



# Los Angeles County Department of Regional Planning

*Planning for the Challenges Ahead*



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Director

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Item 9(a)  
Attachment

## **Draft Significant Ecological Areas Ordinance** ***Summary Draft June 2012***

**Background:** As a part of an ongoing effort to update the County's Significant Ecological Areas (SEAs) Program, the Department of Regional Planning (DRP) has been working on revisions to the SEAs Ordinance (Section 22.56.215 of Los Angeles County Code). In November 2011 DRP released a preliminary draft ordinance for public comment. The public comment period for the preliminary draft closed on February 1, 2012 and DRP worked on restructuring its approach to the SEA Ordinance in response to the substantial input received during the public comment period.

**How to use this Summary Draft:** The Summary Draft of the SEA Ordinance is intended to be used as a guide to how the SEA Ordinance process will change and it indicates where DRP would like to receive public comment to help guide its approach. Where text in the summary draft is included in **red**, it is intended to signal standards which have changed since the November 2011 preliminary draft as well as highlight areas where public comment will be very useful to shaping the next draft. As a result the Summary Draft does not include a complete or finalized version of many development standards or findings, all of which are currently under revision and consideration. DRP welcomes constructive suggestions as to how to approach these standards, including examples from other jurisdictions. The primary intent of the SEA Ordinance is to create a structure which will balance a reasonable and commonsense approach to permitting development projects against the need to protect the highly significant biological resources located within the County's SEAs.

The public comment period on this draft will remain open until August 1<sup>st</sup>. Please submit comments via email to [ehoward@planning.lacounty.gov](mailto:ehoward@planning.lacounty.gov) or call **213-974-6476**.

Outline

A. Purpose

B. Definitions

C. Applicability

D. Development Standards for Permit Exempt Uses in SEAs

1. Single-Family Residences
2. Minor Modifications
3. Previously Approved CUP Locations
4. Established Agricultural Uses

E. SEA Conditional Use Permit

1. Initial Project Appraisal
2. Burden of Proof:
  - SEA CUP Type 1
  - SEA CUP Type 2
  - ETAs
3. Application:
  - SEA CUP Type 1
  - SEA CUP Type 2
4. Review Required:
  1. SEATAC Review
  2. Director's Report

F. Findings

1. SEA CUP Types 1 & 2
2. ETAs

**A. Purpose.**

This Section is established to regulate development activities in the Significant Ecological Areas (“SEA”s) designated in the County General Plan to ensure that development activities in these areas do not unduly compromise the underlying ecological systems of the County in such a manner that would threaten the future existence of these systems. This Section ensures that development activities within the SEAs which have the potential to impact SEA vitality are designed and implemented in a manner consistent with ecologically sensitive site design and consistent with the intent of the SEA Program of the County General Plan. 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. The purpose is not to preclude development activities within these areas but to ensure, to the extent possible, that such development activities maintain, and when possible, enhance biotic resources in the SEAs.

**B. Definitions.**

1. Significant Ecological Area. A Significant Ecological Area is an ecologically important land or water system that supports valuable habitat for plants and animals integral to the preservation of rare, threatened or endangered species and the conservation of biological diversity in the County. Significant Ecological Areas are delineated on the Significant Ecological Areas and Coastal Resource Areas policy map of the County General Plan.

2. Ecological Transition Area. An Ecological Transition Area is a subset of a Significant Ecological Area, where the natural ecological features or systems have been degraded as a result of past or on-going land use activities but are deemed functionally integral to the Significant Ecological Area or support important plant or animal populations. Ecological Transition Areas are delineated on the Significant Ecological Areas and Coastal Resource Areas policy map of the County General Plan.

3. Coastal Resource Areas. Coastal Resource Areas are areas located within the County's coastal zones as set forth in the California Coastal Act (Division 20 of the California Public Resources Code) and designated as Coastal Resource Areas on the Significant Ecological Areas and Coastal Resource Areas policy map of the County General Plan.

4. Ground Disturbance/ Development Activity (*Definition forthcoming. This definition will substitute for both the vegetation clearance and development activity definitions in the November 2011 preliminary draft*)

5. Minor Modifications (*Definition forthcoming. This definition is intended to apply to uses or activities on existing developed parcels which will not impact adjacent undisturbed SEA areas. Examples of potential uses that this definition would cover might include the addition of a second story to a home, use changes on the property that do not increase parking or noise, the addition of a cell phone tower on the corner of a parking lot, etc. All uses or activities defined as minor modifications will remain subject to any other part of Title 22 which regulates these uses or activities.*)

6. Established Agricultural Uses (*Definition forthcoming. This definition is intended to apply to ongoing legally permitted farming uses in the SEAs, and to distinguish such activity from new farming uses.*)<sup>1</sup>

**C. Applicability.**

Any **ground disturbance/ development activity**<sup>2</sup> wholly or partially within a Significant Ecological Area or Ecological Transition Area, including but not limited to infrastructure and fuel modification, shall require a SEA conditional use permit, as provided in Part 1 of Chapter 22.56, except for the following uses which are exempted from the permit standards of this section. For all uses exempted from the SEA conditional use permit, any other applicable standards in section 22.56 still apply.

1. Any **ground disturbance/ development activity** where the entire footprint of the **ground disturbance/ development activity**, including associated infrastructure, grading and fuel modification areas, is located outside of the Significant Ecological Area or Ecological Transition Area.
2. Lot line adjustment of one property line between two parcels.
3. Individual single-family residences, accessory structures, and additions to individual single-family residences and accessory structures, **subject to the development standards set forth in subsection D.**

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<sup>1</sup> The November 2011 draft exempted, “existing agricultural production, including lands that are fallow as part of long term crop management,” and, “managed grazing lands of horses, cattle, or sheep, and the construction of corrals as an accessory use...” The new category of Established Agricultural uses will more clearly define ongoing agricultural activities which ought to be exempt from requiring a SEA CUP.

<sup>2</sup> See definitions (subsection B) discussing the forthcoming work on this term.

4. Minor modifications as defined in this section, where the modification is made to a legal use, subject to the development standards set forth in subsection D.

5. Applications for a use requiring any form of conditional use permit on a parcel or parcels of land where a previously approved conditional use permit has expired, subject to the development standards set forth in subsection D.

6. Established agricultural uses as defined in this section, subject to the development standards set forth in subsection D.

7. Mining projects and reclamation plans that require a Surface Mining Permit, as provided in Part 9 of Chapter 22.56.

8. Any of the following activities undertaken by a governmental agency or requested by a governmental agency:

a. Removal or thinning of vegetation as required by the Fire Department for fire safety;

b. Non-native vegetation removal programs for fire and flood prevention;

c. Native habitat restoration programs for fire prevention; and

d. Hazard management activities in response to public safety.

9. Coastal Resource Areas as defined in this section.

**D. Development Standards For Permit Exempt Uses in SEAs.**

Uses exempted from the SEA CUP must meet the following development standards:

1. Single-family residences, accessory structures, and additions to individual single-family residences and accessory structures constructed within SEAs shall be subject to the following development standards:<sup>3</sup>

- Landscaping (*example: using native species*),
- Fencing (*for wildlife movement on natural portions of the parcel*),
- Lighting (*directed away from natural areas*)
- Removal of vegetation (*no tree removal or minimal tree removal*)
- Fuel Modification (*avoid impacting undisturbed, and valuable habitat areas with fuel modifications*)
- Drainage (*standards forthcoming*)
- Streambeds, ponds, vernal pools (*avoid development that impacts water resources*)
- Identified sensitive resources- mapped by LA County (*standards forthcoming, may include identified core habitat or habitat linkage areas*)
- Inspection of property by staff biologist for sensitive resources.

2. Minor Modifications (*Standards forthcoming, all standards intended to prevent impacts on adjacent undisturbed SEA areas. Refer to the standards for single-family residences to see topics under discussion*)

3. Previously approved CUP locations, provided that the use of the property is determined to be fundamentally the same as that of the expired conditional use permit. (*More definition to follow establishing what fundamental sameness means, for*

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<sup>3</sup> Potential standards under consideration may include any of the following topics, and any additional topics raised through the public comment period. Text in parentheses indicates the basic concepts to explore for these topics and the intent of the standard.

*example, CUPs that do not alter the site significantly, or increase impacts to undisturbed areas )*

4. Established agricultural uses. *(Standards forthcoming. Standards will share some similarity with single-family residences, with a focus on environmental impacts to water sources and wildlife movement)*

**E. SEA Conditional Use Permit.**

*(This process will include two types of SEA CUPs, using a checklist approach. Type One SEA CUPs will go to public hearing before a Hearing Officer and will not be reviewed by SEATAC. Generally speaking, Type One SEA CUPs will be required for low intensity, low complexity uses which are determined (through the burden of proof) to not impact resources within the SEAs which are irreplaceable, and therefore will not require the contextual analysis of SEATAC in order to be properly analyzed. Type Two SEA CUPs will go to public hearing before the Regional Planning Commission and have will be reviewed by SEATAC. Both types of SEA CUPs will still be expected to prepare environmental analysis of site impacts under CEQA. The checklist of potential impacts to consider in determining a project's classification as Type One or Type Two will be forthcoming in the next draft of this ordinance.)*

**1. Initial Project Appraisal.** If a development activity requires a SEA conditional use permit the applicant shall complete an initial project appraisal before a complete SEA conditional use permit application may be submitted to the Department of Regional Planning. The initial project appraisal is intended to ensure that the prospective applicant is clearly advised of the requirements of this Section. The initial project appraisal includes submission of partial information about the proposed



development activity and a preliminary review meeting with both a staff biologist and staff planner.

a. To initiate an initial project appraisal the applicant shall prepare and submit the following information to the Director:

- i. Items 1 through 6 of subsection A, of Section 22.56.030;<sup>4</sup>
- ii. In submitting the information required by item 5 of Section 22.56.030 the applicant shall indicate any anticipated site design and construction measures intended to protect biological and ecological resources;
- iii. For the project parcel or parcels of land:
  - (1). Number of acres within the Significant Ecological Area.
  - (2). Number of acres within the Significant Ecological Area retained as natural open space and any associated management provisions; and
- iv. Panoramic or composite photographs from all major corners of the subject property and from major elevated points within the property.

**2. SEA Conditional Use Permit Burden of Proof:**

a. SEA CUP Type 1

b. SEA CUP Type 2

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<sup>4</sup> Text of 22.56.030 Application--Information required. A. An application for a conditional use permit shall contain the following information: 1. Name and address of the applicant and of all persons owning any or all of the property proposed to be used; 2. Evidence that the applicant: a. Is the owner of the premises involved, or b. Has written permission of the owner or owners to make such application, or c. Is or will be the plaintiff in an action in eminent domain to acquire the premises involved, or any portion thereof, or d. In the case of a public agency, is negotiating to acquire a portion of the premises involved; 3. Location of subject property (address or vicinity); 4. Legal description of the property involved; 5. The nature of the requested use, indicating the business, occupation or purpose for which such building, structure or improvement is to be erected, constructed, altered, enlarged, moved, occupied or used; 6. Indicate the nature, condition and development of adjacent uses, buildings and structures;

c. ETAs

**3. SEA Conditional Use Permit Application.**

a. SEA CUP Type 1

b. SEA CUP Type 2

c. ETAs

**4. SEA Conditional Use Permit Review.**

a. SEATAC Review. The Significant Ecological Area Technical Advisory Committee when reviewing SEA Conditional Use Permit applications may recommend site design modifications, conditions of approval, and additional mitigation measures. At the conclusion of its review, the Significant Ecological Area Technical Advisory Committee shall provide the Director with a final determination of the proposed development activity's compatibility with the Significant Ecological Area.

b. Director's Report. In all cases where a public hearing is required, the Director shall prepare a report to the Hearing Officer or the Regional Planning Commission containing a detailed review of the complete SEA Conditional Use Permit application, including but not limited to:

i. The Significant Ecological Area Technical Advisory Committee's determination of the proposed development activity's compatibility with the Significant Ecological Area;

ii. Appraisal of measures proposed to avoid or mitigate identified natural hazards;

iii. Appraisal of measures taken to protect scenic, biotic, and other resources;

iv. Recommended changes to the proposed development activity that are necessary or desirable to substantiate the findings required by subsection J; and

v. Recommended conditions to be imposed to ensure that the proposed development activity substantiates the findings required by subsection H (Findings).

**H. Findings**

1. SEA CUP Type 1 & 2
2. ETA CUP