation Program C/NR-2 SEA Ordinance will make changes to the SEA ordinance in Los Angeles County Code Title 22, which regulate permitting, design standards, and the review process for development within SEAs.

For more information regarding this application, contact **Iris Chi**, Los Angeles County Department of Regional Planning (DRP), 320 W. Temple St., Los Angeles, CA 90012. Telephone: (213) 974-6461, Fax: (213) 626-0434, E-mail: [ichi@planning.lacounty.gov](mailto:ichi@planning.lacounty.gov). Case materials are available online at [planning.lacounty.gov/site/sea/meetings](http://planning.lacounty.gov/site/sea/meetings) or at the East Los Angeles Library (4837 E. 3<sup>rd</sup> St., Los Angeles, CA 90022), Graham Library (1900 E. Firestone Blvd., Los Angeles, CA 90001), Topanga Library (122 N. Topanga Canyon Blvd., Topanga, CA 90290), Hacienda Heights Library (Steinmetz Park, 1545 S. Stimson Ave., Hacienda Heights, CA 91745), Rowland Heights Library (1850 Nogales St., Rowland Heights, CA 91748), Altadena Library (600 E. Mariposa St., Altadena, CA 91001), Acton Agua Dulce Library (33792 Crown Valley Rd., Acton, CA 93510), Lake Los Angeles Library (16921 E. Avenue O, #A, Palmdale, CA 93591), and Lancaster Regional Library (601 W. Lancaster Blvd., Lancaster, CA 93534). All correspondence received by DRP shall be considered a public record.

If you need reasonable accommodations or auxiliary aids, contact the Americans with Disabilities Act (ADA) Coordinator at (213) 974-6488 (Voice) or (213) 617-2292 (TDD) with at least 3 business days’ notice. **Si necesita más información por favor llame al (213) 974-6427.**



# Los Angeles County Department of Regional Planning

*Planning for the Challenges Ahead*



Amy J. Bodek, AICP  
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

**DRAFT RESOLUTION  
REGIONAL PLANNING COMMISSION  
COUNTY OF LOS ANGELES  
PROJECT NO. 2017-003725-(1-5)  
GENERAL PLAN AMENDMENT NO. RPPL2018003985  
ADVANCE PLANNING NO. RPPL2017006228  
ENVIRONMENTAL ASSESSMENT NO. RPPL2018004477**

**WHEREAS**, pursuant to Article 6 of Chapter 3 of Division 1 of Title 7 of the Government Code of the State of California (commencing with Section 65350), the County of Los Angeles ("County") is authorized to adopt amendments to its General Plan and elements thereof;

**WHEREAS**, pursuant to Article 1 of Chapter 4 of Division 1 of Title 7 of the Government Code of the State of California (commencing with Section 65800) and Chapter 22.232 of the County Code, the County is authorized to adopt amendments to Title 22 of the County Code (Planning and Zoning);

**WHEREAS**, the Regional Planning Commission of the County of Los Angeles ("Commission") has conducted a duly noticed public hearing on September 26, 2018 to consider Project No. 2017-003725 which includes amendments to the General Plan and Title 22 (Planning and Zoning) of the Los Angeles County Code ("County Code") related to the Significant Ecological Areas Program Update; and

**WHEREAS**, the Commission finds as follows:

1. 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.
2. The SEA Ordinance is a countywide ordinance that 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 SEA Ordinance update. The Santa Catalina Island CRA will also be subject to the 1982 ordinance until the Santa Catalina Island Local Coastal Program is amended.
3. 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

**Regional Planning Commission**  
**SEA Program Update**  
**Draft Resolution**

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.

4. The SEAs categorized as “Conceptual” amended per General Plan Amendment No. RPPL2018003985) are located in the communities of Altadena (Altadena Foothills and Arroyos SEA), and Hacienda Heights and Rowland Heights (Puente Hills SEA).
5. The SEA Ordinance Update proposes changes to the permitting and review processes, establishes new design and development standards, requires mandatory open space preservation, and enforces unpermitted activities in the SEAs. These include:

Development Standards and Thresholds

Standard industry-recognized concepts were used 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.

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.

Streamlined Review Process

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. 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

**Regional Planning Commission**  
**SEA Program Update**  
**Draft Resolution**

submit additional biological studies and documentation or be reviewed by SEATAC.

Natural Open Space Preservation

Both Ministerial SEA Review and SEA CUPs will be required to provide natural open space preservation. The ratios for open space preservation are based on the amount and type of SEA Resources disturbed.

SEA Protected Trees

The SEA Protected Trees development standard and Protected Tree Permit were developed to better assess impacts on native trees in the SEAs. Mitigation ratios were developed for the Protected Tree Permit. The Protected Tree Permit will allow for development that meets all development standards except for the SEA Protected Trees development standard.

Enforcement

Any activity defined as development in the SEAs prior to an approved permit is prohibited. A Ministerial SEA Review or SEA CUP shall be obtained to assess the impacts of the unpermitted development and require necessary mitigations. If neither permit is obtained, then a Restoration Permit shall be required to restore the disturbed area to a close resemblance of its original natural habitat.

6. The SEA Ordinance and Conceptual SEA Updates work towards achieving General Plan Goal C/NR 3. In comparison to the existing SEA Ordinance, the updated SEA Ordinance is more protective of the natural habitats that make up the SEAs. The updated SEA Ordinance requires preliminary assessment of biological resources to guide sustainable development and provides for permanent preservation of sensitive habitats. The adoption of the Conceptual SEAs as part of the SEA policy map will ensure additional protections for those areas.
7. 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.
8. 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

**Regional Planning Commission**  
**SEA Program Update**  
**Draft Resolution**

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 Certified Final EIR fully analyzed the areas categorized as Conceptual SEAs as part of the proposed Altadena Foothills and Arroyos and Puente Hills SEAs. The General Plan EIR did not make any specific mention of Conceptual SEAs. 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.

9. County departments were consulted in the Project's development. Departments consulted include Public Works, Public Health, Parks and Recreation, and Fire. Comments and recommendation on review procedures for County projects were received from County department and were incorporated into the Public Hearing Draft of the SEA Ordinance and Implementation Guide.
10. 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.
11. 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 the Antelope Valley exemptions, protection of Conceptual SEAs, applicability of the SEA Ordinance. The comment period for the Public Hearing Draft was from August 27, 2018 to September 26, 2018.
12. 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.
13. 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.
14. *Reserved for Hearing Proceedings.*

**Regional Planning Commission  
SEA Program Update  
Draft Resolution**

15. The location of the documents and other materials constituting the record of proceedings upon which the Commission's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Environmental Planning and Sustainability section, Los Angeles County Department of Regional Planning;

**THEREFORE, BE IT RESOLVED THAT** the Regional Planning Commission recommends to the Board of Supervisors of the County of Los Angeles as follows:

1. Hold a public hearing to consider Project No. 2017-003725-(1-5), which includes General Plan Amendment No. RPPL2018003985, Advance Planning No. RPPL2017006228, and Environmental Assessment No. RPPL 2018004477;
2. Find that the Addendum to the Certified Final EIR for the Los Angeles County General Plan Update Project 02-305 has been prepared in compliance with the California Environmental Quality Act and state and local agency guidelines related thereto and reflect the independent judgement of the Board;
3. Adopt the Conceptual SEAs Update, General Plan Amendment No. RPPL2018003985, an amendment to the General Plan which designates the Altadena Foothills and Arroyos and the Puente Hills Conceptual SEAs as official SEAs and subject to the regulations of the SEA Ordinance;
4. Adopt the SEA Ordinance Update, Advance Planning No. RPPL2017006228, containing the proposed amendments to Title 22 (Planning and Zoning), and determine that the amendments are compatible with and supportive of the goals and policies of the Los Angeles County General Plan.



**Regional Planning Commission  
SEA Program Update  
Draft Resolution**

I hereby certify that the foregoing resolution was adopted by a majority of the voting members of the Regional Planning Commission of the County of Los Angeles on September 26, 2018.

---

Rosie O. Ruiz, Secretary  
Regional Planning Commission  
County of Los Angeles

APPROVED AS TO FORM:

MARY C. WICKHAM  
County Counsel

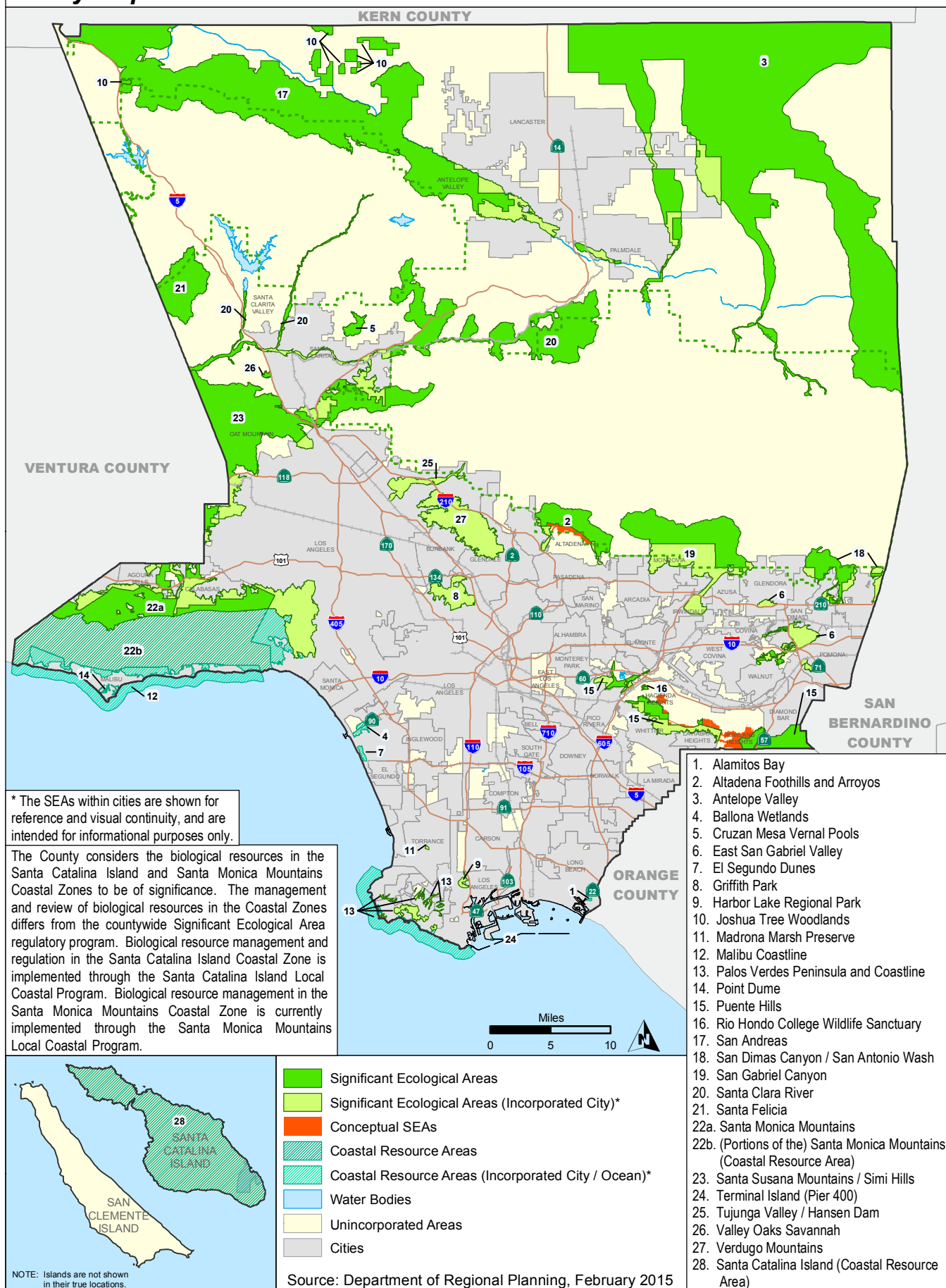
By 

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Elaine Lemke  
Assistant County Counsel  
Property Division

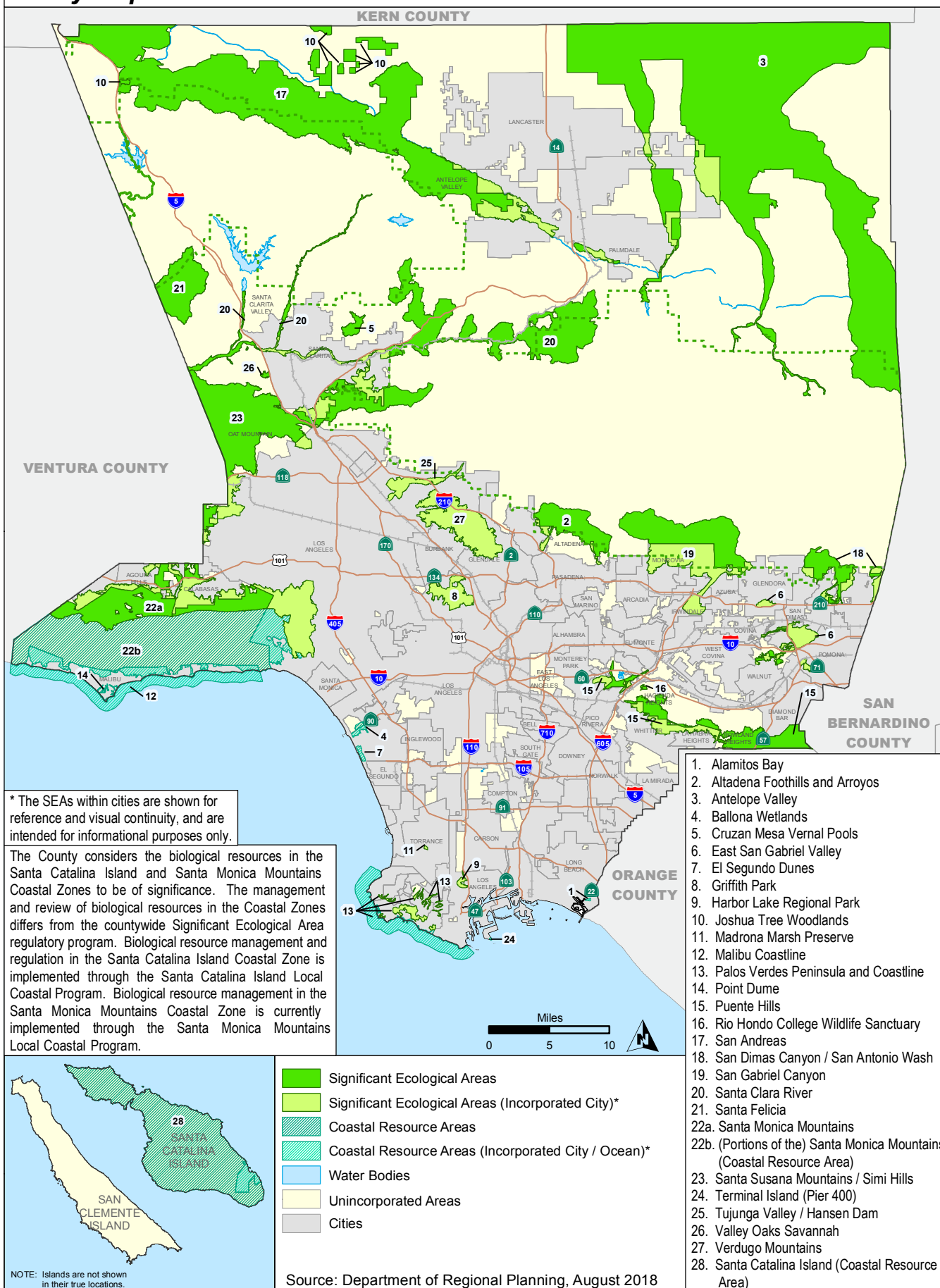
# Significant Ecological Areas and Coastal Resource Areas Policy Map

Figure 9.3



# Significant Ecological Areas and Coastal Resource Areas Policy Map

**DRAFT**



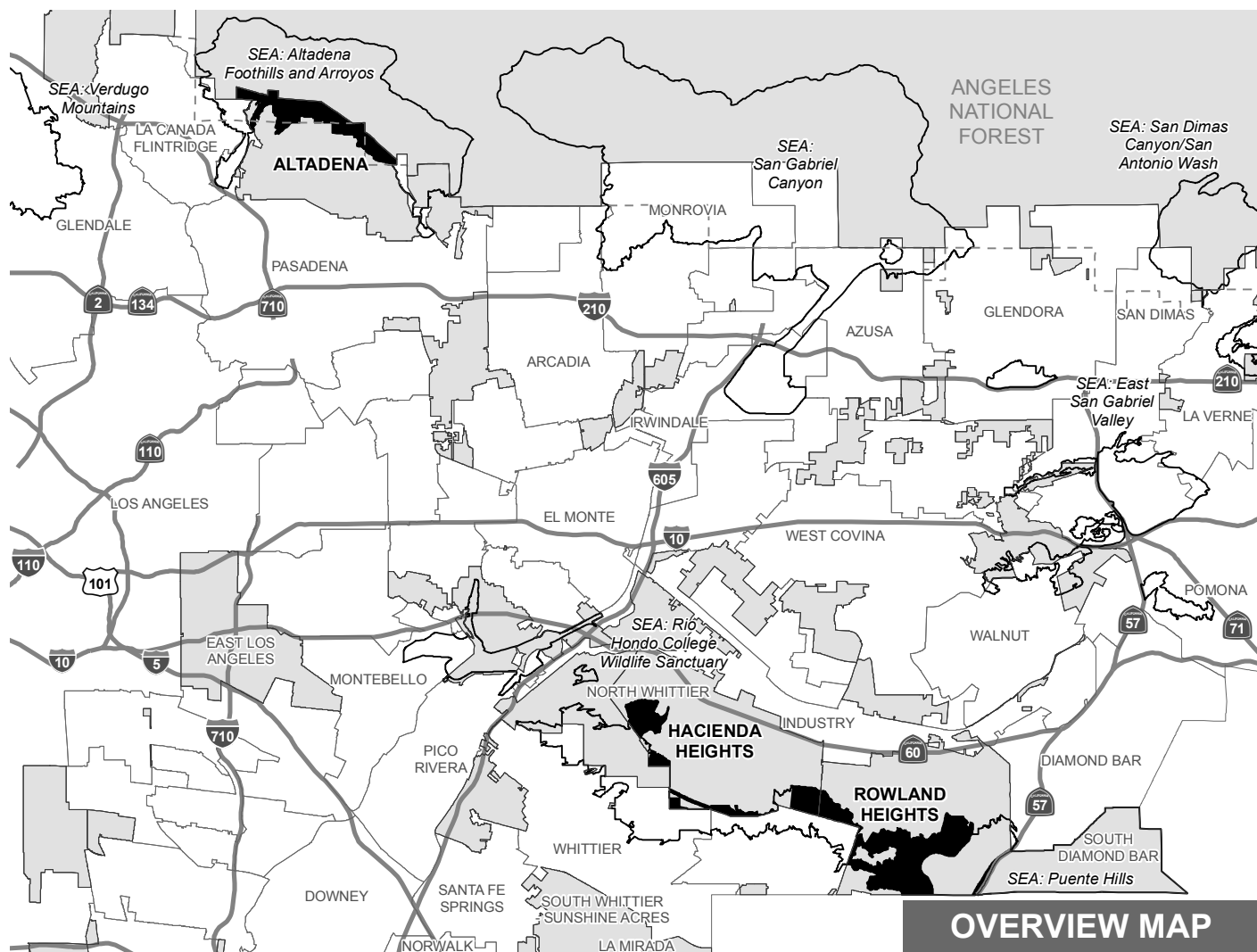
AMENDMENT TO COUNTYWIDE GENERAL PLAN  
ALTADENA, HACIENDA HEIGHTS AND ROWLAND HEIGHTS

**PLAN AMENDMENT: RPPL 2018003985**

ON: \_\_\_\_\_

**CHANGE TO ADOPTED SIGNIFICANT ECOLOGICAL AREAS**

CHANGING CATEGORY FROM 'CONCEPTUAL SEA' TO  
'SIGNIFICANT ECOLOGICAL AREA'



**LEGEND**

- ANGELES NATIONAL FOREST
- SIGNIFICANT ECOLOGICAL AREAS
- CITY AND COMMUNITY BOUNDARIES
- PLAN AMENDMENT AREA (CONCEPTUAL SEA TO SEA)
- UNINCORPORATED AREA



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**DIGITAL DESCRIPTION:** \ZCO\ZD\_ALTADENA\

THE REGIONAL PLANNING COMMISSION  
COUNTY OF LOS ANGELES  
DAVID W. LOUIE, CHAIR  
AMY J. BODEK, PLANNING DIRECTOR



# AMENDMENT TO COUNTYWIDE GENERAL PLAN

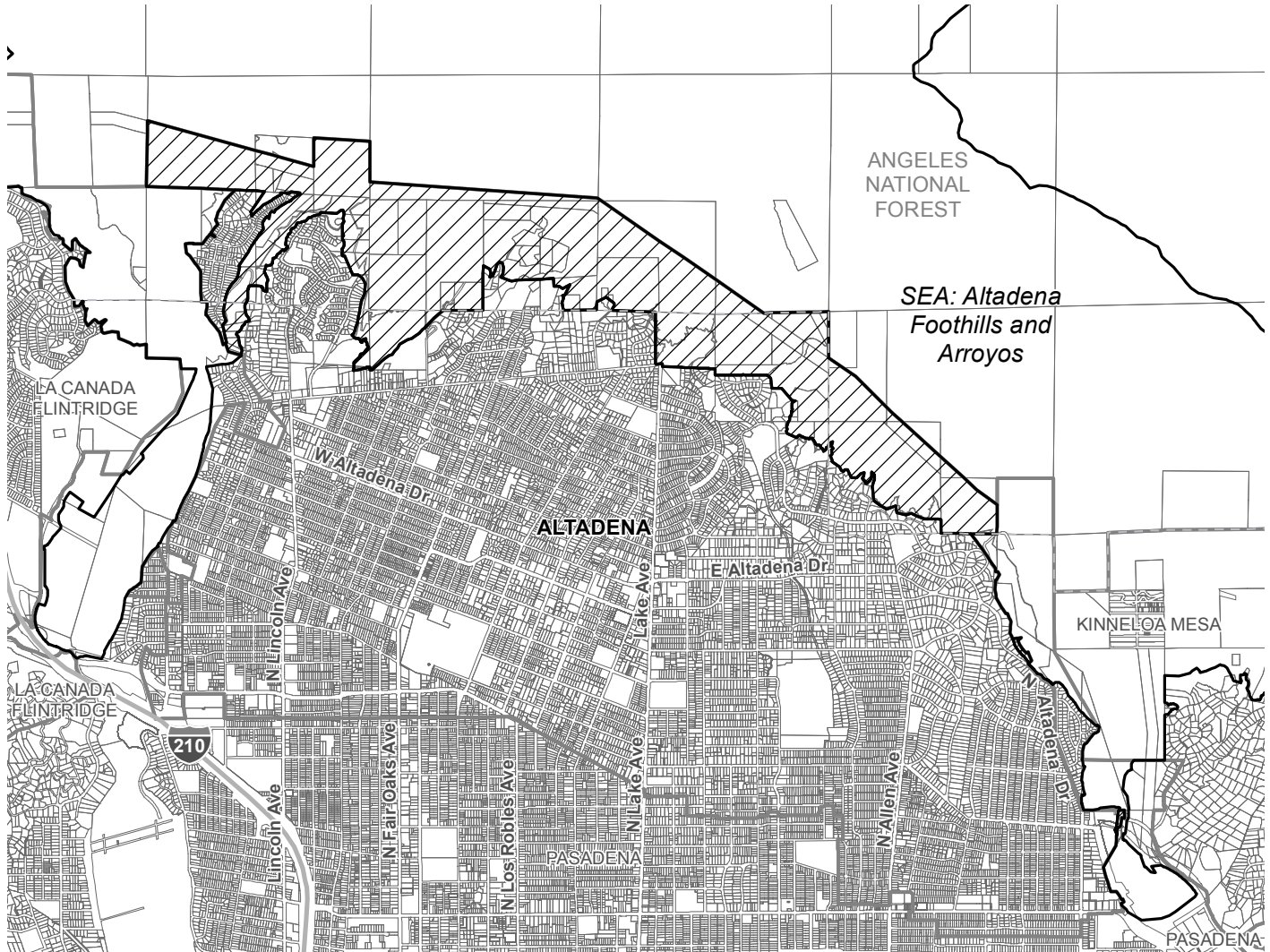
## ALTADENA COMMUNITY

### PLAN AMENDMENT: RPPL 2018003985






ON: \_\_\_\_\_

## CHANGE TO ADOPTED SIGNIFICANT ECOLOGICAL AREAS

CHANGING CATEGORY FROM 'CONCEPTUAL SEA' TO  
'SIGNIFICANT ECOLOGICAL AREA'



#### LEGEND:

-  PLAN AMENDMENT AREA (FROM CONCEPTUAL SEA TO SEA)
-  SIGNIFICANT ECOLOGICAL AREAS
-  ANGELES NATIONAL FOREST
-  CITY AND COMMUNITY BOUNDARIES
-  ASSESSOR PARCEL BOUNDARY



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DIGITAL DESCRIPTION: \ZCO\ZD\_ALTADENA\

THE REGIONAL PLANNING COMMISSION  
COUNTY OF LOS ANGELES  
DAVID W. LOUIE, CHAIR  
AMY J. BODEK, PLANNING DIRECTOR

# AMENDMENT TO COUNTYWIDE GENERAL PLAN

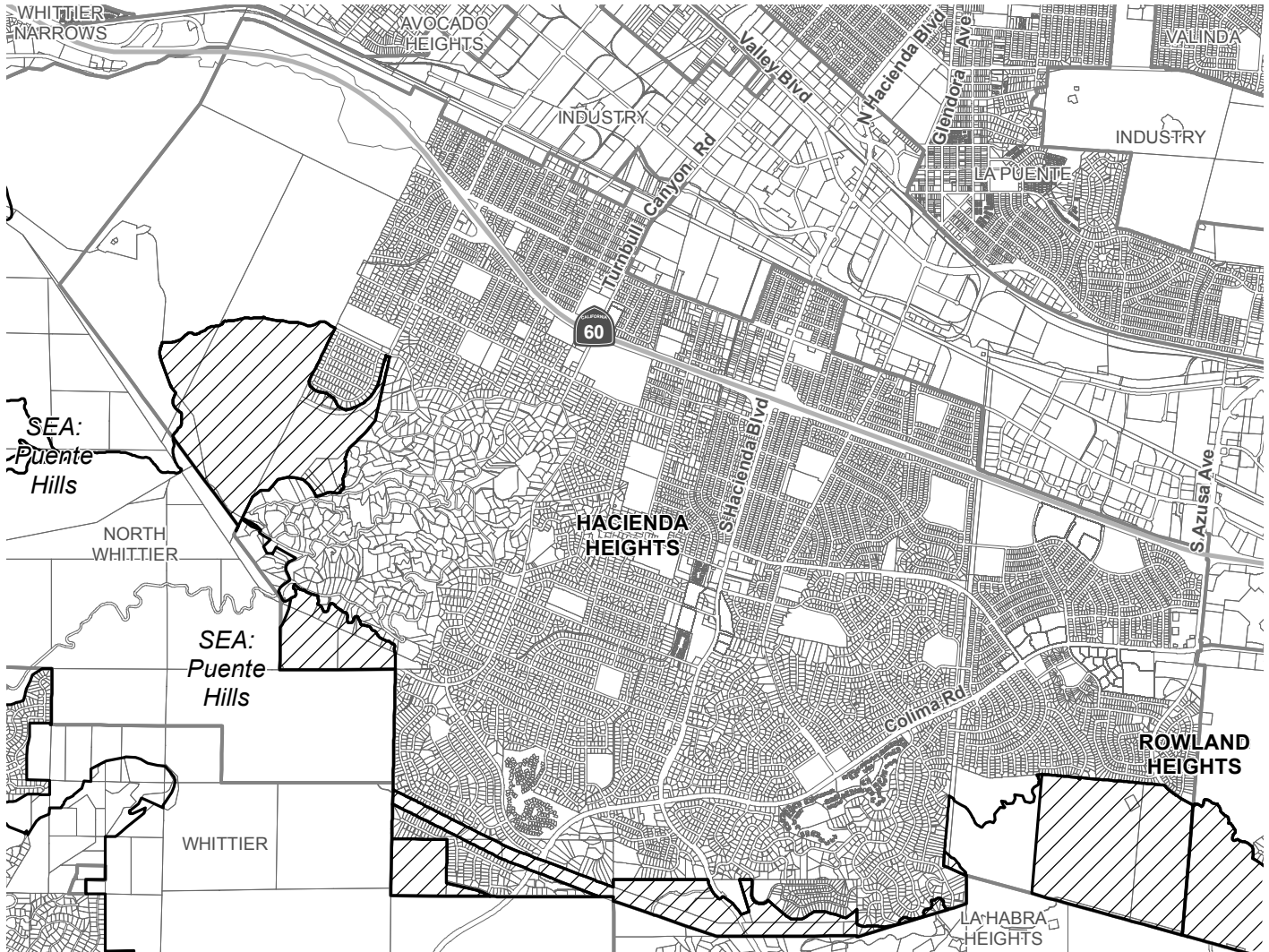
## HACIENDA HEIGHTS COMMUNITY

### PLAN AMENDMENT: RPPL 2018003985






ON: \_\_\_\_\_

### CHANGE TO ADOPTED SIGNIFICANT ECOLOGICAL AREAS

CHANGING CATEGORY FROM 'CONCEPTUAL SEA' TO  
'SIGNIFICANT ECOLOGICAL AREA'



#### LEGEND:

-  PLAN AMENDMENT AREA (FROM CONCEPTUAL SEA TO SEA)
-  SIGNIFICANT ECOLOGICAL AREAS
-  ANGELES NATIONAL FOREST
-  CITY AND COMMUNITY BOUNDARIES
-  ASSESSOR PARCEL BOUNDARY



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DIGITAL DESCRIPTION: \ZCO\ZD\_ALTADENA\

THE REGIONAL PLANNING COMMISSION  
COUNTY OF LOS ANGELES  
DAVID W. LOUIE, CHAIR  
AMY J. BODEK, PLANNING DIRECTOR



AMENDMENT TO COUNTYWIDE GENERAL PLAN

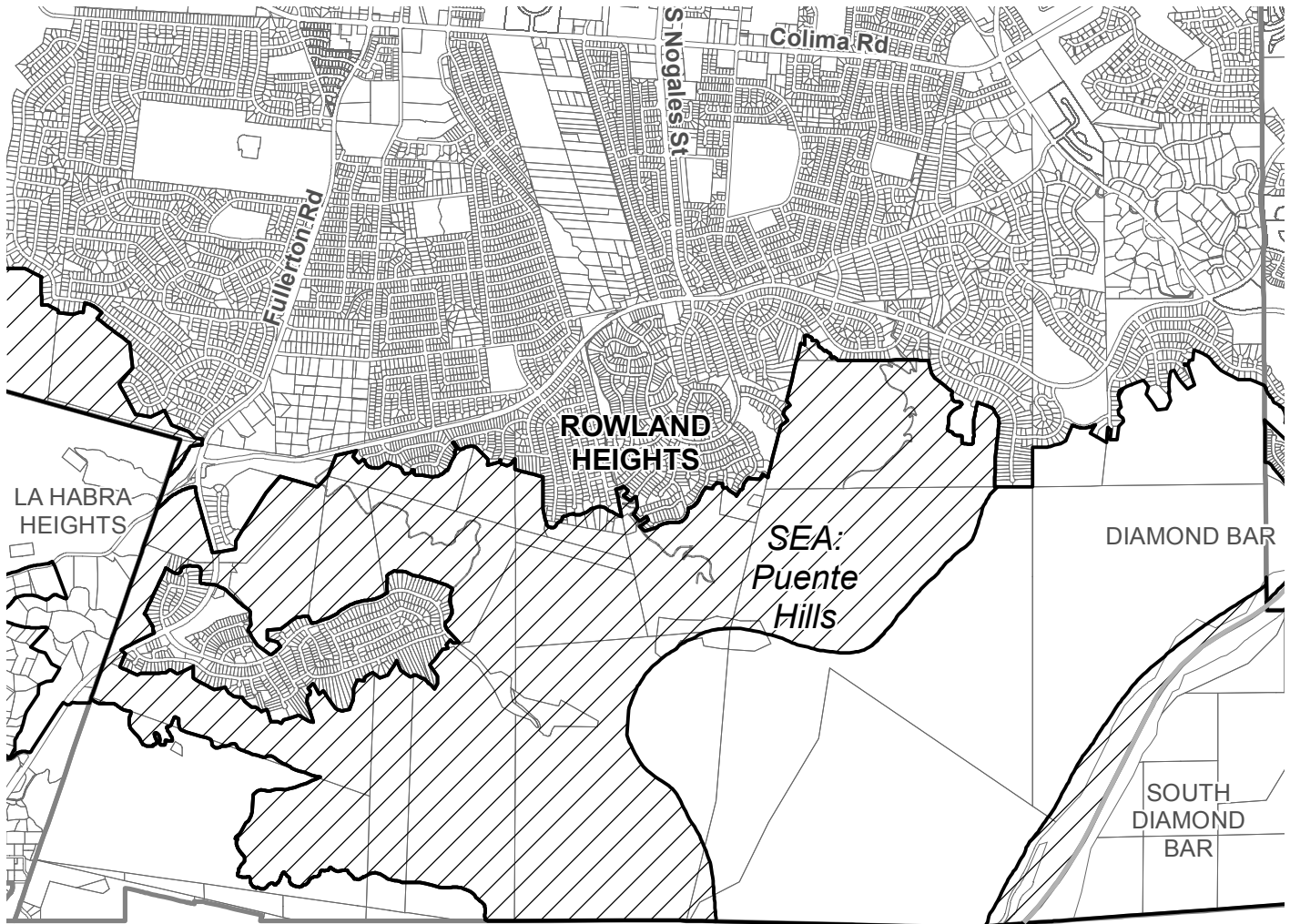
ROWLAND HEIGHTS COMMUNITY

**PLAN AMENDMENT: RPPL 2018003985**






ON: \_\_\_\_\_

**CHANGE TO ADOPTED SIGNIFICANT ECOLOGICAL AREAS**

CHANGING CATEGORY FROM 'CONCEPTUAL SEA' TO  
'SIGNIFICANT ECOLOGICAL AREA'



**LEGEND:**

-  PLAN AMENDMENT AREA (FROM CONCEPTUAL SEA TO SEA)
-  SIGNIFICANT ECOLOGICAL AREAS
-  ANGELES NATIONAL FOREST
-  CITY AND COMMUNITY BOUNDARIES
-  ASSESSOR PARCEL BOUNDARY



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**DIGITAL DESCRIPTION:** \ZCO\ZD\_ALTADENA\

THE REGIONAL PLANNING COMMISSION  
COUNTY OF LOS ANGELES  
DAVID W. LOUIE, CHAIR  
AMY J. BODEK, PLANNING DIRECTOR

**ATTACHMENT C**  
**REVISIONS TO PUBLIC HEARING DRAFT**  
**REVISED ON 9/13/18**

Revisions shown on this Attachment C will supersede the specific language found in the Public Hearing Draft submitted to the Commission on August 23, 2018 as part of the 30-day courtesy package. The formatting key will remain the same. Clarifying language was added to the formatting key.

<u>Underline in Black</u>	New text to be added to Title 22
<del>Strikethrough in Black</del>	Existing text in Title 22 to be removed
<u>Underline in Blue</u>	New text added since previous draft ordinance (Public Review Draft - March 2018)
<del>Strikethrough in Blue</del>	Text removed from previous draft ordinance (Public Review Draft - March 2018)
No Formatting	Existing draft text that will not change
<u>Underline in Red</u>	New text added – revisions to Public Hearing Draft (Sept 2018)
<del>Strikethrough in Red</del>	Text removed – revisions to Public Hearing Draft (Sept 2018)

- 22.102.020.R - Definitions (page 9)

R. **Fuel Modification.** The process of providing a defensible space for fire suppression forces and protection of structures from radiant and convective heat through project design and the reduction of fuel loads. A Fire Department approved Fuel Modification Plan is required for all new structures and additions to existing structures that are equal to or greater than 50% of the existing square footage, which are located in the Very High Fire Hazard Severity Zone. A fuel modification plan typically consists of the following zones:

Regional Planning Commission  
Revisions to Public Hearing Draft  
Attachment C

1. **Zone A.** The Setback Zone, ~~which typically extends 20 feet from any qualifying structure, is required~~ requires clearing of all vegetation except for irrigated ground cover, lawn, adequately-spaced low-growing plant species, or hardscape.
  2. **Zone B.** The Irrigated Zone, ~~which typically extends from 20 to 100 feet from any qualifying structure or to the property line,~~ requires an irrigated landscape and or thinning of native vegetation and removal of plant species constituting high-fire risk.
  3. **Zone C.** The Thinning Zone, ~~extends from 100 to 200 feet from any qualifying structure or to the property line,~~ requires ~~T~~thinning the density of existing native vegetation to reduce the amount of fuel and slow the rate of fire spread, slow flame lengths, and reduce the intensity of fire before it reaches the irrigated zones.
- 22.102.020.CC - Definitions (page 11)

**CC. SEA Protected Trees.** Native trees listed in the SEA Protected Tree List maintained by the Department are protected under the provisions of this Chapter, as described below:

1. Any listed native tree with a trunk diameter that meets or exceeds the diameter listed in the SEA Protected Tree List maintained by the Department, as measured 54 inches above natural grade.
2. Any listed native tree with two or more trunks that measure a total of at least 8 inches in diameter, as measured 54 inches above natural grade.
3. **Heritage Tree.** Any listed native tree with a trunk diameter that measures 36 inches or more in a single trunk or two trunks that measures a total of 54 inches or more in diameter, ~~or for trees with naturally thick trunks, the tree must be at least~~

20 feet tall or 75 years old. A Heritage Tree is considered irreplaceable because of the tree's rarity, distinctive features (e.g. size, form, shape, color), or prominent location within a community or landscape.

- 22.102.090.E.3 - SEA Development Standards (page 35)

3. **Land Divisions.** All land division projects shall be required to preserve at least 75 percent of the original undivided parcels as natural open space shall not exceed a maximum development footprint of 25 percent of the project site. Development areas shall be designed in one contiguous location and result in the largest, intact blocks of habitat with the lowest perimeter to area ratio, to the maximum extent feasible.

~~4a.~~ *Large Lot Parcel Map.* Large lot parcel maps for sale, lease, ~~finance~~ financing, or transfer purposes, shall demonstrate that all resulting parcels have reasonable potential for future development that meets ~~the standards for Ministerial SEA Review per~~ Section 22.102.090 (SEA Development Standards), (e.g. adequate areas of SEA Resource Categories 4 and/or 5, setback from water resources, 75 percent open space, clustered development) based on the original undivided parcels.

~~3b. Land Divisions. Land divisions shall not exceed a maximum disturbed developed area of 25 percent of the project site. Development areas shall be designed in one contiguous location and result in the largest, intact blocks of habitat with the lowest perimeter to area ratio, to the maximum extent feasible.~~





State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
South Coast Region  
3883 Ruffin Road  
San Diego, CA 92123  
(858) 467-4201  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

**EDMUND G. BROWN JR., Governor**  
**CHARLTON H. BONHAM, Director**



August 9, 2018

Ms. Jennifer Mongolo  
Los Angeles County Department of Regional Planning  
320 West Temple Street, Room 1343  
Los Angeles, CA 90012  
email: [sea@planning.lacounty.gov](mailto:sea@planning.lacounty.gov)

**Subject: Notice of Consultation on the Antelope Valley (AV) Exemptions for Single Family Residences – Alternative Option Ordinance (AOO) for Los Angeles County Significant Ecological Areas (SEA)**

Dear Ms. Mongolo:

The California Department of Fish and Wildlife (CDFW or Department) has reviewed the above-referenced draft of the proposed AOO for Los Angeles County SEAs prepared by the Department of Regional Planning (County). The AOO is a component of the County General Plan and is a regulatory tool written to maintain a balance between conservation and development within designated SEAs located in unincorporated areas of the County.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the AOO that may affect California fish and wildlife resources. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the AOO that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code. CDFW is pleased that the draft AOO addresses some of the Department's comments and recommendations following our review of the existing current Tenth Draft Proposed Ordinance (Ordinance) for County SEAs.

#### **CDFW ROLE**

The following statements and comments have been prepared pursuant to the Department's authority as California's Trustee Agency for fish and wildlife resources and holds them in trust by statute for all the people of the state. (Fish & Game Code §§ 711.7, subd. [a] & 1802; Public Resources Code § 21070; CEQA Guidelines § 15386, subd. [a]). As trustee, CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Id., § 1802). For purposes of CEQA, CDFW is mandated to provide, as available, biological expertise during public agency environmental review, focusing on AOO/activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a Responsible Agency under CEQA (Public Resources Code § 21069; CEQA Guidelines § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration (LSA) regulatory authority (Fish & Game Code § 1600 *et seq.*). To the extent implementation of the AOO as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA; Fish & Game Code §

*Conserving California's Wildlife Since 1870*

Ms. Jennifer Mongolo  
Los Angeles County Department of Regional Planning  
August 9, 2018  
Page 2 of 5

2050 *et seq.*) or state-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish and Game Code §1900 *et seq.*), authorization from CDFW as provided by the applicable Fish and Game Code will be required.

#### AOO Comments

The AOO describes that **the alternative will apply only to the eastern portion of the Santa Clara River SEA that is outside of the National Forest boundary. The AOO states, “[t]he rest of the SEAs in the AV will follow the county-wide SEA regulations when it comes to single-family residences and agricultural uses.”** The AOO further states, “[w]ithin the Antelope Valley Area Plan portion of eastern Santa Clara River SEA, and outside of the National Forest, the following are exempt:

- Construction of a new single-family residence with a total building site area up to 20,000 square feet,
- Improvements accessory to a single-family residence, not exceeding a 20,000 square foot total building site area:
  - Additions to an existing single-family residence;
  - Landscaping;
  - New accessory structures;
  - Additions to existing accessory structures; or
  - New or expanded animal keeping areas and facilities.
- Agricultural uses on all previously disturbed farmland”

Comment #1: CDFW generally concurs with the AOO and supports removing additional area within Antelope Valley from the exemptions described in the existing current draft SEA Ordinance. We recommend that exemptions for single-family homes include a screening requirement for current biological surveys to verify information at the site level and to determine if state and federal permits may be required. In addition, it may be beneficial to include adaptive management strategies such as including a cap or pilot sunset date on exemptions, after which the provision is re-evaluated for renewal. Information on tools available to secure open space within the SEA for single family exemptions should be provided, especially where sensitive species and/or wildlife movement occur.

The implementation regulations should describe the mechanism for management, monitoring and enforcement of open space dedicated under the final SEA Ordinance. The Department also emphasizes the need to clearly describe the process for development and mitigation standards for areas outside the SEA with sensitive resources. For example, state- and federal-listed species, state species of special concern (SSC) and state fully-protected species can still occur within or outside of SEAs and require avoidance, minimization and mitigation under CEQA, CESA and the federal Endangered Species Act (FESA; 16 U.S.C. § 1531 *et seq.*).

Comment #2: Our May 14, 2018, letter to the County in response to the County's Notice of Consultation on the existing draft Ordinance expressed some concerns and recommendations to further the protection of biological resources. CDFW continues to have some concerns regarding the AOO.



Ms. Jennifer Mongolo  
Los Angeles County Department of Regional Planning  
August 9, 2018  
Page 3 of 5

We are concerned that development within SEAs without the County requiring a biological constraints analyses could lead to assumptions by the regulated community that activities are not subject to additional applicable regulations protective of biological resources. CDFW is particularly concerned regarding regulations under our purview, including protection for listed species (Fish and Game Code § 2050 *et seq.*), listed plants (Fish and Game Code § 1900 *et seq.*), nesting birds (Fish and Game Code § 3500 *et seq.*), and alterations conducted within waters of the state (Fish and Game Code § 1600 *et seq.*). CDFW recommends that the AOO include language that informs the public that all activities conducted in an SEA are subject to applicable state and federal laws regardless of AOO and that state and federal permits may still be required prior to development. Information in the SEA Ordinance should not be construed as replacing the need for other permitting which may require current, site-specific biological surveys and habitat mapping with identification of wetland/stream resources.

*Comment #3:* Lands designated in the AOO as “new or expanded animal keeping areas and facilities, and agricultural uses on all previously disturbed farmland” may provide beneficial wildlife habitat value. For example, much of the habitat remaining in the Antelope Valley for western burrowing owl (*Athene cunicularia*), a California species of special concern (SSC), may be found on previously disturbed farmland and pasture. In addition, the state-threatened Swainson’s hawk (*Buteo swainsoni*) is known to use agricultural areas in Antelope Valley. Exempting previously disturbed farmland and pasture may encourage the type conversion of native habitat to incompatible agriculture uses with sometimes no or minimal resource assessment, avoidance or mitigation measures conducted for biological resources. Agricultural land activities may then be ceased and then their eventual development may fall under the exemption afforded in the draft AOO. CDFW recommends that new or expanded animal keeping areas and facilities, and agricultural uses on all previously disturbed farmland land use designations not be afforded exemptions from biological resource protective measures, unless it is demonstrated through a biological constraints analysis (including site-specific mapping and surveys) that no wildlife resources occur, including foraging and dispersal habitat.

*Comment #4:* Please clarify if exemptions for fuel modification zones will be included in the exemptions provided for activities described in the AOO for “[c]onstruction of a new single-family residence with a total building site area up to 20,000 square feet, and [i]mprovements accessory to a single-family residence, not exceeding a 20,000 square foot total building site area”. CDFW recommends that if these land use designations include further fuel zone modification to vegetation, they not be afforded exemptions from biological resource protective measures in the SEA Ordinance. Fuel management areas, septic areas, access roads and appurtenant facilities for development should be included in the 20,000 square foot development area and located in the least sensitive area of the site to the extent practicable. In addition, the AOO should require that all plantings within fuel management areas use appropriate local native species.

*Comment #5:* Based on experience with other similar ordinances in southern California, CDFW recommends that the following clarifications or additional information be included in the final SEA Ordinance and/or implementing regulations for the Antelope Valley area:

- A. Annual Monitoring and Reporting: Include an annual monitoring component that maps and reports on projects (including exemptions) to evaluate the performance of the ordinance (e.g., how exemptions and projects are tracking with gains in open space).

Ms. Jennifer Mongolo  
Los Angeles County Department of Regional Planning  
August 9, 2018  
Page 4 of 5

- B. Allowable Uses in Dedicated Open Space: Identify allowable uses within dedicated open space and identify that trails are conditionally compatible and may be located within such areas only with a trails compatibility study which will determine the least sensitive location for access.
- C. Land Protection and Management: Identify the land protection method (e.g., conservation easement, land use/zoning designation) for protection of dedicated open space if used to meet environmental requirements.
- D. Property Boundaries: Lot-line adjustments, lot consolidations, and related property boundary mapping changes should be subject to the SEA Ordinance to preclude processing of parcel and subdivisions maps that would limit or hinder compliance with SEA standards (e.g., clustering) at the site planning stage.
- E. Development Area: Fuel clearing, septic areas, access roads and appurtenant facilities for development should be included in the 25% development footprint and located in the least sensitive area of the site.
- F. Roads and Infrastructure within/adjacent to the SEA: The SEA Ordinance appears to allow driveways, streets, roads and highways to be placed within the natural open space if determined to be necessary for access (e.g., Section 22.102.090: Open Space). If clearly demonstrated to be necessary to ensure public health, safety and welfare after evaluation of reasonable alternatives, we recommend that the roadway design (including grading) be the minimum necessary for site access and include wildlife crossings, fish passage, native plantings and other elements to offset environmental impacts. Wildlife movement studies should also be required prior to placement of roadways within natural open space areas that function as wildlife corridors. This same type of requirement for demonstrating public need and consideration of alternatives prior to design should also apply to other infrastructure in SEAs (e.g., water, sewer, utilities and drainage).
- G. Clustering and Minimization: For site clustering in the SEA ordinance, if encroaching into steep slopes creates a biologically superior design then it should be allowed on a case-by-case basis. Use of transfer of development rights may also be appropriate where it would help to achieve a biological superior design. This flexibility in the SEA Ordinance is important because in many cases flatter portions of land may contain the most biologically sensitive areas.
- H. Site-Specific Surveys: The SEA ordinance should require site-specific biological surveys to detect listed/sensitive species as part of the development review application process to help streamline state and federal permitting, including as screening criteria to qualify for exemptions. The Biological Constraints Map (BCM) should include current site-specific surveys using established protocols to evaluate potential impacts to sensitive species; the SEA Ordinance should not defer these surveys as project conditions.

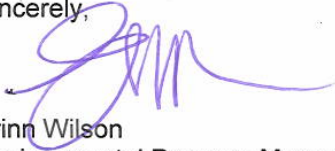
The Department appreciates the opportunity to comment on the draft AOO and to assist the County in further minimizing and mitigating impacts to biological resources. We commend the time and work invested by the County with the SEA and AOO and acknowledge their intent to improve resource conservation within the Antelope Valley.



Ms. Jennifer Mongolo  
Los Angeles County Department of Regional Planning  
August 9, 2018  
Page 5 of 5

CDFW requests an opportunity to review and comment on any response that the County has to our comments and to receive notification of any forthcoming CEQA documents and hearing dates for the SEA Ordinance (CEQA Guidelines §15073[e]). If you have any questions or comments regarding this letter, please contact Scott Harris, Environmental Scientist at [scott.p.harris@wildlife.ca.gov](mailto:scott.p.harris@wildlife.ca.gov) or (805) 644-6305.

Sincerely,



Erinn Wilson  
Environmental Program Manager I  
South Coast Region

cc: Erinn Wilson, CDFW, [erinn.wilson@wildlife.ca.gov](mailto:erinn.wilson@wildlife.ca.gov)  
Scott Harris, CDFW, [scott.p.harris@wildlife.ca.gov](mailto:scott.p.harris@wildlife.ca.gov)  
Chris Delith USFW, Ventura, [chris\\_dellith@fws.gov](mailto:chris_dellith@fws.gov)

**DESERT AND MOUNTAIN CONSERVATION AUTHORITY**

44811 North Date Avenue, Suite G  
Lancaster, California 93534  
Phone (310) 589-3200 • Fax (310) 589-2408

August 1, 2018

Los Angeles County  
Department of Regional Planning  
320 West Temple Street  
Los Angeles, California 90012

**Need to Reinstate Single Family Residences  
In Antelope Valley for SEA Ordinance**

The Desert and Mountain Conservation Authority (DMCA) implores the Los Angeles County Department of Regional Planning (DRP) to eliminate the proposed exemption for single-family residences and agricultural uses from the Draft Significant Ecological Areas (SEA) Ordinance.

As noted on the July 25, 2018, DRP's blog post to the SEA Program website, "Many of the comments we received [on the Draft SEA Ordinance] expressed interest in not completely exempting single-family residences and agricultural uses from SEA review in the Antelope Valley." Because of these overwhelming negative comments, DRP proposed an Alternative Option that will exempt single-family residences and agricultural uses "only to the eastern portion of the Santa Clara River SEA."

The exemption of single-family residences and agricultural development from SEA Ordinance compliance in the Antelope Valley, in general, and specifically the upper Santa Clara River SEA, is anathema to the expressed purpose of the SEA Ordinance: to protect the biodiversity and unique resources contained in SEA from incompatible development. Without biological review as required by the SEA Ordinance, the biological resources of these Significant Ecological Areas would never be disclosed and analyzed. The review exemption in either area—for lots greater than half an acre in size—eliminates all options to address biological resources within project designs and approvals.

Thus, the DMCA recommends that the Draft SEA Ordinance must not exempt single family residences or agricultural uses. If you have any questions for our agency, please contact me at 310-589-3200, ext. 128, by email at [edelman@smmc.ca.gov](mailto:edelman@smmc.ca.gov), or at the above letterhead address. Thank you for your time and consideration.

Sincerely,

Paul Edelman  
Chief of Natural Resources and Planning

# ENDANGERED HABITATS LEAGUE

DEDICATED TO ECOSYSTEM PROTECTION AND SUSTAINABLE LAND USE



August 5, 2018

*VIA ELECTRONIC MAIL ONLY*

Environmental Planning & Sustainability Section  
Los Angeles County Department of Regional Planning  
320 W. Temple Street, Room 1354  
Los Angeles, CA 90012  
<[sea@planning.lacounty.gov](mailto:sea@planning.lacounty.gov)>

**RE: Significant Ecological Areas (SEA) Ordinance: AV exemptions for Single Family Residences – Alternative Option**

Gentlepersons:

Endangered Habitats League (EHL) welcomes the Alternative Option for reduced SEA exemptions, which reflects community input. The Alternative option would limit the single-family home and fallowed farmland exemptions to the vicinity of Acton, in the eastern portion of the Santa Clara River SEA that is outside of the National Forest boundary. While we favor removal of these exemptions everywhere, we support the Alternative Option as a substantial improvement.

EHL has previously commented that there is no biological basis to treat SEAs in the Antelope Valley differently from SEAs elsewhere. Due to careful crafting of the draft SEA Ordinance to accommodate virtually all single-family uses on a ministerial basis, ordinance compliance is simple and efficient. Furthermore, fallowed farmland provides raptor foraging habitat and may be important for landscape connectivity.

EHL appreciates the community input which led to this Alternative and finds that it would improve the draft Ordinance by providing greater uniformity throughout the County and greater scientific integrity.

Thank you for considering our views.

Yours truly,

A handwritten signature in blue ink, appearing to read 'Dan Silver', is placed above the printed name and title.

Dan Silver  
Executive Director

**Iris Chi**

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**From:** Jacki Ayer <airspecial@aol.com>  
**Sent:** Monday, August 13, 2018 5:40 PM  
**To:** DRP SEA  
**Cc:** Iris Chi  
**Subject:** SEA revision proposal

Hello SEA Team!

I am just sitting down to look at the latest proposed revision. As a preliminary comment, I note that the "close-up" map provided on the blog page (<http://planning.lacounty.gov/site/sea/2018/07/25/av-alternative-option/>) identify some residential streets but do not indicate the location of major highways (including Soledad Canyon, Aliso Canyon, Escondido, Sierra Highway and Angeles Forest Highway). This makes it difficult for people to tell the extent to which they are affected by this revision. Is there some reason why major highways are omitted from the map, and is it possible to revise the map to at least show the locations of Aliso Canyon Road, Soledad Canyon Road, and Angeles Forest Highway?

I am still going over what is being proposed and can provide more substantive comments soon. I was out of town until August 11, and therefore could not make your August 9 comment deadline.

Sincerely,

Jacqueline Ayer



**Iris Chi**

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**From:** Paul Henreid <phenre@gmail.com>  
**Sent:** Monday, July 30, 2018 6:50 PM  
**To:** DRP SEA  
**Subject:** AV exemptions for Single Family Residences – Alternative Option

The people in Neenach support less regulations for SEAs, which it appears the new ordinance is attempting to accomplish.

Thank You,

Paul Henreid  
Neenach (OSO) Town Council - President  
(661) 874-5233

**Iris Chi**

---

**From:** Quincy Hooks <quincy.m.hooks@gmail.com>  
**Sent:** Thursday, August 09, 2018 11:37 PM  
**To:** DRP SEA  
**Subject:** AV exemptions for Single Family Residences alternative option

I believe the current drafts are a good start but it needs more work and the people leaving in the areas need more meetings and gathering to talk about the AV exemptions for Single Family Residences so we can have more ideas from the people

**Iris Chi**

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**From:** Rose Bryan <rmr27@me.com>  
**Sent:** Tuesday, August 28, 2018 3:07 PM  
**To:** DRP SEA  
**Subject:** SEA changes to single residential homes

To whom it my concern:

I'm against changing the laws regarding the regulations on individual property's to allow owners to do what they desire on a SEA. If you are to keep the SEAs in tact that would not be a good idea. Every owner would have a different idea, particularly on large property's.

Thank you for working on the SEAs.

Respectfully,

Rose Bryan

**Iris Chi**

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**From:** Jill Bays <jill@baystranslations.com>  
**Sent:** Tuesday, July 31, 2018 9:53 AM  
**To:** DRP SEA  
**Subject:** Special Topic: AV exemptions for Single Family Residences - Alternative Option

Hello,

I am all in favor of this alternative Option: "Special Topic: AV exemptions for Single Family Residences – Alternative Option"

Thank you very much!

*Jill Bays, President*

**Transition Habitat Conservancy**

760 868 5136

[Jill@transitionhabitat.org](mailto:Jill@transitionhabitat.org)

Po Box 720026

Pinon Hills, CA 92372



**Iris Chi**

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**From:** Acton Town Council <atc@actontowncouncil.org>  
**Sent:** Thursday, August 16, 2018 8:11 AM  
**To:** Iris Chi; Acton Towncouncil  
**Subject:** SEA ordinance

Dear Ms. Chi;

Thank you for all your hard work on the SEA Ordinance and for putting together our meeting slated for September.

The Acton Town Council will be discussing the proposed revisions to the SEA Ordinance at our meeting on the 20th. In order to make these discussions as fruitful as possible, I would appreciate it if you could provide some background information regarding why DRP considers it necessary to exclude private inholdings in the Angeles National Forest ("ANF") from the SFR exemption that applies to the Santa Clara SEA. I estimate that approximately 60 parcels are affected (most of which are already developed and most of which are not in a stream channel or flood plain and most of which do not have any the biological resources cited in the Santa Clara River BRA report prepared by PCR). A review of the DRP GIS system indicates that these parcels are not critical for providing wildlife corridors, and those small areas located within stream channels and floodplains are already protected and cannot be developed for any purpose anyway. Given this, I conclude that omitting ANF inholdings from the exemption is warranted by some reason other than stream channel/floodplain/biological resource protection. Has DRP concluded that the biological resource protection provisions contained in adopted planning documents will not be met if these parcels are exempted? If so, can you please clarify what those objectives are and why they will not be met unless ANF inholdings are omitted from the exclusion clause?

Any light that you can shed on this would be greatly appreciated!

Thank you very much.

Jacqueline Ayer  
Correspondence Secretary  
The Acton Town Council

## SEA PROGRAM - 2018 Public Engagement Efforts

Dates	Organization	Meeting Type
<b>JANUARY</b>		
1/17/2018	Endangered Habitats League	Discussion
1/30/2018	BIA	Phone call
<b>FEBRUARY</b>		
2/5/2018	SEATAC	Email
2/22/2018	BIA	Email
<b>MARCH</b>		
3/13/2018	East SGV CBO Stakeholders	Meeting
3/14/2018	Blog post - Public Review begins	Blog/Madmimi
3/14/2018	Pepperdine students	Presentation
3/21/2018	RPC Briefing	Public Discussion
3/21/2018	PH Habitat Authority	Meeting
3/28/2018	Antelope Valley Association of Rural Town Councils	Meeting
3/30/2018	Blog post - Watch archived RPC presentation	Blog/Madmimi
<b>APRIL</b>		
4/2/2018	SEATAC	Public Discussion
4/9/2018	Rowland Heights Coordinating Committee	Meeting
4/11/2018	Sanitation District	Meeting
4/16/2018	Hacienda Heights Impr Assn	Meeting
4/17/2018	Endangered Habitats League, CA Audubon	Meeting
4/17/2018	CDFW	Phone call
4/19/2018	Earth Day Booth	Booth
4/22/2018	San Dimas Ciclavia	Booth
4/24/2018	Greater AV Assn of Realtors	Meeting
4/25/2018	Altadena Farmer's Market	Info Booth
4/26/2018	Building Industry Association	Meeting
<b>MAY</b>		
5/1/2018	Center for Biological Diversity/CNPS	Meeting
5/3/2018	Conceptual SEAs discussion	Blog/Madmimi
5/7/2018	Acton Town Council	Meeting
5/8/2018	Kizh Nation	Meeting
5/9/2018	Pop-up Event with 4th District Board office	Info Booth
5/15/2018	Public Review Period Extended to 5/31	Blog/Madmimi
5/17/2018	Theodore Payne	Phone Call
5/22/2018	Altadena Coalition of Neighborhood Associations	Outreach
5/24/2018	County Sustainability Council	Webinar
5/31/2018	Blog post - Public Review Period Ends	Blog/Madmimi
<b>JUNE</b>		
6/2/2018	Leona Valley Cherry Festival	Info Booth
6/11/2018	Nasha Lalani	Phone Call



**JULY**

7/19/2018	SCAG Natural Lands Workgroup	Meeting
7/25/2018	Blog post - AV Exemption alternative review begins	Blog/Madmimi
7/26/2018	Parks After Dark Resource Fair - Altadena	Info Booth
7/28/2018	Parks After Dark Resource Fair - Littlerock	Info Booth

**AUGUST**

8/3/2018	Parks After Dark Resource Fair - Lake Los Angeles	Info Booth
8/4/2018	Antelope Valley Valley Fever Walk	Info Booth
8/15/2018	Pearblossom Town Council	Meeting
8/23/2018	Public Hearing Notice and Review Period begins	Blog/Madmimi
8/30/2018	Fairmont Town Council	Meeting

**SEPTEMBER**

9/5/2018	Quartz Hill Womens Club	Presentation
9/10/2018	SEATAC	Public Discussion
9/26/2018	RPC Hearing	Public Hearing



Los Angeles County Department of Regional Planning  
Environmental Planning and Sustainability Section  
Electronic transmission of four (4) pages to:  
[sea@planning.lacounty.gov](mailto:sea@planning.lacounty.gov)

May 31, 2018

Subject: Acton Town Council Comments on the Draft SEA Ordinance dated March 2018

The Acton Town Council respectfully submits comments on the Draft SEA Ordinance that are timely provided in Attachment 1. The comments are brief because we understand that the Draft SEA Ordinance is likely to be revised again, and because we expect to provide more detailed comments following this afternoon's tour of the SEA within Acton that was attended by DRP staff and hosted by Acton Town Councilmembers.

In addition to the attached comments, the Acton Town Council expresses its sincere appreciation for the manner in which the Draft SEA Ordinance adheres to the motion approved by the Board of Supervisors when the Antelope Valley Area Plan was adopted in 2015. Specifically, and upon learning that the Santa Clara River SEA Boundary expansion would engulf more than 1/3 of Acton and include many square miles of land that supports *none* of the target biological species that the SEA was intended to protect,<sup>1</sup> the Board of Supervisors adopted the Santa Clara SEA Boundary with the proviso that residential development and associated accessory uses in the Antelope Valley Area Plan would be exempted from the SEA Ordinance<sup>2</sup>. The Acton Town Council is grateful that the Draft Ordinance is consistent with prior Board of Supervisor determinations in a manner which recognizes that low-density rural residential and animal keeping uses are not *per se* in conflict with biological resource protection objectives.

Sincerely,

/s/ Jacqueline Ayer  
Jacqueline Ayer  
Correspondence Secretary for  
The Acton Town Council

<sup>1</sup> The expanded Santa Clara River SEA boundary is intended to protect resources identified in the report titled "Biological Resources Assessment of the Proposed Santa Clara River Significant Ecological Area" published in 2000 and found at: [http://planning.lacounty.gov/assets/upl/project/sea\\_2000-BRA-SantaClaraRiver.pdf](http://planning.lacounty.gov/assets/upl/project/sea_2000-BRA-SantaClaraRiver.pdf). However, the expanded SEA Boundary encompassed many square miles of already developed land that does not (and cannot) support the identified resources, including Parker Mountain, the slopes of Mount Gleason and other non-aquatic areas (ephemeral or otherwise). Because of the extensive private landholdings that were incorporated into the expanded SEA despite their lack of biological resources identified for protection by the Santa Clara River SEA, the Board of Supervisors guaranteed that residential and accessory uses in the Antelope Valley Area Plan would be exempted from SEA ordinance provisions.

<sup>2</sup> See Item 3p of the Board Motion that adopted the Antelope Valley Area Plan found here: <http://file.lacounty.gov/SDSInter/bos/supdocs/89964.pdf>

1. The Acton Town Council is concerned by the very short (3 year) window that is provided for land to qualify as "Previously Disturbed Farmland"; there are a number of reasons why farmland may remain unworked for more than 3 years, including economic hardship following fire damage or drought. Moreover (and in the Antelope Valley in particular), it takes more than 3 years for native vegetation to become re-established, thus the 3-year time frame set by the Draft SEA Ordinance does not appear reasonable from a biological resource perspective. The Acton Town Council respectfully requests that the Department of Regional Planning explain how the 3-year window was established and why it is necessary.
2. Pursuant to the Draft SEA Ordinance, it appears that several important non-residential uses in Acton (including local water haulers and animal rescue operations) that have existing CUPs may be required to undergo the "SEA CUP" process (including a biological assessment) when they renew their CUP even though there are no proposed changes to, or expansion of, these existing uses. During a recent public meeting, it was conveyed that this requirement is imposed by the Draft SEA Ordinance because DRP wants to "see what's there" on the property where these uses occur. The Acton Town Council is concerned that mere curiosity is not a sufficient reason to impose an onerous SEA CUP process on existing uses that do not seek to make any changes and which serve a vital community function (particularly since renewal of such CUPs are exempt from CEQA<sup>3</sup>). Therefore, the Acton Town Council respectfully requests that DRP set forth the following:
  - a) Substantive reasons why it is necessary to require existing CUP holders that do not propose operational or facility changes to undergo the SEA CUP process;
  - b) The specific objectives that DRP hopes to achieve by requiring existing CUP holders that do not propose operational or facility changes to undergo the SEA CUP process;
  - c) The various ways in which existing CUP holders could be affected (and by extension, how Acton will be affected) by requiring them to undergo the SEA CUP process.

Without this crucial information, the Community of Acton is prevented from providing meaningful comments on the Draft SEA Ordinance, thus it is essential that timely and comprehensive answers to these questions be provided.

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<sup>3</sup> CEQA only applies to "projects" that are explicitly defined as activities which "may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment" [Public Resources Code Section 20165]. Furthermore, the renewal of an existing CUP that does not include any facility modifications qualifies for a Class 1 Categorical Exemption from CEQA because it involves a "permit" for the "operation" of existing "structures, facilities, and mechanical equipment". (California Code of Regulations, Title 14, Division 6, Chapter 3, Section 15301).

3. The substantive elements of the County's SEA program (such as the mitigation ratios and open space designation requirements) are not actually found anywhere in the Draft SEA Ordinance itself, rather they are embodied in the "SEA Implementation Guidelines". The Acton Town Council is troubled by this because these "Guidelines" are *not* part of the SEA Ordinance and do not appear to be even referenced by the SEA Ordinance. Yet, these Guidelines establish the mitigation ratios by which private land will be "taken" and "preserved" by either giving it to a non-profit organization or through some other mechanisms. Equally troubling is the fact that the "SEA Implementation Guidelines" *will be applied with essentially the force of law*, but they are not actually part of the SEA Ordinance and thus can be revised at any time without public notice, hearings, or even public comment. The Acton Town Council cannot countenance such circumstances; if the "SEA Implementation Guidelines" are going to be relied upon to implement the SEA Ordinance, then they must be made a legitimate part of the Ordinance and thus not subject to revision without public notice, hearings, and board adoption.
4. It seems to the Acton Town Council that, unless members of the public and all the decisionmakers have particular expertise in biology, they will be incapable of understanding the distinction between SEA Categories 1, 2, 3, 4 and 5. Thus, it is impossible for either the public or the decisionmakers to fully understand the scope of the Draft Ordinance and grasp the extent to which it will impact affected residents and property owners. In particular, the Acton Town Council is concerned that essentially all of Acton lying within the Santa Clara SEA will be deemed at least "Category 2" (with an 80% or 4:1 "open space" CUP SEA restriction imposed by the "Guidelines") simply due to the ubiquitous presence of Junipers in Acton (which are neither rare, threatened, nor endangered but are included on the "tree species list" on page 78 of the "SEA Implementation Guide"). Even if this is changed, the portions of Acton lying within the SEA are still likely to be deemed Category 3 with a 75% (or 3:1) "open space" CUP SEA restriction due to the presence of a commonly found species; namely, the San Diego Coast Horned Lizard (aka the Horny Toad). Moreover, even if a proposed project in Acton is not subject to SEA CUP requirements, the "Guidelines" still require 66% of the land (which is a 2:1) to be preserved "on-site" and remain untouched because most of Acton is either Category 2 or Category 3 for the reasons mentioned above. The Acton Town Council is grateful that the current version of the Draft SEA does not impose such broad "takings" on residential and accessory uses in Acton, but if the residential/ accessory use exemptions are removed from the SEA Ordinance, then these broad "takings" will apply to nearly one-third of Acton's residential areas. Because of this, the Acton Town Council respectfully requests that the County demonstrate (based on technically quantitative evidence) that the 66%, 75%, and 80% "preservation ratios" set forth in the "Guidelines" are necessary, and that without them, the County will fail to achieve the biological resource protection policies established by adopted planning documents. For example, the Acton Town Council seeks to understand why the thousands of acres of Juniper woodland that is already preserved within and adjacent to Acton (through private land preserves, county holdings, and federal lands) is insufficient and why it is necessary to take an additional portion (up to 80%) of private land as "mitigation".

5. The Acton Town Council appreciates the creation of "Category 5" resources [page 9 of the draft ordinance] which include plant communities "dominated" by non-native species. However, it is not clear precisely how this "Category 5" will be implemented. For instance, if a 20-acre parcel of land within the SEA in Acton is covered by Russian Thistle or Wild Mustard or other non-native species, but there is one Juniper tree and one Horny Toad found on the property, would it be considered "Category 5" (due to the "dominating" presence on non-natives) or "Category 2" (due to the presence of a single Juniper tree) or "Category 3" (due to the presence of a Horny Toad)?
6. The Draft Ordinance appears to require a minimum of 75% open space for all subdivisions regardless of what category of resources are on the property [page 22]. It also appears that the subsequent residential development of each lot created by the subdivision is subject to additional "on-site" preservation requirements as high as 66% (or 2:1) according to page 60 of the "Guidelines". Is this correct? If so, has the County prepared any sort of analysis showing that, to achieve the resource protection policies set forth in adopted planning documents, it is necessary to first set aside 75% of every subdivision project as "preservation land" and then set aside an additional 66% of every parcel created therefrom when it is developed for residential purposes? More importantly, has the County concluded that adopted resource planning policies will *not* be achieved unless these large land areas are taken for "preservation" purposes? If the County has developed such an assessment, the Acton Town Council respectfully requests that a copy of this assessment be provided.

## Significant Ecological Area Draft Ordinance Public Concerns

1. Section 1. Division 2. - Definitions should use the same wording as in Purpose (22.102.010), including wildlife corridor, connectivity, feed, cover and nesting habitat.

2. Purpose The definition is unclear. What does connectivity to regional natural resources mean? How does providing additional technical review reduce effects of habitat fragmentation in order to protect the biodiversity and unique resources of SEAs? How can development sustain connectivity and conserve biological diversity and habitat quality at the same time?

Directing development be designed in a manner which considers impacts to SEA resources is a very vague statement. Impacts noticed or taken into account gives a variety of choices to developers to use a SEA by preservation of other land not within the same location.

SEAs are already fragmented, developed, about to be redeveloped, rezoned or destroyed by roads, solar facilities or man made amenities to support human population. (Example: contiguous or corner touching property lines that create donut hole divisions as in annexed city boundaries.)

3. Purpose D. By considering impacts to development to be designed makes the purpose of SEAs insignificant. This is a vague, broad statement that only gives notice to impacts. Impacts should be eliminated.

4. Definitions. D. "Building Site" If it is "proposed" what is the meaning of the wording "is developed"? A limit of 20,000 sq. ft. building site should include NO exemptions.

5. D. 1. Excluded developments total up significantly. Why is it excluded in the site area? Please give a reason if this is for a specific master planned community.

6. D. 3. Requirements for LA Co Fire Department should be included and totaled to all grading.

7. E. "Conservation easement" Please add in perpetuity to the statement "restrictions to permanently limit".

8. F. "Conservation or mitigation bank" The number of "habitat or species credit" is similar to "carbon credits", The numbers here are for living creatures and their habitat that sustain all of us. Mitigation must remain in the same area, not credited to another geographical location.



9. G. "Conservation –in-lieu fee" These fees must be used for mitigation in the same area.
10. "Development" Please add the following words (from Roget's Thesaurus). Development is outgrowth, consequence, change and expansion. The word alteration is a simplified explanation of a permanent modification.
11. "Development Footprint" Is this the permissible 20,000 square feet of a single building? What is the maximum amount of disturbance allowed that does not count into the development footprint? Would this be considered as "barefootprint"?
12. "Formation Type" Woodland must include a culmination of all seven types of features.
13. "Fragmentation" The definition must include the reference to habitat disturbance also, not only vegetative.
14. T. "Linkage" Is this definition the same as "wildlife corridor" Does it mean the same thing?
15. X. 1. SEA Resource Category 1. Must all existing animal and plant species need to be endangered before they are protected? Might that not be too late?
16. X. 5. SEA Resource Category 5. Please include second growth desert to ecosystem functions valuable to the resilience of the SEAs.
17. AA. "Water Resources" Please include sources of surface water as seasonal or permanent.
18. BB. "Wildlife" Please add insects, such as butterflies, native bees, flies, grubs and other such insects that provide food for lizards and birds.
19. Applicability (22.102.030) D. and E. Why was this crossed out in Section 1, page one?
20. Exemptions (22.102.040) This is very confusing and unclear. Could it be explained in more simple terms?
21. SEA Counseling (22.102.050) What is the criteria used for a waiver? Where is this in writing? Who decides? Who is the Director?
22. B. SEA Stop. This semi-acronym must be county-speak for a checkpoint or next step in a procedure made up of reviews. Why not call it like it is?

A recommendation either approves a project or not. If all is well then a project goes ahead. If a project is not approved it gets more chances to be approved by having more evaluations, paying permit fees or by mitigation with a land exchange or credits. Wouldn't it be more likely that the ordinance will eventually approve any project of a significant ecological area?

23. CUP (22.102.070) Please see comment 22.

24. CUP A.3.c. Please define what cumulative means to the Planning Department. How much loss is needed to become cumulative?

25. CUP B.1.d. Who determines items that are "unnecessary"? Please state if it is the Director, that person's name and title.

When does the Public Hearing take place in the review process? When is the public allowed to comment? How will the public be notified and what is the time frame for any comments on a project?

26. Development Standards 22.102.080) A.3.b. and 4.b. Does this refer to preservation in the same area, or at another location not in a SEA but of a similar type?

27. C.3. Fencing materials. Please add woven wire as a prohibited material.

28. C.5. Outdoor lighting. Please add "to use subdued light or red lighting".

29. C.6. Open Space Buffer What percentage of land for fuel modification deemed necessary by the Fire Department will be allowed? Will a review for nesting areas or dens be required first?

30. D.2.a.i. Does "disturbed area" include second growth" or the desert that is recovering from past farming, grazing, fires, etc.?

31. D.4. Who are the developers and what are the names of their corporations that have "reasonable potential for future development" of large parcel maps? How big are these and what is the criteria for "reasonable"?

32. Open Space (22.102.090) A.3. How do wildlife corridors fit into land division? Are they left untouched, re-routed or eliminated?

33. B.1. How would multiple noncontiguous areas of open space not result in or not be considered fragmentation?

34. D.1. What is the difference between a deed restriction and a covenant?

35. D.2. Who is it that decides which open space preservation mechanism is implemented for development that does not comply with SEA Development Standards? There are seven choices listed by preference. Is a choice selected at random or by request of the developer?

36. Findings (22.102.100) C. Please specify the sensitive design features that would be sufficient for habitat. (Give examples.)

37. D. What are the acceptable or foreseeable ways of maintaining natural functions? Are there allowable alterations of water bodies, watercourses and tributaries? How would this be done?

Thank you for your consideration,

Virginia Stout  
Antelope Acres Town Council  
President

Judith Fuentes  
Antelope Acres  
Resident

**Iris Chi**

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**From:** Bev Perry <bperrybrea@roadrunner.com>  
**Sent:** Saturday, May 26, 2018 4:34 PM  
**To:** DRP SEA  
**Subject:** Comments on SEAs

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

I urge you to add Conceptual SEAs to the existing approved SEAs and to change your definition of when a housing project application is "deemed complete."

Signed,  
Bev Perry

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Andy Wang, *NexData Technology*  
Rick White, *Larrabure Framing*

May 31, 2018

Department of Regional Planning  
320 West Temple Street, 13th Floor  
Los Angeles, CA 90012

**Re: Building Industry Association Comment Letter on the Significant Ecological Areas (SEA) Ordinance**

Dear Ms. Patricia Hachiya,

The Los Angeles/Ventura Chapter of the Building Industry Association of Southern California, Inc. (BIA), is a non-profit trade association of nearly 1,200 companies employing over 100,000 people affiliated with building and development. On behalf of our membership, we would like to propose our suggested comments related to the County's Significant Ecological Areas (SEA) Ordinance. BIA would like these comments to be taken into consideration for implementation in the final SEA Ordinance.

The SEA Ordinance was last updated in 2015 with the adoption of the 2035 General Plan and Antelope Valley Area Plan, which included revisions of the County's goals and policies, SEA map boundary changes, and applicability language changes. BIA-LAV has since worked with the County and submitted various comment letters to help produce drafts 7, 8 and 9 of this ordinance. The most recent SEA document was reviewed by our membership, and we had the opportunity to meet with County staff to communicate the concerns outlined in this letter. There are several technical changes and additions we hope are reviewed to eliminate any confusion and to provide the building and development community more clarity, all detailed below.

**1. Definition of "Biological Constraints Analysis" (Page 3 – §22.102.20 (A)):**

The County has provided that, a "Biological Constraints Analysis (BCA)" means a report, prepared by a qualified biologist as listed in the SEATAC Certified Biologist List maintained by the Department..." This draft definition requires that developments in an SEA would have to work

with a biologist on the SEATAC Certified Biologist List. Applicants should not be limited to the SEATAC list. Many of the biologists our members work with are well qualified and are familiar with the specific development that, often times, they have been working on over several years. If this suggestion were to be adopted we would request that references to the “SEATAC Certified Biologist List” be taken out from the entirety of the ordinance.

**2. Definition of “Development” (Page 5 – §22.102.20 (J) & (J)7.):**

For clarity, we would like the inclusion of language that points out that the “following activities” under the SEA “Development” definition excludes exempted developments under Section 22.102.040 of the ordinance. This would eliminate any confusion related to what is exempted and not subject to this section or definition. Accordingly, BIA requests that §22.102.20 (J) be revised to read (requested change underlined):

J. “Development” means any of the following activities within an SEA, unless otherwise exempt under Section 22.102.040

(J)7. Also, in this provision, the County describes “Land Divisions” as a development activity. This should also be excluded from the definition of development since land division in and of itself is not development.

**3. Exemptions (Pages 11, 12 & 13 – §22.102.040, (B)1., (D), (H), And the addition of §22.102.040 (P) and (Q) (1. - 8.):**

In this section the ordinance states that, “The following developments are exempt from the regulations of this Chapter.” Here, BIA suggests adding language that reinforces the fact that an SEA permit is not required for the listed exemptions. BIA requests that §22.102.040 be revised to read (requested change underlined):

“The following developments are exempt from the regulations of this Chapter, and shall not require an SEA permit. Development that does not qualify for any of the exemptions listed below is subject to the regulations of this Chapter.”

(B)1. Under the ordinance Section 22.102.040 (B)1., the specific total building site and areas that would be exempted for additions and modifications are listed as not increasing “20,000 square feet, or encroach into more than 10% dripline for up to four SEA Native Trees.” Our membership feels that this type of specificity may not be appropriate in all cases and is too prescriptive. That should be noted throughout the ordinance, including; SEA Development Standards §22.102.080 (A) 2. (a.), 5., (B) Water Resources (Table), (C) 6. & (D) 3., (B)and §22.102.90 Open Spaces (A) 3.



(D) & (E). Currently, the ordinance exempts, “Maintenance, minor additions, or changes to existing legally established development previously reviewed for impacts to SEA Resources...” and “Development requiring renewal of previously approved use permits...” However, development permitted prior to the expansion of an SEA mapped area would not have been previously reviewed for impacts to SEA resources. Instead, former versions of the ordinance stated that, “Any development authorized by a valid land use approval, or permit authorized by this Title 22, that was not subject to Section 22.56.215 as it existed prior to the effective date of the ordinance establishing the former section. In such cases, the development shall be governed by the land use approval or permit during the life of that grant.” This language would be more appropriate in defining an exemption for a previously existing, legally established development.

(H). This portion of the exemptions refers to the “rebuilding and replacement of legally built structures which have been damaged or partially destroyed and will not increase the previously existing development footprint.” BIA suggests that County staff should currently have the ability to approve these types of changes to a structure if regulations requiring replacement require it or if it can be demonstrated that it wouldn’t affect sensitive vegetation.

(P). BIA suggests adding (P) to Section 22.102.040 to exempt “Lot line adjustments.”

(Q). BIA suggests adding (Q) to Section 22.102.040 to exempt “Ground Disturbance Activities” and the following activities as exemptions:

1. Implementation of mitigation (installation, maintenance, and monitoring), including habitat restoration, expansion, enhancement, and removal of non-native or invasive species;
2. Testing and survey activities conducted pursuant to environmental analysis prepared pursuant to the California Environmental Quality Act;
3. Activities on lands within the historic limits of existing agricultural operations and production, including lands that are fallow as part of long-term crop management. Agricultural operations may include, but are not limited to, irrigated and non-irrigated farmland, nurseries, fruit stands, and composting facilities. Agricultural operations and production include access to, installation, repair, and maintenance of agricultural related infrastructure;
4. Activities associated with existing managed grazing lands for traditional livestock (including resource management) and the construction and maintenance of corrals, barns, sheds, fencing, water systems, and access roads as an accessory use, as allowed by this Title 22 and other applicable County regulations, including, but not limited to, regulations related to time of year, County wildlife preserves, and hazardous dust conditions;
5. Activities associated with existing oil and gas operations, including maintenance of wells, pipelines, tanks, fencing, sheds, access roads, and equipment and material storage;

6. Activities associated with required alterations in previously developed areas within a SEA (e.g., upsizing an existing utility);
7. Maintenance of existing facilities located within a SEA (e.g., grading and vegetation removal necessary to provide continued access); and
8. Construction of County master planned highways and master planned trails.

**5. SEA Counseling (Page 13 & 14 – §22.102.050(B), And the addition of Section 22.102.050 (C)):**

(B). As written, the ordinance requires that at the SEA Stop process the Regional Planning Director recommend “two subsections...” appearing to mean that the two recommendations listed under a. and b. have to both be adopted. However, a. and b. appear to be written as adopting one or another – not necessitating both for a ministerial review, and an SEA Conditional Use Permit. To provide clarity and eliminate confusion, we recommend that the §22.102.050(B) be revised to read (requested change underlined):

“Recommendation. The Director shall recommend at the SEA Stop one of the following two subsections:”

(C). BIA also requests that Section 22.102.050 (C) be added to the ordinance to expand applicability requirements, including additional permitted uses subject only to ministerial review. We recommend the following:

“C. Ministerial SEA Review. The following activities shall be presumed to comply with Section 22.102.080 (SEA Development Standards) and only a ministerial SEA review pursuant to Section 22.102.060 shall be required:

1. Activities to improve the quality of biological or water resources in an SEA, such as, but not limited to:
  - a. Non-native vegetation removal programs;
  - b. Native Habitat restoration programs; and
  - c. Construction of wildlife crossing structures
2. New crops as follows:
  - a. Personal crops that exceed one acre in size; and,
  - b. Commercial crops of any size.
3. Vegetation removal as follows:
  - a. Vegetation removal in excess of what is required for the placement of permitted structures, accessory structures, access, fuel modification areas, and paths; and
  - b. Vegetation removal not associated with the development of an approved permit.”

**6. SEA Review (Page 14 – §22.102.060 Title, And (A)):**

Title: BIA requests clarification under the SEA Review title, providing the word “Ministerial,” makes it clear that this is meant to be a description of the ministerial process. We recommend that the title read, “SEA Review (Ministerial).”

(A). We recommend that under §22.102.060 (A) there should be clarifying language that refers back to the eligibility of projects to undergo a ministerial review based on the Director’s recommendation. BIA requests that §22.102.060 be revised to read (requested change underlined):

“A ministerial SEA Review pursuant to this section shall be required for any development recommended by the Director pursuant to section 22.102.50, subpart B, and any development included in section 22.102.50, subpart C, to determine compliance with the following:”

**7. SEA Conditional Use Permit (Page 15 – §22.102.070 Title):**

Title: BIA requests clarification under the SEA Conditional Use Permit title, providing the word “Discretionary,” makes it clear that this is meant to be a description of the discretionary review process. We recommend that the title read, “SEA Conditional Use Permit (Discretionary).”

**8. SEA Development Standards (Pages 18, 19 & 20 – §22.102.080 (2)a., (C), (D)1., And (D)2.(c)):**

(2) a. BIA requests that the use of “minimum” results in great uncertainty to builders and developers and should be more specific. That should be noted throughout the ordinance, including; §22.102.080,(3) b.

(C). BIA suggests removing the fencing standards under “Area-wide Development Standards;” Based on the broad nature of the resources within the County SEAs, a one size standard does not fit all. For this reason, the fencing should be looked at on a case-by-case basis.

(D) 1. We are concerned that the section describing permissible crops is too limited to non-invasive species. Most crops are invasive when water is available.

(D) 2. (c). This section and the three points under the subsection do not appear to be necessary, because of the language above this section under (D) 2. (b), requiring exploratory testing stabilization.

**9. Open Spaces (Page 22 – §22.102.90 (A) 4.):**

BIA suggests that this provision is removed because Opens Space could be set aside in the Final Map process.

**10. Open Space Use (Pages 23 & 24 – §22.102.90 (C), Add 7., And (D) 1. & (D)2.(d)):**

Add (C) 7. We would like to add point 7. under exemptions to Open Space Use in subsection (C), to read:

“7. Trails and/or other recreational amenities”

(D) 1. & (D) 2. (d). BIA requests clarifications to expand the term “property owner” to include a “Property Owners Association.”

**11. Findings (Pages 24 & 25 – §22.102.100 (A), (B) & (F)):**

(A). BIA believes that the language under subsection A. be amended to eliminate any potential misinterpretations under current language. We recommend the section to be revised to read:

“A. To the extent feasible, the proposed development minimizes potential impacts to identified biological resources present on the portions of the proposed development site that are located within the SEA from incompatible development through the application of environmentally sensitive site design practices and development standards.”

(B). Also, to eliminate any misinterpretations, and conflicting exemptions, BIA suggests the language under subsection B. be replaced with the following:

“B. Potential conflicts between conservation of the resources in SEAs (as identified in the County’s General Plan) and the proposed development have been equitably resolved.”

(F) To create consistency across this “Findings” section, based on the earlier replacement language suggested above, (F) should be amended to read:

“F. The proposed development does not have the potential to result in the loss of resiliency of the SEA, to the extent feasible.”

Especially of concern, under subsection (F) is point 4.: “Other factors as identified by SEATAC.” This language is incredibly broad, and could pose unforeseen restrictions and challenges on builders and developers.

**11. Fees (Page 26 – §22.102.110 (A)5.(b)):**

Under current language, the SEATAC review fee only covers up to three SEATAC meetings, and would require new fee for additional meetings. BIA believes that this language should be amended to read:

“b. The SEATAC Review Fee shall cover all SEATAC meetings.”

In summary, BIA believes that these changes will strengthen the SEA Ordinance by providing balance between past drafts and previous industry suggestions, while updating the most current draft that includes new components. Builders need clarity and certainty when new regulations are updated or introduced, especially when existing investments and current projects are impacted. These small changes will provide BIA members and housing producers that certainty, and allow fair housing production to battle the housing crisis that has afflicted the region. We ask that the Final Significant Ecological Areas Ordinance be written with our requested adjustments so it can be as balanced as possible in achieving the County's ecosystems conservation goal. We look forward to continuing to work with the County as this draft ordinance is finalized.

Thank you for your consideration of these suggestions and comments. Should you have any questions, please contact BIA-LAV Director of Government Affairs, Diana Coronado, at (213) 797-5965 or at [dcoronado@bialav.org](mailto:dcoronado@bialav.org).

Sincerely,

A handwritten signature in black ink, appearing to read "Tim Piasky".

Tim Piasky  
Chief Executive Officer  
BIA-Los Angeles/Ventura

CC: Iris Chi, Los Angeles County Department of Regional Planning

**Iris Chi**

---

**From:** Bruce Petersen <bpetersenhp@gmail.com>  
**Sent:** Friday, May 18, 2018 11:25 AM  
**To:** DRP SEA  
**Subject:** Comments on SEAs

I urge you to add Conceptual SEAs to the existing approved SEAs and to change your definition of when a housing project application is "deemed complete." As California population continues to grow, chances for saving natural spaces will skitter away. It must be saved now.

Signed, Bruce Petersen



STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

EDMUND G. BROWN Jr., Governor

**DEPARTMENT OF TRANSPORTATION**

DISTRICT 7

100 MAIN STREET, SUITE 100

LOS ANGELES, CA 90012-3606

PHONE (213) 897-3606

FAX (213) 897-0685

TTY (213) 897-4937

*Making Conservation  
a California Way of Life.*

April 24, 2018

Los Angeles Department of Regional Planning  
320 West Temple Street  
Los Angeles, CA 90012  
Attn: Iris Chi

Subject: Significant Ecological Area Ordinance Review/Comments

To Ms. Chi:

The ordinance amending Chapter 22 (Significant Ecological Areas) of Los Angeles County Code has been reviewed. Caltrans has the following comments/suggestions regarding the ordinance:

- 22.102.020 Definitions (D)(3): Change "Turnaround" to "turn-around"
- 22.102.020 Definitions (F): Use "project developers" or "developers," such that it is consistent with section (G)
- 22.102.020 Definitions (G)(4-5): Specify difference between "structure" and "infrastructure" or perhaps combine sections (4) and (5)
- 22.102.020 Definitions (N): Place comma between "fertile soil" and "scenic views"
- 22.102.040 Exemptions (D): Define "minor additions"
- 22.102.080 SEA Development Standards (A)(4)(b): Specify if 10 rare plants may be disturbed or if woody rare plants may be disturbed
- 22.102.090 Open Space (C): There shall be no removal of trees or vegetation or other disturbance of natural features, with the following exceptions as deemed appropriate by the Director prior to the disturbance. Would emergency situations qualify?
- 22.102.090 Open Space (D)(2)(g): Specify "conservation" in-lieu fees as referenced in 22.102.020 Definitions (G)
- 22.102.130 Review Procedures for Habitat Restoration Projects (A)(2): Include a plant palette as information required

The listed comments are suggestions recommended by Caltrans. Thank you for giving Caltrans the opportunity to comment on this ordinance. If you have any questions regarding the comments made, please contact me at [celina.oliveri@dot.ca.gov](mailto:celina.oliveri@dot.ca.gov) or (213) 897-1950.

Thank you,

Celina Oliveri, Associate Biologist  
Division of Environmental Planning  
Caltrans, District 7

May 14, 2018

Ms. Jennifer Mongolo  
Los Angeles County Department of Regional Planning  
320 West Temple Street, Room 1343  
Los Angeles, CA 90012  
email: jmongolo@planning.lacounty.gov

**Subject: Notice of Consultation on the Tenth Draft Proposed Ordinance (Ordinance) for Los Angeles County Significant Ecological Areas (SEA).**

Dear Ms. Mongolo:

The California Department of Fish and Wildlife (CDFW) has reviewed the above-referenced tenth draft of the proposed Ordinance for Los Angeles County SEAs. The Ordinance is a component of the Los Angeles County General Plan and is a regulatory tool written to maintain a balance between conservation and development within designated SEAs located in unincorporated Los Angeles County.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife resources. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW is pleased that the subject Ordinance address many of the Department's comments and recommendations following CDFW review of several previous SEA Ordinance drafts as this planning document progression towards finalization by Los Angeles County Department of Regional Planning (County).

**CDFW ROLE**

The following statements and comments have been prepared pursuant to the Department's authority as California's Trustee Agency for fish and wildlife resources, and holds them in trust by statute for all the people of the State. (Fish & Game Code §§ 711.7, subd. [a] & 1802; Public Resources Code § 21070; CEQA Guidelines § 15386, subd. [a]). As trustee, CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Id., § 1802). For purposes of CEQA, CDFW is mandated to provide, as available, biological expertise during public agency environmental review, focusing on projects/activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a Responsible Agency under CEQA (Public Resources Code § 21069; CEQA Guidelines § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration (LSA) regulatory authority (Fish & Game Code § 1600 *et seq.*). To the extent implementation of the Project as proposed may result in "take" as defined by State law of any

species protected under the California Endangered Species Act (CESA; Fish & Game Code § 2050 *et seq.*) or state-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish and Game Code §1900 *et seq.*), authorization from CDFW as provided by the applicable Fish and Game Code will be required.

#### **Section 22.102.020. Definitions.**

22.102.020 (J). This Section describes several activities considered as development and states. “Development” means any of the following activities within an SEA”

CDFW recommends that groundwater extraction be considered a type of development for the purposes of the Ordinance. Changes in groundwater can effect surface water and soil moisture availability and associated wildlife and botanical resources that depend on these resources.

22.102.020 (J) (6). This Section defines fencing as “areas used for livestock or companion animals including riding rings, kennels, paddocks, and grazing lands;”

CDFW recommends that the definition of fencing include areas fenced for security reasons include but not be limited to: airports; prisons; large estates; agricultural croplands; resorts; mines; reservoirs; aqua ducts; public recreation facilities; etc.

22.102.020 (P) (7). This section describes “Formation Types” to define generalized structures of a stand of vegetation or physical feature. Wetland is defined as a Formation Type that is “An area of land that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, with determinations following guidelines defined in the Corps of Engineers Wetland Delineation Manual.”

In order for the Ordinance to be more inclusive of biological resource protection in the predominately arid regions of the subject coverage area, CDFW recommends that the Ordinance follow the wetland determinations guidelines defined in the United States Fish and Wildlife Service (USFW) *Classification of Wetlands and Deepwater Habitats of the United States* (Cowardin, 1979). For purposes of this classification, a wetland must satisfy one or more of the following three wetland indicator parameters: (1) at least periodically, the land supports predominantly hydrophytes; (2) the substrate is predominantly undrained hydric soil; and (3) the substrate is nonsoil and is saturated with water or covered by shallow water at some time during the growing season of each year. Wetland determinations defined under the Corps of Engineers Wetland Delineation Manual must satisfy all three of the above wetland indicator parameters (vegetation, soils, and hydrology) to qualify as a wetland. The Corps of Engineers wetland delineation standard will potentially limit the recognition and protection of wetlands and associated biological resource value in the SEAs covered under the Ordinance.

22.102.020 (R). This section states that “habitat type” is generally referred to as vegetation type “as defined by standard references, such as Holland (1988) or Sawyer et al (2009).” CDFW asks that this be rewritten to “as defined by the state’s standard known as the Survey of California Vegetation (SCV), which is available on the California Department of Fish and Wildlife website.”

CDFW no longer supports the use of the Holland classification. Instead, in 2007 the Legislature directed CDFW to develop a vegetation classification and mapping standard for California based on data-driven, defensible definitions of vegetation types. The standard presents membership rules for vegetation types so they are clearly defined and understood by all users. The *Manual of California Vegetation*, second edition, (Sawyer et al. 2009) presented the state of the standard classification in 2009. However, much more of California has been classified and analyzed, and updates will now be published on the CDFW website in the form of lists (<https://www.wildlife.ca.gov/Data/VegCAMP>) and CNPS website (as the Online Manual of California Vegetation). The vegetation types of Los Angeles are fairly well documented, at least at the Alliance level, and so biologists need not rely on outdated Holland types.

22.102.020 (U). This section defines “natural community” as a “.distinctive assemblage of plant species that live together and are linked by their effects on one another and their environment, and which present a characteristic appearance based on size, shape, and spacing that is reflective of the effects of local climate, soil, water, disturbance, and other environmental factors.” However, CDFW is unsure how this differs from “habitat types” in 22.102.020 (R). CDFW uses “vegetation types” and “natural communities” interchangeably, and since 22.102.020 (X) (1) et seq. refer to “natural communities” as ranked by CDFW, we recommend the Ordinance define “habitat type” and “natural communities” as the same thing; the definition in this section is very good.

22.102.020 (X) (1-5). The ordinance defines SEA resource categories 1 through 5 based on CDFW’s ranking or by utilizing NatureServe’s Conservation Status Assessment Methodology for unranked communities. CDFW is concerned that this allows the biologists to define communities on an ad hoc basis and then rank them. This should be worded to “‘SEA Resource Category 1’ includes natural communities accepted by California Department of Fish and Wildlife (CDFW) and ranked G1 or S1 by CDFW or utilizing NatureServe’s Conservation Status Assessment methodology for unranked communities” in 22.102.020 (R) X(1) and as appropriate for the other sections.

CDFW recommends the text in the SEA Ordinance Implementation Guide be modified per the comments above: For example, bullet 3 on page 51 and bullet 2 on page 52 should refer to the CDFW Survey of California Vegetation and CNPS Online Manual of California Vegetation.

#### **22.102.040. Exemptions.**

22.102.040 (A) (1). Single Family Homes. This section describes exemptions to the Ordinance including the building of single family homes (SFH) of any size that are within the boundaries of the Antelope Valley Area Plan (AVAP) as being exempt from the Ordinance.

CDFW recommends the County not provide Ordinance exemptions for SFH construction anywhere in the County within designated SEAs. CDFW is concerned that development within SEAs without the County requiring biological constraints analyses could lead to assumptions by the regulated community that activities are not subject to additional applicable regulations protective of biological resources. CDFW is particularly concerned regarding regulations under our purview, including protection for listed species (Fish and Game Code § 2050 *et seq.*), nesting birds (Fish and Game Code § 3500 *et seq.*), and alterations conducted within waters of the state (Fish and Game Code § 1600 *et seq.*).

CDFW recommends that the Ordinance include language that informs that all activities conducted in an SEA are subject to applicable state and federal laws regardless of Ordinance exemption status provided by the County.

22.102.040 (A) (2) Farmland. This section describes that the development on farmland within the boundary of the AVAP is exempted from the Ordinance and states. “All previously disturbed farmland as defined by Section 22.102.020 (Definitions).”

Definition V under Section 22.102.020, states. “Previously disturbed farmland means farmland not grazed by domestic stock identified within the State of California Farmland Mapping and Monitoring Program (published in 2017) that has been inactive for a period of less than three consecutive years.”

The Farmland development Ordinance exemption in Section 22.102.040 (A)(2) appears to conflict with the Resource Category defined in Section 22.102.040 (X)(5) that states. “SEA Resource Category 5 includes disturbed or isolated resource elements, such as plant communities dominated by non-native species, agricultural fields, hedges, and non-native trees, which continue to provide habitat and movement opportunities for wildlife, buffers between development and wildlands, and ecosystem functions valuable to the resilience of the SEAs.”

CDFW recommends that the Ordinance clarify if “agricultural field” and “farmland” are intended to refer to similar or different meanings for the purposes of affording the exemption and Resource Category value as defined in the ordinance. Given that inactive farmland and agricultural fields provide similar beneficial wildlife habitat value, CDFW recommends Exemption 2 under Section 22.102.040 (A) be removed from the Ordinance.

Section 22.102.090. Open Space. Section 22.102.090 describes how the Ordinance proposes to address impacts to biological resources within the SEAs and states. “This Section sets forth the preservation and recordation requirements for open space when required by this Chapter, either in compliance with Section 22.102.080 (SEA Development Standards) or to offset impacts to SEA Resources through a SEA CUP.”

CDFW generally concurs that the Open Space and SEA Development Standards described in the Ordinance furthers biological resource preservation and protection within the SEAs.

Understanding that resource value and sensitivity may vary depending on the location and type of project, CDFW may permit activities in SEAs within CDFW’s regulatory authority that may be subject to more stringent avoidance, mitigation ratio, preservation dedication, and conservation management standard conditions than described in the Ordinance.

CDFW recommends that the Ordinance avoid using the term “open space” and replace it with the term “natural open space”. CDFW does not generally support the use of open space preservation to mitigate for impacts to biological resources. Open space may be interpreted as an area that could be used for recreational activities such as sports fields, golf courses, etc. that generally are not compatible with maintaining native biological diversity.

CDFW appreciates the opportunity to comment on the draft Ordinance and to assist the County in further minimizing and mitigating project impacts to biological resources. In general, CDFW

welcomes the updated Ordinance and finds it to be an improvement in clarity and conservation intent.

CDFW requests an opportunity to review and comment on any response that the County has to our comments and to receive notification of any forthcoming CEQA documents and hearing dates for the SEA Ordinance (CEQA Guidelines §15073[e]). If you have any questions or comments regarding this letter, please contact Scott Harris, Environmental Scientist at [scott.p.harris@wildlife.ca.gov](mailto:scott.p.harris@wildlife.ca.gov) or (805) 644-6305.

Sincerely,



Betty J. Courtney  
Environmental Program Manager I  
South Coast Region

cc: Erinn Wilson, CDFW, [erinn.wilson@wildlife.ca.gov](mailto:erinn.wilson@wildlife.ca.gov)  
Diana Hickson, [Diana.Hickson@wildlife.ca.gov](mailto:Diana.Hickson@wildlife.ca.gov)  
Andrew Valand, [Erinn.Wilson@wildlife.ca.gov](mailto:Erinn.Wilson@wildlife.ca.gov)  
Kelly Schmoker, [Kelly.Schmoker@Wildlife.ca.gov](mailto:Kelly.Schmoker@Wildlife.ca.gov).

**References:**

Cowardin, L.M. 1979. Classification of Wetlands and Deepwater Habitats of the United States. Report FWS/OBS-79/31. Washington, DC: Fish and Wildlife Service, U.S. Department of the Interior.

Evens, J.M., T. Keeler-Wolf, and J.O. Sawyer. 2009. A manual of California vegetation. Second Edition. California Native Plant Society, Sacramento, California, USA. 1,300 pages.





May 31, 2018

Department of Regional Planning  
County of Los Angeles  
320 West Temple Street  
Los Angeles, CA 90012  
[sea@planning.lacounty.gov](mailto:sea@planning.lacounty.gov)

**RE: Comments on the Significant Ecological Areas Ordinance Update – Public Review Draft and the Significant Ecological Areas Ordinance Implementation Guide.**

Dear Department of Regional Planning,

Los Angeles County is an important location for the conservation of biodiversity. The vast majority of the county is located in the California Floristic Province, an area selected as one of 35 Global Biodiversity Hotspots<sup>1</sup>. Hotspots are identified based on their high diversity, rate of endemism, and level of threats. Los Angeles County is tasked with managing globally important plant and animal resources on both private and public lands. Increasingly, the preservation of biodiversity on these lands is in conflict with human uses. We recognize that the Significant Ecological Areas (SEA) Ordinance is an attempt to balance the needs of humans with the conservation of ecological resources in some of the county's most precious locations. With that in mind we advocate that the County implements planning decisions and policies that prioritize the conservation of biodiversity and the maintenance of ecological processes. Thank you very much for the opportunity to provide comments on the SEA Ordinance Update – Public Review Draft and Implementation Guide.

The Center for Biological Diversity (“Center”) is a non-profit environmental organization dedicated to the protection of native species and their habitats through science, policy, and environmental law. These comments are submitted on behalf of the Center's 1.6 million staff, members and supporters throughout California and the western United States many of whom live in Los Angeles County or visit here and enjoy studying, photographing and hiking in the great diversity of natural open space in the County.

The California Native Plant Society (“CNPS”) is a non-profit environmental organization with nearly 10,000 members. CNPS' mission is to protect California's native plant heritage and preserve it for future generations through application of science, research, education, and conservation. CNPS works closely with decision-makers, scientists, and local planners to

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<sup>1</sup> <https://www.conservation.org/How/Pages/Hotspots.aspx>

advocate for well-informed and environmentally friendly policies, regulations, and land management practices.

On behalf of the staff, members and supporters of the Center and the CNPS, we offer the following comments:

### **Specific Comments on the Significant Ecological Areas Ordinance Update – Public Review Draft**

We request the Department of Regional Planning incorporate the following changes to the Ordinance in order to help preserve the unique and world-class flora and fauna of Los Angeles County:

- 22.102.010 Purpose. D. Directing development to be designed in a manner which ~~considers~~ **avoids** impacts to SEA resources within the Los Angeles County region.
  - Justification – the best way for the County to protect the Sensitive Ecological Areas is to avoid impacts to them during development design.
- 22.102.020 Definitions. D. ~~4. Fuel modification area required by the County Fire Department.~~
  - Justification – The fuel modification zone should not be excluded from the total building site area. Fuel modification can be a big impact on the local resources, particularly for small projects. Fuel modification may involve the clearance of native plants from 100 to 300 feet around every structure on the site. The yearly clearance of vegetation effectively eliminates all annual and perennial native herbaceous plants. Also, pruning in successive years, of native shrubs and small trees often results in the death of those plants. What remains on sites where fuel modification has occurred are non-native plants, particularly weedy grasses. Additionally, these areas suffer from higher rates of soil erosion, as the matrix of native shrubs and trees that typically hold slopes in place is no longer intact. Fuel modification zones need to be included in the development footprint. Indeed, the same section, J. 1, defines Development as “Alteration to existing vegetation, including but not limited to vegetation removal for fuel modification,...” (at pg. 5 emphasis added), and in K. ““Development footprint” means the area of disturbance for development, including but not limited to, all structures, driveways and access, fuel modification areas...” (at pg. 6 emphasis added). We support inclusion of the “fuel modification” in the development footprint.
- 22.102.020 Definitions. F and G. “Conservation or Mitigation Bank” and “Conservation in lieu fee”
  - “Conservation or Mitigation Bank” and “Conservation in lieu fee” need to be defined more precisely. Mitigation banking and in lieu fee options should be expanded to be a programmatic component of SEA implementation and management. This program should include ongoing tracking, reporting, and

- enforcement components. Without these, offsite mitigation has a high likelihood of failure and is therefore a threat to the very resources it is intended to protect.
- Ratios of replacement vegetation should be commensurate with those recommended by resource management agencies, especially California Department of Fish and Wildlife. Special plants and habitat types should minimally have a 4:1 ratio, with old growth habitats including chaparral compensated at a ratio of 10:1. More common species within an SEA should minimally be mitigated at a 2:1 ratio.
  - Banking, mitigation, deed restrictions, and in lieu fee projects should regularly be reported at the regional level using GIS mapping. These should include the annual publication of a .kmz (or similar easily viewable file format) showing the properties covered, photo-documentation of management actions, and survey results. This tracking should be incorporated into SEA programmatic planning and mapping components, and should be administered by dedicated County Regional Planning staff whose primary responsibilities is to insure that all agreements are upheld and executed as required.
  - Any and all mitigation must require like-for-like components for compensation. Soils, slope, topography, aspect, range, growing conditions, and habitat type must all match between development and mitigation sites. All must be within the same watershed and SEA.
  - Chapter 8 of the Implementation Guide offers excellent contemporary ideas and requirements for mapping, reporting, and tracking. This chapter would be markedly improved if it included the assurance of dedicated staff, enforcement, or ongoing programmatic review needed to ensure the tenets of all banking and in lieu agreements are upheld. Please expand on Chapter 8, to include dedicated staff, and an associated budget.
- 22.102.020 Definitions. P.3. “Herbland is a vegetation dominated by annual or herbaceous perennial species including native and non-native grasslands.”
    - While we recognize that native grasslands can be a component of the formation defined as herbland, because native grasslands are a rare plant community<sup>2</sup>. Los Angeles County still has some of the best and largest native grasslands remaining in California. Therefore it is prudent to identify a unique category for Native Grasslands.
  - 22.102.020 Definitions. K. Development footprint” means the area of disturbance for development, including but not limited to: all structures, driveways and access, fuel modification areas, and direct habitat disturbances associated with the development.
    - Note that this definition also conflicts with Definition D. Please note 22.102.080 SEA Development Standards that separate SEAs into categories of allowable disturbance and the prescribed mitigations for each type of disturbance.
  - 22.102.020 Definitions. P. 6. and 7. While the 6. Addresses streams and 7. addresses Wetlands and references the Army Corps of Engineers Wetland Delineation Manual, these wetlands and waters issues are also subject to waters of the State, through the 401

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<sup>2</sup> Link to CDFW rare plant community list

Certification and Wetlands Program<sup>3</sup> and the Lake and Streambed Alteration process<sup>4</sup>. In order to accurately document the episodic streams on development sites we recommend that surveyors employ the Mapping Episodic Stream Activity (MESA)<sup>5</sup> protocols developed by CDFW and the California Energy Commission. The SEA ordinance needs to reference and include California's implementation of the Clean Water Act and the Lake and Streambed Program. 22.102.020 Definitions. U. "Natural Community" definition (at pg.8) needs to reference and align the State of California's definitions of natural communities<sup>6</sup> including Sensitive Natural Communities and the Natural Communities List.

- 22.102.020 Definitions. Y. "Sensitive Local Native Resources" (at pg. 9) should be provided as an appendix to the Implementation Guide and be regularly updated and required to be posted on the County's website.
- 22.102.040 Exemptions. The SEA ordinance needs to incorporate consistency between A. and B. (at pg. 11-12) and adopt the more protective requirements currently under B.
  - Justification – Most of the remaining natural landscapes, currently unaltered by human activities, remain in the Antelope Valley Area Plan (AVAP) of Los Angeles County and would benefit from consistent application of the SEA ordinance conditions. As currently written, the SEA ordinance would allow greater impacts to occur in the AVAP than in other parts of the County. No justification is provided for the disparity in conditioning different parts of the County's SEAs to different conditions.
- 22.102.050 SEA Counseling B. 1. Several concerns regarding the Director's Review and the ministerial SEA review.
  1. No public notice of the ministerial review is identified
  2. While ministerial approvals can be appealed once it is decided, without public notice, there is no opportunity to avoid appeals by upfront project improvements
  3. Ministerial review would only require on-site mitigation, which may not always be appropriate
  4. Tracking of the ministerial review is necessary for monitoring and identifying cumulative impacts
- 22.102.080 SEA Development Standards A. 2. b. (at pg. 18) – the definition of "disturbed" needs to be provided.
- 22.102.080 SEA Development Standards C. 5. (at pg. 20). Night lighting/pollution is well documented to have a negative effect on wildlife<sup>7</sup>. In order to avoid night light pollution in the SEAs, the SEA ordinance needs to include conditions and adopt lighting

<sup>3</sup> [https://www.waterboards.ca.gov/water\\_issues/programs/cwa401/wrapp.shtml](https://www.waterboards.ca.gov/water_issues/programs/cwa401/wrapp.shtml)

<sup>4</sup> <https://www.wildlife.ca.gov/Conservation/LSA>

<sup>5</sup> <http://www.energy.ca.gov/2014publications/CEC-500-2014-013/CEC-500-2014-013.pdf>

<sup>6</sup> <https://www.wildlife.ca.gov/Data/VegCAMP/Natural-Communities>

<sup>7</sup> <http://darksky.org/light-pollution/wildlife/>

standards that prevent night light pollution to the greatest extent possible<sup>8</sup> and therefore, its impacts to wildlife.

- 22.102.080 SEA Development Standards C.7 (at pg. 20). The list of landscaping plants to be avoided should include the species listed by the California Invasive Plant Council (Cal-IPC) Inventory<sup>9</sup>. The invasive plant list maintained by the County Planning Department should be routinely updated to reflect the Cal-IPC Inventory. The list should also include plants locally and regionally identified as invasive, but not listed by Cal-IPC. Additionally, the ordinance should emphasize the use of locally-appropriate native plant species in new landscaping.
- 22.102.090 Open Space D. 2. Because conservation easements run with the property title, which helps to guarantee that the set asides will remain in perpetuity, we fail to understand why the County prioritizes a covenant between the County and the land owner (d.) over a conservation easement (e.). Please provide the justification for the County's preference for the required open space preservation method.

### **Specific Comments on the Significant Ecological Areas Ordinance Implementation Guide**

#### **SEA Guiding Principles (at pg 4)**

- Biodiversity - Recognize that biodiversity is important to ~~creating~~ **maintaining** a sustainable Los Angeles County.
  - Justification – Los Angeles County natural areas are already sustainable, and the goal should be to maintain it. When development alters the landscape, biodiversity is often not sustained.
- Biodiversity - ~~Create new~~ **Restore** places where biodiversity can be woven through the urban fabric.
  - Justification – Creating new places seems infeasible, however, restoring degraded areas through the urban areas is a feasible way to increase connectivity and biodiversity.
- Resiliency - ~~Monitor~~ **Guide** development within SEAs to maximize preservation.
  - Justification – Because the County has put in place conditions on development in SEA's, the County needs to take a leadership role in implementing the ordinance, not just monitoring development
- Resiliency - Encourage best practices for sustainable design in the SEAs that are aligned with **the protection of** natural resources.
  - Justification – The Significant Ecological Areas identify the best natural areas left in Los Angeles County and therefore the protection of these areas needs to be the highest priority of this program.

<sup>8</sup> <http://darksky.org/lighting/>

<sup>9</sup> <https://www.cal-ipc.org/plants/inventory/>

- Page 6 - Where occurring within SEAs, development activities are carefully **guided and** reviewed with a key focus on site design as a means for conserving fragile resources such as streams, woodlands, and threatened or endangered species and their habitats.
  - Justification – Because the County has put in place conditions on development in SEA's, the County needs to take a leadership role in guiding the ordinance, not just monitoring development
- Page 6 - The SEA Program does not change the land use designation or the zoning of a property; rather it uses **guidance and** biological review and the application of certain development standards to balance the preservation of the County's natural biodiversity with private property rights.
  - Justification – Because the County has put in place conditions on development in SEA's, the County needs to take a leadership role in implementing the ordinance, not just monitoring development

### **SEA Long-term Protections from Municipal Incorporation, Piecemeal and Large Scale Development**

We are deeply concerned about current and future protections of SEAs from encroachment induced by a growing populace, continued sprawl from the incorporation of new cities, ranchette and planned community development. The current Ordinance and Implementation Guide should be amended to address these matters, as there needs to be consistent protocols put in place for the ongoing protection of the SEA areas in both documents. Relevant examples that speak to this necessity include:

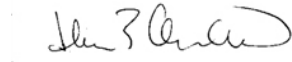
- The City of Agoura Hills elected to abandon SEA protections within its jurisdiction after incorporation in 1982. A large area of the former SEA, which remains relatively undisturbed and replete with the unique biological resources. This area is slated to be soon developed into an urban-style large commercial and multi-use area. We believe there are multiple ways the County can implement land use protections that will transfer when unincorporated lands otherwise ceded to a municipal authority.
- Rural lands throughout the county are increasingly being purchased for creation of ranchettes, second homes, or rentals. The Liebre Mountains serve as an example of this syndrome. SEA protections must be added to the Ordinance and Implementation Guide to address the cumulative effects to biological resources.
- The proposed Centennial Specific Plan is an example of how a large and very important SEA was abandoned for an enormous planned community. We believe this happened in part due to lack of protocol, policy, planning in favor of large-scale development. The repercussions of this failure may be widespread throughout Los Angeles County and adjacent bio-regions and counties.



By incorporating these comments and suggestions into the Ordinance and the Implementation Guide, the County will be improving the capacity of Significant Ecological Area Program to protect Los Angeles County's world class flora and fauna.

Thank you for the opportunity to submit these comments and please keep us on the "interested public" list for this process at the contact information below.

Sincerely,



Ilene Anderson  
Senior Scientist  
Center for Biological Diversity  
660 S. Figueroa St., Suite 1000  
Los Angeles, CA 90017  
(213) 785.5407  
[ianderson@biologicaldiversity.org](mailto:ianderson@biologicaldiversity.org)



Nicholas Jensen, PhD  
Southern California Conservation Analyst  
California Native Plant Society  
1500 North College Ave  
Claremont, CA 91711  
(530) 368-7839  
[njensen@cnps.org](mailto:njensen@cnps.org)



# SAN GABRIEL MOUNTAINS

## CHAPTER OF THE CALIFORNIA NATIVE PLANT SOCIETY

1750 North Altadena Drive, Pasadena, CA 91107-1046

[www.cnps-sgm.org](http://www.cnps-sgm.org)

May 29, 2018

Los Angeles County  
Department of Regional Planning  
Significant Ecological Areas Program

Dear Sir:

I represent the San Gabriel Mountains Chapter of the California Native Plant Society (CNPS). There are three CNPS chapters in the greater Los Angeles area with approximately 1025 members throughout Los Angeles County.

We appreciate the County's efforts to strengthen and explain in greater detail the SEA requirements for any development. Our comments are listed below:

- We emphasize the need (as mentioned in the Implementation Guide) for on-the-ground surveys by Certified Biologists to document biological resources on sites for proposed development. It is not sufficient to rely on the California Natural Diversity Database (CNDDB) maintained by the California Department of Fish and Wildlife (CDFW), as areas of proposed development may not have been adequately surveyed in the past and there is a backlog of survey information that CDFW has not had time to enter into the CNDDB. In addition, we note that a county sensitive plant list was mentioned in the appendices, but we could not find it. There certainly should be a Los Angeles County sensitive plant list similar to that of the Angeles National Forest or analogously, to the Audubon Sensitive Bird List.
- On page 6 of the SEA Ordinance Amendment Internal Draft, 22.102.020, K., we suggest that the definition of Development Footprint should include temporary impact areas, such as exploratory testing, as well as the disturbed areas already listed.
- On page 11, 22.102.040, A.1., we believe single family residences and associated landscaping, animal keeping facilities, etc., should not be exempt from further review.
- On page 13, 22.102.040, K., we believe surface mining and other exploratory activities should not be exempt from further review.

- On page 20, 22.102.080, C.7., the list of landscaping plants to be avoided should include invasive species listed by the California Invasive Plant Council (CALIPC). In addition, we note that the invasive plant list maintained by the Department of Planning could be more complete. One example (and there are probably others) is the trumpet vine that grows rampant in the Arroyo and Foothills Conservancy SEA. This plant needs to be listed as invasive in this area. We also suggest that new trees for landscaping purposes should be native species appropriate to the local climate.
- On page 22, 22.102.090, A.3., we strongly support the land division project requirement that 75% of the developed area is to be preserved as open space.

Thank you for the opportunity to comment on the SEA Ordinance Revision.

Sincerely,

Jane Tirrell



Chair, Conservation Committee  
San Gabriel Mountains Chapter  
California Native Plant Society

**Iris Chi**

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**From:** Danielle Robinson <dmorookian@gmail.com>  
**Sent:** Tuesday, May 29, 2018 10:15 PM  
**To:** DRP SEA  
**Subject:** Comments

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

To whom it may concern:

My name is Danielle Morookian and I live in Diamond Bar, LA County. I'm very close to Tres Hermanos Ranch. I wish to request that the land not be developed. I've lived here for 22 years and that's probably the only beautiful, open area left. I like that my kids try to see if any animals are around. Basically, I'm just hoping that you choose to leave something for my future grandkids to do the same.

Thank you,  
Danielle Morookian

**Iris Chi**

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**From:** Debbie Louis <debjlouis@gmail.com>  
**Sent:** Sunday, May 20, 2018 5:01 PM  
**To:** DRP SEA  
**Subject:** Comments on SEAs

I urge you to add Conceptual SEAs to the existing approved SEAs and to change your definition of when a housing project application is "deemed complete."

Signed,  
Debbie Louis  
792 Oak Knoll St.  
Brea, Ca. 92821

**Iris Chi**

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**From:** Deborah Madsen <deborah@avcsi.net>  
**Sent:** Friday, May 18, 2018 9:42 AM  
**To:** DRP SEA  
**Subject:** Comments on SEAs

I urge you to add Conceptual SEAs to the existing approved SEAs and to change your definition of when a housing project application is "deemed complete."

Signed,

Deborah Madsen

Deborah Madsen  
909-720-9071  
Deborah@avcsi.net



DATE: May 2, 2018

TO: Significant Ecological Areas Ordinance Amendment Team

FROM: Chen Family  
Hacienda Heights, CA 91745

Wohlmuth Family  
Hacienda Heights, CA 91745

Toy Family  
Hacienda Heights, CA 91745

SUBJECT: Comments to *Draft Components of SEA Ordinance Amendment, March 2018*

Thank you for the opportunity to comment on the draft ordinance and associated documents. We are supportive of the County's efforts to further protect what little open space, wildlife corridors, and native flora and fauna that is left in this area for us and future generations to enjoy and appreciate.

Our only specific comment at this time is our concern that the SEA Preservation Ratios were removed from the Appendix. Although we understand there needs to be some level of flexibility, we believe at least a minimum ratio be established to prevent miss-use of this provision, which can occur many times over the years, resulting in additive reduction of habitat protection.

Again, thank you for your efforts, and we look forward to your incorporation of this comment. If you have any questions, please contact us at [p2hq02@roadrunner.com](mailto:p2hq02@roadrunner.com).

**Iris Chi**

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**From:** Dorothy Wong <wongwongway@gmail.com>  
**Sent:** Thursday, May 31, 2018 5:01 PM  
**To:** DRP SEA  
**Subject:** SEA Ordinance Draft Comments

Hello County Planning,

While we haven't had much time to discuss the SEA Draft Plan within the Town Council, it seems like this is a great step forward in a draft plan that many in our community would see as a benefit.

So in the next phase it would be great to spend time with us in Altadena to better understand. We are planning an event on June 23rd re-Wildlife and Nature so this might fit in as a community outreach session. As well, land use committee meetings are the first Tuesday of each month. A short presentation at the Land Use or Town Council might get the word out, or we can organize a Town Hall and I'd be happy to lead that.

As a resident of Altadena, I am hopeful we can respect our balance and help maintain open space and protect habitat.

Thanks for this work!

Sincerely,  
Dorothy Wong  
Altadena Town Council Member CT4603.01

**Iris Chi**

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**From:** dukenyou@aol.com  
**Sent:** Monday, May 21, 2018 2:59 PM  
**To:** DRP SEA  
**Subject:** Comments on SEAs

I urge you to add Conceptual SEAs to the existing approved SEAs and to change your definition of when a housing project application is "deemed complete."

Thank you.

***Duke Shea***

# ENDANGERED HABITATS LEAGUE

DEDICATED TO ECOSYSTEM PROTECTION AND SUSTAINABLE LAND USE



April 26, 2018

*VIA ELECTRONIC MAIL ONLY*

Environmental Planning & Sustainability Section  
Los Angeles County Department of Regional Planning  
320 W. Temple Street, Room 1354  
Los Angeles, CA 90012  
<[sea@planning.lacounty.gov](mailto:sea@planning.lacounty.gov)>

**RE: Significant Ecological Areas (SEA) Ordinance and Implementation Guide –  
Public Review Draft, March 2018**

Gentlepersons:

Endangered Habitats League (EHL) is pleased to provide comments on the March 2018 Public Review Draft of the SEA ordinance. For your reference, Endangered Habitats League (EHL) is a Southern California conservation group dedicated to the preservation and restoration of our region's unique ecosystems and to the accommodation of growth through sustainable planning. EHL has over 25 years of experience helping Southern California counties and cities design and implement development programs that protect biological resources.<sup>1</sup> We have participated in the County's SEA process since 2010, and have submitted comments on successive ordinance drafts.

The draft ordinance is a sound framework—one that streamlines compatible development and takes steps to achieve meaningful conservation within the mapped SEAs. Wisely, there is assessment of resources and identification of biological constraints *early* in the development process. We commend the use of the “SEA Stop” to facilitate compliance and assist the applicant.

Projects fall into one of two tiers. A *ministerial* process with clear performance standards captures the great majority of small projects—most importantly, the construction of single family homes, with associated outbuildings, on a legal lot. For projects within an SEA but with impacts beyond a reasonable threshold, an SEA conditional use permit is the vehicle for ordinance compliance.

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<sup>1</sup> San Diego Multiple Species Conservation Program, San Diego Multiple Habitat Conservation Program, Western Riverside County Multiple Species Habitat Conservation Plan, Palos Verdes Peninsula Natural Communities Conservation Plan, Orange County Central-Coastal Natural Communities Conservation Plan, Orange County Southern Subregion Habitat Conservation Plan, City of Carlsbad Habitat Management Plan

When the subdivision of land is proposed, development is sited in least sensitive locations and contiguous SEA is set aside in amounts and configuration that are ecologically significant. These lands can be combined with land acquisitions, mitigation banks, transfer of development rights programs, etc. to eventually create a preserve system for the citizens of Los Angeles County.

We note that several sections, such as definitions and lighting standards, have undergone positive revisions. While recognizing this, our comments will nevertheless focus on portions of the ordinance and implementation guide that would benefit from improvement.

## **ORDINANCE**

### **22.102.040 Exemptions**

We remain concerned over a past Board decision regarding the Antelope Valley that created overly broad exemptions not applicable everywhere else in the County. Specifically, the exemptions for single-family homes and disturbed farmland in the Antelope Valley should be removed. Ordinance compliance for single-family homes is hardly onerous now that a simple ministerial process is in place. Disturbed farmland is also important, as it may be in the process of recovery and/or part of an intact habitat block.

Given the presence of divergent points of view on the exemption within the Antelope Valley community, we urge the Department to enact measures to at least mitigate its adverse consequences. For example, the exemption could apply to development footprints only below a reasonable size threshold that avoid sensitive resources. This would allow common uses to be exempt and at the same time limit the potential damage to SEA resources.

Also, adopted Specific Plans should not be entirely and forever exempt. Specific Plans are zoning, with no vested rights. Sometimes unbuilt after decades, they often become outdated and “stale,” not reflecting contemporary planning or resource needs. Re-planning for SEA compatibility is an important option that should not be foreclosed. A time limit should be set for adopted specific plans, such as 10 years from the date of original adoption.

### **22.102.080 SEA Development Standards**

#### SEA Resource Categories

Section A(5) caps the total amount of SEA resource that can be converted to development ministerially under A(1-4). The limit of 20,000 sq. ft. is a generous allocation that will accommodate large homes, outbuildings, barn, etc., even in rural settings. The term “total building site” is used to describe what counts toward the cap. This is defined in the Definitions sections and differs from the “development footprint” in

that some infrastructure and fuel modification are included in the latter but not the former. This again ensures a simple ministerial process for the vast majority of single-family homes on legal lots. The required compensation for impacts is reasonable and consistent with general standards and practice.

### Water Resources

We are concerned that that the setback proposed for marshes, seeps, and springs is not adequate for buffering purposes. In our semi-arid climate, the *year-round water* supplied by marshes, seeps, and springs is of utmost importance for wildlife. It is vital that access and use be unfettered by human disturbance. It is also important that people not be placed in proximity to potentially dangerous species like mountain lions which use these water features. As most if not all marshes, seeps, and springs in our region will be ½-acre or less, the vast majority of these features would only receive 100-ft of setback, which is very small.

We recommend *300 feet* for all marshes, seeps, and springs. While fuel modifications zones might comprise *part* of this setback, they are subject to the vagaries of changing fire department regulation. Furthermore, uses within fuel modification zones include human uses, such as stables and animal keeping, that will have adverse inhibitory effects on the wildlife using the water sources. Consultation with state and federal wildlife agencies might be helpful.

Also, we strongly concur that, for purposes of setback calculation, fuel modification zones must be included as developed area. These zones are cleared of vegetation to varying extents (often completely cleared), may be planted with non-native vegetation, provide less visual cover for wildlife, and are subject to erosion.

### Area-wide Development Standards

In C(4), we strongly agree with the section on Window Reflectivity as far as it goes, but as the text notes, much more can and should be done to prevent deadly and unnecessary collisions of birds with window glass. According to the American Bird Conservancy's "Bird-Friendly Building Design" (enclosed):

Under the right conditions, even transparent glass on buildings can form a mirror, reflecting sky, clouds, or nearby habitat attractive to birds. When birds try to fly to the reflected habitat, they hit the glass. Reflected vegetation is the most dangerous, but birds also attempt to fly past reflected buildings or through reflected passage- ways, with fatal results.

Additional methods to prevent collisions range from avoiding plantings in front of glass windows to use of UV patterned glass, which is transparent to people but not to



birds. If additional measures are not incorporated directly into the ordinance, we recommend inclusion of best management practices into the Implementation Guidelines.<sup>2</sup>

#### Land Use Specific Development Standards

In D(3), the open space standard for land divisions—75% minimum open space and corresponding maximum 25% development footprint—is the cornerstone of this ordinance. It is also essential to comply with the General Plan’s strong policies for resource avoidance and contiguous open space within SEAs.<sup>3</sup> While we would ideally recommend a greater set aside of SEA land during subdivision, EHL nevertheless supports the proposal as a reasonable balance.<sup>4</sup> We note that greater open space than the minimum will often be feasible, even if lots are rural in nature.

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<sup>2</sup> Sample best management practices for bird-safe design, as well as tree trimming, can be found on these links:

#### Bird-safe design

<https://www.toronto.ca/wp-content/uploads/2017/08/8d1c-Bird-Friendly-Best-Practices-Glass.pdf>  
<https://abcbirds.org/get-involved/bird-smart-glass/#1>  
<https://www.fws.gov/migratorybirds/pdf/management/reducingbirdcollisionswithbuildings.pdf>  
<https://www.allaboutbirds.org/how-can-i-keep-birds-from-hitting-my-windows/>

#### Tree trimming

<https://losangelesaudubon.org/images/stories/pdf/TTGMay2011/ttg-may-2011-english-print-collate.pdf>  
<https://losangelesaudubon.org/images/stories/pdf/ttg-spanish-web.pdf>

<sup>3</sup> Policy C/NR 3.9: Consider the following in the design of a project that is located within an SEA, to the greatest extent feasible:

- Preservation of biologically valuable habitats, species, wildlife corridors and linkages;
- Protection of sensitive resources on the site within open space;
- Protection of water sources from hydromodification in order to maintain the ecological function of riparian habitats;
- Placement of the development in the least biologically sensitive areas on the site (prioritize the preservation or avoidance of the most sensitive biological resources onsite);
- Design required open spaces to retain contiguous undisturbed open space that preserves the most sensitive biological resources onsite and/or serves to maintain regional connectivity;
- Maintenance of watershed connectivity by capturing, treating, retaining, and/or infiltrating storm water flows on site; and
- Consideration of the continuity of onsite open space with adjacent open space in project design.

<sup>4</sup> In the special case of the Tejon Ranch Land-Use and Conservation Agreement where, through a Specific Plan, a landowner committed to dedicate lands of high resource value for permanent conservation both within SEAs, and adjacent to SEAs yet not in them solely by virtue of

Pursuing resource *avoidance* within SEAs, as proposed, is consistent with CEQA steps (avoidance, minimization, compensation). It is also consistent with the permitting requirements of state and federal agencies, that is, the U.S. Fish and Wildlife Service, Calif. Dept. of Fish and Wildlife, Calif. Water Resources Control Board, and U.S. Army Corp of Engineers. If 404 permits, endangered species permits, or streambed alteration agreements are needed, applicants following the SEA Ordinance will find themselves in synch with state and federal requirements and procedures. The ordinance thus has significant streamlining benefits.

However, terminology should be consistent and clear, so that it will not be subject to dispute. Terms formally defined in the Definitions section should be used. We recommend this edit:

D(3) Land Divisions. Land divisions shall not exceed a maximum ~~disturbed developed area~~ development footprint of 25 percent of the project site.

EHL has in past comments recommended that standards for site design and subdivision design be included in the ordinance itself, with details provided in the Implementation Guidelines. The subsequent language in D(3), “Development areas shall be designed in one contiguous location and result in the largest, intact blocks of habitat with the lowest perimeter to area ratio, to the maximum extent feasible,” serves this purpose. The inclusion of low perimeter to area ratio is vital in order to avoid technically contiguous but nevertheless high edge effect/high fragmentation designs, such as development that snakes along ridgelines.

EHL is greatly concerned over the Large Lot Parcel Maps provision, D(4). While D(3) is clear that *all* subdivisions much comply with the requirement for a minimum 75% of *properly configured* open space, D(4) interjects a different and vague standard of review for some subdivisions, that of “reasonable potential.” The danger is that if contiguous open space is not captured through clustered site design at the outset, the basic goal of the ordinance—achieving SEA resource protection as development occurs—is irretrievably lost. Instead, there would be a checkerboard of legal lots regularly spaced over the landscape, creating maximal habitat fragmentation.

We agree with the underlying intent of D(4), that is, to ensure that when parcels are created prior to detailed site planning, the resultant development will still be able to meet all the SEA Development Standards. The Implementation Guide provides steps for meeting setback and habitat preservation ratio requirements under this circumstance. For compliance with D(3), open space configuration can, for example, be achieved with creation of one or more dedicated open space lots or via “pie shaped” lots with development at a common apex. We suggest the following clarification so that there is, on the one hand, definitive compliance for Large Lot Parcel Maps, and on the other hand, greater certainty that landowners applying for subsequent development will not encounter problems.

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jurisdictional boundaries, these circumstances should be considered affirmatively when assessing whether SEA objectives are met.

D(4) Large Lot Parcel Map. If large lot parcel maps for sale, lease, finance, or transfer purposes, or other subdivisions are not required to specify the location of development, the subdivision shall not be approved unless it can comply with all provisions of ~~demonstrate that all resulting parcels have reasonable potential for future development that meets the standards for~~ SEA Review per 22.102.080 (SEA Development Standards), (e.g., adequate areas of SEA Resource Categories 4 and/or 5, setback from water resources, land division open space).

## **22.102.090 Open Space**

### Open Space Requirements

In Open Space A(3), the meaning of the term “net” is unclear. We suggest this edit:

A(3) For land division projects, at least 75 percent of the ~~net~~ development site original undivided parcels shall be provided as required preserved open space.

### Open Space Configuration

We generally concur with the language for configuration as contained in this section, but B(3) is missing the key component of feasibility when siting infrastructure. Streets and other access should only go through natural open space when otherwise infeasible. An edit is proposed:

B(3) Driveways, streets, roads and highways may be placed within the natural open space area if the Regional Planning Commission or Hearing Officer finds that placement elsewhere would be infeasible and they are necessary to ensure adequate circulation or access. Such driveways, streets, roads and highways shall not be counted as a portion of the total required natural open space provided. These areas shall include any necessary wildlife crossings and/or other features necessary to avoid biological impacts.

We were puzzled that language about off-site mitigation was removed in this last draft. While recommend this language be reincorporated, we also recommend setting criteria governing when substitution of off-site for on-site is appropriate. The suggested edits below are based on the last ordinance draft:

Natural open space shall be preserved on the project site. If on-site open space is not feasible, or such on-site open space would be too small and/or isolated to retain long-term biological value, an off-site location may be used provided it is recommended by the Director and County Biologist.

## **22.102.100 Findings**

Several of the findings have been improved. However, we remain opposed to the findings in section (F). This is because unacceptable harm that comprises the purpose of the ordinance<sup>5</sup> may occur *far short* of the *extreme* circumstances listed. As written, these catastrophic situations read not as examples, but rather as fixed *thresholds*.

We suggest the following edits:

F. The proposed development promotes the resiliency of the SEA to the greatest extent possible. For purposes of this finding, SEA resiliency cannot be preserved when the proposed development may cause any of the following:

1. Significant unmitigated loss of contiguity or connectivity ~~Bisection of the SEA.~~
2. Significant unmitigated impact to ~~Removal of the only known location of a Priority Biological Resource;~~
3. Removal of habitat that is the only known location of a new or rediscovered species; or
4. Other factors as identified by SEATAC.

## IMPLEMENTATION GUIDE

The guide is well written and well formatted. While lengthy, it is thorough and user-friendly, providing introductory rationales and explanations. The sections under Area-Wide Development Standards particularly benefit from good illustrations. The Outdoor Lighting section is a model of clear direction.

We have the following comments:

### Design

In the inset, Recommended Design Guidelines for Projects Within SEAs (page 15), item 2 refers to a 30% development footprint, where as the ordinance states a maximum of 25%. Please clarify.

Regarding item 4, steep slopes may well be biologically *less* valuable than gentler terrain,<sup>6</sup> and some level of encroachment should be allowed to better protect SEA resources. Typically, development projects avoid steep slopes to reduce grading costs. EHL recommends a modification as follows:

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<sup>5</sup> “Ensuring that development within an SEA conserves biological diversity, habitat quality, and connectivity to sustain species populations and habitats’ ecological function into the future through environmentally sensitive site design.”

<sup>6</sup> For example, California gnatcatchers have greater reproductive success on flatter ground, particularly in drought conditions.

Avoid placing any development on slopes greater than 25% unless the outcome is biologically superior.

#### Land Use Specific Development Standards

The language in Land Divisions (page 33) is concise yet contains the essential preserve design precepts. What is conspicuously missing, though, is an illustrative site plan for a subdivision showing how a 75% conservation area/25% maximum development area can meet preserve design goals by concentrating development in the overall least sensitive location. While an illustration was included in the March 21, 2018 Planning Commission Workshop presentation, this illustration fails to show how baseline unit count can be *maintained* through clustered design, along with greater open space and fire defensibility. This maintenance of unit count is important to convey to landowners.

The discussion of Large Lot Parcel Maps should reflect the clarifying language for ordinance section D(4) suggested above. This can be done through this edit:

The process will allow for ~~the potential of~~ large contiguous parcels of sensitive habitats to remain intact, while also providing that individual parcels have a reasonable opportunity to undergo an SEA Review (per 22.102.060) for future proposed development.

In addition to covering setback requirements and necessary amounts of Resource Category 4 and/or 5, the discussion in the Guide should expand to include ways to achieve the minimum 75% contiguous open space set aside. Such language might be, “For complying with the subdivision open space requirement for a minimum of 75% contiguous open space, and to maintain unit count, one or more dedicated open space lots may be created, or “pie shaped” lots utilized to effectively cluster development at the apex of these lots.”

The Biological Constraints Map (BCM) will be the essential tool for guiding and ensuring compliance with the minimum 75% open space requirement for subdivisions. *This information should be reflected in the Informational Exhibit for Large Lot Parcel Maps.*

The Guide also portrays field surveys as unlikely to be warranted. Yet high quality biological information should be developed as early as possible during project review, and as should information on impact identification and avoidance for CEQA purposes. There is no reason to exclude field surveys from subdivision processing. We suggest the following edits:

Large Lot Parcel Map subdivision projects will be required to submit an Informational Exhibit and a BCM. The Informational Exhibit should consist of materials that show development feasibility on the proposed lots and open space amount and configuration. The BCM for a Large Lot Parcel Map subdivision project can be based ~~solely~~ on a desktop analysis of the area using the best

available data and most recent aerial imagery available as supplemented by. ~~No field surveys if directed by Department staff are required at this stage, such as for although field verification of SEA Resource Categories may be warranted in some circumstances.~~

### SEA Ordinance Findings

The “thought process” questions posed under each finding strike a good balance between being scientifically sound and being readily understood by the lay reader.

### Biological Reports

The Biological Constraints Map (page 50) is well prepared and useful.

### SEA CUP Open Space Requirements

#### *On-site Preservation for SEA CUP (page 61)*

We concur with the preservation ratios, noting their conformance with standard practices. The suitability questions and design guidance are helpful.

#### *Off-site Preservation for SEA CUP (page 63)*

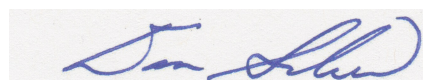
We note that the ordinance’s focus on resource avoidance coupled with the on-site open space requirements will generally obviate the need for off-site acquisition for mitigation purposes.

Consistent with above comments on off-site mitigation, we suggest the following edit:

Developments that do not have suitable habitat of long-term biological viability available to preserve open space on-site will be required to provide an equivalent amount of open space preservation off-site.

In conclusion, we appreciate the excellent progress toward an ordinance that fulfills the public trust in protecting the SEAs, and with them, the County’s natural heritage. We respectfully request your consideration of our comments.

Yours truly,



Dan Silver  
Executive Director



Environmental  
Intelligence, LLC

May 14, 2018

Los Angeles County  
Department of Regional  
Environmental Planning and Sustainability Section  
320 West Temple Street  
Los Angeles, CA 90012

Subject: Status of the Montebello Hills Specific Plan and Oil Operations under the Current County of Los Angeles Significant Ecological Area (SEA) Ordinance and the March 18, 2018 Public Review Draft SEA Ordinance and Implementation Guide

To whom it concerns;

Environmental Intelligence, LLC (EI) on behalf of Sentinel Peak Resources and Toll Brother has reviewed Los Angeles County's current and March 18, 2018 Public Review Draft Significant Ecological Area (SEA) Ordinance and Implementation Guide. Based on this review EI has verified that there are no current SEA boundaries or new "Conceptual SEA Boundaries" covering any portion of the Montebello Hills Specific Plan or Oil Operations. In addition, as shown on the County's Department of Regional Planning SEA and Coastal Resources Area Policy Map (Figure 9.3) dated February 2015 the Montebello Hills Specific Plan and Oil Operations are entirely located within an incorporated City and neither the existing or Public Review Draft Ordinance has any effect on these areas.

If for any reason EI has misinterpreted any portion of the County's SEA Ordinances relevant to the County's SEA requirements as it pertains to the Montebello Hills please contact me at [davidlevine@enviro-intel.com](mailto:davidlevine@enviro-intel.com).

Sincerely,

**ENVIRONMENTAL INTELLIGENCE, LLC**

A handwritten signature in black ink that reads 'DAVID LEVINE'.

David Levine

cc: Mr. George Paspalof – Sentinel Peak Resources  
Mr. Rick Nelson - Toll Brothers



**Iris Chi**

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**From:** Eichinger (US), Eric C <eric.c.eichinger@boeing.com>  
**Sent:** Friday, May 18, 2018 10:26 AM  
**To:** DRP SEA  
**Subject:** Comments on SEAs

I urge you to add Conceptual SEAs to the existing approved SEAs and to change your definition of when a housing project application is "deemed complete."

Eric Eichinger, Brea



## Friends of the Santa Clara River

PO Box 7719

Ventura, California 90006

(805) 320-2265

[www.fscr.org](http://www.fscr.org)

5-31-18

Attn: Ms. Chi and Ms. Mongolo  
Los Angeles County Department of Regional Planning  
320 W. Temple St.  
Los Angeles, CA 90012

*Sent via email to: [sea@planning.lacounty.gov](mailto:sea@planning.lacounty.gov)*

**Re: Project No. 2017-003725-(1-5) (Ms. Chi/Ms. Mongolo) Advance Planning No. RPPL2017006228, the Draft SEA Ordinance and Implementation Guide**

Dear Ms. Chi and Ms. Mongolo:

Thank you for this opportunity to allow Friends of the Santa Clara River's (FSCR) to hereby submit these preliminary comments on the Draft SEA Ordinance and Implementation Guide. We hope to provide additional comments as the review process proceeds.

Friends of the Santa Clara River is a 501 (c)(3) public interest organization formed in 1993 with the mission of protecting and preserving the biological and cultural resources of the Santa Clara River Watershed, Los Angeles County's last free-flowing river. For the past 25 years, FSCR has promoted all aspects of river health, including public outreach, water quality monitoring, wetland restoration, opposition to floodplain development, and improving fish passage for the federally endangered Southern California steelhead. The upper Santa Clara River falls in Los Angeles County and is designated as a Significant Ecological Area (area #23) under the County General Plan. Many of the River's main and secondary tributaries are also either SEAs and within SEAs, including San Francisquito Creek (SEA #19), the Valley Oaks Savannah (SEA#64) and the Santa Susanna Mountains (SEA#20).

The Friends have long been concerned about development impacts to these and other SEAs that have caused fragmentation and severe degradation to the very resource they were meant to preserve. Therefore, we appreciate the Regional Planning Departments efforts to update the SEA review process to promote better preservation of the biological treasures within our County.

We therefore provide the following comments for your consideration:

1. When any development within a SEA is being considered, the SEA biological review should: a) identify the water source for that project; b) ensure that water needs for the project have a sustainable yield and do not cause undesirable results; and, c)

groundwater dependent ecosystems and associated beneficial uses and users are considered.

The review should include the effects of hardscaping over ground water recharge areas, pumping from water wells that will lower water levels and impact groundwater dependent ecosystems, etc. The Santa Clara River watershed is home to 17 federally listed species, many of which have habitat that is intrinsically linked to groundwater and the associated beneficial uses. The revised SEA ordinance describes several items which must be reviewed either by the County biologist or through the SEA TAC and other review processes, but the effect that a proposed project may have on the water needed to support GDE's and associated beneficial uses in that SEA is not one of them.

We ask that sufficient water for a GDE's and associated beneficial uses and users be added to the review criteria.

Furthermore, we recommend that the Los Angeles County Department of Regional Planning also coordinate with the relevant Groundwater Sustainability Agencies, in which the SEA may be located to ensure groundwater dependent ecosystems and associated uses and users are adequately considered in project authorization, and in helping to support GSA objective and management targets.

According to the California Sustainability Groundwater Management Act (SGMA) and Water Section 10720, Groundwater Sustainability Plans (GSP) and/or Groundwater Management Plans (GMP) are required to identify and consider impacts to Groundwater Dependent Ecosystems (GDE) that have significant and unreasonable adverse impacts on all recognized beneficial uses of groundwater and related surface waters.

To ensure GDE's are adequately considered in GSP/GMP development, local environmental interests came together to form the Santa Clara River Environmental Groundwater Committee (SCREGC) that is comprised of the Santa Clara River Steelhead Coalition; whose members include: The Nature Conservancy, Friends of the Santa Clara River, Wishtoyo Foundation, Wishtoyo's Ventura Coastkeeper Program, Keep Sespe Wild, California Trout, UC Santa Barbara's Riparian Invasion Research Laboratory, Stoecker Ecological and the Santa Clara River Watershed Conservancy. Coalition Participants also include the California Department of Fish and Wildlife, National Marine Fisheries Service, the State Coastal Conservancy and Stillwater Sciences. Additional SCREGC stakeholders include Sierra Club, Central Coast Alliance United for a Sustainable Economy (CAUSE), Citizen for Responsible Oil and Gas (CFROG), Surfrider Foundation, Los Padres Forest Watch, and National Audubon Society.

The SCREGC successfully advocated to secure environmental representation on the Groundwater Sustainability Agencies in Ventura County. FSCR currently represents the SCREGC on the Fillmore and Piru Basins Groundwater Sustainability Agency and we are tracking progress and GDE considerations in the associated GSA GSP's in the Santa Clara River watershed, to

ensure a consistent and collaborative watershed level approach to groundwater management to ensure the sustainability of GDE's on the watershed, as well as their associated beneficial uses.

2. No offsets or in lieu fees.

The new SEA ordinance would allow offsets and in lieu fees for impacts to a SEA. This could allow for destruction to an SEA with funds or conservation easements in some entirely different location.

To our knowledge, offsets were not allowed in the previous SEA ordinance. California has already lost 90 percent of its native wetland and river habitats, leading to the precipitous decline of native plants and animals. We suggest that if it is really the County's intention to reduce fragmentation as described in the Implementation Guide under the goals section, offsetting and in lieu fees will not accomplish this goal, but instead result in even worse fragmentation. Also, speciation may result in a particular plant or animal species thriving in very site specific locations with explicit soil, sunlight, and water needs. Creating or locating a adequate replacement may seem easy, but often results in a failure of the species to thrive in the new location.

If the County continues to include this new option, we ask that very strict rules be placed on its use and that it be only a last resort in the planning process.

3. Public notice should be required for any project proposed in an SEA. For small projects, perhaps this requirement could be addressed by merely posting the project notice on line. An EIR should be required for any large project in a SEA.

We understand that the County wishes to streamline small project approvals and make others less onerous. However, public oversight can only occur if the public is able to inform itself of the issues. SEAs are such an important and precious resource to the people of the County of Los Angeles, as they have been such the public took it upon itself to request protection of these resources in the late 1970s and early 1980s. It is important that we have a means of knowing how and when they may be impacted, as has been the case under the old ordinance.

We ask that the County find a means of ensuring that the public will be notified of development proposals within SEAs.

FSCR appreciates the opportunity to comment regarding on the Draft SEA Ordinance and Implementation Guide. These are intended to be and are preliminary comments submitted during this public comment period; FSCR reserves its rights to submit other, different and/or additional comments on the SEA Ordinance and Implementation Guide following its release and, where appropriate, throughout subsequent phases of the Departments' review process for the Ordinance.

If you have any follow up questions regarding this letter, please contact myself on (310) 890-2834 or [candicemeneghin@gmail.com](mailto:candicemeneghin@gmail.com).

Sincerely,

A handwritten signature in black ink, appearing to be 'C. Meneghin', with a stylized, flowing script.

Candice Meneghin

*Member of the Board Friends of the Santa Clara River (January 2018-Present)*

*Director of the Fillmore and Piru Basins Groundwater Sustainability Agency (August 2017-Present)*

*Santa Clara River Environmental Groundwater Committee Member (July 2017-Present)*

*Santa Clara River Steelhead Coalition Chair (December 2012-March 2018)*

*IUCN Commission on Ecosystem Management member (October 2011 - Present)*

*IUCN Mediterranean Type Ecosystem Thematic Group member (October 2011 - Present)*

*IUCN World Commission on Protected Areas – North America and Caribbean member (October 2011 - Present)*

*Save Open Space and Agricultural Resources (SOAR) Volunteer (March 2016)*



## Greater Antelope Valley Association of REALTORS®

1112 West Avenue M-4 • Palmdale, CA 93551 • 661.726.9175 • Fax: 661.726.9199

[www.gavar.org](http://www.gavar.org)

Chairman Doug Smith  
Regional Planning Commission  
LA County Department of Regional Planning 320 W. Temple St., Room 1354  
Los Angeles, CA 90012

### **RE: Comments Related to Draft 8 of the Significant Ecological Area (SEA) Ordinance released on May 4, 2017**

Dear Chairman Smith and Commissioners,

The Greater Antelope Valley Association of REALTORS® represents more than 1,700 members and affiliates. On behalf of our membership, we are submitting comments regarding the current public review draft of the Significant Ecological Area (SEA) Ordinance released in March 2018.

As contributors to the efforts of the Blue Ribbon Committee in the adoption of the Antelope Valley Area Plan (AVAP), we are very familiar with the plan and the additional restrictions placed on development of land in the Antelope Valley through the SEA's. This is why we were shocked to hear during a presentation made to our members by the County Biologist and Regional Planning Staff, that the County's Regional Planning Department is considering eliminating an important element of the AVAP as previously approved by a unanimous vote of the Board of Supervisors.

The issue of primary concern to us is the consideration of removing the provision that every legal lot in the Antelope Valley, at the time of adoption of the AVAP, is entitled to have one home built on it, and is to be exempt from the provisions of the SEA ordinance.

As any development of land in the Antelope Valley is often economically difficult due to many factors, we feel it is wrong for planning staff to consider reversing a Board of Supervisor's Action taken so recently. The exemption was thoughtfully designed by the Supervisors to support the construction of a single family residence by an individual, on an individual lot. As this exemption was designed to aid individuals and does not apply to large scale development, we believe it is imperative to keep the exemption intact, without limitations, as previously approved.

If the single home development SEA exemption, approved by the Board of Supervisors with its approval of the AVAP is altered in any way, some properties could become virtually worthless. There are many properties in the Antelope Valley which are currently considered of low value due to the excessive costs and other limiting factors associated with development in the county. The cost impact will be greatly magnified if the SEA exemption is removed from these individual parcels and may cause many of these properties to drop below the low value threshold to that of becoming valueless.

We respectfully urge you to consider our comments and create an ordinance that balances the need for environmental safeguards while still protecting the private property rights of all property owners in the Antelope Valley. We strongly encourage the Regional Planning Commission to maintain the exemption for single family homes built on legal lots from the SEA ordinance, as previously approved by the Board of Supervisors.

Respectfully,

  
Robin Bramson-Veil, President

**Iris Chi**

---

**From:** Gloria <vikweenswedey@sbcglobal.net>  
**Sent:** Monday, May 21, 2018 6:27 PM  
**To:** DRP SEA  
**Subject:** Comments on SEAs

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

I urge you to add Conceptual SEAs to the existing approved SEAs and to change your definition of when a housing project application is "deemed complete."

Signed,

Gloria Waller

Sent via the Samsung Galaxy Tab® 3 Lite





HACIENDA HEIGHTS IMPROVEMENT ASSOCIATION, INC.  
POST OFFICE BOX 5235 • HACIENDA HEIGHTS, CA 91745

TO: Iris Chi, AICP  
Regional Planner  
Environmental Planning and Sustainability  
Los Angeles County Department of Regional Planning  
Email: [ichi@planning.lacounty.gov](mailto:ichi@planning.lacounty.gov)

SUBJECT: Comments: New Proposed Significant Ecological Area Ordinance

May 30th, 2018

Dear Ms. Chi:

The Hacienda Heights Improvement Association thanks you for the opportunity to submit comments relative to the new comprehensive update of the Significant Ecological Area (SEA) Ordinance. We also are appreciative of having the opportunity to talk with you at the meeting April 9, 2018 at the Rowland Heights Community Center and the pop-up event in Schabarum Regional Park on May 9, 2018 about the impact of SEAs to Hacienda Heights.

As representatives of our community of approximately 55,000 residents, we are concerned about these changes as our boundary is contiguous with three of the existing Conceptual SEAs. We are interested in preserving as much as possible our local open space to protect the biodiversity of our neighboring hills and to support the continued development of the wildlife corridor in the Puente-Chino Hills as these objectives will enhance the quality of life for our residents.

We offer the following comments:

- We support the change of the “Conceptual SEA” boundaries to boundaries of formal Significant Ecological Areas with full protection provided by the new SEA ordinance.
- We believe all protections offered under the new ordinance must be applied to all developments within the areas of existing Conceptual SEAs and any expansion of boundaries that may be implemented in the final ordinance. These protections must extend to proposed projects that are not yet permitted and to those older projects that have been permitted but have not yet begun actual stages of development.

We oppose grandfathering-in old projects that have been granted permits in the past but have not yet begun. We believe these must be reevaluated under the new ordinance. We

also believe that if any new CEQA documents are required for these older projects, this should trigger reevaluation under the new SEA ordinance. We are particularly concerned at this time about projects, such as the Pacific Heights development, last considered in 2009, albeit with no construction activity as of today, that is now being reconsidered to go forward.

- We believe that in evaluating projects, the cumulative impacts of concurrent multiple projects in local SEAs must be also be considered as part of the SEA approval process.

We thank you for this opportunity to provide comments. Our hope is to protect the wildlife corridors, the diversity of flora and fauna in our area and maintain the quality of life that open space provides to our community.

Respectfully submitted,



Michael J. Williams, President  
Hacienda Heights Improvement Association

cc: Supervisor 4<sup>th</sup> District LA County

# HILLS FOR EVERYONE

*Southern California comes  
together at the Puente - Chino Hills*



Los Angeles County  
Orange County  
Riverside County  
San Bernardino County

May 31, 2018

Los Angeles County Department of Regional Planning  
Environmental Planning & Sustainability Section  
Attn: Iris Chi, AICP, Planner  
320 W. Temple Street, 13<sup>th</sup> Floor  
Los Angeles, CA 90012  
[sea@planning.lacounty.gov](mailto:sea@planning.lacounty.gov)

Comments on Draft 10 - Significant Ecological Area Ordinance

Dear Ms. Chi:

Thank you for the opportunity to comment on the update of the Significant Ecological Area (SEA) Ordinance. Hills For Everyone is a 501(c)(3) non-profit corporation with a mission to protect, preserve, and restore the environmental resources and natural environs of the Puente-Chino Hills and surrounding areas for the enjoyment of current and succeeding generations. Our organization has been working on these issues for nearly 40 years and was instrumental in the creation and expansion of Chino Hills State Park.

We offer the following comments:

## **Chapter 3 Area Wide Development Standards**

### **ITEM 6 OPEN SPACE BUFFER**

Given the large 200 foot buffer required by LA County Fire for fuel modification and brush clearance, we have concerns that the wildlife could be faced with a virtual desert of plant life that could interfere with connectivity. How can this be remedied through design?

## **Chapter 3 Land Use Specific Development Standards**

### **Item 4 Large Lot Parcel**

Conservation dedication is suggested, but no mention is made of management funding for either large lot parcels or other larger areas where open space is dedicated. Where does management funding come from? Who manages the funds? Who manages the property? Are they qualified?

Hills For Everyone

Page 2

**Chapter 4 Permit Analysis****SEA ORDINANCE APPLICABILITY**

The language states that “pending projects whose applications have been deemed complete prior to the adoption of SEA Ordinance can choose to be subject to the previous SEA ordinance or this Ordinance.” Clearly, landowners will opt to use the old less restrictive rules which will, to a great extent, defeat the purpose and goals of this revised Ordinance. Specifically, the Aera Energy project above Rowland Heights had an application deemed complete in 2002. When it was reviewed by the SEATAC, it was found to not comply with the rules even then. Here we are 16 years later, with changed circumstances, a long delayed revision of SEAs and the same project application is still deemed complete. We urge the County to reconsider when it deems a project application to be complete.

**Chapter 4 Permit Analysis****PURPOSE OF SEA ORDINANCE****22.102.010 Purpose**

We suggest the language in CAPS be added:

B. Ensuring that projects reduce the effects of habitat fragmentation AND EDGE EFFECTS by providing additional technical review of existing resources, potential impacts and required mitigations.

**Chapter 4 Permit Analysis****BIOLOGICAL CONSTRAINTS MAP**

We suggest that an additional depiction include any lands that have been designated as critical habitat by USFWS.

We also suggest that a “larger view” of the area be included to see if a particular SEA is part of a regional Corridor or connectivity effort.

**Chapter 4 Permit Analysis****RESTORATION OR ENHANCEMENT PLAN**

Given the high vulnerability of the area to fires, we suggest that additional language be added that allows for a longer monitoring period should a fire occur during the restoration project.

**Chapter 7 Open Space****ALLOWABLE MECHANISMS**

Again, various dedication choices are suggested but no mention is made of management funding for either large lot parcels or other larger open space areas. Where does management funding come from? Who manages the funds? Who manages the property? Are they qualified to protect the SEA resources?

Hills For Everyone

Page 3

**GENERAL COMMENTS**

Finally, we would like to see the SEA ordinance apply to both Conceptual and adopted SEAs. If this means the Conceptual SEA boundaries need to be incorporated into the existing SEAs then we support that. We oppose delaying this decision until the East San Gabriel Valley Area Plan is adopted. This discussion has been going on long enough. Further delay exposes these sensitive lands to development in the meantime and defeats the goals of the Ordinance.

Thank you for your consideration of the above comments. Should you have questions, I can be reached at 714-996-0502.

Sincerely,

A handwritten signature in cursive script that reads "Claire W. Schlotterbeck".

Claire Schlotterbeck  
Executive Director



May 15, 2018

City of Brea

City of La Habra

City of La Habra  
Heights

City of Whittier

Hacienda Heights  
Improvement Association

Rowland Heights  
Community Coordinating  
Association

Los Angeles County Department of Regional Planning  
Environmental Planning and Sustainability  
Iris Chi, AICP, Planner  
320 W. Temple Street, 13<sup>th</sup> Floor  
Los Angeles, CA 90012  
sea@planning.lacounty.gov

**SUBJECT: COMMENTS ON DRAFT 10 - SEA ORDINANCE**

Dear Ms. Chi,

I am writing on behalf of the Hillside Open Space Education Coalition (HOSEC) in regard to Draft 10 of the proposed update of the County's Significant Ecological Area (SEA) ordinance. Thank you for continuing your dialog on this matter and your communication to our agency. At this time, HOSEC respectfully request the comments contained within this correspondence be considered by the Commission and incorporated within the proposed update.

HOSEC is comprised of the Cities of Brea, La Habra, La Habra Heights, Whittier, and the Hacienda Heights and Rowland Heights Community Associations. Our adopted mission is to "....advance the long-standing and unwavering goal of member communities to preserve and acquire open space in the hills bordering Los Angeles and Orange Counties in order to safeguard the environment, maintain high quality of life and reduce traffic congestion." To that end, we appreciate the ability to review and provide any comment related to proposed amendments to the SEA ordinance.

HOSEC's desire is to take this opportunity to reinforce and support comments provided to the County from the Puente Hills Habitat Preservation Authority, as well as The Sierra Club, copies attached. HOSEC has on-going communication with these and other groups as aspects of our missions align and we continue to exchange information toward common goals.

Ms. Iris Chi  
Department of Regional Planning  
May 18, 2018  
Page 2

Of particular interest regards the comments concerning "complete project application" clarification and consideration. The County has invested considerable effort toward the proposed revisions to the SEA ordinance with goals to realize more thoughtful, complete, and comprehensive considerations where proposed development may implicate these sensitive lands. To those goals, for any adoption of an SEA update, we encourage the County to effect such action wherever possible for these lands and consistent with the related comments from PHHPA and Sierra Club.

We appreciate the LA County staff's continued communication and your work to be responsive to the many issues raised by the proposed SEA ordinance update. Please feel free to reach me if you should have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Roy Francis", followed by a colon.

Roy Francis  
HOSEC Vice Chair

Attachments:

1. Puente Hills Habitat Preservation Authority – letter 4/26/18
2. Sierra Club – letter 5/09/18

CC: HOSEC Steering Committee  
HOSEC Executive Committee





April 26, 2018

Los Angeles County Department of Regional Planning  
Environmental Planning & Sustainability Section  
Attn: Iris Chi, AICP, Planner  
320 W. Temple Street, 13<sup>th</sup> Floor  
Los Angeles, CA 90012  
[sea@planning.lacounty.gov](mailto:sea@planning.lacounty.gov)

**Comments on Draft 10 - Significant Ecological Area Ordinance**

Dear Ms. Chi:

The Puente Hills Habitat Preservation Authority (Habitat Authority) appreciates the opportunity to comment on Draft 10 of the Significant Ecological Area (SEA) Ordinance (released March 14, 2018).

The Habitat Authority is a joint powers authority established pursuant to California Government Code Section 6500 *et seq.* with a Board of Directors consisting of the City of Whittier, County of Los Angeles, Sanitation Districts of Los Angeles County, and the Hacienda Heights Improvement Association. According to its mission, the Habitat Authority is dedicated to the acquisition, restoration, and management of open space in the Puente Hills for preservation of the land in perpetuity, with the primary purpose to protect the biological diversity. Additionally, the agency endeavors to provide opportunities for outdoor education and low-impact recreation. The Habitat Authority owns and or manages over 3,800 acres which lie within the Cities of Whittier and La Habra Heights, as well as in the County unincorporated area of the Puente Hills known as Hacienda Heights.

Overall, the Habitat Authority recognizes the need for an updated SEA Ordinance to protect sensitive ecological areas of the County of Los Angeles.

**Overall Comment**

Exempt Government Open Space Land Managers from the Ordinance - Organizations and especially public land management agencies that do not collect public tax dollars and whose main mission are in alignment with the goals of the Ordinance, such as the Habitat Authority, should be considered exempt from the Ordinance including its fee structure. Government organizations are held accountable to a higher standard of transparency and due diligence in their process and conduct. To add an extra layer of regulation over an agency that specializes in habitat protection is a potential misapplication of public funds.



Page 2  
Draft 10 SEA Ordinance

### **General Comments**

#### Habitat Authority Operations are Exempt

From communications with you and other County staff, it is our understanding that the SEA Ordinance only applies when a land use permit is being pulled. Because the management activities of the Habitat Authority are preexisting and/or covered under our current Resource Management Plan (RMP), they do not need land use permits or SEA review. This means the *SEA Ordinance would not apply to the Habitat Authority for the following:*

- annual fuel modification clearing efforts within the Preserve (mostly adjacent to homes)
- annual maintenance of the roads/trails within the Preserve by the Habitat Authority, Los Angeles Fire Department or a property easement holder
- trail maintenance, trail rerouting and trailhead parking lot maintenance
- erosion control
- nonnative vegetation removal
- habitat restoration (existing and new). However, at your request we would be happy to share for your information our future habitat restoration plans for the larger projects. It is our understanding that community volunteer efforts will be consistent with the RMP guidelines and will not have a formal plan.
- maintenance of legally established structures such as our residence and barn in Sycamore Canyon
- scientific studies
- passive recreation
- other general management activities

Furthermore, is our understanding that if we want to update our RMP in the future a County Biologist would review to ensure consistency with the SEA Program, and there would be no fee for this.

Other new situational activities, such as demolition of an underground water tank would require the same level of review for SEA Ordinance compatibility as any other project that requires a land use permit.

Please advise the Habitat Authority staff if our understanding of the proposed SEA Ordinance as it applies to our agency is incorrect.

#### Finalize Conceptual SEAs

*Please consider having this proposed SEA Ordinance apply to conceptual as well as adopted SEAs.* It is our understanding that the proposed SEA Ordinance would not apply to “conceptual SEAs” until such time as the East San Gabriel Valley Area Plan is adopted, which we understand is projected for 2019 at the earliest. Waiting for the adoption of the East San Gabriel Valley Area Plan may unnecessarily delay implementation of the Draft Ordinance’s enhanced protections for significant ecological areas and expose them to harmful developments.

Page 3  
Draft 10 SEA Ordinance

Define "complete project application"

The SEA Ordinance Implementation Guide states that the SEA Ordinance is not required to be applied to pending projects whose applications have been deemed complete prior to adoption of the SEA Ordinance. *Please re-evaluate and define what is deemed a completed application prior to this SEA Ordinance going into effect. The new SEA rules should apply to the AERA property, a 3,000 acre property east of Harbor Blvd. on which a development of 3,600 units is proposed. This project was proposed 15 years ago, and all studies and evaluations are outdated.*

Review all projects for SEA Ordinance Compatibility

*Please have the SEA Ordinance apply to all projects within SEAs that have not yet completed their CEQA review or that need to update their CEQA documents regardless of their application status. Since the priority of the SEA Ordinance is to balance preservation of the County's natural biodiversity with private property rights it makes sense that all projects with incomplete CEQA documents be reviewed for compatibility with the new ordinance.*

Thank you for your consideration of our comments on Draft 10. Feel free to contact me or Andrea Gullo, Executive Director, at (562) 945-9003 or [agullo@habitatauthority.org](mailto:agullo@habitatauthority.org) for further discussion. Also, please maintain our agency on the contact list for this planning process regarding the SEA Ordinance, and on the contact list for the East San Gabriel Valley Area Plan planning process.

Sincerely,



Bob Henderson  
Chairman

cc: Board of Directors  
Citizens Technical Advisory Committee  
Hillside Open Space Education Committee  
Wildlife Corridor Conservation Authority  
Hills for Everyone



Angeles Chapter  
3250 Wilshire Blvd. #1106  
Los Angeles, CA 90010-1513

May 9, 2018

Los Angeles County Department of Regional Planning  
Environmental Planning and Sustainability  
Iris Chi, AICP Planner  
320 W. Temple Street, 13<sup>th</sup> Floor  
Los Angeles, CA 90012  
[sea@planning.lacounty.gov](mailto:sea@planning.lacounty.gov)

**RE: Comments on Draft 10 – Significant Ecological Area Ordinance**

Dear Ms. Chi:

The Sierra Club is committed to maintaining the world's remaining natural ecosystems, and, where feasible, to the restoration and rehabilitation of degraded ecosystems. Wildlife, plants, and their ecosystems have value in their own right, as well as value to humans and to the health of the biosphere.

The Angeles Chapter of the Sierra Club has the following comments on Draft 10 of the Significant Ecological Area Ordinance (SEA).

**Finalize Conceptual SEAs**

The proposed SEA Ordinance should apply to conceptual SEAs as well as adopted SEAs. It is our understanding that the proposed SEA Ordinance would not apply to conceptual SEAs until the East San Gabriel Valley Area Plan is adopted, which is projected for 2019 at the earliest. Waiting for the adoption of the East San Gabriel Valley Area Plan will delay implementation of the Ordinance's enhanced protections for significant ecological areas. This will allow areas that could eventually be protected to be held to less stringent standards in the meantime, resulting in more impactful developments.

**Changes to the Definition of a "Complete Project Application."**

The SEA Ordinance Implementation Guide states that the SEA Ordinance is not required to be applied to pending projects whose applications have been deemed complete prior to adoption of the SEA Ordinance. The definition of a "complete project application" should not include projects that have not completed the California Environmental Quality Act (CEQA) review or that need to update their CEQA documents, regardless of their application status. Since the purpose of the SEA Ordinance is to balance preservation of the County's natural biodiversity with private property rights, it follows that all projects with incomplete CEQA documents be reviewed for compatibility

with the new ordinance. Therefore, we urge the County redefine what a “completed application” is, prior to this SEA Ordinance going into effect.

Thank you for your consideration of our comments on Draft 10.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sharon Koch".

Sharon Koch, Chair  
Angeles Chapter of the Sierra Club

**Iris Chi**

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**From:** jbenett4340@roadrunner.com  
**Sent:** Thursday, April 12, 2018 1:05 PM  
**To:** DRP SEA

I want to respond to the question of grandfathering in applications for land use in the Rowland Heights Hills. I do not want to see anymore construction in these hills. The new SEA plan looks like a good plan to help eliminate over development of this area. We need to preserve this land for the plants and animals that live there. I also think Cultural Sensitivity to the Indians should be considered as well before allowing this land to be developed. Thank you for your kind considerations to this matter.

Jacqueline Bennett  
18640 Mescalero St.  
Rowland Heights, CA 91748

**Iris Chi**

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**From:** James Thomas <jtrunner@att.net>  
**Sent:** Friday, May 18, 2018 10:38 AM  
**To:** DRP SEA  
**Subject:** Comments on SEAs

I urge you to add Conceptual SEAs to the existing approved SEAs and to change your definition of when a housing project application is "deemed complete." Signed,

James Thomas

***First Choice Window Cleaning***  
*714-777-6525*  
*FirstChoiceWindowCleaning.net*



**Iris Chi**

---

**From:** Joe Byrne <jmbyrne10@sbcglobal.net>  
**Sent:** Friday, May 18, 2018 12:57 PM  
**To:** DRP SEA  
**Subject:** Comments on SEAs

I urge you to add Conceptual SEAs to the existing approved SEAs and to change your definition of when a housing project application is "deemed complete." Our limited Significant Ecological Areas need protection!

Signed,  
Joe Byrne

Karen Graham  
PO Box 492  
Lake Hughes, CA 93532

March 30, 2018

County of Los Angeles Department of Regional Planning  
Environmental Planning and Sustainability  
Attn: Iris Chi, AICP Planner  
320 W. Temple Street, 13th Floor  
Los Angeles, CA 90012

RE: SEA Ordinance Antelope Valley Exemptions

Dear Ms. Chi,

I am writing to request that the Antelope Valley Significant Ecological Areas (SEA's) NOT be exempted from the same rules as the rest of the county for Single Family Residences, agricultural use, or Areas of Economic Opportunity. These SEA's are vital to wildlife and should not be gradually degraded by not affording them the protections that they deserve.

Please request that the Board of Supervisors rescind the motion that they passed in November of 2014 that exempted the Antelope Valley from proper protections. Thank you.

Sincerely,

Karen Graham



Lakes Town Council  
PO Box 784  
Lake Hughes, CA 93532

“Where Nature Is Your  
Neighbor”

*Council Members:*

Teri Gordon  
*President*

Robin Kennard  
*Vice President*

Louisa Stephen  
*Secretary*

Jeff Rheume  
*Treasurer*

Contact  
(661) 262-3130  
[info.LakesTownCouncil@gmail.com](mailto:info.LakesTownCouncil@gmail.com)

May 25, 2018

County of Los Angeles Department of Regional Planning  
Environmental Planning and Sustainability  
Attn: Iris Chi, AICP Planner  
320 W. Temple Street, 13<sup>th</sup> Floor  
Los Angeles, CA 90012

Sent via email

**Re: Antelope Valley Significant Ecological Area (SEA) Ordinance**

Dear Ms Chi,

The Lakes Town Council is opposed to the exemption of the Antelope Valley from the SEA Ordinance regarding Single Family Residential (SFR) development and agricultural use. The San Andreas, Antelope Valley and part of the Santa Clara River SEA's encompass the majority of SEA land within Los Angeles County.

Exclusion of the Antelope Valley is unreasonable and corrosive to the very concept of having SEA's. These important and biologically diverse areas warrant preservation and protection. The San Andreas SEA *alone* is home to endangered and threatened species, including the bald eagle, burrowing owls, Swainson's hawk, tricolored blackbird, coast horned lizard, northern harrier and round-leafed filaree.

We respectfully request that the Department of Regional Planning recommend a motion to rescind the section of the Board of Supervisors' motion passed November 12, 2014 that exempts the Antelope Valley from SEA review for SFR's and agricultural use.

Respectfully,

*Teri L Gordon*

Teri L Gordon  
President

cc

Kathryn Barger LA County 5<sup>th</sup> District Supervisor  
Donna Termeer Deputy Supervisor

**Iris Chi**

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**From:** Lee Baldwin <lbaldwin@jensonusa.com>  
**Sent:** Friday, May 18, 2018 9:30 AM  
**To:** DRP SEA  
**Subject:** Comments on SEAs

I urge you to add Conceptual SEAs to the existing approved SEAs and to change your definition of when a housing project application is "deemed complete."

Signed,  
Sent from [Mail](#) for Windows 10



## LEONA VALLEY TOWN COUNCIL

P.O. Box 795 • LEONA VALLEY • CA 93551

May 31, 2018

To: County of Los Angeles  
Department of Regional Planning  
Environmental & Sustainability Section  
C/O: sea@planning.lacounty.gov

Re: Significant Ecological Area Update 2018

To Whom it May Concern:

When the SEA ordinance was first drafted, we applauded it for the commitment to preserving what little is left of our natural environment in the Antelope Valley. However, with each new revision we see those protections being eroded away. The latest draft has completely changed the review process in an apparent attempt to minimize the workload for County staff, hence the language “to improve case processing”. The result is that there is essentially no meaningful review remaining.

The new revision of the ordinance includes a SEA Counseling meeting as a first step. However, as was apparent at every public presentation, the County has elected to turn a blind eye to the common practice of landowners scraping the vegetation to the ground prior to any request for permits. Thus, there is no habitat left to preserve by the time the County is involved in the process. This may be easier for developers and County staff, but it does nothing to enforce the alleged intent of the ordinance, which is to “ensure the continuation of natural ecosystem services”. The ordinance should include penalties for destruction of natural habitat which have occurred prior to the permit process, in an effort to dissuade such activities. Anything less in the codified process appears to be in violation of the California Environmental Quality Act and the National Environmental Policy Act.

Rural areas should be allowed to utilize their Community Standards District to protect environmentally sensitive areas from development, including single family residences. Any community that respects its unique qualities sufficiently to desire to protect them should be able to enact regulations through their CSD process. The intent of the CSDs is to preserve those attributes which each small area values and which contribute to the quality of life of the residents.

Respectfully,

Peggy Fuller  
Leona Valley Town Council  
Chair, Land Use Committee

Cc: Donna Termeer

**Iris Chi**

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**From:** lrschulz@verizon.net  
**Sent:** Tuesday, May 29, 2018 10:14 PM  
**To:** Iris Chi  
**Subject:** SEA Ordinance  
**Attachments:** SEA boundaries Map.JPG

Ms Chi,

My main objection to the SEA Ordinance is the exemption of the Antelope Valley Significant Ecological Areas from review for Single Family Residential development and agricultural use. I also understand subdivisions, commercial development, and specific plans must apply for a conditional use permit and undergo SEA review, but I have serious concerns that SRF and agricultural exemptions will have real impacts on natural areas in my community and SEAs across the Antelope Valley.

Why did the County identify SEAs in the Antelope Valley if they do not offer the same level of review and protection to similar SEA Resources in the rest of the County?

I respectfully request that Regional Planning recommend a motion to rescind the portion of the Board of Supervisors Motion passed November 12, 2014 that exempts the Antelope Valley from SEA review for SFRs and agricultural use, with which all other parts of Los Angeles County must comply, and whose SEAs provide improved quality of life, cultural benefits, special hazards protections, and enjoyment through, to the greatest extent possible, protection of natural resources via the SEA Ordinance and its implementation.

Regards  
Linda Schulz  
661 724 0055  
PO Box 994  
Lake Hughes, CA 93532

**Iris Chi**

---

**From:** louella roberson <louellaroberson@aol.com>  
**Sent:** Wednesday, April 11, 2018 4:31 AM  
**To:** DRP SEA; Iris Chi  
**Subject:** SEA ordinance comment

We are residents of Rowland Heights. We would like to thank the 2 wonderful ladies who came to our meeting, Ms. Chi and the other lady(sorry, could not remember her name) and explain the main bullets of the proposed ordinance. We are grateful for coming and explaining the proposal.

Our citizens are mostly just concerned about any further developments that will allowed if any. The way it was explained to us, it sounds like it is restrictive and will make it difficult for any big development to be done in the hills.

We would like any proposed development be reviewed with a fine tooth comb for any adverse effect on traffic, natural fauna and wildlife especially.

We are opposed to any further real estate development that will add to the traffic and population explosion that plagues our community.

We thank you for your continued concern for the environment and ask that funds be allocated in continued monitoring of any illegal and unwanted developments in the hills of Rowland Heights. We are relying on you to keep our neighborhood hills stay the way they are.

We love our community and would like to keep the living here.

Sincerely,

Randy and Louella Roberson  
18645 Fieldbrook St  
Rowland Heights.



**Iris Chi**

---

**From:** Barry and Margaret <bargaret@cruzio.com>  
**Sent:** Friday, May 18, 2018 10:18 AM  
**To:** DRP SEA  
**Subject:** Comments on SEAs

I urge you to add Conceptual SEAs to the existing approved SEAs and to change your definition of when a housing project application is "deemed complete."

Signed, Margaret Seidler



Virus-free. [www.avg.com](http://www.avg.com)

May 31, 2018

County of Los Angeles Department of Regional Planning  
Environmental Planning and Sustainability  
Attn: Iris Chi, AICP Planner  
320 W. Temple Street, 13<sup>th</sup> Floor  
Los Angeles, CA 90012

Sent via email

Re: Antelope Valley Significant Ecological Area (SEA) Ordinance

Dear Ms Chi,

I am a 20 year resident of the western Antelope Valley. I am writing to urge the Department of Regional Planning to recommend a motion to rescind the section of the Board of Supervisors' motion passed November 12, 2014 that exempts the Antelope Valley from SEA review for SFR's and agricultural use.

One of the more exasperating aspects of living in Los Angeles County is tendency of the County Supervisors to place the concerns of commercial interests over the legitimate concerns of County residents. The Planning Department has an important role to play in highlighting this issue.

Let me spell this out plainly. In the 20 years I have lived here I have found that there is one thing residents here agree on regardless of their politics. That is that they are opposed to any measure that would threaten or change the rural and natural character of the western Antelope Valley. Most residents live here because of these features. Therefore, we are not in need of "protection" against SEA review regulations put in place to protect precisely those features.

.

Respectfully,

Mark Christiansen  
39479 Calle El Parado  
Green Valley, CA 91390

mdc515@gmail.com

**Iris Chi**

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**From:** Maryanne Strehlow <aco50sig@gmail.com>  
**Sent:** Friday, May 18, 2018 11:18 AM  
**To:** DRP SEA  
**Subject:** Comments on SEAs

I urge you to add Conceptual SEAs to the existing approved SEAs and to change your definition of when a housing project application is "deemed complete."

Sincerely,

Maryanne Strehlow  
Resident of Diamond Bar, CA

**Iris Chi**

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**From:** Melony Paulson <melony@silverlightpress.com>  
**Sent:** Friday, May 18, 2018 10:13 AM  
**To:** DRP SEA  
**Subject:** Comments on SEAs

I urge you to add Conceptual SEAs to the existing approved SEAs and to change your definition of when a housing project application is "deemed complete."

Signed, Melony Paulson

To: Ms. Iris Chi, Planner, Environmental Planning and Sustainability,  
SEA Ordinance May 31, 2018

Dear Ms. Chi:

I object to the SEA Ordinance exemption of the Antelope Valley Significant Ecological Areas (SEA) from review for Single Family Residential (SFR) Development, Economic Opportunity Areas (EOAs) and agricultural use. I also understand subdivisions, commercial development and specific plans must apply for a conditional use permit and undergo an SEA review. I have serious concerns that SFRs, EOAs and agricultural exemptions will have real impacts on natural areas in my community and SEAs across the Antelope Valley. Please see below:

- The exemptions will contribute to infringement on wildlife corridors and fragmentation of natural communities, many of them providing habitat for protected species and species of special concern, supporting species protected by the Migratory Bird Treaty Act and the Golden and Bald Eagle Protection Act. Furthermore activities having adverse impacts on biological resources may be prevented from claiming a categorical exemption determination under CEQA and might be subject to other regularity conditions according to California Department of Fish and Wildlife code. To achieve protection, require a discretionary permit and biological review for SFR, SEAs and agricultural activities in all SEAs.
- The SEA Implementation Guide identifies “Guiding Principles” that recognize the importance of biodiversity that is passed on to future generations, provides for reduction of fragmentation, maximizes preservation and preserves connectivity and functionality, and also to “Ensure the continuation of natural ecosystem services that improve quality of life for all who live in Los Angeles County.” The A. V. exemptions in the Ordinance run counter to this principle.
- The SEA Implementation Guide describes the natural qualities that make SEAs worthy of protection from natural disasters like floods and droughts

and regulation of temperatures.” Are A. V. residents not worthy of these benefits? Are A. V. SEAs less valuable than those in the rest of the County?

- The SEA Implementation Guide recognizes the cultural services provided by healthy, functioning ecosystems such as scenic views, opportunities for recreation, tourism, culture, art, and design.” If the A. V. is exempt from the SEA Ordinance residents in the A. V. will be unfairly exempt from the “provided by SEA resources enjoyed by other County residents.”
- Cultural services “are also those that provide “ecosystem services” such as clean air, clean water, fertile soils ...and preserves connectivity and functionality and also ensure the continuation of natural ecosystem services that improve the quality of life for all.

As per the Implementation Guide “The continued ability of our local ecosystems to provide the ecosystem services and biodiversity that we enjoy in L. A. County today depends on ensuring adequate protections for the resources themselves and are concentrated within and adjacent to SEAs. In order to ensure “adequate protection I request that Regional Planning recommend a motion to rescind the portion of the Board of Supervisors Motion passed on November 12, 2014 that exempts the A. V. SEAs from review for SFRs, EOAs, and agricultural activities with which all other parts of L. A. County must comply and whose SEAs provide improved quality of life, cultural benefits, special hazards protections and enjoyment through protection of natural resources via the SEA Ordinance and its implementation. To further ensure adequate protection of natural resources, I request that discretionary review be required for all development within the SEAs.

Sincerely, Merrylou Nelson

Iris Chi, AICP  
Regional Planner  
Environmental Planning and Sustainability  
Los Angeles County Department of Regional Planning  
email: [ichi@planning.lacounty.gov](mailto:ichi@planning.lacounty.gov)

April 10, 2018

Dear Ms Chi,

I would like to thank you and your team from Los Angeles County Regional Planning for your community outreach meeting April 9, 2018 at the Rowland Heights Community Center. As I'm certain you heard, there was unanimous support for the new comprehensive update of the Significant Ecological Areas Ordinance (SEA) to protect and preserve our local wilderness. I would like to make a few comments regarding those community comments and concerns.

First, as a community we would like to see any new protections offered under the new SEA to impact all development within our SEAs, both those yet to be permitted and those that have already been granted their county permits. No grandfathering of old projects and I'm speaking specifically the AERA Energy project and the Pacific Heights project in our community.

Second, we want to see the end of the so called "Conditional" SEA designation to our local hills and wilderness. We want full SEA protections and better sooner than later.

Third, the updated SEA needs to fully recognize not just the "wide ranging biodiversity" of our SEA wilderness, but also of the importance of wildlife corridors in maintaining this biodiversity.

Fourth, as you heard last night many of our neighbors are concerned with creeping development. It begins with a new house, then a school or church, then an apparently benign golf course. Bit by bit we lose our functioning wilderness. There must be a measure for any project and its cumulative impact on our biologically significant open space. Every project must be measured not just by its individual impacts but by the cumulative impacts of all projects in and near our precious SEA wilderness. These projects may bring mandated mitigation, but 10 acres of newly created oak woodland does not mitigate for the loss of 5 acres of old growth oak woodland. And as you heard last night there are many in our community that just love our old oak trees.

Lastly, I want to thank the County of Los Angeles and specifically the Department of Regional Planning for recognizing the importance of protecting our remaining precious natural resources and the endangered and threatened plant and animal life that these open spaces and wilderness support.

Sincerely,

*Mike Hughes*

Mike Hughes

Hacienda Heights CA



**Iris Chi**

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**From:** Nicholas Staddon <nickjstaddon@gmail.com>  
**Sent:** Saturday, May 19, 2018 11:50 AM  
**To:** DRP SEA  
**Subject:** Comments on SEAs

I urge you to add Conceptual SEAs to the existing approved SEAs and to change your definition of when a housing project application is “deemed complete.”

Signed,

Nicholas and Karin Staddon  
Olinda Village, Brea, CA 92823.

**Iris Chi**

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**From:** iluvnaples@aol.com  
**Sent:** Sunday, May 20, 2018 3:47 PM  
**To:** DRP SEA  
**Subject:** Comments on SEAs

I urge you to add Conceptual SEAs to the existing approved SEAs and to change your definition of when a housing project application is "deemed complete."

Signed,  
Nikki and Howard Applebaum

Sent from my iPhone



## United States Department of the Interior

NATIONAL PARK SERVICE  
Santa Monica Mountains National Recreation Area  
401 West Hillcrest Drive  
Thousand Oaks, California 91360-4207

In reply refer to:  
L76/ (SAMO)

May 31, 2018

Iris Chi, Program Manager, SEA Program Update  
Los Angeles County Department of Regional Planning  
320 W. Temple St.  
Los Angeles, CA 90012  
Transmitted via Email: sea@planning.lacounty.gov

Dear Ms. Chi:

The National Park Service (NPS) has reviewed Draft 9 of the Significant Ecological Areas (SEA) Ordinance and the Implementation Guide (IG) prepared by Los Angeles County (County). The revised SEA Ordinance would update the Conservation and Natural Resources Element within the SEA program (Program No. C/NR-2) in the Los Angeles County General Plan 2035.

In 2000, NPS nominated the Santa Monica Mountains as one SEA. NPS appreciates the County's response to the nomination by creating the new Santa Monica Mountains SEA. NPS also thanks the County for the extensive work expanding the SEA Program and developing a practical implementation process. NPS provides comments on the effects of private and public land development in the Santa Monica Mountains at the invitation of state and local units of government with authority to prevent or minimize adverse uses. NPS assumes a neutral position and does not support or oppose land development in offering the following comments on the draft ordinance.

Definitions: Section 22.102.020

Item D. NPS recommends adding a condition to issue a permit to construct driveways only when concurrent with the construction of the associated residence or other primary structure.

Development Standards: Section 22.102.080

NPS recommends aligning the SEA Resource Categories between the Development Standards and Definitions sections. In Item A of the Development Standards section, SEA Resource Categories are outlined for Resource Categories 1 through 4. The Definitions section includes Resource Categories 1 through 5. NPS recommends adding Resource Category 5 to the Development Standards section.

Development Standards: Section 22.102.080

NPS recommends the County add text that considers the potential changes to plant and animal species' level of sensitivity, as well as for habitat type that may transition from one Resource Category level to another. Biological resources should be evaluated based on the most current conditions. Updated field work and a revised biological report may be necessary if significant time lapses occur during the project permitting process.

National Park Service  
Los Angeles Dept. of Regional Planning, SEA Ordinance Draft 9, March 2018

Page 2  
May 31, 2018

Development Standards: Section 22.102.080

Item D.4. of the Land Use Specific Development Standards contains ambiguous language: "Large lot parcel maps for sale, lease, finance, or transfer purposes, shall demonstrate that all resulting parcels have reasonable potential for future development that meets the standards for SEA Review..." Clarification is needed on the responsible party to whom the parcel map's development potential should be demonstrated. NPS suggests adding language to clarify that developability be confirmed through recordation of large lot parcel maps.

Open Space: Section 22.102.090

Item D.2., Open Space Preservation Mechanisms. NPS recommends that the open space dedication order be revised to address 2.a (non-profit organizations) and 2.b (government entities) with equal priority. Additionally, the text may suggest the conveyance to a public park or open space management agency within the government entity category (2.b).

Implementation Guide (IG): SEA Boundary Map (General Plan 2035, Figure 9.3)

NPS recommends adding a symbol into the legend to identify the dashed green line as the Angeles National Forest boundary. Additionally, please add the SMMNRA boundary line to the map and legend and item description in the legend to identify both federally designated boundaries.

IG. Area-wide Development Standards: Impermeable Fencing, Walls, Enclosures, and Signage


NPS appreciates the standards for permeable fencing. The standards are consistent with NPS wildlife protection goals to avoid and minimize impacts and to allow for wildlife movement throughout SMMNRA.

IG. Area-wide Development Standards: Open Space Buffer

The minimum 200-foot set back from the proposed project's boundary to adjacent park land or protected open space is consistent with NPS goals to preserve land acquired to protect native habitat. NPS suggests clarification in the new ordinance for instances where the 200-foot set back cannot be achieved owing to parcel size or location of a buildable site within a large parcel.

Thank you for the opportunity to comment. If you have questions, please call Melanie Beck, Outdoor Recreation Planner, at (805) 370-2346.

Sincerely,



David Szymanski  
Superintendent

cc: Joe Edmiston, Executive Director, Santa Monica Mountains Conservancy  
Craig Sap, Acting Superintendent, Angeles District, State Department of Parks and Recreation  
Clark Stevens, Executive Officer, Resource Conservation District of the Santa Monica Mountains

**Iris Chi**

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**From:** Paulette Byrne <pabyrne@sbcglobal.net>  
**Sent:** Friday, May 18, 2018 8:07 PM  
**To:** DRP SEA  
**Subject:** Comments on SEAs

I urge you to add Conceptual SEAs to the existing approved SEAs and to change your definition of when a housing project application is "deemed complete." Our limited Significant Ecological Areas need to be protected!

Signed,  
Paulette Byrne



April 26, 2018

Los Angeles County Department of Regional Planning  
Environmental Planning & Sustainability Section  
Attn: Iris Chi, AICP, Planner  
320 W. Temple Street, 13<sup>th</sup> Floor  
Los Angeles, CA 90012  
[sea@planning.lacounty.gov](mailto:sea@planning.lacounty.gov)

**Comments on Draft 10 - Significant Ecological Area Ordinance**

Dear Ms. Chi:

The Puente Hills Habitat Preservation Authority (Habitat Authority) appreciates the opportunity to comment on Draft 10 of the Significant Ecological Area (SEA) Ordinance (released March 14, 2018).

The Habitat Authority is a joint powers authority established pursuant to California Government Code Section 6500 *et seq.* with a Board of Directors consisting of the City of Whittier, County of Los Angeles, Sanitation Districts of Los Angeles County, and the Hacienda Heights Improvement Association. According to its mission, the Habitat Authority is dedicated to the acquisition, restoration, and management of open space in the Puente Hills for preservation of the land in perpetuity, with the primary purpose to protect the biological diversity. Additionally, the agency endeavors to provide opportunities for outdoor education and low-impact recreation. The Habitat Authority owns and or manages over 3,800 acres which lie within the Cities of Whittier and La Habra Heights, as well as in the County unincorporated area of the Puente Hills known as Hacienda Heights.

Overall, the Habitat Authority recognizes the need for an updated SEA Ordinance to protect sensitive ecological areas of the County of Los Angeles.

**Overall Comment**

Exempt Government Open Space Land Managers from the Ordinance - Organizations and especially public land management agencies that do not collect public tax dollars and whose main mission are in alignment with the goals of the Ordinance, such as the Habitat Authority, should be considered exempt from the Ordinance including its fee structure. Government organizations are held accountable to a higher standard of transparency and due diligence in their process and conduct. To add an extra layer of regulation over an agency that specializes in habitat protection is a potential misapplication of public funds.

Page 2  
Draft 10 SEA Ordinance

### **General Comments**

#### Habitat Authority Operations are Exempt

From communications with you and other County staff, it is our understanding that the SEA Ordinance only applies when a land use permit is being pulled. Because the management activities of the Habitat Authority are preexisting and/or covered under our current Resource Management Plan (RMP), they do not need land use permits or SEA review. This means the *SEA Ordinance would not apply to the Habitat Authority for the following:*

- annual fuel modification clearing efforts within the Preserve (mostly adjacent to homes)
- annual maintenance of the roads/trails within the Preserve by the Habitat Authority, Los Angeles Fire Department or a property easement holder
- trail maintenance, trail rerouting and trailhead parking lot maintenance
- erosion control
- nonnative vegetation removal
- habitat restoration (existing and new). However, at your request we would be happy to share for your information our future habitat restoration plans for the larger projects. It is our understanding that community volunteer efforts will be consistent with the RMP guidelines and will not have a formal plan.
- maintenance of legally established structures such as our residence and barn in Sycamore Canyon
- scientific studies
- passive recreation
- other general management activities

Furthermore, is our understanding that if we want to update our RMP in the future a County Biologist would review to ensure consistency with the SEA Program, and there would be no fee for this.

Other new situational activities, such as demolition of an underground water tank would require the same level of review for SEA Ordinance compatibility as any other project that requires a land use permit.

Please advise the Habitat Authority staff if our understanding of the proposed SEA Ordinance as it applies to our agency is incorrect.

#### Finalize Conceptual SEAs

*Please consider having this proposed SEA Ordinance apply to conceptual as well as adopted SEAs.*

It is our understanding that the proposed SEA Ordinance would not apply to “conceptual SEAs” until such time as the East San Gabriel Valley Area Plan is adopted, which we understand is projected for 2019 at the earliest. Waiting for the adoption of the East San Gabriel Valley Area Plan may unnecessarily delay implementation of the Draft Ordinance’s enhanced protections for significant ecological areas and expose them to harmful developments.



Page 3  
Draft 10 SEA Ordinance

Define "complete project application"


The SEA Ordinance Implementation Guide states that the SEA Ordinance is not required to be applied to pending projects whose applications have been deemed complete prior to adoption of the SEA Ordinance. *Please re-evaluate and define what is deemed a completed application prior to this SEA Ordinance going into effect. The new SEA rules should apply to the AERA property, a 3,000 acre property east of Harbor Blvd. on which a development of 3,600 units is proposed. This project was proposed 15 years ago, and all studies and evaluations are outdated.*

Review all projects for SEA Ordinance Compatibility

*Please have the SEA Ordinance apply to all projects within SEAs that have not yet completed their CEQA review or that need to update their CEQA documents regardless of their application status.* Since the priority of the SEA Ordinance is to balance preservation of the County's natural biodiversity with private property rights it makes sense that all projects with incomplete CEQA documents be reviewed for compatibility with the new ordinance.

Thank you for your consideration of our comments on Draft 10. Feel free to contact me or Andrea Gullo, Executive Director, at (562) 945-9003 or [agullo@habitatauthority.org](mailto:agullo@habitatauthority.org) for further discussion. Also, please maintain our agency on the contact list for this planning process regarding the SEA Ordinance, and on the contact list for the East San Gabriel Valley Area Plan planning process.

Sincerely,



Bob Henderson  
Chairman

cc: Board of Directors  
Citizens Technical Advisory Committee  
Hillside Open Space Education Committee  
Wildlife Corridor Conservation Authority  
Hills for Everyone

## Notes on implementation guide

Page 58

I have a big issue with the 10 mile 1000 elevations rule. It is too restrictive, and I think this in spite of the fact that my graduate degree was on oak population genetics and ecology.

- As much as possible, using local seed or assisted migration of seed is best.
- From the work my advisor and I did at UCLA, seed and pollen dispersal is so limited in oaks if you really wanted to preserve genetic variations in a local population you would have to reduce that number to 2 miles. Long lived species like trees should be a special concern for this issue, especially oaks, getting them from the same site or within less than a mile would be great. However, when that is not possible, I think that it would be better to plant an oak woodland from seed from the Los Angeles Basin, than to restrict people from planting them at all, since oaks provide habitat to so many other species.
- Many times in highly fragmented areas, with as much development as we have in this area and with all of the microclimates in LA County there may not be seed available for a species within 10 miles. I do not think that this should restrict habitat restoration projects from planting natives from within Los Angeles County and its environment
  - o What if the seed might be there but there may not be the ability to harvest it (in a protected park or conservancy)? What if the seed source is from a small number of plants and you are potentially creating a bottleneck effect?
  - o What if a manmade cattle pond and farming area is being restored and there are not nearby wetlands, would that restrict the restoration of plants in the old cattle pond?
- 10 miles is such a generic number and does not really improve your chances of getting seeds that have the adaptations and genetics from the existing site. To be honest, some of the seed from less than 10 miles and 1000 ft elevation away from Descanso and the Verdugo section of the SEAs would be pretty inappropriate adapted to our site - the seed from the farther areas in Burbank would be more appropriate than the much closer seed from across the freeway in the San Gabriel foothills, where the soil types are very different.
- In highly disturbed areas, like old farms, planting short lived pioneer species, like annuals, coyote bush or poppies etc. the adaptation that you may have lost by bringing a plant from farther away will rapidly be regained with short generation time. Plus these plants provide perching opportunities for birds, and hiding spots for small mammals who can disperse local seed into the space over time.
- Then there is the conundrum of what is native anyway- as more people grow native plants in their gardens, how do you know that the plants you are selecting from nearby are truly natural? For example, Descanso's founder Manchester Boddy and Theodore Payne planted and probably hybridized sycamores on our site in the 1940s. Should we choose those for our seed source nearby, or completely native seed from farther away?

My recommendation would be that the restoration project name the planned source of their plant material. If the source is from more than a certain distance away or from a completely different vegetation or geology they need to provide reasonable support for why they chose that stock.

Special thought should be given to sources of tree seed and other long lived species.

All stock should be from plants within Counties in or adjacent to the SEA. Nurseries used to grow stock should also be within counties in or adjacent to the SEA to prevent spread of soil born diseases and insect pests.

A couple other recommendations:

1. Use plugs rather than larger plants to reduce the need for irrigation during establish to conserve water resources. This also helps plants establish new roots that are adapted to the soil in the ground, rather than having a large root mass adapted to the soil in the nursery pot.
2. If irrigation is required, describe the plan to control annual weeds that might occur and thrive from the irrigation.
3. I personally do not want to see any proposals for regular herbicide treatments without a plan for mulching, or revegetation. This is a common practice throughout the county currently and from the research and sites I have observed, this treatment serves no benefit (and may cause some harm). If someone wants to use herbicide I'd like to see a couple of things.
  - a. That they have tested other methods of invasive species control and have determined a single application of herbicide is the best solution.
  - b. They have a post application plan for revegetation and/or mulching
  - c. The treatment is a one time application
  - d. Preemergent herbicide should never be used, as it may affect rare species in the seed bank.
4. There is a lot of thought out there about mulch. There is a native plant contingent out there that is anti mulch because of nesting habitat for native bees. I am not sure you will get questions on this – or that it should be included in the guide, but I will pass on my two cents. My recommendations for dealing with this issue is as follows.
  - a. Mulch is necessary in restoration to insure native plants thrive and survive to provide food for native bees. Without native flowers, there is no bee habitat. It is the least harmful and most beneficial way to prevent weeds, promote healthy soil, and help restore healthy organic material in the soil. One application of mulch can promote storage of large amounts of carbon in soils for years to come, helping with global climate change. It prevents water loss up to 30%. Almost all native habitat, outside of some desert ecosystems, have deep layers of organic material near trees and shrubs, keeping their roots cool and preventing evaporation.
  - b. And area for native been nesting without mulch can be set aside and marked. Monthly weeding will be necessary in this area until native plants can be established. Leaving restored areas unmulched and/or unweeded for bees in the long run will prevent native plants from establishing, promote invasive species that can encourage fires, and provide few resources for the native bees.

5. For weed removal projects, clear description of how green waste is handled should be part of the proposal.
6. A mention should be made about cleaning equipment for development and brush clearance. Much of the new mustard and possibly the start thistle infestation we have may have come in on Fire department brush clearance and LA Conservation corps equipment.

As a horticulture expert I think there are many plants on the list of prohibited plants that are too restrictive, as well as several that should be added:

California Buckeye should be restricted to its natural range

Mexican feather grass should be restricted to its natural range

Fennel, artichoke, mustards and cardoons should be restricted

Convolvus should be restricted (except the native species, in its natural range)

For me the definition of an invasive species is one that reproduces and changes the ecosystem in which it grows, preventing other species from surviving. From my experience, most of the plants you see below would not fulfill that definition in Southern California.

Salix babylonica (unless you have a real significant pond)

Prunus cerasifera (will not survive without serious supplemental irrigation)

Leptospermum

Aeonium

Cotyledon

Amaryllis

Calendula

Cosmos

**Iris Chi**

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**From:** Randall Baer <rbaer@pacbell.net>  
**Sent:** Thursday, May 17, 2018 6:31 PM  
**To:** DRP SEA  
**Subject:** Conceptual SEA Comment

I wish to express my support for the adoption of the county's Conceptual SEA and it's inclusion of the Altadena Foothills Arroyos area. I am especially happy that the Millard Canyon and El Prieto Canyon areas are to be included in the new SEA.

Sincerely,

Randall Baer  
3588 Canyon Crest Rd  
Altadena, CA 91001  
[rbaer@pacbell.net](mailto:rbaer@pacbell.net)

**Iris Chi**

---

**From:** Rich Kikuchi <rich.kikuchi@gmail.com>  
**Sent:** Friday, May 18, 2018 8:45 PM  
**To:** DRP SEA  
**Subject:** Comments on SEAs

I urge you to add Conceptual SEAs to the existing approved SEAs and to change your definition of when a housing project application is "deemed complete." Signed,

Rich Kikuchi

**Iris Chi**

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**From:** ROE LEER <roe@mail.org>  
**Sent:** Wednesday, April 25, 2018 2:59 PM  
**To:** DRP SEA  
**Subject:** SEA Comments - Keep Exemption for SFRs

At your presentation yesterday at the Greater Antelope Valley Association of Realtors, you began by pointing out that new and existing single-family residences were exempt from the SEA requirements.

This was a good inclusion in the draft.

When I asked if I could advise other Realtors of the exemption, we were told it was possible that that exemption might be removed from the next draft and/or the final ordinance, as there were other voices speaking for the removal of that exemption.

I am strongly encouraging you to keep the SFR exemption in the drafts/ordinance.

If the SFR exemption were to be removed, many of our property owners and would-be Buyers would see property values drop sharply and the SFR building process becoming more time-consuming, frustrating and expensive.

Please keep the SFR exemption in place in the draft(s), in the ordinance if/when passed, and into the future.

Thank you,

Roe Leer  
Broker & Realtor  
CalDRE 00950560  
11850 Nearwood Road  
Juniper Hills, CA 93543-4250  
661-265-7788 cell and text  
roe@mail.org



SEA@PLANNING.LACOUNTY.GOV

Los Angeles County  
Department of Regional Planning  
320 West Temple Street  
13th Floor  
Los Angeles, California 90012

May 10, 2018

Dear Ms. Hachiga-AICP

I was pleased to have spoken to you about the SEA's. This is the first time LA County has published information on the rules and regulations of SEA's. I commend you for your efforts, the public needs to learn the scientific knowledge on the importance of the flora and fauna of the Western Antelope Valley.

This area is a hot spot for the vibrant wildflower fields. As well as wild animals that traverse from one mountain range to the other. This area is also a natural aviary and main flyway for migratory birds. Since the drought our sag ponds are dry and have limited the nesting and feeding areas. My concern is that those endangered species such as the Condor, pond turtles, salamanders and special endangered flora and fauna will be at an even greater risk of extinction. How are the SEA's going to mitigate these problems?

Your mitigation appears minimal in view of the large city that will be built in future years. My other concern is the freeway that will replace the 138 being proposed from inter-state 5 to the inter-state 14, which to me appears to be devastating to the flora and fauna of the Antelope Valley. I have seen many large animals, such as Mt. Lion, deer, bears etc., being killed by cars and trucks traversing the mountain ranges. How are the SEA's going to mitigate this proposal?

In the spring, thousands of visitors come from near and far to get photos of the incredible display of flowers unique only to this area. If we allow this development to proceed, future generations will never experience the natural beauty of the flora and fauna.

"Centennial would destroy irreplaceable wildlands on the verge of extinction and also will destroy habitat for rare plants and animals". These comments were from the Center for Biological Diversity.

My opinion: I know L.A. County is being pressured to build, however Los Angeles County designated the Significant Environmental Areas to preserve for the future generations. I feel this area should be bought and preserved by the State of California and added to the state park system or preserved by Los Angeles County.

Thank you for considering my concerns.

Respectfully,

Rose Bryan

**Iris Chi**

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**From:** Rylans Yahoo <rylanr2001@yahoo.com>  
**Sent:** Friday, May 18, 2018 2:22 PM  
**To:** DRP SEA  
**Subject:** Comments on SEAs

Iris Chi,

Good afternoon. My name is Rylan and I am a resident of Olinda Village in Brea, just across the street from Chino Hills State Park. I urge you to add Conceptual SEAs to the existing approved SEAs and to change your definition of when a housing project application is "deemed complete." Environmental protection is increasingly valued as the signs of overcrowding become more evident. Do we really want more houses, thus vehicles in the vicinity of the 57/60 interchange? Thank you for your time. Cheers!

Signed,

Rylan Reynolds CRNA, DNAP

Sent from my iPhone



## COUNTY SANITATION DISTRICTS OF LOS ANGELES COUNTY

1955 Workman Mill Road, Whittier, CA 90601-1400  
Mailing Address: P.O. Box 4998, Whittier, CA 90607-4998  
Telephone: (562) 699-7411, FAX: (562) 699-5422  
[www.lacsd.org](http://www.lacsd.org)

GRACE ROBINSON HYDE  
Chief Engineer and General Manager

May 3, 2018

SEA Program  
Environmental Planning and Sustainability Section  
Regional Planning Department, Floor 13  
320 West Temple Street  
Los Angeles, CA 90012

Dear Sir or Madam:

**Comments on Significant Ecological Area (SEA) Ordinance Update and  
SEA Ordinance Implementation Guide – Public Review Drafts (March 2018)**

The Sanitation Districts of Los Angeles County (Sanitation Districts) appreciate this opportunity to review and submit comments on the SEA Ordinance Update – Public Review Draft and the SEA Ordinance Implementation Guide – Public Review Draft, both released on March 14, 2018. The Sanitation Districts are a confederation of 24 special districts that operate and maintain regional wastewater and solid waste management systems for approximately 5.6 million people residing in 78 cities and unincorporated portions of Los Angeles County. As such, the Sanitation Districts serve an essential public service in protection of public health and the environment.

While the Sanitation Districts support the further development of the SEA program, we have previously expressed our concerns regarding unnecessary additional costs and project delays for projects that have already undergone a public CEQA process. To remedy these concerns, the Sanitation Districts had previously requested earlier versions of the SEA Ordinance Update include a streamlined public agency process. We would like to reiterate our position that essential public service facilities which are required to go through a CEQA process and permitting through natural resource agencies be included in a SEA review process similar to the “County Projects” process in §22.102.120 of the SEA Ordinance Update – Public Review Draft and Chapter 9 of the SEA Ordinance Implementation Guide – Public Review Draft.

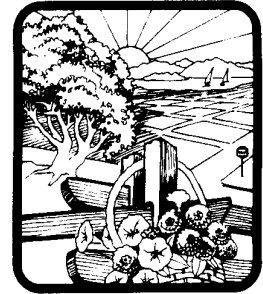
If you have any questions regarding this comment letter, please contact Marvin Holmes at (562) 908-4288, extension 2729, or by e-mail at [mholmes@lacsd.org](mailto:mholmes@lacsd.org).

Very truly yours,

Jodie Lanza  
Supervising Engineer  
Wastewater Planning Section

JL:ddg

**SCOPE**  
**Santa Clarita Organization for Planning and the Environment**  
TO PROMOTE, PROTECT AND PRESERVE THE ENVIRONMENT, ECOLOGY  
AND QUALITY OF LIFE IN THE SANTA CLARITA VALLEY  
POST OFFICE BOX 1182, SANTA CLARITA, CA 91386  
[www.scope.org](http://www.scope.org)



5-31-18

Attn: Ms. Chi and Ms. Mongolo  
Los Angeles County Department of Regional Planning  
320 W. Temple St.  
Los Angeles, CA 90012

*Sent via email to: [sea@planning.lacounty.gov](mailto:sea@planning.lacounty.gov)*

Re: Project No. 2017-003725-(1-5) (Ms. Chi/Ms. Mongolo) Advance Planning No.  
RPPL2017006228, the Draft SEA Ordinance and Implementation Guide

Dear Ms. Chi and Ms. Mongolo:

Santa Clarita Organization for Planning and the Environment, formed in 1987 by residents of the Santa Clarita Valley, is now celebrating its 30<sup>th</sup> year of protecting our local natural resources. Since our inception, our valley's five significant ecological areas have been a major focus of our work, especially SEA #23, the Santa Clara River. Preservation of the Valley Oaks Savannah (SEA#64) was our first major public campaign resulting in around 150 acres of the SEA being placed in a permanent conservation easement.

#### **Enforcement Oversight needed**

However, this process didn't proceed smoothly. The easement was not recorded as required by the conditions of approval until almost 15 years later when members of the public noticed that this requirement had not been fulfilled. Trails and other promised amenities are still not forthcoming in SEA 64. Water extraction under the SEA has added to the stress of the *Quercus Lobata* oak species present on site. Prohibitions to limit the spread of non-native species were not effective, as gardeners dumped their unused plantings into the SEA with impunity.

We therefore appreciate the Ordinance sections requiring monitoring, but note that the monitoring required for SEA 64 failed and continues to fail. We suggest that the guidelines designate the County biologist or other staff to make at least annual reviews of SEA project conditions to ensure that they are followed. Or, in the alternative, perhaps a community panel with the oversight of SEA TAC could be designated to provide this service. A means of providing long-term enforcement and identifying responsible parties should also be outlined.

#### **Impacts to Water Sources must be evaluated as part of the SEA Review Process**

The revised SEA ordinance describes several items which must be reviewed either by the County biologist or through the SEA TAC and other review processes, but the effect of the project on the water needed for the habitat is not one of them.

SCOPE Comments – SEA Ordinance Update

2

All habitats and species are dependent on water. Even small projects may affect habitats and animals' access to water if water extraction lowers water levels in the area or hardscaping reduces or eliminates ground water recharge. Seeps and springs may dry up. Streams may cease to flow. Plants and trees die as the water levels sink below their root zones. Springs which provide important habitat or support endangered species (such as vernal pools or the spring along the Santa Clara River that supports the rare Sun Flower) may dry up, thus destroying the species.

Although water is mentioned almost incidentally in the listing of findings (i.e., "*D. The proposed development maintains ecological and hydrological functions of water bodies, watercourses, and their tributaries;*"), we believe it would be helpful both for reviewers and applicants to have this issue described in more detail.

We therefore ask that sufficient water for a viable habitat be added to the review criteria along with requirements for reduced hardscaping and permeable pavement where appropriate.

**Set backs from water sources**

We appreciate the ordinance's setback requirement, but concur with the Endangered Habitats League that it is not sufficient. A minimum of 300 feet should be required.

**Page 4. F. Offsets and G. In lieu Fees**

The new SEA ordinance would allow offsets and in lieu fees for impacts to a SEA. This could allow for destruction to an SEA with funds or conservation easements in a mitigation bank in some entirely different location outside our Valley. This situation has already in City of Santa Clarita permitting. Re-establishment of a species in a new location may not be possible due to the particular needs of an ecological community. Creating a new place for the species may seem like an easy matter, but often results in a failure of the species to thrive in the new location.

To our knowledge, offsite offsets and mitigation banks were not allowed in the previous SEA ordinance. Mitigation in far away locations frustrates efforts to reduce fragmentation, a goal described in the Implementation Guide under the goals section. Offsetting and in lieu fees that will not accomplish this goal, should not be permitted. If the continued existence of our SEAs is really to be accomplished, offsite mitigation must not be allowed or kept to an extreme minimum.

**Ministerial Review**

The Ordinance allows ministerial review to be waived by the Director, but does not describe under what circumstances this might occur. While we can imagine circumstances for very small modifications where this might be appropriate, such modifications are already covered and described in the ordinance. Such arbitrary powers without definition or parameters could lead to abuse, as we believed happened in the recent behind closed doors extension of the Chiquita Canyon Landfill granted by the Director prior to permit approval.

We ask that waiving of review be eliminated from the ordinance.

**Public Notice**

Public Notice should be required whenever a proposal will impact an SEA.

**Detailed comments on the Ordinance**

SCOPE Comments – SEA Ordinance Update3

1. We suggest that the description of unique resources on page 3 include “unique geological formations”. While this was part of the original SEA definition and it is clearly mentioned later in the ordinance, we believe it would be beneficial to also list it in this section.
2. Page 5, #4 should also include cell towers. It is thought that electromagnetic fields from cell towers may affect birds. Their construction during nesting season, particularly in an SEA, should not be allowed.

Thank you in advance for your attention to our concerns. We hope to continue to be involved in the update process.

Sincerely,



President

Sierra Club, Angeles Chapter  
3250 Wilshire Blvd. #1106  
Los Angeles, CA 90010



phone: 213-387-4287  
fax: 213-387-5383

### San Gabriel Valley Task Force

TO: Iris Chi, AICP  
Regional Planner  
Environmental Planning and Sustainability  
Los Angeles County Department of Regional Planning  
Email: [ichi@planning.lacounty.gov](mailto:ichi@planning.lacounty.gov)

SUBJECT: Comments: New Proposed Significant Ecological Area Ordinance

May 30, 2018

Dear Ms. Chi:

The San Gabriel Valley Task Force of the Angeles Chapter of Sierra Club thanks you and your agency for the opportunity to comment on the comprehensive update of the Significant Ecological Area (SEA) Ordinance. The San Gabriel Valley Task Force was organized by the Angeles Chapter of the Sierra Club in 1999 to work with San Gabriel Valley cities, Los Angeles County and political leaders to seek ways to create a more livable environment in the San Gabriel Valley while protecting the diversity of habitats within the region for the benefit of wildlife, plant communities, and recreational opportunities for local residents.

We are particularly interested in the protection and development of wildlife corridors, the preservation of biodiversity of both plant communities and wildlife within our region—both of which have been sorely impacted by urban development—and providing opportunities for residents to enjoy nature close to urbanized areas.

For these reasons we offer the following comments.:

- ♦ **We support the formalization of the existing Conceptual SEAs as SEAs in the Puente Chino Hills and the foothills of the San Gabriel Mountains** thus providing those areas with the full protection of the new SEA Ordinance. In the Puente-Chino Hills region several Conceptual SEAs bound the open space of the Puente Hills Native Habitat Preservation Authority. We support actions to create a wildlife corridor that would extend from the Whittier Narrows to Chino Hills State Park and believe the Aera property and Tres Hermanos properties are extremely important in linking areas already protected.

In the San Gabriel Mountain foothills, where open space still exists, we hope to conserve the open space or make any approved developments as environmentally friendly as possible. These areas are adjacent to the San Gabriel National Monument, the National Forest or conservancies. SEA protections would form a buffer between highly urban areas and our already designated open space. Recent studies have shown presence of protected species as well as diversity of plant communities with their attendant wildlife in proposed project areas in the foothills. These must be safeguarded.

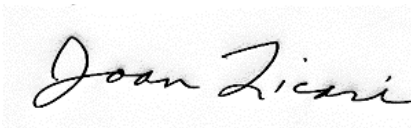
- ♦ All protections offered under the new ordinance must apply to all developments within the areas of existing Conceptual SEAs and any expansion of boundaries that may be implemented in the final ordinance.



- ♦ Old projects that have been granted permits in the past but have not yet begun must not be grandfathered in. We believe these must be reevaluated under the new ordinance. We propose that if any new CEQA documents are required for these older projects, a reevaluation under the new SEA ordinance must be required.
- ♦ We believe that in evaluating projects, the cumulative impacts of concurrent multiple projects in local SEAs must be also be considered as part of the SEA approval process.
- ♦ We also encourage the L.A. County Dept. of Regional Planning to consider establishment of an SEA that would extend from the base of the San Gabriel Mountains along the Rio Hondo and San Gabriel River to Whittier Narrows that includes areas originally considered for inclusion in the proposed National Recreational Area in the National Parks Feasibility study. This would create a wildlife a corridor from the mountains to Whittier Narrows and then into the Puente-Chino Hills.

We again thank you for the opportunity to provide input on the proposed SEA Ordinance.

Respectfully submitted,

A handwritten signature in black ink that reads "Joan Licari". The signature is written in a cursive, flowing style.

Joan Licari, Chair  
San Gabriel Valley Task Force  
Angeles Chapter of Sierra Club  
Email: jlicari2013@gmail.com  
626-330-4229



Diamond Bar – Pomona Valley Sierra Club Task Force  
Angeles Chapter  
May 31, 2018

TO: Iris Chi, AICP, Regional Planner [delivered via electronic mail]  
Environmental Planning and Sustainability  
Los Angeles County  
Department of Regional  
Planning Email:  
ichi@planning.lacounty.gov

RE: Comment Input, Update Concept SEA Ordinance

The Diamond Bar – Pomona Valley Task Force of the Angeles Chapter of Sierra Club is grateful to you and your agency for the opportunity to comment on the comprehensive update of the Significant Ecological Area (SEA) Ordinance.

The Diamond Bar – Pomona Valley Task Force was formed to work with local cities, Los Angeles County and political leaders to seek ways to create a more livable environment in the San Gabriel Valley by advocating conservation planning of local wildlife habitats, regional biodiversity, (California Native trees, plant communities) and passive recreational opportunities for residents.

We are particularly interested in the protection and creation of wildlife corridors and natural, green infrastructure within our region. These have been sorely impacted by urban development and are threatened, natural resources which are critical to preserving regional character, quality of life and providing ecosystem services for residents living in suburban and urbanized areas.

For these reasons we offer the following input:

- ◆ **We support the formalization of the existing Conceptual SEAs as SEAs in the Puente Chino Hills and the foothills of the San Gabriel Mountains**, thus providing those areas with the full protection of the new SEA Ordinance. In the Puente-Chino Hills region several Conceptual SEAs border the open space of the Puente Hills Native Habitat Preservation Authority. We support actions to create a wildlife corridor that would extend from the Whittier Narrows to Chino Hills State Park.

- ◆ In East San Gabriel Valley, we believe SEA 15, the Aera property and Tonner Canyon/Tres Hermanos Ranch properties are extremely important in linking currently protected areas.
- ◆ Recent observations of California Gnatcatcher, San Gabriel snail, and one of two (L.A. County) relict populations of gray squirrel habitat have been mapped in City of Diamond Bar wildlands. These areas border SEA 15, Upper Tonner Canyon/Tres Hermanos Ranch and Rowland Heights (Aera property.) Diamond Bar also has critical wetlands traversing the city, which support and affect wildlife movement, related to SEAs and unprotected natural open space on its borders. SEA 15 is a particular concern. We request the Los Angeles County SEA staff to take note of this report.
- ◆ To lend scientific forward-thinking, we request the ordinance update to recognize the contribution of city wildland linkages to wildlife support and movement beyond city boundary lines. (Native plant communities, invasive species and wildlife do not recognize man-made boundaries!)
- ◆ We ask that Conceptual SEAs recognize plant alliances: oak woodland, riparian, oak savannah, coastal scrub and soft chaparral habitats be recognized as, not merely islands, but their components as a source for restoration.
- ◆ Los Angeles County biologist, Joseph Decruyenaere, informed our recent task force field survey in Diamond Bar, May 2018. For convenience, we encourage you and your team to confer with him as to verification of our findings.
- ◆ [jdecruyenaere@planning.lacounty.gov](mailto:jdecruyenaere@planning.lacounty.gov)
- ◆ Furthermore, we respectfully request the remnants of smaller natural open space present in the foothills of east Los Angeles County be considered for preservation and/or enhanced to support watersheds and create habitat connectivity to larger parcels.
- ◆ All protections offered in the new ordinances must apply to all developments in areas near existing Conceptual SEAs and any boundary expansions, which may be implemented in the final ordinance update.
- ◆ Due to many recent findings of sensitive flora/fauna species and the new watershed sciences, we ask all projects be upgraded to require protocol environmental surveys via the updated CalVEG, habitat recognition system:
- ◆ [https://www.fs.usda.gov/detail/r5/landmanagement/resourcemanagement/?cid=fsbdev3\\_046815](https://www.fs.usda.gov/detail/r5/landmanagement/resourcemanagement/?cid=fsbdev3_046815)
- ◆ We observe the cumulative impacts of concurrent, multiple development projects in local SEAs, and request they also be considered part of the SEA approval process.
- ◆ We request old development projects bearing formerly granted permits, but not yet active, be denied “grandfathered” EIR approvals, and instead be required to perform updated protocol surveys.

### Linking Habitat Corridors:

- ◆ We encourage the Los Angeles County Dept. of Regional Planning to consider establishment of an SEA that would extend from the base of the San Gabriel Mountains along the Rio Hondo and San Gabriel River to Whittier Narrows that includes areas originally considered for inclusion in the proposed National Recreational Area in the National Parks Feasibility study. This would create a wildlife corridor from the mountains to Whittier Narrows and then into the Puente-Chino Hills.
- ◆ Likewise, we request East San Gabriel Valley SEAs be considered as wildlife corridor linkages between San Gabriel Mountains Monument and Puente Chino Hills Wildlife Corridor via City of Diamond Bar, Tres Hermanos/Upper Tonner Canyon, Elephant Mountain, Bonelli Park and San Dimas Canyon areas. These aforementioned areas are fragmented wildlife habitat islands with permeable landscape, active, sustainable and useful for both habitat restoration and providing ecosystem services.

Again, thank you for your generous opportunity to comment.

Sincerely,

C. Robin Smith, Chair

Diamond Bar – Pomona Valley Sierra Club Task Force

324 S. Diamond Bar Blvd. #230

Diamond Bar, CA 91765

[DBPVSierraClubTaskForce@gmail.com](mailto:DBPVSierraClubTaskForce@gmail.com)

909-861-9920 Desk

cc: City of Diamond Bar, Community Development Director, Greg Gubman

Los Angeles County Dept. Planning, Joseph Decruyenaere

California Dept. Fish Wildlife Region 5, Erinn Wilson

Sierra Club, Angeles Chapter, Conservation Chair, Anjelica Gonzalez



Angeles Chapter  
3250 Wilshire Blvd. #1106  
Los Angeles, CA 90010-1513

May 9, 2018

Los Angeles County Department of Regional Planning  
Environmental Planning and Sustainability  
Iris Chi, AICP Planner  
320 W. Temple Street, 13<sup>th</sup> Floor  
Los Angeles, CA 90012  
[sea@planning.lacounty.gov](mailto:sea@planning.lacounty.gov)

**RE: Comments on Draft 10 – Significant Ecological Area Ordinance**

Dear Ms. Chi:

The Sierra Club is committed to maintaining the world's remaining natural ecosystems, and, where feasible, to the restoration and rehabilitation of degraded ecosystems. Wildlife, plants, and their ecosystems have value in their own right, as well as value to humans and to the health of the biosphere.

The Angeles Chapter of the Sierra Club has the following comments on Draft 10 of the Significant Ecological Area Ordinance (SEA).

**Finalize Conceptual SEAs**

The proposed SEA Ordinance should apply to conceptual SEAs as well as adopted SEAs. It is our understanding that the proposed SEA Ordinance would not apply to conceptual SEAs until the East San Gabriel Valley Area Plan is adopted, which is projected for 2019 at the earliest. Waiting for the adoption of the East San Gabriel Valley Area Plan will delay implementation of the Ordinance's enhanced protections for significant ecological areas. This will allow areas that could eventually be protected to be held to less stringent standards in the meantime, resulting in more impactful developments.

**Changes to the Definition of a “Complete Project Application.”**

The SEA Ordinance Implementation Guide states that the SEA Ordinance is not required to be applied to pending projects whose applications have been deemed complete prior to adoption of the SEA Ordinance. The definition of a “complete project application” should not include projects that have not completed the California Environmental Quality Act (CEQA) review or that need to update their CEQA documents, regardless of their application status. Since the purpose of the SEA Ordinance is to balance preservation of the County's natural biodiversity with private property rights, it follows that all projects with incomplete CEQA documents be reviewed for compatibility

with the new ordinance. Therefore, we urge the County redefine what a “completed application” is, prior to this SEA Ordinance going into effect.

Thank you for your consideration of our comments on Draft 10.

Sincerely,

A handwritten signature in cursive script that reads "Sharon Koch".

Sharon Koch, Chair  
Angeles Chapter of the Sierra Club

**VIA EMAIL**

May 30, 2018

SEA Program  
Los Angeles County Department of Regional Planning  
320 West Temple Street  
Los Angeles, CA, 90012

**Re: Draft Revised Significant Ecological Areas Ordinance**

SEA Program:

Southern California Edison (SCE) appreciates the opportunity to submit comments on the draft revised Significant Ecological Areas (SEA) Ordinance (the Ordinance), which provides a series of requirements that assist the County in protecting SEAs and regulating various development activities within SEAs. SCE shares the County's goal of environmental protection and compliance with regulatory requirements and has a robust program to identify and implement the appropriate resource management strategies for our projects and maintenance activities. The purpose of this letter is to advise the County as to our concerns regarding the Ordinance and to request clarifications that will harmonize the Ordinance with California and federal law.

The design and maintenance of SCE's infrastructure (e.g. substations, transmission and distribution systems) are regulated by Order of the California Public Utilities Commission (CPUC). It appears the Ordinance creates regulations (inclusive of design requirements) that either expressly or implicitly conflict with the CPUC's exclusive jurisdiction. For example, read together, Sections 22.102.020(J)(4) (Definition of Development) and 22.102.030 (Applicability) of the Ordinance would require that SCE obtain discretionary approvals from the County prior to conducting infrastructure maintenance activities (such as the replacement of deteriorated or overloaded poles) since they fall within the expansive definition of "development." Pursuant to CPUC General Order 131D, SCE is required to consult with jurisdictions; however, the CPUC has clarified that SCE is not required to seek discretionary approvals such as Conditional Use Permits for activities regulated by the CPUC. These activities include the design, placement, and maintenance of SCE transmission and distribution systems (e.g. distribution and transmission lines, substations, etc.). Accordingly, the County would be expressly preempted from enforcing these requirements against SCE installations. *See San Diego Gas & Electric Co. v. City of Carlsbad*, 64 Cal. App. 4<sup>th</sup> 785 (Cal. App. 4<sup>th</sup> Dist. 1998) (City preempted from enforcing requirements where CPUC has either expressly or implicitly entered the field of regulation).

SCE respectfully requests that the County clarify that the Ordinance does not apply to the design, siting, and maintenance of electrical infrastructure that is under the jurisdiction of the CPUC. Therefore, SCE proposes the following text (in red font) be added to Section 22.102.040 Exemptions.



**P. Electrical power transmission and distribution lines and associated equipment owned or operated by publicly regulated utilities that are subject to regulation by the California Public Utilities Commission.**

SCE has state and federal regulatory requirements to maintain its electrical systems to provide safe and reliable power, including minimizing the risk of wildfire. Historic drought conditions have left California drier and more susceptible to wildfires than ever before. Roughly a quarter of SCE's service territory, covering about 9 million acres, is considered to be in high fire-risk areas. SCE has taken substantial steps to reduce the risk of wildfires and continues to look for ways to improve our operational practices and enhance our infrastructure to address the increased threat of wildfires. SCE applies robust design and construction standards, effective vegetation management practices, various operational protocols, and collaborative partnerships with fire agencies to maintain fire safety. SCE's ability to perform timely, and at times immediate, maintenance of our existing electrical infrastructure is critical in meeting CPUC mandated and federal requirements to provide a safe and reliable electrical grid. Therefore, SCE proposes the following text (in red font) be added to Section 22.102.040 Exemptions (D), (H), and (J).

D. Maintenance, minor additions, or changes to existing legally established development previously reviewed for impacts to SEA Resources **or otherwise authorized by a state or federal regulatory agency**, if:

1. Maintenance, additions, or changes do not expand the previously approved development footprint; or
2. Maintenance, additions, or changes are operating under a valid use permit and found to be in substantial compliance with such permit.

H. The rebuilding and replacement of legally built structures **(including utility infrastructure)** which have been damaged or partially destroyed and will not increase the previously existing development footprint.

J. Legally required fuel modification and brush clearance activities, as approved by the Fire Department **or as required by state or federal regulations**, associated with existing structures for the purpose of fire protection.

SCE also requests that Section 22.102.020(J)(4) (Definition of Development) be modified for clarity to exclude electrical power transmission and distribution lines owned or operated by publicly regulated utilities.

4. Construction, placement, modification, expansion, or demolition of any infrastructure, including but not limited to, water and sewerage lines, drainage facilities, telephone lines, and electrical power transmission and distribution lines **(excluding publicly regulated utilities)**, including all associated construction staging;

SCE appreciates the opportunity to comment on the draft Ordinance and respectfully submits that the inclusion of the foregoing clarifications will eliminate regulatory conflicts in the future and will ensure that the proposed Ordinance is compliant with California law. The recommended language changes will also ensure that SCE is able to conduct maintenance activities in a timely manner and minimize the risk of wildfire. We would welcome the opportunity to discuss our recommendations and concerns with you if you have any questions or need additional information. Please contact me ([roger.overstreet@sce.com](mailto:roger.overstreet@sce.com), 626-862-7432) if you have any questions. Thank you in advance for your assistance in this matter and for considering SCE's comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Roger Overstreet", with a stylized, flowing script.

Roger Overstreet  
Biology Program Manager  
Southern California Edison

cc: David Ford

**Iris Chi**

---

**From:** Stephen Maxwell <sm1001ms@gmail.com>  
**Sent:** Monday, May 28, 2018 8:19 PM  
**To:** DRP SEA  
**Subject:** SEA Landowner Comments

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hello,

As the owner both of a property that abuts an existing SEA, as well as one nearby located partially within the bounds of an SEA upon which I hope one day to build a modest, environmentally sensitive home, I have followed the progress of the SEA Ordinance through its various drafts and responses to comments with interest. I recognize that many of the usual suspects have stepped in to provide constructive review across the spectrum of support of or opposition to development of any kind in a SEA, and I have waited to write in with feedback to see if my concerns were addressed.

I am providing these comments on the version of the draft SEA ordinance that is un-numbered but distinct from draft 9, available here: <http://planning.lacounty.gov/site/sea/wp-content/uploads/2018/03/SEA-Ordinance-Public-Review-Draft-March-2018-1.pdf>. I will also refer to comment responses included in this document: [http://planning.lacounty.gov/assets/upl/project/seao\\_rpc-package-20170629.pdf](http://planning.lacounty.gov/assets/upl/project/seao_rpc-package-20170629.pdf).

1. The BIA requested that mitigation (pursuant to CEQA) be exempt from the Ordinance. The response to this comment was: "Draft 9 would exempt the required maintenance and operations associated with an approved and valid use."  
• Mitigation should be from an approved project."

Discussion: Your comment tries to distinguish mitigation from an already-approved project, but the comment was referring to mitigation for a new project. You do address this with Exemption M for native tree planting. However, you limit this to tree planting required pursuant to Titles 21 and 22. This is arbitrarily limiting. The CEQA review for a project may conceive of additional mitigation not required by these Titles, such as the planting of additional native trees. I personally would like to grow native trees on my lot within the bounds of the SEA (both inside and outside of fuel mod zones), because I find them to be beautiful. This is something my neighbors have done on their properties, and we can all agree that it's a good thing. However, it is technically "development" under the terms of the ordinance. I do not want to have to pay money for a use permit to be told I can plant native trees on my property. I do not want ornery neighbors with agendas to "get me" for doing this because I violate County Code to develop without a permit. The County Code should not deny me the ability to "develop" the SEA on my property with native plantings, or to replace those native trees that become diseased or senescent, or to comport in any other way that conforms with the development standards.

Suggestion: Revise the language to read: "Development where the only impact to SEA Resources involve the planting of SEA Native Trees." At the very least, revise the language to read: "Development where the only impact to SEA Resources involve the planting of SEA Native Trees, as required by Titles 21 or 22 or pursuant to a use permit." This latter language would formalize that the planting of trees could be part of the project, even if the planting of such trees was not required by County Code. When I go to develop, and I get my use permit, I could then include the planting of these trees as a part of the project, an approach commonly taken under CEQA. The disturbance to ground vegetation would already be subject to discretionary review as a part of that use permit. Please also note that there are a significant number of parcels for which only a portion of the parcel is located on a SEA. I should be able to place inside the SEA mitigation for resources removed outside the SEA. The habitat value is higher, and it would be arbitrary to limit this when I am already required to alter the SEA with fuel modification requirements.

2. Any project located within an SEA is not properly exempt from CEQA, as a sensitive resources exception exists pursuant to State CEQA Guidelines Section 15300.2. Therefore you will be doing an Initial Study for any such project. That Initial Study should properly tier on the 2035 General Plan EIR, which conceived of MM-BIO-1 to have a reconnaissance level biological survey performed with several requirements.

Discussion: Your Biological Constraints Map requirements should allow typical vegetation maps, which deal in Holland code associations/alliances, each of which is given a CDFW rank, from which you could back out the SEA Resource Category.

Suggestion: Ensure that the BCM comports with the requirements for MM-BIO-1 in the 2035 General Plan EIR. Allow the use of Holland code associations/alliances that are then backed out to derive your SEA Resource Category levels. Make it clear that the CDFW rank for that class governs in all instances. Only fall back to the tailored NatureServe assessment criteria if no CDFW ranking exists. The way it's currently worded, you're creating a gray area that project opponents could exploit to say they disagree, by parsing the NatureServe assessment as they choose. So: "SEA Resource Category 4" includes natural communities ranked G4, S4, G5 or S5 by the CDFW, or utilizing NatureServe's Conservation Status Assessment methodology where no CDFW ranking exists for that community; plant species categorized by CNPS as RPR 4; and habitat occupied by annual or herbaceous RPR 4 plant species."

3. The elevation of "oak woodland" and "native trees" to an SEA Resource Category 2 is inconsistent with the CDFW rankings that are otherwise incorporated throughout. These rankings were created by experienced biologists in the CDFW and should be given credence.

Discussion: Most oak woodland associations found in the County (e.g. "Coast Live Oak Woodland" (G5/S4), "Mixed Oak Forest" (G4/S4), "Canyon Live Oak Forest" (G5/S5) ) are given rankings of 4 or 5, which should render them a Resource Category Level 4. The more sensitive Engelmann, Island, etc. oak woodlands are G3/S3, which should be Resource Category Level 3. S2 is defined as "Imperiled in the state because of rarity due to very restricted range, very few populations (often 20 or fewer), steep declines, or other factors making it very vulnerable to extirpation from the nation or state." S4 is defined as "Uncommon but not rare; some cause for long-term concern due to declines or other factors." The aforementioned rankings for oak woodland alliances comport with these definitions. Some other native trees are similarly given S4/G4 rankings (e.g. California juniper, California bay, etc.) or not given a ranking at all. The CDFW has gone to an awful lot of work to classify the Holland code associations/alliances that are de rigeur in biological reports throughout the state according to criteria to which you give deference. If you stick with a consistent framework established by the CDFW, the framework can live on indefinitely, even as the CDFW revises rankings as conditions change.

Suggestion: Don't override the CDFW classifications. It makes for a very inconsistent application. If you think oak tree associations/alliances should have additional protections above and beyond the discretionary review that will be required, simply amend the requirements for Resource Category 3 and 4. Don't gerrymander.

4. As a practical matter, I think almost nothing is going to be characterized as an SEA Resource Category 5 as it is described, and there is a pretty large gap between 4 and 5, which is probably the gap that most of the existing conditions at the urban-wildland interface fall into.

Discussion: Realistically, you're going to have a mix of non-sensitive native (e.g. laurel sumac, ceanothus, most manzanitas, opuntias, etc.) and non-native species, in a fragmented habitat that transitions to being more intact in the direction of the SEA.

Suggestion: Positively describe non-sensitive native species as belonging to either Resource Category Level 4 or 5, or create a category that comports with this more common, mixed existing condition.

5. The BIA requested modification of the dripline criteria for SEA Native Trees. The response to this comment was: "Draft 9 revised to be consistent with the Oak Tree Ordinance found within the Zoning Code and revised to 15 ft."

Discussion: The Oak Tree Ordinance regulates to the greater of 5ft beyond the dripline or 15feet from the trunk. (See County Code Section 22.56.2060(C)). The current SEA Ordinance just uses 15 feet beyond the dripline, in 22.102.080(A)(2)(c).

Suggestion: It appears the intent was to be consistent with the Oak Tree Ordinance, which was reasonable. Revise the definition to be consistent with the Oak Tree Ordinance. There is already a lot of overlap between the SEA Ordinance, CEQA review and other ordinances like the Hillside Management Area Ordinance and Oak Tree Ordinance, which you by definition are already going to subject to discretionary review, which is what you're after here. Please don't make these processes conflict.

Thank you for your consideration of my comments.

Regards,

S. Maxwell

**Iris Chi**

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**From:** Teresa Wang <teresawang227@gmail.com>  
**Sent:** Friday, May 18, 2018 10:34 AM  
**To:** DRP SEA  
**Subject:** Comments on SEAs

I urge you to add Conceptual SEAs to the existing approved SEAs and to change your definition of when a housing project application is "deemed complete."

Signed,

Teresa Wang



Three Points-Liebre Mountain Town Council  
P.O. Box 786  
Lake Hughes, CA 93532  
[3pointsliebremountain@gmail.com](mailto:3pointsliebremountain@gmail.com)  
661.724.2043

31 May 2018

SENT VIA EMAIL

Ms. Iris Chi, Planner, AICP  
Environmental Planning and Sustainability  
350 West Temple Street, Room 1320  
Los Angeles, CA 90012  
[sea@planning.lacounty.gov](mailto:sea@planning.lacounty.gov)

Dear Ms. Chi,

RE: Significant Ecological Areas Ordinance, Draft 9 Comments

Our Town Council appreciates the opportunity to respond to the Significant Ecological Areas Ordinance, Draft 9 (SEA Ord). Virtually all of our council area is contained within the San Andreas SEA Number 17, and we have anticipated the completion of the SEA Ordinance because we view it as a potential avenue for protection with regard to inappropriate development in our “remote” community. All of our work aimed at specific projects and Regional Planning's guiding documents, i.e., the General Plan and the Antelope Valley Area Plan, have been to preserve the special qualities and natural resources of our community. Our border along Pine Canyon Road, joins the Angeles National Forest to the south, and parts of our northern border meet the Northwestern Highway 138; to the west—the well known Old Ridge Route Road (and Hwy 138); and looking east, we join with the Lakes Town Council boundaries four miles into Oak Grove Canyon.

It is because of our desire to protect scenic, agricultural, and cultural resources of the Antelope Valley, and our rural community, we agree with the Implementation Guide (IG) statements which identify “Guiding Principles” that recognize importance of biodiversity—that it is passed on to future generations; provides for reduction of fragmentation, maximizes preservation; and preserves connectivity and functionality,” and also seeks to “ensure the continuation of natural ecosystem services that improve quality of life for all who live in Los Angeles County.” Furthermore, the IG recognizes the need for adequate protection of *local* ecosystems, which provide ecosystem services and biodiversity, “many of which are concentrated within and adjacent to SEAs.” However, our attention points to the exemptions listed in the SEA Ordinance that exclude, only in the Antelope Valley, Single Family Residences (SFRs), Economic Opportunity Areas (EOAs), “previously disturbed farmland,” and “grazing” from compliance with the ordinance.

Our community (SEA 17) possesses an incredible array of habitats, biological resources, and biodiversity “Hot Spots,” found nowhere else in the County, at the convergence of the Tehachapi, Transverse, and San Gabriel mountain ranges. This in no way discounts the value of other Antelope Valley SEAs—Numbered 3, 10, and 20. In fact, we argue for the protection of all SEAs in the County, and desire to see them fall under the aegis of the ordinance without the mentioned exclusions. We understand the Board of Supervisors Motion, dated November 12<sup>th</sup>, 2014, exempts all Single Family Residential development; as well as farmland fallow less than three years; Economic Opportunity Areas; and agricultural grazing activities proposed in the Antelope Valley SEAs from review. While this may not mean total exemption with regard to large projects requiring California Environmental Quality Act (CEQA) or discretionary review, it is noted that State of California Department of



SEA Ordinance Draft 9 Comments

2

31 May 2018

Fish and Wildlife (CDFW) comment letters indicate impacts to special status species and sensitive habitats might not be categorically exempt for Single Family Residences or agricultural lands and may be subject to further state regulations. Addressing agricultural clearing in their letter, dated September 20th, 2011, to Regional Planning, for the Antelope Valley Area Plan Notice of Preparation for the Draft Programmatic Environmental Impact Review, CDFW states:

Agricultural clearing may not be exempt from state and/or federal incidental take authorization under CESA and FESA, from Section 1600 *et seq.* of the California Fish and Game Code relating to the alteration of Department jurisdictional drainages or lakes, nor from state and federal laws protecting native birds species. Unlike activities that are subject to CEQA, County-exempted agricultural clearing activities are not brought to the attention of natural resources agencies or the public because there are no requirements that these entities be publicly noticed of such activity. The lack of CEQA oversight at the County level for agricultural clearing also frequently results in no biological assessment being required to determine impacts special status species and jurisdictional waters of the state in order to plan for mitigation measures and regulatory compliance. This blanket exemption of oversight makes it very difficult for the Department to protect public trust resources, contributes to violations of law, and furthers unmitigated loss of biological diversity.

It seems to us that even though this references agricultural clearing at-large across areas of the Antelope Valley that are not necessarily in SEAs, but would apply *especially* to SEA areas because their biological value has been identified by the act of their designation as such. Farmland in SEAs might have been cleared and/or farmed in the last three years, or prior, without oversight or even knowledge of Regional Planning, which causes us to question how land would be evaluated for SEA value. Because cleared, fallowed, or productive agricultural lands can possess such differing habitat value, we see the need to review each project in relation to its location, since it could be adjacent to intensive commercial/industrial development (EOAs); SFRs or subdivisions; within jurisdictional waters or drainages; or in immediate proximity to high-value habitat supporting special status species. We refer to the comments in the SEATAC Procedures and Guidelines, March 2004:

Indicators of biological significance, and thus of the need for a BCA, can vary widely depending on the setting and ecological phenomena of concern associated with a parcel. For instance, a large, undisturbed area of native habitat is almost universally acknowledged as biologically significant, due to the intact nature of native associations and ecological functions likely to be found there. Nevertheless, even “degraded” areas, such as fallow agricultural land or invaded (with non-native plant or animal species), but as yet undeveloped land are undoubtedly important habitat for the biota living there. Furthermore, lands such as these may provide ecological functions beyond that of “primary residence” for any particular plant or animal species. Such functions include dispersal corridors, buffer areas and foraging habitat (especially for wide-ranging predators like raptors). The uncertainty with which a parcel can be immediately recognized as “significant” is therefore considerable, and BCAs may be requested in instances when such significance is not obvious to the applicant or the Department . . . Information about biological conditions on neighboring properties is necessary to provide a portrait of how the subject property fits into important ecological patterns in the region. The extent of the surrounding area to be evaluated outside of the project site will depend upon the consulting biologist's opinion of the degree and importance of the interrelationship.

SEA Ordinance Draft 9 Comments

3

31 May 2018

However, any adjacent drainages, streams or water bodies and any adjacent areas likely to conduct fire, pollution or non-native biota to or away from the project site shall be considered in forming this opinion.

We put forth the recommendation to evaluate agricultural land, to include grazing, based on the supporting information listed above, conducted on a case by case basis. Furthermore, we question whether the BOS Motion was sufficiently reviewed for compliance with CEQA before its changes were inserted into the Antelope Valley Area Plan, when incremental build-out or agricultural/livestock use, being “development,” as defined in the Draft 9 SEA Ordinance, would constitute notable and cumulative impacts in SEAs.

Exemption of EOAs from the SEA Ordinance that lie within the Antelope Valley, or were excised from SEAs by the BOS Motion, appear antithetical to the purpose of preservation of biodiversity, prevention of fragmentation of conservation lands, and wildlife movement areas. It leads one to question the uneven implementation of the intent and purpose of drafting the ordinance, when certain Antelope Valley Area Plan exemptions exclusively favor commercial development in various and remote reaches of the Antelope Valley. In the Western EOA particularly, land that was determined by the County's assessment of areas worthy of expansion and inclusion in the San Andreas SEA 17, was carved out of its boundaries. Also, the motion “excludes from EOAs the applicability of other proposed policies limiting Development,” and for our interests, those in “Conservation and Open Space, Scenic Resource Areas, Agricultural Resource areas, riparian areas, groundwater recharge basins, and vegetated areas, proximity to National Forests, Hillside Management Areas, and removal of the Rural Preserve Area map designation from EOAs.” The proximity of EOAs directly adjacent to SEAs, conservation lands, public trust lands, and important riparian and watershed areas will undoubtedly have spillover or sprawl effects. Such an action giving free rein to intensive commercial and residential development is in conflict with the stated principles outlined in the IG that state, “The continued ability of our local ecosystems to provide the ecosystem services and biodiversity that we enjoy in LA County today depends in large part on ensuring adequate protections for the resources themselves, many of which are concentrated *within* and *adjacent* to SEAs.”

We stress the potential for these exclusions to cause fragmentation and isolation of ecosystems, habitats, and corridors. In fact, the State of California Department of California Fish and Wildlife (CDFW) stated in their letter to Regional Planning, dated November 24, 2014, that “The approval of projects within SEAs that are known to support sensitive biological resources without public CEQA disclosure, including a review of a biological assessment, could lead the applicant to inadvertently conclude that the proposed actions are not subject to additional regulations. The Department is particularly concerned about regulations under our purview, including protection for listed species (Fish and Game Code § 2050 *et seq.*), nesting birds (Fish and Game Code § 3500 *et seq.*), and jurisdictional waters of the state (Fish and Game Code § 1600 *et seq.*).” Furthermore, piecemeal development in the form of Single Family Residences that, because of their exclusion in Antelope Valley SEAs provided by the ordinance, have no limitation on “development” activities or required preservation, and will ultimately threaten viability of biological resources the SEA Ordinance seeks to preserve. Clearing of vegetation around homes and commercial development for purposes of fire prevention and control can also alter the integrity of biological resources, and should be considered “development” and included in the total footprint of projects, and subject to discretionary review as indicated by CDFW, this recommendation that “the County avoid exempting from CEQA as a ministerial action (CEQA guideline 15268); single family homes, agriculture use, and other non-emergency activities within the SEA until it is determined the activities would not have a significant impact on biological resources or potentially result in impacts to waters of the state” (CDFW Letter, SEA Ordinance, Draft 6, November 24, 2014).

SEA Ordinance Draft 9 Comments

4

31 May 2018

Itemized Comments on Ordinance Chapters

Several items in chapter 22.102.080, Sea Development Standards, Resource Categories, require our comments. Pertaining to SEA Resource Category 4 b., which states, “Disturbance of more than 10 individual rare plants in this category shall preserve an equal number of the same species of rare plants of the same type of SEA Resource.” Any disturbance or destruction of *rare* plants in any resource category should be avoided, or compensated by the preservation of *two times* the number of plants to maintain a theoretical “no net loss” per project.

22.102.80, C. Areawide Development Standards, 1. Impermeable Fencing, Wall, or Enclosure; 3. Fencing Materials. We recommend specifically: no chainlink fencing or solid brick walls surrounding the development footprint, unless necessary for retaining walls, in order to maintain scenic resources. Explicitly—no barbed wire.

22.102.080, C. 4, Outdoor Lighting. Prohibit the use of blue-light emitting diode (LED) type bulbs and fixtures, as lighting the natural environment is quite impactful, as evidenced by studies observing serious harm and changes to animal and insect behavior from nighttime lighting. As indicated in the book Ecological light pollution, Frontiers in Ecology and the Environment, By Dr. Travis Longcore and Catherine Rich, “Light pollution has demonstrable effects on the behavioral and population ecology of organisms in natural settings. . . derived from changes in orientation, disorientation, or misorientation, and attraction or repulsion from the altered light environment, which in turn may affect foraging, reproduction, migration, and communication” (2004). The alteration of the ambient light level at night can result in an otherwise suitable habitat being avoided or unusable. Artificial light in the environment may thus be considered a chronic impairment of habitat.

22.102.080, Exploratory Testing, 2.b.,c.i, ii. Stabilization and restoration of the site should be done as soon as possible, rather than 90 days to one year, to prevent the establishment of invasive plant species in SEAs. We have witnessed immediate conversion of cleared soil to fields of ragweed, fiddleneck, and russian thistle. The only way to prevent the spread of noxious and invasive plants is to *immediately* replace with locally indigenous species, monitor and encourage success with hand weeding—no herbicides.

22.102.080, D. 3. Land Divisions. Land Divisions should be discouraged in SEAs. The project site in total, not confined to twenty-five percent, and open space preservation should be evaluated for impacts from pets, inappropriate offroad use, trash, potential for human/wildlife interaction, watershed pollution from herbicides, insecticides, and rodenticides; infringement of prohibited lighting; loss of wildlife sensitive to human presence. Edge effects will contribute to loss of sensitive habitats preserved on site, and reduce the actual amount of 75 percent preservation of natural space. More mitigation might be necessary. Any project unable to meet SEA Development Standards

22.102.090, B. Open Space Configuration, 1. Please remove “feasible” words, since they allow for too much opportunity for judgment on what might be allowable, but not preservative of the SEA. In what instance would the County Biologist determine that multiple, non-contiguous areas of open space is an environmentally superior configuration?

22.102.090, B. Open Space Configuration, 2. Preserved open space areas should be contiguous with natural open space areas on adjoining lots or parcels, period. To do otherwise will contribute to habitat fragmentation, possibly interrupt wildlife passage in corridors or movement areas, which the IG professes to preserve and protect.

22.102.090, B. Open Space Configuration, 3. Additional mitigation should be required when roads, streets, highways, driveways are placed in open space or conservation areas.

SEA Ordinance Draft 9 Comments

5

31 May 2018

22.102.090, B. Open Space Use, 6. The SEA Ordinance should positively determine what is appropriate in disturbance of open space. The term “Activities” is a rather broad term and items should be listed specifically for understanding whether they are beneficial in maintaining habitat conditions. As we commented previously, grazing and agricultural activities should require a discretionary permit that includes monitoring to assess the success of maintaining habitat conditions, and to periodically determine whether cessation of listed or approved activities are needed to preserve the biological resources on the site.

22.102.090, B. Open Space Preservation Mechanisms, 2. Who determines what type of dedication is suitable? This section lists those in order of County preference. Our guess is project proponents will chose the least desirable—g. In-lieu fees. Please provide more detail for determining the type of preservation. We would like to add that dedication as part of development mitigation should remain in the SEA where the development occurs, and provide, at minimum, replacement of similar habitat twice that of the development's disturbed area, or what is determined in the IG according to habitat type and value. Otherwise, loss is maintained at fifty percent.

Section 4, 22.56.1410 Reclamation Plan. Please indicate surface mining permits would require a conditional use permit, as well as a Reclamation Plan, with the opportunity for public review. We do not approve of surface mining in SEAs, in general, and find the notion incompatible with the purpose of preserving SEAs.

Finally, We reiterate our agreement with the SEA Implementation Guide as it identifies “Guiding Principles” that recognize importance of biodiversity—that it is passed on to future generations; provides for reduction of fragmentation, maximizes preservation, and preserves connectivity and functionality; and also seeks to “Ensure the continuation of natural ecosystem services that improves quality of life for *all* who live in Los Angeles County.” The exemption of Single Family Residences (SFRs), Economic Opportunity Areas (EOAs), and “disturbed” agricultural lands in the Antelope Valley from SEA review runs counter to this principle. Statements in the Implementation Guide regarding the natural qualities that make SEAs worthy of protections are also those that provide previously mentioned “ecosystem services,” like the benefits of “clean air, clean water, fertile soils . . . and protection from natural disasters like floods and droughts, and regulation of temperatures.” We believe Antelope Valley residents are worthy of those benefits, as are our counterparts in other parts of the county. Are our SEAs less valuable than those of the rest of the County? The Implementation Guide further recognizes “cultural services” provided by “healthy, functioning ecosystems, such as scenic views, opportunities for recreation, tourism, culture, art, and design.” If SFRs, EOAs, and agricultural lands in the AV are exempt from the SEA Ordinance requirements, residents here will be unfairly exempt from the “cultural services” provided by SEA resources enjoyed by all other County residents. Our Council respectfully requests rescinding these exemptions, and that you fairly apply SEA ordinances across the County for the benefit of all residents, and of course, the the natural communities that comprise our highly valuable natural resources in SEAs.

Sincerely,



Susan Zahnter  
Vice President  
for the Three Points-Liebre Mountain Town Council

**Iris Chi**

---

**From:** tom shiah <tomshiah@gmail.com>  
**Sent:** Saturday, May 19, 2018 11:53 AM  
**To:** DRP SEA  
**Subject:** Comments on SEAs

We have enough housing around Chino Hills and Diamond Bar Communities. Pollution, crimes, traffic jams and wild life conservation become serious concerns. Please expand housing projects towards east along HW60. Thanks.

Signed, Tom Shiah



Transition Habitat  
Conservancy

Transition Habitat Conservancy  
PO Box 720026  
Pinon Hills, CA 92372-0026  
760 868 5136  
Tax ID # 74-3146328

31 May 2018

Ms. Iris Chi, Planner, AICP  
Los Angeles County Regional  
Planning Environmental Planning and  
Sustainability 350 West Temple Street,  
Room 1320  
Los Angeles, CA 90012  
[sea@planning.lacounty.gov](mailto:sea@planning.lacounty.gov)

Dear Ms. Chi,

Subject: Significant Ecological Area Ordinance Comments, Draft 9

Transition Habitat Conservancy appreciates the opportunity to comment on Los Angeles County Regional Planning's (RP) Draft 9 of the Significant Ecological Areas Ordinance (SEAO), and Implementation Guide (IG). It is our mission to protect transition zone and wildlife corridor ecosystems and their scenic, agricultural, and cultural resource values in the West Mojave Desert. We provide education about the fragile and inspirational nature of our desert plants, animals, and ecosystems to connect people to nature. Transition Habitat Conservancy (THC) currently owns 2,400 acres in LA County, all of it in the SEAs in the West Antelope Valley, and have several hundred more acres in process. ***This represents over \$10 million in investment to help LA County preserve in perpetuity land within the SEA system.***

THC is currently approved by the California Department of Fish and Wildlife to hold mitigation lands and conservation easements and holds accreditation through the Land Trust Accreditation Commission. We count, also, the benefit of California Senate Bill 34, which allows for facilitated project mitigation actions for certain proposed renewable energy projects in Southern California, and we prepare and hold agricultural conservation easements. We conduct ongoing planning and conceptual placement of lands that provide transitional habitat between the Antelope Valley floor and the San Gabriel Mountains, where Significant Ecological Areas (SEAs), as well as County Sanctuaries, State of California Parks, United States Forest Service Lands, and other privately and publicly held conservation lands play a crucial part in preservation of ecosystems, and can help prevent fragmentation and isolation of habitats and movement corridors.

It is because of our desire to protect scenic, agricultural, and cultural resources of the Antelope Valley, we agree with the IG statements which identify “Guiding Principles” that recognize importance of biodiversity—that it is passed on to future generations; provides for reduction of fragmentation, maximizes preservation; and preserves connectivity and functionality,” and also seeks to “ensure the continuation of natural ecosystem services that improve quality of life for all who live in Los Angeles County.” Furthermore, the IG recognizes the need for adequate protection of local ecosystems, which provide ecosystem services and biodiversity, “many of which are concentrated within and adjacent to SEAs.” However, our attention points to the exemptions listed in the SEAO that exclude, only in the Antelope Valley, Single Family Residences (SFRs), Economic Opportunity Areas (EOAs), “previously disturbed farmland,” and “grazing” from compliance with the ordinance.

We are aware these exemptions arise out of the Board of Supervisors motion, dated November 12, 2014. We point out the potential for these exclusions to cause fragmentation and isolation of ecosystems, habitats, and corridors. In fact, the State of California Department of California Fish and Wildlife (CDFW) stated in their letter to RP, dated November 24, 2014, that “The approval of projects within SEAs that are known to support sensitive biological resources without public CEQA disclosure, including a review of a biological assessment, could lead the applicant to inadvertently conclude that the proposed actions are not subject to additional regulations. The Department is particularly concerned about regulations under our purview, including protection for listed species (Fish and Game Code § 2050 *et seq.*), nesting birds (Fish and Game Code § 3500 *et seq.*), and jurisdictional waters of the state (Fish and Game Code § 1600 *et seq.*).” Moreover, piecemeal development via Single Family Residences that have no limitation on “development” activities or required preservation will threaten viability of biological resources the SEA Ordinance seeks to preserve. Activities having adverse impacts to biological resources may be prevented from claiming a categorical exemption determination under CEQA and might be subject to other regulatory conditions according to California Department of Fish and Wildlife code.

Exclusion of EOAs from the SEAO that lie within SEAs in the AV, or were excised from SEAs by the BOS Motion, appear antithetical to the purpose of preservation of biodiversity, prevention of fragmentation of conservation lands, and wildlife movement areas. It leads one to question the uneven implementation of the intent and purpose of drafting the SEAO, when the Antelope Valley Area Plan exclusively favors commercial development in various and remote reaches of the Antelope Valley. In the Western EOA particularly, land that was determined by the County's assessment of areas worthy of expansion and inclusion into the San Andreas SEA 17, was carved out of its boundaries. Also, the motion “excludes from EOAs the applicability of other proposed policies limiting Development,” and for our interests, those in “Conservation and Open Space, Scenic Resource Areas, Agricultural Resource areas, riparian areas, groundwater recharge basins, and vegetated areas, proximity to National Forests, Hillside Management Areas, and removal of the Rural Preserve Area map designation from EOAs.” The proximity of EOAs directly adjacent to SEAs will undoubtedly have spillover or sprawl effects. Such an action giving carte blanche to intensive commercial development, which bears repeating, is in conflict with the stated principles outlined in the IG and the intent of the ordinance (IG 4).



We recognize and support agricultural resources and their value to wildlife in areas of the Antelope Valley. Audubon identifies the Antelope Valley as an Important Bird Area, where bird life has flourished in irrigated agricultural fields—which further support a variety wildlife, including special status species and those protected by state and federal statutes. Renewable energy development and water adjudication will continue their contribution to fallowing of farmland, which makes preservation of existing agriculturally zoned properties, especially in SEAs, more important. Careful consideration must be undertaken in determining the value of even “previously disturbed” and “grazed” farmland, supported by statements from SEA Technical Advisory Committee Procedures Guidelines, County of Los Angeles Department of Regional Planning, March 2004”:

Indicators of biological significance, and thus of the need for a BCA, can vary widely depending on the setting and ecological phenomena of concern associated with a parcel. For instance, a large, undisturbed area of native habitat is almost universally acknowledged as biologically significant, due to the intact nature of native associations and ecological functions likely to be found there. Nevertheless, even “degraded” areas, such as fallow agricultural land or invaded (with non-native plant or animal species), but as yet undeveloped land are undoubtedly important habitat for the biota living there. Furthermore, lands such as these may provide ecological functions beyond that of “primary residence” for any particular plant or animal species. Such functions include dispersal corridors, buffer areas and foraging habitat (especially for wide-ranging predators like raptors). The uncertainty with which a parcel can be immediately recognized as “significant” is therefore considerable, and BCAs may be requested in instances when such significance is not obvious to the applicant or the Department.

We also note CDFW's comments regarding the destructive clearing of agricultural land, which say, “The lack of discretionary regulatory oversight by the County has resulted in ongoing significant, direct, and cumulative losses of important representative elements of the natural heritage and biological diversity of the County, including species listed as threatened and/or endangered under the California Endangered Act (CESA) and Federal Endangered Species Act (FESA). In the Antelope Valley, state and federal listed species include but are not limited to Mohave ground squirrel, Mojave desert tortoise, and Swainson's hawk. Agricultural clearing also adversely impacts other special status species including but not limited to western burrowing owl, American badger, tricolored blackbird, coast horned lizard and special status botanical resources such as Joshua tree woodland, saltbush scrub, and several plant species upon which adverse impacts would be considered significant under a comprehensive CEQA review process” (CDFW Letter to RP, AVAPNOP Draft PEIR, September 20th, 2011). Even though this letter addresses the larger Antelope Valley Area Plan, its statements then become more cogent to application in Significant Ecological Area agricultural use or development. The definition provided in the SEA0 referencing “disturbed farmland” as having been inactive for a period of less than three years, and excluded from review should be rethought, and for the reasons stated above, we request any proposed agricultural activities or development, even on lands with SFRs, and/or supporting livestock with risk of overgrazing, require review and some form of discretionary permit.

It would seem most prudent to consider discretionary review for agricultural, SFR, and EOA development types that have been excluded from SEAO requirements in the AV. Fairness would dictate that all SEAs in Los Angeles County fall under the same purview and enjoy the same efforts at sustainability, protection of biodiversity and ecosystems services that improve quality of life, provide cultural benefits, provide special hazards protection, and provide protection of natural resources through the SEAO and its implementation.

No matter the impetus for the Supervisors' motion that directed exclusions, we support requesting a rescission of the exemptions mentioned that will deleteriously affect the Antelope Valley SEAs that are so important to our work in preserving transitional habitats, protecting our conservation lands, and protecting public trust lands as well.

Sincerely,



***Jill Bays, President***

**Transition Habitat Conservancy**

760 868 5136

[Jill@transitionhabitat.org](mailto:Jill@transitionhabitat.org)

Po Box 720026

Pinon Hills, CA 92372

**Iris Chi**

---

**From:** Wanda Shimazu <washima5@gmail.com>  
**Sent:** Thursday, May 24, 2018 12:45 AM  
**To:** DRP SEA  
**Subject:** Comments on SEAs

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

We urge you to add Conceptual SEAs to the existing approved SEAs and to change your definition of when a housing project application is "deemed complete."

Signed,

Wanda Jean Lee  
Steven Shimazu

**Iris Chi**

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**From:** Brian Monaghan <bmonaghan@heronpacific.com>  
**Sent:** Thursday, May 31, 2018 3:54 PM  
**To:** DRP SEA  
**Subject:** Proposed Chapter 22.102 Significant Ecological Areas Program Ordinance Revisions

Dear Sir or Madam:

Thank you for the opportunity to provide comment on the proposed updates to the Los Angeles County Significant Ecological Areas Program ordinance. Wildlands has utilized SEA designations as an important tool in identifying private lands suitable for habitat mitigation. Several of our mitigation preserves are located within SEA boundaries. We appreciate that the County is considering offsite mitigation alternatives in the revised draft ordinance.

As background, Wildlands specializes in developing environmental solutions which provide compensatory mitigation to restore and protect wetlands and other sensitive habitats while allowing public and private sector clients to comply with their permits. With more than 80 completed and active projects covering over 50,000 acres, Wildlands focuses on creating open market solutions that protect our environment. These include ecosystem and mitigation banking, environmental restoration, habitat stewardship, land management and integrated agriculture.

Mitigation and conservation banks and offsite mitigation preserves could provide a balance between responsible development and permanently conserving important private properties within SEA boundaries. A streamlined and predictable offsite compensatory mitigation program can be of benefit to public and private developers while incentivizing the protection and management the most critically important areas within SEA boundaries. Wildlands would welcome the opportunity to work with the County on developing offsite compensatory solutions provided there is acknowledgement through the SEA Ordinance that banks and other forms off offsite mitigation provide a preferred method for mitigating impacts. Perhaps the County should consider a pilot program within a SEA where impacts are readily occurring.

In order to incentivize the development of offsite compensatory solutions like mitigation or conservation banks or other large private lands acquisitions, the County should consider revising 22.102.090 Section D, Paragraph 2 to prioritize Conservation or Mitigation Banks higher in order of preference. The County could also expand and revise the preference to "Conservation or Mitigation Bank and other private lands acquisitions within an SEA boundary.

We thank you for the opportunity to provide the County comments and more than happy to provide additional input throughout the revision process.

Sincerely,

Brian Monaghan  
Wildlands | Senior Vice President  
p: 916.435.3555 | m: 916.743.6633



***Wildlands has a new address!***

3301 Industrial Avenue | Rocklin, CA 95765  
Office phone numbers have not changed.

**Iris Chi**

---

**From:** wynnk52@aol.com  
**Sent:** Friday, May 18, 2018 11:22 AM  
**To:** DRP SEA  
**Subject:** Comments on SEAs

I urge you to add Conceptual SEAs to the existing approved SEAs and to change your definition of when a housing project application is "deemed complete." Signed,

**Wynn Kamen**

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Cell: (323) 819-3399 Fax: (714) 701-9866

[wynnk52@aol.com](mailto:wynnk52@aol.com)

# ENDANGERED HABITATS LEAGUE

DEDICATED TO ECOSYSTEM PROTECTION AND SUSTAINABLE LAND USE



September 1, 2018

*VIA ELECTRONIC MAIL ONLY*

Environmental Planning & Sustainability Section  
Los Angeles County Department of Regional Planning  
320 W. Temple Street, Room 1354  
Los Angeles, CA 90012  
<[sea@planning.lacounty.gov](mailto:sea@planning.lacounty.gov)>

**RE: Significant Ecological Areas (SEA) Ordinance: Public Review Hearing Draft  
(August 23, 2018)**

Dear Ms. Chi:

Endangered Habitats League (EHL) appreciates the opportunity to comment on this new draft. Our comments will focus on changes since the March 2018 version. We also note, as a general matter, that the structure of the Ordinance, compared to what it would replace, treats the need for an SEA CUP as an exceptional circumstance, only to come into play when the ministerial Development Standards cannot be met. This constitutes extraordinary streamlining for applicants. The trade-off must be a biologically sound ministerial process, without loopholes.

## **Conceptual SEAs**

The staff report contemplates conversion of “Conceptual” SEAs in various foothill locations to standard SEAs. EHL strongly *supports* such formal designation as SEA. The “conceptual” status was always meant to be a temporary circumstance. It is evident that all appropriate community planning can and should occur within the SEA context. It is in the public interest to re-designate these areas as proposed in the staff report, to provide County-wide consistency, and to retain the biological integrity of the SEA program.

## **22.102.020 Definitions.**

We *concur* with 1) the new Edge Effect definition and with 2) the clarification between Building Site and Development Area.

While reflecting County Fire Department guidance, the numerical requirement for fuel modification extending to 200 feet from a structure is excessive and indeed counterproductive for fire safety. Ignition of houses is largely through windborne

embers. Excessive clearance and thinning make it *more* likely for embers to reach a home. Clearing and thinning also foster highly flammable non-native weeds which pose greater ignition risk and more rapid spread than native vegetation.

Rather, the primary purpose of defensible space is for *access* by fire-fighters and their vehicles. This is well served by 100 feet. Indeed, a forensic post-fire scientific studies has not only documented the adequacy of 100 feet but shown that there is no added benefit beyond 60 feet in terms of which houses burn and which survive.  
(Enclosures)

At least at some future point, EHL recommends the substitution of official CALFIRE guidance, as contained in “General Guidelines for Creating Defensible Space, 2006.” (Enclosure) CALFIRE recommends a distance of 100 feet rather than 200 feet for clearing and/or thinning from a structure. This distance is the standard of practice in California and consistent with state law. However, it allows for greater distance in the special circumstance of community-wide defensible space or when the fire department finds exceptional hazard, such as steep slope adjacency.

As Fire Department guidance may well change over time, it is best not to “lock in” numbers at this time in the Ordinance, and thereby create conflicts for property owners and a need to amend the Ordinance. Rather, the Ordinance should reference the three zones of fuel modification while noting that Fire Department guidance will provide specific numerical requirements. This is the approach in the March 2018 version, and should be retained.

#### **22.102.040 Exemptions**

Endangered Habitats League (EHL) welcomes the Alternative Option for reduced SEA exemptions in the Antelope Valley, which reflects community input. The Alternative option would limit the single-family home and fallowed farmland exemptions to the vicinity of Acton, in the eastern portion of the Santa Clara River SEA that is outside of the National Forest boundary. While we favor removal of these exemptions everywhere, we support the Alternative Option as a substantial improvement.

EHL has previously commented that there is no biological basis to treat SEAs in the Antelope Valley differently from SEAs elsewhere. Due to careful crafting of the draft SEA Ordinance to accommodate virtually all single-family uses on a ministerial basis, ordinance compliance is simple and efficient. Furthermore, fallowed farmland provides raptor foraging habitat and may be important for landscape connectivity.

EHL appreciates the community input which led to this Alternative and finds that it would improve the draft Ordinance by providing greater uniformity throughout the County and greater scientific integrity.

#### **22.102.080 SEA Conditional Use Permit**



## **D Findings**

We note and *support* the substantial improvement in the findings for SEA resiliency in the new draft. These changes, such as for contiguity, connectivity, and Priority Biological Resources, will increase the biological integrity of outcomes while still allowing for some SEA resource loss if accompanied by compensatory mitigation.

We believe, however, that an SEA CUP should follow the same site design path as a project complying with Development Standards. That is, it should consolidate development in the least impactful location (or locations), and provide maximum contiguous open space with the lowest perimeter to area ratio to reduce edge effects. *These directives, if not spelled out in expanded findings, should go into the Implementation Guide as explanatory text for meeting the contiguity finding.*

### **22.102.090 SEA Development Standards**

#### **C. Water Resources.**

We remain concerned that that the setback proposed for marshes, seeps, and springs is not adequate for buffering purposes. In our semi-arid climate, the *year-round water* supplied by marshes, seeps, and springs is of utmost importance for wildlife. It is vital that access and use be unfettered by human disturbance. It is also important that people not be placed in proximity to potentially dangerous species like mountain lions which use these water features. As most if not all marshes, seeps, and springs in our region will be ½-acre or less, the vast majority of these features would only receive 100-ft of setback, which is very small.

We recommend 300 feet for all marshes, seeps, and springs. While fuel modifications zones might comprise *part* of this setback, they are subject to the vagaries of changing fire department regulation. Furthermore, uses within fuel modification zones include human uses, such as stables and animal keeping, that will have adverse inhibitory effects on the wildlife using the water sources. Consultation with state and federal wildlife agencies might be helpful.

Also, we strongly concur that, for purposes of setback calculation, fuel modification zones must be included as developed area. These zones are cleared of vegetation to varying extents (often completely cleared), may be planted with non-native vegetation, provide less visual cover for wildlife, and are subject to erosion

#### **D. Land Use-Specific Development Standards**

##### **3. Land Divisions**

The heart of the Ordinance is the avoidance and configuration standard for subdivisions. Once legal lots are created, the opportunity to create meaningful contiguous open space is foreclosed. SEA protection—and this Ordinance—will succeed or fail at the point of subdivision. The trade-off for ministerial approval absent an SEA

CUP is the requirement for at least 75% of the site configured to maximize intactness and reduce edge effects. Fragmentation of land, as defined in Definitions, is anathema to SEA functions and values over time, and there must be no loophole for evasion of this responsibility.

As currently drafted, “large lot” subdivisions are allowed to freely deviate from this core principle, and “checkerboard” land into highly fragmenting rectangular parcels. Setting aside 75% of such *already* fragmented land misses the goal entirely, which is to capture biological benefits at the point of subdivision. Interestingly, the Implementation Guide gets it exactly right in explaining how large lot subdivisions should proceed.

It should be stressed that there is no special legal status for “large lot parcel maps” in state law and a search of the Subdivision Map Act for this term came up empty. They are subdivisions like any other, and the parcels they create are just as legal and just as damaging as any other. There is no legitimate reason for landowners not to comply with configuration standards at the subdivision step—which is exactly the step at which the value of the land for future sale escalates.

As a simple remedy, the existing language in 3b could be moved into the initial section of 3. *Land Divisions*, so as to clearly apply to all subdivisions. We concur, though, with the test of “reasonable potential” in 3a for future development in Large Lot Parcel Maps to comply with other SEA Review standards. This standard is a lower bar but still reasonably protects SEA values until detailed development planning is done. However, for clarity it is important to include the applicable open space requirements in the examples of SEA Development Standards listed in 3a.

Suggested revisions, which also fully align with the Implementation Guide, are as follows:

3. ***Land Divisions.*** All land division projects shall be required to preserve at least 75 percent of the original undivided parcels as natural open space and shall not exceed a maximum development footprint of 25 percent of the project site. Development areas shall be designed in one contiguous location and result in the largest, intact blocks of habitat with the lowest perimeter to area ratio, to the maximum extent feasible.

a. *Large Lot Parcel Map.* Large lot parcel maps for sale, lease, financing, or transfer purposes, shall demonstrate that all resulting parcels have reasonable potential for future development that meets Section 22.102.090 (SEA Development Standards) (e.g. adequate areas of SEA Resource Categories 4 and/or 5, setback from water resources, 75 percent open space, clustered development) based on the original undivided parcels.

b. ~~Land Divisions.~~ All other land divisions shall not exceed a maximum development footprint of 25 percent of the project site. ~~Development areas shall~~

~~be designed in one contiguous location and result in the largest, intact blocks of habitat with the lowest perimeter to area ratio, to the maximum extent feasible.~~

It is also well worth noting that “conservation subdivisions” as contemplated by the Ordinance will also increase the defensibility of structures during fire events, with improved firefighter access.

## **Implementation Guide**

### **Land Divisions (p. 46)**

Figure 31 is an excellent illustration contrasting a standard compared to a conservation subdivision.

### **Large lot parcel maps (p. 47)**

We concur with this section’s description and guidance.

### **SEA Ordinance Findings (p. 61)**

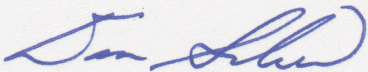
We urge that additional explanatory bullets be added to the guidance for SEA Finding part F for resiliency. This bullet should address consolidation of development and preservation of intact natural open space, mirroring the biologically sound concepts in Development Standards. For example:

- Has the project’s development footprint been consolidated in the least biologically impactful location (or locations)?
- Has the project open space resulted in the largest and most intact block of habitat with the lowest perimeter to area ratio?

## **Conclusion**

EHL appreciates that progress of the Ordinance to date and makes additional suggestions to close loopholes and otherwise ensure a successful program, while still creating an efficient and clear path to development for landowners.

Yours truly,



Dan Silver  
Executive Director

Enclosures

“How Much Defensible Space is Needed to Reduce Home Losses in Chaparral?”,  
California Fire Science Symposium, 2014

“The role of defensible space for residential structure protection during wildfires,”  
*International Journal of Wildland Fire*, 2014

*General Guidelines for Creating Defensible Space*, CALFIRE, 2006



CALIFORNIA  
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CONSORTIUM



## Research Brief for Resource Managers

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**Contact:**

Jon E. Keeley  
Marti Witter  
Liz van Mantgem

**Phone:**

(559)565-3170  
(805)370-2333

**Email:**

jon\_keeley@usgs.gov  
marti\_witter@nps.gov  
evanmantgem@usgs.gov

Central and Southern California Team, USGS Sequoia and Kings Canyon Field Station, Three Rivers, CA 93271

## How Much Defensible Space is Needed to Reduce Home Losses in Chaparral?

Syphard, A.D., T.J. Brennan, and J.E. Keeley. 2014. The role of defensible space for residential structure protection during wildfires. *International Journal for Wildland Fire*. Advance online publication. doi.org/10.1071/WF13158

In the chaparral of San Diego County, CA, about 500 homes are lost to fire each year. Overall, the rate of home loss has doubled since 2000 and it's expected to continue rising with the onset of climate change and increasing housing growth.

One of the key concerns at the wildland-urban interface is the extent of vegetation treatment needed to produce "defensible space" around homes. On these landscapes the goal is to produce cost-effective defensible space that reduces fire risks for homes and yet does not result in unnecessary habitat loss, which can increase invasive weed growth and soil erosion.

Syphard, Brennan and Keeley asked how the size of the defensible space zone affected fire outcomes using a dataset of 687,869 homes with their property boundaries. The data included 4315 homes destroyed by major fires between 2001 and 2010 in San Diego County. They randomly selected one thousand homes that were destroyed by fire and 1000 homes that survived the same fires. Using Google Earth aerial imagery, burned homes

### Management Implications:

- The most effective measures to reduce structure losses are to "reduce the percentage of woody cover up to 40% immediately adjacent to the structure and to ensure that vegetation does not overhang or touch the structure."
- There is no additional structure protection provided by clearing beyond 30m (100'), even on steep slopes, and the most important treatment zone is from 5-20m (16-58').
- The amount of cover reduced is as important as the fuel modification distance; however complete removal of cover is not necessary. The term "clearance" should be replaced with "fuel modification" to emphasize this fact.
- Ornamental vegetation in wildland settings can contribute to structure loss and should be managed in the same way as native vegetation in the defensible space zone.
- This study does not address the distance necessary to protect fire fighters which should be considered as a separate problem.

were examined in the year prior to the fire to determine the size of “defensible space” created by fuel treatments. Both property line measurements and effective distance measurements were gathered for all 2000 homes, along with the percentage cleared land, number of sides of structure with touching or overhanging vegetation, vegetation cover type, housing density, percent slope, and distance to the next road (Fig.1).

These variables were analyzed by four different methods to show that “defensible space increased the likelihood of structure survival during wildfire.” However, the distance required was never more than 30m (100 ft.), even on steep slopes, and was most effective between 5-20 m (16-58 ft.) from the home. The effect of the percentage of cover was as important as distance and was

effective when 60% of cover remained. Other important variables contributing to structure loss were ornamental vegetation and overhanging vegetation touching the structure.

While the results clearly show that new standards are needed to provide optimal defensible space around individual homes, the finding that “landscape factors such as low housing density and longer distances to major roads *were more important than distance of defensible space for explaining structure destruction*” is just as significant. This result emphasizes that reducing future wildfire losses depends on both better land use planning and appropriate mitigation methods.

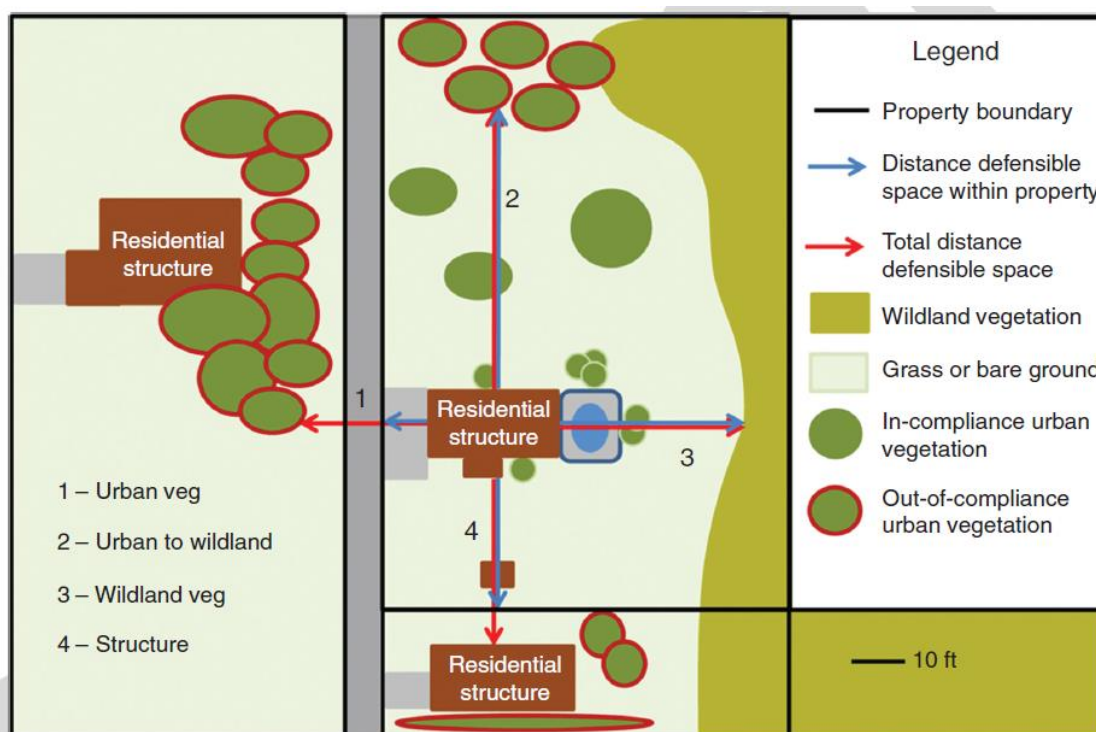


Fig 1. Illustration of defensible space measurements. See Table 1 in full article for a complete definition of terms.

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*International Journal of Wildland Fire*<http://dx.doi.org/10.1071/WF13158>

## The role of defensible space for residential structure protection during wildfires

Alexandra D. Syphard<sup>A,D</sup>, Teresa J. Brennan<sup>B</sup> and Jon E. Keeley<sup>B,C</sup>

<sup>A</sup>Conservation Biology Institute, 10423 Sierra Vista Avenue, La Mesa, CA 91941, USA.

<sup>B</sup>US Geological Survey Western Ecological Research Center, Three Rivers, CA 93271, USA.

<sup>C</sup>Department of Ecology & Evolutionary Biology, University of California, 612 Charles E. Young Drive, South Los Angeles, CA 90095-7246, USA.

<sup>D</sup>Corresponding author. Email: [asyphard@consbio.org](mailto:asyphard@consbio.org)

**Abstract.** With the potential for worsening fire conditions, discussion is escalating over how to best reduce effects on urban communities. A widely supported strategy is the creation of defensible space immediately surrounding homes and other structures. Although state and local governments publish specific guidelines and requirements, there is little empirical evidence to suggest how much vegetation modification is needed to provide significant benefits. We analysed the role of defensible space by mapping and measuring a suite of variables on modern pre-fire aerial photography for 1000 destroyed and 1000 surviving structures for all fires where homes burned from 2001 to 2010 in San Diego County, CA, USA. Structures were more likely to survive a fire with defensible space immediately adjacent to them. The most effective treatment distance varied between 5 and 20 m (16–58 ft) from the structure, but distances larger than 30 m (100 ft) did not provide additional protection, even for structures located on steep slopes. The most effective actions were reducing woody cover up to 40% immediately adjacent to structures and ensuring that vegetation does not overhang or touch the structure. Multiple-regression models showed landscape-scale factors, including low housing density and distances to major roads, were more important in explaining structure destruction. The best long-term solution will involve a suite of prevention measures that include defensible space as well as building design approach, community education and proactive land use planning that limits exposure to fire.

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### Introduction

Across the globe and over recent decades, homes have been destroyed in wildfires at an unprecedented rate. In the last decade, large wildfires across Australia, southern Europe, Russia, the US and Canada have resulted in tens of thousands of properties destroyed, in addition to lost lives and enormous social, economic and ecological effects (Filmon 2004; Boschetti *et al.* 2008; Keeley *et al.* 2009; Blanchi *et al.* 2010; Vasquez 2011). The potential for climate change to worsen fire conditions (Hessl 2011), and the projection of continued housing growth in fire-prone wildlands (Gude *et al.* 2008) suggest that many more communities will face the threat of catastrophic wildfire in the future.

Concern over increasing fire threat has escalated discussion over how to best prepare for wildfires and reduce their effects. Although ideas such as greater focus on fire hazard in land use planning, using fire-resistant building materials and reducing human-caused ignitions (e.g. Cary *et al.* 2009; Quarles *et al.* 2010; Syphard *et al.* 2012) are gaining traction, the traditional strategy of fuels management continues to receive the most attention. Fuels management in the form of prescribed fires or mechanical treatments has historically occurred in remote, wildland locations (Schoennagel *et al.* 2009), but recent studies

suggest that treatments located closer to homes and communities may provide greater protection (Witter and Taylor 2005; Stockmann *et al.* 2010; Gibbons *et al.* 2012). In fact, one of the most commonly recommended strategies in terms of fuels and fire protection is to create defensible space immediately around structures (Cohen 2000; Winter *et al.* 2009). Defensible space is an area around a structure where vegetation has been modified, or 'cleared,' to increase the chance of the structure surviving a wildfire. The idea is to mitigate home loss by minimising direct contact with fire, reducing radiative heating, lowering the probability of ignitions from embers and providing a safer place for fire fighters to defend a structure against fire (Gill and Stephens 2009; Cheney *et al.* 2001). Many jurisdictions provide specific guidelines and practices for creating defensible space, including minimum distances that are required among trees and shrubs as well as minimum total distances from the structure. These distances may be enforced through local ordinances or state-wide laws. In California, for example, a state law in 2005 increased the required total distance from 9 m (30 ft) to 30 m (100 ft).

Despite these specific guidelines on how to create defensible space, there is little scientific evidence to support the amount and location of vegetation modification that is actually effective



at providing significant benefits. Most spacing guidelines and laws are based on 'expert opinion' or recommendations from older publications that lack scientific reference or rationale (e.g. Maire 1979; Smith and Adams 1991; Gilmer 1994). However, one study has provided scientific support for, and forms the basis of, most guidelines, policy and laws requiring a minimum of 30 m (100 ft) of defensible space (Cohen 1999, 2000). The modelling and experimental research in that study showed that flames from forest fires located 10–40 m (33–131 ft) away would not scorch or ignite a wooden home; and case studies showed 90% of homes with non-flammable roofs and vegetation clearance of 10–20 m (33–66 ft) could survive wildfires (Cohen 2000). However, the models and experimental research in that study focussed on crown fires in spruce or jack pine forests, and the primary material of home construction was wood. Therefore, it is unknown how well this guideline applies to regions dominated by other forest types, grasslands, or nonforested woody shrublands and in regions where wooden houses are not the norm.

Some older case studies showed that most homes with non-flammable roofs and 10–18 m (33–ft) of defensible space survived the 1961 Bel Air fire in California (Howard *et al.* 1973); most homes with non-flammable roofs and more than 10 m (33 ft) of defensible space also survived the 1990 Painted Cave fire (Foote and Gilles 1996). Also, several fire-behaviour modelling studies have been conducted in chaparral shrublands. One study showed that reducing vegetative cover to 50% at 9–30 m (30–ft) from structures effectively reduced fireline intensity and flame lengths, and that removal of 80% cover would result in unintended consequences such as exotic grass invasion, loss of habitat and increase in highly flammable flashy fuels (A. Fege and D. Pumphrey, unpubl. data). Another showed that separation distances adequate to protect firefighters varied according to fuel model and that wind speeds greater than 23 km h<sup>-1</sup> negated the effect of slope, and wind speed above 48 km h<sup>-1</sup> negated any protective effect of defensible space (F. Bilz, E. McCormick and R. Unkovich, unpubl. data, 2009). Results obtained through modelling equations of thermal radiation also found safety distances to vary as a function of fuel type, type of fire, home construction material and protective garments worn by firefighters (Zárate *et al.* 2008).

Although there is no empirical evidence to support the need for more than 30 m (100 ft) of defensible space, there has been a concerted effort in some areas to increase this distance, particularly on steep slopes. In California, a senate bill was introduced in 2008 (SB 1618) to encourage property owners to clear 91 m (300 ft) through the reduction of environmental regulations and permitting needed at that distance. Although this bill was defeated in committee, many local ordinances do require homeowners to clear 91 m (300 ft) or more, and there are reports that some people are unable to get fire insurance without 91 m (300 ft) of defensible space (F. Sproul, pers. comm.). In contrast, homeowner acceptance of and compliance with defensible space policies can be challenging (Winter *et al.* 2009; Absher and Vaske 2011), and in many cases homeowners do not create any defensible space.

It is critically important to develop empirical research that quantifies the amount, location and distance of defensible space that provides significant fire protection benefits so that guidelines and policies are developed with scientific support.

Data that are directly applicable to southern California are especially important, as this region experiences the highest annual rate of wildfire-destroyed homes in the US. Not having sufficient defensible space is obviously undesirable because of the hazard to homeowners. However, there are clear trade-offs involved when vegetation reduction is excessive, as it results in the loss of native habitats, potential for increased erosion and invasive species establishment, and it potentially even increases fire risk because of the high flammability of weedy grasslands (Spittler 1995; Keeley *et al.* 2005; Syphard *et al.* 2006).

It is also important to understand the role of defensible space in residential structure protection relative to other factors that explain why some homes are destroyed in fires and some are not. Recent research shows that landscape-scale factors, such as housing arrangement and location, as well as biophysical variables characterising properties and neighbourhoods such as slope and fuel type, were important in explaining which homes burned in two southern California study areas (Syphard *et al.* 2012; 2013). Understanding the relative importance of different variables at different scales may help to identify which combinations of factors are most critical to consider for fire safety.

Our objective was to provide an empirical analysis of the role of defensible space in protecting structures during wildfires in southern California shrublands. Using recent pre-fire aerial photography, we mapped and measured a suite of variables describing defensible space for burned and unburned structures within the perimeters of major fires from 2001 to 2010 in San Diego County to ask the following questions:

1. How much defensible space is needed to provide significant protection to homes during wildfires, and is it beneficial to have more than the legally required 30 m (100 ft)?
2. Does the amount of defensible space needed for protection depend on slope inclination?
3. What is the role of defensible space relative to other factors that influence structure loss, such as terrain, fuel type and housing density?

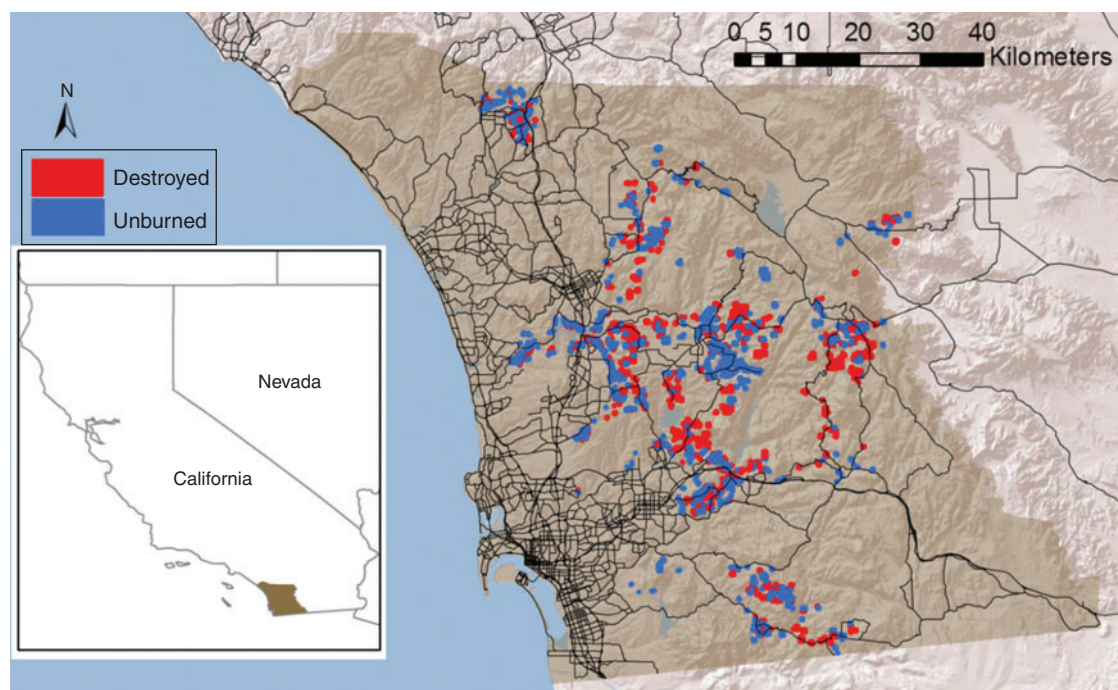
## Methods

### Study area

The properties and structures analysed were located in San Diego County, California, USA (Fig. 1) – a topographically diverse region with a Mediterranean climate characterised by cool, wet winters and long summer droughts. Fire typically is a direct threat to structures adjacent to wildland areas. Native shrublands in southern California are extremely flammable during the late summer and fall (autumn) and when ignited, burn in high-intensity, stand-replacing crown fires. Although 500 homes on average have been lost annually since the mid-1900s (Calfire 2000), that rate has doubled since 2000. Most of these homes have burned during extreme fire weather conditions that accompany the autumn Santa Ana winds. The wildland–urban interface here includes more than 5 million homes, covering more than 28 000 km<sup>2</sup> (Hammer *et al.* 2007).

### Property data

The data for properties to analyse came from a complete spatial database of existing residential structures and their



**Fig. 1.** Location of destroyed and unburned structures within the South Coast ecoregion of San Diego County, California, USA.

corresponding property boundaries developed for San Diego County (Syphard *et al.* 2012). This dataset included 687 869 structures, of which 4315 were completely destroyed by one of 40 major fires that occurred from 2001 to 2010. Our goal was to compare homes that were exposed to wildfire and survived with those that were exposed and destroyed. To determine exposure to fire, we only considered structures located both within a GIS layer of fire perimeters and within areas mapped as having burned at a minimum of low severity through thematic Monitoring Trends in Burn Severity produced by the USA Geological Survey and USDA Forest Service. From these data, we used a random sample algorithm in GIS software to select 1000 destroyed and 1000 unburned homes that were not adjacent to each other, to minimise any potential for spatial autocorrelation. Our final property dataset included structures that burned across eight different fires. More than 97% of these structures burned in Santa Ana wind-driven fire events (Fig. 1).

#### *Calculating defensible space and additional explanatory variables*

To estimate defensible space, we developed and explored a suite of variables relative to the distance and amount of defensible space surrounding structures, as well as the proximity of woody vegetation to the structure (Table 1). We measured these variables based on interpretation of Google Earth aerial imagery. We based our measurements on the most recent imagery before the date of the fire. In almost all cases, imagery was available for less than 1 year before the fire.

Our definition of defensible space followed the guidelines published by the California Department of Forestry and Fire Protection (Calfire 2006). 'Clearance' included all areas that were not covered by woody vegetation, including paved areas

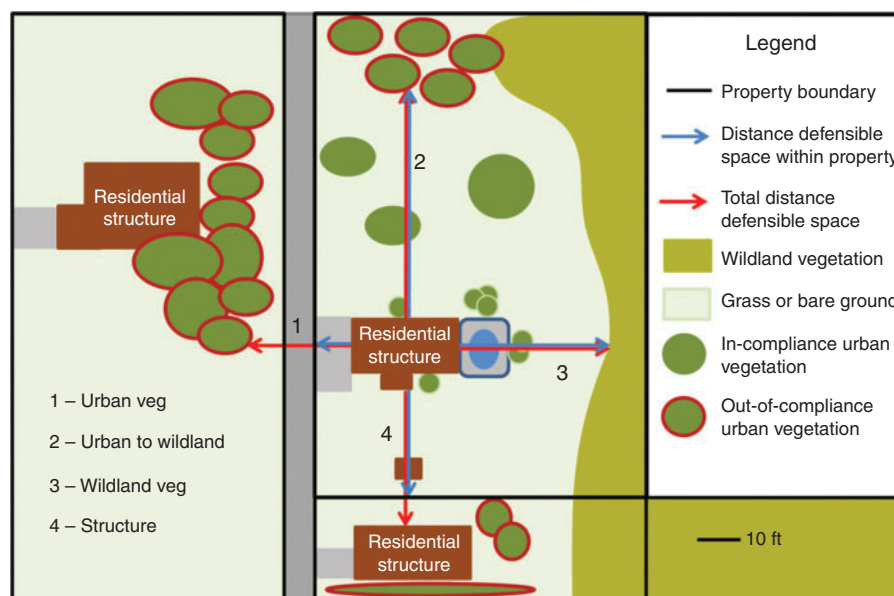
or grass. Although Google Earth prevents the identification of understorey vegetation, woody trees and shrubs were easily distinguished from grass, and our objective was to measure horizontal distances as required by Calfire rather than assess the relative flammability of different vegetation types. Trees or shrubs were allowed to be within the defensible space zone as long as they were separated by the minimum horizontal required distance, which was 3 m (10 ft) from the edge of one tree canopy to the edge of the next (Fig. 2). Although greater distances between trees or shrubs are recommended on steeper slopes, we followed the same guidelines for all properties. For all structures, we started the distance measurements by drawing lines from the centre of the four orthogonal sides of the structure that ended when they intersected anything that no longer met the requirements in the guidelines. A fair number of structures are not four sided; thus, the start of the centre point was placed at a location that approximated the farthest extent of the structure along each of four orthogonal sides.

We developed two sets of measurements of the distance of defensible space based on what is feasible for homeowners within their properties *v.* the total effective distance of defensible space. We made these two measurements because homeowners are only required to create defensible space within their own property, and this would reflect the effect of individual homeowner compliance. Therefore, even if cleared vegetation extended beyond the property line, the first set of distance measurements ended at the property boundary. The second set of measurements ignored the property boundaries and accounted for the total potential effect of treatment. For all measurements, we recorded the cover types (e.g. structure >3 m (10 ft) long, property boundary, or vegetation type) at which the distance measurements stopped (Table 1). Because property

**Table 1. Defensible space variables measured for every structure**

Urban veg, landscaping vegetation that was not in compliance with regulations within urban matrix; wildland veg, wildland vegetation that was not in compliance with regulations; orchard, shrub to tree-sized vegetation in rows; urban to wildland, landscaping vegetation that leads into wildland vegetation; structure, any building longer than 3 m (10 ft)

Variable	Definition
Distance defensible space within property	Measure of clearance from side of structure to property boundary calculated for four orthogonal directions from structure and averaged
Total distance defensible space	Measure of clearance from side of structure to end of clearance calculated for four orthogonal directions from structure and averaged
Cover type at end of defensible space	Type of cover encountered at end of measurement (urban veg, wildland veg, orchard, urban to wildland, structure)
Percentage clearance	Percentage of clearance calculated across the entire property
Neighbours' vegetation	Binary indicator of whether neighbours' uncleared vegetation was located within 30 m (100 ft) of the main structure
Vegetation touching structure	Number of sides on which woody vegetation touches main structure (1–4) Structure with more than 4 sides were viewed as a box and given a number between 1 and 4
Vegetation overhanging roof	Was vegetation overhanging the roof? (yes or no)

**Fig. 2.** Illustration of defensible space measurements. See Table 1 for full definition of terms.

owners usually can only clear vegetation on their own land, it is possible that the effectiveness of defensible space partly depends upon the actions of neighbouring homeowners. Therefore, we also recorded whether or not any neighbours' un-cleared vegetation was located within 30 m (100 ft) of the structure.

To assess the total amount of woody vegetation that can safely remain on a property and still receive significant benefits of defensible space, we calculated the total percentage of cleared land, woody vegetation and structure area across every property. This was accomplished by overlaying a grid on each property and determining the proportion of squares falling into each class. Preliminary results showed these three measurements to be highly correlated, so we only retained percentage clearance for further analysis. To evaluate the relative effect of woody

vegetation directly adjacent to structures, we also calculated the number of sides of the structure with vegetation touching and recorded whether any trees were overhanging structures' roofs.

In addition to defensible space measurements, we evaluated other factors known to influence the likelihood of housing loss to fire in the region (Syphard *et al.* 2012, 2013). Using the same data as in Syphard *et al.* (2012, 2013), we extracted spatial information from continuous grids of explanatory variables for the locations of all structures in our analysis. Variables included interpolated housing density based on a 1-km search radius; percentage slope derived from a 30-m digital elevation model (DEM); Euclidean distance to nearest major and minor road and fuel type, which was based on a simple classification of US Forest Service data (Syphard *et al.* 2012), including urban, grass, shrubland and forest & woodland.



### Analysis

We performed several analyses to determine whether relative differences in home protection are provided by different distances and amounts of defensible space, particularly beyond the legally required 30 m (100 ft), and to identify the effective treatment distance for homes on low and steep slopes.

### Categorical analysis

For the first analysis, we divided our data into several groups to identify potential differences among specific categories of defensible space distance around structures located on shallow and steep slopes. We first sorted the full dataset of 2000 structures by slope and then split the data in the middle to create groups of homes with shallow slope and steep slope. We divided the data in half to keep the number of structures even within both groups and to avoid specifying an arbitrary number to define what constitutes shallow or steep slope. The two equal-sized subsets of data ranged from 0 to 9%, with a mean of 8% for shallow slope, and from 9 to 40%, with a mean of 27% for steep slope. Within these data subsets, we next created groups reflecting different mean distances of defensible space around structures. We also performed separate analyses based on whether defensible space measurements were calculated within the property boundary or whether measurements accounted for the total distance of defensible space.

Within all groups, we calculated the proportion of homes that were destroyed by wildfire. We performed Pearson's Chi-square tests of independence to determine whether or not the proportion of destroyed structures within groups was significantly different (Agresti 2007). We based one test on four equal-interval groups within the legally required distance of 30 m (100 ft): 0–7 m (0–25 ft), 8–15 m (26–50 ft), 16–23 m (51–75 ft) and 24–30 m (76–100 ft). A second test was based on three groups (24–30 m (75–100 ft), 31–90 m (101–300 ft) and >90 m (>300 ft) or >60 m (>200 ft)) to evaluate whether groups with mean defensible space distances >30 m (>100 ft) were significantly different from groups with <30 m (<100 ft). When defensible space distances were only measured to the property boundary, few structures had mean defensible space >90 m (>300 ft). Therefore, we used a cut-off of 60 m (200 ft) to increase the sample size in the Chi-square analysis. In addition to the Chi-square analysis, we calculated the relative risk among every successive pair of categories (Sheskin 2004). The relative risk was calculated as the ratio of proportions of burned homes within two groups of homes that had different defensible space distances.

### Effective treatment analysis

In addition to comparing the relative effect of defensible space among different groups of mean distances, as described above, we also considered that the protective effect of defensible space for structures exposed to wildfire is conceptually similar to the effect of medication in producing a therapeutic response in people who are sick. In addition to pharmacological applications, treatment–response relationships have been used for radiation, herbicide, drought tolerance and ecotoxicological studies (e.g. Streibig *et al.* 1993; Cedergreen *et al.* 2005; Knezevic *et al.* 2007; Kursar *et al.* 2009). The effect produced by a drug or treatment typically varies according to the

concentration or amount, often up to a point at which further increase provides no additional response. The effective treatment (ET50), therefore, is a specific concentration or exposure that produces a therapeutic response or desired effect. Here we considered the treatment to be the distance or amount of defensible space.

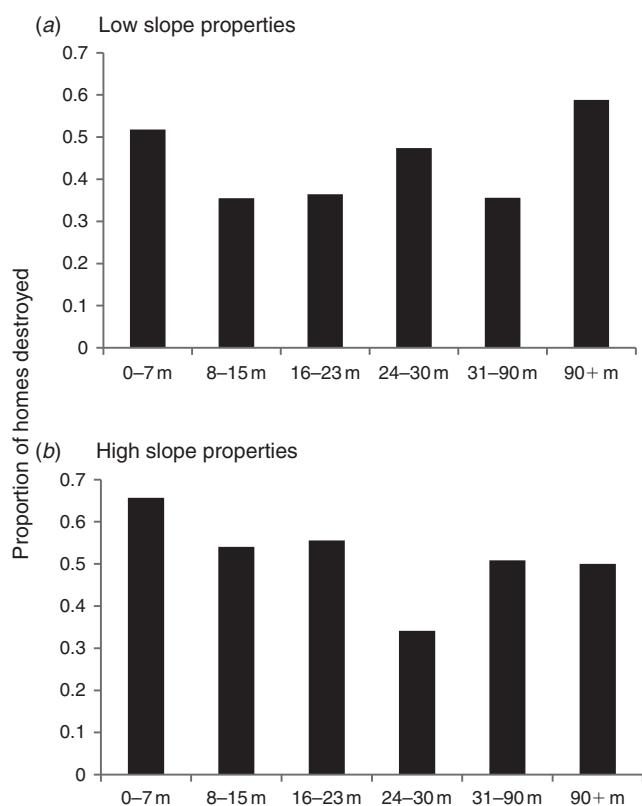
Using the software package DRC in R (Knezevic *et al.* 2007; Ritz and Streibig 2013), we evaluated the treatment–response relationship of defensible space in survival of structures during wildfire. To calculate the effective treatment, we fit a log-logistic model with logistic regression because we had a binary dependent variable (burned or unburned). We specified a 2-parameter model where the lower limit was fixed at 0 and the upper limit was fixed at 1. We again performed separate analyses for data subsets reflecting shallow and steep slope, as well as from measurements of defensible space taken within, or regardless of, property boundaries. We also performed analyses to find the effective treatment of percentage clearance of trees and shrubs within the property.

### Multiple regression analysis

To evaluate the role of defensible space relative to other variables, we developed multiple generalised linear regression models (GLMs) (Venables and Ripley 1994). We again had a binary dependent variable (burned versus unburned), so we specified a logit link and binomial response. Although the proportion of 0s and 1s in the response may be important to consider for true prediction (King and Zeng 2001; Syphard *et al.* 2008), our objective here was solely to evaluate variable importance. We developed multiple regression models for all possible combinations of the predictor variables and used the corrected Akaike's Information Criterion (AICc) to rank models and select the best ones for each region using package MuMIn in R (R Development Core Team 2012; Burnham and Anderson 2002). We recorded all top-ranked models that had an AICc value within 2 of that of the model with lowest AICc to identify all models with empirical support. To assess variable importance, we calculated the sum of Akaike weights for all models that contained each variable. On a scale of 0–1, this metric represents the weight of evidence that models containing the variable in question are the best model (Burnham and Anderson 2002). The distance of defensible space measured within property boundaries was highly correlated with the distance of defensible space measured beyond property boundaries ( $r = 0.82$ ), so we developed two separate analyses – one using variables measured only within the property boundary and the other using variables that accounted for defensible space outside of the property boundary as well as the potential effect of neighbours having uncleared vegetation within 30 m (100 ft) of the structure. A test to avoid multicollinearity showed all other variables within each multiple regression analysis to be uncorrelated ( $r < 0.5$ ).

### Surrounding matrix

To assess whether the proportion of destroyed structures varied according to their surrounding matrix, we summarised the most common cover type at the end of defensible space measurements (descriptions in Table 1) for all structures. These summaries



**Fig. 3.** Proportion of destroyed homes grouped by distances of defensible space based upon total distance of clearance within property boundary, for structures on (a) shallow slopes (mean 8%) and (b) steep slopes (mean 27%).

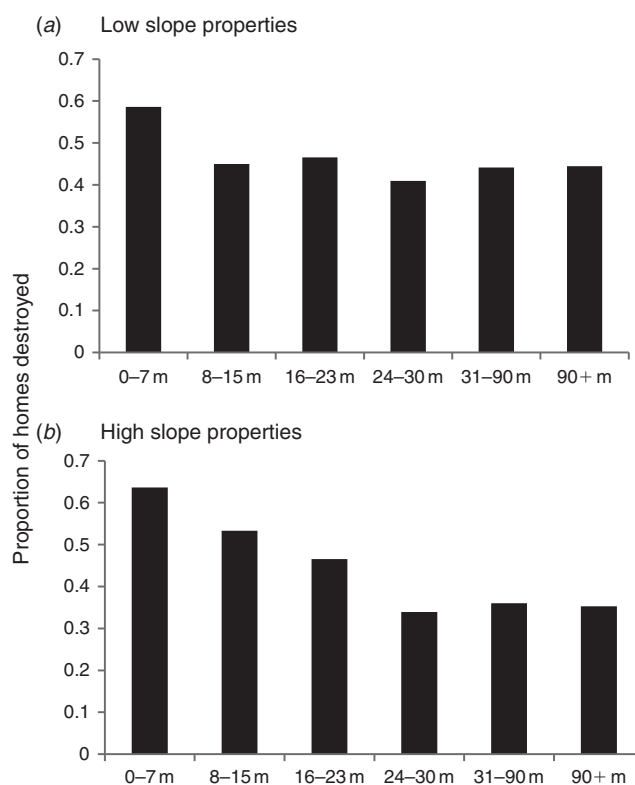
were based on the majority surrounding cover type from the four orthogonal sides of the structure. We also noted cases in which there was a tie (e.g. two sides were urban vegetation and two sides were structures).

## Results

### Categorical analysis

When the distance of defensible space was measured both 'only within property boundaries' (Fig. 3) and 'regardless of property boundaries' (Fig. 4), the Chi-square test showed a significant difference ( $P < 0.001$ ) in the proportion of destroyed structures among the four equal-interval groups of distance ranging from 0 to 30 m (0–100 ft). This relationship was consistent on both shallow-slope and steep-slope properties, although the relative risk analysis showed considerable variation among classes (Table 2). There was a steadily decreasing proportion of destroyed structures at greater distances of defensible space up to 30 m (100 ft) on the steep-slope structures with defensible space measured regardless of property boundaries (Fig. 4b). Otherwise, the biggest difference in proportion of destroyed structures occurred between 0 and 7 m (0–25 ft) and 8–15 m (26–50 ft) (Figs 3a–b, 4a).

When the distance of defensible space was measured in intervals from 24 m (75 ft) and beyond, the Chi-square test



**Fig. 4.** Proportion of destroyed homes grouped by distances of defensible space based upon total distance of clearance regardless of property boundary, for structures on (a) shallow slopes (mean 8%) and (b) steep slopes (mean 27%).

showed no significant difference among groups ( $P = 0.96$  for shallow-slope properties and  $P = 0.74$  for steep-slope properties) (Figs 3, 4), although again, the relative risk analysis showed considerable variation (Table 2). There was a slight increase in the proportion of homes destroyed at longer distance intervals when the defensible space was measured only to the property boundaries (Fig. 3a–b). This slight increase is less apparent when distances were measured regardless of boundaries (Fig. 4a–b).

The relative risk calculations showed that the ratio of proportions was generally more variable among successive pairs when the distances were measured within property boundaries (Table 2). For these calculations, the risk of a structure being destroyed was significantly lower when the defensible space distance was 8–15 m (25–50 ft) compared to 0–7 m (0–25 ft) on both shallow- and steep-slope properties. On the steep-slope properties, there was an additional reduction of risk when comparing 24–30 m (75–100 ft) to 16–23 m (50–75 ft). However, the risk of a home being destroyed was slightly significantly higher when there was 31–90 m (101–225 ft) compared to 16–23 m (50–75 ft). For distances that were measured regardless of property boundary (total clearance), the only significant differences in risk of burning were a reduction in risk for 8–15 m (25–50 ft) compared to 0–7 m (0–25 ft).

**Table 2. Number of burned and unburned structures within defensible space distance categories (m), their relative risk and significance**

A relative risk of 1 indicates no difference; <1 means the chance of a structure burning is less than the other group; >1 means the chance is higher than the other group. The relative risk is calculated for pairs that include the existing row and the row above. Confidence intervals are in parentheses

	Distance within property				Total distance			
	Burned	Unburned	Relative risk	P	Burned	Unburned	Relative risk	P
Shallow slope								
0–7	200	186			162	114		
8–15	109	198	0.69 (0.12)	<0.001	108	132	0.77	0.002
16–23	51	89	1.03 (0.30)	0.850	78	90	1.03	0.770
24–30	36	40	1.30 (0.39)	0.110	50	70	0.90	0.430
31–90	28	47	0.79 (0.24)	0.220	79	99	1.06	0.640
60 or 90+	10	6	1.67 (0.63)	0.040	8	9	1.01	0.830
Steep slope								
0–7	245	128			224	128		
8–15	174	148	0.82 (0.10)	0.001	158	139	0.84	0.008
16–23	85	68	1.03 (0.16)	0.750	73	83	0.87	0.210
24–30	29	56	0.61 (0.17)	0.004	26	50	0.73	0.080
31–	29	28	1.49 (0.48)	0.050	39	68	1.06	0.760
60 or 90+	5	5	0.98 (0.47)	0.950	4	8	0.91	0.830

**Table 3. Effective treatment results reflecting the distance (in metres, with feet in parentheses) and percentage clearance within properties that provided significant improvement in structure survival during wildfires**

The property mean is the average distance of defensible space or percentage clearance that was calculated on the properties before the wildfires and provides a means to compare the effective treatment result to the actual amount on the properties

	All parcels effective treatment (n = 2000)	Parcel mean	Shallow slope (mean 8%) effective treatment (n = 1000)	Parcel mean	Steep slope (mean 27%) effective treatment (n = 1000)	Parcel mean
Defensible space within parcel	10 (33)	13 (44)	4 (13)	14 (45)	25 (82)	11 (35)
Total distance defensible space	10 (32)	19 (63)	5 (16)	20 (67)	20 (65)	18 (58)
Mean percentage clearance on property	36	48	31	51	37	35

### Effective treatment analysis

Analysis of the treatment–response relationships among defensible space and structures that survived wildfire showed that, when all structures are considered together, the mean actual defensible space that existed around structures before the fires was longer than the calculated effective treatment (Table 3). Regardless of whether the defensible space was measured within or beyond property boundaries, the estimated effective treatment of defensible space was nearly the same at 10 m (32–33 ft).

The effective treatment distance was much shorter for structures on shallow slopes (4–5 m (13–16 ft)) than for structures on steep slopes (20–25 m (65–82 ft)), but in all cases was <30 m (<100 ft). Although longer distances of defensible space were calculated as effective on steeper slopes, these structures actually had shorter mean distances of defensible space around their properties than structures on low slopes (Table 3).

The calculated effective treatment of the mean percentage clearance on properties was 36% for all properties, 31% for structures on shallow slopes and 37% for structures on steep slopes (Table 3). In total, the properties all had higher actual percentage clearance on their property than was calculated

to be effective. However, this mainly reflects the shallow-slope properties, as those structures on steep slopes had less clearance than the effective treatment.

### Multiple regression analysis

When defensible space was measured only to the property boundaries, it was not included in the best model, according to the all-subsets multiple regression analysis (Table 4). However, it was included in the best model when factoring in the distance of defensible space measured beyond property boundaries (Table 5). In both multiple regression analyses, low housing density and shorter distances to major roads were ranked as the most important variables according to their Akaike weights. Slope and surrounding fuel type were also in both of the best models as well as other measures of defensible space, including the percentage clearance on property and whether vegetation was overhanging the structure's roof. The number of sides in which vegetation was touching the structure was included in the best model when defensible space was only measured to the property boundary. The total explained deviance for the multiple regression models was low (12–13%) for both analyses.

**Table 4. Results of multiple regression models of destroyed homes using all possible variable combinations and corrected Akaike's Information Criterion (AICc)**

Includes variables measured within property boundary only. Top-ranked models include all those ( $n = 12$ ) with AICc within 2 of the model with the lowest AICc. Relative variable importance is the sum of 'Akaike weights' over all models including the explanatory variable

Variable in order of importance	Relative variable importance	Model-averaged coefficient	Number inclusions in top-ranked models
Housing density	1	-0.003	12
Distance to major road	1	-0.0005	12
Percentage clearance	1	-0.02	12
Slope	1	0.03	12
Vegetation overhang roof	1	0.5	12
Fuel type	0.67	Factor	9
Vegetation touch structure	0.49	0.07	6
Distance defensible space within property	0.45	-0.0002	5
South-westness	0.36	-0.0007	3
Distance to minor road	0.28	-0.0002	1
$D^2$ of top-ranked model			0.123

**Table 5. Results of multiple regression models of destroyed homes using all possible variable combinations and corrected Akaike's Information Criterion (AICc)**

Includes variables measured beyond property boundary. Top-ranked models include all those ( $n = 6$ ) with AICc within 2 of the model with the lowest AICc. Relative variable importance is the sum of 'Akaike weights' over all models including the explanatory variable

Variable in order of importance	Relative variable importance	Model-averaged coefficient	Number inclusions in top-ranked models
Housing density	1	-0.003	6
Distance to major road	1	-0.0005	6
Total distance defensible space	1	-0.004	6
Percentage clearance	1	-0.01	6
Vegetation overhang roof	0.99	0.4	6
Slope	0.99	0.03	6
Fuel type	0.86	Factor	4
South-westness	0.42	-0.0009	2
Distance to minor road	0.36	-0.0009	2
Neighbours' vegetation	0.27	0.08	1
Vegetation touch structure	0.27	0.18	1
$D^2$ of top-ranked model			0.125

### Surrounding matrix

The cover type that most frequently surrounded the structures at the end of the defensible space measurements was urban vegetation, followed by urban vegetation leading into wildland vegetation, and wildland vegetation (Fig. 5). Many structures were equally surrounded by different cover types. There were no significant differences in the proportion of structures destroyed depending on the surrounding cover type. However, a disproportionately large proportion of structures burned (28 v. 9% unburned) when they were surrounded by urban vegetation that extended straight into wildland vegetation.

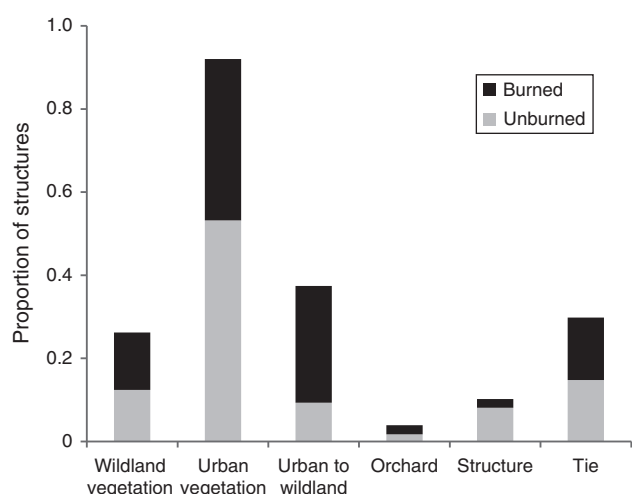
### Discussion

For homes that burned in southern Californian urban areas adjacent to non-forested ecosystems, most burned in high-intensity Santa Ana wind-driven wildfires and defensible space increased the likelihood of structure survival during wildfire.

The most effective treatment distance varied between 5 and 20 m (16–58 ft), depending on slope and how the defensible space was measured, but distances longer than 30 m (100 ft) provided no significant additional benefit. Structures on steeper slopes benefited from more defensible space than structures on shallow slopes, but the effective treatment was still less than 30 m (100 ft). The steepest overall decline in destroyed structures occurred when mean defensible space increased from 0–7 m (0–25 ft) to 8–15 m (26–50 ft). That, along with the multiple regression results showing the significance of vegetation touching or overhanging the structure, suggests it is most critical to modify vegetation immediately adjacent to the house, and to move outward from there. Similarly, vegetation overhanging the structure was also strongly correlated with structure loss in Australia (Leonard *et al.* 2009).

In terms of fuel modification, the multiple regression models also showed that the percentage of clearance was just as, or more important than, the linear distance of defensible space.





**Fig. 5.** Proportion of destroyed and unburned structures based on the primary surrounding cover type at the end of defensible space measurements. There were no significant differences in the proportion of burned and unburned structures within cover types ( $P = 0.14$ ). Cover types are defined in Table 1.

However, as with defensible space, percentage clearance did not need to be draconian to be effective. Even on steep slopes, the effective percentage clearance needed on the property was <40%, with no significant advantage beyond that. Although these steep-slope structures benefited more from clearance, they tended to have less clearance than the effective amount, which may be why slope was such an important variable in the multiple regression models. Shallow-slope structures, in contrast, had more clearance on average than was calculated to be effective, suggesting these property owners do not need to modify their behaviours as much relative to people living on steep slopes.

Although the term ‘clearance’ is often used interchangeably with defensible space, this term is incorrect when misinterpreted to mean clearing all vegetation, and our results underline this difference. The idea behind defensible space is to reduce the continuity of fuels through maintenance of certain distances among trees and shrubs. Although we could not identify the vertical profile of fuels through Google Earth imagery, the fact that at least 60% of the horizontal woody vegetative cover can remain on the property with significant protective effects demonstrates the importance of distinguishing defensible space from complete vegetation removal. Thus, we suggest the term ‘clearance’ be replaced with ‘fuel treatment’ as a better way of communicating fire hazard reduction needs to home owners.

The percentage cover of woody shrubs and trees was not evenly distributed across properties, and we did not collect data describing how the cover was distributed. Considering the importance of defensible space and vegetation modification immediately adjacent to the structure, it should follow that actions to reduce cover should also be focussed in close proximity to the structure. The hazard of vegetation near the structure has apparently been recognised for some time (Foote *et al.* 1991; Ramsey and McArthur 1994), but it is not stressed enough, and rarely falls within the scope of defensible space guidelines or ordinances.

In addition to the importance of vegetation overhanging or touching the structure, it is important to understand that ornamental vegetation may be just as, if not more, dangerous than native vegetation in southern California. Although the results showed no significant differences in the cover types in the surrounding matrix, there was a disproportionately large number of structures destroyed (28% burned v. 9% unburned) when ornamental vegetation on the property led directly into the wildland. Ornamental vegetation may produce highly flammable litter (Ganteaume *et al.* 2013) or may be particularly dangerous after a drought when it is dry, or has not been maintained, and species of conifer, juniper, cypress, eucalypt, *Acacia* and palm have been present in the properties of many structures that have been destroyed (Franklin 1996). Nevertheless, ornamental vegetation is allowed to be included as defensible space in many codes and ordinances (Haines *et al.* 2008).

One reason that longer defensible space distances did not significantly increase structure protection may be that most homes are not destroyed by the direct ignition of the fire front but rather due to ember-ignited spot fires, sometimes from fire brands carried as far as several km away. Although embers decay with distance, the difference between 30 and 90 m (100 and 300 ft) may be small relative to the distance embers travel under the severe wind conditions that were present at the time of the fires. The ignitability of whatever the embers land on, particularly adjacent to the house, is therefore most critical for propagating the fire within the property or igniting the home (Cohen 1999; Maranghides and Mell 2009).

Aside from roofing or home construction materials and vegetation immediately adjacent to structures (Quarles *et al.* 2010; Keeley *et al.* 2013), the flammability of the vegetation in the property may also play a role. Large, cleared swaths of land are likely occupied at least in part by exotic annual grasses that are highly ignitable for much of the year. Conversion of woody shrubs with higher moisture content into low-fuel-volume grasslands could potentially increase fire risk in some situations by increasing the ignitability of the fuel; and if the vegetation between a structure and a fire is not readily combustible, it could protect the structure by absorbing heat flux and filtering fire brands (Wilson and Ferguson 1986).

The slight increase in proportion of structures destroyed with longer distances of defensible space within parcel boundaries was surprising. However, that increase was not significant in the Chi-square analysis, although there were some significant differences in the pairwise relative risk analysis. Nevertheless, the largest significant effect of defensible space was between the categories of 0–7 m (0–25 ft) to 8–15 m (26–50 ft), and it may be that differences in categories beyond these distances are not highly meaningful or reflect an artefact of the definition of distance categories. These relationships at longer distances are likely also weak compared to the effect of other variables operating at a landscape scale. Although the categorical analysis allowed us to answer questions relative to legal requirements and specific distances, the effective treatment analysis was important for identifying thresholds in the continuous variable.

The multiple regression models showed that landscape factors such as low housing density and longer distances to major roads were more important than distance of defensible space for explaining structure destruction, and the importance of

these variables is consistent with previous studies (Syphard *et al.* 2012, 2013), despite the smaller spatial extent studied here. Whereas this study used an unburned control group exposed to the same fires as the destroyed structures, previous studies accounted for structures across entire landscapes. The likelihood of a fire destroying a home is actually a result of two major components: the first is the likelihood that there will be a fire, and the second is the likelihood that a structure will burn in that fire. In this study, we only focussed on structure loss given the presence of a fire, and the total explained variation for the multiple regression models was quite low at ~12%. However, when the entire landscape was accounted for in the total likelihood of structure destruction, the explained variation of housing density alone was >30% (Syphard *et al.* 2012). One reason for the relationship between low housing density and structure destruction is that structures are embedded within a matrix of wildland fuel that leads to greater overall exposure, which is consistent with Australian research that showed a linear decrease of structure loss with increased distance to forest (Chen and McAneney 2004). That research, however, only focussed on distance to wildland boundaries and did not quantify variability in defensible space or ornamental vegetation immediately surrounding structures. Thus, fire safety is important to consider at multiple scales and for multiple variables, which will ultimately require the cooperation of multiple stakeholders.

## Conclusions

Structure loss to wildfire is clearly a complicated function of many biophysical, human and spatial factors (Keeley *et al.* 2009; Syphard *et al.* 2012). For such a large sample size, we were unable to account for home construction materials, but this is also well understood to be a major factor, with older homes and wooden roofs being most vulnerable (Franklin 1996; Cohen 1999, 2000). In terms of actionable measures to reduce fire risk, this study shows a clear role for defensible space up to 30 m (100 ft). Although the effective distances were on average much shorter than 30 m (100 ft), we recognise that additional distance may be necessary to provide sufficient protection to firefighters, which we did not address in this study (Cheney *et al.* 2001). In contrast, the data in this study do not support defensible space beyond 30 m (100 ft), even for structures on steep slopes. In addition to the fact that longer distances did not contribute significant additional benefit, excessive vegetation clearance presents a clear detriment to natural habitat and ecological resources. Results here suggest the best actions a homeowner can take are to reduce percentage cover up to 40% immediately adjacent to the structure and to ensure that vegetation does not overhang or touch the structure.

In addition to defensible space, this study also underlines the potential importance of land use planning to develop communities that are fire safe in the long term, in particular through their reduction to exposure to wildfire in the first place. Localised subdivision decisions emphasising infill-type development patterns may significantly reduce fire risk in the future, in addition to minimising habitat loss and fragmentation (Syphard *et al.* 2013). This study was conducted in southern California, which has some of the worst fire weather in the world and many properties surrounded by large, flammable exotic trees.

Therefore, recommendations here should apply to other non-forested ecosystems as well as many forested regions.

## Acknowledgements

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# General Guidelines for Creating Defensible Space

**State Board of Forestry and Fire Protection (BOF)  
California Department of Forestry and Fire Protection**

**Adopted by BOF on February 8, 2006  
Approved by Office of Administrative Law on May 8<sup>th</sup>, 2006**



## **Contents**

<b>A. Purpose of Guidelines .....</b>	<b>2</b>
<b>B. Definitions .....</b>	<b>3</b>
<b>C. Fuel Treatment Guidelines .....</b>	<b>4</b>
<b>1. Firebreak within 30 feet of building .....</b>	<b>4</b>
<b>2. Dead and dying woody fuels removal .....</b>	<b>4</b>
<b>3. Down logs or stumps.....</b>	<b>4</b>
<b>4a. Fuel Separation .....</b>	<b>4</b>
<b>4b. Defensible Space With Continuous Tree Canopy .....</b>	<b>8</b>

## A. Purpose of Guidelines

Recent changes to Public Resources Code (PRC) 4291 expand the defensible space clearance requirement maintained around buildings and structures from 30 feet to a distance of 100 feet. These guidelines are intended to provide property owners with examples of fuel modification measures that can be used to create an area around buildings or structures to create defensible space. A defensible space perimeter around buildings and structures provide firefighters a working environment that allows them to protect buildings and structures from encroaching wildfires as well as minimizing the chance that a structure fire will escape to the surrounding wildland. These guidelines apply to any person who owns, leases, controls, operates, or maintains a building or structure in, upon, or adjoining any mountainous area, forest-covered lands, brush-covered lands, grass-covered lands, or any land that is covered with flammable material, and located within a State Responsibility Area.



*Effective defensible space*

The vegetation surrounding a building or structure is fuel for a fire. Even the building or structure itself is considered fuel. Research and experience have shown that fuel reduction around a building or structure increases the probability of it surviving a wildfire. Good defensible space allows firefighters to protect and save buildings or structures safely without facing unacceptable risk to their lives. Fuel reduction through vegetation management is the key to creating good defensible space.

Terrain, climate conditions and vegetation interact to affect fire behavior and fuel reduction standards. The diversity of California's geography also influences fire behavior and fuel reduction standards as well. While fuel reduction standards will vary throughout the State, there are some common practices that guide fuel modification treatments to ensure creation of adequate defensible space:

- Properties with greater fire hazards will require more clearing. Clearing requirements will be greater for those lands with steeper terrain, larger and denser fuels, fuels that are highly volatile, and in locations subject to frequent fires.
- Creation of defensible space through vegetation management usually means reducing the amount of fuel around the building or structure, providing separation between fuels, and or reshaping retained fuels by trimming. Defensible space can be created removing dead vegetation, separating fuels, and pruning lower limbs.
- In all cases, fuel reduction means arranging the tree, shrubs and other fuels sources in a way that makes it difficult for fire to transfer from one fuel source to another. It does not mean cutting down all trees and shrubs, or creating a bare ring of earth across the property.
- A homeowner's clearing responsibility is limited to 100 feet away from his or her building or structure or to the property line, whichever is less, and limited to their land. While individual property owners are not required to clear beyond 100 feet, groups of property owners are encouraged to extend clearances beyond the 100 foot requirement in order to create community-wide defensible spaces.
- Homeowners who do fuel reduction activities that remove or dispose of vegetation are required to comply with all federal, state or local environmental protection laws and obtain permits when necessary. Environmental protection laws include, but are not limited to, threatened and endangered species, water quality, air quality, and cultural/archeological resources. For example, trees removed for fuel reduction that are used for commercial purposes require permits from the

California Department of Forestry and Fire Protection. Also, many counties and towns require tree removal permits when cutting trees over a specified size. Contact your local resource or planning agency officials to ensure compliance.

The methods used to manage fuel can be important in the safe creation of defensible space. Care should be taken with the use of equipment when creating your defensible space zone. Internal combustion engines must have an approved spark arresters and metal cutting blades (lawn mowers or weed trimmers) should be used with caution to prevent starting fires during periods of high fire danger. A metal blade striking a rock can create a spark and start a fire, a common cause of fires during summertime.

Vegetation removal can also cause soil disturbance, soil erosion, regrowth of new vegetation, and introduce non-native invasive plants. Always keep soil disturbance to a minimum, especially on steep slopes. Erosion control techniques such as minimizing use of heavy equipment, avoiding stream or gully crossings, using mobile equipment during dry conditions, and covering exposed disturbed soil areas will help reduce soil erosion and plant regrowth.

Areas near water (riparian areas), such as streams or ponds, are a particular concern for protection of water quality. To help protect water quality in riparian areas, avoid removing vegetation associated with water, avoid using heavy equipment, and do not clear vegetation to bare mineral soil.

## **B. Definitions**

**Defensible space:** The area within the perimeter of a parcel where basic wildfire protection practices are implemented, providing the key point of defense from an approaching wildfire or escaping structure fire. The area is characterized by the establishment and maintenance of emergency vehicle access, emergency water reserves, street names and building identification, and fuel modification measures.

**Aerial fuels:** All live and dead vegetation in the forest canopy or above surface fuels, including tree branches, twigs and cones, snags, moss, and high brush. Examples include trees and large bushes.

**Building or structure:** Any structure used for support or shelter of any use or occupancy.

**Flammable and combustible vegetation:** Fuel as defined in these guidelines.

**Fuel Vegetative material,** live or dead, which is combustible during normal summer weather. For the purposes of these guidelines, it does not include fences, decks, woodpiles, trash, etc.

**Homeowner:** Any person who owns, leases, controls, operates, or maintains a building or structure in, upon, or adjoining any mountainous area, forest-covered lands, brush-covered lands, grass-covered lands, or any land that is covered with flammable material, and located within a State Responsibility Area.

**Ladder Fuels:** Fuels that can carry a fire vertically between or within a fuel type.

**Reduced Fuel Zone:** The area that extends out from 30 to 100 feet away from the building or structure (or to the property line, whichever is nearer to the building or structure).

**Surface fuels:** Loose surface litter on the soil surface, normally consisting of fallen leaves or needles, twigs, bark, cones, and small branches that have not yet decayed enough to lose their identity; also grasses, forbs, low and medium shrubs, tree seedlings, heavier branches and downed logs.



## C. Fuel Treatment Guidelines

The following fuel treatment guidelines comply with the requirements of 14 CCR 1299 and PRC 4291. **All persons using these guidelines to comply with CCR 1299 and PRC 4291 shall implement General Guidelines 1., 2., 3., and either 4a or 4b., as described below.**

### General Guidelines:

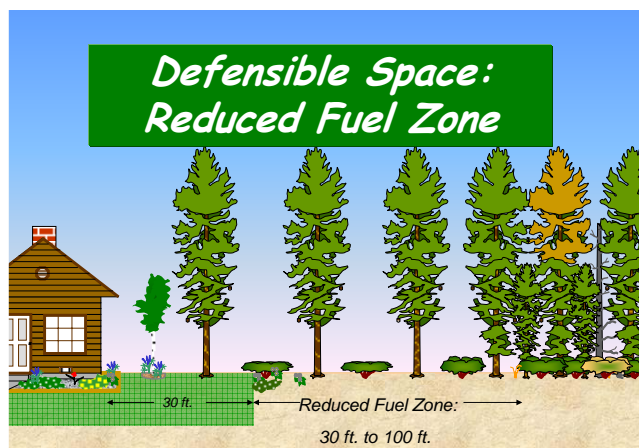
1. Maintain a firebreak by removing and clearing away all flammable vegetation and other combustible growth within 30 feet of each building or structure, with certain exceptions pursuant to PRC §4291(a). Single specimens of trees or other vegetation may be retained provided they are well-spaced, well-pruned, and create a condition that avoids spread of fire to other vegetation or to a building or structure.
2. Dead and dying woody surface fuels and aerial fuels within the Reduced Fuel Zone shall be removed. Loose surface litter, normally consisting of fallen leaves or needles, twigs, bark, cones, and small branches, shall be permitted to a depth of 3 inches. This guideline is primarily intended to eliminate trees, bushes, shrubs and surface debris that are completely dead or with substantial amounts of dead branches or leaves/needles that would readily burn.
3. Down logs or stumps anywhere within 100 feet from the building or structure, when embedded in the soil, may be retained when isolated from other vegetation. Occasional (approximately one per acre) standing dead trees (snags) that are well-space from other vegetation and which will not fall on buildings or structures or on roadways/driveways may be retained.
4. Within the Reduced Fuel Zone, one of the following fuel treatments (4a. or 4b.) shall be implemented. Properties with greater fire hazards will require greater clearing treatments. Combinations of the methods may be acceptable under §1299(c) as long as the intent of these guidelines is met.

#### 4a. Reduced Fuel Zone: Fuel Separation

In conjunction with General Guidelines 1., 2., and 3., above, minimum clearance between fuels surrounding each building or structure will range from 4 feet to 40 feet in all directions, both horizontally and vertically.

Clearance distances between vegetation will depend on the slope, vegetation size, vegetation type (brush, grass, trees), and other fuel characteristics (fuel compaction, chemical content etc.). Properties with greater fire hazards will require greater separation

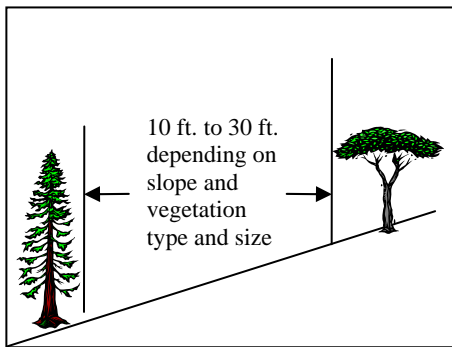
between fuels. For example, properties on steep slopes having large sized vegetation will require greater spacing between individual trees and bushes (see Plant Spacing Guidelines and Case Examples below). Groups of vegetation (numerous plants growing together less than 10 feet in total foliage width) may be treated as a single plant. For example, three individual manzanita plants growing together with a total foliage width of eight feet can be “grouped” and considered as one plant and spaced according to the Plant Spacing Guidelines in this document.



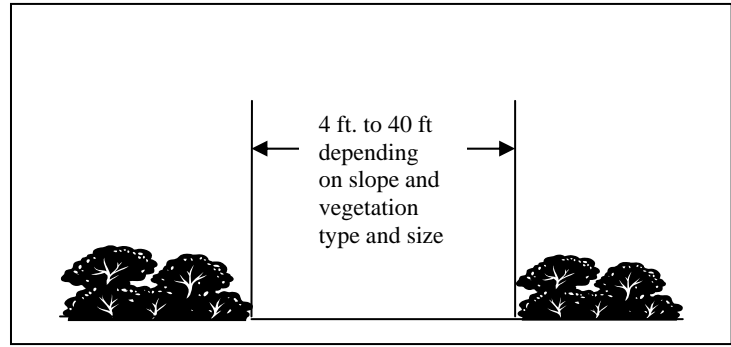
Grass generally should not exceed 4 inches in height. However, homeowners may keep grass and other forbs less than 18 inches in height above the ground when these grasses are isolated from other fuels or where necessary to stabilize the soil and prevent erosion.

Clearance requirements include:

- Horizontal clearance between aerial fuels, such as the outside edge of the tree crowns or high brush. Horizontal clearance helps stop the spread of fire from one fuel to the next.



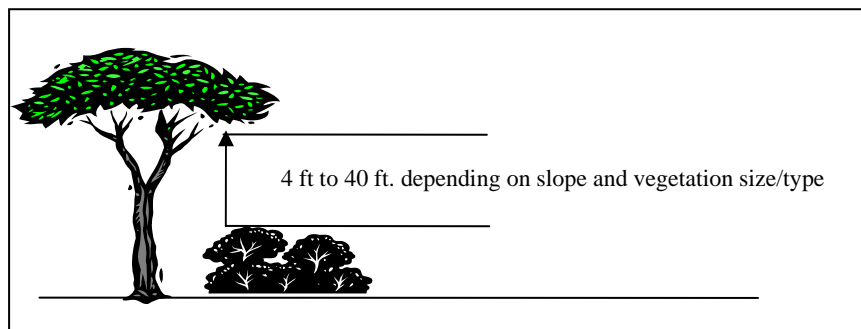
Trees



Shrubs

*Horizontal clearance between aerial fuels*

- Vertical clearance between lower limbs of aerial fuels and the nearest surface fuels and grass/weeds. Vertical clearance removes *ladder fuels* and helps prevent a fire from moving from the shorter fuels to the taller fuels.



*Vertical clearance between aerial fuels*



*Effective vertical and horizontal fuel separation*  
*Photo Courtesy*  
*Plumas Fire Safe Council.*

### Plant Spacing Guidelines

Guidelines are designed to break the continuity of fuels and be used as a “rule of thumb” for achieving compliance with Regulation 14 CCR 1299.

Trees	Minimum horizontal space from edge of one tree canopy to the edge of the next	
	Slope	Spacing
	0% to 20 %	10 feet
	20% to 40%	20 feet
	Greater than 40%	30 feet
Shrubs	Minimum horizontal space between edges of shrub	
	Slope	Spacing
	0% to 20 %	2 times the height of the shrub
	20% to 40%	4 times the height of the shrub
	Greater than 40%	6 times the height of the shrub
Vertical Space	Minimum vertical space between top of shrub and bottom of lower tree branches: 3 times the height of the shrub	

*Adapted from: Gilmer, M. 1994. California Wildfire Landscaping*

### **Case Example of Fuel Separation: Sierra Nevada conifer forests**

Conifer forests intermixed with rural housing present a hazardous fire situation. Dense vegetation, long fire seasons, and ample ignition sources related to human access and lightning, makes this home vulnerable to wildfires. This home is located on gentle slopes (less than 20%), and is surrounded by large mature tree overstory and intermixed small to medium size brush (three to four feet in height).

Application of the guideline under 4a. would result in horizontal spacing between large tree branches of 10 feet; removal of many of the smaller trees to create vertical space between large trees and smaller trees and horizontal spacing between brush of six to eight feet (calculated by using 2 times the height of brush).



**Case Example of Fuel Separation: Southern California chaparral**

Mature, dense and continuous chaparral brush fields on steep slopes found in Southern California represents one of the most hazardous fuel situations in the United States. Chaparral grows in an unbroken sea of dense vegetation creating a fuel-rich path which spreads fire rapidly. Chaparral shrubs burn hot and produce tall flames. From the flames come burning embers which can ignite homes and plants. (Gilmer, 1994). All these factors results in a setting where aggressive defensible space clearing requirements are necessary.



Steep slopes (greater than 40%) and tall, old brush (greater than 7 feet tall), need significant modification. These settings require aggressive clearing to create defensible space, and would require maximum spacing. Application of the guidelines would result in 42 feet horizontal spacing (calculated as 6 times the height of the brush) between retained groups of chaparral.

**Case Example of Fuel Separation: Oak Woodlands**

Oak woodlands, the combination of oak trees and other hardwood tree species with a continuous grass ground cover, are found on more than 10 million acres in California. Wildfire in this setting is very common, with fire behavior dominated by rapid spread through burning grass.

Given a setting of moderate slopes (between 20% and 40%), wide spacing between trees, and continuous dense grass, treatment of the grass is the primary fuel reduction concern. Property owners using these guidelines would cut grass to a maximum 4 inches in height, remove the clippings, and consider creating 20 feet spacing between trees.





#### 4b. Reduced Fuel Zone: Defensible Space with Continuous Tree Canopy

To achieve defensible space while retaining a stand of larger trees with a continuous tree canopy apply the following treatments:

- Generally, remove all surface fuels greater than 4 inches in height. Single specimens of trees or other vegetation may be retained provided they are well-spaced, well-pruned, and create a condition that avoids spread of fire to other vegetation or to a building or structure.
- Remove lower limbs of trees (“prune”) to at least 6 feet up to 15 feet (or the lower 1/3 branches for small trees). Properties with greater fire hazards, such as steeper slopes or more severe fire danger, will require pruning heights in the upper end of this range.



*Defensible Space retaining continuous trees*



*Photo Courtesy Plumas Fire Safe Council.*



*Defensible space with continuous tree canopy by clearing understory and pruning*

*Authority cited: Section 4102, 4291, 4125-4128.5, Public Resource Code. Reference: 4291, Public Resource Code; 14 CCR 1299 (d).*

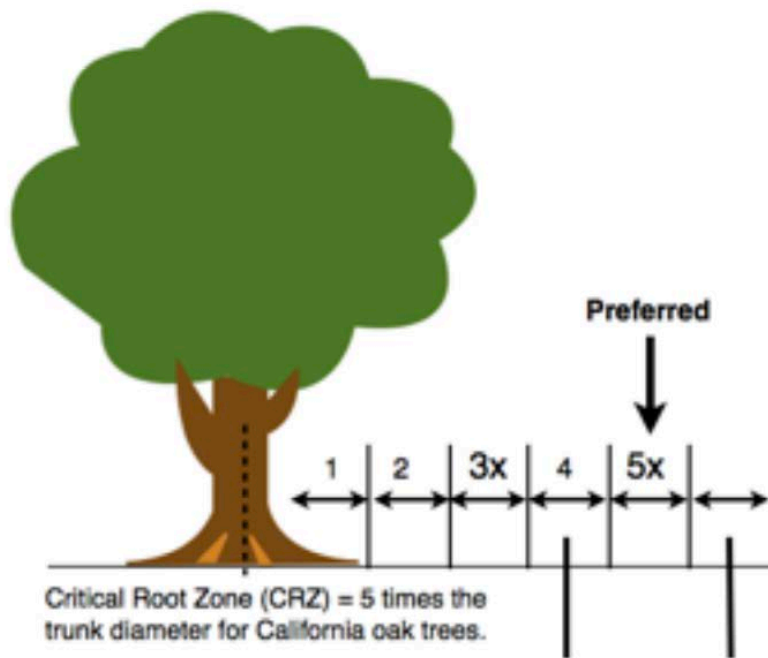
To the Department of Regional Planning:

As a retired arborist and landscape planner who worked for many years throughout California, I was encouraged to learn that the County's SEA Ordinance has attempted to establish native tree protections. Other parts of the SEA Ordinance were commented upon extensively, whereas this appears to have been added only recently. As such, I would like to comment on the management of encroachments.

You state that encroachment of more than 30% should be treated as a removal, without acknowledging that the location and type of encroachment are the most important factors, not a total percentage amount. I could encroach in about 5% of the protected zone of the tree by digging a trench around the trunk and kill the tree. Conversely, half of the protected zone could already be paved, and "encroachment" as you have defined it would have no marginal impact at all.

My concern with your approach (apart from complaints from landowners observing that their neighbors' trees encroached to a far greater extent are doing just fine) is that you are departing fairly significantly from the literature in something that is going to be interpreted as a matter of law. As it concerns encroachment of the root zone, the important thing is typically that it occurs on a single side and that it does not occur within the "critical root zone," which is defined as a distance out to 3 or (preferably) 5 times the trunk diameter. The City of La Canada Flintridge recently enacted Tree Protection guidelines that reflect this, defining the critical root zone between 2.5 and 3.5x the trunk diameter: <https://docs.google.com/a/lcf.ca.gov/viewer?a=v&pid=sites&srcid=bGNmLmNhLmdvdxjaXR5LW9mLWxhLWNhbmFkYS1mbGludHJpZGdlLXNpdGV8Z3g6N2MxZGU5OWE4MGI5ZDQ1OQ>.

This guidance is documented in the literature in (Smiley, E.T., B.R. Fraedrich, N. Hendrickson, and G. Percival. 2007. "Tree Risk Management (2nd Edition)." FA Bartlett Tree Expert Company, Inc.), using a ratio of 3x the trunk diameter, and (Costello, L., Hagan, B., Jones, K. 2011. "Oaks in the Urban Landscape: Selection Care and Preservation". University of California Press), attributing a higher ratio of 5x as preferred. A figure from that latter reference is included below:



I would formulate criteria for removal as follows:

“Any marginal encroachment within a “critical root zone” extending out to five times the trunk diameter at breast height, or in more than two adjacent quadrants of the protected zone, shall be treated as a removal.” That would be at most about 35% of the protected zone of a typical tree, but you’re qualifying that the encroachment should be on a single side and that it should not encroach on the critical root zone where the structural core of the tree extends out and downwards.

I also find it confusing to have one criterion in which you reference the protected zone and another in which you reference the dripline. First, this is a bad idea. There are some asymmetric trees for which the dripline is entirely on one side of the trunk. You could encroach all the way up into the critical root zone and not violate the law as written, but you would be encroaching in more than 30% of the protected zone, since this is defined as the lesser of the dripline and 15 feet. There’s a reason to have both of these criteria together.

I would suggest you abandon the dripline criterion (i.e. 4 trees can encroach into 10% or less of the dripline) and instead define this lower amount of impact as being encroachment into a single quadrant of the protected zone, beyond the critical root zone. This could be no more than about 15-20% of the protected zone, which may be 10-15% of the dripline in a more typical symmetric tree, close to the



amount that you have proposed. Because roots typically extend out beyond the dripline by as much as a factor of twice the radius of the dripline, limiting the radial swath of encroachment is more important. If you want to define a “minor” encroachment that you tolerate in a greater number of trees, this is a better way to do so.

Please consider this more sensible approach, and at any rate reach out to professional arborists to provide feedback.

Sincerely,

John Davis

International Society of Arboriculture Board Certified Master Arborist (retired)

**United States Department of the Interior****U.S. FISH AND WILDLIFE SERVICE**

Ecological Services  
Carlsbad Fish and Wildlife Office  
2177 Salk Avenue, Suite 250  
Carlsbad, California 92008



In Reply Refer To:  
FWS-LA-18B0173-18CPA0314

September 11, 2018  
*Sent by Email*

Iris Chi  
Regional Planner  
Department of Regional Planning – Los Angeles County  
320 West Temple Street  
Los Angeles, California 90012

Subject: Significant Ecological Areas Ordinance Amendment, Los Angeles County, California

Dear Ms. Chi:

The U.S. Fish and Wildlife Service (Service) has reviewed Los Angeles County's (County) proposed Significant Ecological Areas (SEA) Ordinance Amendment, dated March 14, 2018. Our comments are based on the information provided in the amendment, our knowledge of sensitive and declining vegetation communities, and our participation in regional conservation planning efforts.

The primary concern and mandate of the Service is the protection of public fish and wildlife resources and their habitats for the benefit of the American people. The Service has legal responsibility for the welfare of migratory birds, anadromous fish, and threatened and endangered animals and plants occurring in the United States. The Service is also responsible for administering the Federal Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*), including habitat conservation plans (HCP) developed under section 10(a)(1)(B) of the Act.

SEAs are areas where the County deems it important to facilitate a balance between development and biological resource conservation. The SEA Ordinance implements the goals and policies of the County's General Plan by establishing permitting requirements, design standards, and review processes for development within SEAs. The goal of the SEA Ordinance is to guide development to the least impactful areas on a property in order to avoid adverse impacts to biological resources.

The development standards are consistent with our recommendations to conserve biological resources in the County. For example, the SEA Ordinance Amendment states "for land division projects, at least 75 percent of the net area of the development site shall be required preserved open space." This amendment is consistent with our mission of protecting public fish and wildlife resources and their habitats for the benefit of the American people. If implemented, the amendment could streamline our review of projects where permits and consultation may be needed under the Act. We also support the revised definition of development to focus on impacts to habitat and vegetation rather than on specific land uses. We look forward to working with the County on projects that impact Category 1 resources and require a SEA Conditional Use Permit, including those projects which impact habitat for federally listed species.

We appreciate the County's efforts to conserve, protect and enhance natural resources. The SEA Ordinance Amendment is an improvement over the existing ordinance to further those efforts, and we support its approval.

If you have any questions regarding this letter, please contact Colleen Draguesku of this office at (760) 431-9440, extension 241.

Sincerely,

Karen A. Goebel  
Assistant Field Supervisor

cc:

Christopher Diel, U.S. Fish and Wildlife Service  
Erinn Wilson, California Department of Fish and Wildlife

**ADDENDUM TO THE  
CERTIFIED FINAL ENVIRONMENTAL IMPACT REPORT (EIR)  
FOR THE  
LOS ANGELES COUNTY GENERAL PLAN UPDATE  
STATE CLEARINGHOUSE NO. 2011081042**

The Los Angeles County General Plan Update (“General Plan”) was adopted by the Board of Supervisors on October 6, 2015. The General Plan provides the policy framework and establishes the long-range vision for how and where the unincorporated area will grow, and establishes goals, policies, and programs to foster healthy, livable, and sustainable communities.

The Conceptual SEAs Update is an amendment to the General Plan to remove all text references to “Conceptual SEAs” and amend the Significant Ecological Areas and Coastal Resource Areas Policy Map (Figure 9.3) to designate the Altadena Foothills and Arroyos and the Puente Hills “Conceptual SEAs” as official “SEAs” and subject to the SEA Ordinance.

Section 15164 of the California Environmental Quality Act authorizes Lead Agencies to prepare an Addendum to a previously Certified EIR if changes or additions to the document are necessary and none of the conditions described in Section 15162 are present.

Section 15162 of the CEQA guidelines states:

*(a) When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:*

*(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;*

*(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or*

*(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:*

*(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;*

*(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;*

*(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or*

*(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.*

*(b) If changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency shall prepare a subsequent EIR if required under subdivision (a). Otherwise the lead agency shall determine whether to prepare a subsequent negative declaration, an addendum, or no further documentation.*

*(c) Once a project has been approved, the lead agency's role in project approval is completed, unless further discretionary approval on that project is required. Information appearing after an approval does not require reopening of that approval. If after the project is approved, any of the conditions described in subdivision (a) occurs, a subsequent EIR or negative declaration shall only be prepared by the public agency which grants the next discretionary approval for the project, if any. In this situation no other responsible agency shall grant an approval for the project until the subsequent EIR has been certified or subsequent negative declaration adopted.*

*(d) A subsequent EIR or subsequent negative declaration shall be given the same notice and public review as required under Section 15087 or Section 15072. A subsequent EIR or negative declaration shall state where the previous document is available and can be reviewed.*

The Department of Regional Planning has determined that none of the conditions described in Section 15162 are present. No major revisions of the Certified EIR are required as no new significant environmental effects have been identified, nor has a substantial increase in the severity of previously identified significant effects been identified, nor have any substantial changes occurred with respect to the circumstances under which the project was undertaken.

The project does not propose to change the impacts previously analyzed within the Certified EIR. The proposed amendments to the General Plan are consistent

with the Certified EIR analyses. The Certified EIR did not make any specific mention of Conceptual SEAs or analyze the Conceptual SEAs in a different manner from the other SEAs. The Certified EIR fully analyzed the areas categorized as Conceptual SEAs as the Altadena Foothills and Arroyos and Puente Hills SEAs that was proposed in the General Plan Update. A Modified Environmental Checklist Form (Initial Study) was not created for this project nor was a subsequent EIR pursuant to Section 15162 prepared since there are no potential project impacts that would require revisions to the Certified Final EIR.

Therefore, an Addendum to the Certified Final EIR for the General Plan Update, adopted on October 6, 2015, was prepared in compliance with Section 15164 of the CEQA Guidelines. The Certified Final EIR for the General Plan Update can be found at <http://planning.lacounty.gov/generalplan/eir>.

Section 15164 of the CEQA Guidelines states:

*(a) The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.*

*(b) An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.*

*(c) An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration.*

*(d) The decision-making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project.*

*(e) A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.*



# Los Angeles County Department of Regional Planning

*Planning for the Challenges Ahead*



**Amy J. Bodek, AICP**  
Director

**Dennis Slavin**  
Chief Deputy Director

September 20, 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**

Staff is submitting additional materials for the above-mentioned item in addition to the courtesy package and staff report package submitted to the Commission on August 23 and September 13, 2018. This supplemental package contains:

- Minor correction to the SEA Ordinance - Public Hearing Draft
- Additional public comment letters (Attachment A), and
- Response to Comments on Public Review Draft (Attachment B).

#### Minor correction to the SEA Ordinance

A minor correction needs to be made to the SEA ordinance marked as Attachment C in the staff report package (submitted September 13, 2018). In the development standard for Land Divisions, the word “and” was accidentally omitted in the first sentence. Please see below for the correction (shown as highlighted).



- 22.102.090.E.3 - SEA Development Standards (page 35)

3. *Land Divisions.* All land division projects shall be required to preserve at least 75 percent of the original undivided parcels as natural open space and shall not exceed a maximum development footprint of 25 percent of the project site. Development areas shall be designed in one contiguous location and result in the largest, intact blocks of habitat with the lowest perimeter to area ratio, to the maximum extent feasible.

~~4a. *Large Lot Parcel Map.* Large lot parcel maps for sale, lease, finance financing, or transfer purposes, shall demonstrate that all resulting parcels have reasonable potential for future development that meets the standards for Ministerial SEA Review per~~ Section 22.102.090 (SEA Development Standards), (e.g. adequate areas of SEA Resource Categories 4 and/or 5, setback from water resources, 75 percent open space, clustered development) based on the original undivided parcels.

~~3b. *Land Divisions.* Land divisions shall not exceed a maximum disturbed developed area of 25 percent of the project site. Development areas shall be designed in one contiguous location and result in the largest, intact blocks of habitat with the lowest perimeter to area ratio, to the maximum extent feasible.~~

#### Additional public comment letters

Attachment A contains the additional public comment letters received since the staff report package was submitted to the Commission.

#### Response to Comments on Public Review Draft

During the public comment period from March 14 to May 31, 2018, staff received comment letters on the Public Review Draft of the SEA Ordinance and Implementation Guide. Please see Attachment B to see how comments were addressed.

Regional Planning Commission  
SEA Program Update  
Additional Materials

Should you have any questions regarding any of the hearing materials submitted to the Commission, 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 – Additional public comments letters
- B – Response to Comments on Public Review Draft



September 19, 2018

Iris Chi  
Department of Regional Planning  
County of Los Angeles  
320 W. Temple Street  
Los Angeles, CA 90012.

Subject: The Acton Town Council Comments on the Draft SEA Ordinance.

Reference: The Regional Planning Commission Hearing on Agenda Item #5 Scheduled for September 26, 2018

Dear Ms. Chi;

The Acton Town Council is aware that the Draft SEA Ordinance and associated "alternative" are scheduled for hearing before the Regional Planning Commission ("RPC") next week (September 26) and we are concerned that this action will proceed *prior* to convening the Community Workshop that was promised by the Department of Regional Planning ("DRP") to the Community of Acton to discuss unresolved concerns such as the implications of the SEA Ordinance for farming operations and non-residential uses that are critically essential (such as the hauled water operations upon which both Acton and Agua Dulce rely). As proof of these prior commitments, please consider the emails provided in Attachment 1. We are equally concerned that DRP has not responded to any of the recent requests submitted by Acton community members regarding the scope and extent of the proposed alternative to the draft SEA Ordinance and we cannot fathom why this is so. Finally, we are concerned that the "record" compiled for the recent activities undertaken pursuant to the SEA Ordinance/alternative does not reflect the extensive conversations, discussions, and meetings between DRP and the Acton Town Council that occurred throughout the Spring and Summer of 2018. For instance, we have found no:

- Summary or discussion of all the public comments provided to DRP staff during public meetings in Acton;
- Mention of the content and extent of lengthy discussions between DRP staff and Town Council representatives during the community tour that occurred in May, 2018;

- Indication of the discussion that Acton Town Council member Jacqueline Ayer had with you in late July regarding the SEA Ordinance "Alternative" in which it was conveyed that it was likely the Community would not object to the alternative other than the omission of private inholdings within the Angeles National Forest ("ANF") from the SFR exemption as long as other concerns (i.e. hauled water implications) could be clarified; or
- Indication of any consideration of, or response to, the Community's request for a deeper understanding of the implication of the SEA Ordinance for Acton water haulers.

The Acton Town Council has striven to support DRP's efforts in developing the SEA Ordinance; toward this end, we have requested information that would permit us to consider the draft Ordinance alternative in a positive light. For instance, we have asked why the SEA Ordinance alternative omits approximately 60 privately owned parcels within the ANF from the SFR exemption. We have pointed out that most of these parcels are already developed, are not in a stream channel, and have none of the biological resources cited in the Santa Clara River Biological Resource Assessment report prepared for the County General Plan by PCR. A review of the DRP GIS system indicates that these parcels are not critical for providing wildlife corridors, and those few parcels that have a small stream channel are already protected by development restrictions which preclude construction in stream channels, so such areas cannot be developed for any purpose anyway. The Acton Town Council can only conclude that the omission of ANF inholdings from the SFR exemption is justified by some reason other than the protection of streams, water channels, and biological resources, however DRP has provided absolutely no insight regarding what such justification could be. There is no record evidence showing that the biological resource protection goals and objectives embodied in adopted planning documents (such as the County General Plan or the AV "Town & Country" Plan) will not be met if these 60 or so parcels are included in the SFR exemption clause. Indeed, the record shows the opposite to be true because these parcels are surrounded by thousands of acres of dedicated and untouched open space where wildlife already roam freely and unimpeded. There is no record evidence whatsoever which proves or even suggests that biological resource protection objectives will not be met if the SFR exemption is applied to the few private inholdings within Acton, so the RPC lacks any basis to conclude otherwise.

These circumstances have now converged and they compel the Acton Town Council to comment on a Draft SEA Ordinance/Alternative without a factual understanding of why it exempts only parcels in Acton that lie outside the ANF and absent insight regarding its implication on essential community services. The Acton Town Council is willing and eager to work with DRP to reach a consensus on these issues in a manner that will permit us to support the SEA Ordinance alternative; however, at this time we cannot do so. Given this, the Acton Town Council has no choice but to oppose the SEA Ordinance alternative due to a conspicuous lack of information necessary to garner our support. Our opposition is founded on the irrefutable fact that the Draft SEA Ordinance alternative does not comport

with the restrictions that were adopted by the Board of Supervisors when it approved the Antelope Valley Area Plan (see Board Motion provided in Attachment 2). On this basis alone, the RPC cannot ~~not~~ approve the SEA Ordinance alternative.

The Acton Town Council stands ready to discuss these matters with DRP staff and continues to seek the public workshop that we were promised would be convened before the ordinance was submitted to RPC for consideration. Please do not hesitate to contact the Acton Town Council regarding the concerns enumerated herein at [atc@actontowncouncil.org](mailto:atc@actontowncouncil.org).

Sincerely,

/S/ Tom Costan

Tom Costan, President  
The Acton Town Council

cc: Kathryn Barger – Los Angeles County 5<sup>th</sup> District Supervisor [kathryn@bos.lacounty.gov]  
Donna Termeer – Field Deputy to Supervisor Barger [DTermeer@bos.lacounty.gov]

## **ATTACHMENT 1**

**EMAILS ADDRESSING DRP'S COMMITMENT  
TO CONVENE A COMMUNITY WORKSHOP IN ACTON  
REGARDING THE SEA ORDINANCE**

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SGMA & WELL...

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AAD Library

AADUSD (3)

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Action/Agua Dulce

Re: SEA Workshop dates

Acton Town Council <atc@actontowncouncil.org>

to Iris

Aug 16

Reply

I believe the 4th - Afternoon preferred.

Tom

On Thu, Aug 16, 2018 at 1:54 PM, Iris Chi <lchi@planning.lacounty.gov> wrote:

Hi Tom,

Unfortunately we have a mandatory training we need to attend on 9/6. What was the alternative date that the town council said will work?

Thanks,

Iris

From: Acton Town Council <atc@actontowncouncil.org>

Sent: Thursday, August 16, 2018 12:57 PM

To: Iris Chi <lchi@planning.lacounty.gov>

Subject: SEA Workshop dates

Dear Ms. Chi,

The preferred date and time would be the 6th in the afternoon. Alternatively, the consensus is that either of those dates will work.

Please remind me the of date the comment period ends in September.

Sincerely,

Tom Costan

Acton Town Council

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SEA Workshop dates

Acton Town Council <atc@actontowncouncil.org>

to Iris

Aug 16

Reply

Dear Ms. Chi,

The preferred date and time would be the 6th in the afternoon. Alternatively, the consensus is that either of those dates will work.

Please remind me the of date the comment period ends in September.

Sincerely,

Tom Costan

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Accessory Dwellings

Acton/Aqua Dulce...

Re: SEA

4) Ordinances/SEA

Jacki Ayer

<airspecial@aol.com>

to tom, me

Aug 13

Reply

I can make either of those dates work - we are back in town and I am sitting down to the ATC mail box right now!

JA

-----Original Message-----  
 From: Tom Costan <tom@quality-visual.com>  
 To: 'Jacki Ayer' <airspecial@aol.com>  
 Sent: Mon, Aug 6, 2018 2:40 pm  
 Subject: SEA

Hi Jacki,

Iris Chi has September 4&5, and the following week available for our workshop. Is there a date that that works for you? I'd like to nail this down tonight if possible. Also boundary mods are on the table as an alternative.

<http://planning.lacounty.gov/site/sea/category/updates/>

Tom

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5) Development (1...

AAD Library

AADUSD (3)

Accessory Dwellings

Acton/Aqua Dulce...

Setting up workshop for SEA ordinance

4) Ordinances/SEA

Iris Chi

<Chi@planning.lacounty.gov>

to me

Jul 25

Reply

Good morning,

We would like to schedule a workshop with the Acton Town Council to talk about an alternative option for AV exemptions. We will be sending out an email to everyone on our email list today introducing an alternative option for the AV exemptions and asking for feedback. The public comment period will be for 2 weeks and just on this specific topic. Please let me know available dates and times for the next couple of weeks that work for the town council.

Thank you,

Iris

**IRIS CHI, AICP | Planner**  
 Environmental Planning and Sustainability  
 Los Angeles County Department of Regional Planning  
 320 W. Temple Street, 13<sup>th</sup> Floor | Los Angeles, CA 90012  
 213.674.6400 | <http://planning.lacounty.gov> | [ichi@planning.lacounty.gov](mailto:ichi@planning.lacounty.gov)

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## **ATTACHMENT 2**

**CONDITION IMPOSED WHEN THE BOARD OF  
SUPERVISORS ADOPTED THE ANTELOPE VALLEY  
"TOWN & COUNTRY PLAN (RELEVANT PORTIONS  
WITH WHICH THE DRAFT SEA ORDINANCE  
ALTERNATIVE DOES NOT COMPLY  
ARE HIGHLIGHTED)**

MOTION BY SUPERVISOR MICHAEL D. ANTONOVICH

NOVEMBER 12, 2014

The existing Antelope Valley Area Plan was adopted by the Board of Supervisors on December 4, 1986 and had a "horizon year" of 2000. Thus, there was a need to update the Area Plan to reflect various changes in development patterns and projected growth in the Antelope Valley. Through the hard work of the Town Councils, Antelope Valley Area Plan Blue Ribbon Committee and the Department of Regional Planning, we were able to achieve an appropriate balance between economic growth and development, the preservation of important environmental resources and the protecting unique rural character of the Antelope Valley.

I, THEREFORE, MOVE that the Board of Supervisors:

1. Close the public hearing.
2. Certify that it has reviewed and considered the environmental information in the Final EIR; certify that the Final EIR has been completed in accordance with the California Environmental Quality Act and the State and County CEQA Guidelines and reflects the independent judgment of the Board as to the environmental consequences of the proposed Project; adopt the Findings of Fact and Statement of Overriding Considerations prepared for the Project.
3. Indicate the intent to approve the proposed Area Plan (Advance Planning No. Zoning Code Amendments (Advance Planning No. 2014-00009), as recommended by the Regional Planning Commission (RPC), with the following additional changes:
  - a. Add a provision that ensures that if a conflict exists between the Antelope Valley Area Plan and any new or existing Significant Ecological Area (SEA) ordinance, the provisions in the Antelope Valley Area Plan shall control.

- M O R E -

MOTION

MOLINA \_\_\_\_\_

RIDLEY-THOMAS \_\_\_\_\_

YAROSLAVSKY \_\_\_\_\_

ANTONOVICH \_\_\_\_\_

KNABE \_\_\_\_\_

- b. Adjust the Significant Ecological Area (SEA) designation within the East and Central Economic Opportunity Areas (EOA) to the boundaries which generally align with the existing adopted SEAs and do not include any additional SEA expansion in the EOAs. Also remove the SEA designation from the RL-1, CR and IL in the West EOA as depicted on the attached map.
- c. When any project in the West EOA proceeds with a Specific Plan, pursuant to Government Code sections 65359 and 65450 through 65457, a plan amendment will not be required as long as the proposed development is consistent with the Antelope Valley Area Plan.
- d. Within the west EOA, the SEA overlay/designation shall apply only to the portion of the parcel or lot that are indicated as SEAs in the Land Use Policy Map (Map 2.1) of this Area Plan. If a portion of such a lot has an SEA overlay/designation, only that portion of the lot shall be subject to the SEA regulations, not the entire lot notwithstanding section 22.56.215 of the Los Angeles County Code.
- e. Delete Community Plan requirement from the Central and East EOAs in the AVAP.
- f. Make zoning consistent with the adopted Land Use Policy Map in the west EOA by changing A 2-10 to RPD to allow the appropriate density in that area; and RPD zoning be allowed to convert uses to CPD if the densities within the EOA remain the same.
- g. Delete the policy and process outlined in Chapter 8-Implementation calling for a review of the SEA in the Antelope Valley every two years.
- h. Add a definition for "legal lot" within the Plan, and include how any lot brought into compliance with the Subdivision Map Act after the Plan effective date, will be subject to the zoning requirements in effect at the time of lot creation. Define a "legal lot" as including "any lot that would otherwise currently qualify for a conditional certificate of compliance wherein the conditions imposed therein shall not include a requirement for compliance with the new land use/and or zoning designations imposed by this Area Plan."

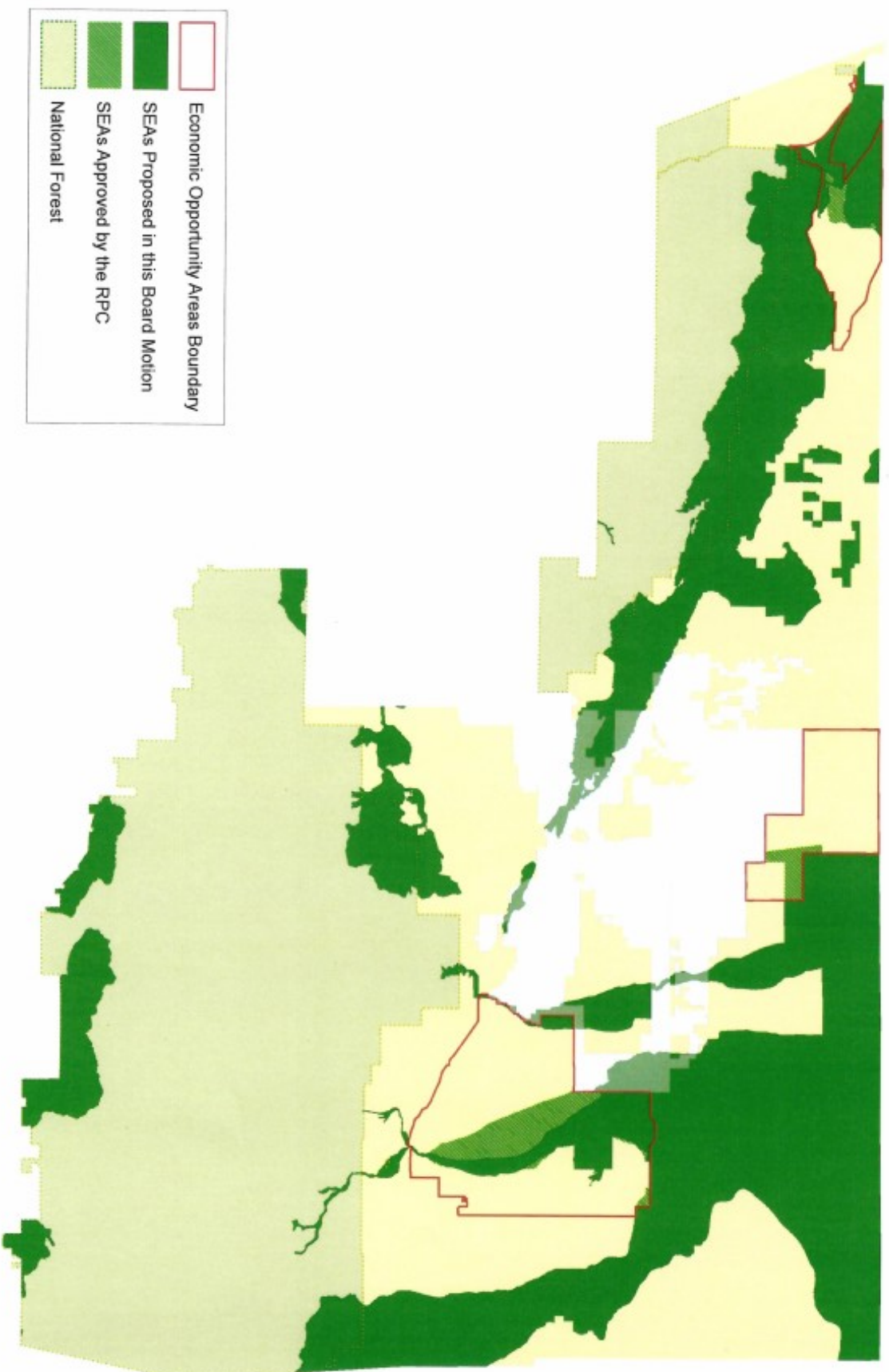
- M O R E -



- i. Delete the definition of Master-Planned development reference on page I-8.
- j. Change Land Use Policy 5.1 to state: "Ensure that development is consistent with the Sustainable Communities Strategy adopted in 2012, an element of the Regional Transportation Plan developed by the Southern California Association of Governments."
- k. Change Land Use Policy 2.2 to state: "Limit the amount of potential development within Scenic Resource Areas, including water features, significant ridgelines, and Hillside Management Areas, through appropriate land use designations, as indicated in the Land Use Policy Map (Map 2.1) of this Area Plan."
- l. Modify AVAP policies and map to delete conflicting language that restricts growth in the EOA's. The proposed Area Plan should be clarified to exclude from EOAs the applicability of other proposed policies limiting development, including Policies LU 2.2 and COS 5.2 (Scenic Resource Areas), LU 2.3 (Agricultural Resource Areas), LU 2.5 and COS 16.1 (riparian areas, groundwater recharge basins, and vegetated areas), Policy 2.6 (proximity to National Forests), LU 3.1 (seismic areas), LU 3.3 (fire hazard zones currently lacking proximate fire response services), LU 3.4, COS 4.5 and COS 19.1 (Hillside Management Areas), LU 3.5 (landslide and liquefaction areas), LU 3.6 (airport influence areas). Additionally, remove the Rural Preserve Area map designation from the EOAs.
- m. Change land use designation and zoning of existing C-3 portions of APN 3083-001-057 and APN 3036-024-903 from RL10 and A-2-2, to CR and C-RU.
- n. Change the land use designation and zoning of APN 3054-020-011 from RL1 and A-1-1 to IL and M-1-DP.
- o. Prohibit ground mounted utility-scale renewable energy projects in all SEA and EOA designated areas in the Antelope Valley Area Plan.
- p. Exempt from the SEA Ordinance single family residences and their accessory structures and animal keeping areas and facilities located within the boundaries of the Antelope Valley Area Plan.

- q. Exempt from the SEA Ordinance all previously disturbed farmland located within the boundaries of the Antelope Valley Area Plan.
  - r. Exempt from the SEA Ordinance minor subdivisions located within the boundaries of the Antelope Valley Area Plan.
  - s. Exempt from the SEA Ordinance the rebuilding and replacement of structures destroyed in a catastrophic event.
  - t. Direct Regional Planning to incorporate this Antelope Valley Area Plan as modified and adopted into the Countywide General Plan Update currently being prepared.
  - u. Direct Regional Planning to meet and work with Antelope Valley based farmers and the Los Angeles County Farm Bureau members to properly identify and define Agricultural Resource Areas.
4. Instruct County Counsel to prepare the final documents and ordinance for the Area Plan Update and bring them back to the Board for your consideration.

# # #





To: Ms. Patricia Hachiya and  
Ms. Iris Chi:

September 16, 2018

Subject: SEA Ordinance Alternative Option

The Antelope Acres Town Council would like to submit our comments regarding the SEA Alternative Option offered by Planning that removes most exemptions of the Antelope Valley Area Plan SEAs and supports conversion and inclusion of the Conceptual SEA designations. Our Council appreciates the opportunity to comment on this important issue.

Approval of the Alternative Option would beneficially apply SEA Ordinance consistency and fairness across the county with regard to Significant Ecological Areas. The Antelope Valley Area Plan SEAs are just as valuable as others in the County and deserve equal application of the Ordinance. Implementation of the Ordinance would protect valuable habitats and wildlife corridors to the greatest extent possible while still allowing reasonable development to SEA designated land and to conservation areas. County sanctuaries, public trust lands, riparian and watershed areas and other natural resources will likely increase viability and function of both designations. There are many social and cultural services provided by healthy functioning ecosystems such as scenic views, opportunities for recreation, tourism, culture, art and design.

The continued ability of our local ecosystems to provide services and biodiversity that we enjoy in Los Angeles County now depends on ensuring adequate protections for the resources themselves, many of which are concentrated within and adjacent to SEAs (see Implementation Guide, page 16).

The Antelope Acres Town Council supports the Alternative Option Motion which was recommended at the September 16<sup>th</sup> Regional Planning Commission Hearing.

Thank you for your consideration.

Virginia Stout  
President,  
Antelope Acres Town Council

Cc: Merrylou Nelson  
Irwin Pascual  
Julie Schuder  
Wendie Murphy

# ENDANGERED HABITATS LEAGUE

DEDICATED TO ECOSYSTEM PROTECTION AND SUSTAINABLE LAND USE



September 19, 2018

*VIA ELECTRONIC MAIL*

David W. Louie, Chair  
Los Angeles County Regional Planning Commission  
320 W. Temple Street, 13<sup>th</sup> Floor  
Los Angeles, CA 90012

Environmental Planning & Sustainability Section  
Los Angeles County Department of Regional Planning  
320 W. Temple Street, Room 1354  
Los Angeles, CA 90012

**RE: Item 5; Project No. 2017-003725-(1-5); Significant Ecological Areas (SEA)  
Program Update; Hearing Date, Sept. 26, 2018 — *SUPPORT***

Dear Chairperson Louie and Members of the Commission:

Endangered Habitats League (EHL) and the undersigned organizations *support* the adoption of this ordinance, as revised on Sept. 13, 2018. EHL is a Southern California regional conservation group which has been actively engaged in the SEA process. *This letter is also sent on behalf of Palos Verdes/South Bay Audubon Society, Hills for Everyone, Climate Resolve, Natural Resources Defense Council, The Trust for Public Land, Los Angeles Audubon Society, Audubon California, The Urban Wildlands Group, California Native Plant Society, and Western Alliance for Nature.*

We believe that years of thoughtful effort and stakeholder outreach have yielded a sound accomplishment. The essence of this accomplishment is to successfully combine project streamlining with the scientific principles of conservation biology. Indeed, a ministerial process can supersede the need for SEA Conditional Use Permits, which, with their many ambiguities, were the mainstay of the old ordinance. Compliance with the Development Standards now serves as an incentive for applicants.

Construction of single-family homes on legal lots and new subdivisions of land will all benefit. Clear, up-front, and biologically based requirements for amount and configuration of natural open space, as well as standardized mitigation ratios, will ensure that the goal of the ordinance—protection of precious SEA resources during development—will actually be met. As noted by the U.S. Fish and Wildlife Service, these development standards will also simplify any necessary federal permitting.

Staff has wisely put in place a consultative process for the *early* identification of biological constraints, so that applicants' time and money is not wasted. And a well-illustrated Implementation Guide provides detailed guidance for compliance.

To make the SEA update effort complete, we strongly support two other components:

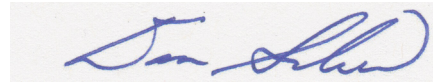
1. Adopting the Alternative Option for reduced SEA exemptions in the Antelope Valley, and
2. The re-designation of Conceptual SEAs to regular SEA.

We are gratified by the outpouring of community support for both of these important changes.

Over the years, numerous improvements have been made, from night lighting to permit findings. While EHL could suggest additional improvements, a threshold has been crossed, and the time has come to adopt and move forward.

Thank you for considering our views.

Yours truly,



Dan Silver  
Executive Director

Jess Morton  
*Treasurer*  
Palos Verdes/South Bay Audubon Society

Claire Schlotterbeck  
*Executive Director*  
Hills for Everyone

Jonathan Parfrey  
*Executive Director*  
Climate Resolve

Sara Wan  
*Executive Director*  
Western Alliance for Nature

Damon Nagami  
*Senior Attorney*  
Natural Resources Defense Council

Travis Longcore  
*Science Director*  
The Urban Wildlands Group

Travis Longcore  
*Director & Past President*  
Los Angeles Audubon Society

Tori Kjer  
*Los Angeles Program Director*  
The Trust for Public Land

Nick Jensen  
*Southern California Conservation Analyst*  
California Native Plant Society

Garry George  
*Renewable Energy Director*  
Audubon California

## Iris Chi

---

**From:** Evi Meyer <evimeyer@cox.net>  
**Sent:** Wednesday, September 19, 2018 12:24 PM  
**To:** DRP SEA  
**Subject:** Significant Ecological Areas (Item 6d, Aug. 6, 2014) – SUPPORT

September 18, 2018

David Louie, Chair  
Regional Planning Commission  
320 West Temple St., 13th Floor  
Los Angeles, CA 90012

**RE: Item 5, September 26, 2018; Project No. 2017-003725-(1-5); Significant Ecological Areas (SEA) Program Update—*SUPPORT***

Dear Chairperson Louis and Members of the Commission:

I *support* the adoption of this ordinance, as revised on Sept. 13, 2018. Years of thoughtful effort and stakeholder outreach have yielded a sound accomplishment. The essence of this accomplishment is to successfully combine major project streamlining with the scientific principles of conservation biology.

Clear and up-front requirements for amount and configuration of natural open space, as well as standardized mitigation ratios, will ensure that the goal of the ordinance – protection of precious SEA resources during development – will actually be met.

I also commend the early consultative process for identification of biological constraints, so that applicants' time and money is not wasted. And a well-illustrated Implementation Guide provides detailed guidance for compliance.

To make the SEA update effort complete, we strongly support two other components:

1. Adopting the Alternative Option for reduced SEA exemptions in the Antelope Valley.
2. The re-designation of Conceptual SEAs to regular SEA.

Time has come to adopt and move forward.

Thank you for considering my views.

Sincerely,

Evi Meyer  
448 Via Almar  
Palos Verdes Estates, CA 90274

## Iris Chi

---

**From:** Hannah Walchak <hannah@escondidocreek.org>  
**Sent:** Tuesday, September 18, 2018 10:54 AM  
**To:** Rosie Ruiz; DRP SEA  
**Subject:** Significant Ecological Areas (Item 6d, Aug. 6, 2014) – SUPPORT

September 18, 2018

David Louie, Chair  
Regional Planning Commission  
[320 West Temple St., 13th Floor](#)  
Los Angeles, CA 90012

**RE: Item 5, September 26, 2018; Project No. 2017-003725-(1-5); Significant Ecological Areas (SEA) Program Update—SUPPORT**

Dear Chairperson Louis and Members of the Commission:

In my capacity as land manager of almost 3,000 acres of protected land in the Escondido Creek watershed, I *support* the adoption of this ordinance, as revised on Sept. 13, 2018. Years of thoughtful effort and stakeholder outreach have yielded a sound accomplishment. The essence of this accomplishment is to successfully combine major project streamlining with the scientific principles of conservation biology.

Clear and up-front requirements for amount and configuration of natural open space, as well as standardized mitigation ratios, will ensure that the goal of the ordinance – protection of precious SEA resources during development – will actually be met.

I also commend the early consultative process for identification of biological constraints, so that applicants' time and money is not wasted. And a well-illustrated Implementation Guide provides detailed guidance for compliance.

To make the SEA update effort complete, I strongly support two other components:

1. Adopting the Alternative Option for reduced SEA exemptions in the Antelope Valley.
2. The re-designation of Conceptual SEAs to regular SEA.

Time has come to adopt and move forward.

Thank you for considering my views.

Sincerely,

Hannah Walchak

--

*Hannah Walchak*  
*Conservation Land Manager*  
[\(847\) 460-8809](#)  
*The Escondido Creek Conservancy*  
*120 W Grand Ave, Suite 202*

Escondido, CA 92025

<http://secure->

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**Iris Chi**

---

**From:** Dave and/or Sandy <trubereans@gmail.com>  
**Sent:** Monday, September 17, 2018 7:09 PM  
**To:** Patricia Hachiya; Iris Chi  
**Cc:** DRP SEA; ZAHNTER, Sue  
**Subject:** SEA Ordinance Update, Alternative Option

**Importance:** High

DATE: September 17<sup>th</sup>, 2018

TO: Ms. Patricia Hachiya, AICP, [phachiya@planning.lacounty.gov](mailto:phachiya@planning.lacounty.gov)  
Ms. Iris Chi, AICP, [ichi@planning.lacounty.gov](mailto:ichi@planning.lacounty.gov)  
[sea@planning.lacounty.gov](mailto:sea@planning.lacounty.gov)

FROM: David & Sandra McCrae, [TruBereans@gmail.com](mailto:TruBereans@gmail.com)

SUBJECT: SEA Ordinance Update, Alternative Option

**SUPPORT FOR SEA ORDINANCE ALTERNATIVE OPTION**

Approval of the Alternative Option would beneficially apply SEA Ordinance consistency and fairness across the county with regard to Significant Ecological Areas. The Antelope Valley Area Plan SEAs are just as valuable as others in the County, and deserve equal application of the ordinance. Implementation of the Ordinance would protect valuable habitats and wildlife corridors to the greatest extent possible while still allowing reasonable development. SEA designated land—adjacent to conservation areas, County sanctuaries, public trust lands, riparian and watershed areas, and other natural resources, will likely increase viability and function of both designations. Please remember: “There are also many social and cultural services provided by healthy, functioning ecosystems, such as scenic views and opportunities for recreation, tourism, culture, art, and design. The continued ability of [all] our local ecosystems to provide the ecosystem services and biodiversity that we enjoy in LA County today depends in large part on ensuring adequate protections for the resources themselves, many of which are concentrated *within* and *adjacent* to SEAs” (Implementation Guide, 16).

I support the Alternative Option Motion recommended in the September 26<sup>th</sup> Regional Planning Commission Hearing documents:

“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” (Page 9, Staff Report, Sept. 13, 2018).

## Iris Chi

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**From:** richard zahnter <threepointsmach@yahoo.com>  
**Sent:** Sunday, September 16, 2018 3:09 PM  
**To:** Patricia Hachiya; Iris Chi; DRP SEA  
**Subject:** SEA Ordinance Alternative Option

DATE: September 17<sup>th</sup>, 2018

TO: Ms. Patricia Hachiya, AICP, [phachiya@planning.lacounty.gov](mailto:phachiya@planning.lacounty.gov)  
Ms. Iris Chi, AICP, [ichi@planning.lacounty.gov](mailto:ichi@planning.lacounty.gov)  
[sea@planning.lacounty.gov](mailto:sea@planning.lacounty.gov)

FROM: Richard Zahnter  
P.O. Box 786 46834 266th st west  
Lake Hughes, CA 93532  
661-724-2043

SUBJECT: SEA Ordinance Update, Alternative Option

### SUPPORT FOR SEA ORDINANCE ALTERNATIVE OPTION

Approval of the Alternative Option would beneficially apply SEA Ordinance consistency and fairness across the county with regard to Significant Ecological Areas. The Antelope Valley Area Plan SEAs are just as valuable as others in the County, and deserve equal application of the ordinance. Implementation of the Ordinance would protect valuable habitats and wildlife corridors to the greatest extent possible while still allowing reasonable development. SEA designated land—adjacent to conservation areas, County sanctuaries, public trust lands, riparian and watershed areas, and other natural resources, will likely increase viability and function of both designations. Please remember: “There are also many social and cultural services provided by healthy, functioning ecosystems, such as scenic views and opportunities for recreation, tourism, culture, art, and design. The continued ability of [all] our local ecosystems to provide the ecosystem services and biodiversity that we enjoy in LA County today depends in large part on ensuring adequate protections for the resources themselves, many of which are concentrated *within* and *adjacent* to SEAs” (Implementation Guide, 16).

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Three Points-Liebre Mountain Town Council  
P.O. Box 76  
Lake Hughes, CA 93532  
[3pointsliebremountain@gmail.com](mailto:3pointsliebremountain@gmail.com)  
661.724.2043

14 September 2018

SENT VIA EMAIL

Ms. Patricia Hachiya, AICP  
Ms. Iris Chi, AICP  
Environmental Planning and Sustainability  
Los Angeles County Department of Regional Planning  
320 West Temple Street  
Los Angeles, Los Angeles, CA 90012  
[sea@planning.lacounty.gov](mailto:sea@planning.lacounty.gov)  
[phachiya@planning.lacounty.gov](mailto:phachiya@planning.lacounty.gov)  
[ichi@planning.lacounty.gov](mailto:ichi@planning.lacounty.gov)  
213.974.6461

Dear Ms. Hachiya and Ms. Chi,

Subject: SEA Program Update, Conceptual SEAs; Project No. 201700373, Permit No. RPPL2018003985,  
Permit No. RPPL20176228

Our town council appreciates the opportunity to provide comments and input to the Significant Ecological Area (SEA) Ordinance, since virtually our entire community is encompassed by the San Andreas SEA 17. As part of our mission from the time of our council formation, we endeavor to preserve, to the greatest extent possible, the natural communities that surround our residents. Our community possesses an incredible array of habitats, biological resources, and biodiversity “Hot Spots,” found nowhere else in the County, at the convergence of the Tehachapi, Transverse, and San Gabriel mountain ranges. We consider ourselves extremely fortunate to enjoy this amazing diversity—oak and pine forests, chaparral, wildflower fields, riparian habitats, and wildlife that inhabit SEA 17 and the adjoining Angeles National Forest (ANF). Our constituents support our council's intent to preserve our rural lifestyle, as well as the natural environment that is so much a part of how we live, which is under serious threat from development pressures. Our own very low density “remote” “Rural Preserve Area” of Three Points (Antelope Valley Area Plan, Introduction, I-8), and our sister communities in the Western Antelope Valley, face proposed large infrastructure projects, the master-planned city of Centennial and its subsequent sprawl (directly adjacent to our “remote” area), industrial-scale renewable energy, illegal ANF activities, and ongoing water availability issues. Impacts such as these threaten the viability of our SEAs. We have viewed the SEA Ordinance as desirable and reasonable in its function as a guide to development, as an enhancement to our own Draft Community Standards document, and recognize its value in providing connection and protection of adjoining natural open-space, sanctuaries, private and publicly held conservation lands, and preserved lands such as the previously mentioned ANF, as well as the California Poppy Reserve—included in the SEA 17.

It is of utmost importance to consider the long-term effects of the Antelope Valley SEA exemption. Should Single Family Residences (SFRs), Economic Opportunity Areas (EOAs), and agricultural clearing be exempt from any sort of review, it would be considered “death by a thousand cuts”—piecemeal destruction of SEA designations across a majority of the County. The largest portion of SEA lands fall under the aegis of the Antelope Valley Area Plan and its

exemption, which surprisingly includes SEAs as far south and east as Alta Dena (SEA 2); San Dimas Canyon, San Antonio Wash (SEA 18); San Gabriel Canyon (SEA 19); and west to Santa Susanna Mountains and Simi Hills (SEA 23). It is not difficult to determine development pressures will continue in these areas of Los Angeles County, which is why it is imperative that SEA designations include the Conceptual SEAs, and that all SFRs, EOAs, and agricultural activities be subject to the Ordinance to the extent of the Alternative Option. We fully promote Regional Planning and the Commission proactively engaging with regard to guiding development and respecting the value of SEAs by supporting approval of the Alternative Option offered, despite its exemption of a generous portion of the Santa Clara River SEA 20. Imposing the Ordinance across the County assures fairness and consistency to those who wish to build in these special areas, and also upholds the “Guiding Principles” that recognize importance of biodiversity—that it is passed on to future generations; provides for reduction of fragmentation, maximizes preservation; and preserves connectivity and functionality,” and also seeks to “ensure the continuation of natural ecosystem services that improve quality of life for all who live in Los Angeles County.” Furthermore, arguments that Antelope Valley lands will become “valueless” are mistaken. To the contrary, one need only look at natural landscapes adjacent to high-density urban and suburban development, like the Santa Monica Mountains SEA 22 to determine their intrinsic value to the residents of the County who are fortunate enough to reside or visit there, and recognize their need to be protected to the greatest extent possible.

The Implementation Guide states, “The continued ability of our local ecosystems to provide the ecosystem services and biodiversity that we enjoy in LA County today depends in large part on ensuring adequate protections for the resources themselves, many of which are concentrated within and adjacent to SEAs.” In order to ensure “adequate protections” our Town Council respectfully requests that Regional Planning approve the Alternative Option, remove the exemption of Antelope Valley Area Plan's SEAs from review for SFRs, EOAs, and agricultural activities, with which all other parts of Los Angeles County must comply, and whose SEAs provide improved quality of life, cultural benefits, special hazards protections, and enjoyment through protection of natural resources via the SEA Ordinance and its implementation.

Sincerely,



Susan Zahnter  
President

Copy to: 5<sup>th</sup> District Supervisor Kathryn Barger; Planning Deputy Chris Perry; Senior Field Deputy Donna Termeer;  
Assistant Field Deputy Charles Bostwick

Tri-County Watchdogs  
P.O. Box 6407  
Pine Mountain Club, CA 93222

14 September 2018

SENT VIA EMAIL

Ms. Patricia Hachiya, AICP  
Ms. Iris Chi, AICP  
Environmental Planning and Sustainability  
Los Angeles County Department of Regional Planning  
320 West Temple Street  
Los Angeles, Los Angeles, CA 90012  
[sea@planning.lacounty.gov](mailto:sea@planning.lacounty.gov)  
[ichi@planning.lacounty.gov](mailto:ichi@planning.lacounty.gov)  
[phachiya@planning.lacounty.gov](mailto:phachiya@planning.lacounty.gov)  
213.974.6461

Dear Ms. Hachiya and Ms. Chi,

Subject: SEA Program Update, Conceptual SEAs; Project No. 201700373, Permit No. RPPL2018003985,  
Permit No. RPPL20176228

The Tri-County Watchdogs is a 501(c)3 non-profit grassroots organization that focuses on promoting responsible growth in the Mountain Communities where Kern, Los Angeles and Ventura Counties meet. Our mission is to protect natural and cultural resources, promote ecotourism and encourage responsible growth. We respect and support our cultural and historical heritage, and we promote reasonable protections to our sensitive natural environments.

We are currently troubled by the long shadow of approaching sprawl. Proposed master-planned communities and infrastructure projects provoke deep concern regarding the sustainability of our local finite water supplies as well as the increasing insults to our air quality and biological resources via traffic and development activities. For these reasons, our organization believes it is important to respond to the Significant Ecological Area (SEA) Ordinance and its Alternative Option.

It is our understanding that the Antelope Valley Area Plan (AVAP) places an exemption on development of Single Family Residences (SFRs) and certain agricultural activities in SEAs. Our Los Angeles County community of Gorman, situated east of the Interstate 5 freeway and north of SR 138, is in the San Andreas SEAs 16 and 17. It is an area of tremendous wildflower views, riparian habitats, grasslands, and oak forests, all of which are facing threat from hundreds of homes now proposed in the immediate area. This threat stems from the recent Planning Commission approval of the Centennial Specific Plan, which not only itself allows homes north and west of Quail Lake but appears to have inspired Gorman Post Ranch investors to revive a dormant application to build 333 homes near by.

This is our first example of potential sprawl created by the Centennial project, which occupies similarly sensitive and biologically valuable lands. It is easy to expect continued interest in developing the Gorman area because of its close proximity to Centennial. The weakening of SEA protections therefore constitutes a serious threat to the community's rural character, as well as to the viability of the northern portion of the San Andreas SEA.

Many SEAs are comprised of areas that are limited to low density development due to their presence in “Special Management Areas” that the AVAP identifies as at risk due to Seismic Zones, Flood Zones, Very High Fire Hazard Severity Zones, and because they lack public resources like water availability, and other services and infrastructure. Gorman is bordered on the north and east by Land Use designation RL 20—low density minimum lot size, contains Open-space Conservation lands, as well as Bureau of Land Management Open-space land, all within SEA 17, which the AVAP describes as beneficial because “[SEAs] provide habitat for regionally significant biological species while simultaneously providing scenic value to residents . . . Development in these areas should be limited to single family homes at very low densities” (AVAP, Introduction, Ch. 1, 1-2; tnc\_map 2-1 west 20150601.pdf).

However, our concern is not limited to our own northwestern portion of Los Angeles County. Additional protections in SEAs are needed not only here but in SEAs across the whole county. We therefore support the SEA Ordinance Alternative Option, which will eliminate the exemptions in the AVAP for Single Family Residences and agricultural activities, except in portions of the Santa Clara River SEA 20. We support the conversion of “Conceptual SEAs” to fully fledged SEAs, something that is supported also by residents and organizations similar to ours in the areas along the southeastern border of the AVAP. There is no reason that SEAs in the Antelope Valley and areas governed by the AVAP should be treated any differently than they are in the rest of Los Angeles County. We concur that “The continued ability of our local ecosystems to provide the ecosystems services and biodiversity that we enjoy in LA County today depends in large part on ensuring adequate protections for the resources themselves, many of which are concentrated within and adjacent to SEAs” (Implementation Guide, Ch. 3, Design, SEA Resources, 16).

In conclusion, in order to continue “adequate protections” the Tri-County Watchdogs urges the Regional Planning Commission to approve the SEA Alternative Option and to remove the exemption of Antelope Valley Area Plan's SEAs from review for SFRs, Economic Opportunity Areas, and agricultural activities, with which all other parts of Los Angeles County must comply. Please ensure that all Los Angeles County SEAs provide improved quality of life, cultural benefits, special hazards protections, and enjoyment through protection of natural resources through the SEA Ordinance and its implementation.

Sincerely,

Terry Kelling, President, Tri-County Watchdogs

CC: 5<sup>th</sup> District Supervisor Kathryn Barger; Planning Deputy Chris Perry; Senior Field Deputy Donna Termeer;  
Assistant Field Deputy Charles Boswick





Section in Public REVIEW Draft Ordinance	Comment	Commenter	Revisions made in the Public HEARING Draft. In this column, "Ordinance" refers to the SEA Ordinance (Public Hearing Draft). "Guide" refers to the SEA Implementation Guide (Public Hearing Draft).
<b>Section 1 in Public REVIEW Draft (March 2018)</b>			
<b>Division 2</b>	Definitions should use the same wording as in Purpose (22.102.010), including wildlife corridor, connectivity, feed, cover and nesting habitat.	Antelope Acres TC	No action. Comment is unclear and more clarification is needed.
<b>22.102.010 (Purpose) in Public REVIEW Draft (March 2018)</b>			
	<p>The definition is unclear. What does connectivity to regional natural resources mean? How does providing additional technical review reduce effects of habitat fragmentation in order to protect the biodiversity and unique resources of SEAs? How can development sustain connectivity and conserve biological diversity and habitat quality at the same time?</p> <p>Directing development be designed in a manner which considers impacts to SEA resources is a very vague statement. Impacts noticed or taken into account gives a variety of choices to developers to use a SEA by preservation of other land not within the same location.</p> <p>SEAs are already fragmented, developed, about to be redeveloped, rezoned or destroyed by roads, solar facilities or man made amenities to support human population. (Example: contiguous or corner touching property lines that create donut hole divisions as in annexed city boundaries.)</p>	Antelope Acres TC	No action. Connectivity to regional natural resources means connecting SEAs to preserved open spaces like National Forest, preserves, water resources, etc. Technical review allows staff to guide development in the least impactful location and require sensitive design guidelines. By doing this technical review prior to project application, development has a chance to conserve connectivity and biodiversity when built.
<b>A</b>	We suggest that the description of unique resources on page 3 include “unique geological formations”. While this was part of the original SEA definition and it is clearly mentioned later in the ordinance, we believe it would be beneficial to also list it in this section.	SCOPE	"unique geological formations" added to Ordinance. "Geological features" was also added to the glossary of the Guide.
<b>B</b>	<p>We suggest the language in CAPS be added:</p> <p>B. Ensuring that projects reduce the effects of habitat fragmentation AND EDGE EFFECTS by providing additional technical review of existing resources, potential impacts and required mitigations.</p>	Hills For Everyone	"Edge effects" was added to the Ordinance in purpose and definition sections. "Edge effects" was also added to the glossary of the Guide.
<b>D</b>	By considering impacts to development to be designed makes the purpose of SEAs insignificant. This is a vague, broad statement that only gives notice to impacts. Impacts should be eliminated.	Antelope Acres TC	Added "and avoids" to the sentence in this section. "And avoids" was also added to Chapter 5 of the Guide, under "Purpose of SEA Ordinance" (page 61).
<b>D</b>	<p>delete "considers", add "avoids"</p> <p>Justification – the best way for the County to protect the Sensitive Ecological Areas is to avoid impacts to them during development design.</p>	CNPS & CBD	Kept "considers" but added "and avoids" to the sentence in this section. "And avoids" was also added to Chapter 5 of the Guide, under "Purpose of SEA Ordinance" (page 61).
<b>22.102.020 (Definitions) in Public REVIEW Draft (March 2018)</b>			
<b>B</b>	This draft definition requires that developments in an SEA would have to work with a biologist on the SEATAC Certified Biologist List. Applicants should not be limited to the SEATAC list. Many of the biologists our members work with are well qualified and are familiar with the specific development that, often times, they have been working on over several years. If this suggestion were to be adopted we would request that references to the “SEATAC Certified Biologist List” be taken out from the entirety of the ordinance.	BIA	No action. All biologists are welcome to apply to be on the SEATAC certified list. Process is available on our website. <a href="http://planning.lacounty.gov/agenda/seatac">http://planning.lacounty.gov/agenda/seatac</a>
<b>D</b>	If it is “proposed” what is the meaning of the wording “is developed”? A limit of 20,000 sq. ft. building site should include NO exemptions.	Antelope Acres TC	No action. "Is developed" can mean an established development seeking to make additions. The exemptions for the 20,000 sq. ft building site area are required infrastructure and improvements associated with development. It allows projects to possibly receive a ministerial review while meeting infrastructure requirements.

<b>D</b>	Recommends adding a condition to issue a permit to construct driveways only when concurrent with the construction of the associated residence or other primary structure.	NPS	Added "associated with the primary use" to clarify when the exclusions are acceptable. The definition for Building Site Area (BSA) was moved as a subsection of Definition K (Development footprint) in the Ordinance to show that the 2 terms are related. In the Guide, BSA was moved to Chapter 2 and a graphic (page 14) was included to show the comparison between Development Footprint and BSA.
<b>D.1</b>	Excluded developments total up significantly. Why is it excluded in the site area? Please give a reason if this is for a specific master planned community.	Antelope Acres TC	No action. The exemptions for the 20,000 sq. ft building site area are required infrastructure and improvements associated with development. It allows projects to possibly receive a ministerial review while meeting infrastructure requirements. Impacts caused by excluded infrastructures will be evaluated and must comply with development standards.
<b>D.3</b>	Requirements for LA Co Fire Department should be included and totaled to all grading.	Antelope Acres TC	No action. The exemptions for the 20,000 sq. ft building site area are required infrastructure and improvements associated with development. It allows projects to possibly receive a ministerial review while meeting infrastructure requirements. Impacts caused by excluded infrastructures will be evaluated and must comply with development standards.
<b>D.3</b>	Change "Turnaround" to "turn-around"	Caltrans	Changed to "turn-around" in the Ordinance and Guide.
<b>D.4</b>	Remove this line. Justification – The fuel modification zone should not be excluded from the total building site area. Fuel modification can be a big impact on the local resources, particularly for small projects. Fuel modification may involve the clearance of native plants from 100 to 300 feet around every structure on the site. The yearly clearance of vegetation effectively eliminates all annual and perennial native herbaceous plants. Also, pruning in successive years, of native shrubs and small trees often results in the death of those plants. What remains on sites where fuel modification has occurred are non-native plants, particularly weedy grasses. Additionally, these areas suffer from higher rates of soil erosion, as the matrix of native shrubs and trees that typically hold slopes in place is no longer intact. Fuel modification zones need to be included in the development footprint. Indeed, the same section, J. 1, defines Development as “Alteration to existing vegetation, including but not limited to vegetation removal for fuel modification,...” (at pg. 5 emphasis added), and in K. ““Development footprint” means the area of disturbance for development, including but not limited to, all structures, driveways and access, fuel modification areas...” (at pg. 6 emphasis added). We support inclusion of the “fuel modification” in the development footprint.	CNPS & CBD	No action. Fuel mod zone is included in the definition of development footprint. Fuel Mod Zones are excluded from building site area as it is required hazard mitigation associated with development. It allows projects to possibly receive a ministerial review while meeting infrastructure requirements. Impacts caused by excluded infrastructures will be evaluated and must comply with development standards.
<b>E</b>	Please add in perpetuity to the statement “restrictions to permanently limit”.	Antelope Acres TC	No action since "permanently" and "in perpetuity" are interchangeable terms.
<b>F</b>	The number of “habitat or species credit” is similar to “carbon credits”, The numbers here are for living creatures and their habitat that sustain all of us. Mitigation must remain in the same area, not credited to another geographical location.	Antelope Acres TC	Adding clarifying language to 22.102.100.D.2 in the Ordinance to say mitigation shall be within or contiguous with same SEA.
<b>F</b>	Use "project developers" or "developers", such that it is consistent with section G.	Caltrans	Change to "project developers" in the Ordinance and in Chapter 8 of the Guide.

<b>F &amp; G</b>	<p>“Conservation or Mitigation Bank” and “Conservation in lieu fee” need to be defined more precisely. Mitigation banking and in lieu fee options should be expanded to be a programmatic component of SEA implementation and management. This program should include ongoing tracking, reporting, and enforcement components. Without these, offsite mitigation has a high likelihood of failure and is therefore a threat to the very resources it is intended to protect.</p> <p>Ratios of replacement vegetation should be commensurate with those recommended by resource management agencies, especially California Department of Fish and Wildlife. Special plants and habitat types should minimally have a 4:1 ratio, with old growth habitats including chaparral compensated at a ratio of 10:1. More common species within an SEA should minimally be mitigated at a 2:1 ratio.</p> <p>Banking, mitigation, deed restrictions, and in lieu fee projects should regularly be reported at the regional level using GIS mapping. These should include the annual publication of a .kmz (or similar easily viewable file format) showing the properties covered, photo-documentation of management actions, and survey results. This tracking should be incorporated into SEA programmatic planning and mapping components, and should be administered by dedicated County Regional Planning staff whose primary responsibilities is to insure that all agreements are upheld and executed as required.</p> <p>Any and all mitigation must require like-for-like components for compensation. Soils, slope, topography, aspect, range, growing conditions, and habitat type must all match between development and mitigation sites. All must be within the same watershed and SEA.</p>	CNPS & CBD	<p>Added clarifying language to 22.102.100.D.2 in the Ordinance and Guide (page 78) to ensure that all off-site preservation occurs within or contiguous with same SEA as the development.</p> <p>Guidance for off-site preservation, including conservation and mitigation banks and in-lieu fees, is provided in chapter 8 of the Guide. Any off-site preservation is only allowed through a discretionary review process (SEA CUP), through which proposed mitigation will be reviewed by the Staff Biologist to ensure that it is appropriate and adequate.</p> <p>Development impacting state or federally protected resources are subject to both requirements of the management agencies and the County. The applicant will be required to meet whichever ratio is most protective of the resource.</p> <p>We are working on setting up a tracking and reporting system for preserved open space in SEAs (and County-wide). This will be part of the monitoring component of the SEA program.</p>
<b>G</b>	These fees must be used for mitigation in the same area.	Antelope Acres TC	Added clarifying language to 22.102.100.D.2 in the Ordinance and Guide (page 78) to ensure that all off-site preservation occurs within or contiguous with same SEA as the development.
<b>J</b>	<p>For clarity, we would like the inclusion of language that points out that the “following activities” under the SEA “Development” definition excludes exempted developments under Section 22.102.040 of the ordinance. This would eliminate any confusion related to what is exempted and not subject to this section or definition. Accordingly, BIA requests that §22.102.20 (J) be revised to read (requested change underlined):</p> <p>J. “Development” means any of the following activities within an SEA, unless otherwise exempt under Section 22.102.040</p>	BIA	No action. Exemptions may still be considered development but will not be subject to the SEA ordinance.
<b>J</b>	Please add the following words (from Roget’s Thesaurus). Development is outgrowth, consequence, change and expansion. The word alteration is a simplified explanation of a permanent modification.	Antelope Acres TC	No action since the words have similar definitions.
<b>J</b>	<p>This Section describes several activities considered as development and states. “Development” means any of the following activities within an SEA”</p> <p>CDFW recommends that groundwater extraction be considered a type of development for the purposes of the Ordinance. Changes in groundwater can effect surface water and soil moisture availability and associated wildlife and botanical resources that depend on these resources.</p>	CDFW	No action. Any new groundwater extraction requiring vegetation disturbance or grading will be considered development. Under discretionary SEA CUP, biologists can evaluate any apparent biological impacts from groundwater extraction.
<b>J.4</b>	should also include cell towers. It is thought that electromagnetic fields from cell towers may affect birds. Their construction during nesting season, particularly in an SEA, should not be allowed.	SCOPE	No action. Cell towers are covered by I.5 (Development). Construction during nesting season will require nesting bird survey and avoidance of nests if found.
<b>J.4</b>	<p>SCE also requests that Section 22.102.020(J)(4) (Definition of Development) be modified for clarity to exclude electrical power transmission and distribution lines owned or operated by publicly regulated utilities.</p> <p>4. Construction, placement, modification, expansion, or demolition of any infrastructure, including but not limited to, water and sewerage lines, drainage facilities, telephone lines, and electrical power transmission and distribution lines (<b>excluding publicly regulated utilities</b>), including all associated construction staging;</p>	SoCal Edison	No action or changes to language. PCN certificate, order, rule will supersede County zoning code. Any activity under a PCN certificate, order, rule is already exempt from this ordinance.
<b>J.4 &amp; J.5</b>	Specify difference between "structure" and "infrastructure" or perhaps combine section 4 & 5	Caltrans	No action. Section 22.102.020.I.4 in the Ordinance provides examples of infrastructure.
<b>J.6</b>	<p>This Section defines fencing as “areas used for livestock or companion animals including riding rings, kennels, paddocks, and grazing lands;”</p> <p>CDFW recommends that the definition of fencing include areas fenced for security reasons include but not be limited to: airports; prisons; large estates; agricultural croplands; resorts; mines; reservoirs; aqua ducts; public recreation facilities; etc.</p>	CDFW	Added "or for security purposes" to I.6 in the Ordinance.

<b>J.7</b>	County describes “Land Divisions” as a development activity. This should also be excluded from the definition of development since land division in and of itself is not development.	BIA	No action. Land divisions is considered development activity since the developer has a choice on how to draw the lot lines. The divided lots can be developed with least impact to biological resources by requiring a Ministerial SEA Review. For additional information, refer to the development standard on Large Lot Parcel Map in Section 22.102.090.D.3.a.
<b>K</b>	Is this the permittable 20,000 square feet of a single building? What is the maximum amount of disturbance allowed that does not count into the development footprint? Would this be considered as “barefootprint”?	Antelope Acres TC	<p>No action. 20,000 sq. ft is not the development footprint but the building site area. For all disturbance is part of dev footprint but there are exclusions that will not count as part of the 20,000 sq. ft building site area calculated to see if the development is able to receive a Ministerial SEA Review.</p> <p>The definition for Building Site Area (BSA) was moved as a subsection of Definition K (Development footprint) in the Ordinance to show that the 2 terms are related. In the Guide, BSA was moved to Chapter 2 and a graphic (page 14) was included to show the comparison between Development Footprint and BSA.</p>
<b>K</b>	Note that this definition also conflicts with Definition D. Please note 22.102.080 SEA Development Standards that separate SEAs into categories of allowable disturbance and the prescribed mitigations for each type of disturbance.		The definition for Building Site Area (BSA) was moved as a subsection of Definition K (Development footprint) in the Public Hearing Draft to show that the 2 terms are related. In the Guide, BSA was moved to Chapter 2 and a graphic (page 14) was included to show the comparison between Development Footprint and BSA.
<b>K</b>	we suggest that the definition of Development Footprint should include temporary impact areas, such as exploratory testing, as well as the disturbed areas already listed.	CNPS SG Mountains	Added "both permanent and temporary" to definition of Development Footprint.
<b>N</b>	Place comma between "fertile soil" and "scenic views"	Caltrans	Added comma
<b>P</b>	Woodland must include a culmination of all seven types of features.	Antelope Acres TC	Remove Formation types from Definitions since it is no longer referred in the Ordinance. Created a new definition for Geological Features (Definition S) in the Ordinance that includes beaches, dunes, rock outcrops, and rocklands. Created standalone definitions for Stream (Definition FF) and Wetland (Definition JJ).
<b>P.3</b>	While we recognize that native grasslands can be a component of the formation defined as herbland, because native grasslands are a rare plant community. Los Angeles County still has some of the best and largest native grasslands remaining in California. Therefore it is prudent to identify a unique category for Native Grasslands.	CNPS & CBD	Added a new definition for Native Grassland in the Guide.
<b>P.6 &amp; P.7</b>	While the 6. Addresses streams and 7. addresses Wetlands and references the Army Corps of Engineers Wetland Delineation Manual, these wetlands and waters issues are also subject to waters of the State, through the 401 Certification and Wetlands Program and the Lake and Streambed Alteration process. In order to accurately document the episodic streams on development sites we recommend that surveyors employ the Mapping Episodic Stream Activity (MESA) protocols developed by CDFW and the California Energy Commission. The SEA ordinance needs to reference and include California’s implementation of the Clean Water Act and the Lake and Streambed Program	CNPS & CBD	Revised definitions per guidance from SEATAC and CDFW. Included a reference to MESA in the Guide Glossary for definition of Stream. Included clarifying language in the Guide in Chapter 4 (page37). All development projects are also subject to permitting requirements of state and federal agencies.

P.7	<p>This section describes “Formation Types” to define generalized structures of a stand of vegetation or physical feature. Wetland is defined as a Formation Type that is “An area of land that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, with determinations following guidelines defined in the Corps of Engineers Wetland Delineation Manual.”</p> <p>In order for the Ordinance to be more inclusive of biological resource protection in the predominately arid regions of the subject coverage area, <b>CDFW recommends that the Ordinance follow the wetland determinations guidelines defined in the Unitized States Fish and Wildlife Service (USFW) Classification of Wetlands and Deepwater Habitats of the United States (Cowardin, 1979).</b> For purposes of this classification, a wetland must satisfy one or more of the following three wetland indicator parameters: (1) at least periodically, the land supports predominantly hydrophytes; (2) the substrate is predominantly undrained hydric soil; and (3) the substrate is nonsoil and is saturated with water or covered by shallow water at some time during the growing season of each year. Wetland determinations defined under the Corps of Engineers Wetland Delineation Manual must satisfy all three of the above wetland indicator parameters (vegetation, soils, and hydrology) to qualify as a wetland. The Corps of Engineers wetland delineation standard will potentially limit the recognition and protection of wetlands and associated biological resource value in the SEAs covered under the Ordinance.</p>	CDFW	Revised definition of "Wetland" in Ordinance and Guide (page 37 and Glossary).
Q	The definition must include the reference to habitat disturbance also, not only vegetative.	Antelope Acres TC	Changed "vegetation" to "natural habitat" in Ordinance and Guide. Definition of "Fragmentation" was added to the Guide Glossary.
R	<p>This section states that “habitat type” is generally referred to as vegetation type “as defined by standard references, such as Holland (1988) or Sawyer et al (2009).” CDFW asks that this be rewritten to “as defined by the state’s standard known as the Survey of California Vegetation (SCV), which is available on the California Department of Fish and Wildlife website.”</p> <p>CDFW no longer supports the use of the Holland classification. Instead, in 2007 the Legislature directed CDFW to develop a vegetation classification and mapping standard for California based on data-driven, defensible definitions of vegetation types. The standard presents membership rules for vegetation types so they are clearly defined and understood by all users. The Manual of California Vegetation, second edition, (Sawyer et al. 2009) presented the state of the standard classification in 2009. However, much more of California has been classified and analyzed, and updates will now be published on the CDFW website in the form of lists (<a href="https://www.wildlife.ca.gov/Data/VegCAMP">https://www.wildlife.ca.gov/Data/VegCAMP</a>) and CNPS website (as the Online Manual of California Vegetation). The vegetation types of Los Angeles are fairly well documented, at least at the Alliance level, and so biologists need not rely on outdated Holland types.</p>	CDFW	Removed "Habitat Type" definition from Ordinance since the SEA CUP mitigation ratios were restructured and is no longer determined by habitat and formation types.
T	Is this definition the same as “wildlife corridor” Does it mean the same thing?	Antelope Acres TC	No action. "Linkage" includes area of land that allows for plant species to move between areas. Linkage also includes narrower areas or pathways that wouldn’t necessarily support movement for bigger species. "Wildlife Corridor" pertains to the movement of wildlife (Definition LL).
U	22.102.020 Definitions. U. “Natural Community” definition (at pg.8) needs to reference and align the State of California’s definitions of natural communities including Sensitive Natural Communities and the Natural Communities List.	CNPS & CBD	No action. This definition of "natural community" aligns with CDFW's definition and is the foundation for subsequent SEA Resource classifications.
U	This section defines “natural community” as a “.distinctive assemblage of plant species that live together and are linked by their effects on one another and their environment, and which present a characteristic appearance based on size, shape, and spacing that is reflective of the effects of local climate, soil, water, disturbance, and other environmental factors.” However, CDFW is unsure how this differs from “habitat types” in 22.102.020 (R). CDFW uses “vegetation types” and “natural communities” interchangeably, and since 22.102.020 (X) (1) et seq. refer to “natural communities” as ranked by CDFW, we recommend the Ordinance define “habitat type” and “natural communities” as the same thing; the definition in this section is very good.	CDFW	Removed the definition for "habitat type" since that term is no longer used in the Ordinance. The definition for "Natural Community" was kept in the Ordinance.

X	<p>Most oak woodland associations found in the County (e.g. "Coast Live Oak Woodland" (G5/S4), "Mixed Oak Forest" (G4/S4), "Canyon Live Oak Forest" (G5/S5) ) are given rankings of 4 or 5, which should render them a Resource Category Level 4. The more sensitive Engelmann, Island, etc. oak woodlands are G3/S3, which should be Resource Category Level 3. S2 is defined as "Imperiled in the state because of rarity due to very restricted range, very few populations (often 20 or fewer), steep declines, or other factors making it very vulnerable to extirpation from the nation or state." S4 is defined as "Uncommon but not rare; some cause for long-term concern due to declines or other factors." The aforementioned rankings for oak woodland alliances comport with these definitions. Some other native trees are similarly given S4/G4 rankings (e.g. California juniper, California bay, etc.) or not given a ranking at all. The CDFW has gone to an awful lot of work to classify the Holland code associations/alliances that are de rigeur in biological reports throughout the state according to criteria to which you give deference. If you stick with a consistent framework established by the CDFW, the framework can live on indefinitely, even as the CDFW revises rankings as conditions change.</p> <p>Suggestion: Don't override the CDFW classifications. It makes for a very inconsistent application. If you think oak tree associations/alliances should have additional protections above and beyond the discretionary review that will be required, simply amend the requirements for Resource Category 3 and 4. Don't gerrymander.</p>	Stephen Maxwell (AV resident)	<p>No action. The state ranks species and communities based on state-wide distribution. The County has the authority to also classify certain resources as more rare or sensitive within the county based on local distribution. The County has a history of treating oaks and oak woodlands as more sensitive locally than on a state level.</p>
X	<p>The ordinance defines SEA resource categories 1 through 5 based on CDFW's ranking or by utilizing NatureServe's Conservation Status Assessment Methodology for unranked communities. CDFW is concerned that this allows the biologists to define communities on an ad hoc basis and then rank them. This should be worded to "SEA Resource Category 1' includes natural communities accepted by California Department of Fish and Wildlife (CDFW) and ranked G1 or S1 by CDFW or utilizing NatureServe's Conservation Status Assessment methodology for unranked communities" in 22.102.020 (R) X(1) and as appropriate for the other sections.</p> <p><b>CDFW recommends the text in the SEA Ordinance Implementation Guide be modified per the comments above: For example, bullet 3 on page 51 and bullet 2 on page 52 should refer to the CDFW Survey of California Vegetation and CNPS Online Manual of California Vegetation.</b></p>	CDFW	<p>Revised the Ordinance and Guide to match CDFW recommendation for utilizing their ranking system. Changed reference to <i>A Manual of California Vegetation</i> to the <i>Online Manual of California Vegetation</i> since this is kept more current. Added footnote in Ch 6 (page 65) of the Guide regarding unnamed or unranked communities.</p>
X.1	Must all existing animal and plant species need to be endangered before they are protected? Might that not be too late?	Antelope Acres TC	<p>No action. We are trying to protect all sensitive species through the 4 SEA Resource Categories that ranges from most sensitive (SEA Resource Cat 1) to less sensitive (SEA Resource Cat 4). Resource Cat 4 encompasses the habitats that are not considered sensitive or rare that support the majority of common species of plants and animals. The Ordinance approaches protection of common species through the preservation of their habitats rather than implementing specific protections for individuals.</p>
X.5	Please include second growth desert to ecosystem functions valuable to the resilience of the SEAs.	Antelope Acres TC	<p>Added "early successional" to definition of SEA Resource Cat 5: "...includes disturbed, early successional, or isolated...". Also revised language about Cat 5 in the Guide in Chapter 4 (page 35).</p>
X.5	Not clear precisely how this "Category 5" will be implemented. For instance, if a 20-acre parcel of land within the SEA in Acton is covered by Russian Thistle or Wild Mustard or other non-native species, but there is one Juniper tree and one Horny Toad found on the property, would it be considered "Category 5" (due to the "dominating" presence on non-natives) or "Category 2" (due to the presence of a single Juniper tree) or "Category 3" (due to the presence of a Horny Toad)?	Acton TC	<p>No action. SEA Resource Category 5 is not part of the development standards but was included in the definitions to show how Cat 5 can help to meet Finding 3 in Section 22.102.080.D.3 (Page 28) of the Ordinance. The Guide describes the purpose and use of Resource Cat 5 in Chapter 4 (page 35).</p> <p>If a Cat 1,2,3 or 4 species occurs within Cat 5, the area occupied by the Cat 1-4 species will be treated at the level of protection for that species.</p> <p>Setbacks for protected trees must be met regardless of the SEA Category they occur in.</p>
X.5	Realistically, you're going to have a mix of non-sensitive native (e.g. laurel sumac, ceanothus, most manzanitas, opuntias, etc.) and non-native species, in a fragmented habitat that transitions to being more intact in the direction of the SEA. Suggestion: Positively describe non-sensitive native species as belonging to either Resource Category Level 4 or 5, or create a category that comports with this more common, mixed existing condition.	Stephen Maxwell (AV resident)	<p>No action. SEA Resource Categories account for a certain amount of non-natives occurring in these natural communities as defined by CDFW in the Online Manual of CA Vegetation.</p>

Y	“Sensitive Local Native Resources” (at pg. 9) should be provided as an appendix to the Implementation Guide and be regularly updated and required to be posted on the County’s website.	CNPS & CBD	Sensitive Local Native Resources List is provided as Appendix B in the Guide. This list will be updated regularly. All the appendices will be posted on the SEA website after the Ordinance is adopted. Please see the Resources page of the SEA website:  <a href="http://planning.lacounty.gov/site/sea/resources/">http://planning.lacounty.gov/site/sea/resources/</a>
AA	Please include sources of surface water as seasonal or permanent.	Antelope Acres TC	Added "permanent or intermittent" to Water resources" definition. The definition was also added to the Guide Glossary. Language was included in Chapter 4 in the Guide (page 36) to clarify that intermittent waters are equally protected.
BB	Please add insects, such as butterflies, native bees, flies, grubs and other such insects that provide food for lizards and birds.	Antelope Acres TC	No action. The word "Invertebrates" covers all types of insects.
<b>22.102.030 (Applicability) in Public REVIEW Draft (March 2018)</b>			
A	Re-evaluate and define what is "deemed complete" application	B. Peterson, D. Madsen, E. Eichinger, J Thomas, J. Byrne, L. Baldwin, M. Seidler, M. Strehlow, M. Paulson, P. Byrne, R. Kikuchi, R. Reynolds, T. Wang, W. Kamen, N. Staddon, D. Louis, N. & H. Applebaum, D. Shea, G. Walter, B. Perry, Wanda Shimazu, Celia Kutcher, Sierra Club, Sierra Club-SGV, Sierra Club-Diamond Bar, Hills For Everyone, HOSEC	No action. We will be keeping the same applicability language that allows applications submitted prior to the ordinance update to be subject to the current 1982 ordinance. Our Current Planning division will be identifying inactive cases and will be taking the appropriate steps to deny projects due to inactivity.
A	I want to respond to the question of grandfathering in applications for land use in the Rowland Heights Hills. I do not want to see anymore construction in these hills. The new SEA plan looks like a good plan to help eliminate over development of this area. We need to preserve this land for the plants and animals that live there.	Jacqueline Bennett	No action. We will be keeping the same applicability language that allows applications submitted prior to the ordinance update to be subject to the current 1982 ordinance. Our Current Planning division will be identifying inactive cases and will be taking the appropriate steps to deny projects due to inactivity.
A	First, as a community we would like to see any new protections offered under the new SEA to impact all development within our SEAs, both those yet to be permitted and those that have already been granted their county permits. No grandfathering of old projects and I’m speaking specifically the AERA Energy project and the Pacific Heights project in our community.	Mike Hughes	No action. We will be keeping the same applicability language that allows applications submitted prior to the ordinance update to be subject to the current 1982 ordinance. Our Current Planning division will be identifying inactive cases and will be taking the appropriate steps to deny projects due to inactivity.
A	The SEA Ord IG states that the SEA Ord is not required to be applied to pending projects whose applications have been deemed complete prior to adoption of the SEA Ord. Please re-evaluate and define what is deemed a complete application prior to this SEA Ord going into effect. The new SEA rules should apply to the AERA property. This project was proposed 15 years ago and all studies and evaluations are outdated.	Puente Hills Habitat Authority	No action. We will be keeping the same applicability language that allows applications submitted prior to the ordinance update to be subject to the current 1982 ordinance. Our Current Planning division will be identifying inactive cases and will be taking the appropriate steps to deny projects due to inactivity.
A	Please have the SEA Ord apply to all projects within SEAs that have not yet completed their CEQA review or that need to update their CEQA documents regardless of their application status. Since the priority of the SEA Ord is to balance preservation of the County's natural biodiversity with private property rights, it makes sense that all projects with incomplete CEQA documents be reviewed for compatibility with the new ordinance.	Puente Hills Habitat Authority	No action. We will be keeping the same applicability language that allows applications submitted prior to the ordinance update to be subject to the current 1982 ordinance. Our Current Planning division will be identifying inactive cases and will be taking the appropriate steps to deny projects due to inactivity.



A	Sections 22.102.020(J)(4) (Definition of Development) and 22.102.030 (Applicability) of the Ordinance would require that SCE obtain discretionary approvals from the County prior to conducting infrastructure maintenance activities (such as the replacement of deteriorated or overloaded poles) since they fall within the expansive definition of “development.” Pursuant to CPUC General Order 131D, SCE is required to consult with jurisdictions; however, the CPUC has clarified that SCE is not required to seek discretionary approvals such as Conditional Use Permits for activities regulated by the CPUC. These activities include the design, placement, and maintenance of SCE transmission and distribution systems (e.g. distribution and transmission lines, substations, etc.). Accordingly, the County would be expressly preempted from enforcing these requirements against SCE installations. See San Diego Gas & Electric Co. v. City of Carlsbad, 64 Cal. App. 4th 785 (Cal. App. 4th Dist. 1998) (City preempted from enforcing requirements where CPUC has either expressly or implicitly entered the field of regulation).	SoCal Edison	No action or changes to language. PCN certificate, order, rule will supersede County zoning code. Any activity under a PCN certificate, order, rule is already exempt from this ordinance.
D & E	Why was this crossed out in Section 1, page one?		No action. Need more information as to which part the commenter is referring to. Section 1 contains edits or deletion of language from the 1982 SEA ordinance. If there is a deletion, it is because the new language in the new draft will supersede it.
<b>22.102.040 (Exemptions) in Public REVIEW Draft (March 2018)</b>			
	This is very confusing and unclear. Could it be explained in more simple terms?	Antelope Acres TC	No action. We are striving to make the language in the ordinance more accessible. We also welcome members of the public to contact us for more clarification on certain language.
	suggests adding language that reinforces the fact that an SEA permit is not required for the listed exemptions. BIA requests that §22.102.040 be revised to read (requested change underlined): “The following developments are exempt from the regulations of this Chapter, <u>and shall not require an SEA permit</u> . Development that does not qualify for any of the exemptions listed below is subject to the regulations of this Chapter.”	BIA	No action. Current draft language already says "exempt from the regulations of this Chapter" at the beginning of the Exemptions section 22.102.040.
	SCE respectfully requests that the County clarify that the Ordinance does not apply to the design, siting, and maintenance of electrical infrastructure that is under the jurisdiction of the CPUC. Therefore, SCE proposes the following text (in red font) be added to Section 22.102.040 Exemptions. P. Electrical power transmission and distribution lines and associated equipment owned or operated by publicly regulated utilities that are subject to regulation by the California Public Utilities Commission.	SoCal Edison	No action or changes to language. PCN certificate, order, rule will supersede County zoning code. Any activity under a PCN certificate, order, rule is already exempt from this ordinance.
	I am writing to urge the Department of Regional Planning to recommend a motion to rescind the section of the Board of Supervisors’ motion passed November 12, 2014 that exempts the Antelope Valley from SEA review for SFR’s and agricultural use. One of the more exasperating aspects of living in Los Angeles County is tendency of the County Supervisors to place the concerns of commercial interests over the legitimate concerns of County residents. The Planning Department has an important role to play in highlighting this issue. Let me spell this out plainly. In the 20 years I have lived here I have found that there is one thing residents here agree on regardless of their politics. That is that they are opposed to any measure that would threaten or change the rural and natural character of the western Antelope Valley. Most residents live here because of these features. Therefore, we are not in need of “protection” against SEA review regulations put in place to protect precisely those features.	Mark Christiansen (Green Valley resident)	No action. Your comment letter will be provided to the Regional Planning Commission for their consideration.
	BIA suggests adding (P) to Section 22.102.040 to exempt “Lot line adjustments.”	BIA	No action. Since lot line adjustment is not considered as "development", it is not subject to the SEA ordinance. No exemption is needed.

	<p>BIA suggests adding (Q) to Section 22.102.040 to exempt “Ground Disturbance Activities” and the following activities as exemptions:</p> <ol style="list-style-type: none"> <li>1. Implementation of mitigation (installation, maintenance, and monitoring), including habitat restoration, expansion, enhancement, and removal of non-native or invasive species;</li> <li>2. Testing and survey activities conducted pursuant to environmental analysis prepared pursuant to the California Environmental Quality Act;</li> <li>3. Activities on lands within the historic limits of existing agricultural operations and production, including lands that are fallow as part of long-term crop management. Agricultural operations may include, but are not limited to, irrigated and non-irrigated farmland, nurseries, fruit stands, and composting facilities. Agricultural operations and production include access to, installation, repair, and maintenance of agricultural related infrastructure;</li> <li>4. Activities associated with existing managed grazing lands for traditional livestock (including resource management) and the construction and maintenance of corrals, barns, sheds, fencing, water systems, and access roads as an accessory use, as allowed by this Title 22 and other applicable County regulations, including, but not limited to, regulations related to time of year, County wildlife preserves, and hazardous dust conditions;</li> <li>5. Activities associated with existing oil and gas operations, including maintenance of wells, pipelines, tanks, fencing, sheds, access roads, and equipment and material storage;</li> <li>6. Activities associated with required alterations in previously developed areas within a SEA (e.g., upsizing an existing utility);</li> <li>7. Maintenance of existing facilities located within a SEA (e.g., grading and vegetation removal necessary to provide continued access); and</li> <li>8. Construction of County master planned highways and master planned trails.</li> </ol>	BIA	<p>Please see the following responses:</p> <ol style="list-style-type: none"> <li>1. Approved mitigation will already be covered by a SEA CUP. Habitat restoration, i.e.. Invasive removals, is covered under 22.102.140 - Review Procedures for Habitat Restoration Projects.</li> <li>2. Please give examples of such ground disturbing tests or surveys required by CEQA.</li> <li>3. Added clarifying to the Ordinance Section 22.102.040.A.3 that specifies only agricultural uses in previously disturbed farmland are exempt. Added a development standards for crop in Section 22.102.090.E.1 that allows for Ministerial SEA Review for crops.</li> <li>4 &amp; 5. Maintenance of legally established structures and roads are not considered development. However, new construction of those facilities will be considered as development and subject to the SEA ordinance.</li> <li>6 &amp; 7. Exemption C of the Ordinance may be used to exempt such activities.</li> <li>8. County master plans are considered county projects regardless of who will be conducting construction operations. Please see Chapter 10 of the Guide (page 84) for more information.</li> </ol>
	<p>Exempt Government Open Space Land Managers from the ordinance. Organizations and esp public land management agencies that do not collect public tax dollars and whose main mission are in alignment with the goals of the ordinance, should be considered exempt from the ordinance including its fee structure. Govt organizations are held accountable to a higher standard of transparency and due diligence in their process and conduct. To add an extra layer of regulation over an agency that specializes in habitat protection is a potential misapplication of public funds.</p>	Puente Hills Habitat Authority	<p>No action. State and Fed agencies are not subject to local ordinances. County land management will be covered through County Projects Review Process in Section 22.102.130.</p>
	<p>Because the management activities of the Habitat Authority are preexisting and/or covered under our current Resource Management Plan (RMP), they do not need land use permits or SEA Review. This means the SEA Ordinance would not apply to the Habitat Authority for the following:</p> <ul style="list-style-type: none"> <li>- annual fuel modification clearing efforts within the Preserve (mostly adjacent to homes)</li> <li>- annual maintenance of the roads/trails within the Preserve by the Habitat Authority, Fire Dept, or a property easement holder</li> <li>- trail maintenance, trail rerouting and trailhead parking lot maintenance</li> <li>- erosion control</li> <li>- nonnative vegetation removal</li> <li>- habitat restoration (existing and new). However, at your request we would be happy to share for your information our future habitat restoration plans for the larger projects. It is our understanding that community volunteer efforts will be consistent with the RMP guidelines and will not have a formal plan.</li> <li>- maintenance of legally established structures such as our residence and barn in Sycamore Canyon</li> <li>- scientific studies</li> <li>- passive recreation</li> <li>- other general management activities</li> </ul>	Puente Hills Habitat Authority	<p>No action. Activities that fall under an current RMP that has undergone CEQA review prior to the adoption of this Ordinance will not be subject to the SEA Ordinance.</p>
	<p>It is our understanding that if we want to update our RMP in the future, a County Biologist would review to ensure consistency with the SEA Program, and there would be no fee for this.</p> <p>Other new situational activities, such as demolition of an underground water tank would require the same level of review for SEA Ord compatibility as any other project that requires a land use permit</p>	Puente Hills Habitat Authority	<p>No action. Correct, an update to the RMP will require a review by the County Biologist (without charge) to confirm consistency with the SEA Ordinance. Other development activities will be subject to the SEA Ordinance and its review process.</p>

A.1	<p>We remain concerned over a past Board decision regarding the Antelope Valley that created overly broad exemptions not applicable everywhere else in the County. Specifically, the exemptions for single-family homes and disturbed farmland in the Antelope Valley should be removed. Ordinance compliance for single-family homes is hardly onerous now that a simple ministerial process is in place. Disturbed farmland is also important, as it may be in the process of recovery and/or part of an intact habitat block.</p> <p>Given the presence of divergent points of view on the exemption within the Antelope Valley community, we urge the Department to enact measures to at least mitigate its adverse consequences. For example, the exemption could apply to development footprints only below a reasonable size threshold that avoid sensitive resources. This would allow common uses to be exempt and at the same time limit the potential damage to SEA resources.</p>	EHL	An Alternative Option for Antelope Valley exemptions was submitted in the Hearing Package for the Commission's consideration.
A.1	<p>main objection to the SEA Ordinance is the exemption of the Antelope Valley Significant Ecological Areas from review for Single Family Residential development and agricultural use. I also understand subdivisions, commercial development, and specific plans must apply for a conditional use permit and undergo SEA review, but I have serious concerns that SRF and agricultural exemptions will have real impacts on natural areas in my community and SEAs across the Antelope Valley. Why did the County identify SEAs in the Antelope Valley if they do not offer the same level of review and protection to similar SEA Resources in the rest of the County? I respectfully request that Regional Planning recommend a motion to rescind the portion of the Board of Supervisors Motion passed November 12, 2014 that exempts the Antelope Valley from SEA review for SFRs and agricultural use, with which all other parts of Los Angeles County must comply, and whose SEAs provide improved quality of life, cultural benefits, special hazards protections, and enjoyment through, to the greatest extent possible, protection of natural resources via the SEA Ordinance and its implementation.</p>	Linda Schulz (Lake Hughes resident)	An Alternative Option for Antelope Valley exemptions was submitted in the Hearing Package for the Commission's consideration.
A.1	<p>object to the SEA Ordinance exemption of the Antelope Valley Significant Ecological Areas (SEA) from review for Single Family Residential (SFR) Development, Economic Opportunity Areas (EOAs) and agricultural use. The exemptions will contribute to infringement on wildlife corridors and fragmentation of natural communities , many of them providing habitat for protected species and species of special concern, supporting species protected by the Migratory Bird Treaty Act and the Golden and Bald Eagle Protection Act. Furthermore activities having adverse impacts on biological resources may be prevented from claiming a categorical exemption determination under CEQA and might be subject to other regularity conditions according to California Department of Fish and Wildlife code. To achieve protection, require a discretionary permit and biological review for SFR, SEAs and agricultural activities in all SEAs. The AV exemptions in the Ordinance run counter to SEA guiding principles and AV residents wont be able to benefit from protection, cultural services, and ecosystem services that SEAs provide. recommend a motion to rescind the portion of the Board of Supervisors Motion.</p>	Merrylou Nelson	An Alternative Option for Antelope Valley exemptions was submitted in the Hearing Package for the Commission's consideration.
A.1	<p>to request that the Antelope Valley Significant Ecological Areas (SEA's) NOT be exempted from the same rules as the rest of the county for Single Family Residences, agricultural use, or Areas of Economic Opportunity. These SEA's are vital to wildlife and should not be gradually degraded by not affording them the protections that they deserve. Please request that the Board of Supervisors rescind the motion that they passed in November of 2014 that exempted the Antelope Valley from proper protections.</p>	Karen Graham (Lake Hughes resident)	An Alternative Option for Antelope Valley exemptions was submitted in the Hearing Package for the Commission's consideration.
A.1	<p>Wrong for planning staff to consider reversing BOS motion. The exemption was thoughtfully designed by BOS to support the construction of a single family residence by an individual, on an individual lot. Without exemption, some properties could become virtually worthless. There are many properties in the AV which are currently considered low value due to excessive costs and other limiting factors associated with development in the county. The cost impact will be greatly magnified if the SEA exemption is removed from these individual parcels and may cause many of these properties to drop below the low value threshold to that of becoming valueless.</p>	GAVAR	An Alternative Option for Antelope Valley exemptions was submitted in the Hearing Package for the Commission's consideration.
A.1	<p>Opposed to exemption of AV from the SEA Ordinance regarding SFR and agricultural use. San Andreas, AV and Santa Clara River SEAs encompass majority of SEA land within LA County. Exclusion of the AV is unreasonable and corrosive to the very concept of SEAs. These important and biologically diverse areas warrant preservation and protection. Respectfully request that DRP recommend a motion to rescind the section of the BOS motion that exempts AV from SEA Review for SFR and agriculture uses.</p>	Lakes TC	An Alternative Option for Antelope Valley exemptions was submitted in the Hearing Package for the Commission's consideration.

A.1	<p>Expressed sincere appreciation for adhering to the BOS motion. Specifically, and upon learning that the Santa Clara River SEA Boundary expansion would engulf more than 1/3 of Acton and include many square miles of land that supports none of the target biological species that the SEA was intended to protect,<sup>1</sup> the Board of Supervisors adopted the Santa Clara SEA Boundary with the proviso that residential development and associated accessory uses in the Antelope Valley Area Plan would be exempted from the SEA Ordinance<sup>2</sup>. The Acton Town Council is grateful that the Draft Ordinance is consistent with prior Board of Supervisor determinations in a manner which recognizes that low-density rural residential and animal keeping uses are not per se in conflict with biological resource protection objectives.</p> <p>CDFW recommends that the Ordinate include language that informs that all activities conducted in an SEA are subject to applicable state and federal laws regardless of Ordinance exemption status provided by the County.</p>	Acton TC	An Alternative Option for Antelope Valley exemptions was submitted in the Hearing Package for the Commission's consideration.
A.1	<p>This section describes exemptions to the Ordinance including the building of single family homes (SFH) of any size that are within the boundaries of the Antelope Valley Area Plan (AVAP) as being exempt from the Ordinance.</p> <p>CDFW recommends the County not provide Ordinance exemptions for SFH construction anywhere in the County within designated SEAs. CDFW is concerned that development within SEAs without the County requiring biological constraints analyses could lead to assumptions by the regulated community that activities are not subject to additional applicable regulations protective of biological resources. CDFW is particularly concerned regarding regulations under our purview, including protection for listed species (Fish and Game Code § 2050 et seq.), nesting birds (Fish and Game Code § 3500 et seq.), and alterations conducted within waters of the state (Fish and Game Code § 1600 et seq.).</p> <p>CDFW recommends that the Ordinate include language that informs that all activities conducted in an SEA are subject to applicable state and federal laws regardless of Ordinance exemption status provided by the County.</p>	CDFW	An Alternative Option for Antelope Valley exemptions was submitted in the Hearing Package for the Commission's consideration.
A.1	<p>We point out the potential for these exclusions to cause fragmentation and isolation of ecosystems, habitats, and corridors. Moreover, piecemeal development via Single Family Residences that have no limitation on “development” activities or required preservation will threaten viability of biological resources the SEA Ordinance seeks to preserve. Activities having adverse impacts to biological resources may be prevented from claiming a categorical exemption determination under CEQA and might be subject to other regulatory conditions according to California Department of Fish and Wildlife code. No matter the impetus for the Supervisors' motion that directed exclusions, we support requesting a rescission of the exemptions mentioned that will deleteriously affect the Antelope Valley SEAs that are so important to our work in preserving transitional habitats, protecting our conservation lands, and protecting public trust lands as well.</p>	Transition Habitat Conservancy	An Alternative Option for Antelope Valley exemptions was submitted in the Hearing Package for the Commission's consideration.
A.1	single family residences and associated landscaping, animal keeping facilities, etc., should not be exempt from further review.	CNPS SG Mountains	An Alternative Option for Antelope Valley exemptions was submitted in the Hearing Package for the Commission's consideration.
A.1	<p>Furthermore, piecemeal development in the form of Single Family Residences that, because of their exclusion in Antelope Valley SEAs provided by the ordinance, have no limitation on “development” activities or required preservation, and will ultimately threaten viability of biological resources the SEA Ordinance seeks to preserve. Clearing of vegetation around homes and commercial development for purposes of fire prevention and control can also alter the integrity of biological resources, and should be considered “development” and included in the total footprint of projects, and subject to discretionary review as indicated by CDFW, this recommendation that “ the County avoid exempting from CEQA as a ministerial action (CEQA guideline 15268); single family homes, agriculture use, and other non-emergency activities within the SEA until it is determined the activities would not have a significant impact on biological resources or potentially result in impacts to waters of the state” (CDFW Letter, SEA Ordinance, Draft 6, November 24, 2014).</p>	Three Point-Liebre Mountains TC	An Alternative Option for Antelope Valley exemptions was submitted in the Hearing Package for the Commission's consideration.

A.1	I am strongly encouraging you to keep the SFR exemption in the drafts/ordinance. If the SFR exemption were to be removed, many of our property owners and would-be Buyers would see property values drop sharply and the SFR building process becoming more time-consuming, frustrating and expensive. Please keep the SFR exemption in place in the draft(s), in the ordinance if/when passed, and into the future.	Roe Leer	An Alternative Option for Antelope Valley exemptions was submitted in the Hearing Package for the Commission's consideration.
A.2	Concerned by the very short (3 year) window that is provided for land to qualify as "Previously Disturbed Farmland"; there are a number of reasons why farmland may remain unworked for more than 3 years, including economic hardship following fire damage or drought. Moreover (and in the Antelope Valley in particular), it takes more than 3 years for native vegetation to become re-established, thus the 3-year time frame set by the Draft SEA Ordinance does not appear reasonable from a biological resource perspective. The Acton Town Council respectfully requests that the Department of Regional Planning explain how the 3-year window was established and why it is necessary.	Acton TC	<p>Changed time period in the Ordinance to 4 years to align with State Mapping framework. Native vegetation starts to reestablish and wildlife begins to move back into a fallow field within this period of time. If a field is left fallow for more than 4 years, it's value as habitat needs to be assessed prior to disturbance. Added clarifying language to Exemption A.3 in Ordinance and in Chapter 4 (page 43) and Chapter 5 (page 49) in the Guide.</p> <p>Also added an avenue for Ministerial SEA Review for crops as a primary use if established within SEA Res Cat 5. A BCM and SEA-Counseling will be required but if there are no SEA Cat 1-4 resources in proposed development area for crops, then only a Ministerial SEA Review is required. See Section 22.102.090.E.1.</p>
A.2	<p>This section describes that the development on farmland within the boundary of the AVAP is exempted from the Ordinance and states. "All previously disturbed farmland as defined by Section 22.102.020 (Definitions)."</p> <p>Definition V under Section 22.102.020, states. "Previously disturbed farmland means farmland not grazed by domestic stock identified within the State of California Farmland Mapping and Monitoring Program (published in 2017) that has been inactive for a period of less than three consecutive years."</p> <p>The Farmland development Ordinance exemption in Section 22.102.040 (A)(2) appears to conflict with the Resource Category defined in Section 22.102.040 (X)(5) that states. "SEA Resource Category 5 includes disturbed or isolated resource elements, such as plant communities dominated by non-native species, agricultural fields, hedges, and non-native trees, which continue to provide habitat and movement opportunities for wildlife, buffers between development and wildlands, and ecosystem functions valuable to the resilience of the SEAs."</p> <p>CDFW recommends that the Ordinance clarify if "agricultural field" and "farmland" are intended to refer to similar or different meanings for the purposes of affording the exemption and Resource Category value as defined in the ordinance. Given that inactive farmland and agricultural fields provide similar beneficial wildlife habitat value, CDFW recommends Exemption 2 under Section 22.102.040 (A) be removed from the Ordinance.</p>	CDFW	Added clarifying language to Exemption A.3 in Ordinance and in Chapter 4 (page 43) and Chapter 5 (page 49) in the Guide. SEA Resource Cat 5 is not a protected category. It is defined in the Ordinance as we recognize agricultural lands do have biological value. Exemption A.3 applies only for agricultural uses on previously disturbed farmland. Please see the definition for "Previously Disturbed Farmland". If other uses are proposed on previously disturbed farmland, it will be subject to the SEA ordinance.
A.2	We put forth the recommendation to evaluate agricultural land, to include grazing, based on the supporting information listed above, conducted on a case by case basis. Furthermore, we question whether the BOS Motion was sufficiently reviewed for compliance with CEQA before its changes were inserted into the Antelope Valley Area Plan, when incremental build-out or agricultural/livestock use, being "development," as defined in the Draft 9 SEA Ordinance, would constitute notable and cumulative impacts in SEAs.	Three Point-Liebre Mountains TC	Added clarifying language to Exemption A.3 in Ordinance and in Chapter 4 (page 43) and Chapter 5 (page 49) in the Guide. The exemption only applies to lands previously used for agricultural and has a limited period of time that can be left fallow.
A.2	We recognize and support agricultural resources and their value to wildlife in areas of the Antelope Valley. Audubon identifies the Antelope Valley as an Important Bird Area, where bird life has flourished in irrigated agricultural fields—which further support a variety wildlife, including special status species and those protected by state and federal statutes. Renewable energy development and water adjudication will continue their contribution to fallowing of farmland, which makes preservation of existing agriculturally zoned properties, especially in SEAs, more important. Careful consideration must be undertaken in determining the value of even "previously disturbed" and "grazed" farmland, supported by statements from SEA Technical Advisory Committee Procedures Guidelines, County of Los Angeles Department of Regional Planning, March 2004". The definition provided in the SEA Ordinance referencing "disturbed farmland" as having been inactive for a period of less than three years, and excluded from review should be rethought, and for the reasons stated above, we request any proposed agricultural activities or development, even on lands with SFRs, and/or supporting livestock with risk of overgrazing, require review and some form of discretionary permit.	Transition Habitat Conservancy	Added clarifying language to Exemption A.3 in Ordinance and in Chapter 4 (page 43) and Chapter 5 (page 49) in the Guide. The exemption only applies to agricultural uses on lands previously used for agriculture and has a limited period of time that can be left fallow.

<b>A &amp; B</b>	The SEA ordinance needs to incorporate consistency between A. and B. (at pg. 11-12) and adopt the more protective requirements currently under B. Most of the remaining natural landscapes, currently unaltered by human activities, remain in the Antelope Valley Area Plan (AVAP) of Los Angeles County and would benefit from consistent application of the SEA ordinance conditions. As currently written, the SEA ordinance would allow greater impacts to occur in the AVAP than in other parts of the County. No justification is provided for the disparity in conditioning different parts of the County's SEAs to different conditions.	CNPS & CBD	An Alternative Option for Antelope Valley exemptions was submitted in the Hearing Package for the Commission's consideration.
<b>B.1</b>	Under the ordinance Section 22.102.040 (B)1., the specific total building site and areas that would be exempted for additions and modifications are listed as not increasing "20,000 square feet, or encroach into more than 10% dripline for up to four SEA Native Trees." Our membership feels that this type of specificity may not be appropriate in all cases and is too prescriptive. That should be noted throughout the ordinance, including; SEA Development Standards §22.102.080 (A) 2. (a.), 5., (B) Water Resources (Table), (C) 6. & (D) 3., (B)and §22.102.90 Open Spaces (A) 3.	BIA	No action. This exemption was formulated to be prescriptive and detailed so that it is clear what type of development may be exempt. No changes to the language were made.
<b>D</b>	SCE's ability to perform timely, and at times immediate, maintenance of our existing electrical infrastructure is critical in meeting CPUC mandated and federal requirements to provide a safe and reliable electrical grid. Therefore, SCE proposes the following text (in red font) be added to Section 22.102.040 Exemptions (D), (H), and (J).  D. Maintenance, minor additions, or changes to existing legally established development previously reviewed for impacts to SEA Resources <b>or otherwise authorized by a state or federal regulatory agency</b> , if: 1. Maintenance, additions, or changes do not expand the previously approved development footprint; or 2. Maintenance, additions, or changes are operating under a valid use permit and found to be in substantial compliance with such permit.	SoCal Edison	No action or changes to language. PCN certificate, order, rule will supersede County zoning code. Any activity under a PCN certificate, order, rule is already exempt from this ordinance.
<b>D</b>	Define "minor additions"	Caltrans	No action. Based on current practices and described in page 50 in the Guide, minor additions or changes that require a Revised Exhibit A shall not exceed 10% of the approved project.
<b>D &amp; E</b>	development permitted prior to the expansion of an SEA mapped area would not have been previously reviewed for impacts to SEA resources. Instead, former versions of the ordinance stated that, "Any development authorized by a valid land use approval, or permit authorized by this Title 22, that was not subject to Section 22.56.215 as it existed prior to the effective date of the ordinance establishing the former section. In such cases, the development shall be governed by the land use approval or permit during the life of that grant." This language would be more appropriate in defining an exemption for a previously existing, legally established development.	BIA	No action. Projects in SEA expanded areas that were not previously reviewed for environmental impacts are subject to the SEA ordinance. If there was an adequate CEQA analysis, that may be used to substantiate an exemption.
<b>F</b>	Pursuant to the Draft SEA Ordinance, it appears that several important non-residential uses in Acton (including local water haulers and animal rescue operations) that have existing CUPs may be required to undergo the "SEA CUP" process (including a biological assessment) when they renew their CUP even though there are no proposed changes to, or expansion of, these existing uses. During a recent public meeting, it was conveyed that this requirement is imposed by the Draft SEA Ordinance because DRP wants to "see what's there" on the property where these uses occur. The Acton Town Council is concerned that mere curiosity is not a sufficient reason to impose an onerous SEA CUP process on existing uses that do not seek to make any changes and which serve a vital community function (particularly since renewal of such CUPs are exempt from CEQA3). Therefore, the Acton Town Council respectfully requests that DRP set forth the following:  a) Substantive reasons why it is necessary to require existing CUP holders that do not propose operational or facility changes to undergo the SEA CUP process; b) The specific objectives that DRP hopes to achieve by requiring existing CUP holders that do not propose operational or facility changes to undergo the SEA CUP process; c) The various ways in which existing CUP holders could be affected (and by extension, how Acton will be affected) by requiring them to undergo the SEA CUP process.	Acton TC	No action. Existing CUPS that were not previously reviewed can have continuous effects on the environment and will need to undergo a current environmental analysis at renewal of the CUP to identify practices that are continuing to degrade SEA resources and determine appropriate mitigation measures. If there was an adequate CEQA analysis, that may be used to substantiate an exemption.

<b>G</b>	Also, adopted Specific Plans should not be entirely and forever exempt. Specific Plans are zoning, with no vested rights. Sometimes unbuilt after decades, they often become outdated and “stale,” not reflecting contemporary planning or resource needs. Re-planning for SEA compatibility is an important option that should not be foreclosed. A time limit should be set for adopted specific plans, such as 10 years from the date of original adoption.	EHL	Added clarifying language to the Guide in Chapter 5 (page 50).
<b>H</b>	The rebuilding and replacement of legally built structures ( <b>including utility infrastructure</b> ) which have been damaged or partially destroyed and will not increase the previously existing development footprint.	SoCal Edison	No action. This exemption is intended for single family residences or small scale uses. Rebuilding of utilities cannot be exempt per this exemption.
<b>H</b>	This portion of the exemptions refers to the “rebuilding and replacement of legally built structures which have been damaged or partially destroyed and will not increase the previously existing development footprint.” BIA suggests that County staff should currently have the ability to approve these types of changes to a structure if regulations requiring replacement require it or if it can be demonstrated that it wouldn’t affect sensitive vegetation.	BIA	No action. This exemption allows for rebuilding with required alterations per building code as long as the development footprint does not change. Development footprint includes fuel mod zones. As long as the new construction does not require expanded fuel mod zones, then this exemption applies.
<b>J</b>	Add language in red: Legally required fuel modification and brush clearance activities, as approved by the Fire Department <b>or as required by state or federal regulations</b> , associated with existing structures for the purpose of fire protection.	SoCal Edison	No action. PCN certificate, order, rule will supersede County zoning code. Any activity under a PCN certificate, order, rule is already exempt from this ordinance.
<b>K</b>	surface mining and other exploratory activities should not be exempt from further review.	CNPS SG Mountains	Revised Ordinance language for clarity. This exemption is only for periodic reviews for approved surface mining and reclamation plans during the life of the grant and not proposing any changes. New surface mining and exploratory activities are not exempt from this ordinance.
<b>M</b>	<p>This is arbitrarily limiting. The CEQA review for a project may conceive of additional mitigation not required by these Titles, such as the planting of additional native trees. I personally would like to grow native trees on my lot within the bounds of the SEA (both inside and outside of fuel mod zones), because I find them to be beautiful. This is something my neighbors have done on their properties, and we can all agree that it's a good thing. However, it is technically "development" under the terms of the ordinance. I do not want to have to pay money for a use permit to be told I can plant native trees on my property. I do not want ornery neighbors with agendas to "get me" for doing this because I violate County Code to develop without a permit. The County Code should not deny me the ability to "develop" the SEA on my property with native plantings, or to replace those native trees that become diseased or senescent, or to comport in any other way that conforms with the development standards.</p> <p>Revise the language to read: "Development where the only impact to SEA Resources involve the planting of SEA Native Trees." or "Development where the only impact to SEA Resources involve the planting of SEA Native Trees, as required by Titles 21 or 22 or pursuant to a use permit." This latter language would formalize that the planting of trees could be part of the project, even if the planting of such trees was not required by County Code. When I go to develop, and I get my use permit, I could then include the planting of these trees as a part of the project, an approach commonly taken under CEQA. The disturbance to ground vegetation would already be subject to discretionary review as a part of that use permit. Please also note that there are a significant number of parcels for which only a portion of the parcel is located on a SEA. I should be able to place inside the SEA mitigation for resources removed outside the SEA. The habitat value is higher, and it would be arbitrary to limit this when I am already required to alter the SEA with fuel modification requirements.</p>	Stephen Maxwell (AV resident)	Added a new exemption for introduced trees. Please see Exemption P in the Ordinance and Chapter 5 in the Guide (page 52).
<b>22.102.050 (SEA Counseling) in Public REVIEW Draft (March 2018)</b>			
	SEA Counseling has no meaningful review due to unpermitted vegetation removal. There is no habitat left to preserve by the time the County is involved in the process. SEA Counseling may make it easier for County Staff by minimizing workload but does nothing to enforce the alleged intent of the ordinance.	Leona Valley TC	An enforcement section was added to the Ordinance. Please see Section 22.102.110 in the Ordinance.



	<p>BIA also requests that Section 22.102.050 (C) be added to the ordinance to expand applicability requirements, including additional permitted uses subject only to ministerial review. We recommend the following:</p> <p>“C. Ministerial SEA Review. The following activities shall be presumed to comply with Section 22.102.080 (SEA Development Standards) and only a ministerial SEA review pursuant to Section 22.102.060 shall be required:</p> <ol style="list-style-type: none"> <li>Activities to improve the quality of biological or water resources in an SEA, such as, but not limited to: <ol style="list-style-type: none"> <li>Non-native vegetation removal programs;</li> <li>Native Habitat restoration programs; and</li> <li>Construction of wildlife crossing structures</li> </ol> </li> <li>New crops as follows: <ol style="list-style-type: none"> <li>Personal crops that exceed one acre in size; and,</li> <li>Commercial crops of any size.</li> </ol> </li> <li>Vegetation removal as follows: <ol style="list-style-type: none"> <li>Vegetation removal in excess of what is required for the placement of permitted structures, accessory structures, access, fuel modification areas, and paths; and</li> <li>Vegetation removal not associated with the development of an approved permit.”</li> </ol> </li> </ol>	BIA	No action. The SEA assessment is impact-based and will not be determining review type based on uses.
<b>B</b>	<p>As written, the ordinance requires that at the SEA Stop process the Regional Planning Director recommend “two subsections...” appearing to mean that the two recommendations listed under a. and b. have to both be adopted. However, a. and b. appear to be written as adopting one or another – not necessitating both for a ministerial review, and an SEA Conditional Use Permit. To provide clarity and eliminate confusion, we recommend that the §22.102.050(B) be revised to read (requested change underlined):</p> <p>“Recommendation. The Director shall recommend at the SEA Stop one of the following two subsections:”</p>	BIA	Added "one of" to Section 22.102.050.B of the Ordinance.
<b>B</b>	<p>"SEA-Stop" - This semi-acronym must be county-speak for a checkpoint or next step in a procedure made up of reviews. Why not call it like it is?</p> <p>A recommendation either approves a project or not. If all is well then a project goes ahead. If a project is not approved it gets more chances to be approved by having more evaluations, paying permit fees or by mitigation with a land exchange or credits. Wouldn't it be more likely that the ordinance will eventually approve any project of a significant ecological area?</p>	Antelope Acres TC	<p>Will be using SEA Counseling only for future clarification. A recommendation at SEA Counseling only gives recommendation of review track, Ministerial SEA Review only, Ministerial SEA Review with Protected Tree Permit, or SEA CUP.</p> <p>A project that needs a SEACUP requires a public hearing by Regional Planning Commission with additional bio review, SEATAC review, discretionary review from planners, and mitigation measures.</p>
<b>B.1</b>	<p>Several concerns regarding the Director’s Review and the ministerial SEA review.</p> <ol style="list-style-type: none"> <li>No public notice of the ministerial review is identified</li> <li>While ministerial approvals can be appealed once it is decided, without public notice, there is no opportunity to avoid appeals by upfront project improvements</li> <li>Ministerial review would only require on-site mitigation, which may not always be appropriate</li> <li>Tracking of the ministerial review is necessary for monitoring and identifying cumulative impacts</li> </ol>	CNPS & CBD	<p>No action. Please see the following answers:</p> <ol style="list-style-type: none"> <li>Ministerial SEA Review (MSR) is not publicly noticed if tied to site plan review. If the MSR for the resource impacts is part of a standard CUP required for the use, then it will be noticed per the standard CUP requirements. The project would have met all SEA development standards and the SEA portion of the project will not be part of the discretionary review.</li> <li>There are no appeals for MSR attached with a site plan review for the use. If the use itself requires a minor CUP or Standard CUP, you can appeal the use of the project. But the MSR will determine that project has met all SEA development standards.</li> <li>Staff biologists will determine whether on-site mitigation is appropriate. If on-site open space preservation is not appropriate, then the project will require SEA CUP as it is not in compliance with Section 22.102.100.A.1.</li> <li>Onsite open space preservation will be tracked through GIS.</li> </ol>

<b>22.102.060 (SEA Review) in Public REVIEW Draft (March 2018)</b>			
	BIA requests clarification under the SEA Review title, providing the word “Ministerial,” makes it clear that this is meant to be a description of the ministerial process. We recommend that the title read, “SEA Review (Ministerial).”	BIA	Added the word "Ministerial" to the title for clarity.
	The Ordinance allows ministerial review to be waived by the Director, but does not describe under what circumstances this might occur. While we can imagine circumstances for very small modifications where this might be appropriate, such modifications are already covered and described in the ordinance. Such arbitrary powers without definition or parameters could lead to abuse, as we believed happened in the recent behind closed doors extension of the Chiquita Canyon Landfill granted by the Director prior to permit approval. We ask that waiving of review be eliminated from the ordinance.	SCOPE	No action. Ministerial SEA Review cannot be waived. Only SEA Counseling, which is a pre-application meeting, can be waived. Page 12 of the Implementation Guide lists when the SEA Counseling can be waived.
<b>A.3.c</b>	We recommend that under §22.102.060 (A) there should be clarifying language that refers back to the eligibility of projects to undergo a ministerial review based on the Director’s recommendation. BIA requests that §22.102.060 be revised to read (requested change underlined): “A ministerial SEA Review <u>pursuant to this section</u> shall be required for any development <u>recommended by the Director pursuant to section 22.102.50, subpart B, and any development included in section 22.102.50, subpart C</u> , to determine compliance with the following:”	BIA	No action. The recommendation made at the SEA Counseling is just a recommendation based on what is presented at the pre-application meeting. Any changes to the project design or scope may change the recommendation and review track. The language in the Ministerial SEA Review section is written to state what is required for a ministerial review.
<b>22.102.070 (SEA Conditional Use Permit) in Public REVIEW Draft (March 2018)</b>			
	A recommendation either approves a project or not. If all is well then a project goes ahead. If a project is not approved it gets more chances to be approved by having more evaluations, paying permit fees or by mitigation with a land exchange or credits. Wouldn’t it be more likely that the ordinance will eventually approve any project of a significant ecological area?	Antelope Acres TC	No action. For SEA CUPs, planners have the discretion to guide the applicant to produce a project that is least impactful to resources. A discretionary permit is more expensive and requires mitigation but the Ordinance is trying to balance preservation of resources and property rights. Discretionary permits require in depth review by staff and SEATAC.
	When does the Public Hearing take place in the review process? When is the public allowed to comment? How will the public be notified and what is the time frame for any comments on a project?	Antelope Acres TC	No action. All SEA CUPs require SEATAC review. The public will have 2 chances to comment on the project: at the SEATAC meeting and at Regional Planning Commission (RPC) public hearing. SEATAC meeting happens first, before a RPC hearing date is scheduled, where SEATAC will discuss biological impacts. The RPC public hearing is the last step of the project. Notification of the public hearing is posted 30 days prior and the public has up to the hearing date to provide comments.
	Title: BIA requests clarification under the SEA Conditional Use Permit title, providing the word “Discretionary,” makes it clear that this is meant to be a description of the discretionary review process. We recommend that the title read, “SEA Conditional Use Permit (Discretionary).”	BIA	Added "discretionary" to text below title in Section 22.102.080.
<b>A.3.c</b>	Please define what cumulative means to the Planning Department. How much loss is needed to become cumulative?	Antelope Acres TC	No action. Please see Chapter 9 in the Guide for more information on how the Department will track development and conservation in SEAs to evaluate cumulative impacts.
<b>B.1.d</b>	Who determines items that are “unnecessary”? Please state if it is the Director, that person’s name and title.	Antelope Acres TC	No action. The project planner, on behalf of the Director, will determine if there are unnecessary application materials to waive. An example would be if the project requires an Environmental Impact Report (EIR), a Biological Constraints Map may not be required since a more in-depth biological study will need to be done for the Biological Resources section of the EIR. This is described in Chapter 2 of the Guide
<b>22.102.080 (SEA Development Standards) in Public REVIEW Draft (March 2018)</b>			
	We ask that sufficient water for a viable habitat be added to the review criteria along with requirements for reduced hardscaping and permeable pavement where appropriate.	SCOPE	No action. The County's Low Impact Development requirements for new construction includes promotion of permeable surfaces. Please give more clarifying information on "sufficient water for a viable habitat".

<b>A</b>	<p>It seems to the Acton Town Council that, unless members of the public and all the decisionmakers have particular expertise in biology, they will be incapable of understanding the distinction between SEA Categories 1, 2, 3, 4 and 5. Thus, it is impossible for either the public or the decisionmakers to fully understand the scope of the Draft Ordinance and grasp the extent to which it will impact affected residents and property owners.</p> <p>In particular, the Acton Town Council is concerned that essentially all of Acton lying within the Santa Clara SEA will be deemed at least "Category 2" (with an 80% or 4:1 "open space" CUP SEA restriction imposed by the "Guidelines") simply due to the ubiquitous presence of Junipers in Acton (which are neither rare, threatened, nor endangered but are included on the "tree species list" on page 78 of the "SEA Implementation Guide"). Even if this is changed, the portions of Acton lying within the SEA are still likely to be deemed Category 3 with a 75% (or 3:1) "open space" CUP SEA restriction due to the presence of a commonly found species; namely, the San Diego Coast Horned Lizard (aka the Horny Toad). Moreover, even if a proposed project in Acton is not subject to SEA CUP requirements, the "Guidelines" still require 66% of the land (which is a 2:1) to be preserved "on-site" and remain untouched because most of Acton is either Category 2 or Category 3 for the reasons mentioned above. The Acton Town Council is grateful that the current version of the Draft SEA does not impose such broad "takings" on residential and accessory uses in Acton, but if the residential/ accessory use exemptions are removed from the SEA Ordinance, then these broad "takings" will apply to nearly one-third of Acton's residential areas.</p> <p>Because of this, the Acton Town Council respectfully requests that the County demonstrate (based on technically quantitative evidence) that the 66%, 75%, and 80% "preservation ratios" set forth in the "Guidelines" are necessary, and that without them, the County will fail to achieve the biological resource protection policies established by adopted planning documents. For example, the Acton Town Council seeks to understand why the thousands of acres of Juniper woodland that is already preserved within and adjacent to Acton (through private land preserves, county holdings, and federal lands) is insufficient and why it is necessary to take an additional portion (up to 80%) of private land as "mitigation".</p>	Acton TC	The preservation ratios are calculated based on how much of the SEA Resources are impacted not the total area of resources present. SEA Counseling guides the applicant to site the development in areas with least impacts to the most sensitive resources.
<b>A</b>	recommends aligning the SEA Resource categories between the development standards and definitions sections. Add SEA Resource Cat 5 to Development Standards section	NPS	No action. SEA Resource Cat 5 is not mentioned in Section 22.102.090.A because it is already considered disturbed, fragmented, or of lesser value. However, SEA Resource Category 5 is referred in the Crops development standard, Section 22.102.090.E.1.
<b>A</b>	add text that considers the potential changes to plant and animal species level of sensitivity, as well as for habitat type that may transition from one Resource Category level to another. Biological resources should be evaluated based on the most current conditions. Updated field work and a revised biological report may be necessary if significant time lapses occur during the project permitting process.	NPS	Added timeframe for validity of Biological Constraints Maps and Biological reports and need for updating reports that do not fall in that timeframe in Chapter 6 of the Guide (page 63). SEA resource categories rely on formal lists and rankings so that SEA Category will automatically change for species and natural communities when their sensitivity levels on those lists change.
<b>A.2.b</b>	the definition of “disturbed” needs to be provided.	CNPS & CBD	Revised language in the Ordinance in Section 22.102.090.A.2.
<b>A</b>	BIA requests that the use of “minimum” results in great uncertainty to builders and developers and should be more specific. That should be noted throughout the ordinance, including: §22.102.080,(3) b.	BIA	Clarified in the Guide with following footnote in Chapter 4 (page 30): "While applicants are encouraged to go beyond the minimum requirement, particularly when sensitive resources are present, and preserve as much of the sensitive resource as feasible, the Department will not require more than 2 to 1 preservation through a ministerial SEA Review."
<b>A.3.b &amp; 4.b</b>	Does this refer to preservation in the same area, or at another location not in a SEA but of a similar type?	Antelope Acres TC	No action. Preservation referred to in the development standards is on-site preservation only.
<b>A.4.b</b>	Any disturbance or destruction of rare plants in any resource category should be avoided, or compensated by the preservation of two times the number of plants to maintain a theoretical “no net loss” per project.	Three Points-Liebre Mountain TC	No action. Rare plants ranked 1, 2 or 3 by CNPS may not be disturbed or destroyed under a Ministerial SEA Review. If disturbance to such plants is unavoidable, the project will go through discretionary review and mitigation ratios will be determined based on Recommended Preservation Ratios for SEA CUPs included in the Chapter 8 in the Guide (page 77). CA Rare Plant Rank 4 plants, which are "watch list" plants of limited distribution, require protection at a 1:1 ratio.
<b>A.4.b</b>	Specify if 10 rare plants may be disturbed or if woody rare plants may be disturbed	Caltrans	No action. You can disturb 10 or less of woody rare plants of SEA Resource Cat 4 and not have to replace or mitigate.

<b>A.5</b>	Section A(5) caps the total amount of SEA resource that can be converted to development ministerially under A(1-4). The limit of 20,000 sq. ft. is a generous allocation that will accommodate large homes, outbuildings, barn, etc., even in rural settings. The term “total building site” is used to describe what counts toward the cap. This is defined in the Definitions sections and differs from the “development footprint” in that some infrastructure and fuel modification are included in the latter but not the former. This again ensures a simple ministerial process for the vast majority of single-family homes on legal lots. The required compensation for impacts is reasonable and consistent with general standards and practice.	EHL	No action.
<b>B</b>	We appreciate the ordinance's setback requirement, but concur with the Endangered Habitats League that it is not sufficient. A minimum of 300 feet should be required.	SCOPE	Added clarifying language to Chapter 4 (page 36) of the Guide that applicants are encouraged to site development as far from water resources as possible. Setbacks range from 100-300 ft depending on the water resource. Any structures requiring fuel modification will also have 200 ft fuel mod zone buffer that cannot enter into water resource setback.
<b>B</b>	<p>We are concerned that that the setback proposed for marshes, seeps, and springs is not adequate for buffering purposes. In our semi-arid climate, the year-round water supplied by marshes, seeps, and springs is of utmost importance for wildlife. It is vital that access and use be unfettered by human disturbance. It is also important that people not be placed in proximity to potentially dangerous species like mountain lions which use these water features. As most if not all marshes, seeps, and springs in our region will be ½-acre or less, the vast majority of these features would only receive 100-ft of setback, which is very small.</p> <p>We recommend 300 feet for all marshes, seeps, and springs. While fuel modifications zones might comprise part of this setback, they are subject to the vagarious of changing fire department regulation. Furthermore, uses within fuel modification zones include human uses, such as stables and animal keeping, that will have adverse inhibitory effects on the wildlife using the water sources. Consultation with state and federal wildlife agencies might be helpful.</p> <p>Also, we strongly concur that, for purposes of setback calculation, fuel modification zones must be included as developed area. These zones are cleared of vegetation to varying extents (often completely cleared), may be planted with non-native vegetation, provide less visual cover for wildlife, and are subject to erosion.</p>	EHL	Added clarifying language to Chapter 4 (page 36) of the Guide that applicants are encouraged to site development as far from water resources as possible. Setbacks range from 100-300 ft depending on the water resource. Any structures requiring fuel modification will also have 200 ft fuel mod zone buffer that cannot enter into water resource setback.
<b>C</b>	BIA suggests removing the fencing standards under “Area-wide Development Standards;” Based on the broad nature of the resources within the County SEAs, a one size standard does not fit all. For this reason, the fencing should be looked at on a case-by-case basis.	BIA	Added additional language to fencing development standard in Section 22.102.090.D in the Ordinance to allow for one impermeable enclosure for the purpose of protecting livestock or companion animals within the development footprint.
<b>C.1 &amp; C.3</b>	We recommend specifically: no chainlink fencing or solid brick walls surrounding the development footprint, unless necessary for retaining walls, in order to maintain scenic resources. Explicitly—no barbed wire.	Three Points-Liebre Mountain TC	No action. Impermeable fencing materials can only be in Building Site Area. Materials for impermeable fencing can be subject to Community Standards District requirements for certain communities.
<b>C.3</b>	Please add woven wire as a prohibited material.	Antelope Acres TC	No action. Net, a similar material, is prohibited.
<b>C.4</b>	Prohibit the use of blue-light emitting diode (LED) type bulbs and fixtures, as lighting the natural environment is quite impactful, as evidenced by studies observing serious harm and changes to animal and insect behavior from nighttime lighting. As indicated in the book Ecological light pollution, Frontiers in Ecology and the Environment, By Dr. Travis Longcore and Catherine Rich, “Light pollution has demonstrable effects on the behavioral and population ecology of organisms in natural settings. . . derived from changes in orientation, disorientation, or misorientation, and attraction or repulsion from the altered light environment, which in turn may affect foraging, reproduction, migration, and communication” (2004). The alteration of the ambient light level at night can result in an otherwise suitable habitat being avoided or unusable. Artificial light in the environment may thus be considered a chronic impairment of habitat.	Three Points-Liebre Mountain TC	No action. Outdoor lighting is already prohibited from being directed onto natural habitat areas and upward into night sky. The Rural Outdoor Lighting District will apply to all SEAs, and has more specific provisions for outdoor lighting. Additional Best Management Practices are included in Chapter 4 in the Guide (pages 40-41).

<b>C.4</b>	<p>In C(4), we strongly agree with the section on Window Reflectivity as far as it goes, but as the text notes, much more can and should be done to prevent deadly and unnecessary collisions of birds with window glass. According to the American Bird Conservancy’s “Bird-Friendly Building Design” (enclosed):</p> <p>Under the right conditions, even transparent glass on buildings can form a mirror, reflecting sky, clouds, or nearby habitat attractive to birds. When birds try to fly to the reflected habitat, they hit the glass. Reflected vegetation is the most dangerous, but birds also attempt to fly past reflected buildings or through reflected passage- ways, with fatal results.</p> <p>Additional methods to prevent collisions range from avoiding plantings in front of glass windows to use of UV patterned glass, which is transparent to people but not to birds. If additional measures are not incorporated directly into the ordinance, we recommend inclusion of best management practices into the Implementation Guidelines.</p>	EHL	Added Best Management Practices in Chapter 4 in the Guide (page 40).
<b>C.5</b>	Please add “to use subdued light or red lighting”.	Antelope Acres TC	No action. Language is already in Chapter 4 of the Guide (pages 40-41).
<b>C.5</b>	Night lighting/pollution is well documented to have a negative effect on wildlife. In order to avoid night light pollution in the SEAs, the SEA ordinance needs to include conditions and adopt lighting standards that prevent night light pollution to the greatest extent possible and therefore, its impacts to wildlife.	CNPS & CBD	No action. Outdoor lighting is already prohibited from being directed onto natural habitat areas and upward into night sky. The Rural Outdoor Lighting District will apply to all SEAs, and has more specific provisions for outdoor lighting. Additional Best Management Practices are included in Chapter 4 in the Guide (pages 40-41).
<b>C.6</b>	Given the large 200 ft buffer required by LAC Fire for fuel modification and brush clearance, we have concerns that the wildlife could be faced with a virtual desert of plant life that could interfere with connectivity. How can this be remedied through design?	Hills For Everyone	No action. Conservation centered design will cluster buildings which will help to lessen the amount of fuel mod. Please see the graphic in Chapter 4 of the Guide that shows an example of conservation subdivision.
<b>C.7</b>	The list of landscaping plants to be avoided should include the species listed by the California Invasive Plant Council (Cal-IPC) Inventory. The invasive plant list maintained by the County Planning Department should be routinely updated to reflect the Cal-IPC Inventory. The list should also include plants locally and regionally identified as invasive, but not listed by Cal-IPC. Additionally, the ordinance should emphasize the use of locally-appropriate native plant species in new landscaping.	CNPS & CBD	Added to Landscaping Development Standard in the Ordinance that requires planting of natives in Fuel Mod Zone C. Invasive plant list already states the CAL IPC list is prohibited.
<b>C.7</b>	the list of landscaping plants to be avoided should include invasive species listed by the California Invasive Plant Council (CALIPC). In addition, we note that the invasive plant list maintained by the Department of Planning could be more complete. One example (and there are probably others) is the trumpet vine that grows rampant in the Arroyo and Foothills Conservancy SEA. This plant needs to be listed as invasive in this area. We also suggest that new trees for landscaping purposes should be native species appropriate to the local climate.	CNPS SG Mountains	No action. Need more information. No scientific name provided and no trumpet vines found in CAL-IPC.
<b>D.1</b>	We are concerned that the section describing permissible crops is too limited to non-invasive species. Most crops are invasive when water is available.	BIA	No action. Species in Appendix C in the Guide (page 108) are not allowed as crops in the SEAs. Most species in the list are not crop species.
<b>D.2</b>	Because conservation easements run with the property title, which helps to guarantee that the set asides will remain in perpetuity, we fail to understand why the County prioritizes a covenant between the County and the land owner (d.) over a conservation easement (e.). Please provide the justification for the County’s preference for the required open space preservation method.	CNPS & CBD	Switched order as suggested in the Ordinance.
<b>D.2.a.i</b>	Does “disturbed area” include second growth” or the desert that is recovering from past farming, grazing, fires, etc.?	Antelope Acres TC	Added early successional to SEA Cat 5 definition in the Ordinance. An area recovering from disturbance that is identifiable as a natural community (vegetation alliance or association) per the Online Manual of California Vegetation, will be classified and protected based on its state ranking. An area that is still in the very early stages of recovery that cannot be categorized as a natural community would be considered SEA Resource Category 5. Even in these areas, however, if it is shown through the BCM that a special status/rare/sensitive species is using that area, then the area in use by that species will be protected under the appropriate category for that species (i.e. burrowing owls are SEA Resource Cat 2).

<b>D.2.b &amp; D.2.c</b>	Stabilization and restoration of the site should be done as soon as possible, rather than 90 days to one year, to prevent the establishment of invasive plant species in SEAs. We have witnessed immediate conversion of cleared soil to fields of ragweed, fiddleneck, and russian thistle. The only way to prevent the spread of noxious and invasive plants is to immediately replace with locally indigenous species, monitor and encourage success with hand weeding—no herbicides.	Three Points-Liebre Mountain TC	No action. The Ordinance already says testing areas must be seeded with local indigenous plants within 90 days. Language was added to the Guide to say stabilization activities should take place "as soon as possible".
<b>D.2.c</b>	This section and the three points under the subsection do not appear to be necessary, because of the language above this section under (D) 2. (b), requiring exploratory testing stabilization.	BIA	Added language in the Ordinance in Section 22.102.090.E.2.a.iv that requires a Restoration Plan at the time of the application submittal for exploratory testing. Temporary stabilization of areas disturbed by exploratory testing is not sufficient in all cases. While true that in less disturbed sites, native vegetation may quickly grow back, in more disturbed sites where root stock is destroyed and soil heavily disturbed, a more targeted restoration approach will be needed to return the area to a natural state. Definition of Restoration Plan can be found in Section 22.102.020.BB.
<b>D.3</b>	The Draft Ordinance appears to require a minimum of 75% open space for all subdivisions regardless of what category of resources are on the property [page 22]. It also appears that the subsequent residential development of each lot created by the subdivision is subject to additional "on-site" preservation requirements as high as 66% (or 2:1) according to page 60 of the "Guidelines". Is this correct? If so, has the County prepared any sort of analysis showing that, to achieve the resource protection policies set forth in adopted planning documents, it is necessary to first set aside 75% of every subdivision project as "preservation land" and then set aside an additional 66% of every parcel created therefrom when it is developed for residential purposes? More importantly, has the County concluded that adopted resource planning policies will not be achieved unless these large land areas are taken for "preservation" purposes? If the County has developed such an assessment, the Acton Town Council respectfully requests that a copy of this assessment be provided.	Acton TC	No action. The process for subdivisions is not changing but the Ordinance gives a ministerial review option for potential subdivisions that can meet all development standards. Subdivisions may be required to mitigate impacts beyond the 75% initial preservation of open space through a SEA CUP.
<b>D.3</b>	Land Divisions should be discouraged in SEAs. The project site in total, not confined to twenty-five percent, and open space preservation should be evaluated for impacts from pets, inappropriate off-road use, trash, potential for human/wildlife interaction, watershed pollution from herbicides, insecticides, and rodenticides; infringement of prohibited lighting; loss of wildlife sensitive to human presence. Edge effects will contribute to loss of sensitive habitats preserved on site, and reduce the actual amount of 75 percent preservation of natural space. More mitigation might be necessary. Any project unable to meet SEA Development Standards	Three Points-Liebre Mountain TC	No action.
<b>D.3</b>	In D(3), the open space standard for land divisions—75% minimum open space and corresponding maximum 25% development footprint—is the cornerstone of this ordinance. It is also essential to comply with the General Plan’s strong policies for resource avoidance and contiguous open space within SEAs. <sup>3</sup> While we would ideally recommend a greater set aside of SEA land during subdivision, EHL nevertheless supports the proposal as a reasonable balance. <sup>4</sup> We note that greater open space than the minimum will often be feasible, even if lots are rural in nature.  However, terminology should be consistent and clear, so that it will not be subject to dispute. Terms formally defined in the Definitions section should be used. We recommend this edit: D(3) Land Divisions. Land divisions shall not exceed a maximum <del>disturbed developed area</del> development footprint of 25 percent of the project site.	EHL	Revisions made to Section 22.102.090.E.3. Language was updated in the Guide and included a graphic demonstrating Conservation Subdivisions in Chapter 4 (page 46).
<b>D.4</b>	Who are the developers and what are the names of their corporations that have “reasonable potential for future development” of large parcel maps? How big are these and what is the criteria for “reasonable”?	Antelope Acres TC	No action. Information requested is not available.
<b>D.4</b>	Clarification is needed on the responsible party to whom the parcel map's development potential should be demonstrated. NPS suggests adding language to clarify that developability be confirmed through recordation of large lot parcel maps.	NPS	No action. The development standard is requiring that the <u>potential</u> for development that meets the requirements for Ministerial SEA Review exists on each created parcel. This is further explained in the Guide in Chapter 4 (page 47).
<b>D.4</b>	Conservation dedication is suggested, but no mention is made of management funding for either large lot parcels or other larger areas where open space is dedicated. Where does management funding come from? Who manages the funds? Who manages the property? Are they qualified?		No action. Funding and management of dedicated open space will be negotiated by the applicant with the land trust, gov body, etc that takes responsibility for the land.

	<p>EHL is greatly concerned over the Large Lot Parcel Maps provision, D(4). While D(3) is clear that all subdivisions must comply with the requirement for a minimum 75% of properly configured open space, D(4) interjects a different and vague standard of review for some subdivisions, that of “reasonable potential.” The danger is that if contiguous open space is not captured through clustered site design at the outset, the basic goal of the ordinance—achieving SEA resource protection as development occurs is irretrievably lost. Instead, there would be a checkerboard of legal lots regularly spaced over the landscape, creating maximal habitat fragmentation.</p> <p>We agree with the underlying intent of D(4), that is, to ensure that when parcels are created prior to detailed site planning, the resultant development will still be able to meet all the SEA Development Standards. The Implementation Guide provides steps for meeting setback and habitat preservation ratio requirements under this circumstance. For compliance with D(3), open space configuration can, for example, be achieved with creation of one or more dedicated open space lots or via “pie shaped” lots with development at a common apex. We suggest the following clarification so that there is, on the one hand, definitive compliance for Large Lot Parcel Maps, and on the other hand, greater certainty that landowners applying for subsequent development will not encounter problems.</p> <p>D(4) Large Lot Parcel Map. If Large lot parcel maps for sale, lease, finance, or transfer purposes, or other subdivisions are not required to specify the location of development, the subdivision shall not be approved unless it can comply with all provisions of demonstrate that all resulting parcels have reasonable potential for future development that meets the standards for SEA Review per 22.102.080 (SEA Development Standards), (e.g., adequate areas of SEA Resource Categories 4 and/or 5, setback from water resources, land division open space).</p>	EHL	Revisions made to Section 22.102.090.E.3. Language was updated in the Guide and included a graphic demonstrating Conservation Subdivisions in Chapter 4 (page 46).
<b>22.102.090 (Open Space) in Public REVIEW Draft (March 2018)</b>			
	Add (C) 7. We would like to add point 7. under exemptions to Open Space Use in subsection (C), to read: “7. Trails and/or other recreational amenities”	BIA	No action. Trails are considered in Section 22.102.100.C.3. Recreational amenities should be site outside of preserved open space areas.
	<p>Section 22.102.090 describes how the Ordinance proposes to address impacts to biological resources within the SEAs and states. “This Section sets forth the preservation and recordation requirements for open space when required by this Chapter, either in compliance with Section 22.102.080 (SEA Development Standards) or to offset impacts to SEA Resources through a SEA CUP.”</p> <p>CDFW generally concurs that the Open Space and SEA Development Standards described in the Ordinance furthers biological resource preservation and protection within the SEAs.</p> <p>Understanding that resource value and sensitivity may vary depending on the location and type of project, CDFW may permit activities in SEAs within CDFW’s regulatory authority that may be subject to more stringent avoidance, mitigation ratio, preservation dedication, and conservation management standard conditions than described in the Ordinance.</p> <p>CDFW recommends that the Ordinance avoid using the term “open space” and replace it with the term “natural open space”. CDFW does not generally support the use of open space preservation to mitigate for impacts to biological resources. Open space may be interpreted as an area that could be used for recreational activities such as sports fields, golf courses, etc. that generally are not compatible with maintaining native biological diversity.</p>	CDFW	Changed all "open space" to "natural open space" in the Ordinance and Guide.
	<p>We were puzzled that language about off-site mitigation was removed in this last draft. While recommend this language be reincorporated, we also recommend setting criteria governing when substitution of off-site for on-site is appropriate. The suggested edits below are based on the last ordinance draft:</p> <p>Natural open space shall be preserved on the project site. If on-site open space is not feasible, <b>or such on-site open space would be too small and/or isolated to retain long-term biological value</b>, an off-site location may be used provided it is recommended by the Director and County Biologist</p>	EHL	No action. This information in the Guide. For Ministerial SEA Review, since it is not a discretionary process, the natural open space has to be in-kind habitat provided onsite. If in-kind habitat cannot be provided onsite, the biologist will need the discretion to determine whether the off-site preservation proposed off-site is adequate with a SEA CUP.



			No action. The 75% required natural open space, configuration requirements, and additional development standards are designed to ensure that wildlife movement is not impacted by land divisions. If the subdivision cannot meet these requirements, it will need to do additional biological studies, CEQA analysis, SEATAC review, and Public Hearing. Through this discretionary process, impacts to wildlife corridors will be thoroughly evaluated and mitigation will be integrated into the project.
A.3	How do wildlife corridors fit into land division? Are they left untouched, re-routed or eliminated?	Antelope Acres TC	
A.3	we strongly support the land division project requirement that 75% of the developed area is to be preserved as open space.	CNPS SG Mountains	No action.
A.3	In Open Space A(3), the meaning of the term “net” is unclear. We suggest this edit: A(3) For land division projects, at least 75 percent of the net area of the development site <del>development site</del> <b>original undivided parcels</b> shall be provided as required preserved open space.	EHL	Changed the language in the Ordinance and Guide per comment.
A.4	BIA suggests that this provision is removed because Opens Space could be set aside in the Final Map process.	BIA	No action. Projects subject to the SEA Ordinance will be required to record open space preservation prior to grading, removal of vegetation, or occupancy.
B.1	How would multiple noncontiguous areas of open space not result in or not be considered fragmentation?	Antelope Acres TC	No action. Please refer to Chapter 8 in the Guide (page 77) for an explanation of when multiple noncontiguous areas of open space may be preferable.
B.1	Please remove “feasible” words, since they allow for too much opportunity for judgment on what might be allowable, but not preservative of the SEA. In what instance would the County Biologist determine that multiple, non-contiguous areas of open space is an environmentally superior configuration?	Three Points-Liebre Mountain TC	No action. Since the open space configurations are for a discretionary SEA CUP, it will be looked at on a case by case basis. Please refer to Chapter 8 in the Guide (page 77) for more information.
B.2	Preserved open space areas should be contiguous with natural open space areas on adjoining lots or parcels, period. To do otherwise will contribute to habitat fragmentation, possibly interrupt wildlife passage in corridors or movement areas, which the IG professes to preserve and protect.	Three Points-Liebre Mountain TC	No action. Since the open space configurations are for a discretionary SEA CUP, it will be looked at on a case by case basis. Please refer to Chapter 8 in the Guide (page 77) for more information.
B.3	Additional mitigation should be required when roads, streets, highways, driveways are placed in open space or conservation areas.	Three Points-Liebre Mountain TC	No action. Roads, streets, highways, driveways that are placed in preserved natural open space will not count towards the required amount of preserved natural open space. Also, roads, streets, etc. shall not be placed unless a decision maker finds that it is necessary for circulation or access. Since these cases are discretionary cases, it will be looked at on a case by case basis. Roads will only be allowed if it is most protective and sensitive design.
B.3	We generally concur with the language for configuration as contained in this section, but B(3) is missing the key component of feasibility when siting infrastructure. Streets and other access should only go through natural open space when otherwise infeasible. An edit is proposed:  B(3) Driveways, streets, roads and highways may be placed within the natural open space area if the Regional Planning Commission or Hearing Officer finds that <b>placement elsewhere would be infeasible and</b> they are necessary to ensure adequate circulation or access. Such driveways, streets, roads and highways shall not be counted as a portion of the total required natural open space provided. These areas shall include any necessary wildlife crossings and/or other features necessary to avoid biological impacts.	EHL	No action. Language in the Ordinance was revised by staff for clarification.
C	Would emergency situations qualify as an exception?	Caltrans	Review of emergency and hazard management activities is address in the Guide in Chapter 10 (page 84).

C.6	The SEA Ordinance should positively determine what is appropriate in disturbance of open space. The term “Activities” is a rather broad term and items should be listed specifically for understanding whether they are beneficial in maintaining habitat conditions. As we commented previously, grazing and agricultural activities should require a discretionary permit that includes monitoring to assess the success of maintaining habitat conditions, and to periodically determine whether cessation of listed or approved activities are needed to preserve the biological resources on the site.	Three Points-Liebre Mountain TC	Added clarifying language in the Ordinance.
D.1	What is the difference between a deed restriction and a covenant?	Antelope Acres TC	No action. A deed restriction is a land use restriction added to the title of a property. A covenant is a formal agreement or contract between the county and property owner, providing and recording an open space restriction over an area of land. Please see Chapter 8 in the Guide (page 78) for more information.
D.1 & D.2.d	BIA requests clarifications to expand the term “property owner” to include a “Property Owners Association.”	BIA	No action.
D.2	Who is it that decides which open space preservation mechanism is implemented for development that does not comply with SEA Development Standards? There are seven choices listed by preference. Is a choice selected at random or by request of the developer?	Antelope Acres TC	No action. The mechanism is ranked by the preference of the County. The applicant will have to prove that the higher ranked mechanism is infeasible.
D.2	Who determines what type of dedication is suitable? This section lists those in order of County preference. Our guess is project proponents will chose the least desirable—g. In-lieu fees. Please provide more detail for determining the type of preservation. We would like to add that dedication as part of development mitigation should remain in the SEA where the development occurs, and provide, at minimum, replacement of similar habitat twice that of the development's disturbed area, or what is determined in the IG according to habitat type and value. Otherwise, loss is maintained at fifty percent.	Three Points-Liebre Mountain TC	No action. The mechanism is ranked by the preference of the County. The applicant will have to prove that the higher ranked mechanism is infeasible. Off site open space preservation will need to occur in or contiguous with the same SEA to make sure that similar habitat types are preserved.
D.2	<p>The new SEA ordinance would allow offsets and in lieu fees for impacts to a SEA. This could allow for destruction to an SEA with funds or conservation easements in a mitigation bank in some entirely different location outside our Valley. This situation has already in City of Santa Clarita permitting. Re-establishment of a species in a new location may not be possible due to the particular needs of an ecological community. Creating a new place for the species may seem like an easy matter, but often results in a failure of the species to thrive in the new location.</p> <p>To our knowledge, offsite offsets and mitigation banks were not allowed in the previous SEA ordinance. Mitigation in far away locations frustrates efforts to reduce fragmentation, a goal described in the Implementation Guide under the goals section. Offsetting and in lieu fees that will not accomplish this goal, should not be permitted. If the continued existence of our SEAs is really to be accomplished, offsite mitigation must not be allowed or kept to an extreme minimum.</p>	SCOPE	Added language to Section 22.102.100.D.2 to clarify that required open space preservation will need to occur within or contiguous to the same SEA to make sure that similar habitat types are preserved. In-lieu fees are the last of County preferences. The applicant will need to prove that the 6 previous mechanisms are infeasible for the project. Mitigation banks and offsite offsets will need to occur within or contiguous with the same SEA.
D.2	Mitigation and conservation banks and offsite mitigation preserves could provide a balance between responsible development and permanently conserving important private properties within SEA boundaries. A streamlined and predictable offsite compensatory mitigation program can be of benefit to public and private developers while incentivizing the protection and management the most critically important areas within SEA boundaries. Wildlands would welcome the opportunity to work with the County on developing offsite compensatory solutions provided there is acknowledgement through the SEA Ordinance that banks and other forms off offsite mitigation provide a preferred method for mitigating impacts. Perhaps the County should consider a pilot program within a SEA where impacts are readily occurring. In order to incentivize the development of offsite compensatory solutions like mitigation or conservation banks or other large private lands acquisitions, the County should consider revising 22.102.090 Section D, Paragraph 2 to prioritize Conservation or Mitigation Banks higher in order of preference. The County could also expand and revise the preference to “Conservation or Mitigation Bank and other private lands acquisitions within an SEA boundary.	Wildlands	Changed the order of the preferred mechanisms. Moved Conservation or Mitigation Banks to #2.
D.2	recommends that the open space dedication order be revised to address 2.a (non-profit orgs) and 2.b (govt entities) with equal priority. Additionally, the text may suggest the conveyance to a public park or open space management agency with the govt entity category (2b)	NPS	Changed the order of the preferred mechanisms. Open space dedication to non-profit organizations and government entities were given equal priority.

D.2	offsets and in lieu fees could allow for destruction to an SEA with funds or conservation easements in some entirely different location. To our knowledge, offsets were not allowed in the previous SEA ordinance. California has already lost 90 percent of its native wetland and river habitats, leading to the precipitous decline of native plants and animals. We suggest that if it is really the County's intention to reduce fragmentation as described in the Implementation Guide under the goals section, offsetting and in lieu fees will not accomplish this goal, but instead result in even worse fragmentation. Also, speciation may result in a particular plant or animal species thriving in very site specific locations with explicit soil, sunlight, and water needs. Creating or locating an adequate replacement may seem easy, but often results in a failure of the species to thrive in the new location. If the County continues to include this new option, we ask that very strict rules be placed on its use and that it be only a last resort in the planning process.	Friends of Santa Clara River	No action. In-lieu fees are the last of County preferences. The applicant will need to prove that the 6 previous mechanisms are infeasible for the project. Mitigation banks and offsite offsets will need to occur within or contiguous with the same SEA.
D.2	No mention is made of management funding for either large lot parcels or other larger open space areas. Where does management funding come from? Who manages the funds? Who manages the property? Are they qualified to protect the SEA resources?	Hills For Everyone	No action. Funding for open space management must be negotiated between the applicant and entity they are dedicating the land to or the easement holder. In the case of privately retained open space (on-site deed restrictions) required for Ministerial SEA Review, the landowner will be responsible for ensuring the open space is kept in its natural undeveloped condition.
D.2.g	Specify "conservation" in-lieu fees as referenced in Definition G	Caltrans	Made suggested change.
22.102.100 (Findings) in Public REVIEW Draft (March 2018)			
A	BIA believes that the language under subsection A. be amended to eliminate any potential misinterpretations under current language. We recommend the section to be revised to read: “A. To the extent feasible, the proposed development minimizes potential impacts to identified biological resources present on the portions of the proposed development site that are located within the SEA from incompatible development through the application of environmentally sensitive site design practices and development standards.”	BIA	No action. Please refer to Chapter 5 in the Guide (page 58) that provides guidance on how to evaluate a project's ability to meet findings.
B	Also, to eliminate any misinterpretations, and conflicting exemptions, BIA suggests the language under subsection B. be replaced with the following: “B. Potential conflicts between conservation of the resources in SEAs (as identified in the County’s General Plan) and the proposed development have been equitably resolved.”	BIA	No action. Please refer to Chapter 5 in the Guide (page 58) that provides guidance on how to evaluate a project's ability to meet findings.
C	Please specify the sensitive design features that would be sufficient for habitat. (Give examples.)	Antelope Acres TC	No action. Please refer to Chapter 5 in the Guide (page 58) that provides guidance on how to evaluate a project's ability to meet findings.
D	What are the acceptable or foreseeable ways of maintaining natural functions? Are there allowable alterations of water bodies, watercourses and tributaries? How would this be done?	Antelope Acres TC	No action. Please refer to Chapter 5 in the Guide (page 58) that provides guidance on how to evaluate a project's ability to meet findings.
F	To create consistency across this “Findings” section, based on the earlier replacement language suggested above, (F) should be amended to read: “F. The proposed development does not have the potential to result in the loss of resiliency of the SEA, to the extent feasible.”	BIA	No action. Please refer to Chapter 5 in the Guide (page 58) that provides guidance on how to evaluate a project's ability to meet findings.
F	Several of the findings have been improved. However, we remain opposed to the findings in section (F). This is because unacceptable harm that comprises the purpose of the ordinance may occur far short of the extreme circumstances listed. As written, these catastrophic situations read not as examples, but rather as fixed thresholds. We suggest the following edits:  F. The proposed development promotes the resiliency of the SEA to the greatest extent possible. For purposes of this finding, SEA resiliency cannot be preserved when the proposed development may cause any of the following: 1. Significant unmitigated loss of contiguity or connectivity Bisection of the SEA. 2. Significant unmitigated impact to Removal of the only known location of a Priority Biological Resource; 3. Removal of habitat that is the only known location of a new or rediscovered species; or 4. Other factors as identified by SEATAC.	EHL	Changes made per comment.

<b>F.4</b>	This language is incredibly broad, and could pose unforeseen restrictions and challenges on builders and developers.	BIA	No action. Since SEATAC makes recommendations to the Regional Planning Commission, it will be up to the Commission's discretion to determine if this Finding has been met or not.
<b>22.102.110 (Filing Fees) in Public REVIEW Draft (March 2018)</b>			
<b>A.5.b</b>	Under current language, the SEATAC review fee only covers up to three SEATAC meetings, and would require new fee for additional meetings. BIA believes that this language should be amended to read:  “b. The SEATAC Review Fee shall cover all SEATAC meetings.”	BIA	No action. With the streamlined process and pre-application counseling (SEA Counseling and Biological Constraints Map) the number of SEATAC meetings per project may lessen as better designed projects will be heard by SEATAC.
<b>22.102.120 (Review Procedures for County Projects) in Public REVIEW Draft (March 2018)</b>			
	We would like to reiterate our position that essential public service facilities which are required to go through a CEQA process and permitting through natural resource agencies be included in a SEA review process similar to the "County Projects" process in §22.1 02.120 of the SEA Ordinance Update - Public Review Draft and Chapter 9 of the SEA Ordinance Implementation Guide - Public Review Draft.	Sanitation Districts	No action. New developments proposed by natural resource agencies will be subject to the SEA Ordinance and review processes. Existing projects and phases that have undergone CEQA review do not need SEA Review unless revisions outside of the original project scope is proposed.
<b>22.102.130 (Review Procedures for Habitat Restoration Projects) in Public REVIEW Draft (March 2018)</b>			
<b>A.2</b>	Include a plant palette as information required	Caltrans	Added language per comment.
<b>22.102.140 (SEATAC) in Public REVIEW Draft (March 2018)</b>			
<b>Appendix in Public REVIEW Draft (March 2018)</b>			
	Our only specific comment at this time is our concern that the SEA Preservation Ratios were removed from the Appendix. Although we understand there needs to be some level of flexibility, we believe at least a minimum ratio be established to prevent miss-use of this provision, which can occur many times over the years, resulting in additive reduction of habitat protection.	Donna Chen	No action. A recommended minimum preservation ratios for SEA CUPs are included in Chapter 8 in the Guide (page 77). The ratios are provided as a starting point since with a discretionary permit, the ratios can be changed based on site specific factors and SEATAC recommendations, to the satisfaction of the Hearing Officer or Commission.
<b>Procedural/General</b>			
<b>Conceptual SEAs</b>	adopt conceptual SEAs.	B. Peterson, D. Madsen, E. Eichinger, J Thomas, J. Byrne, L. Baldwin, M. Seidler, M. Strehlow, M. Paulson, P. Byrne, R. Baer, R. Kikuchi, R. Reynolds, T. Wang, W. Kamen, N. Staddon, D. Louis, N. & H. Applebaum, D. Shea, G. Walter, B. Perry, Wanda Shimazu, Celia Kutcher, Sierra Club, Sierra Club-SGV, Sierra Club-Diamond Bar, HHIA, M. Hughes	The Conceptual SEA Update has been added to the project description to officially designate Conceptual SEAs as official SEAs and subject to the SEA Ordinance.
<b>Conceptual SEAs</b>	All protections offered in the new ordinances must apply to all developments in areas near existing Conceptual SEAs and any boundary expansions, which may be implemented in the final ordinance update.	Sierra Club-Diamond Bar, Hills For Everyone, HHIA	The Conceptual SEA Update has been added to the project description to officially designate Conceptual SEAs as official SEAs and subject to the SEA Ordinance.
<b>Conceptual SEAs</b>	Consider having this proposed SEA Ord apply to conceptual as well as adopted SEAs. Waiting for the adoption of the ESGVAP may unnecessarily delay implementation of the Draft Ord enhanced protections for SEAs and expose them to harmful developments.	Puente Hills Habitat Authority	The Conceptual SEA Update has been added to the project description to officially designate Conceptual SEAs as official SEAs and subject to the SEA Ordinance.
<b>CSDs</b>	Rural areas should be allowed to utilize CSDs to protect environmentally sensitive areas from development, including SFRs.	Leona Valley TC	No action. Please consult with the Community Studies North section to see if CSDs can accommodate the request.
<b>Enforcement</b>	Include penalties for destruction of natural habitat which have occurred prior to permit process, in an effort to dissuade such activities. Anything less in the codified process appears to be in violation of CEQA and NEPA.	Leona Valley TC	Added new section in the Ordinance pertaining to Enforcement. Please refer to Section 22.102.110.
<b>Enforcement</b>	We suggest that the guidelines designate the County biologist or other staff to make at least annual reviews of SEA project conditions to ensure that they are followed. Or, in the alternative, perhaps a community panel with the oversight of SEA TAC could be designated to provide this service. A means of providing long-term enforcement and identifying responsible parties should also be outlined.	SCOPE	Added new section in the Ordinance pertaining to Enforcement. Please refer to Section 22.102.110.

<b>Enforcement</b>	We thank you for your continued concern for the environment and ask that funds be allocated in continued monitoring of any illegal and unwanted developments in the hills of Rowland Heights. We are relying on you to keep our neighborhood hills stay the way they are.	Randy and Louella Roberson	Added new section in the Ordinance pertaining to Enforcement. Please refer to Section 22.102.110.
<b>Reclamation Plans</b>	Indicate surface mining permits would require a conditional use permit, as well as a Reclamation Plan, with the opportunity for public review. We do not approve of surface mining in SEAs, in general, and find the notion incompatible with the purpose of preserving SEAs.	Three Points-Liebre Mountain TC	No action. Surface Mining projects will almost always require a SEA CUP due to the nature of the project with large amounts of vegetation removal. Reclamation Plans are required for Surface Mining Permits.
<b>Public Noticing</b>	Public Notice should be required whenever a proposal will impact an SEA.	SCOPE	SEA CUPs, a discretionary review, will require public noticing for the public hearing. For Ministerial SEA Review, there will not be public noticing since it is a ministerial review. By going through the Ministerial SEA Review process, it would mean that the County Biologist confirmed that the development was able to meet development standards proposed in this Ordinance.
<b>Public Noticing</b>	Public notice should be required for any project proposed in an SEA. For small projects, perhaps this requirement could be addressed by merely posting the project notice on line. An EIR should be required for any large project in a SEA. We understand that the County wishes to streamline small project approvals and make others less onerous. However, public oversight can only occur if the public is able to inform itself of the issues. SEAs are such an important and precious resource to the people of the County of Los Angeles, as they have been such the public took it upon itself to request protection of these resources in the late 1970s and early 1980s. It is important that we have a means of knowing how and when they may be impacted, as has been the case under the old ordinance. We ask that the County find a means of ensuring that the public will be notified of development proposals within SEAs.	Friends of Santa Clara River	SEA CUPs, a discretionary review, will require public noticing for the public hearing. For Ministerial SEA Review, there will not be public noticing since it is a ministerial review. By going through the Ministerial SEA Review process, it would mean that the County Biologist confirmed that the development was able to meet development standards proposed in this Ordinance.
<b>Long Term Protections</b>	We are deeply concerned about current and future protections of SEAs from encroachment induced by a growing populace, continued sprawl from the incorporation of new cities, ranchette and planned community development. The current Ordinance and Implementation Guide should be amended to address these matters, as there needs to be consistent protocols put in place for the ongoing protection of the SEA areas in both documents. Relevant examples that speak to this necessity include:  <input type="checkbox"/> The City of Agoura Hills elected to abandon SEA protections within its jurisdiction after incorporation in 1982. A large area of the former SEA, which remains relatively undisturbed and replete with the unique biological resources. This area is slated to be soon developed into an urban-style large commercial and multi-use area. We believe there are multiple ways the County can implement land use protections that will transfer when unincorporated lands otherwise ceded to a municipal authority.  <input type="checkbox"/> Rural lands throughout the county are increasingly being purchased for creation of ranchettes, second homes, or rentals. The Liebre Mountains serve as an example of this syndrome. SEA protections must be added to the Ordinance and Implementation Guide to address the cumulative effects to biological resources.  <input type="checkbox"/> The proposed Centennial Specific Plan is an example of how a large and very important SEA was abandoned for an enormous planned community. We believe this happened in part due to lack of protocol, policy, planning in favor of large scale development. The repercussions of this failure may be widespread throughout Los Angeles County and adjacent bio-regions and counties.	CNPS & CBD	No action. The proposed Ordinance is the first update since the current Ordinance was adopted in 1982 and is much more protective of the SEAs.
<b>Long Term Protections</b>	We ask that Conceptual SEAs recognize plant alliances: oak woodland, riparian, oak savannah, coastal scrub and soft chaparral habitats be recognized as, not merely islands, but their components as a source for restoration.	Sierra Club-Diamond Bar	No action. The Conceptual SEA Update will only update the designation of the Conceptual SEAs, making it subject to the SEA Ordinance. SEA Protected Trees and Restoration sections were added to the Ordinance and Guide. Please refer to Chapters 3 and 7 in the Guide.
<b>Long Term Protections</b>	request the remnants of smaller natural open space present in the foothills of east Los Angeles County be considered for preservation and/or enhanced to support watersheds and create habitat connectivity to larger parcels.	Sierra Club-Diamond Bar	No action. This project is not proposing changes to the SEA boundaries.
<b>Long Term Protections</b>	Sag ponds are dry due to drought and have limited the nesting and feeding areas. Concerned about endangered species, such as the condor, pond turtles, salamanders and special endangered flora and fauna will be at an even greater risk of extinction. How are the SEAs going to mitigate these problems?	Rose Bryan	No action. The SEA Ordinance focuses on the protection of habitat and natural communities that support these individual species.
<b>Long Term Protections</b>	Centennial should be bought and preserved by the State of CA and added to the state park system or preserved by LA County.	Rose Bryan	No action. Not part of project scope.

<b>Long Term Protections</b>	Our citizens are mostly just concerned about any further developments that will allowed if any. The way it was explained to us, it sounds like it is restrictive and will make it difficult for any big development to be done in the hills.	Louella Roberson	No action. The proposed Ordinance is the first update since the current Ordinance was adopted in 1982 and is much more protective of the SEAs.
<b>SEA Boundary Map</b>	add a symbol into the legend to identify the dashed green line as the Angeles National Forest boundary. Add the SMMNRA boundary line to the map and legend and item description in the legend to identify both federally designated boundaries.	NPS	Requested change will be made through the Conceptual SEA Update, when the SEA and Coastal Resource Areas Policy Map is updated.
<b>SEA Boundary Map</b>	consider establishment of an SEA that would extend from the base of the San Gabriel Mountains along the Rio Hondo and San Gabriel River to Whittier Narrows that includes areas originally considered for inclusion in the proposed National Recreational Area in the National Parks Feasibility study. This would create a wildlife a corridor from the mountains to Whittier Narrows and then into the Puente-Chino Hills.	Sierra Club-SGV, Sierra Club-Diamond Bar	No action. This project is not proposing changes to the SEA boundaries.
<b>SEA Boundary Map</b>	Exclusion of EOAs from the SEAO that lie within SEAs in the AV, or were excised from SEAs by the BOS Motion, appear antithetical to the purpose of preservation of biodiversity, prevention of fragmentation of conservation lands, and wildlife movement areas. It leads one to question the uneven implementation of the intent and purpose of drafting the SEAO, when the Antelope Valley Area Plan exclusively favors commercial development in various and remote reaches of the Antelope Valley. The proximity of EOAs directly adjacent to SEAs will undoubtedly have spillover or sprawl effects. Such an action giving carte blanche to intensive commercial development, which bears repeating, is in conflict with the stated principles outlined in the IG and the intent of the ordinance (IG 4).	Transition Habitat Conservancy	No action. This project is not proposing changes to the SEA boundaries.
<b>Cumulative Impacts</b>	the cumulative impacts of concurrent multiple projects in local SEAs must be also be considered as part of the SEA approval process.	Sierra Club-SGV, HHIA	No action. Please see Chapter 9 in the Guide for more information on how the Department will track development and conservation in SEAs to evaluate cumulative impacts.
<b>Cumulative Impacts</b>	We observe the cumulative impacts of concurrent, multiple development projects in local SEAs, and request they also be considered part of the SEA approval process.	Sierra Club-Diamond Bar	No action. Please see Chapter 9 in the Guide for more information on how the Department will track development and conservation in SEAs to evaluate cumulative impacts.
<b>Cumulative Impacts</b>	We would like any proposed development be reviewed with a fine tooth comb for any adverse effect on traffic, natural fauna and wildlife especially. We are opposed to any further real estate development that will add to the traffic and population explosion that plagues our community.	Randy and Louella Roberson	No action. Please see Chapter 9 in the Guide for more information on how the Department will track development and conservation in SEAs to evaluate cumulative impacts.
<b>Cumulative Impacts</b>	as you heard last night many of our neighbors are concerned with creeping development. It begins with a new house, then a school or church, then an apparently benign golf course. Bit by bit we lose our functioning wilderness. There must be a measure for any project and its cumulative impact on our biologically significant open space. Every project must be measured not just by its individual impacts but by the cumulative impacts of all projects in and near our precious SEA wilderness. These projects may bring mandated mitigation, but 10 acres of newly created oak woodland does not mitigate for the loss of 5 acres of old growth oak woodland. And as you heard last night there are many in our community that just love our old oak trees.	Mike Hughes	No action. Please see Chapter 9 in the Guide for more information on how the Department will track development and conservation in SEAs to evaluate cumulative impacts.
<b>Cumulative Impacts</b>	We have enough housing around Chino Hills and Diamond Bar Communities. Pollution, crimes, traffic jams and wild life conservation become serious concerns. Please expand housing projects towards east along HW60.	Tom Shiah	No action. Please see Chapter 9 in the Guide for more information on how the Department will track development and conservation in SEAs to evaluate cumulative impacts.
<b>Cumulative Impacts</b>	Concerned about the freeway that will replace the 138 being proposed from interstate 5 to the 14. appears to be devastating to the flora and fauna of AV. I have seen many large animals, such as mountain lions, deer, bears, etc. being killed by cars and trucks traversing the mountain ranges. how are the SEA going to mitigate this proposal?	Rose Bryan	No action. Please see Chapter 9 in the Guide for more information on how the Department will track development and conservation in SEAs to evaluate cumulative impacts.
<b>Cultural Resources</b>	I also think Cultural Sensitivity to the Indians should be considered as well before allowing this land to be developed.	Jacqueline Bennett	No action. Projects that require an Initial Study to assess environmental impacts per CEQA will be required to consult with local Native American tribes to assess impacts to cultural resources. SEA CUPs or Ministerial SEA Reviews that require a discretionary Use permit may go through this process, depending on the CEQA determination.
<b>Observations</b>	Recent observations of California Gnatcatcher, San Gabriel snail, and one of two (L.A. County) relict populations of gray squirrel habitat have been mapped in City of Diamond Bar wildlands. These areas border SEA 15, Upper Tonner Canyon/Tres Hermanos Ranch and Rowland Heights (Aera property.) Diamond Bar also has critical wetlands traversing the city, which support and affect wildlife movement, related to SEAs and unprotected natural open space on its borders. SEA 15 is a particular concern.	Sierra Club-Diamond Bar	SEA 15, Puente Hills SEA, is part of the proposed Conceptual SEA Update that official designates the conceptual SEA as an official SEA subject to the Ordinance.

Observations	Due to many recent findings of sensitive flora/fauna species and the new watershed sciences, we ask all projects be upgraded to require protocol environmental surveys via the updated CalVEG, habitat recognition system:	Sierra Club-Diamond Bar	No action. Determination of natural communities present on the project site will be based on the Online Manual of California Vegetation, which is the California equivalent to CalVEG.
Water Sources	When any development within a SEA is being considered, the SEA biological review should: a) identify the water source for that project; b) ensure that water needs for the project have a sustainable yield and do not cause undesirable results; and, c) groundwater dependent ecosystems and associated beneficial uses and users are considered.	Friends of Santa Clara River	No action. Any new groundwater extraction requiring vegetation disturbance or grading will be considered development. Under discretionary SEA CUP, biologists can evaluate any apparent biological impacts from groundwater extraction.
Water Sources	The review should include the effects of hardscaping over ground water recharge areas, pumping from water wells that will lower water levels and impact groundwater dependent ecosystems, etc. The Santa Clara River watershed is home to 17 federally listed species, many of which have habitat that is intrinsically linked to groundwater and the associated beneficial uses. The revised SEA ordinance describes several items which must be reviewed either by the County biologist or through the SEA TAC and other review processes, but the effect that a proposed project may have on the water needed to support GDE's and associated beneficial uses in that SEA is not one of them.	Friends of Santa Clara River	No action. Any new groundwater extraction requiring vegetation disturbance or grading will be considered development. Under discretionary SEA CUP, biologists can evaluate any apparent biological impacts from groundwater extraction.
Water Sources	We ask that sufficient water for a GDE's and associated beneficial uses and users be added to the review criteria.		No action. Any new groundwater extraction requiring vegetation disturbance or grading will be considered development. Under discretionary SEA CUP, biologists can evaluate any apparent biological impacts from groundwater extraction.
Water Sources	coordinate with the relevant Groundwater Sustainability Agencies, in which the SEA may be located to ensure groundwater dependent ecosystems and associated uses and users are adequately considered in project authorization, and in helping to support GSA objective and management targets. According to the California Sustainability Groundwater Management Act (SGMA) and Water Section 10720, Groundwater Sustainability Plans (GSP) and/or Groundwater Management Plans (GMP) are required to identify and consider impacts to Groundwater Dependent Ecosystems (GDE) that have significant and unreasonable adverse impacts on all recognized beneficial uses of groundwater and related surface waters.		No action. Any new groundwater extraction requiring vegetation disturbance or grading will be considered development. Under discretionary SEA CUP, biologists can evaluate any apparent biological impacts from groundwater extraction.
Wildlife Linkages	we request the ordinance update to recognize the contribution of city wildland linkages to wildlife support and movement beyond city boundary lines. (Native plant communities, invasive species and wildlife do not recognize man-made boundaries!)	Sierra Club-Diamond Bar	No action. The Department recognizes the importance of wildlife linkages and corridors and is a goal within the LA County General Plan .
Wildlife Linkages	the updated SEA needs to fully recognize not just the “wide ranging biodiversity” of our SEA wilderness, but also of the importance of wildlife corridors in maintaining this biodiversity.	Mike Hughes	No action. The Department recognizes the importance of wildlife linkages and corridors and is a goal within the LA County General Plan .
Wildlife Linkages	In East San Gabriel Valley, we believe SEA 15, the Aera property and Tonner Canyon/Tres Hermanos Ranch properties are extremely important in linking currently protected areas.	Sierra Club-Diamond Bar	SEA 15, Puente Hills SEA, is part of the proposed Conceptual SEA Update that official designates the conceptual SEA as an official SEA subject to the Ordinance.
Wildlife Linkages	Request that Tres Hermanos Ranch not be developed.	Danielle Robinson	SEA 15, Puente Hills SEA, is part of the proposed Conceptual SEA Update that official designates the conceptual SEA as an official SEA subject to the Ordinance.
Implementation Guide - Public REVIEW Draft (March 2018)			



<b>BCM</b>	Your Biological Constraints Map requirements should allow typical vegetation maps, which deal in Holland code associations/alliances, each of which is given a CDFW rank, from which you could back out the SEA Resource Category. Ensure that the BCM comports with the requirements for MM-BIO-1 in the 2035 General Plan EIR. Allow the use of Holland code associations/alliances that are then backed out to derive your SEA Resource Category levels. Make it clear that the CDFW rank for that class governs in all instances. Only fall back to the tailored NatureServe assessment criteria if no CDFW ranking exists. The way it's currently worded, you're creating a gray area that project opponents could exploit to say they disagree, by parsing the NatureServe assessment as they choose. So: ""SEA Resource Category 4" includes natural communities ranked G4, S4, G5 or S5 by the CDFW, or utilizing NatureServe's Conservation Status Assessment methodology where no CDFW ranking exists for that community; plant species categorized by CNPS as RPR 4; and habitat occupied by annual or herbaceous RPR 4 plant species."	Stephen Maxwell (AV resident)	CDFW no longer supports the use of Holland Classifications, and as such the SEA Ordinance relies on the Manual of California Vegetation. Added clarifying language in the Guide that NatureServe's methodology may only be used where it has been confirmed by CDFW that no CDFW ranking exists for the community identified, and any such ranking should be done in coordination with CDFW (Chapter 6 page 65).
<b>BCM</b>	We suggest that an additional depiction include any lands that have been designated as critical habitat by USFWS. We also suggest that a "larger view" of the area be included to see if a particular SEA is part of a regional corridor or connectivity effort.	Hills For Everyone	Depiction of lands designated as Critical Habitat and the location of the project site in relation to SEA boundaries added to the list of requirements for the BCM (Chapter 6 page 64).
<b>BCM</b>	We emphasize the need (as mentioned in the Implementation Guide) for on-the-ground surveys by Certified Biologists to document biological resources on sites for proposed development. It is not sufficient to rely on the California Natural Diversity Database (CNDDDB) maintained by the California Department of Fish and Wildlife (CDFW), as areas of proposed development may not have been adequately surveyed in the past and there is a backlog of survey information that CDFW has not had time to enter into the CNDDDB.	CNPS SG Mountains	No action. On-the-ground surveys by qualified biologists are required for BCMs and other biological reports.
<b>SEA Program Monitoring</b>	Chapter 8 of the Implementation Guide offers excellent contemporary ideas and requirements for mapping, reporting, and tracking. This chapter would be markedly improved if it included the assurance of dedicated staff, enforcement, or ongoing programmatic review needed to ensure the tenets of all banking and in lieu agreements are upheld. Please expand on Chapter 8, to include dedicated staff, and an associated budget.	CNPS & CBD	No action. Providing assurances of dedicated staff and associated budget is beyond the scope of this Guide (see Chapter 1 page 9 for description of the purpose and scope of the Guide).
<b>Sensitive Local Native Resources list</b>	22.102.020 Definitions. Y. "Sensitive Local Native Resources" (at pg. 9) should be provided as an appendix to the Implementation Guide and be regularly updated and required to be posted on the County's website.	CNPS & CBD	No action. An initial list and the framework for revising or adding to the list is included in Appendix B (page 105).

	<p>SEA Guiding Principles (at page 4)</p> <p><input type="checkbox"/> Biodiversity - Recognize that biodiversity is important to <del>creating</del> <b>maintaining</b> a sustainable Los Angeles County.</p> <p>o Justification – Los Angeles County natural areas are already sustainable, and the goal should be to maintain it. When development alters the landscape, biodiversity is often not sustained.</p> <p><input type="checkbox"/> Biodiversity <del>Create new</del> <b>Restore</b> places where biodiversity can be woven through the urban fabric.</p> <p>o Justification – Creating new places seems infeasible, however, restoring degraded areas through the urban areas is a feasible way to increase connectivity and biodiversity.</p> <p><input type="checkbox"/> Resiliency <del>Monitor</del> <b>Guide</b> development within SEAs to maximize preservation.</p> <p>o Justification – Because the County has put in place conditions on development in SEA’s, the County needs to take a leadership role in implementing the ordinance, not just monitoring development</p> <p><input type="checkbox"/> Resiliency - Encourage best practices for sustainable design in the SEAs that are aligned with <b>the protection of</b> natural resources.</p> <p>o Justification – The Significant Ecological Areas identify the best natural areas left in Los Angeles County and therefore the protection of these areas needs to be the highest priority of this program.</p>		
<b>SEA Guiding Principles</b>		CNPS & CBD	Revised language (page 4). Recommended changes align with intent of SEA Program and Guiding Principles.
<b>Page 6</b>	<p>Page 6 - Where occurring within SEAs, development activities are carefully <b>guided and</b> reviewed with a key focus on site design as a means for conserving fragile resources such as streams, woodlands, and threatened or endangered species and their habitats.</p> <p>o Justification – Because the County has put in place conditions on development in SEA’s, the County needs to take a leadership role in guiding the ordinance, not just monitoring development</p>	CNPS & CBD	Revised language per recommendation (page 6). We agree that a primary goal of the SEA Program is guide development to avoid impacts to SEA Resources.
<b>Page 6</b>	<p>Page 6 - The SEA Program does not change the land use designation or the zoning of a property; rather it uses <b>guidance and</b> biological review and the application of certain development standards to balance the preservation of the County’s natural biodiversity with private property rights.</p> <p>o Justification – Because the County has put in place conditions on development in SEA’s, the County needs to take a leadership role in implementing the ordinance, not just monitoring development</p>	CNPS & CBD	Revised language per recommendation (page 6). We agree that a primary goal of the SEA Program is guide development to avoid impacts to SEA Resources.
<b>Fencing</b>	NPS appreciates the standards for permeable fencing. The standards are consistent with NPS wildlife protection goals to avoid and minimize impacts and to allow for wildlife movement throughout the SMMNRA	NPS	No action.
<b>Open Space Buffer - Dev Stands</b>	The minimum 200-foot set back from the proposed project's boundary to adjacent park land or protected open space is consistent with NPS goals to preserve land acquired to protect native habitat. NPS suggest clarification in the new ordinance for instances where the 200-foot set back cannot be achieved owing to parcel size or location of a buildable site within a large parcel.	NPS	No action. If the required setback cannot be achieved, the project will require an SEA CUP, which gives the Department discretion to review the project more closely and require mitigation measures to reduce/minimize impacts on the adjacent open space.
<b>p. 15</b>	In the inset, Recommended Design Guidelines for Projects Within SEAs (page 15), item 2 refers to a 30% development footprint, where as the ordinance states a maximum of 25%. Please clarify.	EHL	Revised inset language to align with Ordinance provisions and Guide text (page 25).
<b>p. 15</b>	<p>Regarding item 4, steep slopes may well be biologically less valuable than gentler terrain,6 and some level of encroachment should be allowed to better protect SEA resources. Typically, development projects avoid steep slopes to reduce grading costs.</p> <p>EHL recommends a modification as follows: Avoid placing any development on slopes greater than 25% unless the outcome is biologically superior.</p>	EHL	Revised inset language to clarify that priority should be given to avoiding impacts to sensitive resources.

p. 33	<p>The language in Land Divisions (page 33) is concise yet contains the essential preserve design precepts. What is conspicuously missing, though, is an illustrative site plan for a subdivision showing how a 75% conservation area/25% maximum development area can meet preserve design goals by concentrating development in the overall least sensitive location. While an illustration was included in the March 21, 2018 Planning Commission Workshop presentation, this illustration fails to show how baseline unit count can be maintained through clustered design, along with greater open space and fire defensibility. This maintenance of unit count is important to convey to landowners.</p> <p>The discussion of Large Lot Parcel Maps should reflect the clarifying language for ordinance section D(4) suggested above. This can be done through this edit: The process will allow for the potential of large contiguous parcels of sensitive habitats to remain intact, while also providing that individual parcels have a reasonable opportunity to undergo an SEA Review (per 22.102.060) for future proposed development.</p>	EHL	Added graphic and clarifying language in Guide (page 46-47).
p. 33	<p>In addition to covering setback requirements and necessary amounts of Resource Category 4 and/or 5, the discussion in the Guide should expand to include ways to achieve the minimum 75% contiguous open space set aside. Such language might be, “For complying with the subdivision open space requirement for a minimum of 75% contiguous open space, and to maintain unit count, one or more dedicated open space lots may be created, or “pie shaped” lots utilized to effectively cluster development at the apex of these lots.”</p>	EHL	Added graphic and clarifying language in Guide (page 46-47).
p. 33	<p>The Biological Constraints Map (BCM) will be the essential tool for guiding and ensuring compliance with the minimum 75% open space requirement for subdivisions. This information should be reflected in the Informational Exhibit for Large Lot Parcel Maps.</p>	EHL	No action.
p. 33	<p>The Guide also portrays field surveys as unlikely to be warranted. Yet high quality biological information should be developed as early as possible during project review, and as should information on impact identification and avoidance for CEQA purposes. There is no reason to exclude field surveys from subdivision processing. We suggest the following edits: Large Lot Parcel Map subdivision projects will be required to submit an Informational Exhibit and a BCM. The Informational Exhibit should consist of materials that show development feasibility on the proposed lots <b>and open space amount and configuration</b>. The BCM for a Large Lot Parcel Map subdivision project can be based <del>solely</del> on a desktop analysis of the area using the best available data and most recent aerial imagery available <b>as supplemented by</b>. <del>No field surveys if directed by Department staff are required at this stage, such as for</del> although field verification of SEA Resource Categories <del>may be warranted in some circumstances</del>.</p>	EHL	Revised language as suggested (page 47).
p. 45	<p>The “thought process” questions posed under each finding strike a good balance between being scientifically sound and being readily understood by the lay reader.</p>	EHL	No action.
p. 50	<p>The Biological Constraints Map (page 50) is well prepared and useful.</p>	EHL	No action.

p. 58	<p>graduate degree was on oak population genetics and ecology.</p> <ul style="list-style-type: none"> <li>- As much as possible, using local seed or assisted migration of seed is best.</li> <li>- From the work my advisor and I did at UCLA, seed and pollen dispersal is so limited in oaks if you really wanted to preserve genetic variations in a local population you would have to reduce that number to 2 miles. Long lived species like trees should be a special concern for this issue, especially oaks, getting them from the same site or within less than a mile would be great. However, when that is not possible, I think that it would be better to plant an oak woodland from seed from the Los Angeles Basin, than to restrict people from planting them at all, since oaks provide habitat to so many other species.</li> <li>- Many times in highly fragmented areas, with as much development as we have in this area and with all of the microclimates in LA County there may not be seed available for a species within 10 miles. I do not think that this should restrict habitat restoration projects from planting natives from within Los Angeles County and its environment <ul style="list-style-type: none"> <li>o What if the seed might be there but there may not be the ability to harvest it (in a protected park or conservancy)? What if the seed source is from a small number of plants and you are potentially creating a bottleneck effect?</li> <li>o What if a manmade cattle pond and farming area is being restored and there are not nearby wetlands, would that restrict the restoration of plants in the old cattle pond?</li> </ul> </li> <li>- 10 miles is such a generic number and does not really improve your chances of getting seeds that have the adaptations and genetics from the existing site. To be honest, some of the seed from less than 10 miles and 1000 ft elevation away from Descanso and the Verdugo section of the SEAs would be pretty inappropriate adapted to our site - the seed from the farther areas in Burbank would be more appropriate than the much closer seed from across the freeway in the San Gabriel foothills, where the soil types are very different.</li> <li>- In highly disturbed areas, like old farms, planting short lived pioneer species, like annuals, coyote bush or poppies etc. the adaptation that you may have lost by bringing a plant from farther away will rapidly be regained with short generation time. Plus these plants provide perching opportunities for birds, and hiding spots for small mammals who can disperse local seed into the space over time.</li> <li>- Then there is the conundrum of what is native anyway- as more people grow native plants in their gardens, how do you know that the plants you are selecting from nearby are truly natural? For example, Descanso's founder Manchester Boddy and Theodore Payne planted and probably hybridized sycamores on our site in the 1940s. Should we choose those for our seed source nearby, or completely native seed from farther away?</li> </ul>	Rachel Young (SEATAC)	Revised language to incorporate recommendations into Chapter 7 of the Guide (page 72).
p. 61	On-site Preservation for SEA CUP (page 61) We concur with the preservation ratios, noting their conformance with standard practices. The suitability questions and design guidance are helpful.	EHL	No action.
p. 63	<p>Off-site Preservation for SEA CUP (page 63)</p> <p>We note that the ordinance's focus on resource avoidance coupled with the on-site open space requirements will generally obviate the need for off-site acquisition for mitigation purposes.</p> <p>Consistent with above comments on off-site mitigation, we suggest the following edit:  Developments that do not have suitable habitat <b>of long-term biological viability available</b> to preserve open space on-site will be required to provide an equivalent amount of open space preservation off-site.</p>	EHL	No action. Factors that need to be considered when determining whether on-site habitat is suitable for preservation is described in the previous section "On-Site Preservation for SEA CUP" (page 76).
P. 67	Given the high vulnerability of the area to fires, we suggest that additional language be added that allow for a longer monitoring period should a fire occur during the restoration project.	Hills For Everyone	No action. Chapter 8 summarizes the program wide monitoring that will take place to evaluate effectiveness of the SEA Program and evaluate cumulative impacts. Monitoring periods for restoration projects are discussed in Chapter 6 of the Guide (page 69).
Sensitive Plant List	We note that a county sensitive plant list was mentioned in the appendices, but we could not find it. There certainly should be a Los Angeles County sensitive plant list similar to that of the Angeles National Forest or analogously, to the Audubon Sensitive Bird List.	CNPS SG Mountains	A sensitive plant list is currently under development. The framework for the list is included in Appendix B of the Guide (page 105).

Tree Seed Source	Special thought should be given to sources of tree seed and other long lived species. All stock should be from plants within Counties in or adjacent to the SEA. Nurseries used to grow stock should also be within counties in or adjacent to the SEA to prevent spread of soil born diseases and insect pests.	Rachel Young (SEATAC)	Recommendations incorporated into Chapter 7 of the Guide (page 72).
Best Management Practices	A couple other recommendations: 1. Use plugs rather than larger plants to reduce the need for irrigation during establish to conserve water resources. This also helps plants establish new roots that are adapted to the soil in the ground, rather than having a large root mass adapted to the soil in the nursery pot. 2. If irrigation is required, describe the plan to control annual weeds that might occur and thrive from the irrigation. 3. I personally do not want to see any proposals for regular herbicide treatments without a plan for mulching, or revegetation. This is a common practice throughout the county currently and from the research and sites I have observed, this treatment serves no benefit (and may cause some harm). If someone wants to use herbicide I'd like to see a couple of things. a.) That they have tested other methods of invasive species control and have determined a single application of herbicide is the best solution. b.) They have a post application plan for revegetation and/or mulching. c.) The treatment is a one time application. d.) Preemergent herbicide should never be used, as it may affect rare species in the seed bank. 4. There is a lot of thought out there about mulch. There is a native plant contingent out there that is anti mulch because of nesting habitat for native bees. My recommendations for dealing with this issue is as follows. a.) Mulch is necessary in restoration to insure native plants thrive and survive to provide food for native bees. Without native flowers, there is no bee habitat. It is the least harmful and most beneficial way to prevent weeds, promote healthy soil, and help restore healthy organic material in the soil. One application of mulch can promote storage of large amounts of carbon in soils for years to come, helping with global climate change. It prevents water loss up to 30%. Almost all native habitat, outside of some desert ecosystems, have deep layers of organic material near trees and shrubs, keeping their roots cool and preventing evaporation. b.) And area for native been nesting without mulch can be set aside and marked. Monthly weeding will be necessary in this area until native plants can be established. Leaving restored areas unmulched and/or unweeded for bees in the long run will prevent native plants from establishing, promote invasive species that can encourage fires, and provide few resources for the native bees. 5. For weed removal projects, clear description of how green waste is handled should be part of the proposal. 6. A mention should be made about cleaning equipment for development and brush clearance. Much of the new mustard and possibly the start thistle infestation we have may have come in on Fire department brush clearance and LA Conservation corps equipment.	Rachel Young (SEATAC)	Recommendations incorporated into Chapter 7 of the Guide (page 72).
Prohibited Plant List	As a horticulture expert I think there are many plants on the list of prohibited plants that are too restrictive, as well as several that should be added: California Buckeye should be restricted to its natural range Mexican feather grass should be restricted to its natural range Fennel, artichoke, mustards and cardoons should be restricted Convolvus should be restricted (except the native species, in its natural range)	Rachel Young (SEATAC)	No action. Mexican feathergrass, fennel, artichoke, mustards, and cardoons are all on the list. California Buckeye is a common, naturally occurring tree on the desert slopes of the San Gabriel Mountains. This is part of its natural range, which extends from the San Joaquin Valley. This species range may be expected to expand as a result of climate change, but as this is a native tree to the region, we would not consider it to be invasive, but rather an range expansion.

	<p>For me the definition of an invasive species is one that reproduces and changes the ecosystem in which it grows, preventing other species from surviving. From my experience, most of the plants you see below would not fulfill that definition in Southern California.</p> <p>Salix babylonica (unless you have a real significant pond)</p> <p>Prunus cerasifera (will not survive without serious supplemental irrigation)</p> <p>Leptospermum</p> <p>Aeonium</p> <p>Cotyledon</p> <p>Amaryllis</p> <p>Calendula</p> <p>Cosmos</p>		
Invasive Species		Rachel Young (SEATAC)	No action. The invasive species list has been reviewed extensively by all three County Biologists and cross-checked with Herbarium records, existing county invasive species lists, and the CAL-IPC website.

## **Iris Chi**

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**From:** Acton Town Council <atc@actontowncouncil.org>  
**Sent:** Monday, September 24, 2018 3:11 PM  
**To:** Iris Chi; Acton Towncouncil  
**Subject:** Summary of issues of concern presented by Acton residents to DRP regarding the draft SEA Ordinance

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Ms. Chi;

On behalf of the Acton Town Council, I ask that the following summary of issues and concerns presented to DRP staff by Acton residents at the May 7, 2018 Acton Town Council meeting pursuant to the Draft SEA Ordinance be entered into the record.

Thank you  
Jacqueline Ayer  
Correspondence Secretary  
The Acton Town Council

### **NOTES FROM THE ACTON TOWN COUNCIL MEETING ON MAY 7, 2018**

DRP Staff members Jennifer Mongolo and Iris Chi kindly attended the meeting to answer questions about the Draft SEA Ordinance and address resident's concerns.

The Acton Town Council expressed deep appreciation to DRP that the draft SEA Ordinance appeared to comply with the spirit and intent of Supervisor Antonovich's motion approving the Antelope Valley "Town & Country" Plan.

The SEA Ordinance requires an applicant who seeks a CUP Renewal within an SEA and does not propose any changes to their conditions, operations, or footprint to nonetheless obtain an SEA CUP if their previous permit did not have an SEA review. When asked why, Ms. Mongolo said it was because the County wants to "see" what is on the property (presumably, she was referring to the plants and animals on the property). It was asked if an SEA CUP for these operations could be denied and whether that would result in the CUP renewal being denied, the response was in the affirmative.

It was asked what the circumstances are in which an SEA CUP would be denied for an existing facility seeking a CUP renewal. Ms. Mongolo clarified that those decisions are made on a case by case basis and are informed by the guidelines document. It was asked how it is feasible for an existing operation that has been there for decades to set aside 75% of its property if a coast horned lizard is found. This prompted the recommendation for a public workshop to be convened to give the community an opportunity to "step through" all of these potential outcomes with County staff to explore the actual long-term implications of the ordinance on important and even essential operations in Acton.



A question was asked about tree protection and whether California Junipers could be removed. The answer is no, to remove a Juniper, an SEA CUP would be required unless the development was exempt such as a single family residence with accessory structure.

A question was asked about the tree species list and what plants or trees or vegetation would trigger the requirement to set aside half the land or more in an SEA CUP. Ms. Mongolo replied "all of it".

A question was asked about the coast horned lizard, and if one or a sign of one is found, then the guidelines require 75% or more of the land to be set aside to get an SEA CUP. This was affirmed if the development was not exempt (such as a single family residence with accessory structure).

A question was asked about who is the "County Biologist" and how are the biological reviews done. The answer given is that the County employs multiple biologists and that biological reviews must be done by a biologist who is approved by the County. It was stated that the County has a list of approved biologists and that your biologist can get approved by the County; he/she just have to go through the approval process.

It was pointed out that development is already prohibited in floodplains, rivers, streams, or drainage channels, and a question was asked about how the county determined it is essential to take anywhere from 50% to 90% of a parcel in Acton to achieve biological resource protection, particularly given that the SEA abuts tens of thousands of acres of preserved land. How does the county know this is enough? How does the County know that this is not too much? The response is that the County considers the ordinance requirements to be reasonable.

A concern was expressed that neither the decisionmakers (the RPC and BOS) nor the public have any knowledge or understanding of the S1/G1 S2/G2 S3/G3 41/G4 categories that determine the set aside ratios, so how can the decisionmakers or the public possibly comprehend whether the set aside ratios actually achieve the development/resource protection balance that is supposed to be struck by this ordinance? The response was that this is a biological resource based ordinance, so it has to reflect biology-based resource valuations.

It was asked why a 2:1 set aside ratio (which takes 66% of a property) is appropriate for G4 resources when even the Department of Fish and Wildlife considers G4 resources to be apparently secure and neither vulnerable, imperiled or endangered? Why does G4 warrant such an enormous taking? There was no answer, it was just stated that these ratios are what DRP thinks is appropriate.

It was asked how the set aside ratios were determined and what information did the county use to confirm that they are enough and not too much? How does the county know that these ratios will strike the "balance" that the county supposedly seeks? In response, Ms. Mongolo said that the ratios are what DRP thinks is appropriate.

It was asked if Category 2 was the proper category for property in which a San Diego Coast Horned Lizard is found and whether that would result in an 80% set aside. The answer was that it could be.

It was pointed out that the County says that the SEA Ordinance achieves a "balance" between development and resource protection, but the factors which achieve this "balance" are actually not in the Ordinance at all; instead they are in the guidelines. The guidelines are not a part of the ordinance and they can be changed at any time by DRP staff without notice, without public comment, and without hearing. So how will this "balance" be protected when the guidelines that secure it can be adjusted at any time. County staff said that this would not happen.

It was pointed out that the "set aside" ratios are set forth in the guidelines, not the ordinance, and that because of this, they can be changed at any time without notice, without public comment, and without hearing. County staff said that this would not happen.



Iris Chi  
Department of Regional Planning  
County of Los Angeles  
320 W. Temple Street  
Los Angeles, CA 90012.

September 25, 2018

Subject: Supplemental Comments from the Acton Town Council on the Draft SEA Ordinance.

Reference: The Regional Planning Commission Hearing on Agenda Item #5 Scheduled for September 26, 2018

Dear Ms. Chi;

The Acton Town Council (ATC) respectfully requests that you accept the following comments to supplement our previous letter submitted to the Department of Regional Planning ("DRP") on September 19, 2018.

The ATC is now informed that the Draft SEA Ordinance alternative omits properties lying within the Angeles National Forest ("ANF") from the Single Family Residential ("SFR") exemption because DRP does not want this exemption to apply to "inholding" parcels located outside of Acton (such as parcels within the Community of Green Valley). Notably, "inholdings" in Acton that are within the Santa Clara River SEA actually lie in the San Gabriel Mountains National Monument ("SGMNM") rather than the ANF. This distinction is essential, and based on it, the ATC concludes that the SFR exemption set forth in the Draft SEA Ordinance/alternative does apply to all parcels in the Santa Clara River SEA that lie within Acton's boundaries, including SGMNM inholdings. Accordingly, we respectfully request that this be clarified by staff and that the record properly reflect the bright line distinction between ANF inholdings and SGMNM inholdings.

The ATC has been told that the Draft SEA Ordinance is intended to strike a "balance" between allowing development and protecting biological resources. Yet, the SEA Guidelines set forth a minimum 50% "set aside" for every SEA CUP regardless of the biological resource value or land category. This fact is revealed on page 77 of the Guidelines which identifies a 1:1 set-aside ratio for Category 5 lands. This does not appear to strike a "balance" because it compels a land owner with property that has no identifiable biological resource value to give up half of his/her property in order to develop it. It seems more like a "taking" for which no need exists, and thus appears arbitrary and capricious.

Similarly, the guidelines identify a 2:1 set aside ratio (or 67%) for G4 resources which the California Department of Fish and Wildlife ("DFW") apparently considers to be secure and neither vulnerable, imperiled or endangered. The Draft SEA Ordinance does not provide a justification for taking 67% of a property as a "set aside" when the property itself contains no significant resources; in fact, it seems to the ATC to be arbitrary and capricious.

The ATC is particularly concerned about the impacts of the Draft SEA Ordinance on existing uses that operate pursuant to a Conditional Use Permit ("CUP"). For instance, there are three water hauling companies in Acton that provide essential services to residents of Acton, Agua Dulce, and even other communities. Their CUPs must be renewed periodically, and according to the Draft SEA Ordinance and information obtained from DRP staff, they will be required to undergo a CUP SEA when they next renew their CUP if their prior entitlements did not include a biological review which "adequately addressed resources". As a result, these existing operations will be required to somehow comply with whatever "set aside" requirements and other mandates that the County will subjectively impose and if they cannot do so, *their CUP will not be renewed*. Such an outcome would be devastating to Acton and other communities, so this concern must be thoroughly considered before the SEA CUP Ordinance is approved. Notably, DRP has not explained why it is necessary to impose an SEA CUP requirement on a property owner seeking to renew an existing CUP, particularly if no facility changes or condition modifications are proposed (in which case the CUP renewal would not even be deemed a "project" pursuant to CEQA). Nor has DRP clearly set forth how the SEA review process will be implemented at these existing facilities, or how they are expected to comply with the minimum 50% set-aside obligation set forth in the SEA Guidelines. The ATC is also concerned by the DRP's track record of according significant weight to unsupported and factually erroneous "opinions" regarding resource impacts that are offered by "biologists" who are not familiar with the property itself<sup>1</sup>. The ATC is not confident that "balance" will be achieved in the County's application of the SEA Ordinance to properties that have existing CUPs, and we are concerned that the SEA Ordinance will result in denials of future CUP renewal applications.

Page 27 of the Guidelines state that the "SEA Ordinance relies largely on existing standards, requirements, and thresholds already in use by state, federal, and county resource agencies and authorities". However, neither the Guidelines nor the Draft SEA Ordinance nor the staff report identify the source of the enormous mitigation ratios set forth in Table 5 for SEA CUPs which (as discussed above) mandate the setting aside of 67% of property

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<sup>1</sup> See for example the "opinion" offered by the Mountains Recreation and Conservation Authority regarding a minor land division in Acton that was located outside the SEA (TPM 68736). The facts regarding the ridiculous and insupportable mandates that DRP sought to impose as a result of this materially erroneous "opinion" have already been set forth in the record and will not be repeated here.

that DFW apparently considers to be secure and neither vulnerable, imperiled nor endangered. It is imperative that the County quantitatively establish that these substantial "set-aside" ratios are necessary to achieve adopted biological resource protection goals, otherwise they are rendered arbitrary and capricious.

The Draft SEA Ordinance limits the total impact to G2/S2 habitat resources to 500 square feet [22.102.090] and it appears to explicitly prohibit any further disturbance beyond this. DRP has not explained or discussed how this threshold was determined or why it is warranted or why such a small allowance is appropriate regardless of the parcel size. DRP has not provided any quantitative assessment of "need" for such a significant restriction, nor has it provided any understanding of what G2/S2 resources even are or what the potential implications are of this very tight restriction. The ATC contends that it is not reasonable or appropriate to adopt this provision of the Draft SEA Ordinance until the public and the decisionmakers have a better understanding of it and its implications.

The ATC has been told that, for an SEA CUP, the categorization will not apply to the property as a "whole", rather it will apply to only the portions of the property where it is warranted. We have also been told that the "set-aside" mandates will also be adjusted accordingly. However, this is not reflected in the language of the Draft SEA Ordinance, and we are concerned that this omission leaves a large gap between the requirements imposed by the Draft SEA Ordinance and what the public believes those requirements to be.

In a public meeting held on May 7, 2018, the Community of Acton was informed that any biologist who performs a wildlife assessment pursuant to the Draft SEA Ordinance is permitted to list only the wildlife species that are actually found on the property and that biologists are not permitted to assume that a species is present merely because habitat is found which could support the species. However, this limitation is not reflected anywhere in the Draft SEA Ordinance or in the Guidelines. Therefore, the ATC respectfully requests that this restriction be clearly set forth in both the SEA Ordinance and the Guidelines.

Finally, the ATC notes these additional concerns:

- We are concerned that neither the public nor the decisionmakers have a substantive knowledge and understanding of the S1/G1 S2/G2 S3/G3 41/G4 categories which determine the resource valuations established by the Draft SEA Ordinance and Guidelines. This prevents the public from providing meaningful and informed comments on the Draft SEA Ordinance, and it prevents the decisionmakers from making informed determinations regarding the draft SEA Ordinance and the extent to which it actually achieves the development/resource protection "balance" that is intended.

- The "set aside" ratios set forth for SEA CUPs are identified in the SEA Guidelines document and not the Draft SEA Ordinance. The ATC understands that the Guidelines document is not actually part of the ordinance, which means that the set-aside ratios set forth therein can be changed at any time without public comment or notice or hearing. County staff said that this would not happen, but it is not clear why it would not occur.
- The ordinance requires a finding that development projects are "highly compatible" with biotic resources. Notably, the term "highly compatible" is not defined anywhere and it remains an entirely subjective parameter. The SEA guidelines address "highly compatible" solely in terms of the amount and quality of the land set aside (which makes no sense because "set aside" land provides buffering and preservation, but it does not address "use compatibility" at all). The Draft SEA Ordinance should be revised to identify the characteristics of a "highly compatible" development before it is approved. For instance, it should clarify whether a project must have no effect on any resources; if not, it should clarify how much impact is acceptable.
- The Draft SEA Ordinance and Guidelines require developments to set aside "appropriate and sufficient" undisturbed areas [for example, see page 122 of the Guidelines]. The ATC seeks to understand 1) The "appropriateness" and "sufficiency" thresholds that will be relied upon by the County to ascertain the extent to which a project meets this requirement; and 2) How an existing facility with an existing footprint that merely seeks to obtain a CUP renewal will be deemed to meet this requirement?

The Acton Town Council seeks resolution of these issues before the SEA Ordinance is adopted because Acton remains substantially more affected by the Santa Clara SEA Boundary revisions adopted in 2014 than any other community. This is because the revised Santa Clara SEA Boundary in Acton now extends halfway up Mount Gleason and it captures areas where no resources that were identified for the Santa Clara River SEA even exist. These facts were established in a letter to the DRP submitted in October of 2014 (an excerpt is provided in Attachment 1). Unlike the Santa Clara SEA Boundary established in other communities (like Green Valley for example), the SEA boundary in Acton is not restricted to floodplain, riparian, stream and pond resources; to the contrary, it captures vast non-riparian areas and occupies nearly one-third of Acton's 100 square mile area. Moreover, there was little justification for this massive expansion because the SEA in Acton abuts thousands of acres of untouched and pristine wilderness that is already preserved in perpetuity within the SGMNM. Prior to adopting the Antelope Valley Plan in 2014, the Board of Supervisors ("Board") recognized that the SEA boundary configuration in Acton was overly broad, which is why the Board exempted single family residential development and minor land divisions in the Antelope Valley Plan area from the SEA Ordinance. It is

also why the Board explicitly stated that the Antelope Valley Plan shall control in the event any conflict arises between the SEA Ordinance and the Antelope Valley Plan.

The Acton Town Council respectfully requests that the SEA Ordinance be revised to address these concerns, and we stand ready to discuss these matters with DRP staff. Please do not hesitate to contact the Acton Town Council regarding the concerns enumerated herein at [atc@actontowncouncil.org](mailto:atc@actontowncouncil.org).

Sincerely,

/S/ Tom Costan

Tom Costan, President  
The Acton Town Council

cc: Kathryn Barger –Los Angeles County 5<sup>th</sup> District Supervisor [kathryn@bos.lacounty.gov]  
Donna Termeer – Field Deputy to Supervisor Barger [DTermeer@bos.lacounty.gov]



## **ATTACHMENT 1**

### **EXCERPT OF COMMENTS SUBMITTED IN OCTOBER, 2014 REGARDING THE EXPANDED SANTA CLARA SEA BOUNDARY IN ACTON**

## COMMENTS ON THE PROPOSED SEA BOUNDARY IN ACTON

This summary was developed based on detailed conversations with the County Biologist (from the Department of Regional Planning) as well as SEA criteria data and supplemental information provided by the 2000 Biological Resources Assessment of the Santa Clara River SEA [found here: [http://planning.lacounty.gov/assets/upl/project/sea\\_2000-BRA-SantaClaraRiver.pdf](http://planning.lacounty.gov/assets/upl/project/sea_2000-BRA-SantaClaraRiver.pdf)].

1) The proposed Santa Clara River SEA boundary runs along ridgelines in Acton and it extends several miles beyond the Santa Clara River to cover most of the privately held lands in Acton lying south of Soledad Canyon Road. Two fully improved neighborhoods (Sterling Ridge and the Country Way development) are omitted.

2) Large sections of Acton that are included in the SEA are not located within the Santa Clara riverbed, or any associated tributary, floodplain, or seasonal watercourse. More importantly, there exists no data or evidence of any kind which demonstrates or even suggests that these areas support any biological resources of value. In fact, a detailed analysis of the Santa Clara River SEA “Biological Resources Assessment” indicates that much of the biological resources of value actually lie **outside** of Acton. More importantly, those resources of value which lie within the Community of Acton are confined to the Santa Clara river bed and its associated floodplains and tributaries (Exhibit 1). Clearly, many portions of Acton that are included within the SEA boundary have no demonstrated biological value, and must therefore be omitted from the SEA itself.

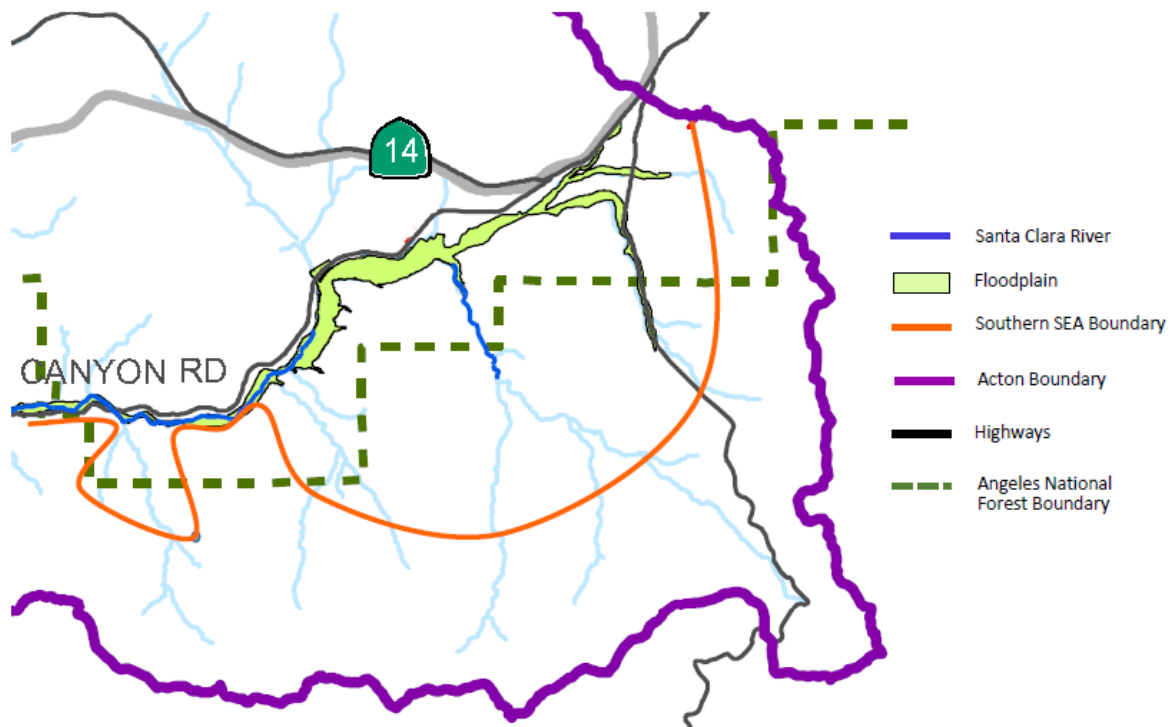
3) The **sole** criterion used to establish most of the SEA boundary in Acton was whether the area could have any surface water runoff that eventually flows into a drainage channel which in turn eventually flows into the Santa Clara River. The southern SEA boundary in Acton was specifically *not* developed based on the six (6) established SEA designation criteria (presented in Exhibit 1), and therefore lacks an appropriate technical basis. When asked about this substantial policy deviation, the County Biologist merely stated that the ‘water runoff’ criteria was “implied” in the six established SEA criteria. For the record, there is nothing in the six established SEA criteria which can be possibly construed to address, or even consider, water runoff, and there is certainly no possible interpretation of these criteria which supports the Biologist’s statement.

4) When questioned regarding the appropriateness of establishing Acton’s SEA boundary based on water runoff characteristics, the Biologist said that development on private lands in Acton which lie between ridgelines and drainage channels could possibly impact the quality of the water that runs into these drainage channels, which could possibly impact downstream tributaries and eventually could possibly affect the water quality in the Santa Clara river itself. This explanation is not found in **any** of the SEA reference reports, documents or studies prepared by Regional Planning, and it is certainly not addressed in any SEA documentation that has been released.

5) The U.S. EPA, the Army Corps of Engineers, the Regional Water Quality Control Board, and the County Public Works and Health Department already impose stringent surface and subsurface water quality regulations on all development projects in Acton, including (but not limited to) WDR, NPDES, sanitary, streambed alteration, and grading standards. These standards are more than sufficient for preserving the quality of runoff waters into drainage channels which eventually form the tributaries of the Santa Clara River. More importantly, ***the same water quality standards are imposed on all developments in Acton regardless of whether the development is in or out of the SEA, therefore expanding the SEA boundary outside of the Santa Clara riverbed and its associated drainage channels, tributaries and floodplains serves no actual water quality purpose at all.***

6) Notwithstanding the Biologist's dubious remarks on the importance of extending the SEA boundary to Acton's ridgelines in order to capture vast areas that are not even near a drainage channel, a surprising number of key drainage channels are actually **omitted** from the SEA. In fact, a large alluvial fan/drainage area within Bootlegger Canyon that currently lies within the existing Santa Clara River SEA is actually **omitted** from the new SEA Boundary. There is no clear reason why some drainages were included and others were omitted, and in fact the SEA Boundary itself appears almost random and capricious. And there is certainly no justification for including within the SEA large areas of privately held lands that are miles away from the Santa Clara River and outside of any established drainage channel or floodplain.

The figure below depicts the Santa Clara River (bright blue lines) and the floodplain (lime green areas) portions of Acton that are intended for protection in the SEA. Yet, the actual SEA southern boundary (depicted in orange) extends miles beyond these areas and occupies virtually all of the privately held lands in Acton south of Soledad Canyon Road. There is simply no justification for such an extensive taking of private lands. The SEA Boundary must be revised to include only the designated drainage channels, tributaries, river beds and floodplains within Acton that are depicted in this figure, and it must exclude all privately held lands that are not within such areas.



This Figure was obtained from the 2013 Upper Santa Clara River Integrated Regional Water Management Plan

#### EXHIBIT 1

Exhibit 1 contains an excerpt from the “Regional Biological Value” section of the Santa Clara River “Biological Resources Assessment” prepared by the Regional Planning Department to justify the proposed SEA Boundary. This excerpt lists the six (6) SEA Designation Criteria (labeled A-F) that were ostensibly used to establish the SEA boundary in Acton, and it describes the specific biological resources of regional value that are found within the SEA and which demonstrate compliance with these criteria. In this exhibit, these biological resources of regional value have been classified into three locational categories (indicated via highlighted colors): Green indicates riparian resources only found near and within the river and some tributaries; Yellow indicates resources that are located outside of Acton (and which may be found in abundance within the adjacent National Forest/National Monument). Red indicates resources that do exist within Acton, but which are limited to floodplain and seasonal stream areas.

As clearly shown in this exhibit, **ALL** of the Santa Clara River resources of “Regional Biological Value” that have been identified by Regional Planning and which occur in Acton are found **ONLY** in and near the Santa Clara riverbed and its associated drainage channels, tributaries, and floodplains. Regional Planning has no justification or basis for including within the SEA several square miles of privately-held land in Acton because these areas have no demonstrated biological value. Therefore these areas must be omitted from the SEA, which must be constrained to include only those areas in or near the Santa Clara Riverbed and its associated floodplains and tributary channels.

## 9. REGIONAL BIOLOGICAL VALUE

The proposed Santa Clara River SEA meets several SEA designation criteria and supports many regional biological values. Each criterion and how it is met or not met is described below.

*Criterion A: The Habitat of Core Populations of Endangered or Threatened Plant or Animal Species.*

The only natural population of the federally endangered unarmored three-spined stickleback is within the Santa Clara River and its tributaries. The population of federally and state endangered slender-horned spineflower in Bee Canyon is one of fewer than seven known occurrences for this species, one of only two known occurrences in the County, and one of its largest populations.

*Criterion B: On a Regional Basis, Biotic Communities, Vegetative Associations, and Habitat of Plant or Animal Species that are either Unique or are Restricted in Distribution.*

The bigcone spruce-canyon oak forests above Placerita Canyon, the vernal pool in the Placerita Canyon-Sand Canyon divide, the native grassland formations on the so-called Golden Valley Ranch (upper Placerita Canyon), and the alluvial fan sage scrub formations of lower San Francisquito Canyon, Kentucky Springs and Acton are unique and regionally restricted biotic communities within the proposed SEA. Additionally, the riparian forests and woodlands along the Santa Clara River are among the most extensive, diverse and intact formations in Southern California. Rare aquatic species, such as the unarmored three-spined stickleback, Santa Ana sucker, red-legged frog, least Bell's vireo, summer tanager, spineflower, and many others represented within the proposed SEA are found nowhere else in the region.

*Criterion C: Within Los Angeles County, Biotic Communities, Vegetative Associations, and Habitat of Plant or Animal Species that are either Unique or are Restricted in Distribution.*

The cottonwood-willow forests and woodlands, alluvial fan sage scrub, coast live oak riparian forest, and bigcone spruce-canyon oak forest communities are best represented in Los Angeles County within the proposed SEA.

	Resources not in Acton & may be found within adjacent National Forest/National Monument.
	Riparian resources found only near or within the river and some associated drainage channels.
	Resources within Acton that are limited to floodplain and seasonal stream areas.

*Criterion D: Habitat that at some point in the Life Cycle of a Species or Group of Species, Serves as Concentrated Breeding, Feeding, Resting, or Migrating Grounds and is Limited in Availability either Regionally or in Los Angeles County.*

The Santa Clara River basin affords breeding opportunities for numerous species otherwise not known to breed within Los Angeles County, including California red-legged frog, summer tanager, southwestern willow flycatcher, and the unarmored three-spined stickleback. The extensive riparian areas shelter dozens of migrant songbird species during Winter, including high concentrations of white-crowned and golden-crowned sparrows, fox sparrow, yellow-rumped warbler, dark-eyed junco, and sharp-shinned hawk. The proposed SEA embraces the river corridor and the linkage zones considered essential to insuring connectivity and resource values for many of the wildlife species present within the Los Angeles County portion of the Santa Clara River.

*Criterion E: Biotic Resources that are of Scientific Interest because they are either an Extreme in Physical/Geographical Limitations, or Represent Unusual Variation in a Population or Community.*


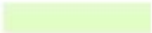

Although there are many biotic resources within the proposed SEA, this criteria is not met due to the lack of extremes in physical/geographical limitations, or representations of unusual variation in a population or community.

*Criterion F: Areas that would Provide for the Preservation of Relatively Undisturbed Examples of the Original Natural Biotic Communities in Los Angeles County.*

The proposed Santa Clara River SEA encompasses some of the highest quality, least disturbed and biotically intact acreage of bigcone spruce-canyon oak forest, riparian forest and woodland, coastal sage scrub, and alluvial fan sage scrub remaining in the county, and one of only three known vernal pools in the County.

In conclusion, the area described in this report is proposed to be an SEA because it contains: 1) the habitat of core populations of endangered and threatened plant and animal species; 2) biotic communities, vegetative associations, and habitat of plant and animal species that are either unique or are restricted in distribution in Los Angeles County and regionally; 3) concentrated breeding, feeding, resting, or migrating grounds which are limited in availability in Los Angeles County; and 4) areas that provide for the preservation of relatively undisturbed examples of original natural biotic communities in Los Angeles County.

**IT ALSO INCLUDES LARGE AREAS IN ACTON THAT DO NOT CONTAIN ANY OF THESE RESOURCES**

	Resources not in Acton & may be found within adjacent National Forest/National Monument.
	Riparian resources found only near or within the river and some associated drainage channels.
	Resources within Acton that are limited to floodplain and seasonal stream areas.



## **Iris Chi**

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**From:** Acton Town Council <atc@actontowncouncil.org>  
**Sent:** Monday, September 24, 2018 3:11 PM  
**To:** Iris Chi; Acton Towncouncil  
**Subject:** Summary of issues of concern presented by Acton residents to DRP regarding the draft SEA Ordinance

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Ms. Chi;

On behalf of the Acton Town Council, I ask that the following summary of issues and concerns presented to DRP staff by Acton residents at the May 7, 2018 Acton Town Council meeting pursuant to the Draft SEA Ordinance be entered into the record.

Thank you  
Jacqueline Ayer  
Correspondence Secretary  
The Acton Town Council

### **NOTES FROM THE ACTON TOWN COUNCIL MEETING ON MAY 7, 2018**

DRP Staff members Jennifer Mongolo and Iris Chi kindly attended the meeting to answer questions about the Draft SEA Ordinance and address resident's concerns.

The Acton Town Council expressed deep appreciation to DRP that the draft SEA Ordinance appeared to comply with the spirit and intent of Supervisor Antonovich's motion approving the Antelope Valley "Town & Country" Plan.

The SEA Ordinance requires an applicant who seeks a CUP Renewal within an SEA and does not propose any changes to their conditions, operations, or footprint to nonetheless obtain an SEA CUP if their previous permit did not have an SEA review. When asked why, Ms. Mongolo said it was because the County wants to "see" what is on the property (presumably, she was referring to the plants and animals on the property). It was asked if an SEA CUP for these operations could be denied and whether that would result in the CUP renewal being denied, the response was in the affirmative.

It was asked what the circumstances are in which an SEA CUP would be denied for an existing facility seeking a CUP renewal. Ms. Mongolo clarified that those decisions are made on a case by case basis and are informed by the guidelines document. It was asked how it is feasible for an existing operation that has been there for decades to set aside 75% of its property if a coast horned lizard is found. This prompted the recommendation for a public workshop to be convened to give the community an opportunity to "step through" all of these potential outcomes with County staff to explore the actual long-term implications of the ordinance on important and even essential operations in Acton.



A question was asked about tree protection and whether California Junipers could be removed. The answer is no, to remove a Juniper, an SEA CUP would be required unless the development was exempt such as a single family residence with accessory structure.

A question was asked about the tree species list and what plants or trees or vegetation would trigger the requirement to set aside half the land or more in an SEA CUP. Ms. Mongolo replied "all of it".

A question was asked about the coast horned lizard, and if one or a sign of one is found, then the guidelines require 75% or more of the land to be set aside to get an SEA CUP. This was affirmed if the development was not exempt (such as a single family residence with accessory structure).

A question was asked about who is the "County Biologist" and how are the biological reviews done. The answer given is that the County employs multiple biologists and that biological reviews must be done by a biologist who is approved by the County. It was stated that the County has a list of approved biologists and that your biologist can get approved by the County; he/she just have to go through the approval process.

It was pointed out that development is already prohibited in floodplains, rivers, streams, or drainage channels, and a question was asked about how the county determined it is essential to take anywhere from 50% to 90% of a parcel in Acton to achieve biological resource protection, particularly given that the SEA abuts tens of thousands of acres of preserved land. How does the county know this is enough? How does the County know that this is not too much? The response is that the County considers the ordinance requirements to be reasonable.

A concern was expressed that neither the decisionmakers (the RPC and BOS) nor the public have any knowledge or understanding of the S1/G1 S2/G2 S3/G3 41/G4 categories that determine the set aside ratios, so how can the decisionmakers or the public possibly comprehend whether the set aside ratios actually achieve the development/resource protection balance that is supposed to be struck by this ordinance? The response was that this is a biological resource based ordinance, so it has to reflect biology-based resource valuations.

It was asked why a 2:1 set aside ratio (which takes 66% of a property) is appropriate for G4 resources when even the Department of Fish and Wildlife considers G4 resources to be apparently secure and neither vulnerable, imperiled or endangered? Why does G4 warrant such an enormous taking? There was no answer, it was just stated that these ratios are what DRP thinks is appropriate.

It was asked how the set aside ratios were determined and what information did the county use to confirm that they are enough and not too much? How does the county know that these ratios will strike the "balance" that the county supposedly seeks? In response, Ms. Mongolo said that the ratios are what DRP thinks is appropriate.

It was asked if Category 2 was the proper category for property in which a San Diego Coast Horned Lizard is found and whether that would result in an 80% set aside. The answer was that it could be.

It was pointed out that the County says that the SEA Ordinance achieves a "balance" between development and resource protection, but the factors which achieve this "balance" are actually not in the Ordinance at all; instead they are in the guidelines. The guidelines are not a part of the ordinance and they can be changed at any time by DRP staff without notice, without public comment, and without hearing. So how will this "balance" be protected when the guidelines that secure it can be adjusted at any time. County staff said that this would not happen.

It was pointed out that the "set aside" ratios are set forth in the guidelines, not the ordinance, and that because of this, they can be changed at any time without notice, without public comment, and without hearing. County staff said that this would not happen.



Iris Chi  
Department of Regional Planning  
County of Los Angeles  
320 W. Temple Street  
Los Angeles, CA 90012.

September 25, 2018

Subject: Supplemental Comments from the Acton Town Council on the Draft SEA Ordinance.

Reference: The Regional Planning Commission Hearing on Agenda Item #5 Scheduled for September 26, 2018

Dear Ms. Chi;

The Acton Town Council (ATC) respectfully requests that you accept the following comments to supplement our previous letter submitted to the Department of Regional Planning ("DRP") on September 19, 2018.

The ATC is now informed that the Draft SEA Ordinance alternative omits properties lying within the Angeles National Forest ("ANF") from the Single Family Residential ("SFR") exemption because DRP does not want this exemption to apply to "inholding" parcels located outside of Acton (such as parcels within the Community of Green Valley). Notably, "inholdings" in Acton that are within the Santa Clara River SEA actually lie in the San Gabriel Mountains National Monument ("SGMNM") rather than the ANF. This distinction is essential, and based on it, the ATC concludes that the SFR exemption set forth in the Draft SEA Ordinance/alternative does apply to all parcels in the Santa Clara River SEA that lie within Acton's boundaries, including SGMNM inholdings. Accordingly, we respectfully request that this be clarified by staff and that the record properly reflect the bright line distinction between ANF inholdings and SGMNM inholdings.

The ATC has been told that the Draft SEA Ordinance is intended to strike a "balance" between allowing development and protecting biological resources. Yet, the SEA Guidelines set forth a minimum 50% "set aside" for every SEA CUP regardless of the biological resource value or land category. This fact is revealed on page 77 of the Guidelines which identifies a 1:1 set-aside ratio for Category 5 lands. This does not appear to strike a "balance" because it compels a land owner with property that has no identifiable biological resource value to give up half of his/her property in order to develop it. It seems more like a "taking" for which no need exists, and thus appears arbitrary and capricious.

Similarly, the guidelines identify a 2:1 set aside ratio (or 67%) for G4 resources which the California Department of Fish and Wildlife ("DFW") apparently considers to be secure and neither vulnerable, imperiled or endangered. The Draft SEA Ordinance does not provide a justification for taking 67% of a property as a "set aside" when the property itself contains no significant resources; in fact, it seems to the ATC to be arbitrary and capricious.

The ATC is particularly concerned about the impacts of the Draft SEA Ordinance on existing uses that operate pursuant to a Conditional Use Permit ("CUP"). For instance, there are three water hauling companies in Acton that provide essential services to residents of Acton, Agua Dulce, and even other communities. Their CUPs must be renewed periodically, and according to the Draft SEA Ordinance and information obtained from DRP staff, they will be required to undergo a CUP SEA when they next renew their CUP if their prior entitlements did not include a biological review which "adequately addressed resources". As a result, these existing operations will be required to somehow comply with whatever "set aside" requirements and other mandates that the County will subjectively impose and if they cannot do so, *their CUP will not be renewed*. Such an outcome would be devastating to Acton and other communities, so this concern must be thoroughly considered before the SEA CUP Ordinance is approved. Notably, DRP has not explained why it is necessary to impose an SEA CUP requirement on a property owner seeking to renew an existing CUP, particularly if no facility changes or condition modifications are proposed (in which case the CUP renewal would not even be deemed a "project" pursuant to CEQA). Nor has DRP clearly set forth how the SEA review process will be implemented at these existing facilities, or how they are expected to comply with the minimum 50% set-aside obligation set forth in the SEA Guidelines. The ATC is also concerned by the DRP's track record of according significant weight to unsupported and factually erroneous "opinions" regarding resource impacts that are offered by "biologists" who are not familiar with the property itself<sup>1</sup>. The ATC is not confident that "balance" will be achieved in the County's application of the SEA Ordinance to properties that have existing CUPs, and we are concerned that the SEA Ordinance will result in denials of future CUP renewal applications.

Page 27 of the Guidelines state that the "SEA Ordinance relies largely on existing standards, requirements, and thresholds already in use by state, federal, and county resource agencies and authorities". However, neither the Guidelines nor the Draft SEA Ordinance nor the staff report identify the source of the enormous mitigation ratios set forth in Table 5 for SEA CUPs which (as discussed above) mandate the setting aside of 67% of property

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<sup>1</sup> See for example the "opinion" offered by the Mountains Recreation and Conservation Authority regarding a minor land division in Acton that was located outside the SEA (TPM 68736). The facts regarding the ridiculous and insupportable mandates that DRP sought to impose as a result of this materially erroneous "opinion" have already been set forth in the record and will not be repeated here.

that DFW apparently considers to be secure and neither vulnerable, imperiled nor endangered. It is imperative that the County quantitatively establish that these substantial "set-aside" ratios are necessary to achieve adopted biological resource protection goals, otherwise they are rendered arbitrary and capricious.

The Draft SEA Ordinance limits the total impact to G2/S2 habitat resources to 500 square feet [22.102.090] and it appears to explicitly prohibit any further disturbance beyond this. DRP has not explained or discussed how this threshold was determined or why it is warranted or why such a small allowance is appropriate regardless of the parcel size. DRP has not provided any quantitative assessment of "need" for such a significant restriction, nor has it provided any understanding of what G2/S2 resources even are or what the potential implications are of this very tight restriction. The ATC contends that it is not reasonable or appropriate to adopt this provision of the Draft SEA Ordinance until the public and the decisionmakers have a better understanding of it and its implications.

The ATC has been told that, for an SEA CUP, the categorization will not apply to the property as a "whole", rather it will apply to only the portions of the property where it is warranted. We have also been told that the "set-aside" mandates will also be adjusted accordingly. However, this is not reflected in the language of the Draft SEA Ordinance, and we are concerned that this omission leaves a large gap between the requirements imposed by the Draft SEA Ordinance and what the public believes those requirements to be.

In a public meeting held on May 7, 2018, the Community of Acton was informed that any biologist who performs a wildlife assessment pursuant to the Draft SEA Ordinance is permitted to list only the wildlife species that are actually found on the property and that biologists are not permitted to assume that a species is present merely because habitat is found which could support the species. However, this limitation is not reflected anywhere in the Draft SEA Ordinance or in the Guidelines. Therefore, the ATC respectfully requests that this restriction be clearly set forth in both the SEA Ordinance and the Guidelines.

Finally, the ATC notes these additional concerns:

- We are concerned that neither the public nor the decisionmakers have a substantive knowledge and understanding of the S1/G1 S2/G2 S3/G3 41/G4 categories which determine the resource valuations established by the Draft SEA Ordinance and Guidelines. This prevents the public from providing meaningful and informed comments on the Draft SEA Ordinance, and it prevents the decisionmakers from making informed determinations regarding the draft SEA Ordinance and the extent to which it actually achieves the development/resource protection "balance" that is intended.

- The "set aside" ratios set forth for SEA CUPs are identified in the SEA Guidelines document and not the Draft SEA Ordinance. The ATC understands that the Guidelines document is not actually part of the ordinance, which means that the set-aside ratios set forth therein can be changed at any time without public comment or notice or hearing. County staff said that this would not happen, but it is not clear why it would not occur.
- The ordinance requires a finding that development projects are "highly compatible" with biotic resources. Notably, the term "highly compatible" is not defined anywhere and it remains an entirely subjective parameter. The SEA guidelines address "highly compatible" solely in terms of the amount and quality of the land set aside (which makes no sense because "set aside" land provides buffering and preservation, but it does not address "use compatibility" at all). The Draft SEA Ordinance should be revised to identify the characteristics of a "highly compatible" development before it is approved. For instance, it should clarify whether a project must have no effect on any resources; if not, it should clarify how much impact is acceptable.
- The Draft SEA Ordinance and Guidelines require developments to set aside "appropriate and sufficient" undisturbed areas [for example, see page 122 of the Guidelines]. The ATC seeks to understand 1) The "appropriateness" and "sufficiency" thresholds that will be relied upon by the County to ascertain the extent to which a project meets this requirement; and 2) How an existing facility with an existing footprint that merely seeks to obtain a CUP renewal will be deemed to meet this requirement?

The Acton Town Council seeks resolution of these issues before the SEA Ordinance is adopted because Acton remains substantially more affected by the Santa Clara SEA Boundary revisions adopted in 2014 than any other community. This is because the revised Santa Clara SEA Boundary in Acton now extends halfway up Mount Gleason and it captures areas where no resources that were identified for the Santa Clara River SEA even exist. These facts were established in a letter to the DRP submitted in October of 2014 (an excerpt is provided in Attachment 1). Unlike the Santa Clara SEA Boundary established in other communities (like Green Valley for example), the SEA boundary in Acton is not restricted to floodplain, riparian, stream and pond resources; to the contrary, it captures vast non-riparian areas and occupies nearly one-third of Acton's 100 square mile area. Moreover, there was little justification for this massive expansion because the SEA in Acton abuts thousands of acres of untouched and pristine wilderness that is already preserved in perpetuity within the SGMNM. Prior to adopting the Antelope Valley Plan in 2014, the Board of Supervisors ("Board") recognized that the SEA boundary configuration in Acton was overly broad, which is why the Board exempted single family residential development and minor land divisions in the Antelope Valley Plan area from the SEA Ordinance. It is

also why the Board explicitly stated that the Antelope Valley Plan shall control in the event any conflict arises between the SEA Ordinance and the Antelope Valley Plan.

The Acton Town Council respectfully requests that the SEA Ordinance be revised to address these concerns, and we stand ready to discuss these matters with DRP staff. Please do not hesitate to contact the Acton Town Council regarding the concerns enumerated herein at [atc@actontowncouncil.org](mailto:atc@actontowncouncil.org).

Sincerely,

/S/ Tom Costan

Tom Costan, President  
The Acton Town Council

cc: Kathryn Barger –Los Angeles County 5<sup>th</sup> District Supervisor [kathryn@bos.lacounty.gov]  
Donna Termeer – Field Deputy to Supervisor Barger [DTermeer@bos.lacounty.gov]



## **ATTACHMENT 1**

### **EXCERPT OF COMMENTS SUBMITTED IN OCTOBER, 2014 REGARDING THE EXPANDED SANTA CLARA SEA BOUNDARY IN ACTON**

## COMMENTS ON THE PROPOSED SEA BOUNDARY IN ACTON

This summary was developed based on detailed conversations with the County Biologist (from the Department of Regional Planning) as well as SEA criteria data and supplemental information provided by the 2000 Biological Resources Assessment of the Santa Clara River SEA [found here: [http://planning.lacounty.gov/assets/upl/project/sea\\_2000-BRA-SantaClaraRiver.pdf](http://planning.lacounty.gov/assets/upl/project/sea_2000-BRA-SantaClaraRiver.pdf)].

1) The proposed Santa Clara River SEA boundary runs along ridgelines in Acton and it extends several miles beyond the Santa Clara River to cover most of the privately held lands in Acton lying south of Soledad Canyon Road. Two fully improved neighborhoods (Sterling Ridge and the Country Way development) are omitted.

2) Large sections of Acton that are included in the SEA are not located within the Santa Clara riverbed, or any associated tributary, floodplain, or seasonal watercourse. More importantly, there exists no data or evidence of any kind which demonstrates or even suggests that these areas support any biological resources of value. In fact, a detailed analysis of the Santa Clara River SEA “Biological Resources Assessment” indicates that much of the biological resources of value actually lie **outside** of Acton. More importantly, those resources of value which lie within the Community of Acton are confined to the Santa Clara river bed and its associated floodplains and tributaries (Exhibit 1). Clearly, many portions of Acton that are included within the SEA boundary have no demonstrated biological value, and must therefore be omitted from the SEA itself.

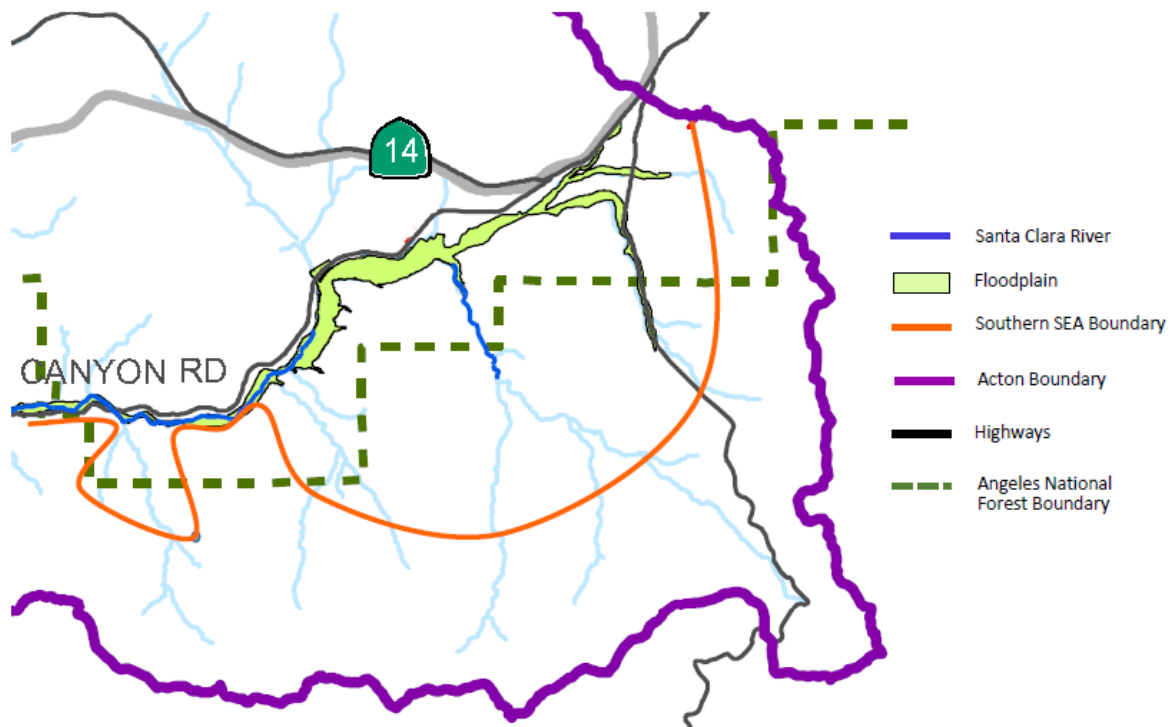
3) The **sole** criterion used to establish most of the SEA boundary in Acton was whether the area could have any surface water runoff that eventually flows into a drainage channel which in turn eventually flows into the Santa Clara River. The southern SEA boundary in Acton was specifically *not* developed based on the six (6) established SEA designation criteria (presented in Exhibit 1), and therefore lacks an appropriate technical basis. When asked about this substantial policy deviation, the County Biologist merely stated that the ‘water runoff’ criteria was “implied” in the six established SEA criteria. For the record, there is nothing in the six established SEA criteria which can be possibly construed to address, or even consider, water runoff, and there is certainly no possible interpretation of these criteria which supports the Biologist’s statement.

4) When questioned regarding the appropriateness of establishing Acton’s SEA boundary based on water runoff characteristics, the Biologist said that development on private lands in Acton which lie between ridgelines and drainage channels could possibly impact the quality of the water that runs into these drainage channels, which could possibly impact downstream tributaries and eventually could possibly affect the water quality in the Santa Clara river itself. This explanation is not found in **any** of the SEA reference reports, documents or studies prepared by Regional Planning, and it is certainly not addressed in any SEA documentation that has been released.

5) The U.S. EPA, the Army Corps of Engineers, the Regional Water Quality Control Board, and the County Public Works and Health Department already impose stringent surface and subsurface water quality regulations on all development projects in Acton, including (but not limited to) WDR, NPDES, sanitary, streambed alteration, and grading standards. These standards are more than sufficient for preserving the quality of runoff waters into drainage channels which eventually form the tributaries of the Santa Clara River. More importantly, ***the same water quality standards are imposed on all developments in Acton regardless of whether the development is in or out of the SEA, therefore expanding the SEA boundary outside of the Santa Clara riverbed and its associated drainage channels, tributaries and floodplains serves no actual water quality purpose at all.***

6) Notwithstanding the Biologist's dubious remarks on the importance of extending the SEA boundary to Acton's ridgelines in order to capture vast areas that are not even near a drainage channel, a surprising number of key drainage channels are actually **omitted** from the SEA. In fact, a large alluvial fan/drainage area within Bootlegger Canyon that currently lies within the existing Santa Clara River SEA is actually **omitted** from the new SEA Boundary. There is no clear reason why some drainages were included and others were omitted, and in fact the SEA Boundary itself appears almost random and capricious. And there is certainly no justification for including within the SEA large areas of privately held lands that are miles away from the Santa Clara River and outside of any established drainage channel or floodplain.

The figure below depicts the Santa Clara River (bright blue lines) and the floodplain (lime green areas) portions of Acton that are intended for protection in the SEA. Yet, the actual SEA southern boundary (depicted in orange) extends miles beyond these areas and occupies virtually all of the privately held lands in Acton south of Soledad Canyon Road. There is simply no justification for such an extensive taking of private lands. The SEA Boundary must be revised to include only the designated drainage channels, tributaries, river beds and floodplains within Acton that are depicted in this figure, and it must exclude all privately held lands that are not within such areas.



This Figure was obtained from the 2013 Upper Santa Clara River Integrated Regional Water Management Plan

#### EXHIBIT 1

Exhibit 1 contains an excerpt from the “Regional Biological Value” section of the Santa Clara River “Biological Resources Assessment” prepared by the Regional Planning Department to justify the proposed SEA Boundary. This excerpt lists the six (6) SEA Designation Criteria (labeled A-F) that were ostensibly used to establish the SEA boundary in Acton, and it describes the specific biological resources of regional value that are found within the SEA and which demonstrate compliance with these criteria. In this exhibit, these biological resources of regional value have been classified into three locational categories (indicated via highlighted colors): Green indicates riparian resources only found near and within the river and some tributaries; Yellow indicates resources that are located outside of Acton (and which may be found in abundance within the adjacent National Forest/National Monument). Red indicates resources that do exist within Acton, but which are limited to floodplain and seasonal stream areas.

As clearly shown in this exhibit, **ALL** of the Santa Clara River resources of “Regional Biological Value” that have been identified by Regional Planning and which occur in Acton are found **ONLY** in and near the Santa Clara riverbed and its associated drainage channels, tributaries, and floodplains. Regional Planning has no justification or basis for including within the SEA several square miles of privately-held land in Acton because these areas have no demonstrated biological value. Therefore these areas must be omitted from the SEA, which must be constrained to include only those areas in or near the Santa Clara Riverbed and its associated floodplains and tributary channels.

## 9. REGIONAL BIOLOGICAL VALUE

The proposed Santa Clara River SEA meets several SEA designation criteria and supports many regional biological values. Each criterion and how it is met or not met is described below.

*Criterion A: The Habitat of Core Populations of Endangered or Threatened Plant or Animal Species.*

The only natural population of the federally endangered unarmored three-spined stickleback is within the Santa Clara River and its tributaries. The population of federally and state endangered slender-horned spineflower in Bee Canyon is one of fewer than seven known occurrences for this species, one of only two known occurrences in the County, and one of its largest populations.

*Criterion B: On a Regional Basis, Biotic Communities, Vegetative Associations, and Habitat of Plant or Animal Species that are either Unique or are Restricted in Distribution.*

The bigcone spruce-canyon oak forests above Placerita Canyon, the vernal pool in the Placerita Canyon-Sand Canyon divide, the native grassland formations on the so-called Golden Valley Ranch (upper Placerita Canyon), and the alluvial fan sage scrub formations of lower San Francisquito Canyon, Kentucky Springs and Acton are unique and regionally restricted biotic communities within the proposed SEA. Additionally, the riparian forests and woodlands along the Santa Clara River are among the most extensive, diverse and intact formations in Southern California. Rare aquatic species, such as the unarmored three-spined stickleback, Santa Ana sucker, red-legged frog, least Bell's vireo, summer tanager, spineflower, and many others represented within the proposed SEA are found nowhere else in the region.

*Criterion C: Within Los Angeles County, Biotic Communities, Vegetative Associations, and Habitat of Plant or Animal Species that are either Unique or are Restricted in Distribution.*

The cottonwood-willow forests and woodlands, alluvial fan sage scrub, coast live oak riparian forest, and bigcone spruce-canyon oak forest communities are best represented in Los Angeles County within the proposed SEA.

	Resources not in Acton & may be found within adjacent National Forest/National Monument.
	Riparian resources found only near or within the river and some associated drainage channels.
	Resources within Acton that are limited to floodplain and seasonal stream areas.

*Criterion D: Habitat that at some point in the Life Cycle of a Species or Group of Species, Serves as Concentrated Breeding, Feeding, Resting, or Migrating Grounds and is Limited in Availability either Regionally or in Los Angeles County.*

The Santa Clara River basin affords breeding opportunities for numerous species otherwise not known to breed within Los Angeles County, including California red-legged frog, summer tanager, southwestern willow flycatcher, and the unarmored three-spined stickleback. The extensive riparian areas shelter dozens of migrant songbird species during Winter, including high concentrations of white-crowned and golden-crowned sparrows, fox sparrow, yellow-rumped warbler, dark-eyed junco, and sharp-shinned hawk. The proposed SEA embraces the river corridor and the linkage zones considered essential to insuring connectivity and resource values for many of the wildlife species present within the Los Angeles County portion of the Santa Clara River.

*Criterion E: Biotic Resources that are of Scientific Interest because they are either an Extreme in Physical/Geographical Limitations, or Represent Unusual Variation in a Population or Community.*


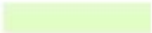

Although there are many biotic resources within the proposed SEA, this criteria is not met due to the lack of extremes in physical/geographical limitations, or representations of unusual variation in a population or community.

*Criterion F: Areas that would Provide for the Preservation of Relatively Undisturbed Examples of the Original Natural Biotic Communities in Los Angeles County.*

The proposed Santa Clara River SEA encompasses some of the highest quality, least disturbed and biotically intact acreage of bigcone spruce-canyon oak forest, riparian forest and woodland, coastal sage scrub, and alluvial fan sage scrub remaining in the county, and one of only three known vernal pools in the County.

In conclusion, the area described in this report is proposed to be an SEA because it contains: 1) the habitat of core populations of endangered and threatened plant and animal species; 2) biotic communities, vegetative associations, and habitat of plant and animal species that are either unique or are restricted in distribution in Los Angeles County and regionally; 3) concentrated breeding, feeding, resting, or migrating grounds which are limited in availability in Los Angeles County; and 4) areas that provide for the preservation of relatively undisturbed examples of original natural biotic communities in Los Angeles County.

**IT ALSO INCLUDES LARGE AREAS IN ACTON THAT DO NOT CONTAIN ANY OF THESE RESOURCES**

	Resources not in Acton & may be found within adjacent National Forest/National Monument.
	Riparian resources found only near or within the river and some associated drainage channels.
	Resources within Acton that are limited to floodplain and seasonal stream areas.





Los Angeles/Ventura Chapter

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September 24, 2018

Doug Smith, Commissioner, Supervisorial District 1  
David W. Louie, Chair, Supervisorial District 2  
Laura Shell, Commissioner, Supervisorial District 3  
Elvin W. Moon, Vice Chair, Supervisorial District 4  
Pat Modugno, Commissioner, Supervisorial District 5  
Department of Regional Planning  
320 West Temple Street  
Los Angeles, CA 90012

#### **Re: Building Industry Association Comment Letter on the Significant Ecological Areas (SEA) Ordinance - September 2018**

Dear Supervisor Kuehl,

The Los Angeles/Ventura Chapter of the Building Industry Association of Southern California, Inc. (BIA), is a non-profit trade association of nearly 1,200 companies employing over 100,000 people all affiliated with building and development. On behalf of our membership, we would like to submit an updated comment letter based on the most recent draft of the County's Significant Ecological Areas (SEA) Ordinance. Unfortunately, the latest draft still falls short in addressing BIA's previously expressed concerns, and we are unsettled by some of the newly introduced language. We hope that our former and current comments are evaluated and considered for implementation.

Over the last several years, BIA-LAV has worked with the County and submitted various comment letters to help produce drafts 7, 8 and 9 of the SEA ordinance. Draft 10 of the SEA document was reviewed by our membership, and we had the opportunity to meet with County staff to communicate several technical changes. We had hoped to see most of the additions adopted in the new draft, but very few of the changes were implemented. Particularly, three previously expressed comments still remain at the forefront of our concerns; Native Tree Permits, Enforcement Mechanisms, and the Antelope Valley Exemption. These concerns are described below;

350 South Bixel Street | Suite 100 | Los Angeles, CA 90017 | Tel 213.797.5994  
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Los Angeles/Ventura Chapter

1. Concern - Native Trees Permits: Native trees will be further assessed for negative impacts, through the SEA Protected Trees development standard and Protected Tree Permit. 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.

Recommendation - BIA previously requested that SEA Draft 10, Section 22.102.050, remove additional permitted uses and asked that they only be subject to ministerial review. This included but was not limited to native and non-native vegetation removal, crops, native habitat restoration, etc. The new Protected Tree Permit is in direct conflict with this request and duplicates compliance conditions, as such mitigation efforts are already fulfilled through current permit processes and under the SEA Development Standards.

2. Concern – Enforcement Mechanisms: Notice of SEA violations and violation enforcements were created 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.

Recommendation - As previously conveyed in our past letter, development permitted prior to the expansion of an SEA mapped area would not have been previously reviewed for impacts to SEA resources. BIA recommends the language that was adopted by former versions of the ordinance be considered in lieu of the above suggested review and permit process: “Any development authorized by a valid land use approval, or permit authorized by this Title 22, that was not subject to Section 22.56.215 as it existed prior to the effective date of the ordinance establishing the former section. In such cases, the development shall be governed by the land use approval or permit during the life of that grant.” This language would be more appropriate when referring to a legally established development.

3. Concern - Antelope Valley Exemption: All Antelope Valley (AV) areas (except for the Eastern portion) had always been exempted in previous SEA ordinance drafts. The latest ordinance mandates that the AV areas will also be included as part of the county-wide SEA regulations for single-family residences and agricultural uses. This is meant to protect wildlife corridors and fragment natural communities that provide habitat for protected species and species.

Recommendation - In 2014, the Board of Supervisors passed a resolution to exempt the Antelope Valley Area Plan from encroachment of the SEA ordinance. This motion ensured



Los Angeles/Ventura Chapter

that the provisions in the Antelope Valley Area Plan supersede any new or existing SEA ordinance. This exemption was reached through the input of Town Councils, Antelope Valley Area Plan Blue Ribbon Committee, and the Department of Regional Planning to achieve an appropriate balance between economic growth and development, the preservation of important environmental resources, and the protection of the unique rural character of the Antelope Valley. The resolution was promulgated by the 200,000-acre expansion of the SEA in 2014. The recommendation to overturn a previous Board resolution is troublesome and changes the trajectory of developments that were created and dependent on this exemption.

In summary, BIA believes that these considerations will strengthen the SEA ordinance by providing balance between past drafts and previous industry suggestions. Builders need clarity and certainty when new regulations are updated or introduced, especially when existing investments and current projects are impacted. These small changes will provide BIA members and housing producers that certainty and allow fair housing production to battle the housing crisis that has afflicted the region. We ask that the Final Significant Ecological Areas Ordinance be written with our requested adjustments, so we can reasonably achieve the County's goal of ecosystem conservation. We look forward to continuing to work with the County as this draft ordinance is finalized.

Thank you for your consideration of these suggestions and comments. Should you have any questions please contact, BIA-LAV Director of Government Affairs, Diana Coronado, at (213) 797-5965 or at [dcoronado@bialav.org](mailto:dcoronado@bialav.org).

Sincerely,

Tim Piasky  
Chief Executive Officer  
BIA-Los Angeles/Ventura

CC: Los Angeles County Department of Regional Planning

## Iris Chi

---

**From:** Fachko Denise <dfachko@yahoo.com>  
**Sent:** Thursday, September 20, 2018 11:31 PM  
**To:** Rosie Ruiz; DRP SEA  
**Cc:** Denise Fachko  
**Subject:** RE: Item 5, September 26, 2018; Project No. 2017-003725-(1-5); Significant Ecological Areas (SEA) Program Update

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

September 20, 2018

David Louie, Chair  
Regional Planning Commission  
320 West Temple St., 13th Floor  
Los Angeles, CA 90012

**RE: Item 5, September 26, 2018; Project No. 2017-003725-(1-5); Significant Ecological Areas (SEA) Program Update—SUPPORT**

Dear Chairperson Louis and Members of the Commission:

I *support* the adoption of this ordinance, as revised on Sept. 13, 2018. Years of thoughtful effort and stakeholder outreach have yielded a sound accomplishment. The essence of this accomplishment is to successfully combine major project streamlining with the scientific principles of conservation biology.

Clear and up-front requirements for amount and configuration of natural open space, as well as standardized mitigation ratios, will ensure that the goal of the ordinance – protection of precious SEA resources during development – will actually be met.

I also commend the early consultative process for identification of biological constraints, so that applicants' time and money is not wasted. And a well-illustrated Implementation Guide provides detailed guidance for compliance.

To make the SEA update effort complete, I strongly support two other components:

1. Adopting the Alternative Option for reduced SEA exemptions in the Antelope Valley.
2. The re-designation of Conceptual SEAs to regular SEA.

Time has come to adopt and move forward.

Thank you for considering my views.

Sincerely,  
D. Fachko

## Iris Chi

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**From:** Ted Hamm <tedhammk9s@gmail.com>  
**Sent:** Tuesday, September 25, 2018 4:15 PM  
**To:** kathryn@bos.lacounty.gov; DTermeer@bos.lacounty.gov; Iris Chi  
**Subject:** Proposed changes to the SEA in Aliso Canyon, Acton, CA

I want to voice my STRONG opposition to the proposed changes to the SEA affecting Aliso Canyon area of Acton...in particular the changes that would specifically target land owners that are inside the SEA as well as inside the Nation Forest, such as myself. These proposed changes would be highly punitive to those of us that bought land in this area only to see this same land being rendered less and less valuable and less usable. My property in particular is a 10 acre parcel of which approximately 5 acres is inside the SEA...the entire parcel is inside the National Forest. Our plans when we bought the place was to eventually build a second residence with horse facilities on the part of our land that is inside the SEA. The proposed changes in the allowed usage of this 5 acres will totally negate those plans. I have not seen any proposal to either purchase these 5 acres at the price we paid for them, or in some other manner equitably compensate us for the loss these planned changes to the SEA will place upon us. It seems to me the County is planing to take 5 acres of my land via "eminent domain" without bothering to go through the necessary steps to do so.

Edward Hamm  
30271 Aliso Canyon Rd.

## Iris Chi

---

**From:** Jacki Ayer <airspecial@aol.com>  
**Sent:** Tuesday, September 25, 2018 5:13 PM  
**To:** Iris Chi; atc@actontowncouncil.org; Airspecial@aol.com  
**Subject:** Summary of the conversation with DRP staff regarding the Draft SEA Ordinance

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

### SUMMARY OF CONVERSATION WITH MS. CHI ON SEPTEMBER 20, 2018

On September 20, 2018. Ms. Iris Chi from the Department of Regional Planning was kind enough to contact Jacqueline Ayer and regarding concerns expressed by the Acton Town Council pursuant to the draft SEA Ordinance. The following paragraphs summarize this discussion. It is respectfully requested that these notes be included in the public correspondence record that the County is compiling for the draft Ordinance.

1. It is not the County's practice to put details of public comments that are received at community meetings into the staff report that is submitted to the Regional Planning Commission prior to a hearing.
2. The County encourages written comments because oral comments made at community meetings that are convened to address a proposed ordinance are not usually summarized or compiled by county staff in a manner that is reflected in the record.
3. The County seeks to convene a workshop as soon as reasonably possible; it will take place well in advance of the Board of Supervisor's hearing on the SEA Ordinance.
4. The "set-aside" ratios set forth in the draft SEA ordinance are based on the development footprint.
5. It was asked why a property owner should set aside 4 acres of a 5 acre parcel to put a house, barn, corral and driveway on it just because a horny toad is found in just one corner or the property (which makes the whole property designated as Category 2 or higher). Ms. Chi indicated that the County would not apply the category to the whole parcel, just the portion of the parcel that is reasonable to do so. Ms. Chi also indicated that the set-aside would be determined based only on the portion of the property where the category is applied and that the planner's decision would be informed by the guidelines (which is why the guidelines were written). It was pointed out that the ordinance does not say any of this, and that none of these assurances are reflected in the guidelines. Concern was expressed that the guidelines do not allow the level of flexibility that Ms. Chi suggested and, since they are merely guidelines, they remain deferential to the inflexible language of the ordinance itself. It was further pointed out that the guidelines are not part of the ordinance and the DRP can change the guidelines without public input so what the guidelines say now are not relevant to how the ordinance will be implemented in the future.

6. The reason for omitting the SFR exemption on ANF inholdings is because there is a section of the county north of Santa Clarita (Green Valley?) that has inholdings which the County does not want exempted. So, Acton cannot have exempted ANF inholdings.
7. Concern was expressed that the Draft SEA Ordinance requires CUP renewal applications to undergo SEA review if the property had not undergone prior SEA review. It was asked if this could result in the denial of the CUP, and Ms. Chi said they just have to comply with the SEA requirements. It was asked how they are supposed to comply with a potential 75% set aside requirement (or more) as an existing operation with an established footprint and that if they cannot comply would they lose their CUP – this would have unimaginable consequences for Acton, Agua Dulce, and elsewhere. Ms. Chi indicated that this can be explored in the workshop.
8. It was conveyed that there are concerns that, if a "biologist" or a "conservation agency" were to "opine" that a hauled water operation in Acton affects water resources elsewhere, then this could result in a denial of the CUP even if the opinion is unsubstantiated. Ms. Chi found this scenario unlikely and that this would not be a result of the SEA Ordinance. Examples of such events were provided wherein groundless "opinions" given by "biologists" regarding non-SEA projects in Acton caused substantial delays, wasted thousands of dollars, and nearly resulted in project denials. These examples included:
  - On a minor land division creating 2 parcels on a 20-acre hillside property, DRP mandated an enormous set aside merely because it claimed the property was in a "rare wide and direct habitat connection" (at the hearing, the DRP planner even stated this as the reason for such substantial "mitigation"). This "opinion" that the subject property overlaid a "rare wide and direct habitat connection" came from "biologist" from the Mountains Recreation and Conservation Authority. Conversations with the MRCA representative [Mr. Paul Edelman] revealed that he is a colleague of the County Biologist and submitted the "opinion" after the County Biologist contacted him to discuss the project. The conversation with Mr. Edelman also revealed that the "habitat connection" that he "opined" was across the subject property was in fact nearly a mile from the project and separated from it by an extensive road network and commercial and residential development. In this case, the "opinion" offered by the RCMA "biologist" had no basis in fact; it was unsubstantiated, uncorroborated, baseless and entirely incorrect. Nonetheless, DRP relied on this erroneous "opinion" and cost the property owner thousands of dollars, years of delay, and nearly half his land.
  - On a single lot subdivision project that a property owner had to complete just to build a house, the biologist for the Department of Fish and Wildlife did not support the project and stated that he "believes that people should not be allowed to build in Acton; people should live in cities and should be building up not out". This biologist's "opinion" was not supported by facts; to the contrary, it merely reflected a personal belief that was being used to fabricate unwarranted project conditions which delayed the project and cost the property owner time and money.

These events were identified to demonstrate that DRP can and does rely on factually unsupported "opinions" without testing their veracity merely because they are offered by "biologists", and that these "opinions" result in undue and unwarranted burdens on Acton



residents. It is because of these prior events and the fact that the SEA Ordinance relies on qualitative thresholds that Acton residents do not have confidence that DRP will implement the SEA Ordinance in a "fair and balanced" manner. Concern was expressed that the draft SEA Ordinance provides no safeguards to protect Acton water haulers (or the essential services they provide) from unfounded and unsubstantiated "opinions" which could result in their CUP renewals being denied if DRP accords them significant weight merely because they are offered by a "biologist".

Thank you  
Jacqueline Ayer

## **Iris Chi**

---

**From:** Julie Kyle <gitrdunkyle@msn.com>  
**Sent:** Tuesday, September 25, 2018 3:57 PM  
**To:** Iris Chi  
**Subject:** SEA designation

September 25, 2018

Iris Chi  
Department of Regional Planning

Hello Iris,

In regards to the conversation we had last week regarding proposed changes in the SEA's for the Antelope Valley. As I told you, we have farmed in the Antelope Valley for decades. We are good stewards of our land and the natural resources we have been entrusted with. We strongly oppose the suggested removal of SEA exemptions on agricultural property. This is just one more restriction and taking of our property rights. Agriculture supports wildlife in our area and does not infringe on wildlife corridors or communities.

Sincerely,

Julie Kyle  
Kyle & Kyle Ranches, Inc.



Lakes Town Council  
PO Box 784  
Lake Hughes, CA 93532

"Where Nature Is Your  
Neighbor"

*Council Members:*

Teri Gordon  
*President*

Robin Kennard  
*Vice President*

Louisa Stephen  
*Secretary*

*Treasurer*

*Member*

Contact  
(661) 262-3130  
[info.LakesTownCouncil@gmail.com](mailto:info.LakesTownCouncil@gmail.com)

September 20, 2018

County of Los Angeles Department of Regional Planning  
Environmental Planning and Sustainability

Attn: Iris Chi, AICP Planner  
320 West Temple Street  
Los Angeles, CA 90012

RE: SEA Program Update

SENT VIA EMAIL

Dear Ms. Chi,

We are writing in support of the Alternative Option, and very much oppose exempting the Antelope Valley SEA's from review for Single Family Residences (SFR's), Economic Opportunity Areas (EOA's), and agricultural uses.

Excluding the Antelope Valley SEA's from these reviews is antithetical to the purpose of having SEA's in the first place. Our area is unique and biologically diverse, and deserves County protections. The planned city of Centennial alone is an enormous threat to the health and viability of wildlife habitats and biodiversity. In addition, there are countless smaller threats from developments that put these areas at risk of fragmentation. Preservation and proper oversight of these biological gems is imperative, lest they be slowly destroyed, killing off flora and fauna, and robbing future generations of County residents from enjoying them.

We respectfully request that the Department of Regional Planning approve the Alternative Option and remove the exemption of the Antelope Valley SEA's from review for SFR's, EOA's, and agricultural areas.

Sincerely,

Teri L Gordon  
President



September 25, 2018

David W. Louie, Chair  
Los Angeles County Regional Planning Commission

c/o Los Angeles County Department of Regional Planning  
Environmental Planning & Sustainability Section  
Attn: Iris Chi, AICP, Planner  
320 W. Temple Street, 13<sup>th</sup> Floor  
Los Angeles, CA 90012  
[sea@planning.lacounty.gov](mailto:sea@planning.lacounty.gov)

**Regarding: Comments on Significant Ecological Area Ordinance**

Dear Chair Louie and Members of the Commission:

The Puente Hills Habitat Preservation Authority (Habitat Authority) appreciates the opportunity to comment on the final draft of the Significant Ecological Area (SEA) Ordinance.

The Habitat Authority is a joint powers authority established pursuant to California Government Code Section 6500 *et seq.* with a Board of Directors consisting of the City of Whittier, County of Los Angeles, Sanitation Districts of Los Angeles County, and the Hacienda Heights Improvement Association. According to its mission, the Habitat Authority is dedicated to the acquisition, restoration, and management of open space in the Puente Hills for preservation of the land in perpetuity, with the primary purpose to protect the biological diversity. Additionally, the agency endeavors to provide opportunities for outdoor education and low-impact recreation. The Habitat Authority owns and or manages over 3,800 acres which lie within the Cities of Whittier and La Habra Heights, as well as in the County unincorporated area of the Puente Hills known as Hacienda Heights.

Overall, the Habitat Authority recognizes the need for an updated SEA Ordinance to protect sensitive ecological areas of the County of Los Angeles. We are supportive in concept of this final draft including making conceptual SEAs permanent with adoption of the ordinance, but have remaining reservations.

**Exempt Government Open Space Land Managers from the Ordinance** - Organizations and especially public land management agencies that do not collect public tax dollars and whose main mission are in alignment with the goals of the Ordinance, such as the Habitat Authority, should be considered exempt from the Ordinance including its fee structure. Government organizations are held accountable to a higher standard of transparency and due diligence in their process and conduct.

Thank you for your consideration of our comments. Feel free to contact me or Andrea Gullo, Executive Director, at (562) 945-9003 or [agullo@habitatauthority.org](mailto:agullo@habitatauthority.org) for further discussion. Also, please maintain our agency on the contact list for this planning process regarding the SEA Ordinance.

Sincerely,

  
Bob Henderson  
Chairman

cc: Board of Directors  
Citizens Technical Advisory Committee





# SC Wildlands

Science & Collaboration for Connected Wildlands

P.O. Box 1052, Fair Oaks, CA 95628

(877) Wildland [www.scwildlands.org](http://www.scwildlands.org)

## Members of the Board

Laura Berglan  
The Shanker Law Firm, P.L.C.

Paul Edelman  
Santa Monica Mountains Conservancy

Amy Golden  
Virginia Department of Transportation

Jun Onaka  
Onaka Planning & Economics

E.J. Remson  
The Nature Conservancy

Dr. Seth Riley  
National Park Service

Dr. Esther Rubin  
Cave Creek, Arizona

Cam Tredennick  
Sacramento, California

September 24, 2018

David Louie, Chair  
Regional Planning Commission  
320 West Temple St., 13<sup>th</sup> Floor  
Los Angeles, CA 90012

Transmitted via email to [ruiz@planning.lacounty.gov](mailto:ruiz@planning.lacounty.gov) and  
[sea@planning.lacounty.gov](mailto:sea@planning.lacounty.gov)

Subject: Support for Item 5, September 26, 2018 Significant Ecological Areas  
(SEA) Program Update

Dear Chairperson Louie and Members of the Commission:

SC Wildlands strongly supports the adoption of the SEA ordinances, as revised on September 13, 2018. We also support (1) the re-designation of all Conceptual SEAs to regular SEA status; and (2) adopting the Alternative Option for reduced SEA exemptions in the Antelope Valley. We appreciate the many years that the County has worked to improve the configuration of the SEAs and the associated ordinances to help conserve these irreplaceable areas of the County. We also commend the County on the Implementation Guide, which provides detailed guidance for compliance that will help ensure that the ecological values of the SEAs are maintained during development, as intended by the ordinance.

We applaud the County for not just evaluating natural resources within the County boundary but also assessing how the County's biological resources fit into a broader regional conservation strategy. The County has incorporated portions of several regionally important linkages into the SEAs to accommodate wildlife movement and habitat connectivity both within and beyond the county boundary. This landscape scale approach is consistent with the Western Governors' Association Wildlife Corridors Initiative June 2008 report <file:///F:/WildlifeLinkageOrdinances/Western-Governors-Association-2008-Corridor-Initiative-Report.pdf>; the California State Wildlife Action Plan 2015 update: A Legacy for Californians <https://www.wildlife.ca.gov/swap/final>; California's Climate Adaptation Strategy 2018 Update Safeguarding California Plan <file:///F:/WildlifeLinkageOrdinances/safeguarding-california-plan-2018-update.pdf>; California Fish and Game Code (1930-1940), which specifically deals with maintaining habitat connectivity between Significant Natural Areas [https://leginfo.ca.gov/faces/codes\\_displayText.xhtml?lawCode=FGC&division=2.&title=&part=&chapter=12.&article=](https://leginfo.ca.gov/faces/codes_displayText.xhtml?lawCode=FGC&division=2.&title=&part=&chapter=12.&article=); State of California General

Plan 2017 Guidelines [http://opr.ca.gov/docs/OPR\\_COMPLETE\\_7.31.17.pdf](http://opr.ca.gov/docs/OPR_COMPLETE_7.31.17.pdf); and a complementary ordinance, the Wildlife Linkage Overlay Zone <https://vcrma.org/habitat-connectivity-and-wildlife-movement-corridors>, currently proposed in Ventura County.

These regionally important habitat linkages are essential to accommodate wildlife movement and sustain large-scale ecosystem processes, especially in light of climate change. The SEAs incorporate portions of four critical landscape linkages identified by the South Coast Missing Linkages effort and one identified by the Linkage Network for the California Deserts. The San Andreas SEA incorporates the southern portion of the Tehachapi Connection (Penrod et al. 2003). The Santa Felicia SEA includes portions of the Sierra Madre-Castaic Linkage (Penrod et al. 2005). The Santa Susana/Simi Hills SEA includes critical areas of a linkage that connects wildlife populations in the Santa Monica Mountains with those in the Sierra Madre Range of Los Padres National Forest (Penrod et al. 2006). The Santa Monica-Sierra Madre Connection is one of two remaining coastal connections in southern California, which will become increasingly important as the climate changes. The Santa Monica SEA includes this entire mountain range, which provides core habitat for numerous native species. The Santa Clara River SEA includes the majority of the San Gabriel-Castaic Linkage (Penrod et al. 2004) in the upper Santa Clara River Watershed. Finally, the Antelope Valley SEA includes portions of a linkage between the San Gabriel Mountains and Edwards Air Force Base (Penrod et al. 2012). SC Wildlands would appreciate being notified of projects proposed in these SEAs and is happy to serve the County in an advisory capacity on issues related to wildlife movement corridors.

We believe that a good balance has been achieved in the SEA ordinance, as it provides major project streamlining for applicants while being grounded in the principles of conservation biology. Clear and up-front requirements for the amount and configuration of natural open space, as well as standardized mitigation ratios, will ensure that the goal of the ordinance will be met. Having the SEA ordinance in place is vital to conserving these regionally important areas and it complements other conservation planning activities underway in the region.

Respectfully Submitted,



Kristeen Penrod, Director  
SC Wildlands

[www.scwildlands.org](http://www.scwildlands.org)

Direct 206-285-1916 | Cell 626-497-6492

#### References Cited

Penrod, K., P. Beier, E. Garding, and C. Cabañero. 2012. A Linkage Network for the California Deserts. Produced for the Bureau of Land Management and The Wildlands Conservancy. Produced by Science and Collaboration for Connected Wildlands, Fair Oaks, CA [www.scwildlands.org](http://www.scwildlands.org) and Northern Arizona University, Flagstaff, Arizona <http://oak.ucc.nau.edu/pb1/>.

Penrod, K., C. Cabañero, P. Beier, C. Luke, W. Spencer, E. Rubin, R. Sauvajot, S. Riley, and D. Kamradt. 2006. South Coast Missing Linkages Project: A Linkage Design for the Santa Monica-Sierra Madre Connection. South Coast Wildlands, Idyllwild, CA. [www.scwildlands.org](http://www.scwildlands.org).



Penrod, K., C. Cabañero, P. Beier, C. Luke, W. Spencer, and E. Rubin. 2005. South Coast Missing Linkages Project: A Linkage Design for the Sierra Madre-Castaic Connection. South Coast Wildlands, Idyllwild, CA. [www.scwildlands.org](http://www.scwildlands.org).

Penrod, K., C. Cabañero, P. Beier, C. Luke, W. Spencer, and E. Rubin. 2004. South Coast Missing Linkages Project: A Linkage Design for the San Gabriel-Castaic Connection. South Coast Wildlands, Idyllwild, CA. [www.scwildlands.org](http://www.scwildlands.org).

Penrod, K., C. Cabanero, C. Luke, P. Beier, W. Spencer, and E. Rubin. 2003. South Coast Missing Linkages Project: A Linkage Design for the Tehachapi Connection. South Coast Wildlands Project, Idyllwild, CA. [www.scwildlands.org](http://www.scwildlands.org).

September 24, 2018

*VIA ELECTRONIC MAIL*

David W. Louie, Chair  
Los Angeles County Regional Planning Commission  
320 W Temple St, 13<sup>th</sup> Floor  
Los Angeles, CA 90012  
<[rruiz@planning.lacounty.gov](mailto:rruiz@planning.lacounty.gov)>

Environmental Planning & Sustainability Section  
Los Angeles County Department of Regional Planning  
320 W. Temple Street, Room 1354  
Los Angeles, CA 90012  
<[sea@planning.lacounty.gov](mailto:sea@planning.lacounty.gov)>

**RE: Item 5; Project No. 2017-003725-(1-5); Significant Ecological Areas (SEA) Program Update;  
Hearing Date, Sept. 26, 2018 — *SUPPORT***

Dear Chairperson Louie and Members of the Commission:

The Nature Conservancy *supports* the adoption of this ordinance, as revised on September 13, 2018 with emphasis on a process that ensures that there are no adverse impacts to biodiversity in the SEAs. We believe that years of thoughtful effort and stakeholder outreach have yielded a streamlined process that works to balance the development and natural open space needs of Los Angeles County. The Preliminary Biological Review, the Natural Open Space Preservation requirement, and Protected Trees standard along with associated mitigation ratios are critical to protect SEA Resources in the Draft Resolution.

The Nature Conservancy (Conservancy) is an international non-profit organization dedicated to conserving the lands and waters on which all life depends. Our on-the-ground work is carried out in all 50 states and in 72 countries around the world and is supported by approximately one million members. To date, we have helped conserve more than 120 million acres (including nearly 1.5 million acres in California) and 5,000 river miles around the world. We have been engaged in the protection and management of natural resources across the U.S. since 1951.

The Draft Resolution states, “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.” While the ambiguities of the SEA Conditional Use Permits may have prevented a streamlined process and may not have protected the biological resources in the geography, it is concerning that the permits are being completely replaced by the “Ministerial SEA Review.” It is critical to have a science-based analysis

of proposed projects with a robust review utilizing the Biological Constraints Map. To avoid any negative impacts to habitat in the SEAs, we support further biological study when there is not clarity on site impacts or sufficient information from the available maps.

Construction of single-family homes on legal lots and new subdivisions of land are preferable to development that does not balance housing and natural open space needs and that does not follow existing guidelines. Clear and enforceable requirements for amount and configuration of natural open space, as well as standardized mitigation ratios, will ensure that the goal of the ordinance—protection of precious SEA resources during development—will actually be met. As noted by the U.S. Fish and Wildlife Service, these development standards will also simplify any necessary federal permitting.

We commend staff on putting in place a consultative process for the *early* identification of biological constraints, so that applicants are prepared and take biological resources into account in their plans. A well-illustrated Implementation Guide provides detailed guidance for compliance.

To make the SEA update effort complete, we strongly support three other components:

1. Adopting the Alternative Option for reduced SEA exemptions in the Antelope Valley, and
2. The re-designation of Conceptual SEAs to regular SEA.

We are gratified by the outpouring of community support for these important changes.

Thank you for your attention.

Sincerely,



Associate Director, Advocacy & Campaigns  
California External Affairs  
The Nature Conservancy

## Iris Chi

---

**From:** Tom Costan <tom@quality-visual.com>  
**Sent:** Tuesday, September 25, 2018 5:04 PM  
**To:** kathryn@bos.lacounty.gov  
**Cc:** Iris Chi  
**Subject:** The Regional Planning Commission Hearing on Agenda Item #5 Scheduled - SEA Ordinance

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Supervisor Barger,

We met briefly during a board meeting when the Acton Town Council made our presentation on illegal dumping. However, today I am writing not as the President of the Town Council but as an Acton resident and property owner; one who lives on an inholding in the Angeles National Forest.

I'm extremely concerned that Planning Commission will adopt the alternate ordinance which will effectively destroy the use and value of my property. A property that represents a good portion of my life's work. Over the last 4 years the Town Council has pointed out all the shortcomings with the SEA ordinance and it's expanded boundary. As you know, Supervisor Antonovich made Acton a promise; more than a promise through adopted board action - the single-family home exemption is in place. With this alternative, my neighbors and I are living in fear; the fear that we may lose the use and value of our properties to a SEA review process that relies on unwritten guidelines all because the alternative ordinance excludes parcels in the ANF from the single-family exemption.

During the SEA boundary expansion which gobbled up my property, the County maintained that there are biological resources in the expanded boundary that need protection. There are many problems with that assertion. The County has never shown that the expanded boundary includes any at risk resources or that single family use of A-2 zoned property puts any resource at risk. In October of 2014 Ms. Ayer of the ATC submitted definitive proof into the public record that the resources in question do not exist in the expanded boundary. I ask this question; If the expanded boundary is so important to the keeping of natural resources, why does the alternative ordinance grant the single-family exemption to all of Acton SEA except for inholdings?

If have read the public comment from many organizations that oppose the single-family exemption and I assume it is these comments that are driving the alternative.

California Fish and Wildlife. Comments addressed to Ms. Mongolo. In the 12 years I've lived here I have never seen or been paid a visit from CDFW. On my 4 years of serving on the Acton Town Council, the CDFW has never presented any concerns to the community through the ATC or any other mechanism. Recently the ATC contacted the CDFW about a park operator illegally dumping thousands of loads in the Santa Clara river bed. The CDFW responded that they were unable to determine if there was any change to the river bed. In my opinion the CDFW is completely unqualified to comment and I find that fact that they will make recommendations to limit my use of property when that can't or won't protect a blue line stream preposterous and completely without merit.

Department of Regional Planning. Comments submitted to Ms. Mongolo. DRP suggesting serve limits on single family homes. The ATC has spent countless hours explaining the nature of Acton's single-family homes and residents; how we are not an ecological problem; how we choose to live here to be in harmony with the environment; how we currently successfully coexist. I submit the property owners in the SEA are the rightful stewards of the land.

Desert and Mountain Conservancy, Endanger Habitats League, and Transition Habitat Conservancy. Yet more groups that have never taken the time to visit Acton Residents or express concerns to the Town Council.

Supervisor Barger, for the reasons above I do not support the SEA ordinance as drafted and find the alternative damaging, unacceptable, and completely without merit. I respectfully ask that you instruct DRP to fix these serious problems and make good on the promise of Supervisor Antonovich.

Sincerely,

Tom Costan  
30815 Aliso Canyon Road  
Acton CA 93510

## Iris Chi

---

**From:** Violet <ouyangv@aol.com>  
**Sent:** Sunday, September 23, 2018 8:13 AM  
**To:** DRP SEA  
**Subject:** Project No. 2017-003725-(1-5); Significant Ecological Areas (SEA) Program

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Attn: David Louie, Chair

Regional Planning Commission  
[320 West Temple St., 13th Floor](#)  
[Los Angeles, CA 90012](#)

**RE: Item 5, [September 26, 2018](#); Project No. 2017-003725-(1-5); Significant Ecological Areas (SEA) Program Update—*SUPPORT***

Dear Chairperson Louis and Members of the Commission:

I *support* the adoption of this ordinance, as revised on Sept. 13, 2018. Years of thoughtful effort and stakeholder outreach have yielded a sound accomplishment. The essence of this accomplishment is to successfully combine major project streamlining with the scientific principles of conservation biology.

Clear and up-front requirements for amount and configuration of natural open space, as well as standardized mitigation ratios, will ensure that the goal of the ordinance – protection of precious SEA resources during development – will actually be met.

I also commend the early consultative process for identification of biological constraints, so that applicants' time and money is not wasted. And a well-illustrated Implementation Guide provides detailed guidance for compliance.

To make the SEA update effort complete, we strongly support two other components:

1. Adopting the Alternative Option for reduced SEA exemptions in the Antelope Valley.
2. The re-designation of Conceptual SEAs to regular SEA.

Time has come to adopt and move forward.

Thank you for considering my views.

Sincerely,

Violet Ouyang



Los Angeles/Ventura Chapter

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Rick White, *Larrabure Framing*

September 24, 2018

Doug Smith, Commissioner, Supervisorial District 1  
David W. Louie, Chair, Supervisorial District 2  
Laura Shell, Commissioner, Supervisorial District 3  
Elvin W. Moon, Vice Chair, Supervisorial District 4  
Pat Modugno, Commissioner, Supervisorial District 5  
Department of Regional Planning  
320 West Temple Street  
Los Angeles, CA 90012

#### **Re: Building Industry Association Comment Letter on the Significant Ecological Areas (SEA) Ordinance - September 2018**

Dear Supervisor Kuehl,

The Los Angeles/Ventura Chapter of the Building Industry Association of Southern California, Inc. (BIA), is a non-profit trade association of nearly 1,200 companies employing over 100,000 people all affiliated with building and development. On behalf of our membership, we would like to submit an updated comment letter based on the most recent draft of the County's Significant Ecological Areas (SEA) Ordinance. Unfortunately, the latest draft still falls short in addressing BIA's previously expressed concerns, and we are unsettled by some of the newly introduced language. We hope that our former and current comments are evaluated and considered for implementation.

Over the last several years, BIA-LAV has worked with the County and submitted various comment letters to help produce drafts 7, 8 and 9 of the SEA ordinance. Draft 10 of the SEA document was reviewed by our membership, and we had the opportunity to meet with County staff to communicate several technical changes. We had hoped to see most of the additions adopted in the new draft, but very few of the changes were implemented. Particularly, three previously expressed comments still remain at the forefront of our concerns; Native Tree Permits, Enforcement Mechanisms, and the Antelope Valley Exemption. These concerns are described below;

350 South Bixel Street | Suite 100 | Los Angeles, CA 90017 | Tel 213.797.5994  
"The Voice of Building and Development"





Los Angeles/Ventura Chapter

1. Concern - Native Trees Permits: Native trees will be further assessed for negative impacts, through the SEA Protected Trees development standard and Protected Tree Permit. 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.

Recommendation - BIA previously requested that SEA Draft 10, Section 22.102.050, remove additional permitted uses and asked that they only be subject to ministerial review. This included but was not limited to native and non-native vegetation removal, crops, native habitat restoration, etc. The new Protected Tree Permit is in direct conflict with this request and duplicates compliance conditions, as such mitigation efforts are already fulfilled through current permit processes and under the SEA Development Standards.

2. Concern – Enforcement Mechanisms: Notice of SEA violations and violation enforcements were created 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.

Recommendation - As previously conveyed in our past letter, development permitted prior to the expansion of an SEA mapped area would not have been previously reviewed for impacts to SEA resources. BIA recommends the language that was adopted by former versions of the ordinance be considered in lieu of the above suggested review and permit process: “Any development authorized by a valid land use approval, or permit authorized by this Title 22, that was not subject to Section 22.56.215 as it existed prior to the effective date of the ordinance establishing the former section. In such cases, the development shall be governed by the land use approval or permit during the life of that grant.” This language would be more appropriate when referring to a legally established development.

3. Concern - Antelope Valley Exemption: All Antelope Valley (AV) areas (except for the Eastern portion) had always been exempted in previous SEA ordinance drafts. The latest ordinance mandates that the AV areas will also be included as part of the county-wide SEA regulations for single-family residences and agricultural uses. This is meant to protect wildlife corridors and fragment natural communities that provide habitat for protected species and species.

Recommendation - In 2014, the Board of Supervisors passed a resolution to exempt the Antelope Valley Area Plan from encroachment of the SEA ordinance. This motion ensured



Los Angeles/Ventura Chapter

that the provisions in the Antelope Valley Area Plan supersede any new or existing SEA ordinance. This exemption was reached through the input of Town Councils, Antelope Valley Area Plan Blue Ribbon Committee, and the Department of Regional Planning to achieve an appropriate balance between economic growth and development, the preservation of important environmental resources, and the protection of the unique rural character of the Antelope Valley. The resolution was promulgated by the 200,000-acre expansion of the SEA in 2014. The recommendation to overturn a previous Board resolution is troublesome and changes the trajectory of developments that were created and dependent on this exemption.

In summary, BIA believes that these considerations will strengthen the SEA ordinance by providing balance between past drafts and previous industry suggestions. Builders need clarity and certainty when new regulations are updated or introduced, especially when existing investments and current projects are impacted. These small changes will provide BIA members and housing producers that certainty and allow fair housing production to battle the housing crisis that has afflicted the region. We ask that the Final Significant Ecological Areas Ordinance be written with our requested adjustments, so we can reasonably achieve the County's goal of ecosystem conservation. We look forward to continuing to work with the County as this draft ordinance is finalized.

Thank you for your consideration of these suggestions and comments. Should you have any questions please contact, BIA-LAV Director of Government Affairs, Diana Coronado, at (213) 797-5965 or at [dcoronado@bialav.org](mailto:dcoronado@bialav.org).

Sincerely,

Tim Piasky  
Chief Executive Officer  
BIA-Los Angeles/Ventura

CC: Los Angeles County Department of Regional Planning

## Iris Chi

---

**From:** Fachko Denise <dfachko@yahoo.com>  
**Sent:** Thursday, September 20, 2018 11:31 PM  
**To:** Rosie Ruiz; DRP SEA  
**Cc:** Denise Fachko  
**Subject:** RE: Item 5, September 26, 2018; Project No. 2017-003725-(1-5); Significant Ecological Areas (SEA) Program Update

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

September 20, 2018

David Louie, Chair  
Regional Planning Commission  
320 West Temple St., 13th Floor  
Los Angeles, CA 90012

**RE: Item 5, September 26, 2018; Project No. 2017-003725-(1-5); Significant Ecological Areas (SEA) Program Update—SUPPORT**

Dear Chairperson Louis and Members of the Commission:

I *support* the adoption of this ordinance, as revised on Sept. 13, 2018. Years of thoughtful effort and stakeholder outreach have yielded a sound accomplishment. The essence of this accomplishment is to successfully combine major project streamlining with the scientific principles of conservation biology.

Clear and up-front requirements for amount and configuration of natural open space, as well as standardized mitigation ratios, will ensure that the goal of the ordinance – protection of precious SEA resources during development – will actually be met.

I also commend the early consultative process for identification of biological constraints, so that applicants' time and money is not wasted. And a well-illustrated Implementation Guide provides detailed guidance for compliance.

To make the SEA update effort complete, I strongly support two other components:

1. Adopting the Alternative Option for reduced SEA exemptions in the Antelope Valley.
2. The re-designation of Conceptual SEAs to regular SEA.

Time has come to adopt and move forward.

Thank you for considering my views.

Sincerely,  
D. Fachko

## Iris Chi

---

**From:** Ted Hamm <tedhammk9s@gmail.com>  
**Sent:** Tuesday, September 25, 2018 4:15 PM  
**To:** kathryn@bos.lacounty.gov; DTermeer@bos.lacounty.gov; Iris Chi  
**Subject:** Proposed changes to the SEA in Aliso Canyon, Acton, CA

I want to voice my STRONG opposition to the proposed changes to the SEA affecting Aliso Canyon area of Acton...in particular the changes that would specifically target land owners that are inside the SEA as well as inside the Nation Forest, such as myself. These proposed changes would be highly punitive to those of us that bought land in this area only to see this same land being rendered less and less valuable and less usable. My property in particular is a 10 acre parcel of which approximately 5 acres is inside the SEA...the entire parcel is inside the National Forest. Our plans when we bought the place was to eventually build a second residence with horse facilities on the part of our land that is inside the SEA. The proposed changes in the allowed usage of this 5 acres will totally negate those plans. I have not seen any proposal to either purchase these 5 acres at the price we paid for them, or in some other manner equitably compensate us for the loss these planned changes to the SEA will place upon us. It seems to me the County is planing to take 5 acres of my land via "eminent domain" without bothering to go through the necessary steps to do so.

Edward Hamm  
30271 Aliso Canyon Rd.

## Iris Chi

---

**From:** Jacki Ayer <airspecial@aol.com>  
**Sent:** Tuesday, September 25, 2018 5:13 PM  
**To:** Iris Chi; atc@actontowncouncil.org; Airspecial@aol.com  
**Subject:** Summary of the conversation with DRP staff regarding the Draft SEA Ordinance

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

### SUMMARY OF CONVERSATION WITH MS. CHI ON SEPTEMBER 20, 2018

On September 20, 2018. Ms. Iris Chi from the Department of Regional Planning was kind enough to contact Jacqueline Ayer and regarding concerns expressed by the Acton Town Council pursuant to the draft SEA Ordinance. The following paragraphs summarize this discussion. It is respectfully requested that these notes be included in the public correspondence record that the County is compiling for the draft Ordinance.

1. It is not the County's practice to put details of public comments that are received at community meetings into the staff report that is submitted to the Regional Planning Commission prior to a hearing.
2. The County encourages written comments because oral comments made at community meetings that are convened to address a proposed ordinance are not usually summarized or compiled by county staff in a manner that is reflected in the record.
3. The County seeks to convene a workshop as soon as reasonably possible; it will take place well in advance of the Board of Supervisor's hearing on the SEA Ordinance.
4. The "set-aside" ratios set forth in the draft SEA ordinance are based on the development footprint.
5. It was asked why a property owner should set aside 4 acres of a 5 acre parcel to put a house, barn, corral and driveway on it just because a horny toad is found in just one corner or the property (which makes the whole property designated as Category 2 or higher). Ms. Chi indicated that the County would not apply the category to the whole parcel, just the portion of the parcel that is reasonable to do so. Ms. Chi also indicated that the set-aside would be determined based only on the portion of the property where the category is applied and that the planner's decision would be informed by the guidelines (which is why the guidelines were written). It was pointed out that the ordinance does not say any of this, and that none of these assurances are reflected in the guidelines. Concern was expressed that the guidelines do not allow the level of flexibility that Ms. Chi suggested and, since they are merely guidelines, they remain deferential to the inflexible language of the ordinance itself. It was further pointed out that the guidelines are not part of the ordinance and the DRP can change the guidelines without public input so what the guidelines say now are not relevant to how the ordinance will be implemented in the future.

6. The reason for omitting the SFR exemption on ANF inholdings is because there is a section of the county north of Santa Clarita (Green Valley?) that has inholdings which the County does not want exempted. So, Acton cannot have exempted ANF inholdings.
7. Concern was expressed that the Draft SEA Ordinance requires CUP renewal applications to undergo SEA review if the property had not undergone prior SEA review. It was asked if this could result in the denial of the CUP, and Ms. Chi said they just have to comply with the SEA requirements. It was asked how they are supposed to comply with a potential 75% set aside requirement (or more) as an existing operation with an established footprint and that if they cannot comply would they lose their CUP – this would have unimaginable consequences for Acton, Agua Dulce, and elsewhere. Ms. Chi indicated that this can be explored in the workshop.
8. It was conveyed that there are concerns that, if a "biologist" or a "conservation agency" were to "opine" that a hauled water operation in Acton affects water resources elsewhere, then this could result in a denial of the CUP even if the opinion is unsubstantiated. Ms. Chi found this scenario unlikely and that this would not be a result of the SEA Ordinance. Examples of such events were provided wherein groundless "opinions" given by "biologists" regarding non-SEA projects in Acton caused substantial delays, wasted thousands of dollars, and nearly resulted in project denials. These examples included:
  - On a minor land division creating 2 parcels on a 20-acre hillside property, DRP mandated an enormous set aside merely because it claimed the property was in a "rare wide and direct habitat connection" (at the hearing, the DRP planner even stated this as the reason for such substantial "mitigation"). This "opinion" that the subject property overlaid a "rare wide and direct habitat connection" came from "biologist" from the Mountains Recreation and Conservation Authority. Conversations with the MRCA representative [Mr. Paul Edelman] revealed that he is a colleague of the County Biologist and submitted the "opinion" after the County Biologist contacted him to discuss the project. The conversation with Mr. Edelman also revealed that the "habitat connection" that he "opined" was across the subject property was in fact nearly a mile from the project and separated from it by an extensive road network and commercial and residential development. In this case, the "opinion" offered by the RCMA "biologist" had no basis in fact; it was unsubstantiated, uncorroborated, baseless and entirely incorrect. Nonetheless, DRP relied on this erroneous "opinion" and cost the property owner thousands of dollars, years of delay, and nearly half his land.
  - On a single lot subdivision project that a property owner had to complete just to build a house, the biologist for the Department of Fish and Wildlife did not support the project and stated that he "believes that people should not be allowed to build in Acton; people should live in cities and should be building up not out". This biologist's "opinion" was not supported by facts; to the contrary, it merely reflected a personal belief that was being used to fabricate unwarranted project conditions which delayed the project and cost the property owner time and money.

These events were identified to demonstrate that DRP can and does rely on factually unsupported "opinions" without testing their veracity merely because they are offered by "biologists", and that these "opinions" result in undue and unwarranted burdens on Acton



residents. It is because of these prior events and the fact that the SEA Ordinance relies on qualitative thresholds that Acton residents do not have confidence that DRP will implement the SEA Ordinance in a "fair and balanced" manner. Concern was expressed that the draft SEA Ordinance provides no safeguards to protect Acton waterhaulers (or the essential services they provide) from unfounded and unsubstantiated "opinions" which could result in their CUP renewals being denied if DRP accords them significant weight merely because they are offered by a "biologist".

Thank you  
Jacqueline Ayer

## **Iris Chi**

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**From:** Julie Kyle <gitrdunkyle@msn.com>  
**Sent:** Tuesday, September 25, 2018 3:57 PM  
**To:** Iris Chi  
**Subject:** SEA designation

September 25, 2018

Iris Chi  
Department of Regional Planning

Hello Iris,

In regards to the conversation we had last week regarding proposed changes in the SEA's for the Antelope Valley. As I told you, we have farmed in the Antelope Valley for decades. We are good stewards of our land and the natural resources we have been entrusted with. We strongly oppose the suggested removal of SEA exemptions on agricultural property. This is just one more restriction and taking of our property rights. Agriculture supports wildlife in our area and does not infringe on wildlife corridors or communities.

Sincerely,

Julie Kyle  
Kyle & Kyle Ranches, Inc.



Lakes Town Council  
PO Box 784  
Lake Hughes, CA 93532

"Where Nature Is Your  
Neighbor"

*Council Members:*

Teri Gordon  
*President*

Robin Kennard  
*Vice President*

Louisa Stephen  
*Secretary*

*Treasurer*

*Member*

Contact  
(661) 262-3130  
[info.LakesTownCouncil@gmail.com](mailto:info.LakesTownCouncil@gmail.com)

September 20, 2018

County of Los Angeles Department of Regional Planning  
Environmental Planning and Sustainability

Attn: Iris Chi, AICP Planner  
320 West Temple Street  
Los Angeles, CA 90012

RE: SEA Program Update

SENT VIA EMAIL

Dear Ms. Chi,

We are writing in support of the Alternative Option, and very much oppose exempting the Antelope Valley SEA's from review for Single Family Residences (SFR's), Economic Opportunity Areas (EOA's), and agricultural uses.

Excluding the Antelope Valley SEA's from these reviews is antithetical to the purpose of having SEA's in the first place. Our area is unique and biologically diverse, and deserves County protections. The planned city of Centennial alone is an enormous threat to the health and viability of wildlife habitats and biodiversity. In addition, there are countless smaller threats from developments that put these areas at risk of fragmentation. Preservation and proper oversight of these biological gems is imperative, lest they be slowly destroyed, killing off flora and fauna, and robbing future generations of County residents from enjoying them.

We respectfully request that the Department of Regional Planning approve the Alternative Option and remove the exemption of the Antelope Valley SEA's from review for SFR's, EOA's, and agricultural areas.

Sincerely,

Teri L Gordon  
President



September 25, 2018

David W. Louie, Chair  
Los Angeles County Regional Planning Commission

c/o Los Angeles County Department of Regional Planning  
Environmental Planning & Sustainability Section  
Attn: Iris Chi, AICP, Planner  
320 W. Temple Street, 13<sup>th</sup> Floor  
Los Angeles, CA 90012  
[sea@planning.lacounty.gov](mailto:sea@planning.lacounty.gov)

**Regarding: Comments on Significant Ecological Area Ordinance**

Dear Chair Louie and Members of the Commission:

The Puente Hills Habitat Preservation Authority (Habitat Authority) appreciates the opportunity to comment on the final draft of the Significant Ecological Area (SEA) Ordinance.

The Habitat Authority is a joint powers authority established pursuant to California Government Code Section 6500 *et seq.* with a Board of Directors consisting of the City of Whittier, County of Los Angeles, Sanitation Districts of Los Angeles County, and the Hacienda Heights Improvement Association. According to its mission, the Habitat Authority is dedicated to the acquisition, restoration, and management of open space in the Puente Hills for preservation of the land in perpetuity, with the primary purpose to protect the biological diversity. Additionally, the agency endeavors to provide opportunities for outdoor education and low-impact recreation. The Habitat Authority owns and or manages over 3,800 acres which lie within the Cities of Whittier and La Habra Heights, as well as in the County unincorporated area of the Puente Hills known as Hacienda Heights.

Overall, the Habitat Authority recognizes the need for an updated SEA Ordinance to protect sensitive ecological areas of the County of Los Angeles. We are supportive in concept of this final draft including making conceptual SEAs permanent with adoption of the ordinance, but have remaining reservations.

**Exempt Government Open Space Land Managers from the Ordinance** - Organizations and especially public land management agencies that do not collect public tax dollars and whose main mission are in alignment with the goals of the Ordinance, such as the Habitat Authority, should be considered exempt from the Ordinance including its fee structure. Government organizations are held accountable to a higher standard of transparency and due diligence in their process and conduct.

Thank you for your consideration of our comments. Feel free to contact me or Andrea Gullo, Executive Director, at (562) 945-9003 or [agullo@habitatauthority.org](mailto:agullo@habitatauthority.org) for further discussion. Also, please maintain our agency on the contact list for this planning process regarding the SEA Ordinance.

Sincerely,

  
Bob Henderson  
Chairman

cc: Board of Directors  
Citizens Technical Advisory Committee





# SC Wildlands

Science & Collaboration for Connected Wildlands

P.O. Box 1052, Fair Oaks, CA 95628

(877) Wildland [www.scwildlands.org](http://www.scwildlands.org)

## Members of the Board

Laura Berglan  
The Shanker Law Firm, P.L.C.

Paul Edelman  
Santa Monica Mountains Conservancy

Amy Golden  
Virginia Department of Transportation

Jun Onaka  
Onaka Planning & Economics

E.J. Remson  
The Nature Conservancy

Dr. Seth Riley  
National Park Service

Dr. Esther Rubin  
Cave Creek, Arizona

Cam Tredennick  
Sacramento, California

September 24, 2018

David Louie, Chair  
Regional Planning Commission  
320 West Temple St., 13<sup>th</sup> Floor  
Los Angeles, CA 90012

Transmitted via email to [ruiz@planning.lacounty.gov](mailto:ruiz@planning.lacounty.gov) and  
[sea@planning.lacounty.gov](mailto:sea@planning.lacounty.gov)

Subject: Support for Item 5, September 26, 2018 Significant Ecological Areas  
(SEA) Program Update

Dear Chairperson Louie and Members of the Commission:

SC Wildlands strongly supports the adoption of the SEA ordinances, as revised on September 13, 2018. We also support (1) the re-designation of all Conceptual SEAs to regular SEA status; and (2) adopting the Alternative Option for reduced SEA exemptions in the Antelope Valley. We appreciate the many years that the County has worked to improve the configuration of the SEAs and the associated ordinances to help conserve these irreplaceable areas of the County. We also commend the County on the Implementation Guide, which provides detailed guidance for compliance that will help ensure that the ecological values of the SEAs are maintained during development, as intended by the ordinance.

We applaud the County for not just evaluating natural resources within the County boundary but also assessing how the County's biological resources fit into a broader regional conservation strategy. The County has incorporated portions of several regionally important linkages into the SEAs to accommodate wildlife movement and habitat connectivity both within and beyond the county boundary. This landscape scale approach is consistent with the Western Governors' Association Wildlife Corridors Initiative June 2008 report <file:///F:/WildlifeLinkageOrdinances/Western-Governors-Association-2008-Corridor-Initiative-Report.pdf>; the California State Wildlife Action Plan 2015 update: A Legacy for Californians <https://www.wildlife.ca.gov/swap/final>; California's Climate Adaptation Strategy 2018 Update Safeguarding California Plan <file:///F:/WildlifeLinkageOrdinances/safeguarding-california-plan-2018-update.pdf>; California Fish and Game Code (1930-1940), which specifically deals with maintaining habitat connectivity between Significant Natural Areas [https://leginfo.ca.gov/faces/codes\\_displayText.xhtml?lawCode=FGC&division=2.&title=&part=&chapter=12.&article=](https://leginfo.ca.gov/faces/codes_displayText.xhtml?lawCode=FGC&division=2.&title=&part=&chapter=12.&article=); State of California General

Plan 2017 Guidelines [http://opr.ca.gov/docs/OPR\\_COMPLETE\\_7.31.17.pdf](http://opr.ca.gov/docs/OPR_COMPLETE_7.31.17.pdf); and a complementary ordinance, the Wildlife Linkage Overlay Zone <https://vcrma.org/habitat-connectivity-and-wildlife-movement-corridors>, currently proposed in Ventura County.

These regionally important habitat linkages are essential to accommodate wildlife movement and sustain large-scale ecosystem processes, especially in light of climate change. The SEAs incorporate portions of four critical landscape linkages identified by the South Coast Missing Linkages effort and one identified by the Linkage Network for the California Deserts. The San Andreas SEA incorporates the southern portion of the Tehachapi Connection (Penrod et al. 2003). The Santa Felicia SEA includes portions of the Sierra Madre-Castaic Linkage (Penrod et al. 2005). The Santa Susana/Simi Hills SEA includes critical areas of a linkage that connects wildlife populations in the Santa Monica Mountains with those in the Sierra Madre Range of Los Padres National Forest (Penrod et al. 2006). The Santa Monica-Sierra Madre Connection is one of two remaining coastal connections in southern California, which will become increasingly important as the climate changes. The Santa Monica SEA includes this entire mountain range, which provides core habitat for numerous native species. The Santa Clara River SEA includes the majority of the San Gabriel-Castaic Linkage (Penrod et al. 2004) in the upper Santa Clara River Watershed. Finally, the Antelope Valley SEA includes portions of a linkage between the San Gabriel Mountains and Edwards Air Force Base (Penrod et al. 2012). SC Wildlands would appreciate being notified of projects proposed in these SEAs and is happy to serve the County in an advisory capacity on issues related to wildlife movement corridors.

We believe that a good balance has been achieved in the SEA ordinance, as it provides major project streamlining for applicants while being grounded in the principles of conservation biology. Clear and up-front requirements for the amount and configuration of natural open space, as well as standardized mitigation ratios, will ensure that the goal of the ordinance will be met. Having the SEA ordinance in place is vital to conserving these regionally important areas and it complements other conservation planning activities underway in the region.

Respectfully Submitted,



Kristeen Penrod, Director  
SC Wildlands

[www.scwildlands.org](http://www.scwildlands.org)

Direct 206-285-1916 | Cell 626-497-6492

#### References Cited

Penrod, K., P. Beier, E. Garding, and C. Cabañero. 2012. A Linkage Network for the California Deserts. Produced for the Bureau of Land Management and The Wildlands Conservancy. Produced by Science and Collaboration for Connected Wildlands, Fair Oaks, CA [www.scwildlands.org](http://www.scwildlands.org) and Northern Arizona University, Flagstaff, Arizona <http://oak.ucc.nau.edu/pb1/>.

Penrod, K., C. Cabañero, P. Beier, C. Luke, W. Spencer, E. Rubin, R. Sauvajot, S. Riley, and D. Kamradt. 2006. South Coast Missing Linkages Project: A Linkage Design for the Santa Monica-Sierra Madre Connection. South Coast Wildlands, Idyllwild, CA. [www.scwildlands.org](http://www.scwildlands.org).



Penrod, K., C. Cabañero, P. Beier, C. Luke, W. Spencer, and E. Rubin. 2005. South Coast Missing Linkages Project: A Linkage Design for the Sierra Madre-Castaic Connection. South Coast Wildlands, Idyllwild, CA. [www.scwildlands.org](http://www.scwildlands.org).

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September 24, 2018

*VIA ELECTRONIC MAIL*

David W. Louie, Chair  
Los Angeles County Regional Planning Commission  
320 W Temple St, 13<sup>th</sup> Floor  
Los Angeles, CA 90012  
<[rruiz@planning.lacounty.gov](mailto:rruiz@planning.lacounty.gov)>

Environmental Planning & Sustainability Section  
Los Angeles County Department of Regional Planning  
320 W. Temple Street, Room 1354  
Los Angeles, CA 90012  
<[sea@planning.lacounty.gov](mailto:sea@planning.lacounty.gov)>

**RE: Item 5; Project No. 2017-003725-(1-5); Significant Ecological Areas (SEA) Program Update;  
Hearing Date, Sept. 26, 2018 — *SUPPORT***

Dear Chairperson Louie and Members of the Commission:

The Nature Conservancy *supports* the adoption of this ordinance, as revised on September 13, 2018 with emphasis on a process that ensures that there are no adverse impacts to biodiversity in the SEAs. We believe that years of thoughtful effort and stakeholder outreach have yielded a streamlined process that works to balance the development and natural open space needs of Los Angeles County. The Preliminary Biological Review, the Natural Open Space Preservation requirement, and Protected Trees standard along with associated mitigation ratios are critical to protect SEA Resources in the Draft Resolution.

The Nature Conservancy (Conservancy) is an international non-profit organization dedicated to conserving the lands and waters on which all life depends. Our on-the-ground work is carried out in all 50 states and in 72 countries around the world and is supported by approximately one million members. To date, we have helped conserve more than 120 million acres (including nearly 1.5 million acres in California) and 5,000 river miles around the world. We have been engaged in the protection and management of natural resources across the U.S. since 1951.

The Draft Resolution states, “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.” While the ambiguities of the SEA Conditional Use Permits may have prevented a streamlined process and may not have protected the biological resources in the geography, it is concerning that the permits are being completely replaced by the “Ministerial SEA Review.” It is critical to have a science-based analysis

of proposed projects with a robust review utilizing the Biological Constraints Map. To avoid any negative impacts to habitat in the SEAs, we support further biological study when there is not clarity on site impacts or sufficient information from the available maps.

Construction of single-family homes on legal lots and new subdivisions of land are preferable to development that does not balance housing and natural open space needs and that does not follow existing guidelines. Clear and enforceable requirements for amount and configuration of natural open space, as well as standardized mitigation ratios, will ensure that the goal of the ordinance—protection of precious SEA resources during development—will actually be met. As noted by the U.S. Fish and Wildlife Service, these development standards will also simplify any necessary federal permitting.

We commend staff on putting in place a consultative process for the *early* identification of biological constraints, so that applicants are prepared and take biological resources into account in their plans. A well-illustrated Implementation Guide provides detailed guidance for compliance.

To make the SEA update effort complete, we strongly support three other components:

1. Adopting the Alternative Option for reduced SEA exemptions in the Antelope Valley, and
2. The re-designation of Conceptual SEAs to regular SEA.

We are gratified by the outpouring of community support for these important changes.

Thank you for your attention.

Sincerely,



Associate Director, Advocacy & Campaigns  
California External Affairs  
The Nature Conservancy

## Iris Chi

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**From:** Tom Costan <tom@quality-visual.com>  
**Sent:** Tuesday, September 25, 2018 5:04 PM  
**To:** kathryn@bos.lacounty.gov  
**Cc:** Iris Chi  
**Subject:** The Regional Planning Commission Hearing on Agenda Item #5 Scheduled - SEA Ordinance

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Supervisor Barger,

We met briefly during a board meeting when the Acton Town Council made our presentation on illegal dumping. However, today I am writing not as the President of the Town Council but as an Acton resident and property owner; one who lives on an inholding in the Angeles National Forest.

I'm extremely concerned that Planning Commission will adopt the alternate ordinance which will effectively destroy the use and value of my property. A property that represents a good portion of my life's work. Over the last 4 years the Town Council has pointed out all the shortcomings with the SEA ordinance and it's expanded boundary. As you know, Supervisor Antonovich made Acton a promise; more than a promise through adopted board action - the single-family home exemption is in place. With this alternative, my neighbors and I are living in fear; the fear that we may lose the use and value of our properties to a SEA review process that relies on unwritten guidelines all because the alternative ordinance excludes parcels in the ANF from the single-family exemption.

During the SEA boundary expansion which gobbled up my property, the County maintained that there are biological resources in the expanded boundary that need protection. There are many problems with that assertion. The County has never shown that the expanded boundary includes any at risk resources or that single family use of A-2 zoned property puts any resource at risk. In October of 2014 Ms. Ayer of the ATC submitted definitive proof into the public record that the resources in question do not exist in the expanded boundary. I ask this question; If the expanded boundary is so important to the keeping of natural resources, why does the alternative ordinance grant the single-family exemption to all of Acton SEA except for inholdings?

If have read the public comment from many organizations that oppose the single-family exemption and I assume it is these comments that are driving the alternative.

California Fish and Wildlife. Comments addressed to Ms. Mongolo. In the 12 years I've lived here I have never seen or been paid a visit from CDFW. On my 4 years of serving on the Acton Town Council, the CDFW has never presented any concerns to the community through the ATC or any other mechanism. Recently the ATC contacted the CDFW about a park operator illegally dumping thousands of loads in the Santa Clara river bed. The CDFW responded that they were unable to determine if there was any change to the river bed. In my opinion the CDFW is completely unqualified to comment and I find that fact that they will make recommendations to limit my use of property when that can't or won't protect a blue line stream preposterous and completely without merit.

Department of Regional Planning. Comments submitted to Ms. Mongolo. DRP suggesting serve limits on single family homes. The ATC has spent countless hours explaining the nature of Acton's single-family homes and residents; how we are not an ecological problem; how we choose to live here to be in harmony with the environment; how we currently successfully coexist. I submit the property owners in the SEA are the rightful stewards of the land.

Desert and Mountain Conservancy, Endanger Habitats League, and Transition Habitat Conservancy. Yet more groups that have never taken the time to visit Acton Residents or express concerns to the Town Council.

Supervisor Barger, for the reasons above I do not support the SEA ordinance as drafted and find the alternative damaging, unacceptable, and completely without merit. I respectfully ask that you instruct DRP to fix these serious problems and make good on the promise of Supervisor Antonovich.

Sincerely,

Tom Costan  
30815 Aliso Canyon Road  
Acton CA 93510

## Iris Chi

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**From:** Violet <ouyangv@aol.com>  
**Sent:** Sunday, September 23, 2018 8:13 AM  
**To:** DRP SEA  
**Subject:** Project No. 2017-003725-(1-5); Significant Ecological Areas (SEA) Program

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Attn: David Louie, Chair

Regional Planning Commission  
[320 West Temple St., 13th Floor](#)  
[Los Angeles, CA 90012](#)

**RE: Item 5, [September 26, 2018](#); Project No. 2017-003725-(1-5); Significant Ecological Areas (SEA) Program Update—*SUPPORT***

Dear Chairperson Louis and Members of the Commission:

I *support* the adoption of this ordinance, as revised on Sept. 13, 2018. Years of thoughtful effort and stakeholder outreach have yielded a sound accomplishment. The essence of this accomplishment is to successfully combine major project streamlining with the scientific principles of conservation biology.

Clear and up-front requirements for amount and configuration of natural open space, as well as standardized mitigation ratios, will ensure that the goal of the ordinance – protection of precious SEA resources during development – will actually be met.

I also commend the early consultative process for identification of biological constraints, so that applicants' time and money is not wasted. And a well-illustrated Implementation Guide provides detailed guidance for compliance.

To make the SEA update effort complete, we strongly support two other components:

1. Adopting the Alternative Option for reduced SEA exemptions in the Antelope Valley.
2. The re-designation of Conceptual SEAs to regular SEA.

Time has come to adopt and move forward.

Thank you for considering my views.

Sincerely,

Violet Ouyang