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February 25, 2012

Emma Howard
Regional Planning Department
County of Los Angeles
320 W. Temple Street, Room 1354
Los Angeles, CA 90012
via email ehoward@planning.lacounty.gov

**re: Preliminary Draft Significant Ecological Area and Hillside Management Area
Conditional Use Permit Ordinance**

Dear Ms. Howard,

The Antelope Valley Conservancy Board of Directors appreciates this opportunity to comment on the County of Los Angeles Preliminary Draft Significant Ecological Area and Hillside Management Area Conditional Use Permit Ordinance.

Antelope Valley Conservancy is a public benefit corporation that preserves habitat and watershed resources in northern Los Angeles County and southeastern Kern County. AVC's volunteers and community stakeholders, with support from the US Fish and Wildlife Service and the State of California, and collaboration with the County of Los Angeles, have worked hard to fulfill County of Los Angeles General Plan goals of preservation of critical biotic and watershed resources, particularly within the Significant Ecological Areas.

The Conservancy Board would appreciate your consideration of the following comments:

1. Proposed deletion of Land Use Protections and Contiguous Land Use Protections. Existing provisions, placing the burden of proof on the Applicant and requiring SEA contiguous land uses to be compatible with the SEA (e.g., park lands), appear to be deleted in this Draft revision. To the contrary, the Draft provides in section (D)(1) explicit exceptions for a variety of projects that would pose irrevocable impacts and hazards to native vegetation, wildlife habitat and wildlife dispersal, including grazing, 2.5-acre clearings for residences, and exclusion when a development footprint is outside the SEA. The restrictions on development activities within and contiguous to an SEA adopted in the current General Plan should not be circumvented by this revision.
2. Proposed deletion of Section 22.56.215 (G), Hearings. The current Section states, "In all cases where formal filing for a conditional use permit-hillside management and significant ecological areas is submitted, a public hearing shall be held pursuant to current procedures." A departmental review is no substitute for a public hearing, and

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does not appear to comply with public review processes required by state and federal laws, e.g., the California Environmental Quality Act. AVC opposes the granting of authority to the Department or its Departmental Director to waive public review.

3. Authorization of the director's ex parte consideration of applications that by their nature are limited in scope and impacts. Similarly, a determination of what comprises a limited scope or limited impact is a matter of opinion and, as such, must be open to public review and comment. The notification of property owners "within a distance of 300 feet from the exterior boundaries of the parcel of land to be occupied by the requested use" in the typically rural areas that are designated as SEAs and HMAs is inadequate notification of interested parties. Relegating to the Director's judgment the notification of "such other persons whose property or interests might ... be affected by the request" constitutes inadequate notification of interested parties, because it is unreasonable to expect any agency director to be personally aware of all interested or impacted parties as well as parties who represent future generations of Californians in such lands and resources. Per California Code 59450, "The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know."

The SEA process was originally established, in compensation for natural habitat losses, to promote a comprehensive, ecology-based approach to the defense and preservation of these resources. Antelope Valley Conservancy believes this Draft misses the opportunity to strengthen the Conservation and Open Space Policies of the General Plan, promote sustainability goals, and promote the ecological need to preserve unique and critically diminishing biological resources under the County's jurisdiction. To the contrary, the Draft appears to weaken existing biotic resource protection measures, reduce opportunities for public review and comment, and explicitly promote additional opportunities for degradation and destruction of significant ecological resources and hillside habitats. These resources are of great value to the people of California and the United States, a value that outweighs the rights of a private property owner to degrade or destroy such resources. These resources are necessary to fulfill sustainability provisions of the General Plan. The SEA and HMA CUP Ordinance should strengthen protections, not weaken them.

Thank you for considering these comments. We appreciate the County's extremely difficult task of balancing competing interests. Please feel free to contact me at (661) 943-9000 if you have any questions.

Respectfully Submitted,
By Resolution of the Board of Directors
ANTELOPE VALLEY CONSERVANCY



Gail Lofdahl, Board Chair