CALIFORNIA COASTAL COMMISSION
SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 585-1800

Th15a

ADDENDUM

Click here to go to original staff report

DATE: July 9, 2014

TO: Coastal Commissioners and Interested Persons

FROM: Commission Staff

RE: **Addendum to Item Th15a**: Los Angeles County-Santa Monica Mountains Local Implementation Plan (No. LCP-4-LAC-14-0109-4), scheduled for public hearing and Commission action on July 10, 2014.

The purpose of this addendum is to provide:

1. Correspondence received by 5 p.m. July 8, 2014, which is sorted as indicated below, along with the following responses to some of that correspondence:

   a. Correspondence received from Zev Yaroslavsky, Los Angeles County Third District Supervisor, in support of the staff recommendation, is attached as **Exhibit A**.

   b. Correspondence received in support of the proposed local implementation plan and the staff recommendation is attached as **Exhibit B**. Due to the large volume of letters received (approx. 130 letters), only a representative sample of letters is attached for reference as Exhibit B of this addendum. However, all letters received are included as part of the administrative record and are available for review in the Commission's Ventura Office.

   c. Correspondence received from Heal the Bay, expressing support for the proposed plan and the staff recommendation, but raising concern regarding a couple of issues, is attached as **Exhibit C**. The letter expresses concern regarding the adequacy of the water quality/habitat monitoring and the habitat impact mitigation ratio provisions of the confined horse facility special compliance program in LIP Section 22.44.690.Y. In response, Commission staff would note that the suggested modifications to LIP Section 22.44.690.Y contained in the staff report allow unpermitted confined horse facilities that cannot be brought into full compliance with the LCP because of site constraints to be authorized to remain on a limited term basis only, subject to a set of minimum requirements to protect water quality, native trees and H1 habitat. For the facilities that are permitted only for a limited term, the requirements provide that any temporal loss of H1 habitat from a facility be fully mitigated by the restoration/enhancement of equivalent habitat, at a ratio of 1:1, either on-site or off-site. In addition to that requirement, at the end of the limited term that the facility is permitted to be retained, the facility must be removed and the site must be fully restored with native vegetation consistent with the surrounding habitat. Further, other required provisions of the program require implementation of best management practices to protect water quality, establishment of a minimum setback from habitat areas, prohibition of siting development on steep slopes, and native tree protection

measures. The specific provisions of Section 22.44.690.Y, taken together, represent a unique compliance program that is designed to encourage a path towards compliance for a limited subset of unpermitted confined horse facilities. Further, as suggested to be modified, Section 22.44.690.Y includes a requirement that the County closely monitor, on an annual basis, the facilities that are approved through the special compliance program, including maintenance and adequacy of required Best Management Practices. As discussed further in the staff report, the Commission finds these provisions adequate to carry out the policies of the approved Land Use Plan. In addition, the letter from Heal the Bay suggests that dune and beach restoration should be required when shoreline armoring is permitted. In response, Commission staff would note that the suggested modifications contained in LIP Section 22.44.2180 of Attachment A of the staff report require that any permitted shoreline armoring be limited to the least environmentally damaging alternative and designed to eliminate or mitigate adverse impacts to local shoreline sand supply, public access, and recreation; thus, specific mitigation measures would be addressed as part of a new coastal development permit application.

d. Correspondence received from Thomas Maciejewski of Michel & Associates, raising issue regarding the development standards for crop-based agriculture contained in the staff recommendation, is attached as **Exhibit D**. The letter asserts that the LIP is inadequate to carry out the policies of the LUP that require organic or biodynamic farming practices be followed in crop-based agricultural uses. In response, Commission staff would note that this issue is addressed in Section III.D.3 beginning on Page 26 of the staff report. Policies CO-102 and LU-11 of the approved LUP require that either organic or biodynamic practices be followed in permitted crop-based agricultural uses. In order to carry out that requirement, suggested modifications to LIP Section 22.44.1300 of Attachment A (Suggested Modification 1) of the staff report specify basic organic farming measures that should be implemented, at a minimum, that address the use of pesticides, integrated pest management techniques, irrigation and water conservation, tillage and cultivation practices, waste management, and water quality protection measures.

e. *Ex Parte* Notice received from Commissioner Cox (**Exhibit E**).

2. A minor change to the staff report published on June 26, 2014, as follows:

a. Revise **Suggested Modification 3(C)** on page 9 of the staff report in order to make a minor correction to the proposed Zoning Map, as shown below (new text is shown in ***underline***). County staff has indicated that a parcel (APN 4445-008-015) on Topanga Canyon Boulevard was erroneously designated Rural Coastal on the proposed Zoning Map even though it contains an existing commercial store and should have a commercial zoning designation. The County has requested that Commission staff re-designate this parcel from "Rural Coastal" to the commercial designation of "C-1 Restricted Business". This change is consistent with the approved Land Use designation for the property that is contained in the approved Land Use Plan.

*Revise the Zoning Map to re-designate the two following parcels from "Open Space" (O-S) to "Rural Coastal (1 DU/20 AC)" (RC-20): APN 4471-026-001 and APN 4471-027-048****, and to re-designate the following parcel from "Rural Coastal-20,000" (RC-20,000) to "Restricted Business Zone" (C-1): APN 4445-008-015****.*

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

821 KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET / LOS ANGELES, CALIFORNIA 90012
PHONE (213) 974-3333 / FAX (213) 625-7360
zev@bos.lacounty.gov / http://zev.lacounty.gov

ZEV YAROSLAVSKY
SUPERVISOR, THIRD DISTRICT

July 7, 2014

Chair Kinsey and Honorable Commissioners
California Coastal Commission
45 Fremont St., Suite 2000
San Francisco, CA 94105-2219

RE: Agenda Item Th15a: Santa Monica Mountains Local Implementation Plan

Dear Chair Kinsey and Honorable Commissioners:

This past April your Commission unanimously voted to certify the Santa Monica Mountains Land Use Plan (LUP) with a number of suggested modifications necessary to clarify the document. That certification represented an important achievement, and I thank you again for that support in this historic effort.

For the ensuing three months, your staff and the County's staff worked diligently to conform the County's proposed Local Implementation Plan (LIP) to the suggested modifications your Commission made in April and to ensure that the LIP fully carried out the provisions of the LUP. In addition, working collaboratively with your staff, the County engaged in further outreach with stakeholders regarding the provisions for the Special Compliance Program for Existing Horse Facilities.

While it would be impossible to gain perfection and full agreement on every sentence in a document as necessarily comprehensive as the LIP for the Santa Monica Mountains, the LIP recommended by your staff is a remarkable achievement. It fully implements the LUP and it has the overall support of a broad cross-section of stakeholders in the Santa Monica Mountains that includes equestrians, homeowners, elected officials, organic gardeners, environmental advocates, public park agencies, and advocates for greater access to visitor serving coastal resources.

Accordingly, I am pleased to endorse, and I ask your Commission to certify, the LIP as recommended by your staff. In so doing, the Coastal Commission and the County of Los Angeles will be one critical step closer to completing our joint effort to certify the Santa Monica Mountains LCP.

Th 15a addendum
Exhibit A

Getting to this point has taken a monumental effort, and once completed, it will be a historic achievement. Certifying the Santa Monica Mountains LCP will demonstrate that the Coastal Commission and local governments can work together to build consensus and serve the public's lasting interests. Most importantly, certifying the LCP will codify the principle that, in the Santa Monica Mountains, protection of the environment will dictate development, and not the other way around.

In closing, I once again commend your Commission and your staff for the extraordinary work done to date, and I urge your certification of the LIP on July 10th.

Sincerely,

ZEV YAROSLAVSKY
Supervisor, Third District

CAPITOL OFFICE
STATE CAPITOL, ROOM 4035
SACRAMENTO, CA 95814
TEL (916) 651-4027
FAX (916) 651-4927

DISTRICT OFFICE
5016 N. PARKWAY CALABASAS
SUITE 222
CALABASAS, CA 91302
TEL (818) 876-3352
FAX (818) 876-0802

California State Senate

SENATOR
FRAN PAVLEY
TWENTY-SEVENTH SENATE DISTRICT

COMMITTEES
NATURAL RESOURCES & WATER
CHAIR
ENERGY, UTILITIES & COMMUNICATIONS
ENVIRONMENTAL QUALITY
TRANSPORTATION & HOUSING

July 1, 2014

Hon. Steve Kinsey, Chair and Commissioners
California Coastal Commission
South Central Coast District Office
89 S. California Street, Suite 200
Ventura, CA 93001
Santamonicamtns@coastal.ca.gov

Re: SUPPORT – 07.10.14 Agenda – Item 15(a)
Santa Monica Mountains LIP

Hon. Chair Kinsey and Commissioners:

As the State Senator representing the 27th District, which contains almost the entirety of the Santa Monica Mountains National Recreation Area, I write in strong support for certification of the Santa Mountains Local Implementation Plan.

The Local Coastal Plan ("LCP") is a remarkable and visionary document, which I was pleased to see the Commission approve unanimously at your April meeting. It is now time to adopt the Implementation Plan to fully carry out the provisions of the LCP, protecting for future generations the overarching policy that resource protection in the Santa Monicas has priority over development.

As Chair of the Senate Committee on Natural Resources and Water, I commend the Commission and your excellent staff for working so diligently, for so long, and in such good faith with the County in addressing the sometimes challenging issues.

Thank you in advance for your support.

Sincerely,

Fran Pavley

Fran Pavley, State Senator
Chair, Senate Committee on Natural Resources and Water

Th15a addendum
Exhibit B

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)

June 7, 2014

Steve Kinsey, Chair
California Coastal Commission
South Central Coast District Office
89 south California Street, Suite 200
Ventura, CA 93001-2801

RE: LCP Amendment No. LCP-4-LAC-14-0109-4
Los Angeles County - Santa Monica Mountains LCP, Local Implementation Plan

Dear Chairperson Kinsey and Commissioners:

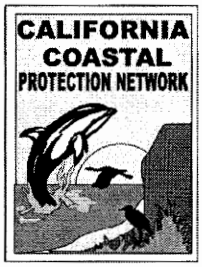
The National Park Service (NPS) has participated in the development of the Santa Monica Mountains Local Coastal Program (LCP) since 1999, when Los Angeles County held several meetings with the Technical Advisory Committee. As we have noted in previous comment letters and at public hearings, the LCP will be of enduring value to the long-term protection and preservation of the natural, cultural, and scenic resources of the Santa Monica Mountains National Recreation Area (SMMNRA). Additionally, as SMMNRA becomes ever more important as a great recreational resource that contributes to the physical, mental, and emotional health of Californians and citizens of the United States, the LCP will support public access to the trails and recreational facilities. The development standards embodied in the Local Implementation Plan are appropriate and consistent with NPS management goals and objectives for SMMNRA.

Thank you for considering the National Park Service's comments. The County's work preparing the draft LCP is commendable, along with Coastal Commission staff's diligence in assuring the LCP's consistency with the Coastal Act. Please call me at (805)370-2344, or Melanie Beck, Outdoor Recreation Planner, at (805)370-2346 if you have questions.

Sincerely,

for David Szymanski
Superintendent

cc: Joe Edmiston, Executive Director, Santa Monica Mountains Conservancy
Craig Sap, Superintendent, Angeles District, State Dept. of Parks and Recreation
Clark Stevens, Executive Officer, RCD of the Santa Monica Mountains



SURFRIDER
FOUNDATION

July 8th, 2014

California Coastal Commission
South Central Coast District Office
89 South California St. Suite 200
Ventura, CA 93001

Submitted via email to santamonicamtns@coastal.ca.gov and John.Ainsworth@coastal.ca.gov

RE: Support of Los Angeles County Local Implementation Plan No. LCP-4-LAC-14-0109-4 (Santa Monica Mountains Local Implementation Plan), Thursday, 8/10/14, Item 15A

Dear Chair Kinsey and Commissioners,

The California Coastal Protection Network (CCPN) and the Surfrider Foundation urge the California Coastal Commission (CCC) to approve the Santa Monica Mountains Local Implementation Plan (LIP) at its July 10th, 2014 hearing. CCPN and the Surfrider Foundation agree with all of staff's Suggested Modifications and believe the certification of this LIP represents a landmark opportunity for the preservation of the unique landscape of the Santa Monica Mountains over the long-term.

For those of us who have been engaged with issues before the Coastal Commission for many years, the certification of both the LUP in April 2014 and, hopefully, this LIP in July 2014 represents a noteworthy shift away from disagreement and negative rhetoric towards collaboration and positive compromise. Seen once as an intractable and unresolvable conflict between the County of Los Angeles and the CCC, both have worked tirelessly together to develop and agree on a plan that balances reasonable use with strong environmental protections. As such, it stands as a successful model for other local governments along the coast who have failed to certify a Local Coastal Plan or who need to update outdated Local Coastal Plans.

In terms of the recently approved LUP, CCPN and the Surfrider Foundation strongly supported the following policies:

- CO-12 that created a Special Compliance Program for illegal confined animal facilities;

- CO-33 that established three levels of Sensitive Habitat Resource Areas, and;

- CO-102 that prohibited additional viticulture.

In terms of the LIP, CCPN and Surfrider support the LIP as modified by staff, specifically:

- The provisions that implement the Special Compliance Program for unpermitted confined animal facilities; and

- The provisions that disallow concurrent processing of LCP amendments and associated Coastal Development Permits.

The Commission is to be commended for refusing to delay approval or weaken the overall policies in the LUP and, now, has the opportunity to move one step closer to full certification of the Local Coastal Plan by approving this LIP at its July hearing. We believe it is imperative that the many years of work that have gone into this LUP and LIP not be held back by further delays or by efforts of some to weaken its provisions.

Once the Santa Monica Mountains LUP and LIP are fully certified, the Commission will then be able to turn its attention to bringing in other areas for certification, including the City of Los Angeles, the County of San Diego, etc. Just a brief scan of the July Agenda demonstrates the time-consuming and unnecessary staff and Commission time that has to be devoted each month to processing local coastal development permits that local governments should be approving under certified Local Coastal Plans.

Sincerely,

Susan Jordan

California Coastal Protection Network
Director

Stephanie Sekich-Quinn

Surfrider Foundation
California Policy Manager

c.c. Jack Ainsworth, Senior Deputy Director,
South Central Coast District Office,
California Coastal Commission

City of Malibu

23825 Stuart Ranch Road · Malibu, California · 90265-4861
Phone (310) 456-2489 · Fax (310) 456-3356 · www.malibucity.org

July 8, 2014

Sent via email to santamonicamtns@coastal.ca.gov

California Coastal Commission
South Central Coast District Office
89 South California Street, Suite 200
Ventura, CA 93001-2801

RE: LCP Amendment No. LCP-4-LAC-14-0109-4 (July 10, 2014, Agenda Item No. Th15a)
Los Angeles County – Santa Monica Mountains Local Coastal Program (LCP) Local Implementation Plan (LIP) – SUPPORT

Dear Coastal Commission:

I am pleased to offer this letter of support for adoption of the Los Angeles County LCP for the Santa Monica Mountains and recommend the Coastal Commission follows its action of April 10, 2014, when the LUP portion of the plan was approved, by certifying the LIP portion at its meeting on July 10, 2014.

The Santa Monica Mountains area lies within the Coastal Zone, which is designated as a Very High Fire Hazard Severity Zone and is prone to serious natural and man-made hazards. By adopting the LCP and LIP for the Santa Monica Mountains, and allowing the County of Los Angeles to issue coastal development permits, integrity of the land areas will be ensured by preventing overdevelopment of valuable open space. In addition, the LCP protects the many invaluable natural resources found throughout the Coastal Zone, including preservation of water quality in the watersheds which drain into and impact natural stream channels and Santa Monica Bay.

I strongly endorse the adoption of the Santa Monica Mountains LCP and, as a member of the Malibu City Council, I look forward to working with the County of Los Angeles to protect and preserve the natural beauty of our Santa Monica Mountains area.

Sincerely,

Joan House

Joan House
Councilmember

cc: Mayor Peak and Honorable Members of the Malibu City Council
Honorable Zev Yaroslavsky, Supervisor, Los Angeles County 3rd District

City of Malibu

23825 Stuart Ranch Road · Malibu, California · 90265-4861
Phone (310) 456-2489 · Fax (310) 456-3356 · www.malibucity.org

July 7, 2014

Sent via email to santamonicamtns@coastal.ca.gov

California Coastal Commission
South Central Coast District Office
89 South California Street, Suite 200
Ventura, CA 93001-2801

RE: LCP Amendment No. LCP-4-LAC-14-0109-4 (July 10, 2014, Agenda Item No. Th15a)
Los Angeles County – Santa Monica Mountains Local Coastal Program (LCP) Local Implementation Plan (LIP) – SUPPORT

Dear Coastal Commission:

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I strongly endorse the adoption of the Santa Monica Mountains LCP and, as a member of the Malibu City Council, I look forward to working with the County of Los Angeles to protect and preserve the natural beauty of our Santa Monica Mountains area.

Sincerely,

Lou La Monte
Councilmember

cc: Mayor Peak and Honorable Members of the Malibu City Council
Honorable Zev Yaroslavsky, Supervisor, Los Angeles County 3rd District

City of Malibu

Skylar Peak, Mayor

23825 Stuart Ranch Road · Malibu, California · 90265-4861
Phone (310) 456-2489 · Fax (310) 456-3356 · www.malibucity.org

July 3, 2014

Sent via email to santamonicamtns@coastal.ca.gov

California Coastal Commission
South Central Coast District Office
89 South California Street, Suite 200
Ventura, CA 93001-2801

RE: LCP Amendment No. LCP-4-LAC-14-0109-4 (July 10, 2014, Agenda Item No. Th15a)
Los Angeles County – Santa Monica Mountains Local Coastal Program (LCP) Local Implementation Plan (LIP) – SUPPORT

Dear Coastal Commission:

I am pleased to offer this letter of support for adoption of the Los Angeles County LCP for the Santa Monica Mountains and recommend the Coastal Commission follows its action of April 10, 2014, when the LUP portion of the plan was approved by certifying the LIP portion at its meeting on July 10, 2014.

The Santa Monica Mountains area lies within the Coastal Zone, which is designated as a Very High Fire Hazard Severity Zone and is prone to serious natural and man-made hazards. By adopting the LCP and LIP for the Santa Monica Mountains, and allowing the County of Los Angeles to issue coastal development permits, integrity of the land areas will be ensured by preventing overdevelopment of valuable open space. In addition, the LCP protects the many invaluable natural resources found throughout the Coastal Zone, including preservation of water quality in the watersheds which drain into and impact natural stream channels and Santa Monica Bay.

I strongly endorse the adoption of the Santa Monica Mountains LCP and, as Mayor of the City of Malibu, I look forward to working with the County of Los Angeles to protect and preserve the natural beauty of our Santa Monica Mountains area.

Sincerely,

Skylar M. Peak

Skylar Peak
Mayor

cc: Honorable Members of the Malibu City Council
Honorable Zev Yaroslavsky, Supervisor, Los Angeles County 3rd District

SUPPORT of the LIP

Ruth Gerson [ruthgerson@aol.com]
Sent: Tuesday, July 01, 2014 1:48 PM
To: CoastalSantaMonicamtns

July 1, 2014

Mr. Chairman and Members of the Coastal Commission:

The Recreation & Equestrian Coalition wishes to convey its support for the Santa Monica Mountains LIP as recommended by your staff.
For many years we have worked to maintain and enhance equestrian traditions in the Santa Monica Mountains. We believe that the LIP as recommended by staff strikes the right balance for maintaining our traditions. We appreciate your hearing the concerns of the equestrian community and responding with positive changes.
We look forward to working with Los Angeles County to carry out the provisions of the LIP.

On July 10th, we urge your support of the LIP.

Sincerely,

Ruth Gerson
President
Recreation & Equestrian Coalition

TOPANGA TOWN COUNCIL

P.O. BOX 1085 ♦ TOPANGA, CA 90290 ♦ 310.455.3001 ♦ WWW.TOPANGATOWNCOUNCIL.ORG

July 2, 2014

Dear Commissioners:

The Town Council has strongly supported the Los Angeles County's local coastal plan that was before you last April and appreciates your passing of this plan. We now request you support the LIP which will fully carryout the policies of the LUP. Together, these actions strengthen the continuity of planning and enforcement in the Santa Monica Mountains and will result in tremendous ecological, social and economic benefits within our coastal zone.

We ask you vote to cerify the Santa Monica Mountains Local Implementation Program without delay; and thereby, secure for future generations all of the environmental benefits provided in the local coastal program.

The Topanga Town Council thanks you for your consideration and support.

Respectfully submitted,

Stacy Sledge
President of the Topanga Town Council

Honorable California Coastal Commissioners, my name is Toby Keeler and I live with my family of four in Old Topanga, within the Santa Monica Mountains National Recreation Area.

The Los Angeles County Local Implementation Plan before you today, is based upon a joint scientific efforts of Los Angeles County and the Coastal Commission, which provide a level of overall protection to habitat and water quality, and restricts development in critical viewshed areas within our beloved Mountains, preserving the dark skies which characterize the area.

Driving through our Mountains on a moonless night, many are amazed by the pitch black skies. One can actually see stars, and on a crystal clear night, the Milky Way is visible to the naked eye.

This is the way it should be, and this Local Implementation Plan will help ensure that the dark skies over the Santa Monica Mountains will remain so for future generations to enjoy.

Opposition to the LIP consists mainly of land developers and an association of realtors who seem to care less about the Mountains and more about their future profits.

Support the unified efforts of Los Angeles County, California State Parks, the Santa Monica Mountains Conservancy, and the National Park Service.

Please support the LA County Local Implementation Plan with your "yes"vote. Thank you

support SMM LIP

MaryAnn Webster [mawebster1984@sbcglobal.net]

Sent: Wednesday, July 02, 2014 12:16 PM
To: CoastalSantaMonicamtns

WEST LOS ANGELES GROUP, SIERRA CLUB,
ANGELES CHAPTER 07/02/2014

Dear Commissioners:

The West Los Angeles Group of the Sierra Club strongly urges the Coastal Commission to support the Santa Monica Mountains Local Implementation Program (LIP). In April, 2014, our group supported unanimously the approval of the L.A. County's SM Mountains Land Use Plan.

This plan and its implementation is a long-term victory for the environment and for the continued protection of cultural, historical and natural resources in the Santa Monica Mountains and adjacent lands.

We ask that you continue your support by unanimously approving the LIP, which is on the Coastal Commission agenda on July 10th. This implementation will carry out the policies of the Local Coastal Plan.Open space will be saved; habitat and critical resources will be preserved in the future.

Thank you for your important role in environmental protection in our mountains and coastal areas.

Cordially, David Haake, Chair

West Los Angeles Group of the Sierra Club

Angeles Chapter

SMMTF of Sierra Club supports SMM LIP

MaryAnn Webster [mawebster1984@sbcglobal.net]

Sent: Wednesday, July 02, 2014 11:50 AM
To: CoastalSantaMonicamtns

Honorable Commissioners, The Santa Monica Mountains Task Force represents the Sierra Club in the Santa Monica Mountains and adjacent parklands. Our group supported unanimously the approval of the L.A. County's SM Mountains Land Use Plan in April, 2014. This plan is a long-term victory for the environment and for the continued protection of cultural, historical and natural resources in the Santa Monica Mountains and adjacent lands. We ask that you unanimously approve the LIP, which is on the Coastal Commission agenda on July 10th. This implementation will carry out the policies of the Local Coastal Plan.Open space will be saved; habitat and critical resources will be preserved in the future. Thank you for your important role in

environmental protection in our mountains and coastal areas.

Cordially, Mary Ann Webster, Chair

Santa Monica Mountains Task Force, Sierra Club

SM Mountains Local Implementation Program

Illece Buckley Weber [illecebw@yahoo.com]
Sent: Tuesday, July 01, 2014 10:41 AM
To: CoastalSantaMonicamtns

Honorable California Coastal Commissioners,

I am a resident of the City of Agoura Hills, a city that calls itself the Gateway to the Santa Monica Mountains. As such, I am pleased to write in **support** of the Santa Monica Mountains Local Implementation Program (LIP). In April of this year, I attended your Commission's meeting in Santa Barbara and was appreciative of your unanimous approval of the Santa Monica Mountains Land Use Plan. That vote represented a major victory for both the environment and all of us who live in , recreate in, and visit the Santa Monica Mountains.

Now, the LIP, which will be coming before you on July 10th, will fully carryout the policies of the LUP and is deserving of your full support.

I therefore ask you to vote to certify this impressive document without delay and thereby secure for future generations all of the environmental benefits provided by the Santa Monica Mountains Local Coastal Program.

Sincerely,

Illece Buckley Weber

Support SMM LIP

Rothenberg, Nancy [NRothenberg@ptpn.com]

Sent: Tuesday, July 01, 2014 10:44 AM
To: CoastalSantaMonicamtns

Honorable California Coastal Commissioners,

On behalf of the Calabasas Highlands Homeowners Association, I am writing in support of the Santa Monica Mountains Local Implementation Program (LIP). We very much appreciated your Commission's unanimous approval of the Santa Monica Mountains Land Use Plan this past April. That vote represented a major victory for both the environment and all of us who live in, recreate in, and visit the Santa Monica Mountains.

Now, the LIP, which will be coming before you on July 10th, will fully carryout the policies of the LUP and it too deserves your full support. We therefore ask you to vote to certify this impressive document without delay and thereby secure for future generations all of the environmental benefits provided by the Santa Monica Mountains Local Coastal Program.

Sincerely,

Nancy Rothenberg, President
Calabasas Highlands HOA

Support SMM LIP

Betty Mehling [betty@mehling.org]

Sent: Tuesday, July 01, 2014 10:49 AM
To: CoastalSantaMonicamtns

Honorable California Coastal Commissioners:

I write in support of the Santa Monica Mountains Local Implementation Program (LIP). I very much appreciated your Commission's unanimous approval of the Santa Monica Mountains Land Use Plan (LUP) this past April. That vote represented a major victory for both the environment and all of us who live in, recreate in, and visit the Santa Monica Mountains.

Now, the LIP, which will be coming before you on July 10th, will fully carryout the policies of the LUP and it too deserves your full support.

I therefore ask you to vote to certify this impressive document without delay and thereby secure for future generations all of the environmental benefits provided by the Santa Monica Mountains Local Coastal Program.

Sincerely,

betty mehling
23641 summit drive
calabasas CA 91302

Urge your strong support of the SMM LIP

Steve Hess [stevehess10@gmail.com]
Sent: Tuesday, July 01, 2014 10:58 AM
To: CoastalSantaMonicamtns

Honorable California Coastal Commissioners,

My family and I have lived in the Santa MOnica Mountains for over 50 years and we strongly support and write in support of the Santa Monica Mountains Local Implementation Program (LIP). We very much appreciated your Commission's unanimous approval of the Santa Monica Mountains Land Use Plan this past April. That vote represented a major victory for both the environment and all of us who live in , recreate in, and visit the Santa Monica Mountains.

Now, the LIP, which will be coming before you on July 10th, will fully carry out the policies of the LUP and it too deserves your full support.

We therefore ask you to vote to certify this impressive document without delay and thereby secure for future generations all of the environmental benefits provided by the Santa Monica Mountains Local Coastal Program.

Sincerely,

Steve & Patricia Hess and family

July 1, 2014

Coastal Commissioners:

I am writing in strong support of the Santa Monica Mountains Local Implementation Program (LIP) which you have scheduled for your meeting on July 10th. As someone who has been involved in the protection of the Santa Monica Mountains for many years, I sincerely appreciate your recent unanimous approval of the Santa Monica Mountains Land Use Plan in April. The LIP will carry through with the implementation of the policies set forth in the LUP.

This plan has been in the formation stage for far too long. Now is the time for action. We need to assure that this great resource will be here for all citizens of Los Angeles County and the whole Southern California region for generations to come.

I regret that I am unable to attend your meeting on July 10th but I urge you to certify this document at that time.

Sincerely,

Joan Yacovone
27328 Country Glen
Agoura Hills, CA 91301

Santa Monica Mountains

Alison Wodder-Lakoff [alw312@gmail.com]
Sent: Tuesday, July 01, 2014 11:05 AM
To: CoastalSantaMonicamtns

Honorable California Coastal Commissioners,

I write in support of the Santa Monica Mountains Local Implementation Program (LIP) . I very much appreciated your Commission's unanimous approval of the Santa Monica Mountains Land Use Plan this past April. That vote represented a major victory for both the environment and all of us who live in , recreate in, and visit the Santa Monica Mountains.

Now, the LIP, which will be coming before you on July 10th, will fully carryout the policies of the LUP and it too deserves your full support.

I therefore ask you to vote to certify this impressive document without delay and thereby secure for future generations all of the environmental benefits provided by the Santa Monica Mountains Local Coastal Program.

Sincerely,

Alison Lakoff

LIP Endorsement by TASC

kenneth mazur [kenmazur@earthlink.net]
Sent: Tuesday, July 01, 2014 11:07 AM
To: CoastalSantaMonicamtns

Honorable California Coastal Commissioners,

On behalf of the Topanga Association for a Scenic Community, (TASC), an organization representing over 400 households in Topanga, California, I write in support of the Santa Monica Mountains Local Implementation Program (LIP).

We very much appreciated your Commission's unanimous approval of the Santa Monica Mountains Land Use Plan this past April. That vote represented a major victory for both the environment and all of us who live in , recreate in, and visit the Santa Monica Mountains.

Now, the LIP, which will be coming before you on July 10th, will fully carryout the policies of the LUP and it too deserves your full support.

We therefore ask you to vote to certify this impressive document without delay and thereby secure for future generations all of the environmental benefits provided by the Santa Monica Mountains Local Coastal Program.

Sincerely ,

Ken Mazur

TASC Board of Directors

LIP endorsement

kenneth mazur [kenmazur@earthlink.net]

Sent: Tuesday, July 01, 2014 11:13 AM
To: CoastalSantaMonicamtns

Honorable California Coastal Commissioners,

I write in support of the Santa Monica Mountains Local Implementation Program (LIP) . I very much appreciated your Commission's unanimous approval of the Santa Monica Mountains Land Use Plan this past April. That vote represented a major victory for both the environment and all of us who live in , recreate in, and visit the Santa Monica Mountains.

Now, the LIP, which will be coming before you on July 10th, will fully carryout the policies of the LUP and it too deserves your full support.

I therefore ask you to vote to certify this impressive document without delay and thereby secure for future generations all of the environmental benefits provided by the Santa Monica MountainsLocal Coastal Program.

Sincerely,

Ken Mazur

Support Santa Monica Mountains LIP

Scott Ferguson [scferguson@verizon.net]
Sent: Tuesday, July 01, 2014 11:14 AM
To: CoastalSantaMonicamtns

Honorable California Coastal Commissioners,

I fully support the Santa Monica Mountains Local Implementation Program (LIP).

I was heartened by the Commission's unanimous approval of the Santa Monica Mountains Land Use Plan this past April. That vote represented a major victory for both the environment and all of us who live in the Santa Monica Mountains.

Now, the LIP, which will be coming before you on July 10th, will fully carry out the policies of the LUP and it too deserves your full support.

I ask the Commission to vote to certify this vital document without delay and secure for future generations all of the environmental benefits provided by the Santa Monica Mountains Local Coastal Program.

Sincerely,

Scott Ferguson
Topanga, CA

In Support of the Santa Monica Mountains Local Implementation Program (LIP)

Francisca Michel [franciscamichel@roadrunner.com]
Sent: Tuesday, July 01, 2014 11:15 AM
To: CoastalSantaMonicamtns

Honorable California Coastal Commissioners,

I write in support of the Santa Monica Mountains Local Implementation Program (LIP) . I very much appreciated your Commission's unanimous approval of the Santa Monica Mountains Land Use Plan this past April. That vote represented a major victory for both the environment and all of us who live in, recreate in, and visit the Santa Monica Mountains.

Now, the LIP, which will be coming before you on July 10th, will fully carry out the policies of the LUP and it too deserves your full support.

I therefore ask you to vote to certify this impressive document without delay and thereby secure for future generations all of the environmental benefits provided by the Santa Monica Mountains Local Coastal Program.

Sincerely,

Francisca Michel
http://journeyworkcalifornia.com

Las Virgenes Homeowners Federation, Inc.

Post Office Box 353, Agoura Hills, California 91301

The voice and conscience of the Santa Monica Mountains since 1968...

July 3, 2014

Honorable California Coastal Commission
South Central Coast District Office
89 S. California Street, Suite 200
Ventura, CA 93001

Re: SUPPORT- Agenda Item Th15a - Los Angeles County Local Implementation Plan No. LCP-4-LAC-14-0109-4

Honorable Commissioners:

The Las Virgenes Homeowners Federation, representing 10,000 homeowners, property owners, and horse owners in the Santa Monica Mountains, is ardently in support of the Santa Monica Mountains Local Implementation Program. We urge your certification of this LIP on July 10th.

Your unanimous approval of the Santa Monica Mountains Land Use Plan this past April was historic. That policy decision set forth in clear terms the critically important policies that will protect the Santa Monica Mountains - a scenic, recreational, and ecological resource of national and regional significance - for generations to come.

Now, thanks to the hard work of your staff and County staff, your Commission is in a position to finally enact the detailed rules and implementation mechanisms that will ensure the full intent of the LUP policies will be faithfully and consistently executed.

Just as importantly, upon certification of the LIP, a locally certified LCP for the Santa Monica Mountains Coastal Zone will finally be within reach.

The Federation is grateful for your Commission's hard work to make this LCP a reality, and we look forward to another historic approval on July 10th.

Sincerely,

Kim Lamorie
President
Las Virgenes Homeowners Federation, Inc., of the Santa Monica Mountains

[E-mailed to: santamonicamtns@coastal.ca.gov]

Support for the Santa Monica Mountains LIP

Jeanne Wallace [jeannelwallace@gmail.com]

Sent: Wednesday, July 02, 2014 4:34 PM
To: CoastalSantaMonicamtns
Cc: Don Wallace [donaldwwallace@gmail.com]

Honorable
California Coastal
Commissioners,

As Vice President of the Santa Monica Mountains Trails Council I write in support of the Santa Monica Mountains Local Implementation Program.

We very much appreciated your Commission's unanimous approval of the Santa Monica Mountains Land Use Plan this past April. That vote represented a major victory for both the environment and all of us who live, recreate, and visit the Santa Monica Mountains.

Now, the LIP, which will be coming before you on July 10th, will fully implement the policies of the LUP and it too deserves your full support.

I want to give a special Thank You to Gina Natoli with L.A. County Planning for the special attention she gave to the Trails Council and her help in clearly explaining the Local Coastal Plan documents to our Board.

My Sincere Thanks.

Jeanne Wallace, Vice President
Santa Monica Mountains Trails Council

Support Santa Monica Mountains Local Implementation Program

Don Wallace [donwwallace@gmail.com]

Sent: Wednesday, July 02, 2014 4:24 PM
To: CoastalSantaMonicamtns

Honorable California Coastal Commissioners,

I write on behalf of Equestrians Trails Inc., Corral 36; the organization that represents the majority of equestrians in the Santa Monicas Mountains Coastal Zone as well as in the County North Area Plan and Malibu. Our organization unanimously supported the Land Use Plan you adopted in April and we have now voted to support the LIP. Accordingly, ETI, Corral 36 supports and strongly urges the Commission to complete the work you started when you adopted the LUP last April by adopting the LIP at your July meeting.

This upcoming vote will complete the transfer of responsibility and authority for protecting coastal resources to L.A. County as envisioned in the Coastal Act. Equestrians are eager to have the clear language concerning horsekeeping embodied in the work done by your staff, L.A. County Planning Department and Supervisor Yaroslavsky's staff on the L.A. County Local Coastal Plan element before you.

Thank you for recognizing the historic and cultural values of equestrians in the Santa Monica Mountains. Thank you also for listening to us and working with the equestrian community to devise reasonable alternatives for equestrian uses as well as adopting a way for horse owners to comply with the new regulations even if cited under the old regulations. The environment will be the winner due to the wisdom shown by adopting this final element of the LCP with these provisions.

We strongly urge you to vote to certify this impressive document without delay and so secure for future generations all of the environmental benefits provided by the Santa Monica Mountains Local Coastal Program. Thank you.

Very truly yours ,

Donald W. Wallace, Legislative Representative
Equestrian Trails, Inc., Corral 36
Delegate, Las Virgenes Homeowners Federation

L.A. County LIP for the Santa Monica Mountains

healypatt@aol.com

Sent: Wednesday, July 02, 2014 4:21 PM
To: CoastalSantaMonicamtns

Honorable California Coastal Commissioners,

On behalf of Malibu Coalition for Slow Growth , I write in support of the Santa Monica Mountains Local Implementation Program (LIP).

We very much appreciated your Commission's unanimous approval of the Santa Monica Mountains Land Use Plan this past April. That vote represented a major victory for both the environment and all of us who live in , recreate in, and visit the Santa Monica Mountains.

Now, the LIP, which will be coming before you on July 10th, will fully carryout the policies of the LUP and it too deserves your full support.

We therefore ask you to vote to certify this impressive document without delay and thereby secure for future generations all of the environmental benefits provided by the Santa Monica Mountains LocalCoastal Program.

Sincerely ,

Patt Healy, Co Founder
Malibu Coalition for Slow Growth

Heal the Bay

1444 9th Street
Santa Monica CA 90401

ph 310 451 1500
fax 310 496 1902

info@healthebay.org
www.healthebay.org

July 7, 2014

California Coastal Commission
South Central Coast Area
89 South California St., Suite 200
Ventura, CA 93001

Submitted via email to: santamonicamtns@coastal.ca.gov

Re: Support of Los Angeles County Local Implementation Plan No. LCP-4-LAC-14-0109-4 (Santa Monica Mountains Local Implementation Plan)

Dear California Coastal Commissioners:

On behalf of Heal the Bay, a non-profit environmental organization with over 15,000 members dedicated to making the Santa Monica Bay and Southern California coastal waters and watersheds safe, healthy, and clean, we have reviewed the Santa Monica Mountains Local Coastal Program (LCP) Local Implementation Plan and urge the Coastal Commission to approve the Local Implementation Plan (LIP) with the modifications suggested by Coastal Commission staff.

The Santa Monica Mountains National Recreation Area is the largest urban national park in the country and greatly benefits the millions of people that utilize the area for recreation and enjoyment. Developing a strong LCP for the Santa Monica Mountains is of the utmost importance. Few natural areas globally can rival the extraordinary biological and habitat diversity of the Santa Monica Mountains, which are one of the few remaining areas in Los Angeles County with significant natural habitat. Yet, many of the streams in this region are degraded, containing high levels of bacteria, nutrients, and sediment. Encroaching development and poor land use practices are exacerbating pollution problems in the Santa Monica Mountains.

Since 1998, Heal the Bay's Stream Team has collected data and documented degradation of natural resources in the Santa Monica Mountains through water pollution, hardening of streambanks, the spread of invasive species, and proliferation of agricultural uses. The need to protect the unique Mediterranean ecosystem of the Santa Monica Mountains is urgent. Heal the Bay has been involved in the effort to develop an LCP for the Santa Monica Mountains since 2006. We reviewed and commented on the previous versions of the LCP in 2006, 2007, and 2008, and have seen notable improvements since then.

Th 15 a addendum
Exhibit C

Heal the Bay

1444 9th Street
Santa Monica CA 90401

ph 310 451 1500
fax 310 496 1902

info@healthebay.org
www.healthebay.org

We believe the proposed LIP reflects recommendations from the variety of stakeholders within this region, as well as the concessions that were made by these diverse parties through the LCP development process. Although there are areas of the LIP where Heal the Bay would prefer to see stronger habitat and water quality protections, we believe that on the whole, the LIP will protect the sensitive resources and recreational opportunities in the mountains, while allowing for environmentally sound development. We are particularly supportive of the proposed LIP provisions that establish riparian habitat buffers, minimize streambank and coastal armoring with a preference for softer solutions, and prevent water pollution through sound onsite wastewater treatment system (OWTS) policies and other water quality protections.

Heal the Bay's concerns center around an apparent inconsistency of mitigation requirements across LIP provisions, as well as the monitoring requirements for the legal non-conforming equestrian program. However, despite these concerns, we support the proposed LIP. We support the inclusion of mitigation requirements for equestrian facilities that are in the legal non-conforming pathway of Section 22.44.690 Y.8.g (Appendix A, page 65). However, we would prefer the mitigation ratio be higher and consistent with the mitigation levels set in LIP Section 22.44.1950, which requires a mitigation ratio of 4:1 for wetland habitat and 3:1 for all other H1 habitat – rather than the mitigation ratio of 1:1. We understand that impacts are characterized as temporary for these facilities, but worry about the ability to adequately mitigate the damage to sensitive H1 habitat that has been occurring and continues to occur at these facilities with this low ratio. Heal the Bay also has some concern that the monitoring requirements for equestrian facilities in the legal non-conforming pathway currently only address BMP performance and maintenance. We support the BMP monitoring provisions; however, we believe that additional site monitoring should be performed to assess whether the program is resulting in real water quality and habitat protections (since setbacks and other legal non-conforming program elements provide less protection than other sites). Water quality and habitat monitoring that is performed onsite pre- and post-implementation of the minimum requirements of this compliance program would help assess effectiveness with these uncertainties. We look forward to working with the County, equestrian community, and other stakeholders through LIP implementation, and believe that some of these concerns can be addressed in that process.

In future LCP development projects (within and outside of Los Angeles County) and with the pending Coastal Commission Sea Level Rise policy, we suggest that in addition to prioritizing soft-solutions over shoreline hardening, that Coastal Commission also consider a mitigation policy that requires dune or beach restoration when hard solutions are the only feasible option (at a specific ratio, possibly 3:1 consistent with H1 habitat protection in this LIP). Such action would help counter the negative impacts of hardened structures along the shore, such as habitat loss and degradation, erosion, and down-current scour, by enhancing natural coastal climate change buffers.

Heal the Bay

1444 9th Street
Santa Monica CA 90401

ph 310 451 1500
fax 310 496 1902

info@healthebay.org
www.healthebay.org

Heal the Bay supports the proposed LIP with staff modifications and encourages its adoption. Approval of the LIP is the next critical step in protecting the Santa Monica Mountains. This LCP has been in development for nearly a decade and it is imperative that is adopted in a timely manner. We appreciate the hard work of the Coastal Commission and Los Angeles County to craft an LIP that is clear and consistent with the adopted Land Use Plan (LUP). Together, the LUP and proposed LIP will provide for balanced use throughout the Santa Monica Mountains while maintaining strong protection of sensitive habitats and water quality.

Thank you for the opportunity to comment; please contact us if you have any questions.

Sincerely,

Katherine M. Pease, PhD
Watershed Scientist
kpease@healthebay.org
310-451-1500 x 141

Sarah Sikich, MESM
Coastal Resources Director
ssikich@healthebay.org
310-451-1500 x 163

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* ALSO ADMITTED IN TEXAS AND THE DISTRICT OF COLUMBIA

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DAVID T. HARDY
TUCSON, AZ

July 7, 2014

California Coastal Commission
South Central Coast Area
89 S. California Street, Suite 200
Ventura, CA 93001

Re: July 10, 2014 Hearing of Coastal Commission – Item 15a
Submission re Crop-Based Agriculture

Dear Commissioners:

We are writing on behalf of our clients Third District Parklands, LLC; Mountainlands Conservancy, LLC; and Third District Meadowlands, LLC. Our clients are all landowners in the Coastal Zone of the Santa Monica Mountains.

At the July 10, 2014 session of your next meeting scheduled for July 9-11, 2014, the Commission is expected to consider a request by the County of Los Angeles to certify a new Local Implementation Plan ("LIP") for the Santa Monica Mountains segment of the County's coastal zone (Agenda Item No. 15a).

Section 30513 of the Coastal Act specifies that "[t]he commission may only reject zoning ordinances, zoning district maps, or other implementing actions on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan."

The LIP is Inadequate to Carry Out the Provisions of the Land Use Plan Relating to Agriculture

Policy CO-102 and Policy LU-11 of the Land Use Plan with Approved Suggested Modifications ("LUP," Exhibit B to the June 26, 2014 Staff Report at pages 48, 103) provides that "[n]ew crop-based, private and commercial agricultural uses shall only be allowed if it is demonstrated that [among other requirements] Organic or Biodynamic farming practices are followed."

Neither the LUP nor the proposed LIP (attached as Exhibit A to the June 26, 2014 Staff Report) provides any definition of "biodynamic farming." In fact, the only definition of "biodynamic farming" to be found in Coastal Commission materials is on page twenty-seven of the Staff Report, which provides that "[b]iodynamic farming is a subset of organic farming and reflects a unique, holistic ecosystem approach to crop production, in which lunar phases, planetary cycles, animal husbandry and unique soil preparation practices are incorporated."

Th15a addendum
Exhibit D

So, as acknowledged by Coastal Commission Staff, one of the two methods of agriculture permitted by the LUP and LIP to the exclusion of other forms of agriculture incorporates "lunar phases [and] planetary cycles" into its practices. As reported in *The Guardian* in 2005, a farmer with forty years of experience in biodynamic farming elaborated on the incorporation of these phenomena into biodynamic farming practices:

> Brockman says biodynamics means taking account of natural cycles when farming. "Say we want to plant carrots. We'll pick out a constellation, such as Virgo, Capricorn or Taurus and plant them when the moon is moving through them. Those constellations all stimulate root development," he says.

Sample, Ian. "What is biodynamic farming?" *The Guardian*, August 4, 2005 (attached here).

The English language has a word for this: "astrology." That the LUP and proposed LIP afford preferential treatment to a form of agriculture based upon transparent pseudoscience calls into question whether any portions of the LIP are positioned to accomplish the policy goals expressed in the LUP.

Specifically, even though the Staff Report identifies "biodynamic farming" as a subset of organic farming, that the LUP and LIP both mention biodynamic farming as a creditable type of organic farming leads one to question whether the Coastal Commission and the County have considered whether the organic farming practices that the LUP and LIP favor provide any environmental benefit at all over conventional farming practices. Notably, the LIP prohibits "[t]he use of pesticides, rodenticides, fumigants, and other synthetic substances." (LIP ant p. 209.) The LIP goes on to define "synthetic substances" as "those that are formulated or manufactured by a chemical process or by a process that chemically changes a substance extracted from naturally occurring plant, animal, or mineral sources, except that such term shall not apply to substances created by naturally occurring biological processes." (*Id.*) As with pesticides, the LIP limits cultivation practices to "those that maintain or improve the physical, chemical, and biological condition of soil using organic systems and biologically-created inputs instead of synthetic inputs." In neither case, however, has any attempt been made to show that the prohibition of synthetic substances would advance any of the policy goals expressed in the LUP, other than to promote organic farming for its own sake.

Moreover, the LIP is imprecise. By the definition provided, not all "pesticides," for example, are "synthetic substances." Does the LIP intend to ban the use of *B. thuringiensis* (Bt), an insecticide derived from a soil bacteria, which is commonly used in organic farming? This is unclear because the LIP is not explicit that in order for a pesticide to be prohibited, it must be "synthetic."

Sincerely,
Michel & Associates, P.C.

Thomas E. Maciejewski

TEM/ca

What is biodynamic farming?

Ian Sample
Follow @iansample Follow @guardian

The Guardian, Thursday 4 August 2005 07.21 EDT

It is about burying cow horns full of manure, planting crops according to signs of the zodiac, and it is the latest indulgence of Prince Charles.

Reports say the Prince of Wales has decided to experiment with some of the principles of biodynamics, a type of agriculture founded by an Austrian philosopher, Rudolf Steiner, in the early 20th century.

"Steiner said you should treat the farm as an entity and know that whatever you do on one part of the farm affects it elsewhere," says Alan Brockman, a Kent-based farmer with 40 years experience of biodynamics.

Brockman says biodynamics means taking account of natural cycles when farming. "Say we want to plant carrots. We'll pick out a constellation, such as Virgo, Capricorn or Taurus and plant them when the moon is moving through them. Those constellations all stimulate root development," he says.

But Geoff Squire at the Scottish Crop Research Institute says that, while seed germination depends on differences in temperature, sunlight and moisture, there's no evidence that the moon makes any difference. As one scientist puts it: "Biodynamics? It's kind of an occult-based farming system."

July Th15a

DISCLOSURE OF EX PARTE COMMUNICATIONS

Name or description of project: Los Angeles County Local Implementation Plan No. LCP-4-LAC-14-0109-4 (Santa Monica Mountains Local Implementation Plan). Public hearing and action on request by the County of Los Angeles to certify a new Local Implementation Plan (LIP) for the Santa Monica Mountains segment of the County's coastal zone. (DC-V)

Date and time of receipt of communication:
July 2, 2014 at 11:30am

Location of communication: San Diego

Type of communication:
Phone Call

Person(s) in attendance at time of communication:
Supervisor Zev Yaroslavsky

Person(s) receiving communication:
Greg Murphy, on behalf of Greg Cox

Detailed substantive description of the content of communication:
(Attach a copy of the complete text of any written material received.)

Greg Murphy on staff spoke briefly with Supervisor Zev Yaroslavsky regarding the Santa Monica Mountains LIP amendment. Zev said he supports staff recommendation and is pleased to have wide support including from the equestrian community.

Date: 7/7/14

Signature of Commissioner: Greg Cox

Th15a addendum
Exhibit E

CALIFORNIA COASTAL COMMISSION
SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 585-1800

Th15a

DATE: June 26, 2014

TO: Commissioners and Interested Persons

FROM: Jack Ainsworth, Senior Deputy Director
Steve Hudson, District Manager
Barbara Carey, Supervisor, Planning and Regulation
Deanna Christensen, Coastal Program Analyst

SUBJECT: County of Los Angeles Local Implementation Plan (No. LCP-4-LAC-14-0109-4) for the Santa Monica Mountains Segment of the County's Coastal Zone, for Public Hearing and Commission Action at the July Commission Meeting in Ventura.

DESCRIPTION OF THE SUBMITTAL

Los Angeles County has proposed a Local Coastal Program (LCP) for the Santa Monica Mountains segment of the County's coastal zone. The proposed Santa Monica Mountains LCP consists of two parts: 1) a Land Use Plan, and 2) a Local Implementation Plan. The Commission approved the Land Use Plan portion of the County's proposed LCP, with suggested modifications, at the April 2014 Commission hearing. The County is requesting certification of the Local Implementation Plan portion of the LCP, which are the detailed zoning or implementing ordinances designed to carry out the more general policies of the approved Land Use Plan.

SUMMARY OF STAFF RECOMMENDATION

Commission staff is recommending that the Commission reject the Local Implementation Plan (LIP), as submitted, and certify the LIP with suggested modifications. The required motions and resolutions to implement this recommendation begin on page 7 of this staff report.

Given the length and complexity of the suggested modifications, Suggested Modification 1 instructs that the proposed LIP document shall be modified as shown in Attachment A of this staff report. Attachment A includes the entire proposed LIP document (except the zoning map) with the County's proposed language shown in straight type and the recommended suggested modifications shown in underline and strikethrough. Suggested Modification 2 instructs that the County shall update section numbering, cross-references, and minor formatting and typographical corrections, as necessary, consistent with the intent of the changes included as Suggested Modification 1 (Attachment A). Suggested Modification 3 includes three minor corrections to the proposed LIP zoning map.

The majority of the suggested modifications in Attachment A are additions, clarifications, and refinements to proposed LIP provisions that are necessary to ensure the plan conforms with, and is adequate to carry out, the Land Use Plan (LUP) that was approved by the Commission at the April 10, 2014 hearing. It is important to note that the proposed LIP was submitted by the County prior to Commission approval of the associated LUP, which included substantial suggested modifications. Many of the recommended suggested modifications to the LIP are necessary changes to reflect the

modified policies of the LUP. Further, the proposed LIP does not include provisions to implement a number of LUP policies. Commission staff and County staff worked collaboratively since Commission approval of the LUP in order to add and modify LIP provisions, as reflected in the recommended suggested modifications (Page 4) and Attachment A. Many of the suggested modifications are necessary substantive changes that will ensure adequate and accurate implementation of the LCP, including procedures and provisions protective of coastal resources and public access. Changes to the LIP provisions were intended to provide clarity and consistency within the document, and often such edits were worked out with, and/or suggested by, County staff.

There are two LIP issues that have generated known interest, as summarized below:

Confined Horse Facility Special Compliance Program

Policy CO-12 of the LUP, as approved by the Commission in April 2014, establishes a Special Compliance Program designed to provide a pathway for property owners with unpermitted confined horse facilities in the Santa Monica Mountains to achieve compliance with the LCP within specified timelines, terms and conditions in lieu of an enforcement action. The intent of this program is to minimize the amount of animal wastes and other by-products generated by the large number of unpermitted facilities in the mountains that enters streams and drainages, which has documented adverse impacts on the water quality of coastal streams and waters and their associated habitats. The approved LUP requires that the Special Compliance Program be made available to property owners with facilities that lack coastal development permits, that are located on parcels larger than 15,000 square feet, where it can be documented that the facility existed prior to 2001 and but was not constructed until after the effective date of the Coastal Act. The LUP also states that the LIP will exclude a subset of facilities with pending open Coastal Commission violation cases. The LUP requires that the program provide property owners a two year period from the date of certification of the LCP to submit a complete CDP application for the facility. If a property owner does not apply within the two year period they will not be eligible for the program. If the facility is brought into full conformity with all of the policies and provisions of the LCP, pursuant to a CDP, the facility would be extended legal status. If it is not feasible to bring the facility into full conformity with the LCP, the facility may remain on a temporary basis, if authorized pursuant to a CDP, provided the facility complies with certain minimum requirements, including those to address water quality and coastal resources. In that case, the facility would be extended legal non-conforming status for a limited term. In its April 2014 action on the LUP, the Commission made it clear that the minimum requirements that must be met to address water quality and other coastal resources should be detailed in the LIP.

Section 22.44.690(Y) of the proposed LIP that is the subject of this staff report includes provisions to implement this compliance program. However, the proposed provisions do not include adequate procedures or standards to carry out the requirements of LUP Policy CO-12. The Commission is suggesting that it be modified to provide the necessary detailed requirements and standards. The suggested modifications for the compliance program were developed in close coordination and consultation with County staff. As modified, the LIP specifies a subset of open Coastal Commission violation cases that may be eligible for the Special Compliance Program. Of the estimated twenty-four open Coastal Commission violation cases for horse facilities in the Santa Monica Mountains, four of these cases have been elevated to the Commission's Headquarters Enforcement Unit for initiation of formal enforcement proceedings. These elevated cases are considered to be important enforcement cases that are resulting in significant on-going damage to coastal resources. Therefore, these elevated open Coastal Commission violation cases would not be eligible for the program unless otherwise determined by the Executive Director.

As suggested to be modified, the special compliance provisions reflect two compliance pathways, or tracks, for eligible unpermitted confined horse facilities. The first compliance path included those unpermitted confined horse facilities that could be brought into full conformity with the LCP through the coastal development permit process. The second path involved unpermitted horse facilities that because of parcel size, topography, onsite resources, or other constraints make it infeasible to re-site, re-size and/or re-design the facility in a manner that is in full conformity with the policies and provisions of the LCP. In these cases, a CDP may be granted to authorize the facility on a temporary basis provided the facility complies with certain terms and minimum requirements that are detailed in the modified provisions. The recommended suggested modifications detail clear standards, minimum requirements, and procedures addressing: The Purpose of the Special Compliance Program; Program Benefits and Term; Program Public Outreach and Educational Requirements; Program Eligibility Requirements; Program CDP Application Submittal Requirements; Compliance Process for those unpermitted facilities that can be brought into full compliance with LCP requirements; Compliance Process for those unpermitted horse facilities that cannot be brought into full compliance with LCP requirements including minimum water quality protection requirements; and CDP and Program Monitoring requirements.

Concurrent Processing of Local Coastal Program Amendments and Coastal Development Permits

The proposed LIP allows the County decision-making bodies (Planning Commission and Board of Supervisors) to take action on a coastal development permit (CDP) and the related project-driven LCP amendment (LCPA), concurrently. While it is important for local governments to consider the detailed facts and analysis of a CDP review in an LCPA decision and to provide streamlined processing, a concurrent action on an LCP amendment and any associated CDP presents several legal and procedural issues. For one, findings must be made in the CDP action that the proposed development is in conformity with the LCP. Clearly, if an LCPA is necessary to allow an associated CDP to be approved, the development considered in the CDP application is not fully consistent with the LCP. Until and unless the LCP amendment is effectively certified, it is not possible to make findings of CDP consistency with the LCP.

Further, Coastal Act Section 30603(d) and Section 13571 of the California Code of Regulations require that notice of any final CDP action shall be provided to the Coastal Commission within seven calendar days of the action. Section 13570 of the California Code of Regulations specifies that the CDP action is “final” when the local decision has been made, all required findings have been adopted, and local rights of appeal have been exhausted. Once the Coastal Commission receives the notice, the ten-day appeal period begins. These requirements give the applicant certainty about when the Coastal Commission appeal period runs and when the CDP is final if no appeals are submitted. The requirements also afford the Coastal Commission and any aggrieved person the certainty of when the appeal period will run, if there are substantial issues to be raised in an appeal.

In the case of a CDP considered concurrently with an LCP amendment, the associated CDP will be called up for review by the Board of Supervisors for action, local appeals will have been exhausted and the action by the Board will be a final action on the CDP, under the provisions of the proposed LIP. As such, the final local action notice must be provided to the Coastal Commission within 7 days, consistent with the requirements of the proposed LIP.

Once the required notice of final action is received, it may be necessary, in an abundance of caution, for two Coastal Commissioners to appeal the CDP because the CDP is, by definition, not consistent

with the policies and provisions of the certified LCP and it would not be possible to pre-judge the Coastal Commission's eventual action on the associated LCP amendment. This creates a very inefficient, time consuming process that also introduces a fair amount of uncertainty for CDP applicants.

Commission staff has consulted with County staff regarding this issue. County staff offered several changes to the LIP that would provide that the date of action on a CDP associated with an LCPA would be the date that the Board of Supervisors acts on the CDP. Additionally, the notice of final action on such a CDP would not be provided to the Coastal Commission until the LCP amendment is effectively certified. However, such changes would not be consistent with the requirements of Coastal Act Section 30603(d), Section 13571 of the California Code of Regulations, or Section 22.44.1030 of the proposed LIP, in that the notice of final action would not be provided within seven days.

Instead, modifications are suggested to clarify that a CDP and an associated LCP amendment cannot be acted on concurrently. When an application for development is proposed that requires a CDP and an LCP amendment, the proposed LCP amendment must be approved by the Board of Supervisors, approved by the Coastal Commission, and effectively certified before the Hearing Officer or Commission can take action on the related CDP. The proposed LCP amendment and CDP shall not be acted upon by the County concurrently. These suggested modifications will allow the findings to be made that the CDP is consistent with the LCP as amended and effective certified, and notice of final action on the CDP to be provided within seven days, thereby ensuring internal consistency within the LIP.

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EXHIBITS

Exhibit 1. Vicinity Map of the Los Angeles County-Santa Monica Mountains Plan Area
Exhibit 2. Proposed Local Implementation Plan Zoning Map
Exhibit 3. Allowed Land Use and Permit Requirement Summary Table
Exhibit 4. County Board of Supervisors Resolution

ATTACHMENTS

Attachment A. Suggested Modifications on the Proposed Los Angeles County-Santa Monica Mountains Local Implementation Plan
Attachment B. Los Angeles County-Santa Monica Mountains Land Use Plan, as approved with suggested modifications on April 10, 2014

I. STAFF RECOMMENDATION, MOTION, & RESOLUTION

Following a public hearing, staff recommends the Commission adopt the following resolution and findings.

A. DENIAL OF THE LOCAL IMPLEMENTATION PLAN AS SUBMITTED

Motion:

I move that the Commission reject the Local Implementation Plan No. LCP-4-LAC-14-0109-4 as submitted by Los Angeles County for the Santa Monica Mountains segment of the County's Coastal Zone.

Staff recommends a YES vote. Passage of this motion will result in rejection of the Local Implementation Plan as submitted and adoption of the following resolution. The motion passes only upon an affirmative vote of a majority of the Commissioners present.

Resolution to Deny the Local Implementation Plan as Submitted:

The Commission hereby denies certification of the Local Implementation Plan submitted by Los Angeles County for the Santa Monica Mountains segment of the County's coastal zone and adopts the findings set forth below on grounds that the Local Implementation Plan as submitted does not conform with, and is inadequate to carry out, the provisions of the Land Use Plan, as approved with suggested modifications on April 10, 2014. Certification of the Local Implementation Plan as submitted would not meet the requirements of the California Environmental Quality Act, as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Local Implementation Plan as submitted.

B. CERTIFICATION OF THE LOCAL IMPLEMENTATION PLAN WITH SUGGESTED MODIFICATIONS

Motion:

I move that the Commission certify Local Implementation Plan No. LCP-4-LAC-14-0109-4, submitted by Los Angeles County for the Santa Monica Mountains segment of the County's Coastal Zone, if it is modified as suggested by Commission staff.

Staff recommends a YES vote. Passage of this motion will result in certification of the Local Implementation Plan with suggested modifications and adoption of the following resolution and findings. The motion to certify with suggested modifications passes only upon an affirmative vote of a majority of the Commissioners present.

Resolution to Certify with Suggested Modifications:

The Commission hereby certifies the Local Implementation Plan submitted by Los Angeles County for the Santa Monica Mountains segment of the County's coastal zone, if modified as suggested, and adopts the findings set forth below on grounds that the Local Implementation Plan with the suggested modifications conforms with, and is adequate to carry out, the provisions of the Land Use Plan, as approved with suggested modifications on April 10, 2014. Certification of the Local Implementation Plan if modified as suggested complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Local Implementation Plan if modified as suggested.

II. SUGGESTED MODIFICATIONS

The staff recommends the Commission certify the proposed Local Implementation Plan with the suggested modifications as indicated below. The language of the proposed Local Implementation Plan is shown in straight type. Language recommended by Commission staff to be inserted is shown underlined. Language recommended by Commission staff to be deleted is shown in ~~strikethrough~~. Suggested modifications that do not directly change LCP text (e.g., revisions to maps, figures, instructions) are shown in *italics*.

Suggested Modification 1

The proposed LIP shall be modified as shown in Attachment A.

Suggested Modification 2

Update section numbering, cross-references, and minor formatting and typographical corrections, as necessary, consistent with the intent of the changes included as Suggested Modification 1 above.

Suggested Modification 3

A) *Revise the Zoning Map to add a note within the map legend that states the following:*

The Coastal Zone Boundary depicted on this map is shown for illustrative purposes only and does not define the Coastal Zone. The delineation is representational, may be revised at any time in the future, is not binding on the Coastal Commission, and may not eliminate the need for a formal boundary determination made by the Coastal Commission.

B) Revise the Zoning Map to re-designate each of the properties designated as Open Space as the appropriate one of the three Open Space categories below. The appropriate re-designation shall be consistent with the approved open space land use category for each parcel as shown on the approved Land Use Policy Map (Map 8 of the approved Land Use Plan).

- ***Open Space (OS)** - Lands owned by private, non-profit organizations for habitat preservation and/or recreation uses.*
- ***Open Space-Parks (OS-P)** - Public parks, including federal, State, and County parks, and beaches owned by public agencies for habitat preservation and/or public recreation.*

- ***Open Space Deed-Restricted (OS-DR)*** *- Lands subject to recorded easements or deed restrictions for open space purposes, including, but not limited to, habitat preservation, scenic protection, trails and walkways, or flood hazard protection.*

C) Revise the Zoning Map to re-designate the two following parcels from "Open Space" (O-S) to "Rural Coastal (1 DU/20 AC)" (RC-20): APN 4471-026-001 and APN 4471-027-048.

III. FINDINGS

The Commission hereby finds and declares as follows:

A. ENVIRONMENTAL SETTING AND DESCRIPTION OF THE PLAN AREA

The Santa Monica Mountains segment of the County's coastal zone (also referred to as the "plan area" throughout this document) includes the unincorporated area west of the City of Los Angeles and east of Ventura County, excluding the City of Malibu and Pepperdine University. The City of Malibu has its own certified Local Coastal Program. Pepperdine University has a certified Long Range Development Plan (LRDP) for its 830-acre Malibu-area campus, which is subject to the Coastal Commission's review authority. The Santa Monica Mountains plan area extends inland from the shoreline approximately five miles and encompasses approximately 50,000 acres. There are two portions of the plan area that extend to the coastline and flank the coastal City of Malibu – the area of Leo Carrillo State Park at the east end of the plan area between Ventura County and the City of Malibu, and the Topanga coastal area at the east end between the City of Los Angeles and the City of Malibu (**Exhibit 1**). These areas encompass nearly two miles of coastline and include Topanga County Beach, Topanga State Park, Leo Carrillo State Park, one private beachfront parcel (Mastro's Ocean Club Restaurant), as well as segments of Pacific Coast Highway.

The Santa Monica Mountains, an east-west trending mountain range, is geologically complex and characterized by generally steep, rugged terrain of mountain slopes and canyons, with elevations ranging from sea level to over 3,000 feet. Numerous deep, parallel canyons drain south into Santa Monica Bay. An extraordinary feature of this section of coast is the large number of watersheds. Most of these watersheds originate at or near the northern plan area boundary and connect to habitats within the coastal City of Malibu and ultimately discharge into the ocean. Malibu Creek, however, extends well inland to the Simi Hills and drains approximately 67,000 acres of watershed into Malibu Lagoon in the City of Malibu. The upper reaches of these streams are relatively undisturbed and consist of steep canyons containing riparian oak-sycamore bottoms, with coastal sage scrub and chaparral ascending the canyon walls. This topographic and geologic complexity has contributed to tremendous ecological diversity. A variety of vegetation types occur within the mountains including oak woodlands, walnut woodlands, riparian woodlands, valley oak savannas, grasslands, coastal sage scrub, several types of chaparral, southern willow scrub, wetlands, and coastal marshes. This vegetation diversity provides habitat for abundant wildlife. Fifty species of mammals are found in the mountains, including bobcats, mountain lions, mule deer, badgers and other smaller mammals. In addition, nearly 400 species of birds are recorded from the area and over 35 species of reptiles and amphibians are known to occur. Overall, these vegetation types and wildlife species are part of a diverse and increasingly rare complex of natural ecosystems adapted to the southern California Mediterranean-type climate of wet winters and warm, dry summers. The Santa Monica Mountains still

include large areas of intact habitat, an extraordinary fact given the dense urban development that surrounds the area.

More than half of the 50,000-acre plan area is public parkland (approximately 26,000 acres), which includes, but is not limited to, Leo Carrillo State Park, Charmlee Wilderness Park, Malibu Creek State Park, and Topanga State Park. The entire plan area is within the larger Santa Monica Mountains National Recreation Area (SMMNRA), which encompasses more than 153,000 acres within and adjacent to unincorporated Los Angeles and Ventura Counties and the cities of Agoura Hills, Calabasas, Los Angeles, Malibu, Thousand Oaks, Westlake Village, and others. The SMMNRA is cooperatively managed by the National Park Service, California Department of Parks and Recreation, the Santa Monica Mountains Conservancy, and the Mountains Recreation and Conservation Authority. The SMMNRA was established by Congress in 1978 to protect the largest expanse of mainland Mediterranean ecosystem in the national park system and to provide for the recreational and educational needs of the visiting public. Congress, when it established SMMNRA, found:

> *(1) There are significant scenic, recreational, educational, scientific, national, archaeological, and public health benefits provided by the Santa Monica Mountains and adjacent coastline;*
>
> *(2) There is a national interest in protecting and preserving these benefits for the residents of and visitors to the area; and*
>
> *(3) The State of California and its local units of government have authority to prevent or minimize adverse uses of the Santa Monica Mountains and adjacent coastline area and can, to a great extent, protect the health, safety, and general welfare by the use of such authority.*

The remainder of the plan area is composed primarily of rural residential lots ranging from parcels of less than 10,000 square feet to parcels of 80 acres or more. There is limited small-scale commercial development in the area of Topanga Canyon Boulevard and Pacific Coast Highway, as well as the area of Topanga Canyon Boulevard and Old Topanga Canyon Road. Those commercial developments consist primarily of neighborhood grocery stores or restaurants and local-serving retailers. There are also various public or semi-public facilities and private visitor-serving commercial and/or recreational-type developments scattered throughout the plan area such as private camps and a golf course. There are fifteen Rural Villages (also known as small-lot subdivisions) in the plan area - Las Flores Heights, Malibu Mar Vista, Malibu Vista, Vera Canyon, El Nido, Fernwood, Malibu Bowl, Malibou Lake, Monte Nido, Old Post Office, Old Topanga, Topanga Canyon, Topanga Oaks, Topanga Woods, and Upper Latigo. These areas were subdivided in the 1920's and 30's into very small "urban" scale lots of less than one acre but more typically range in size from 4,000 to 5,000 square feet. Many of the subdivisions created in this period were designed to accommodate only small weekend cabins, reflecting the remote nature of the Santa Monica Mountains in the days before the Los Angeles freeway system was built.

B. LOCAL COASTAL PLANNING HISTORY AND THE PROPOSED LOCAL COASTAL PROGRAM

An LCP is defined as "a local government's land use plans, zoning ordinances, zoning district maps, and, within sensitive coastal resources areas, other implementing actions, which, when taken together, meet the requirements of, and implement the provisions and policies of [the Coastal Act] at the local level" (PRC Section 30108.6). The Coastal Act allows local governments to prepare separate local coastal programs for separate geographic segments within the jurisdiction's coastal zone if the Commission finds that the area proposed for separate review can be analyzed for the potential cumulative impacts of development on coastal resources and access independently of the remainder of

the affected jurisdiction. The County has segmented its coastal zone into three separate geographic units due to their very unique characteristics and lack of connectivity: Marina del Rey, Santa Catalina Island, and the Santa Monica Mountains. Marina del Rey and Santa Catalina Island each have a certified LCP. The Santa Monica Mountains has a certified Land Use Plan only. In April 2014, the Commission approved, with suggested modification, an entirely new Land Use Plan to replace the existing certified Land Use Plan. The County now seeks full LCP certification of the Santa Monica Mountains segment. The subject of this staff report is the Local Implementation Plan, including zoning maps, which contains the implementation provisions to carry out the approved Land Use Plan.

Efforts to complete a Local Coastal Plan in conformance with the California Coastal Act for the Malibu and Santa Monica Mountains area have been ongoing since shortly after the Coastal Act became effective on January 1, 1977. Prior to the City of Malibu's incorporation, the initial planning, public hearings, and submittals were the responsibility of Los Angeles County. Initial studies and planning documents addressed the larger coastal zone for Malibu and the Santa Monica Mountains, which extends approximately 5 miles inland.

The first phase of the Local Coastal Plan prepared and submitted by the County consisted of the "Issue Identification/Work Program for the Malibu Area." The work program, which was approved by the Coastal Commission in December 1978, identified the specific issues to be addressed in the LCP Land Use Plan (LUP). The second phase consisted of preparation and submittal of the Land Use Plan. In December 1982, the Los Angeles County Board of Supervisors approved a Land Use Plan and subsequently submitted it to the Coastal Commission. After numerous public hearings and revisions, the LUP was certified by the Coastal Commission on December 11, 1986. Since certification in 1986, the policies of the certified Land Use Plan have been used for guidance by the Coastal Commission in its permit decisions.

The County prepared an overhaul to the 1986 certified LUP, along with an implementation plan, that was approved by the County's Regional Planning Commission and preliminarily approved by the County Board of Supervisors in 2007. However, the County Board of Supervisors never scheduled a hearing to formally adopt the LCP at that time due to concerns expressed by Coastal Commission staff regarding the habitat protection approach proposed by the County at that time.

In 2012, the County and Coastal Commission staff resumed coordination to pursue certification of the Santa Monica Mountains segment of the County's coastal zone. County and Coastal Commission staff have had numerous coordination meetings, discussions, and have worked collaboratively on refining the plan in an effort to reach that goal.

On February 19, 2014, the County submitted the proposed Local Coastal Program (LCP) for the Santa Monica Mountains segment of the County's coastal zone. The proposed Santa Monica Mountains LCP consists of two parts: 1) a land use plan (LUP), and 2) a local implementation plan (LIP).

The LUP portion of the proposed LCP was approved, with suggested modifications, by the Commission at the April 10, 2014 hearing (**Attachment B**). The Commission also approved a time extension for action on the LIP at the April 10, 2014 hearing, in order to allow Commission staff more time to prepare the staff recommendation on the LIP for hearing.

On May 21, 2014, Commission staff transmitted the final suggested modifications on the LUP that were approved by the Commission at the April 2014 hearing. The approved LUP will not be effectively certified until: 1) the Los Angeles County Board of Supervisors adopts the Commission's

suggested modifications, 2) the Los Angeles County Board of Supervisors forwards the LUP with the adopted suggested modifications to the Commission by resolution, and 3) the Executive Director of the Coastal Commission certifies that the County has complied with the Commission's April 10, 2014 action. The Coastal Act requires that the County's adoption of the suggested modifications on the LUP be completed within six months of the Commission's April 10, 2014 approval. County staff has indicated that the County Board of Supervisors will not conduct a hearing to adopt the Commission's suggested modifications on the LUP until after the Commission takes an action on the LIP, in order to allow the County to consider adoption of both the LUP and LIP at one hearing.

Implementing measures for this LCP are contained in the proposed LIP, a segment of the Los Angeles County Code (Title 22 - Planning and Zoning Ordinance), which is the subject of this staff report. Although the LUP portion of the proposed LCP is not yet effectively certified, it has been approved by the Commission and serves as the standard of review for the proposed LIP.

C. PUBLIC PARTICIPATION

Section 30503 of the Coastal Act requires public input in Local Coastal Program development. It states:

> ***During the preparation, approval, certification, and amendment of any local coastal program, the public, as well as all affected governmental agencies, including special districts shall be provided maximum opportunities to participate. Prior to submission of a local coastal program for approval, local governments shall hold a public hearing or hearings on that portion of the program which has not been subjected to public hearings within four years of such submission.***

In this case, the County of Los Angeles conformed to the Coastal Act's public participation requirements. The County held several public meetings on the proposed LCP, seven of which were public hearings (Regional Planning Commission Hearings on October 25, 2006, November 6, 2006, January 24, 2007, and March 7, 2007, and Board of Supervisors Hearings on October 23, 2007, October 30, 2007, and February 11, 2014). In addition, the County made the draft documents available to the public on their website, and hard copies of the draft documents were made available to the public at various public locations at no cost, on January 7, 2014, six weeks prior to the Board hearing and action on the LCP on February 18, 2014. Public notice of availability of the documents was sent to approximately 6,000 property owners and interested parties on January 3, 2014, at least six weeks before the Board hearing of February 11, 2014. The Board formally adopted a resolution to approve the LCP and submit it to the Coastal Commission on February 18, 2014 (**Exhibit 4**). The hearings were noticed to the public by publishing the notice in two local newspapers and by mailing notice to interested parties, consistent with Section 13515 of Title 14 of the California Code of Regulations. The County received written comments regarding the draft LCP from concerned parties and members of the public.

The Land Use Plan portion of the County's proposed LCP was heard by the Coastal Commission at the April, 10, 2014 public hearing. Notice of the Coastal Commission hearing was distributed to all known interested parties and published in local newspapers.

Notice of the Coastal Commission hearing for the proposed Local Implementation Plan has been distributed to all known interested parties and published in local newspapers.

D. BIOLOGICAL RESOURCES AND WATER QUALITY

1. Designation and Mapping of Biological Resources

There are many biological resource protection policies of the approved LUP (Policies CO-33 through CO-106). The biological resource protection approach of the approved LUP for the Santa Monica Mountains segment of the County's coastal zone designates three habitat categories: H1 habitat, H2 habitat, and H3 habitat.

According to Policy CO-33, H1 habitat consists of areas of highest biological significance, rarity, and sensitivity. H1 habitats include alluvial scrub; dunes; coastal bluff scrub; native grassland and scrub with a strong component of native grasses or forbs; riparian; native oak, sycamore, walnut and bay woodlands or savannahs; and rock outcrop habitat types. Wetlands, including creeks, streams, marshes, seeps and springs are also H1 habitat. H1 habitat also includes plant and animal species that are either listed by the state or federal government as rare, threatened, or endangered, listed by NatureServe as state or global ranked 1, 2, or 3, or identified as a California Species of Special Concern, and/or listed by the California Native Plant Society (CNPS) as 1B or 2 plant species, where they represent a distinct population within H2 or H3 habitat areas but are normally associated with H1 habitats.

According to Policy CO-33, H2 habitat consists of areas of high biological significance, rarity, and sensitivity that are important for the ecological vitality and diversity of the Santa Monica Mountains Mediterranean Ecosystem, but which don't qualify as H1. H2 habitat includes large, contiguous areas of coastal sage scrub and chaparral-dominated habitats. A subcategory of H2 habitat is H2 "High Scrutiny" habitat, which comprises California Department of Fish and Wildlife ("CDFW")/California Natural Diversity Database ("CNDDB")-identified rare natural communities and species associated with H2 habitat. Further, where any plant and animal species that are either listed by the state or federal government as rare, threatened, or endangered, listed by NatureServe as state or global ranked 1, 2, or 3, or identified as a California Species of Special Concern, and/or listed by the California Native Plant Society (CNPS) as 1B or 2 plant species, are found only as sparse individuals (do not constitute a population) in H2 habitat but are normally associated with H1 habitats, they shall be afforded the protections of H2 "High Scrutiny" habitat.

According to Policy CO-35, existing, lawfully-established development and the fuel modification areas required by the Los Angeles County Fire Department for existing, lawfully-established structures do not meet the criteria of the H1 or H2 habitat categories, with the exception of the areas subject to the minimal fuel modification measures that are required in riparian or woodland H1 habitats (e.g., removal of deadwood). In such areas, the habitat maintains the biological significance, rarity, and sensitivity of H1 habitat.

H1 and H2 habitats are described as Sensitive Environmental Resource Areas (SERAs) in the approved LUP. H1 and H2 habitats (SERAs) meet the definition of ESHA under the Coastal Act. Although both H1 and H2 habitats are considered SERA's and meet the definition of ESHA, the distinction was made between the two sensitive habitats in order to carry out a different regulatory approach for the protection of each category of habitat.

According to Policy CO-34, the H3 habitat designation consists of all other areas within the plan area that are not H1 or H2 habitats. H3 habitat includes:

- areas that would otherwise be designated as H2 habitat, but the native vegetation communities have been significantly disturbed or removed as part of lawfully-established development;
- areas of native vegetation that are not significantly disturbed and would otherwise be categorized as H2 habitat, but have been substantially fragmented or isolated by existing, legal development and are no longer connected to large, contiguous areas of coastal sage scrub and/or chaparral-dominated habitats;
- lawfully-developed areas and lawfully-disturbed areas dominated by non-native plants such as disturbed roadside slopes, stands of non-native trees and grasses, and fuel modification areas around existing lawfully-established development (unless established illegally in an H2 or H1 area); and
- isolated and/or disturbed stands of native tree species (oak, sycamore, walnut, and bay) that do not form a larger woodland or savannah habitat.

While H3 habitat does not constitute a "SERA", or ESHA, the LUP includes specific development standards for the siting and design of new development in H3 habitat.

In order to provide information to the public and county planners about the habitats located on specific properties and to facilitate implementation of the biological resource protection policies and provisions of the LCP, a Biological Resource Map was approved as part of the LUP that depicts the location and boundaries of the habitat categories designated in the plan area - H1 and H2 habitat (SERA's, which constitute ESHA), and H3 habitat.

Proposed Local Implementation Plan

The proposed Local Implementation Plan (LIP) includes a Biological Resources Chapter (Sections 22.44.1800 – 22.44.1950) to implement the biological resource protection policies of the approved Land Use Plan. The provisions (described below) apply to all areas within the plan area, which consist of three habitat categories: H1 habitat, H2 habitat, and H3 habitat. The habitats that comprise the H1, H2, and H3 habitat categories are described in the proposed LIP, however, suggested modifications to LIP Section 22.44.1810 (Attachment A) are necessary to ensure that the habitat categories are described consistent with the approved LUP.

The Biological Resources Map that was approved as part of the LUP depicts the location and boundaries of the designated habitat categories. LIP Section 22.44.1810 states that the LUP Biological Resources Map depicts the general distribution of habitat categories, however, the precise boundaries of the designated habitat categories shall be determined on a site specific basis, based upon substantial evidence and a site specific biological inventory and/or assessment that is required to be submitted as part of any coastal development permit application for new development. Section 22.44.840 requires that all coastal development permit applications for new development shall be accompanied by a site-specific Biological Inventory. A detailed Biological Assessment report shall be required in applications for new development located in, or within 200 feet of, H1 or H2 (including H2 "High Scrutiny") habitat, as mapped on the Biological Resources Map, or where an initial Biological Inventory indicates the presence or potential for sensitive species or habitat.

The procedures for County review of the biological information submitted for new applications are detailed in LIP Section 22.44.1820. The County staff biologist shall conduct preliminary review of the submitted Biological Inventories and/or Biological Assessments, as well as all proposals for non-exempt development in habitat category H3, and which would not encroach within 200 feet of designated H1, H2 "High Scrutiny", or other H2 habitat, and developments within the Rural Villages of El Nido, Fernwood, Malibu Bowl, Malibou Lake, Monte Nido, Old Post Office, Old Topanga, Topanga Canyon, Topanga Oaks, Topanga Woods, and Upper Latigo, unless the Director determines that review by the ERB is warranted. The County staff biologist is to prepare a written report containing an analysis of the information and any recommendations, which is then forwarded to the County's Environmental Review Board (ERB) or the County's Planning Director, as applicable. Review by the County's ERB will be required for development proposals located in, or within 200 feet of, H1 or H2 habitats, or within the Las Flores Heights, Malibu Mar Vista, Malibu Vista, and Vera Canyon Rural Villages. The ERB is an existing review body established under County ordinances. The LIP provides that the ERB shall be comprised of qualified professionals with technical expertise in resource management and serve as an advisory body to the Director, Regional Planning Commission and the Board of Supervisors in the review of development proposals in the Santa Monica Mountains Coastal Zone and their effects on biological resources. The analysis and recommendations of the County's staff biologist and/or ERB, as applicable, regarding biological resources in relation to a CDP application are to be forwarded to the applicable County decision-making body. The recommendations are to address the conformance or lack of conformance of the project to the requirements of the LCP, and shall consider the individual and cumulative impact of each development proposal.

The LIP provides that any area not previously designated on the Biological Resources Map that meets the criteria of a habitat category (H1, H2, H3) shall be accorded all the protection provided for that habitat category in the LCP. Based on substantial evidence, a resource on any site may be classified or reclassified from one category to a higher or lower category, as detailed in Section 22.44.1830. In such a case, the Biological Resources Map shall be slated for modification accordingly, as part of a map update, and such a modification shall be considered an LCP amendment and subject to approval by the Coastal Commission as set forth in Section 22.44.1830. The County may take action on the Coastal Development Permit application, applying the appropriate LCP policies and standards for protection of the habitat categories determined to be present, even if the Biological Resources Map of the LUP has not yet been amended. Further, LIP Section 22.44.1830 provides that any area mapped as, or meeting the definition of, H1, H2, or H3 habitat shall not be deprived of protection as that habitat category, as required by the policies and provisions of the LCP, on the basis that habitat has been damaged or eliminated by natural disaster (e.g. landslide, flooding, etc.), burned by wildfire, or impacted by illegal development or other illegal means, including removal, degradation, or elimination of species that are rare or especially valuable because of their nature or role in an ecosystem.

LIP Section 22.44.1830 requires that the LUP Biological Resources Map be reviewed and updated every five years to reflect up-to-date information on the location of designated sensitive habitats. The map will be updated to reflect any applicable new facts, including, but not limited to, information on rare, threatened or endangered species or habitats, or changes due to development or sea level rise. Areas subject to habitat restoration projects will also be considered for designation as H1 or H2 habitat. Any update to the Biological Resources Map will be reviewed by the County Environmental Review Board (ERB) and treated as an LCP amendment that is subject to the approval of the Coastal Commission.

Given the provisions described above, the Commission finds that the proposed LIP, as suggested to be modified, conforms with and is and adequate to carry out the biological resource designation and mapping policies of the approved Land Use Plan.

2. Protection of Biological Resources

The biological resource protection policies of the approved LUP (Policies CO-33 through CO-106) are included as part of Attachment B. The approved LUP requires the preservation of the habitats of highest biological significance and sensitivity (H1 habitat, which is ESHA) by a policy that prohibits new development, with the exception of a few limited uses. The approved LUP requires protection of habitats of high biological significance and sensitivity (H2 habitat, which is ESHA) that are critical to the ecological vitality and diversity of the Santa Monica Mountains by strict development regulations to avoid, or minimize and fully mitigate, impacts to the habitat by new development to protect the habitat from significant disruption of habitat values.

Proposed Local Implementation Plan

LIP Sections 22.44.1890(C) and 22.44.1910 prohibits new development in H1 habitat in order to protect these most sensitive environmental resource areas from disruption of habitat values, however, resource dependent uses and two other uses may be allowed in H1 habitat (except wetlands) in very limited circumstances: (1) public works projects required to repair or protect existing public roads when there is no feasible alternative, and impacts to H1 habitat are avoided to the maximum extent feasible, and unavoidable impacts are minimized and mitigated; and (2) an access road to a lawfully-permitted use outside H1 habitat when there is no other feasible alternative to provide access to public recreation areas or development on a legal parcel, and impacts to H1 habitat are avoided to the maximum extent feasible, and unavoidable impacts are minimized and mitigated. To ensure that the LIP provisions regarding development in H1 habitat are consistent with the approved LUP, suggested modifications to LIP Sections 22.44.1890 and 22.44.1910 (Attachment A) are necessary.

LIP Section 22.44.1910 requires that new development avoid H2 Habitat (including H2 "High Scrutiny" habitat), where feasible, in order to protect the sensitive environmental resource areas from disruption of habitat values. Where it is infeasible to avoid H2 habitat, the LIP requires that new development be sited and designed to minimize impacts to H2 habitat. If there is no feasible alternative that can eliminate all impacts to H2 habitat, then the alternative that would result in the fewest or least significant impacts to H2 habitat shall be selected. Further, the LIP requires that impacts to H2 habitat that cannot be avoided through the implementation of siting and design alternatives be fully mitigated.

H2 "High Scrutiny" habitat is considered a rare and extra sensitive subcategory of H2 habitat that shall be given protection priority over other H2 habitat and shall be avoided to the maximum extent feasible. Where it is not possible to site development and any required fuel modification outside of H2 habitat on a legal parcel, the LIP establishes the maximum "building site" area that would be allowed on a legal parcel. The building site area in such cases may not exceed 10,000 square feet, or 25 percent of the parcel size, whichever is less. The restriction of the building site area to less than the maximum may be required if the Director determines that a smaller building site area would serve to avoid impacts to H1 habitat areas, substantially minimize grading associated with the project, reduce the need for manufactured slopes, or reduce the need for retaining features (e.g., walls) visible from scenic areas, public trails, and public lands. Other provisions of the LIP, such as the native tree protection requirements, may also require a smaller building site area. To ensure consistency with Policy CO-51 of the approved LUP, suggested modifications to LIP Section 22.44.1910 is required to extend the

building site limitation (10,000 square feet, or 25 percent of the parcel size, whichever is less) to residential development in H3 habitat and to clarify that the building site limitation in H3 habitat does not apply to other, non-residential permitted uses that may be allowed.

In addition, LIP Section 22.44.1910 establishes the order of prioritization for siting new development in consideration of the LUP's habitat categories. New development is required to be sited in a manner that avoids the most biologically-sensitive habitat onsite where feasible, while assuring consistency with other LCP policies, in the following order of priority: H1, H2 High Scrutiny, H2, H3. Priority shall be given to siting development in H3 habitat, but outside areas that contain undisturbed native vegetation that is not part of a larger contiguous habitat area. If infeasible, priority shall be given to siting new development in such H3 habitat. If it is infeasible to site development in H3 habitat areas, development may be sited in H2 habitat if it is consistent with the specific limitations and standards for development in H2 habitat and all other provisions of the LCP. New development is prohibited in H1 habitat unless for a use that is specifically provided for, as discussed above.

Oak Woodland Habitat in Rural Villages

There are fourteen Rural Villages within the plan area. These Rural Villages are residential enclaves that were subdivided in the 1920's and 30's into very small and constrained "urban" scale lots of less than one acre, but more typically range in size from 4,000 to 5,000 square feet. The density of residential development within many of the Rural Villages has disturbed and fragmented the oak woodland habitats that occur in these areas. As such, the majority of the Rural Village areas are designated and mapped as H3 habitat. Although disturbed, the oak woodlands in Rural Villages remain largely intact and serve important ecosystem functions. Policy CO-53 states that new development in Rural Villages shall be sited and designed to avoid adverse impacts to all oak woodland habitat (either disturbed or undisturbed), while conforming to all other policies of the LCP. Where there is no feasible alternative to avoid oak woodland habitat in order to provide a reasonable economic use of a property, ensure public health and safety, or fulfill requirements under the Americans with Disabilities Act for reasonable accommodation, removal of oak woodland habitat within Rural Villages may be allowed if limited to the minimum area necessary to achieve the purpose allowed. In no case shall the removal of oak woodland habitat exceed 10 percent of the total oak woodland area on the subject property. Where removal of oak woodland is allowed, oak tree mitigation is required. However, to ensure consistency with LUP Policy CO-53, it is necessary to also clarify in the LIP that this requirement applies only to oak woodlands in Rural Villages that are not designated H1 habitat. Therefore, suggested modifications to Section 22.44.1910 are required.

Habitat Buffers

The approved LUP policies establish the protection of H1 habitat and parklands through the provision of buffers between these areas and new development. Natural vegetation buffer areas must be provided around H1 habitat or parkland that are of sufficient size to prevent impacts that would significantly degrade these areas. Policy CO-55 and Policy CO-63 require that new development provide a buffer of no less than 100 feet from H1 habitat and parkland resources. Policy CO-21 also requires at least a 100 foot buffer from riparian habitats to protect water quality. Additionally, streams and wetlands are protected by the provisions discussed below in the stream and wetlands subsections of this chapter. For streams and riparian H1 habitat, the buffer shall be measured from the outer edge of the canopy of riparian vegetation. Where riparian vegetation is not present, the buffer shall be measured from the outer edge of the bank of the subject stream. For woodland H1 habitat, the buffer shall be measured from the outer edge of the woodland tree canopy. For coastal bluff H1 habitat, the buffer shall be

measured from the bluff edge. For wetlands, the buffer shall be measured from the upland limit of the wetland. For all other H1 habitat, the buffer shall be measured from the outer extent of the vegetation that makes up the habitat. The proposed LIP reflects the LUP buffer requirements, however, clarifications are required, as outlined in the suggested modifications to LIP Section 22.44.1900 in Attachment A, to ensure clarity and consistency with the approved LUP.

LUP Policy CO-56 requires that no development shall be allowed within the required H1 habitat buffer except resource-dependent uses and the following uses in very limited circumstances: (1) public works projects required to protect existing public roads when there is no feasible alternative, as long as impacts to H1 habitat are avoided to the maximum extent feasible, and unavoidable impacts are minimized and mitigated; (2) an access road to a lawfully-permitted new development when there is no other feasible alternative to provide access to public recreation areas or development on a legal parcel, as long as impacts to H1 habitat are avoided to the maximum extent feasible, and unavoidable impacts are minimized and mitigated; (3) a development on a lawfully-created parcel that is the minimum development necessary to provide a reasonable economic use of the property and where there is no feasible alternative, as long as impacts to H1 habitat are avoided to the maximum extent feasible, and unavoidable impacts are minimized and mitigated, and (4) continued use and maintenance of an existing, lawfully-established road or driveway to an existing, lawfully-established use. These uses may only be allowed in the H1 habitat buffer where it is consistent with all other applicable provisions of the LIP and where it is determined that there is no feasible alternative, impacts to H1 habitat are avoided to the maximum extent feasible, and unavoidable impacts are minimized and properly mitigated.

Proposed LIP Sections 22.44.1890 and 22.44.1900 reflect the H1 habitat buffer requirements of the approved LUP. However, several changes to these LIP sections are required to clarify that (1) water quality BMPs required for new development shall be located outside of the 100 foot riparian buffer except for non-structural BMPs such as vegetated swales and bioengineered velocity reducers, and (2) water quality BMPs proposed for existing development that does not have adequate BMPs shall be located outside of the 100 foot riparian buffer to the maximum extent feasible, consistent with LUP Policy CO-21. The suggested modifications reflect these clarifications.

LIP Section 22.44.1910 establishes that the protection of H1 and H2 habitats and public access takes priority over other development policies or standards. Where there is any conflict between general/other development standards and the biological resource and/or public access protection standards, the standards that are most protective of H1 and H2 habitat resources or public access shall have precedence. Variances or modifications to the H1 habitat buffer may not be granted for new development, except for one of the permitted uses discussed above. The proposed LIP (Section 22.44.1920) provides that modifications to development standards that are not directly related to H1 and H2 protection, such as yard setbacks, shall be permitted where necessary to avoid impacts to H1 habitat and to avoid or minimize impacts to H2 habitat. Such provisions in the proposed LIP are consistent with the policies of the approved LUP.

To provide further protection of H1 habitats, consistent with Policy CO-57 of the LUP, the proposed LIP requires that new development provide an additional 100-foot “Quiet Zone” buffer from H1 habitat where feasible (measured from the outer edge of the 100-foot H1 habitat buffer discussed above). However, resource-dependent uses and non-irrigated fuel modification required by the Fire Department for lawfully-established structures, as well as those certain other uses that are allowed in the 100-foot H1 habitat buffer, may be allowed within this Quiet Zone buffer. Further, non-irrigated equestrian pasture is allowed within the Quiet Zone if located on slopes no steeper than 4:1, is

consistent with the requirements of the LCP, and if the development is sited and designed to ensure that no required fuel modification extends into and adversely impact H1 habitat or H1 buffer. Vegetation is not allowed to be removed for the equestrian pasture in the Quiet Zone, except what is necessary for fencing and setting posts. If the Quiet Zone is already impacted by required fuel modification for a principal permitted use, confined animal facilities may also be allowed within the H1 Quiet Zone buffer on slopes of 3:1 or less, subject to ERB review. However, the Commission approved a suggested modification to LUP Policy CO-57 that would limit such confined animal facilities within the Quiet Zone to facilities that will not require additional fuel modification to extend into H1 habitat or the H1 habitat buffer. Further, Policy CO-57 allows public recreational facilities in the Quiet Zone if the area is developed and/or disturbed by historic use. Therefore, suggested modifications to LIP Section 22.44.1890 (Attachment A) are required to reflect the LUP requirements for allowed uses in the H1 habitat Quiet Zone.

LUP Policy CO-63 requires that new development shall provide an adequate buffer from adjacent parklands in order to protect the natural environment and sensitive habitats of the parkland. In order to carry out Policy CO-63, a suggested modification to Section 22.44.1900 of Attachment A is necessary to add a parkland buffer requirement that requires new development adjoining parklands, where the purpose of the park is to protect the natural environment and SERAs, to be sited and designed to minimize impacts to habitat and recreational opportunities to the maximum extent feasible. Natural vegetation buffer areas shall be provided around parklands. Buffers shall be of a sufficient size to prevent impacts to parkland resources, but in no case shall they be less than 100 feet in width.

Siting and Design Alternatives to Minimize Significant Disruption of Habitat Values

The approved LUP requires that alternative locations must be considered for siting proposed development on a project site. The alternative location that must be chosen for new development is the one that minimizes grading and landform alteration, limits the removal of natural vegetation, and minimizes the length of the approved access road or driveway. New development can be sited and designed to minimize impacts to biological resources by measures that include but are not limited to: limiting the size of structures, limiting the number of accessory structures and uses, clustering structures, siting development in any existing disturbed habitat areas rather than undisturbed habitat areas, locating development as close to existing roads and public services as feasible, and locating structures near other residences in order to minimize additional fuel modification.

Where all feasible building sites and any required fuel modification on a parcel would be located in H2 habitat, LUP Policy CO-51 establishes the maximum “building site” area that would be allowed for all new development. The building site area in such cases may not exceed 10,000 square feet, or 25 percent of the parcel size, whichever is less. Policy CO-51 also extends this building site limitation to residential development in H3 habitat. As discussed previously, to ensure consistency with Policy CO-51 of the approved LUP, suggested modifications to LIP Section 22.44.1910 is required to clarify the required building site limitation (10,000 square feet, or 25 percent of the parcel size, whichever is less) for all new development in H2 habitat, and to residential development in H3 habitat. Further, Policy CO-74 requires new development to be clustered to the maximum extent feasible and located as close as possible to existing roadways, services and other developments to minimize impacts to biological resources. To ensure that the requirements of Policy CO-74 regarding clustering new development in H2 and H3 habitats are fully carried out by the provisions of the LIP, suggested modifications to Section 22.44.1910 are required, as detailed in Attachment A.

Open Space Conservation

LUP Policies CO-63 and CO-67 requires an open space conservation easement over the remaining sensitive habitat on a property where development is permitted within H1 or H2 habitats in order to avoid and minimize impacts to biological resources and ensure the preservation of habitats and habitat linkages. Further, Policy CO-46 encourages the permanent preservation of steep lands (lands over 50 percent slope) as open space through open space dedications and easements. Policy CO-47 indicates that the receiving agency for open space conservation easements shall be a qualified public agency or land conservation agency with the ability to manage, preserve, or enhance park and open space lands.

LIP Section 22.44.1920(J) includes the provisions for when open space conservation easements or dedications are required, what areas of a project site that must be preserved for open space, and what the specific permit condition requirements are for implementing the open space conservation easement or dedication, consistent with LUP policies. However, minor changes to LIP Section 22.44.1920(J) are required to more clearly and accurately reflect the requirements of the approved LUP policies and to detail the specific requirements that would allow an open space dedication in fee title to a public entity (with recordation of an open space deed restriction) as an alternative to the recordation of an open space conservation easement, where provided. Such required changes are detailed in the suggested modifications of Attachment A.

Fuel Modification for Fire Protection

While impacts resulting from development within H2 habitat can be reduced through siting and design alternatives for new development, they cannot be completely avoided, given the high fire risk in the Santa Monica Mountains and the resulting need to modify fuel sources around the development to protect life and property from wildfire. Fuel modification is the removal or modification of combustible native or ornamental vegetation. It may include replacement with drought tolerant, fire resistant plants. The amount and location of required fuel modification will vary according to the fire history of the area, the amount and type of plant species on the site, topography, weather patterns, construction design, and siting of structures. There are typically three fuel modification zones applied by the Los Angeles County Fire Department, which include a setback zone immediately adjacent to the structure (Zone A) where all native vegetation must be removed, an irrigated zone adjacent to Zone A (Zone B) where most native vegetation must be removed or widely spaced, and a thinning zone (Zone C) where native vegetation may be retained if thinned or widely spaced although particular high-fuel plant species must be removed. The combined required fuel modification area around structures can extend up to a maximum of 200 feet. If there is not adequate area on the project site to provide the required fuel modification for structures, then brush clearance may also be required on adjacent parcels. In this way, for a large area around any permitted structures, native vegetation will be cleared, selectively removed to provide wider spacing, and thinned. The LUP policies acknowledge that vegetation will be required by the Fire Department to be removed, thinned or otherwise modified around new buildings in order to minimize the risk of fire hazard. Fuel modification on the project site and brush clearance, if required, on adjacent vacant sites reduces the fire risk for new or existing structures. The LUP allows for required fuel modification to minimize the risk of fire. However, native vegetation that is cleared and replaced with ornamental species or substantially removed and widely spaced will be lost as habitat and watershed cover. As such, LUP policies require that new development be sited and designed to minimize required fuel modification in order to minimize habitat disturbance.

LIP Sections 22.44.1920 and 22.44.1240 address fuel modification requirements. LIP provisions require that new development to be sited and designed to minimize required fuel modification and

brushing to the maximum extent feasible in order to minimize habitat disturbance or destruction, removal or modification of natural vegetation, and irrigation of natural areas, while providing for fire safety. Where clearance to mineral soil is not required by the Fire Department, fuel load shall be reduced through thinning or mowing, rather than complete removal of vegetation. A fuel modification plan is required to be submitted with all applications for new development, which must be consistent with County Fire Department requirements, which include a setback zone (Zone A) that is typically 20 feet offset from the structure(s) that require fuel modification where all native vegetation must be removed; an irrigated zone (Zone B) extending up to 80 feet from Zone A where most native vegetation must be removed or widely spaced; and a thinning zone (Zone C) that typically extends up to 100 feet from Zone B where native vegetation may be retained if thinned or widely spaced although particular high-fuel plant species must be removed. All vegetation removal, thinning and mowing required for new development must avoid H1 habitat, H1 habitat buffer, and disturbance of wildlife and special-status species, including nesting birds. LIP Section 22.44.1920 requires that where vegetation removal and/or construction is proposed in potentially suitable habitat areas for nesting birds during bird nesting season (typically late February through August), nesting bird surveys shall be conducted prior to construction to detect any active bird nests in the vegetation to be removed and any other such habitat within 500 feet of the construction area to avoid take of a nesting bird. Vegetation removal and/or construction must be postponed if active nests are found, until after the juvenile birds have fledged and there is no evidence of a second attempt at nesting.

The provisions in the LIP regarding fuel modification and habitat protection are consistent with LUP policies, however, minor changes to LIP Section 22.44.1240(C) are required to more clearly and accurately reflect the requirements of the approved LUP policies. Such required changes are detailed in the suggested modifications of Attachment A.

Minimization of Grading and Vegetation Removal

Grading for new development in areas that are near H1 (particularly riparian and stream areas), within H2 habitat, on steep slopes, or in large areas or volumes, greatly increases the potential for erosion and sedimentation, especially if conducted during the rainy season. The LUP requires that new development be sited and designed to minimize grading. Non-emergency grading operations during the rainy season (extending from October 15 to April 15) are prohibited. The LUP requires that land disturbance activities of construction (e.g., clearing, grading, and cut-and-fill), especially in erosive areas (including steep slopes, unstable areas, and erosive soils), be minimized to avoid detrimental water quality impacts caused by increased erosion or sedimentation. The use of erosion control Best Management Practices are required, and all graded and other disturbed areas must be landscaped or revegetated with primarily locally-indigenous plants at the completion of grading. The approved LUP policies require a number of measures to ensure that new development is sited and designed to minimize grading, landform alteration, runoff, erosion, and sedimentation, in order to protect biological and marine resources.

The proposed LIP (Sections 22.44.1920, 22.44.1240, 22.44.1260) contains provisions that require new development to be sited and designed to minimize grading and the removal of native vegetation, consistent with LUP policies.

Non-emergency grading operations during the rainy season (extending from October 15 to April 15) are prohibited. If grading operations are not completed before the rainy season begins due to unforeseen circumstances or delays, grading shall be halted and temporary erosion control measures shall be put into place to minimize erosion until grading resumes after April 15. However, the Director

may permit grading to continue if it is determined that: (1) completion of grading would be more protective of sensitive environmental resources and would minimize erosion and sedimentation; and (2) BMP's designed to minimize or prevent erosion, sedimentation, and polluted runoff are being implemented to a degree that would prevent significant water quality impacts or any significant disruption of habitat values within an H1 or H2 habitat. These provisions are consistent with, and adequate to carry out, approved LUP policies. However, minor changes to LIP Section 22.44.1260 regarding grading are required to ensure that the requirements of the approved LUP policies are fully and accurately reflected in the LIP provisions. Such required changes are detailed in the suggested modifications of Attachment A.

The proposed LIP requires the use of erosion control Best Management Practices for all grading and construction projects, and all graded and other disturbed areas must be landscaped or revegetated with primarily locally-indigenous plants at the completion of grading. The use of invasive plant species are prohibited. Landscaping or revegetation must provide 90 percent coverage within five years, or that percentage of ground cover demonstrated locally appropriate for a healthy stand of the particular native vegetation type chosen for revegetation. The proposed LIP requires the use of primarily locally-indigenous plant species in landscape areas within Fuel Modification Zones A and B of structures requiring fuel modification. Non-locally-indigenous plants and gardens that are not invasive may be allowed within the building site area and in Fuel Modification Zones A and B, with associated irrigation, provided that the species are consistent with Fire Department requirements. Although non-invasive non-native plants and gardens may be permitted within the approved building site area and the irrigated fuel modification zones (Zones A and B), landscaping shall still consist of primarily locally-indigenous plant species in order to minimize adverse effects to the indigenous plant communities of the area and to minimize the need for irrigation. Further, the removal or trimming, thinning or other reduction of natural vegetation, including locally-indigenous vegetation, is prohibited except when required for construction of an approved development and/or for compliance with fuel modification requirements for approved or lawfully-existing development. This limitation avoids loss of natural vegetative cover resulting in unnecessary erosion in the absence of adequately constructed drainage and run-off control devices and implementation of required landscape and interim erosion control plans.

In addition, the proposed LIP requires grading, landform alteration, and vegetation removal for access roads and driveways be minimized to the greatest extent feasible. The length, width, and grade of all access roads and driveways, including hammerhead turnarounds, shall be the minimum necessary required by the Fire Department to provide access to the one approved building site area on a legal parcel. In no case shall new on-site or off-site access roads, or driveways as measured from the nearest public road, exceed a maximum of 300 feet or one-third the parcel depth, whichever is less, unless the County finds, based on substantial evidence, that a variance of this standard is warranted. Access for geologic testing (or percolation or well testing) shall use existing roads or track-mounted drill rigs where feasible. Where there is no feasible access, a temporary access road may be permitted when it is designed to minimize length, width and total grading to that necessary to accommodate required equipment. All such temporary roads shall be restored to the maximum extent feasible through grading to original contours, re-vegetating with native plant species indigenous to the project site, and monitoring to ensure successful restoration. These provisions are consistent with approved LUP policies.

Fencing

Fencing can adversely impact the movement of wildlife and is strictly limited by the policies of the approved LUP (Policies CO-81, CO-82, CO-83, CO-103, and CO-104). Sections 22.44.1920 and 22.44.1310 address requirements regarding fencing and walls. Fencing or walls within H1 habitats, including riparian, bluff, or dune habitat, or within 100 feet of H1 habitat, are prohibited, except where necessary for public safety, habitat protection, or restoration, and limited to wildlife permeable fencing. However, temporary fencing that is not wildlife permeable may be allowed if it is specifically required to temporarily keep wildlife from habitat restoration areas. Fencing in H2 and H3 habitat is limited to that necessary for safety and designed to allow wildlife to pass through, where limited to the immediate building site area, six feet in height, and extending no further than the outer extent of Fuel Modification Zone B (100 feet from structures that require fuel modification). Perimeter, barbed-wire, and chainlink fencing are prohibited. Such provisions are consistent with LUP policies. However, the provisions of LIP Section 22.44.1920 and 22.44.1310 regarding these fencing parameters are not internally consistent. To ensure consistency with LUP policies and to ensure internal consistency with Section 22.44.1920, suggested modifications to Section 22.44.1310 are required.

Fencing for confined animal facilities, including equestrian pasture, is allowed pursuant to LUP Policies CO-83, CO-103, and CO-104. Fencing may be wildlife permeable or non-wildlife permeable, as provided in Policy CO-83. Policy CO-83 allows limited non-wildlife permeable fencing for animal containment facilities only where it is demonstrated, pursuant to a site-specific biological evaluation, that the layout and extent of the fencing will not significantly impede wildlife movement through a property or through the surrounding area. To ensure that the LIP accurately reflects the approved LUP Policy CO-83, suggested modifications to LIP Section 22.44.1450 of Attachment A are required.

Night Lighting

In order to minimize potential adverse individual and cumulative impacts to wildlife and sensitive habitats within the plan area, the approved LUP contains specific policies that limit night lighting for new development in H2 and H3 habitat to the minimum necessary and prohibit night lighting for sports courts and other private recreational facilities. Policy CO-94 requires that exterior lighting be minimized, restricted to low-intensity features, shielded, and cause no light to trespass into native habitat to minimize impacts on wildlife. Night lighting for new development in H2 and H3 habitats must be limited to the minimum lighting necessary to light walkways used for entry and exit to the structures, including parking areas, on the site. Such lighting shall be limited to fixtures that do not exceed two feet in height, that are directed downward, and use bulbs that do not exceed 60 watts, or the equivalent. All other lighting of driveways or access roads is prohibited. Security lighting may be allowed if attached to the residence or permitted accessory structures that is controlled by motion detectors, and is limited to 60 watts, or the equivalent. In addition, Policy CO-94 prohibits perimeter lighting, lighting for aesthetic purposes, and night lighting for sports courts or other private recreational facilities. LUP Policy CO-103 allows limited night lighting for equestrian arenas and round pens. Policy CO-103 provides that four foot high, downward-directed arena and round pen lighting may be permitted if the lights are shielded and use best available Dark Skies technology, and that such lighting may only be allowed where it is demonstrated pursuant to a site-specific evaluation that the lighting will avoid adverse impacts to SERA, including, but not limited to, the illumination of any surrounding H1 and H2 habitat areas, including the H1 habitat buffer, and will avoid adverse impacts to scenic resources.

LIP Sections 22.44.1920(E) and 22.44.1270 address exterior lighting requirements that apply to all new development. Further, Section 22.44.1270 applies to the retrofit of existing development. However, the provisions of these LIP sections are not internally consistent or adequate to carry out the specific requirements of the LUP policies discussed above. As such, suggested modifications to Sections 22.44.1920(E) and 22.44.1270 of Attachment A are necessary to ensure that the lighting requirements are clear, internally consistent, and consistent with, and adequate to carry out, the policies of the LUP.

Solar and Wind Energy Systems

To avoid removal or modification of native vegetation and H2 habitat for ground-mounted solar energy devices, LUP Policies CO-145 and LU-50 require that solar energy devices/panels be located on the rooftops of permitted structures, where feasible. If roof-mounted systems are infeasible, ground-mounted systems may be allowed only if sited within the building site area of permitted development. Further, Policy CO-147 indicates that rooftop solar equipment may not extend above the maximum allowed height of a structure more than 6 feet. In addition, Policy CO-145 prohibits wind energy systems.

LIP Section 22.44.1560 addresses alternative energy systems and indicate that solar energy devices are allowed in all zone designations either as roof-mounted or ground-mounted within the approved building site area of approved development. However, in order to clarify the specific solar energy requirements of LUP policies CO-145, CO-147, and LU-50, suggested modifications to Section 22.44.1560 of Attachment A are required to ensure consistency and clarity.

Herbicides, Insecticides and Rodenticides

The use of rodenticides containing anticoagulant compounds have been linked to the death of sensitive predator species, including mountain lions and raptors, in the Santa Monica Mountains. These species are a key component of chaparral and coastal sage scrub communities in the Santa Monica Mountains. Further, the use of chemicals to eradicate unwanted pests and vegetation can result in adverse impacts to sensitive habitats and the biological productivity and quality of streams. In order to avoid degradation of biological resources and adverse impacts to sensitive predator species in the Santa Monica Mountains, LUP Policy CO-58 prohibits the use of insecticides, herbicides, anti-coagulant rodenticides or any toxic chemical substance, except where necessary to protect or enhance the habitat itself, such as for eradication of invasive plant species or habitat restoration, and where there are no feasible alternatives that would result in fewer adverse effects to the habitat value of the site. Application of such chemical substances shall not take place during the winter season or when rain is predicted within a week of application. Herbicide application necessary to prevent regrowth of highly-invasive exotic vegetation such as giant reed/cane (*Arundo donax*) shall be restricted to the best available and least-toxic product and method in order to minimize adverse impacts to wildlife and the potential for introduction of herbicide into the aquatic environment or onto adjacent non-targeted vegetation. In no instance shall herbicide application occur if wind speeds on site are greater than five miles per hour or 48 hours prior to predicted rain. In the event that rain does occur, herbicide application shall not resume again until 72 hours after rain. Further, Policy CO-60 requires any necessary mosquito abatement within or adjoining H1 habitat to be limited to the implementation of the minimum measures necessary to protect human health, and shall minimize adverse impacts to H1 habitat. Larvacides shall be used that are specific to mosquito larvae and will not have any adverse impacts to non-target species, including fish, frogs, turtles, birds, or other insects or invertebrates.

These measures will ensure chemical use is strictly limited and regulated within the plan area to minimize adverse impacts to biological resources and water quality.

LIP Section 22.44.1920(H) reflects these LUP requirements. In addition, Section 22.44.1240 regarding landscaping requirements for new development states that pesticide use shall be avoided or minimized in landscaping and revegetation projects. However, Section 22.44.1240 does not address the use of other toxic chemical substances, such as insecticides and herbicides, consistent with LUP Policy CO-58. As such, suggested modifications to 22.44.1240 are required to reflect the requirements of LUP Policy CO-58.

Public Road Repair Projects

There are many constrained mountain roads within the plan area that steeply descend into canyon and stream areas. Sometimes these roads are undermined by landslide, other geologic instability, or excessive storm-related surface water runoff to the extent that the descending road shoulder or embankment can require stabilization. Often these areas that require remediation are situated within H1 and H2 habitat areas. However, the work may be necessary to repair the roadway and minimize further erosion and sedimentation. Policy CO-95 permits public works projects that involve necessary repair and/or maintenance of drainage devices and road-side slopes within and adjacent to streams, riparian habitat, or any H1 or H2 habitat in order to repair or protect existing public roads. Policy CO-95 requires that such projects be limited to the minimum design necessary to protect existing development in order to minimize adverse impacts to coastal resources, and to mitigate for both temporary and permanent adverse impacts to H1 or H2 habitats.

LIP Section 22.44.1920(F) addresses these necessary public works projects and permits them within and adjacent to streams, riparian habitat, or any H1 or H2 habitat in order to repair or protect existing public roads, consistent with Policy CO-95. Section 22.44.1920(F) requires that encroachment into H1 habitat, H1 habitat buffers, and H2 habitat shall be avoided to the maximum extent feasible, and where it is determined to be infeasible to avoid habitat areas, removal of habitat shall be minimized to the extent feasible and all feasible mitigation measures shall be provided. Habitat areas temporarily disturbed by grading and/or construction activities shall be revegetated with native plant species appropriate for the type of habitat impacted, pursuant to a restoration plan. Detailed restoration plan requirements are outlined in Sections 22.44.1920(L), which is consistent with LUP Policy CO-101. Section 22.44.1920(F) also requires that mitigation for habitat areas that are permanently removed or impacted be provided by either on-site or off-site restoration as a condition of approval. However, given the mitigation options that are provided in LUP policies CO-86 and CO-87, greater clarity is required to ensure permanent impacts to H1 and H2 habitats are adequately mitigated. As detailed in Policy CO-87, permanent impacts to H1 habitat from permitted development are to be provided by restoration and/or enhancement of like habitat type, at the ratio of 4:1 (acres of restored habitat to each acre of impacted H1 habitat) for wetland habitat, or the ratio of 3:1 (acres of restored habitat to each acre of impacted H1 habitat) for all other H1 habitat types. Priority shall be given to onsite restoration or enhancement, unless there is not sufficient area of disturbed habitat on the project site, in which case off-site mitigation may be allowed. Adverse impacts to H2 habitat may be mitigated by the provisions of Policy CO-86, which is the Resource Conservation Program. Therefore, suggested modifications to LIP Section 22.44.1920(F) are required to clarify that permanent adverse impacts to H1 habitat areas from public works projects shall be mitigated through either on-site or off-site restoration as a condition of approval, and permanent adverse impacts to H2 habitat areas from public works projects shall be mitigated through either the Resource Conservation Program, or on-site or off-site restoration as a condition of approval, consistent with LUP policies.

Public Accessways, Trails, and Low-Impact Campgrounds

Policies CO-42 and CO-93 provide that low-impact campgrounds, public accessways, and trails are considered resource-dependent uses that shall be allowed in H1 and H2 habitat areas. However, such uses shall be located, designed, and maintained to avoid or minimize impacts to H1 or H2 habitat areas and other coastal resources to the maximum extent feasible. Accessways to and along the shoreline shall be sited, designed, and managed to avoid and/or protect marine mammal hauling grounds, seabird nesting and roosting sites, sensitive rocky points and intertidal areas, and coastal dunes. Inland public trails and low-impact campgrounds shall utilize established trail corridors, follow natural contours to minimize grading, and avoid naturally-vegetated areas with significant native plant species to the maximum extent feasible. Trails shall be constructed in a manner that minimizes grading and runoff. The LUP defines low-impact campgrounds as an area of land designed or used for "carry-in, carry-out" tent camping accessed by foot or wheelchair, including associated support facilities including where appropriate, picnic areas, potable water, self-contained chemical or composting restrooms, shade trees, water tanks, portable fire suppression apparatus, and fire-proof cooking stations, but excluding any structures for permanent human occupancy and excluding roads. The LUP specifically defines low-impact campgrounds as a resource-dependent use. To protect seabird-nesting areas, Policy CO-89 prohibits new structures on bluff faces except for stairs or accessways to provide public beach access. Pedestrian access shall also be prohibited on bluff faces except along existing, formal trails or stairways. Further, Policy CO-90 requires that new recreational facilities or structures on beaches shall be designed and located to avoid impacts to H1 habitat and marine resources.

While the proposed LIP allows resource dependent uses in all areas, including public accessways, trails, and low-impact campgrounds, there are no development standard provisions in the proposed LIP for these uses to ensure that they avoid significant disruption of habitat values. To ensure that the LUP policies discussed above are adequately carried out in the LIP, suggested modifications to Section 22.44.1920 (new subsection M is suggested to be added) are required to add specific development standards regarding resource dependent uses, including the requirements that such uses must be sited and designed to avoid or minimize impacts to H1 and H2 habitats to the maximum extent feasible. The suggested modifications also add that temporary and permanent impacts to habitats must be mitigated, consistent with the applicable LUP policies discussed above. As suggested to be modified, the proposed LIP will ensure consistency with the approved LUP.

3. Crop-Based Agriculture

The proposed LUP also does not designate any areas for exclusive agricultural use. However, the LUP provides for the continuation of existing crop-based agriculture and the establishment of limited new crop-based agriculture.

In order to provide for the continuation of coastal agriculture on the existing productive agricultural lands within the plan area, approval of the LUP included a suggested modification (No. 28), which added the following new policy to the LUP:

> *CO-#* [1] *Existing, legally-established, economically-viable, crop-based agricultural uses on lands suitable for agricultural use shall not be converted to non-agricultural use unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Policy LU-1.*

The approved LUP also allows for limited new crop-based agricultural uses (with the exception of vineyards). LUP Policies CO-102 and LU-11 state:

> *New crop-based, private and commercial agricultural uses shall only be allowed if it is demonstrated that they will be consistent with all other LCP policies and will meet all of the following criteria:*
>
> - *The new agricultural uses are limited to one of the following areas:*
>
> - *The building site area allowed by Policy CO-51 and Fuel Modification Zones A and B on natural slopes of 3:1 or less steep.*
>
> - *On natural slopes 3:1 or less steep in H3 habitat areas.*
>
> - *Areas currently in legal agricultural use.*
>
> - *New vineyards are prohibited.*
>
> - *Organic or Biodynamic farming practices are followed.*
>
> *Existing, legally-established agricultural uses shall be allowed to continue but may only be expanded consistent with the above criteria. Gardens located within the building site area of both residential and non-residential uses, or Fuel Modification Zones A and B, may be allowed, consistent with Policy CO-54.*

Proposed LIP Sections 22.44.1930 and 22.44.1300 address crop-based agriculture. However, due to the fact that the LUP policies discussed above were approved as suggested modifications and were not originally proposed by the County as part of the submitted LCP, the proposed LIP does not reflect these policies. As such, suggested modifications to Sections 22.44.1930 and 22.44.1300 are required to incorporate the requirements of LUP policies CO-102, LU-11, and CO-#. Further, since LUP policies CO-102 and LU-11 require the use of organic or biodynamic farming practices, specific implementation measures are necessary to be added to LIP Section 22.44.1300 in order to clarify that broad requirement of the LUP. Organic farming is an environmentally sustainable form of agriculture that relies on natural sources of nutrients (compost, cover crops, manure) and natural sources of crop, weed, and pest control without the use of synthetic substances. Biodynamic farming is a subset of organic farming and reflects a unique holistic, ecosystem approach to crop production, in which lunar phases, planetary cycles, animal husbandry and unique soil preparation practices are incorporated. The LUP requires that either organic or biodynamic practices be followed. As such, suggested modifications to Section 22.44.1300 of Attachment A address basic organic farming measures that should be implemented, at a minimum, that address the use of non-synthetic substances, integrated pest

[1] This policy, required by LUP Suggested Modification 28, was given a generic "#" symbol in the approved LUP rather than a specific number in order to give the County flexibility in assigning it a specific number in the final adopted LUP document.

management techniques, irrigation and water conservation, tillage and cultivation practices, waste management, and water quality protection measures. As suggested to be modified, the agriculture provisions of the LIP are consistent with and adequate to carry out the biological protection policies of the LUP.

4. Confined Animal Facilities

The Santa Monica Mountains have a long history of equestrian uses, including equestrian trail riding and the keeping of equines for personal and recreational use. There are existing confined animal facilities for equestrian use scattered throughout the plan area, either as a primary use or accessory to residential development. The keeping of horses and other equines is an important part of the rural character of the area and is recognized as such in the proposed LUP. The policies of the LUP allow for new confined animal facilities as well as equestrian pasture areas.

Policies CO-103 through CO-105 establish parameters for the development of new confined animal facilities and equestrian pasture within the plan area.

> ***LUP Policy CO-103***
> *Development permitted within H2 or H3 habitat may include accessory confined animal facilities limited to stables, barns, shelters, tack rooms, corrals, turnout pens, hay storage structures, loafing sheds, non-irrigated arenas and pens, manure management facilities, water troughs, horse trailer storage, covered equipment storage, non-irrigated pastures, wash rack, mounting blocks, tie racks, and fencing associated with any of the above. Night lighting for these facilities shall be limited to the following, consistent with all other LCP policies:*
>
> > *a. Necessary security lighting attached to a barn or storage structure that is controlled by motion detectors and limited to 60 watts or equivalent;*
> > *b. Arena and round pen lighting by bollard or fence-mounted fixtures that do not exceed four feet in height, and that are shielded, directed downward, and use best available Dark Skies technology. Such lighting shall only be allowed where it is demonstrated, pursuant to a site-specific evaluation, that the lighting will avoid adverse impacts to scenic resources and avoid illumination of H1 and H2 habitat areas, including the H1 habitat buffer.*
>
> *Within H3 habitat areas, accessory equestrian facilities identified above may be located within or outside of the fuel modification area required by the Fire Department for the principal permitted use, subject to all other policies of the LCP.*
>
> *In areas of H2 habitat, accessory confined animal facilities identified above may be allowed only within the fuel modification area that is required by the Los Angeles County Fire Department (Zones A, B, and/or C if required) for the principal permitted use structure(s) within the approved building site. Such uses may be located only on natural slopes of 3:1 (horizontal:vertical) or less steep, and may include the minimum grading necessary to establish such facilities. All such facilities must be constructed of non-flammable materials. Facilities shall be clustered to the maximum extent feasible to minimize the area disturbed and to avoid or minimize expansion of the required fuel modification area for the principal permitted use.*

Expansion to the required fuel modification area beyond what is required for the principal permitted use as a result of accessory confined animal facilities constructed within that area shall be avoided where feasible in the H2 habitat area, but may be allowed if the additional fuel modification area required does not exceed a maximum of 5 percent of the total parcel size, or two acres, whichever is less, and habitat impact mitigation for the additional fuel modification area is required pursuant to Policy CO-86b. This maximum area of additional fuel modification for confined animal facilities provided in this policy and the maximum area of equestrian pasture provided in Policy CO-104 shall not cumulatively exceed 5 percent of the total parcel size or two acres, whichever is less.

LUP Policy CO-104

In areas of H2 habitat or H1 Quiet Zone, equestrian pasture comprised of only fenced areas for turnout, water troughs, and other minor improvements for which the Fire Department does not require fuel modification may be permitted outside of the fuel modification area required for the principal permitted use, only when all of the following are met: (1) there is no feasible area within the fuel modification area of the principal permitted use that meets the 3:1 slope requirement pursuant to Policy CO-103; (2) the pasture area is located on slopes no steeper than 4:1; and (3) habitat impact mitigation is required pursuant to Policy CO-86b. Such pasture facilities shall not exceed an area more than 5 percent of the total parcel size, or two acres, whichever is less. Lighting and irrigation are not allowed in these areas. No locally-indigenous vegetation may be removed except as incidental and necessary to the setting of posts for fencing, fencing and gates. Such pasture facilities shall not require additional roads.

The maximum area of equestrian pasture provided in this policy and the maximum area of additional fuel modification area for confined animal facilities provided in Policy CO-103 shall not cumulatively exceed 5 percent of the total parcel size, or two acres, whichever is less.

LUP Policy CO-105

Where confined animal facilities are approved as the only use of a parcel in H2 habitat, instead of a principal permitted use, said use and its required fuel modification, if any, shall not exceed three (3) contiguous acres, including graded areas, if any, and shall be restricted to slopes of 3:1 or less.

In addition, approved LUP policies require that any approved confined animal facility use shall implement Best Management Practices to prevent erosion, excessive sediment and pollutant impacts, and ensure proper management and disposal of waste to protect water quality.

Confined animal facilities are prohibited in H1 habitat or within the required H1 habitat buffer that extends 100 feet from the outer extent of H1 habitat. As discussed previously, to provide further protection of H1 habitats, Policy CO-57 requires that new development provide an additional 100-foot "Quiet Zone" buffer from H1 habitat where feasible (measured from the outer edge of the 100-foot H1 habitat buffer). However, confined animal facilities may be allowed within the Quiet Zone, subject to certain limitations. Non-irrigated equestrian pasture may be allowed in the Quiet Zone if located on slopes no steeper than 4:1 and does not require the removal of vegetation, irrigation, or structures that require fuel modification to ensure that no impacts extend into the adjacent H1 habitat or the H1 habitat buffer. Policy CO-57 would also allow other types of confined animal facilities within the Quiet Zone if the Quiet Zone were already impacted by the required fuel modification of an existing principal use, if sited on slopes of 3:1 or less, and if the facilities will not require fuel modification to extend into the adjacent H1 habitat or the H1 habitat buffer.

Policies CO-103, CO-104, and CO-105 allow limited confined animal facilities (including equestrian pasture) within H2 habitat where there is no feasible alternative to avoid H2 habitat, as an accessory use, or as a use on its own, subject to limitations and site-specific constraints. LUP Policy CO-51 establishes the maximum "building site" area that is allowed in H2 habitat – 10,000 sq. ft., or 25 percent of the parcel size, whichever is less. The fuel modification area that is required by the Fire Department for structures within the building site obviously extends well outside the building site. Accessory confined animal facilities in H2 habitat may be permitted on slopes of 3:1 or less, within the fuel modification area that is required by the Los Angeles County Fire Department (Zones A, B, and/or C if required) for the principal use. The minimum grading necessary to establish such facilities may be permitted. Policy CO-103 also requires facilities to be constructed of non-flammable materials and clustered to the maximum extent feasible to minimize the area disturbed and to avoid or minimize expansion of the fuel modification area that is required for the principal permitted use as a result of permitted confined animal facility structures.

There are two exceptions provided, pursuant to Policies CO-103 and CO-104, in which confined animal facility-related development may extend beyond the approved building site area and associated fuel modification in H2 habitat:

1) confined animal facilities within the fuel modification area that cause expansion of the fuel modification area that is already required for the principal permitted use;
2) fenced equestrian pasture outside the fuel modification area for the principal permitted use and directly within the H2 habitat area, for turnout only, on slopes no steeper than 4:1, without irrigation, lighting, or vegetation removal, except for that necessary for fencing and setting posts. In addition, there must be no feasible area within the fuel modification area of the principal permitted use that meets the 3:1 slope requirement

LUP policies require that these two exceptions be avoided, where feasible. However, if infeasible, they may be allowed if the additional impact area does not exceed a maximum of 5 percent of the total parcel size, or two acres, whichever is less, and habitat impact mitigation is required. That maximum area is cumulative for both exceptions.

Pursuant to Policy CO-105, confined animal facilities may also be permitted as the only use of a parcel in H2 habitat, instead of a principal permitted use, as long as the use and any required fuel modification does not exceed three (3) contiguous acres, including graded areas, and is restricted to slopes of 3:1 or less.

Policy CO-103 allows accessory confined animal facilities in H3 habitat and specifies that they may be located within or outside of the fuel modification area required by the Fire Department for the principal permitted use, subject to all other policies of the LCP. H3 habitat is appropriate for siting such facilities in order to avoid higher priority ESHA habitats (H1 and H2), consistent with all other policies of the LCP.

Fencing for confined animal facilities, including equestrian pasture, is allowed pursuant to Policies CO-83, CO-103, and CO-104. Fencing may be wildlife permeable or non-wildlife permeable, as provided in Policy CO-83. To allow limited non-wildlife permeable fencing for animal containment facilities while ensuring that adequate wildlife corridors are maintained, Policy CO-83 indicates that non-wildlife-permeable fencing for animal containment facilities may be allowed only where it is

demonstrated, pursuant to a site-specific biological evaluation, that the layout and extent of the fencing will not significantly impede wildlife movement through a property or through the surrounding area.

In order to minimize potential adverse individual and cumulative impacts to wildlife and sensitive habitats within the plan area, the LUP policies limit night lighting for new development in H2 and H3 habitat to the minimum necessary and prohibit night lighting for sports courts and other private recreational facilities. Policy CO-94 requires that exterior lighting be minimized, restricted to low-intensity features, shielded, and cause no light to trespass into native habitat to minimize impacts on wildlife. LUP Policy CO-103 allows limited night riding for equestrian arenas and round pens, if limited to four foot high, downward-directed lighting that is shielded and uses best available Dark Skies technology. Such lighting may only be allowed where it is demonstrated pursuant to a site-specific evaluation that the lighting will avoid adverse impacts to SERA, including, but not limited to the illumination of any surrounding H1 and H2 habitat areas, including the H1 habitat buffer, and will avoid adverse impacts to scenic resources.

Proposed LIP Sections 22.44.1940 and 22.44.1450 address development for confined animal facilities. However, due to the fact that the LUP policies discussed above were approved pursuant to suggested modifications, the proposed LIP does not fully reflect and carry out these policies. As such, suggested modifications to Sections 22.44.1940 and 22.44.1450 of Attachment A are required to incorporate the water quality and biological resource protection requirements of the approved LUP regarding confined animal facility development. As suggested to be modified, the confined animal facility development standards of the LIP are consistent with and adequate to carry out the biological protection policies of the LUP.

5. Confined Horse Facility Special Compliance Program

LUP Policy CO-12 requires the establishment of a permitting program to encourage owners of existing unpermitted confined animal facilities to bring them into compliance with LCP policies and regulations to the extent feasible given parcel size and on-site resources. The permitting program is designed to motivate compliance by providing the following incentives. If the owner follows specified procedures and brings the facility into full compliance with the substantive requirements of the LCP by a specified deadline, the facility is not subject to enforcement proceedings. If the facility cannot be brought into full compliance with the substantive requirements of the LCP, the owner can still avoid enforcement proceedings by following a different process, satisfying certain minimum requirements for the protection of coastal resources, and phasing out the facility by a specified deadline. LUP Policy CO-12 states:

> *Prevent the disposal of animal waste, wastewater, and any other byproducts of human, crop-based-agricultural or equestrian activities in or near any drainage course, or H1 habitat area. To more fully carry out this policy for existing confined animal facilities where the issue of legal establishment is in question, establish a program, for two years from effective certification of the LCP and consistent with the parameters listed below to encourage such facilities to come into compliance with all of the LCP policies and regulations as soon as possible. This program shall be extended to any such facilities that lack a Coastal Development Permit, are located on parcels larger than 15,000 square feet, and where it can be documented that the facility existed prior to 2001 and after the effective date of the Coastal Act, and where such facility does not have an open violation case pending, as detailed in the LIP.*

All such facilities shall conform to the livestock/equine management requirements of the LCP for water quality improvement.

Such facilities will not be subjected to any new enforcement action related to the subject facilities for the two-year period beginning with the effective certification of this LCP. During that two-year period, if the facility can be brought into full conformity with the LCP through a coastal development permit process and such a permit is granted, then the facility shall remain free of new enforcement action as the permittee is proceeding to satisfy the permit requirements in good faith and reasonable progress is being made, and once that has been accomplished, the facility shall be extended legal status.

If parcel size and/or on-site resources make it impossible to re-design or re-site the unpermitted confined animal facility so as to bring the facility into full conformity with all LCP provisions, the facility shall be required, through a coastal development permit, to comply with certain minimum requirements, including those to address water quality and sensitive resources. The portion of the facility that cannot be brought into conformance shall be phased out within a finite period of time, or upon sale, or transfer of the property. Upon issuance of a coastal development permit and compliance with the certain minimum requirements, other than phasing out of the facility, the facility shall be extended legal non-conforming status until the removal, the sale or transfer of the property, or the expiration of the phase-out period, whichever is sooner. If the facility is not brought into conformance with the requirements of the permit, the facility will not be immune from enforcement. This provision shall be subject to all due process rights, notices, correction periods, and opportunities to contest staff's initial determination otherwise provided by the LCP.

LUP Policy CO-12 establishes a Special Compliance Program designed to provide a pathway for property owners with unpermitted confined animal facilities in the Santa Monica Mountains to achieve compliance with the LCP within specified timelines, terms and conditions in lieu of an enforcement action. The intent of this program is to minimize the amount of animal wastes and other by-products generated by the large number of unpermitted facilities in the mountains that enters streams and drainages, which has documented adverse impacts on the water quality of coastal streams and waters and their associated habitats. The runoff and wastes from confined animal facilities, if not controlled and treated, can reduce the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes, reduce populations of aquatic organisms below optimum levels, and have adverse impacts on human health.

The LUP requires that the Special Compliance Program be made available to property owners with facilities that lack CDPs, that are located on parcels larger than 15,000 square feet, where it can be documented that the facility existed prior to 2001 and but was not constructed until after the effective date of the Coastal Act. The LUP also states that the LIP will exclude a subset of facilities with pending open coastal commission violation cases. The LUP requires that the program provide property owners a two year period from the date of certification of the LCP to submit a complete CDP application for the facility. If a property owner does not apply within the two year period they will not be eligible for the program.

If the facility is brought into full conformity with all of the policies and provisions of the LCP, pursuant to a CDP, the facility would be extended legal status. If it is not feasible to bring the facility into full conformity with the LCP, the facility may remain on a temporary basis, if authorized pursuant to a CDP, provided the facility complies with certain minimum water quality and stream setback

requirements. In that case, the facility would be extended legal non-conforming status for a limited term.

The County created proposed LIP Section 22.44.690(Y) to implement this program. The Commission is suggesting that it be extensively modified to provide the necessary detailed requirements and standards to fully implement LUP Policy CO-12 (Attachment A). The suggested modifications were developed in close coordination and consultation with the County staff. Section 22.44.690(Y) was broken out into ten subsections detailing: The Purpose of the Special Compliance Program; Program Benefits and Term; Program Public Outreach and Educational Requirements; Program Eligibility Requirements; Program CDP Application Submittal Requirements; Compliance Process for those unpermitted facilities that can be brought into full compliance with LCP requirements; Compliance Process for those unpermitted horse facilities that cannot be brought into full compliance with LCP requirements; and CDP and Program Monitoring requirements.

Confined Horse Facilities

LUP Policy CO-12 broadly described the unpermitted confined animal facilities that would be eligible for the Special Compliance Program. However, the Commission approved the Special Compliance Program to more specifically address unpermitted confined horse facilities rather than all confined animal facilities. Therefore, LIP Section 22.44.690(Y)(1-9) is suggested to be modified to clarify that only unpermitted confined horse facilities are eligible for the Special Compliance Program and not all confined animal facilities.

Public Outreach and Education

LIP Section 22.44.690(Y) is suggested to be modified to include subsection (3) to incorporate the Los Angeles County's proposed public outreach and educational program, which is designed to encourage and inform property owners that have unpermitted horse facilities to participate in the Special Compliance Program and to encourage all horse owners and confined horse facility operators to voluntarily adopt modern best management practices. The outreach shall be accomplished by working collaboratively with local homeowners' organizations; equestrian organizations, County agencies; equestrian services providers; and environmental organizations. In addition, a provision to this subsection was added requiring the Executive Director of the Commission to send written notice, within 60 days of the certification of the LCP, to property owners who have a confined horse facility that are the subject of an open Coastal Commission violation case that they may be eligible to participate in the Special Compliance Program.

Program Eligibility Requirements

LUP Policy CO-12 included broad eligibility requirements for the Special Compliance Program that required further refinement and specificity in the LIP to fully carry out and implement this LUP policy. The LUP policy states that, "the program shall be extended to any such facilities that lack a CDP, are located on parcels larger than 15,000 square feet, and where it can be documented that the facility existed prior to 2001 and after the effective date of the Coastal Act, and where such facility does not have an open violation case pending, as detailed in the LIP." Modifications are suggested to clarify that the facility must not only have existed, but been constructed, after the effective date of the Coastal Act. Another modification clarifies that it is only the structure at issue that is eligible for this program, rather than the entire extended facility that may be associated with the structure.

A further suggested modification to Section 22.44.630(Y) is required to define an open Coastal Commission violation case for the purpose of this LCP. In addition, it was necessary to further specify a subset of these cases, as intended in LUP Policy CO-12, that would be eligible to participate in the Special Compliance Program. For the purpose of this LCP, open Coastal Commission violations cases are defined as:

A case regarding a structure where, as of April 10, 2014, Coastal Commission staff had: (i) conducted an investigation; (ii) on the basis of that investigation, determined that the allegations warranted creation of a violation file; and (iii) created such a file and assigned the matter a violation file number.

The Commission staff estimates that it currently has twenty-four such open violations cases involving unpermitted horses facilities in the Santa Monica Mountains. Four of these cases have been elevated to the Commission Headquarters Enforcement Unit for initiation of formal enforcement proceedings. These elevated violation cases are considered to be important enforcement cases that are resulting in significant on-going damage to coastal resources. Therefore, Section 22.44.690(Y) is suggested to be modified to specify that the four cases elevated to the Commission Headquarters' Enforcement Unit are not eligible for the Special Compliance Program, as determined by the Executive Director of the Commission.

Additional suggested modifications are required to further refine the program eligibility requirements under of Section 22.44.690(Y)(4). With the suggested modifications incorporated, an unpermitted horse facility would not be eligible for the program if:

- *The structure is subject to a subsequent Commission-granted CDP that authorized the structure after-the-fact, or required removal, re-design, or re-siting of the facility. This includes Commission-granted CDPs where the horse facility was authorized as part of a larger development that included other structures or development on the property.*
- *The structure is in violation of the terms of a CDP issued by the Coastal Commission or a deed restriction or easement required by a CDP issued prior to certification of the LCP.*

As suggested to be modified, the CDP application submittal requirements for unpermitted horse facilities that qualify for the program are outlined under new LIP Section 22.44.690(Y)(5), including specific timing requirements to submit a CDP application under the Special Compliance Program in order to implement LUP Policy CO-12. An application that is not the subject of an Open Coastal Commission Violation Case is required to submit a complete CDP application within two years of the certification date of the LCP. This time may be extended up to an additional twelve months by the County Planning Director for good cause, such as to accommodate required seasonal biological surveys.

Since the facilities must have been in place since prior to 2001 to qualify for this program, the facilities subject to this program have, by definition been in existence for well over 10 years. These unpermitted horse facilities are likely resulting in on-going damage to coastal streams, drainages, estuaries, coastal waters and their associated habitats. In addition, for the facilities that are the subject of an open Coastal Commission violation case, all but five of these property owners have been affirmatively notified in writing that the unpermitted horse facility/structures on their property are in violation of the Coastal Act. Generally, through this notification these property owners have been asked to file a CDP application to either remove and restored the facility or retain all or some of facility. In these cases the property owners have either not responded to the notice of violation or have not worked to resolve the

violation through a CDP application. Therefore, it would be reasonable to exclude such facilities from the program entirely. Instead, in order to allow such facilities to participate, the Commission finds it is necessary to ensure open Coastal Commission violation cases involving unpermitted horse facilities are processed in an expeditious manner under the program. Therefore, these property owners are required to submit a complete CDP application within a one year period from the certification date of the LCP, rather than the two-year period applicable to other facilities. In addition, only the Executive Director of the Commission may extend this time period for good cause for an additional period not to exceed 180 days.

Application Submittal Requirements

Additional suggested modifications are necessary, as provided in new subsection (5) to ensure adequate project plans, biological resource studies, and technical information is submitted with the CDP application in order to provide the required information necessary for the County staff to adequately analyze the permit application. The CDP application submittal requirements include:

- *Evidence of Special Compliance Program Eligibility.*
- *Detailed site plan of the existing confined horse facility, with a description of any changes made since 2001, and any associated as-built BMPs, drawn to scale with dimensions shown, showing existing topography and other physical site features, including but not limited to, existing vegetation and trees (including canopy/root zone), streams, drainages, wetlands, riparian canopy, access roads, trails.*
- *A detailed analysis of all feasible confined horse facility siting, sizing, and design alternatives that would bring the facility into compliance with all resource protection policies and provisions of the LCP.*
- *Assessment and quantification of the native habitats and native trees likely to have occurred on the site prior to establishment of the confined horse facility based on historical records and habitat found in surrounding undisturbed areas. This shall be a component of the Biological Assessment report that is required pursuant to Section 22.44.1870.*
- *Any additional information that the Director deems necessary to process the application.*

As previously mentioned above, LUP Policy CO-12 included two compliance pathways, or tracks, for unpermitted confined horse facilities. The first compliance path included those unpermitted confined horse facilities that could brought in to full conformity with the LCP through the coastal development permit process. The second path involved unpermitted horse facilities that because of parcel size, topography, onsite resources, or other constraints make it infeasible to re-site, re-size and/or redesign the facility in a manner that is in full conformity with the policies and provisions of the LCP. In these cases, a CDP may be granted to authorize the facility on a temporary basis provided the facility complies with certain terms and minimum requirements.

Compliance Process – Full Conformity with LCP (Legal Conforming)

LIP Section 22.44.690(Y) is suggested to be modified to include a new subsection (7) that contains timing, terms and implementation requirements for those unpermitted confined horse facilities that can be brought into full conformity with the LCP. These provisions include:

- *A requirement that within 60 days of approval of the CDP, the applicant must comply with all CDP conditions that must be satisfied prior to issuance of the permit. This time may be extended by an additional 60 days by the Director for good cause.*
- *Within two years of issuance of the CDP, the permittee shall be required to implement all conditions of the CDP to the satisfaction of the permitting entity, except that all required BMPs shall be implemented within one year of issuance of the CDP. This time limit may be extended one time for up to an additional 180 days by the Director or, if the permit was granted by the Coastal Commission on appeal, by the Executive Director, for good cause, provided the extension application is submitted prior to the expiration of the initial two-year time period. Once the conditions are all satisfied, the eligible confined horse facility structures will assume legal conforming status.*
- *Confined horse facilities that are the subject of an Open Coastal Commission Violation Case shall be required to implement all conditions of the CDP to the satisfaction of the permitting entity within a one-year period from the date of issuance of the CDP. The Director, in consultation with the Executive Director, may extend this time for 180 days for good cause, provided the extension application is submitted prior to the expiration of the initial one-year time period.*
- *The CDP shall include a condition indicating that the permit will expire at the end of the two years (or the two years and 180 days, or the one year and 180 days for any property with an Open Coastal Commission Violation Case) if all of the conditions are not satisfied. If the permittee fails to comply with all conditions of the CDP within the time period allotted, the permit no longer exists, and the facility shall be considered unpermitted development and subject to enforcement as if the permit never existed.*

Compliance Process – Phased Conformity (Limited Term, Legal Non-conforming)

Unpermitted confined horse facilities that cannot be brought into full compliance with the LCP because of site constraints may be authorized to remain on a limited term basis, subject to minimum requirements to protect water quality, native trees and H1 habitat. Section 22.44.690(Y) is suggested to be modified to include subsection (8) that contains minimum development standards, requirements and terms for those facilities that cannot be brought into full conformity with the LCP. These standards and requirements include:

- *The facility shall be set back to the maximum extent feasible from any stream, drainage, riparian or wetland habitat and in no case less than a minimum of 25 feet from the top of bank of any stream or, drainage or wetland;*
- *The facility shall be located on slopes of 3:1 or less steep;*
- *The confined horse facility shall implement and properly maintain all of the best management practices required by Section 22.44.1450. All BMPs installed shall be properly maintained, and an annual monitoring report (beginning one year from permit issuance) shall be submitted to the Department of Regional Planning or, if the permit was granted by the Commission on appeal, to the Executive Director of the Commission. This report shall contain information sufficient to demonstrate, on the basis of substantial evidence, that the approved BMPs have been properly installed and maintained. Any failures of installed BMPs, as evidenced in the annual monitoring report, or as observed by staff of the permitting entity, shall be promptly repaired to comply with the requirements of the permit;*

- *The facility shall provide protective fencing ten feet from the trunk of all native trees located within the facility to protect the trees from rubbing, chewing, soil compaction, or other direct impacts;*
- *Any portion(s) of the facility that must be removed to satisfy the minimum standards above shall be removed and the disturbed areas restored using native vegetation that is consistent with the surrounding native habitats, pursuant to an approved restoration plan consistent with subsection L of Section 22.44.1920;*
- *The facility shall comply, to the maximum extent feasible, with all other provisions of the LCP.*
- *The CDP application shall include a detailed habitat mitigation plan for temporary impacts to H1 habitats.*
- *Within 60 days of approval of the CDP, the applicant shall be required to comply with all CDP conditions that must be satisfied prior to issuance of the permit. This time may be extended an additional 60 days by the Planning Director for good cause.*
- *The permit shall also require that a deed restriction be recorded against the property to inform prospective purchasers and future property owners of these requirements.*
- *All of the above requirements and conditions of the permit, including, but not limited to, re-siting, re-design, or re-location of any facilities (or portion of any facilities), shall be fully accomplished within two years of the approval of the permit, except that all required BMPs shall be implemented within one year of issuance of the CDP except that a permittee with an Open Coastal Commission Violation Case shall be required to implement all conditions of the CDP within one year. The Director or, if the permit was granted by the Coastal Commission on appeal, the Executive Director of the Coastal Commission, may extend this time period by an additional 180 days (one time) for good cause provided the extension application is submitted prior to the expiration of the initial two-year time period, and any extension granted by the Director to a permittee with an Open Coastal Commission Violation Case shall be made in consultation with the Executive Director. Once the conditions are all satisfied within the allotted timeframe, the eligible confined horse facility structures will assume legal non-conforming status, for the period indicated in subsection d, for the sole purpose of confining horses and may not be used to house livestock. If the permittee fails to comply with all conditions of the CDP within the time period allotted, the permit no longer exists, and the facility shall be considered unpermitted development and subject to enforcement as if the permit never existed.*
- *Confined horse facilities that are the subject of an Open Coastal Commission Violation Case shall be required to implement all conditions of the approved CDP including, but not limited to, re-siting, re-design, or re-location of any facilities (or portion of any facilities), to the satisfaction of the permitting entity within a one-year period from the date of issuance of the CDP. The Director of Planning, in consultation with the Executive Director, may extend this time for a period of up to 180 days for good cause, provided the extension application is submitted prior to the expiration of the initial one-year time period. If the permittee fails to comply with all conditions of the CDP within the time period allotted, the CDP no longer exists, and the facility shall be considered unpermitted development and subject to enforcement as if the permit never existed.*
- *The permit will include a condition indicating that the permit will expire at the end of the above timeframe if all of the conditions are not satisfied. Thus, if the facility is not brought into conformance with the requirements of the permit within the above timeframe, the permit no longer exists, and the eligible structures shall be considered unpermitted development and subject to enforcement as if the permit never existed.*

- *The eligible structures shall be considered legal, non-conforming upon full compliance with the terms of the CDP issued for the facility and this section for a period of eight years from the date of certification of LCP. The approved legal, non-conforming facility may not be enlarged or expanded, and may not be re-established after removal or abandonment. The permittee may apply to the permitting entity for an extension of the eight-year period for up to an additional eight years, provided the application is submitted prior to the expiration of the first eight-year period. The permitting entity may deny such extension in its discretion, based on on-going inconsistencies with subsection Y, or may approve such an extension for good cause, provided that all conditions of the CDP have been satisfied continuously since approval, that all required findings above can still be made, and that all required restoration and habitat mitigation has been completed.. Prior to the expiration of any revised deadline, the permittee may apply for one final extension of a period not to exceed eight years that would bring the total to 24 years from the date of LCP certification. In no event may a facility authorized under this program be allowed to remain for more than 24 years from the date of certification of the LCP. Prior to any extension as described in this subsection, the permitting entity will re-evaluate the facility's BMPs and may require improved BMPs if necessary.*
- *The approved legal, non-conforming facility shall be removed and the disturbed areas restored using native vegetation that is consistent with the surrounding native habitats, pursuant to an approved restoration plan consistent with subsection L of Section 22.44.1920, no later than the expiration of the approved permit term and any extensions thereof , or for properties sold during the life of a permit pursuant to this section, the close of escrow upon sale or transfer of the property to a bona fide purchaser for value, whichever occurs sooner. The purchaser may apply for a permit pursuant to this section to retain the horse facility for a term not to exceed the remaining term of the facility's prior CDP plus eight additional years. In no case shall the cumulative term of the CDP extend beyond 16 years from the date of certification of the LCP and shall expire after the remaining term of the original CDP and eight additional years have passed or after 16 years from the date of certification of the LCP, whichever is sooner. Such permits may not be extended beyond that term.*
- *Temporal impacts to H1 habitat(s) resulting from the provisional retention of a confined horse facility authorized pursuant to this Special Compliance Program shall be mitigated through the enhancement/restoration of an equivalent habitat either on-site or off-site, in the vicinity of the subject property, at a mitigation ratio of 1:1 pursuant to detailed habitat enhancement/restoration plan submitted as a filing requirement for the CDP application. The habitat enhancement/restoration plan shall be reviewed and approved by the County Biologist and required as a condition of the CDP. The approved mitigation plan shall be implemented no later than the expiration of the first approved 8 year permit term.*

Monitoring

Finally, Section 22.44.690(Y) has been modified to include subsection (9) that requires tracking and monitoring requiring the facility's conformance with the conditions of the permit, including maintenance of required BMPs, on an annual basis for CDPs granted under the Special Compliance Program. In addition, the County Planning Director shall provide an annual CDP condition compliance monitoring report to the Executive Director, for confined horse facilities authorized under this program that are the subject of an Open Coastal Commission Violation Case. If an

applicant/property owner that is the subject of an Open Coastal Commission Violation case is not in full compliance with the required terms and conditions of the County issued CDP, the CDP no longer exists, and the facility shall be considered unpermitted development and subject to enforcement as if the permit never existed. These monitoring and reporting requirements will help ensure the CDP granted under this program are in compliance with the terms and conditions of these CDPs.

Therefore, the Commission finds that, as suggested to be modified, LIP section 22.44.690(Y) is adequate to carry out Policy CO-12 of the approved LUP.

6. Habitat Impact Mitigation and the Resource Conservation Program (RCP)

LUP Policy CO-87 requires habitat mitigation for unavoidable permanent impacts to H1 habitat for one of the uses allowed within H1 habitat (pursuant to Policy CO-41) by, at a minimum, restoration and/or enhancement of like habitat type, at the ratio of 4:1 (acres of restored habitat to each acre of impacted H1 habitat) for wetland habitat, or the ratio of 3:1 (acres of restored habitat to each acre of impacted H1 habitat) for all other H1 habitat types. The policy requires that priority be given to onsite restoration or enhancement, unless there is not sufficient area of disturbed habitat on the project site, in which case off-site mitigation may be allowed.

When necessary to provide a reasonable economic use of property or to allow property owners to realize their reasonable investment-backed expectations, non-resource dependent development and/or development that significantly disrupts habitat may be allowed in H2 habitat, and limited uses may also be allowed in the H1 habitat buffer. In the design and review of new development, alternative projects must be identified and analyzed. LUP policies require that if there is no feasible alternative that can avoid or eliminate all significant impacts to H2 habitat, or provide the required H1 habitat buffer while approving an allowed use, then the alternative that results in the fewest or least significant impacts should be selected. Any impacts from the removal, conversion, or modification of habitat that cannot be avoided through the implementation of siting or design alternatives must be fully mitigated. The acreage of habitat that is impacted must be determined based on the size of the approved building site area, road/driveway area, required fuel modification on the project site and required brush clearance, if any, on adjacent properties.

In order to mitigate any unavoidable adverse impacts to H2 habitat, or to H1 habitat from the provision of less than a 100-foot H1 habitat buffer, from permitted development, LUP Policy CO-86(a) and CO-86(b) states that a Resource Conservation Program (RCP) will be implemented by the County. The program consists of the expenditure of funds by the County (no less than $2,000,000) over a ten–year period for the acquisition and permanent preservation of land containing substantial areas of H1 and/or H2 habitats within the coastal zone of the Santa Monica Mountains.

> ***LUP Policy CO-86a***
> *Unavoidable impacts to H1 habitat from the provision of less than a 100-foot H1 habitat buffer and/or to H2 habitat from direct removal or modification, shall be compensated by the following, at a minimum.*
>
> *a. The County will administer a Resource Conservation Program ("RCP"), which shall consist of the expenditure of funds to be used for the acquisition and permanent preservation of land in the Santa Monica Mountains coastal zone containing substantial areas of H1 and/or H2 habitats. The County commits to expend no less than $2,000,000 over a ten–year period. The RCP shall demonstrate that the lands preserved are, at a*

minimum, proportional to the habitats impacted from permitted development in area (acreage or partial acreage) and habitat value/function.

b. *For purposes of analyzing and implementing the RCP, and Policy CO-86b below, the County shall prepare a Habitat Fee Study within five years of certification of the LCP to determine the appropriate fees to adequately compensate for adverse impacts to H1 habitat from the provision of less than a 100 foot buffer, and to H2 habitat from direct removal or modification. The Habitat Fee shall be submitted to the Coastal Commission through an LCP amendment within five years of certification of the LCP. After the first five years following certification of the LCP, no CDPs that involve impacts to H1 habitat from the provision of less than a 100-foot H1 habitat buffer and/or to H2 habitat from direct removal or modification may be processed until the amount of the in-lieu fee pursuant to the study is incorporated into this LCP through an LCP amendment that is certified by the Coastal Commission.*

c. *The County shall track and prepare an annual monitoring report at the end of each calendar year the RCP is in operation. The report for the calendar year shall itemize all acquisitions made that year, in addition to all of the following information:*
    - *An overview of each prospective year's acquisition priorities and approach;*
    - *A statement of the prior year's efforts in coordination with other agencies to enhance acquisition, preservation, protection, and connectivity of habitat and open space;*
    - *A summary of the land acquisitions made for that calendar year, including a breakdown of the location, area, habitat composition/classifications, and preservation mechanisms utilized for each acquisition;*
    - *The number of CDPs issued: a) in the previous year, and b) cumulatively since the starting date of the RCP;*
    - *The number of acres of each sensitive habitat classification allowed to be developed or otherwise impacted from issued CDPs: a) in the previous year, and b) cumulatively since the starting date of the RCP;*
    - *The amount of the Habitat Impact fee determined appropriate for each CDP in accordance with the following:*
        1. *Current In-Lieu Fee: During the first five years following certification of the LCP, or until an updated fee is certified through an LCP amendment, the County shall utilize the Coastal Commission's Habitat Impact Fee that was implemented through individual coastal development permit actions prior to certification of the LCP, adjusted for inflation. The current fee amounts are:*
            - *$15,500 per acre for the approved building site area, driveway/access roads and turnarounds areas, any required irrigated fuel modification zones, and required off-site brush clearance areas (assuming a 200-foot radius from all structures).*
            - *$3,900 per acre for non-irrigated fuel modification areas (on-site).*
        2. *Updated In-Lieu Fee: The amount of the Habitat Impact Fee, approved through an amendment to the LCP pursuant to subsection B above, shall be used and adjusted for inflation annually.*
    - *A table or tables depicting the cumulative acreage of impact from issued CDPs in relation to the acreage acquired and preserved pursuant to the RCP, the cumulative amount of the Habitat Impact Fee that would otherwise have been*

required for the issued CDPs, and monies spent and monies remaining under the RCP. All acres of habitat shall be categorized by the number of acres of each sensitive habitat classification impacted/acquired; and

- *A summary of other restoration or enhancement efforts in the Santa Monica Mountains, such as TDCs, donation of other property, and grants for further funding of the RCP.*

The County shall review each annual monitoring report to analyze progress achieved in relation to the habitat impacts of CDPs approved by the County. The County shall provide a copy of the annual monitoring report for the review of the Executive Director of the Coastal Commission.

d. If, as a result of this annual review anytime during the ten year period, the County determines that the RCP has not met the goals of providing adequate and proportional compensation for impacts to H1 and/or H2 habitat; that the cumulative amount of the Habitat Impact Fee required pursuant to issued CDPs exceeds the minimum $2,000,000; or that the County has elected to discontinue the RCP, the County shall initiate an LCP amendment to modify this policy, in coordination with Coastal Commission staff.

e. If, at the end of the ten year period, the County implements an extension of the RCP, or a similar program, the terms of such a program shall be incorporated into this section through an LCP amendment certified by the Coastal Commission. Any expenditures exceeding $2,000,000 for the purchase and preservation of habitat over the ten year period shall be credited proportionately to the new RCP term.

LUP Policy CO-86b

Unavoidable impacts to H1 Habitat from the provision of less than a 100-foot H1 habitat buffer and/or to H2 Habitat from direct removal or modification, shall be compensated by the provision of a required in-lieu habitat impact fee, as a condition of approval of individual projects (CDP's), in each of the following cases:

A. When the earliest of the following events occurs: 1) the ten year period of the RCP ends; or 2) the cumulative amount of the Habitat Impact Fee required for issued CDPs exceeds $2,000,000; or 3) at such time as the County elects to discontinue the RCP.
B. When confined animal facilities and/or equestrian pasture are approved outside the required fuel modification area of the principal permitted use on a property pursuant to Policy CO-57, CO-103 or CO-104.

The amount of the habitat impact fee, on a per-acre basis, will be determined by the in-lieu fee study required pursuant to subsection B of Policy CO-86a above. No CDPs that involve impacts to H1 habitat from the provision of less than a 100-foot H1 habitat buffer and/or to H2 habitat from direct removal or modification may be processed until the amount of the in-lieu fee is incorporated into this LCP through an LCP amendment that is certified by the Coastal Commission.

A determination of the total area of H1 and/or H2 Habitat impacted by a project and the total fee amount required (based on the fee per acre multiplied by the total area of habitat impacted) shall be included in the findings of every coastal development permit approved for development that is subject to the provisions of this policy. As a condition of approval on each coastal development permit for development subject to the provisions of this policy shall

require the payment of the in-lieu fee into the "Habitat Impact Fund" administered by the County. The proceeds of the "Habitat Impact Fund" shall be used by the County to purchase and permanently preserve properties that contain substantial areas of H1 and/or H2 habitat in the coastal zone of the Santa Monica Mountains.

The proposed LIP requires that as part of all CDP applications for new development, a biological inventory and/or assessment is required, which must identify and analyze the potential biological impacts of all aspects of the proposed development and distinguish between temporary and permanent impacts. Where development may be authorized in H1 or H2 habitat pursuant to the provisions of the LIP discussed previously, the LIP requires that all identified impacts (temporary and permanent) to H1 or H2 habitat must be fully mitigated. Section 22.44.1950 of the proposed LIP addresses habitat impact mitigation requirements and required conditions of permit approval. However, due to the fact that the LUP policies discussed above were approved pursuant to significant suggested modifications, the proposed LIP does not adequately reflect or carry out the detailed requirements of these LUP policies. As such, suggested modifications to Section 22.44.1950 are required to incorporate the requirements of LUP policies CO-86a, CO-86b, and CO-87. As suggested to be modified, the habitat impact mitigation provisions of the LIP are consistent with and adequate to carry out the applicable biological protection policies of the LUP.

When on-site or off-site habitat restoration is required, LIP Section 22.44.1920(L) includes provisions requiring the preparation and implementation of a detailed habitat restoration/enhancement plan as a condition of permit approval. The habitat restoration area shall be delineated on a detailed site plan, to scale, that illustrates the parcel boundaries, topography, existing habitat types, species, size, and location of all native plant materials to be planted. The habitat restoration plan shall be prepared by a qualified resource specialist or biologist familiar with the ecology of the Coastal Zone and shall be designed to restore the area in question for habitat function, species diversity and vegetation cover appropriate for the type of habitat in question. The restoration plan shall include an evaluation of existing habitat quality, statement of goals and performance standards, revegetation and restoration methodology, and maintenance and monitoring provisions. The habitat restoration/enhancement plan shall specify that habitat restoration and/or enhancement shall be monitored for a period of no less than five years following completion. Specific restoration objectives and performance standards shall be designed to measure the success of the restoration and/or enhancement. Mid-course corrections shall be implemented if necessary. Monitoring reports shall be provided to the County annually and at the conclusion of the five-year monitoring period that document the success or failure of the restoration. If performance standards are not met by the end of five years, the monitoring period shall be extended until the standards are met. The restoration will be considered successful after the success criteria have been met for a period of at least two years without any maintenance or remedial activities other than exotic species control. At the County's discretion, final performance monitoring will be conducted by an independent monitor or County staff with the appropriate classification, supervised by the staff biologist and paid for by the applicant. If success criteria are not met within 10 years, the applicant shall submit an amendment proposing alternative restoration. Such provisions conform to the requirements of the LUP.

7. Stream Protection

The LUP Biological Resource Map incorporates the U.S. Fish and Wildlife Service National Wetland Inventory (2013) data, which generally shows the streams in the LCP area. Additionally, any watercourse that meets the definition of stream provided in the LUP shall be accorded all protection provided by the LUP stream policies. As described previously, streams are designated as H1 habitat,

whether or not there is riparian vegetation present. In addition to the H1 protection policies, the LUP contains policies that relate specifically to the protection of streams, by limiting channelization or alteration of streams, requiring buffers and preservation of riparian habitat, and by establishing a preference for bioengineering solutions.

Policies CO-4 and CO-5 require that new development minimizes impervious surfaces, and that run-off from developed areas on the project site are infiltrated, in order to preserve the natural hydrologic cycle, minimize any increase in stormwater flow, and avoid introducing flow during the dry season. Policy CO-6 requires development to protect the absorption, purification, and retention functions of natural drainage systems. Additionally, development must be sited and designed to complement and utilize existing drainage patterns and systems to convey site drainage in a non-erosive manner.

LUP Policies CO-31 and CO-68 prohibit the channelization or alteration of streams, except for: 1) necessary water supply projects; 2) protection of existing structures in the floodplain where there is no other feasible alternative; or 3) improvement of fish and wildlife habitat. Any alteration approved for one of these three purposes must minimize impacts to coastal resources, and include maximum feasible mitigation measures to mitigate for any unavoidable impacts. In the case of flood protection for existing development, bioengineering alternatives shall be preferred over concrete, riprap, or other hard structures. Further, Policy CO-21 requires that natural vegetation buffer areas (100 feet in width) be provided from the riparian habitat of streams and other drainages. In addition, Policy CO-21 encourages the restoration of streams that had previously been channelized or altered.

LUP Policies CO-32 and CO-69 both address stream road crossings. CO-69 states that the alteration of streams for road crossings is prohibited, except where there is no other feasible alternative to provide access to public recreation areas or lawfully established private development, and where the stream crossing is accomplished by the installation of a bridge with the columns located outside the stream bed and bank in order to avoid any alteration. Shared bridges for multiple developments must be utilized where possible. The use of a culvert may be permitted for the crossing of a minor drainage that lacks bed, banks, and riparian vegetation. In such cases, the culvert must be sized and designed to avoid any restriction on the movement of fish or aquatic wildlife. Finally, Policy CO-32 requires that when in-stream road crossings (such as dip crossings or “Arizona” type crossings) need major maintenance or repair, they shall be upgraded to a soft-bottomed box culvert or bridge in order to remove impediments to fish passage and to enhance habitat value and water quality.

The LUP Biological Resource Map, which is referenced in the proposed LIP, generally shows the location of streams in the LCP area. LIP Section 22.44.1810 states that the LUP Biological Resources Map depicts the general distribution of habitat categories, including streams and wetlands, however, the precise boundaries of such features shall be determined on a site specific basis, based upon substantial evidence and a site specific biological inventory and/or assessment that is required to be submitted as part of any coastal development permit application for new development. Additionally, any watercourse that meets the definition of stream shall be accorded all protection provided by the stream provisions of the LIP. The proposed LIP requires that as part of all CDP applications for new development, a biological survey and map of all physical site features, including water features, is required. Consistent with the approved LUP, the LIP (Section 22.44.630) defines a stream as a topographic feature that at least periodically conveys water through a bed or channel having banks, including watercourses that have a surface or subsurface flow that support or have supported riparian vegetation. The term drainage course is also defined in the LIP to mean a stream. Other watercourses that convey water but lack bed, bank, and riparian vegetation are considered minor drainages. Where a stream is identified pursuant to a site-specific investigation when new development is proposed,

Section 22.44.1890(B) of the proposed LIP addresses permitted uses in streams and associated standards for those permitted uses. Sections 22.44.1920(G) and 22.44.1340(A) of the proposed LIP also address stream buffers and development standards for development near streams in order to ensure that the habitat value and biological productivity of streams are protected. However, these LIP provisions are not fully consistent with or adequate to carry out the LUP policies discussed above. Clarifications and additions are required, as detailed in the suggested modifications to these LIP sections of Attachment A, in order to ensure the stream protection provisions of the LUP are adequately carried out in the proposed LIP.

8. Wetlands

There are two lagoons that form at the mouth of two creeks within the LCP area: 1) Topanga Creek, within Topanga County Beach; and 2) Arroyo Sequit, within Leo Carrillo State Park. Year-round flows have been consistently reported in the lover five-mile reach of Topanga Creek for almost 40 years and a fairly large lagoon forms seasonally (although it is much smaller than the lagoon that formed naturally before the placement of a culvert and fill during the construction of Pacific Coast Highway). A much smaller lagoon forms on the Arroyo Sequit. The conditions of each lagoon vary considerably depending on the flows upstream and the conditions of the sand berm forming the southern boundary of each estuary. If the sand berm is closed, tidal action into the lagoon is blocked and the area is filled with freshwater. If the sand berm is open, the ocean provides tidal and wave influence into the estuary. Generally, the mouths of these two streams are closed to the ocean during summer/fall and open to the ocean during winter/spring. Topanga Creek and Arroyo Sequit are critical habitat for the endangered fish species Southern California Steelhead Trout (*Oncorhynchus mykiss*) and Tidewater Goby (*Eucyclogobius newberryi*). Although no tidewater gobies have been identified in the Arroyo Sequit, the stream has been identified as essential for the conservation of the species as a potential introduction site, and could provide habitat for maintaining the tidewater goby metapopulation in the region.

The approved LUP Biological Resource Map incorporates the U.S. Fish and Wildlife Service National Wetland Inventory (2013) data, which generally shows the streams, wetlands, lakes, and coastal waters in the LCP area. Additionally, any area that meets the definition of wetland provided in the LCP shall be accorded all protection provided by the wetland protection policies and provisions of the LCP. As described previously, wetlands are designated as H1 habitat. In addition to the H1 protection policies, the approved LUP contains policies that relate specifically to the protection of wetlands. Policy CO-183 requires the protection of wetlands, the restoration of biological productivity where possible, and maintaining adaptive capacity to address rising sea level. Policy CO-50 states that new development shall be prohibited in wetlands with the exception of the following limited circumstances (where there is no feasible less environmentally damaging alternative and feasible mitigation measures have been provided): (1) wetlands-related scientific research and wetlands-related educational uses, (2) incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines, and (3) wetland restoration projects where the primary purpose is restoration of the habitat.

As previously described, Policies CO-56 and CO-57 require a 100-foot buffer and an additional 100-foot quiet zone between all H1 habitat areas (including wetland) and any new development. Buffers must be provided around wetlands to serve as transitional habitat, provide distance and physical barriers to human intrusion, and to provide area for infiltration of runoff, minimizing erosion and sedimentation. Buffers are required to be of a sufficient size to ensure the biological integrity and preservation of the wetland. In no case shall wetland buffers be less than 100 feet in width.

Policy CO-188 sets forth the limited instances in which the diking, filling or dredging not only of wetlands, but also of open coastal waters, and estuaries could be allowed, where there is no feasible less environmentally damaging alternative and where all feasible mitigation measures have been provided. Such diking, filling or dredging is limited to incidental public service purposes, habitat restoration, or nature study, aquaculture, or similar resource dependent activities.

Finally, Policy CO-187 states that lagoon breaching or water level modification shall not be permitted unless it can be demonstrated that there is a health or safety emergency, there is no feasible alternative, and all feasible mitigation measures are included to minimize adverse effects.

LIP Section 22.44.1810 states that the LUP Biological Resources Map depicts the general distribution of habitat categories, including streams and wetlands, however, the precise boundaries of such features shall be determined on a site specific basis, based upon substantial evidence and a site specific biological inventory and/or assessment that is required to be submitted as part of any coastal development permit application for new development. Additionally, any area that meets the definition of a wetland shall be accorded all protection provided by the wetland protection provisions of the LIP. The term wetland is defined in the approved LUP, and is consistent with the Coastal Act definition of wetland detailed in Coastal Act Section 30121 and California Code of Regulations Section 13577(b). The definition only requires evidence of a single parameter to establish wetland conditions:

> *Wetland shall be defined as land where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes, and shall also include those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent and drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salts or other substances in the substrate. Such wetlands can be recognized by the presence of surface water or saturated substrate at some time during each year and their location within, or adjacent to, vegetated wetlands or deep-water habitats. (14 CCR Section 13577)*

Section 22.44.630 of the proposed LIP also includes definitions, however, not all definitions in the approved LUP are included in the proposed LIP. Wetland is one those terms that is defined in the LUP, but not in the LIP. As such, a suggested modification to LIP Section 22.44.630 is required to clarify that the definitions of both the LUP and LIP shall apply throughout the LIP. This suggested modification will ensure that the wetland definition of the approved LUP will be used in implementing the LCP.

The proposed LIP requires that as part of all CDP applications for new development, a biological survey and map of all physical site features, including water features, is required. Section 22.44.1880 of the proposed LIP indicates that when the presence or potential for wetland species or indicators is identified as part of a biological assessment or inventory, a wetland delineation is required. LIP Section 22.44.1880 specifies that the wetland delineation shall be conducted according to the definitions of wetland boundaries contained in Section 13577(b) of the California Code of Regulations, and that a preponderance of hydric soils or a preponderance of wetland plant indicator species will be considered presumptive evidence of wetland conditions.

Where a wetland is identified pursuant to a site-specific investigation when new development is proposed, Section 22.44.1890(A) of the proposed LIP addresses permitted uses in wetlands and associated standards for those permitted uses. Section 22.44.1900 of the proposed LIP addresses the required buffer from wetlands in order to ensure that the habitat value and biological productivity of

wetland is protected. A 100-foot buffer and an additional 100-foot quiet zone buffer is required between wetlands and any new development. The buffer is to be measured from the upland limit of the delineated wetland. However, these LIP provisions are not fully consistent with or adequate to carry out the LUP policies discussed above. Clarifications and additions are required, as detailed in the suggested modifications to these LIP sections of Attachment A, in order to ensure the wetland protection provisions of the LUP are adequately carried out in the proposed LIP.

9. Water Quality

The plan area is characterized by dramatic and varied topography, with numerous deep, parallel canyons that drain south into Santa Monica Bay. An extraordinary feature of this section of coast is the large number of watersheds. Each of the major north-south canyons has a stream lined with associated riparian vegetation and a network of east-west-trending drainages. Drainage basins within the plan area that flow into the Pacific Ocean and Santa Monica Bay include the following:

- Arroyo Sequit
- Nicholas Canyon
- Los Alisos Canyon
- Encinal Canyon
- Trancas Canyon
- Zuma Canyon
- Ramirez Canyon
- Escondido Canyon
- Latigo Canyon
- Solstice Canyon
- Malibu Canyon
- Carbon Canyon
- Las Flores Canyon
- Piedra Gorda Canyon
- Peña Canyon
- Tuna Canyon
- Topanga Canyon

There are numerous water quality protection policies in the approved LUP (Policies CO-1 through CO-32, CO-102 through CO-106). To protect coastal waters from non-point source pollution, LUP Policy CO-2 requires that development is sited and designed to minimize the introduction of pollutants in runoff and minimize increases in runoff rate and volume. Development shall meet the NPDES Municipal Stormwater Permit's Low Impact Development (LID) requirements. To reduce runoff and erosion and provide long-term, post-construction water quality protection in all physical development, CO-3 states that the use of Best Management Practices (BMPs) shall be prioritized in the following order: 1) site design BMPs, 2) source control BMPs, 3) treatment control BMPs. When the combination of site design and source control BMPs is not sufficient to protect water quality, treatment control BMPs shall also be required. Any required treatment control BMPs (or suites of BMPs) must be designed, constructed, and maintained so that they treat, infiltrate, or filter the amount of storm water runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event (with an appropriate safety factor of 2 or greater) for flow-based BMPs.

New development is required to minimize impervious surfaces, convey drainage in a non-erosive manner, and infiltrate runoff on-site, where feasible, to preserve or restore the natural hydrologic cycle and minimize increases in stormwater or dry weather flows (CO-4 and CO-5). Land disturbance activities of construction (e.g., clearing, grading, and the removal of vegetation), especially in erosive areas, are required to be minimized to prevent erosion or sedimentation. All disturbed areas are required to be revegtated prior to the beginning of the rainy season, using locally-indigenous plant species. Non-emergency earthmoving operations are prohibited during the rainy season (extending from October 15 to April 15). Approved grading shall not be commenced unless there is sufficient time

to complete grading operations before the rainy season. If grading operations are not completed before the rainy season begins, grading shall be halted and temporary erosion control measures shall be put into place to minimize erosion until grading resumes after April 15, unless the County determines that completion of grading would be more protective of sensitive environmental resources and would minimize erosion and sedimentation. Erosion control measures shall be required for any ongoing grading project or any completed grading project that is still undeveloped. Further, crop-based agricultural operations and confined animal facilities are required to use the most effective BMPs to prevent erosion, sedimentation, and pollution impacts. Natural vegetation buffer areas that protect riparian habitats shall be maintained.

Buffers are required to serve as transitional habitat and provide a separation from developed areas to minimize adverse impacts on water quality and sensitive habitat. Policies CO-21 and CO-55 require that buffers from streams and riparian habitat (in addition to other H1 habitats) shall be no less than 100 feet, except when it is infeasible to provide the 100 foot buffer in only one of the following circumstances: (1) to provide access to development approved in a coastal development permit on a legal parcel where no other alternative is feasible; (2) for public works projects required to repair or protect existing public roads when there is no feasible alternative; (3) for a development on a legal parcel that is the minimum development necessary to provide a reasonable economic use of the property and where there is no feasible alternative. Policy CO-21 provides that water quality BMPs required for new development shall be located outside of the 100 foot riparian buffer except for non-structural BMPs such as vegetated swales and bioengineered velocity reducers. Water quality BMPs proposed for existing development that does not have adequate BMPs shall be located outside of the 100 foot riparian buffer to the maximum extent feasible.

To ensure that on-site wastewater treatment systems (OWTS) prevent the introduction of pollutants into coastal waters and protect the overall quality of coastal waters and resources, the approved LUP contains policies to regulate the design, siting, installation, operation, and maintenance of such systems. Policy CO-30 requires that new OWTS minimize impacts to sensitive resources, including grading, site disturbance, and the introduction of increased amounts of water. Adequate setbacks and/or buffers shall be required to protect H1 habitat area and surface waters from lateral seepage from the sewage effluent dispersal systems and, on or adjacent to beaches, to preclude the need for bulkheads, seawalls or revetments to protect the OWTS from coastal erosion, flooding and inundation, initially or as a result of sea level rise. Policy CO-92 states that leachfields shall be located at least 100 feet, and seepage pits 150 feet, from the outer edge of a stream's riparian canopy, or from the stream bank where no riparian vegetation is present. Policy CO-27 prohibits development of rural areas where established standards by the County and RWQCB cannot be met, such that the cumulative effect of OWTS will negatively impact the environment, either by stream pollution or by contributing to the potential failure of unstable soils. In areas with constraints to OWTS, including but not limited to, substandard parcels, Rural Villages, and geologic hazard areas, the County Departments of Public Health and Public Works may permit innovative and alternative methods of wastewater treatment and disposal provided that installation, operation, and maintenance of such systems minimize impacts to public health, water quality and natural resources, and are acceptable to the County and to the Regional Water Quality Control Board. The use of advanced wastewater treatment (tertiary), or an equivalent standard, is encouraged.

Policy CO-92 states that the County shall ensure that new leachfields and seepage pits permitted by the County comply with all applicable Water Resources Control Board requirements, and that the LCP is updated to ensure consistency between the policies contained within the LCP and such Water Resources Control Board requirements. Any updates to the LCP that are required to address new

SWRCB and RWQCB water quality regulations that are in conflict with LCP policies require an LCP amendment that is certified by the Coastal Commission.

Proposed Local Implementation Plan Provisions

The water quality implementation measures are included in several different sections of the proposed LIP. LIP Section 22.44.1340 addresses water resources. This section provides that all new development will be evaluated for potential adverse impacts to water quality. Section 22.44.1340 includes drainage/stream protection measures such as buffers and development standards for permitted types of stream alterations and road crossings. Section 22.44.1920(G) of the proposed LIP also addresses stream buffers and development standards for development near streams in order to ensure that the biological productivity of streams are protected. However, the provisions of both of these LIP sections are not fully consistent with or adequate to carry out the LUP policies discussed above. Clarifications and additions are required, as detailed in the suggested modifications to these LIP sections of Attachment A, in order to ensure the stream protection provisions of the LUP are adequately carried out in the proposed LIP.

LIP Section 22.44.1340 also specifies BMP selection methods and sizing criteria and standards related to specific types of development (i.e., commercial, restaurants, etc.). A Construction Runoff and Pollution Control Plan (CRPCP) for all development projects that must include certain minimum temporary BMPs designed to minimize erosion, polluted runoff, and sedimentation during construction. A Post-Construction Runoff Plan (PCRP) is also required for all new development projects to control post-construction runoff. Section 22.44.1340 also includes provisions related to Low Impact Development (LID) site design techniques, BMPs, and hydromodification controls. Low Impact Development (LID) is intended to benefit water supply and contribute to water quality protection through techniques that infiltrate, filter, store, evaporate, and detain runoff close to the source. Unlike traditional stormwater management, which collects and conveys storm water runoff through storm drains, pipes, or other conveyances to a centralized storm water facility, LID uses site design and storm water management to maintain the site's pre-development runoff rates and volumes. The proposed LIP includes an entire chapter (22.44.1510 through 22.44.1516) dedicated to LID and hydromodification requirements with detailed standards for different types of development projects. However, the provisions included in these LIP sections are not fully consistent with or adequate to carry out the LUP policies discussed above. Clarifications, changes, and additions are required, as detailed in the suggested modifications to these LIP sections of Attachment A, in order to ensure the water quality protection provisions are consistent with and adequate to carry out the approved LUP policies.

The provisions of proposed LIP Sections 22.44.1350, 22.44.1260, and 22.44.1240 address grading, landscaping, and hillside development standards to prevent or minimize water quality impacts from development. The provisions of proposed LIP Sections 22.44.1300 and 22.44.1450 also include required development standards and BMPs specific to crop and confined animal facility development. However, the provisions of these LIP sections are not fully consistent with or adequate to carry out the LUP policies discussed above. Clarifications, changes, and additions are required, as detailed in the suggested modifications to these LIP sections of Attachment A, in order to ensure the water quality protection provisions of the LUP are adequately carried out in the proposed LIP.

Further, the LIP, as proposed by the County, does not include water quality protection provisions regarding onsite wastewater treatment systems (OWTS). As such, suggested modifications to Section 22.44.1340 (as detailed in Attachment A) are required to include siting, design and performance

standards, and other provisions to implement the OWTS policies of the approved LUP and ensure that permitted wastewater systems prevent the introduction of pollutants into coastal waters and protect the overall quality of coastal waters and resources.

The plans, developments standards, and other provisions of the proposed LIP, as suggested to be modified, are necessary to implement the water quality policies of the approved LUP and ensure that all development is evaluated for potential adverse impacts to water quality and that applicants consider site design, source control, and treatment control BMPs in order to prevent polluted runoff and water quality impacts resulting from the development. The Commission finds that the water quality protection provisions of the proposed LIP, as suggested to be modified, conform to and are adequate to carry out the water quality protection policies of the approved LUP.

10. Native Trees

Native trees (including, but not limited to oak, walnut, sycamore, and bay trees) are an important coastal resource, especially where they are part of a larger woodland, savannah, or other sensitive habitat area. Oak, sycamore, walnut, and bay woodlands and savannahs are all designated as H1 habitat in the approved LUP. LUP Policy CO-35 specifies that in areas subject to the minimal fuel modification that is required by the fire department (such as the removal of deadwood) in riparian or woodland habitats, the habitat retains its biological significance, rarity, and sensitivity. As such, as stated in Policy CO-35, riparian or other woodland subject to fuel modification for existing development is still designated as H1 habitat. Individual or scattered groups of these native trees can also occur within other habitat types that are H1, H2 High Scrutiny, or H2 habitat. Further, oak woodlands located within Rural Village areas that do not constitute H1 habitat are designated as H3 habitat. LUP Policy CO-34 states that isolated and/or disturbed stands of native tree species that do not form a larger woodland or savannah habitat are designated as H3 habitat. Finally, individual trees can occur in developed or disturbed areas that are designated H3.

LUP Policies CO-56 and CO-57 require a 100-foot buffer and an additional 100-foot quiet zone between all H1 habitat areas and any new development. The outer boundary of a riparian or native tree woodland, or native tree savannah is the outer edge of the canopy of the trees making up that habitat. So, the H1 buffer and quiet zone will serve to ensure that development will not encroach into the protected zone of individual trees. As previously described, Policy CO-53 addresses the protection of oak woodlands (that are not designated H1 habitat) within higher density areas designated as Rural Villages. Policy CO-53 states that new development in Rural Villages shall be sited and designed to avoid adverse impacts to oak woodlands, while conforming to all other policies of the LCP. Where there is no feasible alternative to avoid oak woodland habitat in order to provide a reasonable economic use of a property, ensure public health and safety, or fulfill requirements under the Americans with Disabilities Act for reasonable accommodation, removal of oak woodland habitat within Rural Villages may be allowed if limited to the minimum area necessary to achieve the purpose allowed. In no case shall the removal of oak woodland habitat exceed 10 percent of the total oak woodland area on the subject property. Where removal of oak woodland is allowed, oak tree mitigation is required.

The approved LUP policies recognize the important functions of individual native trees and require the protection of native trees, including oak, walnut, sycamore, bay or other native trees. Policy CO-99 requires that new development be sited and designed to preserve native trees to the maximum extent feasible. Removal of individual native trees is prohibited except where no feasible alternative exists. Development must be sited to prevent any encroachment into the protected zone of each tree, unless

there is no other feasible alternative. If there is no feasible alternative that can prevent tree removal or encroachment, then the alternative that would result in the fewest or least-significant impacts shall be selected. Any impacts to native trees must be fully mitigated with priority given to on-site mitigation. Mitigation cannot be allowed to substitute for implementation of the project alternative that would avoid impacts to native trees and/or woodland habitat.

The mitigation must include, at a minimum, the planting of replacement trees. Approved LUP Policy CO-99 includes mitigation ratios for different kinds of impacts to individual native trees that are found to be unavoidable. For each tree that is removed, the habitat and scenic value of the tree is obviously lost and the mitigation required is the planting of ten replacement trees for every one tree removed. If a native tree suffers encroachment that occupies over 30% of the protected zone or extends within three feet of one or more of the tree trunks, the encroachment(s) is substantial and it is likely that the tree will experience lessened health and possible death as a result. The mitigation ratio required for such substantial encroachments is also ten replacement trees for each tree subject to such encroachment. Policy CO-99 provides that trees suffering an encroachment into 10% to 30% of the protected zone or the trimming of a branch(es) of a native tree that is over 11 inches in diameter must be mitigated at a ratio of five replacement trees for each tree so impacted. If there is suitable area on the project site, replacement trees should be provided on-site. In addition, where development encroaches into less than 10% of the protected zone of individual native trees, such trees must be monitored for reduced health or vigor and replacement trees provided if such ill effects occur. Replacement trees, particularly oak trees, are most successfully established when the trees are seedlings or acorns. Many factors, over the life of the restoration, can result in the death of the replacement trees. In order to ensure that adequate replacement is eventually reached, it is necessary to provide a replacement ratio of more than 1:1 for moderate encroachments and at least ten replacement trees for every tree removal or significant encroachment to account for the mortality of some of the replacement trees.

Finally, approved LUP Policy CO-100 requires that new development on sites containing native trees incorporate tree protection measures during construction. These measures will serve to protect trees that will not be removed from impacts resulting from the construction of the development. These measures include fencing the protected zone(s) of native trees, using only hand-held tools where development is permitted to encroach into the protected zone, and employing a qualified biologist or arborist to monitor native trees that are within or adjacent to construction areas.

The proposed LIP (Section 22.44.840) requires that as part of all CDP applications for new development, in addition to the required biological inventory/assessment, a native tree survey and map is required if any sycamore, oak, bay, walnut or toyon trees are present on a project site. Section 22.44.1870 of the proposed LIP also requires (1) an oak tree report, prepared by a qualified arborist or resource specialist, if any oak trees are within 25 feet of a proposed development on a property, and (2) a native trees report, prepared by a qualified arborist or resource specialist, if any other native trees are present on a project site.

LIP Section 22.44.1920(K) includes native tree protection requirements for any native trees identified on a project site that have at least one trunk measuring six inches or more in diameter, or a combination of any two trunks measuring a total of eight inches or more in diameter, measured at four and on-half feet above natural grade. The LIP prohibits the removal of native trees, except where no feasible alternative exists. The requirements of Section 22.44.1920(K) require that new development be sited and designed to avoid removal or encroachment into the protected zone (five feet beyond the dripline of the tree canopy or 15 feet from the tree trunk, whichever is greater) of native trees to the maximum extent feasible. Mitigation is required for unavoidable impacts to native trees from permitted

development. The specific native tree mitigation and protection requirements, detailed in LIP Section 22.44.1920(K), are consistent with approved LUP Policies CO-99 and CO-100 discussed above. Any CDP that includes native tree removal or encroachment requiring mitigation shall include, as a condition of permit approval, the requirement that the applicant submit a native tree replacement planting program, prepared by a qualified biologist, arborist, or other resource specialist, which specifies replacement tree locations, tree or seedling size, planting specifications, and a monitoring program to ensure that the replacement planting program is successful, including performance standards for determining whether replacement trees are healthy and growing normally, and procedures for periodic monitoring and implementation of corrective measures in the event that the health of replacement trees declines. The applicant shall plant seedlings, less than one year old on an area of the project site where there is suitable habitat. In the case of oak trees, the seedlings shall be grown from acorns collected in the area and an acorn derived from a local Santa Monica Mountains source of the same species as the seedling shall be planted within the irrigation zone of the seedling. Where on-site mitigation through planting replacement trees is not feasible, off-site mitigation shall be provided at a suitable site that is restricted from development or is public parkland. The applicant shall plant seedlings, less than one year old in an area where there is suitable habitat. In the case of oak trees, the seedlings shall be grown from acorns collected in the area. In addition, an acorn derived from a local Santa Monica Mountains source of the same species as the seedling shall be planted within the irrigation zone of the seedling. Further, Section 22.44.1920(K) require implementation of native tree protection measures as a condition of permit approval for projects near native trees, including fencing the protected zone(s) of native trees, using only hand-held tools where development is permitted to encroach into the protected zone, and employing a qualified biologist or arborist to monitor native trees that are within or adjacent to construction areas. Only minor additions and corrections are required to Section 22.44.1920(K), as detailed in the suggested modifications of Attachment A, to ensure consistency with the approved LUP policies regarding native tree protection.

Lastly, the proposed LIP (Section 22.44.950) requires a specific type of minor coastal development permit, (Coastal Development Permit-Oak Tree (CDP-OT)), for the removal or encroachment of oak trees. Such a permit would be required in addition to the coastal development permit necessary for any other development proposed and the permit are to be filed and processed concurrently. LIP Section 22.44.950 include specific application, review, and processing requirements for the CDP-OT. However, suggested modifications are required to Section 22.44.950, as detailed in Attachment A, to ensure that the oak tree protection and mitigation requirements are consistent with the other native tree protection provisions of the LIP and to provide clarity in procedural requirements. As suggested to be modified, the proposed LIP is consistent with and adequate to carry out the native tree protection requirements of the LUP.

11. <u>Marine Resources</u>

After certification of the LCP, any development proposed within tidelands or submerged lands will remain under the permit jurisdiction of the Coastal Commission. Nonetheless, the approved LUP provides guidance on the protection of marine resources in these areas as well as policies regarding development on inland areas that could impact marine resources. There are many LUP policies regarding development in inland areas that could impact marine resources. As described above, the LUP policies require the minimization of grading and landform alteration, the limitation or prohibition of earthmoving during the rainy season, and the landscaping or revegetation of cut and fill slopes and other areas disturbed by construction to ensure that erosion and sedimentation will be minimized. Marine resources are very sensitive to sedimentation. Policy CO-195 requires the minimization of human-induced erosion by reducing concentrated surface runoff from use areas and elevated

groundwater from urbanization and irrigation. Further, the LUP water quality policies require new development to be sited and designed, and to incorporate best management practices to prevent or reduce non-point source pollution, to protect water quality and maintain marine resources.

LUP Policy CO-42 provides that accessways to and along the shoreline must be sited, designed and managed to avoid and/or protect marine mammal haul-outs, seabird nesting/roosting sites, sensitive rocky points, intertidal areas, and dunes. Additionally, Policy CO-90 requires new recreational facilities or structures on the beach to be designed and located to avoid impacts to marine resources. Development in areas adjacent to marine and beach habitats is required by Policy CO-182 to be sited and designed to prevent impacts that could significantly degrade these areas. Further, Policy CO-184 prohibits the alteration or disturbance of marine mammal habitats and other sensitive resources, including haul-out areas. Policy CO-186 states that near shore shallow fish habitats must be preserved and where feasible enhanced. Finally, Policy CO-192 requires that any beach sand replenishment program be designed to minimize adverse impacts to beach, inter-tidal, and offshore resources and to incorporate appropriate mitigation measures.

The proposed LIP includes provisions to carry out some of the LUP policies discussed above. However, not all of the marine resource protection policies of the approved LUP are reflected in the proposed LIP. To ensure that the requirements of the marine resource protection policies of the LUP are fully carried out by the provisions of the LIP, suggested modifications are required, as detailed in Attachment A.

In conclusion, the Commission finds that the biological resource protection provisions of the proposed LIP, as suggested to be modified, conform to and are adequate to carry out the biological protection policies of the approved LUP.

E. LAND USE

The approved LUP Land Use Map shows the land use designation for each property. The land use designation denotes the type, density and intensity of new development that may be permitted for each property, consistent with all applicable LCP policies.

The Land Use and Housing Element of the LUP, in conjunction with the Land Use Map, directs the general location, type, character, and degree of future development within the Coastal Zone by integrating environmental resource management, public health and safety goals, and quality-of-life issues. Most importantly, the LUP contains policies which ensure that, in general, new development should be located in close proximity to existing developed areas with adequate existing public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources, to avoid wasteful urban sprawl and leapfrog development.

Existing land uses vary throughout the Santa Monica Mountains. Approximately 52 percent of the Coastal Zone is publicly-owned parkland and includes part of the Santa Monica Mountains National Recreation Area, Topanga State Park, Malibu Creek State Park, and Leo Carrillo State Park. There is limited commercial development on Pacific Coast Highway in the LUP area and on the central portion of Topanga Canyon Boulevard. The remainder of the Coastal Zone is generally composed of scattered rural residences, rural communities, and some higher-density residential subdivisions. Rural residential uses include single-family detached homes developed at low densities (less than one unit per acre), while Rural Villages have a density of up to seven units per acre. A small amount of multi-

family housing exists in the southeast portion of the LUP area north of Pacific Coast Highway, with densities in excess of 20 units per acre.

1. Density, Types, and Intensity of Use

The LUP establishes the basic categories and intensity of use for all new development in the Santa Monica Mountains. The allowable categories of use include *Open Space, Rural Lands, Rural Residential, Rural Villages, Residential, Commercial,* and *Public and Semi-public Facilities*. Aside from open space (which includes public park land, recreational areas, and land preservation areas) residences and their accessory uses represent the predominant land use in the Santa Monica Mountains. The County has applied one land use designation to each parcel, as shown on the approved LUP Land Use Policy Map (Map 8).

In its approval of the LUP, the County found that most agricultural uses are generally not appropriate for the mountain environment of the Santa Monica Mountains and do not maximize coastal resource protection. Much of the remaining undeveloped private land is on steep slopes stabilized with abundant native vegetation. Clearing this steep land to plant crops not only requires extensive habitat destruction and soil disturbance, but compromises the stability of the slopes, thereby increasing risks to life, water quality and property. While the LUP does not eliminate existing, legally-established agricultural activities, the policies of this LUP limit the type and intensity of new agricultural practices allowed in the future to ensure maximum protection of coastal resources. Thus, no lands within the Santa Monica Mountains have been designated specifically for agricultural use pursuant to the LUP although activities including the raising of livestock, equestrian use, limited crops, and home gardens are allowed within certain land use designations, including residentially designated land.

Approved LUP Land Use Designations

Rural Lands and Rural Residential

The *'Rural Lands'* designation allows large lot single-family residential development, with a range of maximum densities from one dwelling unit per 5 acres to one dwelling unit per 40 acres. The maximum residential density is provided according to the following 4 subcategories:

RL40 One dwelling unit per 40 acres
RL20 One dwelling unit per 20 acres
RL10 One dwelling unit per 10 acres
RL5 One dwelling unit per 5 acres

The *'Rural Residential'* designation allows single-family residential development, with a range of maximum densities from one dwelling unit per 1 acre to one dwelling unit per 2 acres. The maximum residential density is provided according to the following two subcategories:

RL2 One dwelling unit per 2 acres
RL1 One dwelling unit per acre

The *'Rural Villages'* designation reflects those areas in the Santa Monica Mountains that have been previously subdivided and developed into small communities with single-family residences. Typically these areas were subdivided into very small urban-scale parcels, with parcels often less than 4,000 to 5,000 square feet in size, prior to both the effective date of the Coastal Act and modern subdivision requirements, and have experienced a relatively high level of development.

The *'Residential'* category allows for urban residential development patterns on parcel sizes of less than one acre. Development appearance is typical of urban areas, where standards include full street paving, curbs, gutters, sidewalks, and minimum setbacks. Only the Sunset Mesa area in the southeastern corner of the Coastal Zone possesses these attributes. The following Residential categories are designated on the Land Use Map:

U20 20 dwelling units per acre
U8 8 dwelling units per acre

Open Space

Pursuant to the LUP, there are three separate categories of 'Open Space'.

The *'Open Space (OS)'* category include lands acquired and managed by private, non-profit organizations for habitat preservation and recreation uses. These lands include private conservancy lands, private parks, nature preserves, wildlife habitats, and drainage easements.

The *'Open Space Parks (OS-P)'* category include public parks, including federal, State, and County parks, and beaches acquired by public agencies for habitat preservation and public recreation.

The *'Open Space Deed Restricted (OS-DR)'* category include private lands subject to recorded easements or deed restrictions for open space purposes, including, but not limited to, habitat preservation, scenic protection, trails and walkways, or flood hazard protection.

Commercial

The *'Commercial'* designation allows for the general shopping and commercial service needs of local residents, workers, and visitors.

The *'Commercial Recreation'* designation allows for visitor-serving, resource-based commercial recreation uses characterized by large open space areas.

Public and Semi-Public Facilities

The *'Public and Semi-Public Facilities'* category include areas that provide appropriate locations for activities conducted by public and quasi-public agencies.

Proposed Local Implementation Plan Zoning

The proposed LIP Zoning Map (**Exhibit 2**) shows the zoning designations for each property within the plan area. The following table indicates the proposed zoning designations of the proposed LIP with the corresponding land use designations of the approved LUP and maximum dwelling unit densities per acre:

Approved Land Use Designations	**Proposed Zoning Designations**
Rural Lands (RL-40: 1 DU/40 AC)	Rural Coastal (RC-40: 1 DU/40 AC)
Rural Lands (RL-20: 1 DU/20 AC)	Rural Coastal (RC-20: 1 DU/20 AC)
Rural Lands (RL-10: 1 DU/10 AC)	Rural Coastal (RC-10: 1 DU/10 AC)
Rural Lands (RL-5: 1 DU/5 AC)	Rural Coastal (RC-5: 1 DU/5 AC)
Rural Residential (RL-2: 1 DU/2 AC)	Rural Coastal (RC-2: 1 DU/2 AC)
Rural Residential (RL-1: 1 DU/1 AC)	Rural Coastal (RC-1: 1 DU/1 AC)
Residential (U8: 8 DU/AC)	Residential (R-1: 8 DU/AC)
Residential (U20: 20 DU/AC)	Residential (R-3: 20 DU/AC)
Rural Villages (RV)	Rural Coastal (RC-20,000: 1 DU/20,000 sq. ft.) Rural Coastal (RC-15,000: 1 DU/15,000 sq. ft.) Rural Coastal (RC-10,000: 1 DU/10,000 sq. ft.)
Commercial (C)	C-1 (Restricted Business) C-2 (Neighborhood Business)
Commercial Recreation (CR)	Resort and Recreation (R-R)
Public and Semi-Public Facilities (P)	Institutional (I)
Open Space (OS) Open Space Parks (OS-P) Open Space Deed Restricted (OS-DR)	Open Space (OS)

The density for the residential categories shown above indicates the maximum number of units that could be allowed. It is not a guarantee. In order to ensure compliance with other applicable LCP policies or standards, the permitted density may be less than the maximum density indicated by the zoning designation on the Zoning Map.

The zoning designations shown on the Zoning Map are consistent with the Land Use designations of the Land Use Plan, with the exception of two parcels in the Trancas Canyon area. These parcels were erroneously designated as Open Space-Parks on the LUP Land Use Policy Map even though the parcels are privately owned. Suggested Modification 60 of the approved LUP re-designated the subject parcels as Rural Land (RL-20: 1 DU/20 AC). In order to ensure the Zoning Map is consistent with this approved change to the LUP Land Use Map, Suggested Modification 3(C) is required to similarly change the zoning designation of the two subject parcels from Open Space to Rural Coastal (RC-20: 1 DU/20 AC). In addition, the Open Space zoning designation on the Zoning Map includes only one category, when there are three open space categories depicted on the approved LUP Land Use Map and three open space categories described in the approved LUP and Section 22.44.1770 of the proposed LIP. To ensure that the Zoning Map is internally consistent and is specific enough and adequate to carry out the approved LUP, Suggested Modification 3(B) is required to revise the Zoning Map to reflect the following three sub-categories within the Open Space (O-S) zone designation, consistent with the Land Use Map (Map 8 of the approved Land Use Plan) and Section 22.44.1770 of the LIP.

Open Space (OS) *- Lands owned by private, non-profit organizations for habitat preservation and/or recreation uses.*
Open Space-Parks (OS-P) *- Public parks, including federal, State, and County parks, and beaches owned by public agencies for habitat preservation and/or public recreation.*
Open Space Deed-Restricted (OS-DR) *- Lands subject to recorded easements or deed restrictions for open space purposes, including, but not limited to, habitat preservation, scenic protection, trails and walkways, or flood hazard protection.*

Sections 22.44.1700 through 22.44.1790 of the proposed LIP describes the proposed zoning designations and lists the permitted uses and general lot development standards associated with each zoning designation. The listed permitted uses are organized by type of coastal development permit (Administrative, Minor, and Major) that the use would be subject to. LIP Section 22.44.1700 describes the organization of the specific zones. First, uses that are subject to an administrative coastal development permit are listed, which includes the principal permitted use in each zone, as well as other permitted uses and accessory uses that serve to carry out the intent of the zone. Uses that are subject to a minor coastal development permit are then listed and represent uses that may conform to the intent of the zone, but have the potential for minor impacts to the surrounding human and/or natural environment. Uses that are subject to a major coastal development permit are also listed and represent uses that may conform to the intent of the zone, but have the potential for major impacts to the surrounding human and/or natural environment. Finally, the development standards for each zone are described, which relate to such aspects as height limits, landscaping, lot coverage, parking, and setbacks, and apply in addition to all other applicable provisions of the LIP.

For the most part, uses permitted for the various zoning designations in the LIP are based on the permitted uses within the County's existing County-wide Zoning Code. However, a number of the listed permitted uses are either not appropriate for the particular zoning designation in which they are listed and the corresponding LUP Land Use category, are not accurately described to ensure consistency with other parts of the proposed LIP, or are not listed in the appropriate permit level category to ensure consistency with other parts of the proposed LIP. Further, the listed principal permitted use in a few of the zoning designations is not consistent with the corresponding land use categories of the approved LUP. In addition, some of the general development standards in each zoning designation are not consistent with other sections of the proposed LIP and in consideration of Commission-recommended suggested modifications. Therefore, suggested modifications are required to ensure internal consistency as well as consistency with the approved LUP among the permitted uses of the zoning designations. Further, some suggested modifications are required to the permitted uses in the commercial categories to reflect a priority for visitor serving commercial use. The principal permitted use and all other permitted uses for each zoning designation, as suggested to be modified, are summarized in a table format as **Exhibit 3** of this staff report. The summary table is not proposed or intended to be a part of the LIP document, but is provided as part of this staff report for general informational purposes.

The principal permitted use in the most predominant zoning designation of the privately-owned parcels in the plan area, Rural Coastal (R-C), are single-family residences. The principal permitted use in the R-1 residential zoning designation, which encompasses the Sunset Mesa area in the southeastern corner of the Coastal Zone, are also single-family residences. The principal permitted use in the R-3 residential zoning designation, which encompasses a portion of the Sunset Mesa area in the southeastern corner of the Coastal Zone, are multi-unit apartment houses. The principal permitted use in the commercial zoning designations (C-1 and C-2), which encompasses several areas on Pacific

Coast Highway and on the central portion of Topanga Canyon Boulevard, are local-serving retail and commercial stores. The principal permitted use in the Resort and Recreation (R-R) visitor-serving commercial zoning designation, which encompasses a number of properties scattered throughout the plan area, are campgrounds. However, other permitted uses within the R-R zone include other low intensity visitor-serving recreational uses and overnight accommodations, such as parks, trails, bed and breakfast facilities, rural inns, and youth hostels. The principal permitted use in the Open Space (OS), Open Space Parks (OS-P), and Open Space Deed restricted (OS-DR) zoning designation categories, which represents the majority of the plan area, are habitat preservation and passive recreation, habitat preservation and public recreation, and habitat preservation and open space, respectively. The principal permitted use in the institutional (IT) zoning designation, which encompasses a number of properties scattered throughout the plan area, are government offices and services.

Coastal Act Section 30603(a) specifies the types of development in which local government coastal development permit actions may be appealed to the Coastal Commission after LCP certification. One of those types of development that is appealable to the Coastal Commission is any development approved by a coastal county that is not designated as the principal permitted use. Sections 22.44.1710 through 22.44.1780 of the proposed LIP regarding zoning designations indicate a principal permitted use for each zoning designation. However, clarity is needed as to the permitted accessory development that is considered customarily associated with the principal permitted use, and therefore not appealable to the Coastal Commission. Suggested modifications to Sections 22.44.1700 through 22.44.1780 of Attachment A are required to provide this clarity.

The Commission finds that the proposed LIP zoning designations, including the Zoning Map, permitted uses and development standards, as suggested to be modified, conform to and are adequate to carry out the land use designations of the approved Land Use Plan.

2. <u>Legal Non-conforming/Legal Conforming Uses</u>

An LCP, and the coastal development permits issued pursuant to it, are the principal mechanisms by which state coastal policies are applied at the local level. There are currently many older existing structures in the County that were constructed prior to the adoption of the Coastal Act policies. These structures may have been sited and designed in a manner contradictory to coastal management policy and standards. In this case, numerous structures were permitted and/or built prior to the development of this LCP.

The approved LUP includes provisions to guide review of coastal permits for legal non-conforming uses or structures. Policy LU-24 states:

> *Notwithstanding any inconsistencies of existing development with the LCP, lawfully-established uses or structures established prior to the effective date of the Coastal Act or pursuant to a validly issued coastal development permit that conform to the conditions on which they were legally established are considered by the County to be legal conforming uses or structures that may be maintained and/or repaired. Additions and improvements to such structures, including reconstruction, may be permitted provided that (1) the additions and improvements comply with current LCP policies and standards and do not increase any existing inconsistencies; and (2) any inconsistencies of the existing legal structure with the LCP are rectified when (a) additions increase the square footage of the existing structure by 50 percent or more, or (b) any demolition, removal, replacement and/or reconstruction results in the demolition of more than of 50 percent of either the total existing exterior wall area or the existing foundation*

system, or where the sum of the percentages of each that is demolished exceeds 50 percent. Reconstruction of existing lawfully-established structures following a natural disaster is exempt from this policy and may be permitted.

The proposed LIP includes Section 22.44.1220 regarding legal non-conforming uses and structures. However, due to the fact that LUP Policy LU-24 was approved pursuant to significant suggested modifications, the proposed LIP does not adequately reflect or carry out the approved policy. As such, suggested modifications to Section 22.44.1220 of Attachment A are required to incorporate the requirements of LUP Policy LU-24. As suggested to be modified, the legal conforming/legal non-conforming use and structure provisions of the LIP are consistent with and adequate to carry out the applicable policies of the LUP.

3. Accessory Residential Dwellings

Construction of accessory structures, particularly a second residential unit, on a site where a primary residence exists intensifies the use of the subject parcel. The intensified use creates additional demands on public services, such as water, sewage, electricity, and roads. Thus, additional structures pose potential cumulative impacts in addition to the impacts otherwise caused by the primary residential development.

With regard to the maximum size of secondary structures, LUP Policy LU-23 contains provisions that limit the size of all second residential units to no more than 750 sq. in size. The maximum square footage shall include the total floor area of all enclosed space, including lofts, mezzanines, and storage areas. Garages provided as part of a second residential unit shall not exceed an additional 750 square feet (3-car) maximum. Further, Policy LU-14 requires the retirement of a parcel for a transfer of development credit (TDC) as a condition of approving second residential units as a means to mitigate for the cumulative impacts of an additional residential unit on a parcel already developed with a single family residence. Pursuant to Policy LU-23, only one second residential structure may be permitted on a site that contains a primary residence.

Proposed LIP Section 22.44.1370 allows second units, senior citizen residences, and caretaker's residences/mobilehomes as an accessory dwelling unit on sites with an existing primary residence. Such units may not exceed 750 sq. ft., must be clustered with the main residence, and have their own onsite wastewater treatment system that is separate from that of the main residence. However, only the accessory dwelling unit described as a "second unit" in Section 22.44.1370 and extremely limited in where they are permitted, requires the retirement of a TDC to mitigate cumulative impacts. Other types of second residential dwelling units do not require a TDC according to the proposed LIP. And some types of second residential units are listed as permitted uses in various zoning designations, but are not listed in Section 22.44.1370. In addition, some caretaker-type units are described in the zoning and permitted use section of the LIP as only being allowed as accessory to a use other than a residence so they may not actually be second residential dwelling units. During Commission staff review of the proposed LIP, Commission staff worked with County staff to clarify the types of accessory dwelling units that may be allowed, how they would be described and defined, what permit level would be required, and the development standards for each, in a manner to ensure consistency with the requirements of the approved LUP. Suggested modifications to Section 22.44.1370, Sections 22.44.1710 – 22.44.1790, and Section 22.44.630 (Attachment A) reflect this collaboration to ensure clarity and consistency with the LUP. As suggested to be modified, Section 22.44.1370 allows certain accessory dwelling units: second units and senior citizen residences that may be permitted on property containing a primary residence, and caretaker's dwelling units (residence or mobilehome) as an

accessory use only on property that does not contain a residence. Senior citizen residences are permitted as an accessory use in the residential zoning designations subject to an administrative CDP. Second units are permitted as an accessory use in the residential zoning designations subject to a major CDP. Caretaker dwelling units are permitted as an accessory use in all zoning designations except R-1 and R-3 subject to a major CDP. Dwelling units are defined in Section 22.44.630 pursuant to the suggested modifications as containing sleeping quarters and kitchen facilities. As suggested to be modified, Section 22.44.1370 also allows habitable accessory structures, such as guest houses, for use by temporary guests that includes sleeping quarters and sanitation, but may not contain kitchen facilities. Guest houses are permitted in the residential zoning designations subject to a minor CDP. All accessory dwelling units and habitable accessory structures are required to be no larger than 750 sq. ft., have a separate onsite wastewater treatment system, and, with the exception of caretaker's units that do not constitute a second habitable unit, all require the retirement of a TDC as a condition of approval, consistent with the policies of the LUP.

As suggested to be modified, the second residential unit provisions of the LIP are consistent with and adequate to carry out the applicable policies of the LUP.

4. Rural Villages

Throughout the Malibu/Santa Monica Mountains coastal zone there are a number of areas that were subdivided in the 1920's and 30's into very small "urban" scale lots. These subdivisions, known as "small-lot subdivisions" or "rural villages" are comprised of parcels that are less than one acre but generally range in size from 2,000 to 15,000 square feet. The Commission has long recognized that the existing small-lot subdivisions can only accommodate a limited amount of additional new development due to major constraints to buildout of these areas that include: geologic instability, insufficient road access, water quality problems, disruption of rural community character, creation of unreasonable fire hazards, and others. With steep slopes and smaller average lot sizes, the ability to site development on parcels within the rural villages to avoid impacts to resources is limited. Further, if fully developed, the densities in these small lot subdivisions would exceed the capacity of the narrow winding access roads and the local watershed's ability to assimilate the septic system effluents.

In order to minimize the cumulative impacts of development in rural villages, the Commission has, through coastal development permit actions, consistently applied the Slope Intensity Formula to new development. The basic concept of the formula assumes the suitability of development of small hillside lots should be determined by the physical characteristics of the building site, recognizing that development on steep slopes and on small parcels has a high potential for adverse impacts on resources.

The approved LUP contains policies intended to limit the build-out of rural village lots. Policy LU-30 states that within Rural Villages, new development shall be limited in mass, scale, and total square footage of structures in order to minimize grading, landform alteration, and protect environmental and scenic resources. Similarly, Policy LU-31 states that new development shall "[r]estrict the mass, scale, and total square footage of structures within Rural Villages to avoid the cumulative impacts of development of small constrained parcels on coastal resources". Policy LU-31 was modified through a suggested modification to clarify that new structures within rural villages must be restricted through the application of the Slope Intensity Formula to all residential development.

Proposed Local Implementation Plan Provisions

The proposed LIP includes specific provisions that govern development in rural villages (Section 22.44.2110 through 2140), including standards with regard to street access, parking, fences and walls, land divisions, exterior materials, and landscaping. The LIP requires that all residential development in rural villages (with the exception of the Upper Latigo rural village) must be subject to the maximum allowable gross structural area (GSA), based on the slope intensity formula calculation. The slope intensity formula is based on the total area of the building site and the slope of the site, as determined by a separate formula based on a surveyed topographic map of the site. Following is the slope intensity formula, as specified in Section 22.44.2140 of the LIP:

> ***Slope Intensity Formula***
>
> *GSA = (A/5) x ((50-S)/35) + 500*
>
> *GSA = the allowable gross structural area of the permitted development in square feet. The GSA includes the total floor area of all enclosed residential and storage areas, but does not include vent shafts or the first 400 square feet of garages or carports designed for storage of autos.*
>
> *A = the area of the building site in square feet. The building site is delineated by the applicant and may consist of all or a designated portion of the one or more lots comprising the project location. All permitted development, including but not limited to, all structures, roads, driveways, septic systems, water wells, water tanks, patios, and decks, must be located within the designated building site.*
>
> *S = the average slope of the building site in percent as calculated by the formula:*
>
> *S = I x L/A x 100*
>
> *I = contour interval in feet, at not greater than 25-foot intervals, resulting in at least 5 contour lines*
>
> *L = total accumulated length of all contours of interval "I" in feet*
>
> *A = the area being considered in square feet*

Applicants may elect to base the slope intensity formula on more than one lot, if the lots are contiguous and they are combined as part of the project. Section 22.44.2140 specifies the methods by which contiguous parcels that are in common ownership and in the same tax rate area may be merged.

Additionally, applicants may increase the maximum allowable GSA by retiring the development rights on rural village parcels other than the building site. The GSA may be increased by 500 square feet for each lot contiguous to the building site, and 300 square feet for each lot that is not contiguous to the building site but within the same rural village. In order for the GSA increase to be approved, the applicant must retire all development rights on an eligible lot. The development rights are extinguished through one of two methods.

The first method is the dedication of an open space easement to a public entity parcel and the combination of the retired parcel with one or more other contiguous parcels. At least one of the combined parcels must either be developed, or if vacant must be developable (i.e. the development rights on at least one lot have not been previously retired). The second method is the recordation of an open space dedication on the entire parcel, and the dedication of the parcel in fee title to a public agency. Section 22.44.2140 contains the provisions that require that the required development right

extinguishment, lot combinations (if applicable), and dedication in fee title (if applicable) are carried out as a condition(s) of approval of the CDP.

Additionally, Section 22.44.2140 requires that CDPs approved for development in rural villages be conditioned to require the recordation of a future improvements deed restriction on the project site. The required deed restriction will state that any additions or improvements to the approved structure(s) will require the approval of an amendment to the CDP or a new CDP. The required deed restriction shall also state that the exemptions otherwise provided in the LIP shall not apply and that any structures on the site shall be limited by the maximum allowable GSA. Requiring any improvements to be considered in a CDP will ensure that the rural village development provisions will apply. The fact that the future development restrictions are recorded against the deed of the property will also give notice of the requirements to future owners.

Several suggested modifications relating to technical requirements for lot retirement and lot combination are necessary in Section 22.44.2140 of the LIP. Modifications are suggested with regard to the recordation of an open space easement, open space deed restriction, and future improvements deed restriction. These documents need to be recorded free of prior liens to assure that they are not removed from title in the case of foreclosure or other proceedings.

Further, additional language is suggested to detail the lot combination methods that can be employed. The proposed Section 22.44.2140 states that lot combination must be accomplished through reversion to acreage or merger. However, each of these procedures are complicated procedurally and seem to have limited applicability. Reversion to acreage (Section 22.44.650) applies only to properties that have previously been subdivided through tract map or parcel map. The lot merger provisions of Section 22.44.660 only apply where the County initiates the merger of contiguous lots owned by the same person where at least one of the parcels does not conform to standards for minimum lot or parcel size. A third method of lot is provided in Section 22.44.650(I), which states that contiguous parcels under common ownership may be merged without reverting to acreage by filing a request for merger consistent with the standards and procedures for obtaining a certificate of compliance. Following review and approval by the Director, a Notice of Merger and a covenant and agreement to hold property as one parcel are recorded.

As discussed above, Section 22.44.680(H) is suggested to be added to allow applicants to merge contiguous parcels under common ownership through the approval of a lot line adjustment. Lot line adjustments, if approved through a minor CDP, are effectuated through the recordation of a certificate of compliance with a new legal description of the lot resulting from the merger in addition to a deed or record of survey. The recordation of the certificate of compliance with new legal description and a deed or record of survey will ensure that the newly created lot is recognized as one unified parcel for all purposes, including, but not limited to, sale, conveyance, lease, development, taxation or encumbrance. The merger by lot line adjustment is preferred to merger through covenant and agreement for ensuring that merged lots remain unified. As such, Section 22.44.1230 is suggested to be modified to provide that the combination of a retired lot(s) with a developed or buildable lot(s) shall be accomplished by one of the following methods: 1) reversion to acreage pursuant to the provisions of Section 22.44.650, excluding subsection I; 2)-merger pursuant to the provisions of Section 22.44.660; or 3) merger through a lot line adjustment, in accordance with subsection H of Section 22.44.680.

Finally, language is suggested that requires the applicant to ensure that the development rights extinguishment and lot mergers are accurately reflected in the records of the County Tax Assessor. This is intended to assure that once development potential on a lot is retired that this information is

considered in future land assessments. It will also ensure that, through merger, the restrictions on these retired lots will remain in effect and enforceable. Potential tax defaults and involuntary, unplanned transfer (through tax lien foreclosure sales) of these lots will be minimized by combining retired TDC parcels with at least one buildable parcel.

As suggested to be modified, the rural village provisions of the LIP are consistent with and adequate to carry out the applicable policies of the LUP.

5. Land Divisions

The definition of development (LUP Glossary) includes land divisions, as follows:

> "…. subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use …"

Because they constitute development, all land divisions must be authorized in a coastal development permit. Land divisions include subdivisions (through parcel map, tract map, grant deed or any other method), lot line adjustments, redivisions, lot legalization, reversion to acreage, and mergers. Land divisions also include "lot legalization" which is the granting of legal recognition to a lot that was purported to be created in the past through a land division that was illegal at the time it was carried out because it failed to comply with applicable state laws or local ordinances at the time. A CDP to legalize an illegally created lot, if approved, would authorize the land division that created the parcel "after-the-fact".

Numerous LUP policies require that land divisions minimize impacts to coastal resources and public access. Policy CO-75 provides that land divisions shall only be permitted where each new parcel contains a building site, access road and required fuel modification area for structures within the building site that are all located outside of H1 habitat, H1 buffer, and H2 "High Scrutiny" habitat. Additionally, the LUP was approved with a suggested modification to CO-75 that provides for the approval of land divisions in H2 habitat only in accordance with all applicable policies of the LCP, and where substantial evidence demonstrates that each new parcel being created through subdivision or being reconfigured through a lot line adjustment contains an identified, feasible building site, and any necessary access road thereto that will cluster and concentrate development in areas able to accommodate the development consistent with all other policies of the LCP and in compliance with the following: 1) the proposed parcels are configured and building sites are sited and designed to ensure that future structures will have overlapping fuel modification zones and in no case shall the proposed building sites be located more than 100 feet apart; 2) the building site on each newly created parcel is located no more than 200 feet from an existing public roadway and is capable of being served by existing power and water service; 3) each building site is located only on slopes of 3:1 or less; 4) the proposed newly created parcels shall be within 1/4 mile of existing developed parcels; 5) land divisions on parcels adjacent to public parklands or parcels restricted as permanent open space are prohibited; and 6) a TDC retiring a lot that is greater than seven acres in size and contains 100 percent H2 habitat shall be required for the creation of any new parcel in H2 habitat. Finally, CO-75 requires that the County must make a finding that the land division and associated TDC will result in the transfer and concentration of existing development rights to a location that results in the preservation of H2 habitat in a manner that is superior to the pre-land division lot configuration if developed.

Finally, CO-75 allows for the creation of a new open space parcel in any habitat category as long as it dedicated only to open space in perpetuity.

Policy LU-9 contains provisions similar to CO-75, although it does not address land divisions proposed in H1 habitat areas. LU-17 states that land divisions outside existing developed areas can only be permitted in areas with adequate public services, where they will not have significant adverse effects, either individually or cumulatively, on coastal resources, and when they will not create parcels that would be smaller than the average size of surrounding parcels. LU-18 allows land divisions only where they are consistent with all applicable LCP policies, including the density designated by the Land Use Policy Map and, in those areas in which one or more of the resource protection and special management overlays apply, with the special policies, standards, and provisions of the pertinent overlay(s). Allowable densities are stated as maximums. Compliance with the other policies of the LCP may further limit the maximum allowable density of development.

Policy LU-19 specifies that land divisions shall not be considered the principal permitted use in any land use category. As such any CDP that includes a land division as part of the project would be appealable to the Commission. LU-20 states that land divisions shall be designed to cluster development, including building pads, if any, in order to minimize site disturbance, landform alteration, and removal of native vegetation, to minimize required fuel modification, and to maximize open space. LU-21 requires that subsequent development on a parcel created through a land division shall conform to all provisions of the approved land division permit, including, but not limited to, the building site location, access road/driveway design, and grading design and volumes.

Proposed Local Implementation Plan Provisions

Section 22.44.640 provides the development standards that apply to land divisions. The LIP requires that a Major CDP be approved for a tract map (subdivision creating five or more parcels) and that a Minor CDP be approved for all other land divisions, including parcel maps (subdivision creating four or fewer parcels), lot line adjustment, lot legalization, reversion to acreage, or merger. The provisions of 22.44.640 require that land divisions are consistent with the maximum density allowed by the LCP, that the building sites on each lot are clustered, and that no lots are created that would require construction of a road or driveway in H1 habitat, H1 buffer, H1 Quiet Zone, or on a coastal bluff or beach. The land division must be designed to avoid or minimize impacts to visual resources. Each lot to be created in a land division must contain a building site that can be developed consistent with all policies and standards of the LCP, that is safe from hazards, that is located in an area with adequate public services, that can accommodate an onsite wastewater treatment system, that does not contain (and structures constructed within the building site would not require fuel modification in) H1 habitat, H1 buffer, H1 Quiet Zone, or H2 High Scrutiny areas. Finally, Section 22.44.640 requires that all CDPs approving land divisions be conditioned to require that one TDC must be retired for each new parcel created.

Suggested Modifications to Section 22.44.640 are necessary to reflect suggested modifications made to the LUP policies, to incorporate the requirements of other policies, as well as other clarifications. Language is suggested to require that any CDP for a land division includes the approval of a building site, access road, driveway, and grading for each parcel (except for parcels dedicated to open space). Future development of each parcel must conform to the approved building site, road, driveway and grading. It is important to review these aspects at the time of parcel creation to ensure that the parcel layout will avoid impacts to biological and other coastal resources. Additionally, it is necessary to add a provision that an approved land division does not create any parcels that are smaller than the average

size of surrounding parcels, in order to ensure consistency with Policy LU-17. Further, language is suggested to incorporate additional provisions for land divisions of land containing H2 habitat areas, in order to assure consistency with LUP Policy CO-75. Finally, several modifications are suggested to clarify the standards that apply to land divisions.

Reversion to Acreage

LIP Section 22.44.650 provides for reversions to acreage, which allows property that was previously subdivided to be reverted back to the acreage existing before the subdivision was effectuated. This section also provides that contiguous lots in common ownership can be merged without reverting to acreage when, after approval by the Director, a Notice of Merger and a covenant and agreement to hold property as one parcel is recorded. Several technical modifications are suggested to Section 22.44.650 to clarify requirements. Further, it is necessary to suggest modifications to subsection I (regarding merging without reverting to acreage) in order to indicate that merger of two or more parcels for the purposes of combining parcels making up the building site or adding to the maximum GSA in rural villages (pursuant to Section 22.44.2140), or for the retirement of TDCs (pursuant to Section 22.44.1230) may not be accomplished through the provisions of that subsection. This modification is necessary to ensure consistency with the provisions of Sections 22.44.2140 and 22.44.1230, which each require that merger of parcels required therein must be effectuated through reversion to acreage (Section 22.44.650, excluding subsection I), merger (Section 22.44.660), or lot line adjustment (Section 22.44.680). Finally, subsection I of Section 22.44.650 is suggested to be modified to state that the merger of two or more parcels as a means of reversing an illegal division of property shall be accomplished through a lot line adjustment (Section 22.44.680) in order to ensure consistency with LUP Policy CO-#.

Lot Legalization

It is critical, given the sensitivity and importance of biological and scenic resources in the Santa Monica Mountains that there be provisions to regulate the legalization of illegally created parcels. It appears that the incremental contribution to cumulative impacts from the legalization of an illegal lot would be just the creation of the one additional lot, presumably leading to the development and maintenance of one additional residence. However, the legalization of one parcel created through an illegal land division could be seen as providing tacit approval of the entire illegal land division, in essence creating several lots from one parent parcel. If the parent parcel contains SERA, is in a visual resource or hazard area, or contains other coastal resources, the cumulative adverse impacts of legalizing additional parcels would be significant. Such legalization constitutes a land division that must comply with all policies and provisions of the LCP in order to ensure the protection of coastal resources.

It is important in considering lot legality to know the State Law and County ordinances that apply to land divisions. The Subdivision Map Act (SMA) [Cal. Gov't Code §§66410 *et seq.*] is a state law that sets statewide standards for the division of land that are implemented by local governments through their ordinances. Among other requirements, the SMA currently requires that all divisions of land must be approved by the local government through a parcel map (for the division of four or fewer parcels) or a tract map (for the division of five or more parcels). Prior to legislative changes to the SMA that were effective March 4, 1972, the SMA did not require approval for divisions of fewer than five parcels (although the division of five or more parcels did require a tract map approval).

However, prior to March 4, 1972, the SMA did provide that a local government could adopt ordinances to regulate the division of fewer than five parcels, so long as the provisions of such an ordinance were not inconsistent with the SMA. The County of Los Angeles adopted Ordinance No. 9404 (effective September 22, 1967) to regulate land divisions of fewer than five parcels. This ordinance required the approval of a "Certificate of Exception" for a "minor land division", which was defined as: "…any parcel or contiguous parcels of land which are divided for the purpose of transfer of title, sale, lease, or financing, whether present or future, into two, three, or four parcels…". This ordinance provided standards for road easements, and other improvements. After March 4, 1972, when the SMA included a statewide requirement for the approval of a parcel map for divisions of fewer than five parcels, the County of Los Angeles abandoned the "Certificate of Exception" requirement and began requiring the approval of a parcel map instead.

The SMA contains provisions that prohibit the sale, lease, or finance of any parcels for which a final map approval is required until such map is approved and recorded. *See* Cal. Gov't Code §66499.30. The SMA also provides that any owner of property may request that the local government determine whether the property complies with the provisions of the SMA and local subdivision ordinances. *Id.* at §66499.35. If the local government, in this case, Los Angeles County, determines that the property complies, the County shall issue a "certificate of compliance", which will be recorded[2]. If the County determines that the property does not comply with the SMA or local ordinances, then it shall issue a "conditional certificate of compliance"[3]. The conditional C of C will be subject to conditions that would have been applicable to the division of the property at the time that the owner acquired it. If the applicant was the owner who divided the property in violation of the SMA, then the County may impose any conditions that would be applicable to a land division at the time the certificate of compliance is issued.

Finally, the Coastal Act requires a coastal development permit prior to undertaking "development", which includes: "…change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits…" (Coastal Act Section 30106). The land division that purported to create parcels using a method that did not comply with the state laws or local ordinances in place at the time of the purported creation requires the approval of a CDP for purposes of the Coastal when the land division and/or a certificate of compliance for one or more of the parcels involved in the land division occurred after the effective date of the Coastal Act (January 1, 1977). The vested rights exemption allows the completion or continuance of development that was commenced prior to the Coastal Act without a coastal development permit only if, among other things, all other necessary and required permits were obtained. However, the unpermitted subdivision of land cannot be considered vested or "grandfathered" development because it did not occur in compliance with the applicable laws and regulations (including the SMA and Los Angeles County subdivision ordinances). As such, the application of a property owner for a certificate of compliance and the subsequent issuance of a certificate of compliance, after the effective date of the Coastal Act, which "legalizes" a lot for purposes of the Subdivision Map Act, is considered a land division that requires a coastal development permit, pursuant to the provisions of the Coastal Act, to be effective.

[2] This type of certificate of compliance, issued pursuant to Gov't Code section 66499.35(a), is commonly known as an "exempt," "unconditional," or "straight" C of C, in that it indicates that the parcel was created legally or before there were regulations, and it cannot be made subject to conditions.

[3] This type of certificate of compliance is issued pursuant to Gov't Code § 66499.35(b).

The approved LUP includes lot legalization as an activity within the definition of land division, so, the land division policies described above apply equally to lot legalization. Additionally, numerous LUP policies make reference to development that may be allowed on "legal lots", so a procedure is necessary for determining whether a lot was created legally and to provide for lots that were not created legally to be legalized is consistent with the land division standards.

Proposed Local Implementation Plan Provisions

LIP Section 22.44.670 contains the provisions for legalizing parcels that were purported to be created using a method that did not comply with the state laws or local ordinances in place at the time of the purported creation. Commission staff and County staff coordinated extensively to arrive at the agreed upon provisions regarding lot legalization. The revisions to this section are reflected in Attachment A.

As suggested to be modified, Section 22.44.670.A provides that a minor CDP shall be required for the land division creating a lot where all of the following are true: 1) the County issued a certificate of compliance between January 1, 1977 (the effective date of the Coastal Act) and the effective certification of the LCP; 2) the lot was created by a method that did not comply with the laws in effect at the time of creation, based on evidence provided by the applicant pursuant to Section 22.44.840.O.3; and 3) the land division did not receive a CDP granted by the Coastal Commission. In such a case, the land division must receive a minor CDP for that lot to be considered legal for purposes of the Coastal Act.

Section 22.44.670.B provides that where the County considers a certificate of compliance after certification of the LCP and, based on evidence provided by the applicant pursuant to Section 22.44.840.O.3, the lot was created by a method that did not comply with the laws in effect at the time of creation, the County will issue a conditional certificate of compliance with a condition requiring a minor CDP to legalize the lot for purposes of the Coastal Act.

Section 22.44.670.C establishes the standards by which a minor CDP to allow the legalization of a land division may be approved. The land division may be approved if it complies with all policies and standards of the LCP. If the land division does not comply with some provisions of the LCP, it may be approved if all of the following are true: there is existing, lawfully established residential development on one or more of the parcels created in the illegal land division; the owner of the parcel in question does not own any of the developed parcels; and the owner of the parcel in question acquired it prior to certification of the LCP and is a good-faith, bona fide purchaser for value. If the land division does not meet the criteria of Section 22.44.670.C, it shall be denied. Finally, Section 22.44.670.D requires that any minor CDP approved to legalize a lot shall include a condition requiring the applicant to retire one TDC for each parcel legalized in accordance with Section 22.44.1230

<u>Lot Line Adjustments</u>

While lot line adjustment is a form of land division, there are specific requirements pertaining to lot line adjustments in the LUP. An un-numbered policy (CO-#)[4] was added to the LUP as a suggested modification to address lot line adjustments. CO-# states that lot line adjustments may be approved between existing, legally created parcels, only where consistent with Policy CO-75. If the existing, legally-created parcels do not meet the requirement of Policy CO-75, then a lot line adjustment may

[4] This policy, required by LUP Suggested Modification , was given a generic "#" symbol in the approved LUP rather than a specific number in order to give the County flexibility in assigning it a specific number in the final adopted LUP document.

only be approved where it is demonstrated that the reconfigured parcels: (1) can accommodate development that more closely conforms to LCP policies than development on the existing parcels could; (2) will not increase the amount of H2 habitat that would be removed or modified by development on each of the existing parcels (including necessary roads and fuel modification); and (3) will not increase the amount of landform alteration or have greater adverse impacts to scenic and visual resources than would have occurred from development on the existing parcels. Minor lot line adjustments between existing lawfully-developed parcels may be authorized provided the adjustment would not adversely impact H1 habitat, H1 habitat buffer, H2 habitat, or scenic resources. Finally, lot line adjustments for the sole purpose of combining two or more parcels may also be authorized as a means of reversing a purported but illegal division of property.

LIP Section 22.44.680 provides standards for the approval of lot line adjustments through a minor CDP. This section requires lot line adjustments to be consistent with the same standards required of land divisions, as detailed in Section 22.44.640, along with additional requirements. Several of the additional requirements did not actually pertain to lot line adjustments, so this section is suggested to be modified to eliminate the unnecessary requirements.

Additional modifications are suggested to ensure that Section 22.44.680 conforms to Policy CO-#. As suggested to be modified, Section 22.44.680 provides that if the existing, legally-created parcels that are proposed to be adjusted do not themselves meet the land division requirements, then a lot line adjustment may only be approved where it is demonstrated that the reconfigured parcels: (1) can accommodate development that more closely conforms to LCP policies than development on the existing parcels could; (2) will not increase the amount of H2 habitat that would be removed or modified by development on each of the existing parcels (including necessary roads and fuel modification); and (3) will not increase the amount of landform alteration or have greater adverse impacts to scenic and visual resources than would have occurred from development on the existing parcels. Minor lot line adjustments between existing lawfully-developed parcels may be authorized provided the adjustment would not adversely impact H1 habitat, H1 habitat buffer, H2 habitat, or scenic resources.

Section 22.44.680.I is suggested to be added to provide that lot line adjustments for the sole purpose of combining two or more parcels may be authorized as a means of reversing a purported but illegal division of property. Additionally, Section 22.44.680.H is suggested to be added to allow applicants to merge contiguous parcels under common ownership through the approval of a lot line adjustment. Lot line adjustments, if approved through a minor CDP, are effectuated through the recordation of a certificate of compliance with a new legal description of the lot resulting from the merger in addition to a deed or record of survey. The recordation of the certificate of compliance with new legal description and a deed or record of survey will ensure that the newly created lot is recognized as one unified parcel for all purposes, including, but not limited to, sale, conveyance, lease, development, taxation or encumbrance.

Conclusion

In conclusion, the Commission finds that the land division provisions (Sections 22.44.640 through 22.44.680), if modified as suggested, conform to and are adequate to carry out the land division and other applicable policies of the approved LUP.

6. Lot Retirement and Cumulative Impacts of Development

Land divisions and the development of multi-family residential projects increase the number of parcels and/or the number of residential units that can be built over the number of existing parcels in an area. The Commission has long recognized that adverse cumulative impacts to coastal resources would result from an increase in the overall number of parcels in the Santa Monica Mountains coastal zone area, particularly given the large number of undeveloped parcels and the limited availability of urban services. The Commission has consistently required the mitigation of the cumulative impacts of creating new lots through subdivision and of developing multi-family units by retirement of future development rights on existing parcels within the Santa Monica Mountains region. The retirement process has been previously formalized as the Transfer of Development Credit (TDC) Program. The TDC program has been previously implemented by the Commission through permit actions to mitigate the cumulative impacts caused by the existence of a large number of undeveloped parcels, the limited availability of public services, the impacts to major coastal access routes and the potential significant adverse environmental impacts that would result from developing the parcels and of providing services. In addition, The TDC Program was incorporated into the City of Malibu Local Coastal Program which was adopted by the Commission on September 13, 2002.

The LUP provides for a lot retirement program designed to minimize the individual and cumulative impacts of subdivisions and multifamily development and of the potential buildout of existing parcels that are located in H2 or other constrained areas while still allowing for the creation of parcels in areas with fewer constraints. LUP Policies LU-13 through LU-16 recognize that the cumulative impact of buildout throughout the region affects coastal resources and public access and as such require that the TDC program be implemented on a region-wide basis, including the City as well as the unincorporated area of the Santa Monica Mountains that is within the coastal zone. The primary purpose of the TDC Program is to allow for the retirement of development potential of developable lots in order to minimize adverse cumulative impacts from new development. The TDC program requires that there is no net increase in the total number of lots existing in the coastal zone area of the Santa Monica Mountains. This ensures that the cumulative impacts of traffic, septic effluent, runoff, and vegetation removal are not increased by increasing the overall number of lots that could be developed.

LUP Policy CO-14 includes the requirement that any land division resulting in the creation of additional lots in H3 habitat, second residential units, or multi-family residential units must be conditioned upon the retirement of one development credit (TDC) for every new lot or unit created. Lots that contain H2 habitat, rural village parcels, or lots adjacent to H1 habitat or parklands can be retired as mitigation for new lots created in H3 habitat, second units, or multi-family development.

Policy LU-# states that for each new lot created in H2 habitat, one TDC must be retired. Lots that contain H2 habitat and exceed seven acres in size can be retired as mitigation for new lots created in H2 habitat.

It is important that the mechanism by which TDC lots are retired ensures that the lots remain restricted in perpetuity. Policy LU-15 requires that all TDC lots have all development potential extinguished and that they are combined/merged with an adjoining buildable parcel(s), and that such actions are accurately reflected in the records of the County Tax Assessor.

Proposed Local Implementation Plan Provisions

Section 22.44.1230 contains the provisions that carry out the TDC program. This section details the various forms of development that are required to participate in the TDC program, and how the number of TDC credits required is determined. Modifications are suggested to Section 22.44.1230 to reflect the changes made in Section 22.44.1370 regarding the characterization of second units, senior citizen residences, and habitable accessory structures.

Further, modifications are suggested to Section 22.44.1230 in order to reflect suggested modifications to LUP Policies LU-14, LU-15, and LU-22, and the addition of Policy LU-# that are part of the approved LUP. These changes include revisions to the qualifying criteria to include the retirement of a parcel over seven acres in size and containing 100 percent H2 habitat for the creation of on new parcel in H2 habitat.

The LIP provides that the development rights on TDC lots are extinguished through one of two methods. The first method is the dedication of an open space easement to a public entity and the combination of the retired parcel with one or more other contiguous parcels. At least one of the combined parcels must either be developed, or if vacant must be developable (i.e. the development rights on at least one lot have not been previously retired). The second method is the recordation of an open space deed restriction on the entire parcel, and the dedication of the parcel in fee title to a public agency. Section 22.44.1230 contains the provisions that require that the required development right extinguishment, lot combinations (if applicable), and dedication in fee title (if applicable) are carried out as a condition(s) of approval of the CDP.

Several suggested modifications relating to technical requirements for lot retirement and lot combination are necessary in Section 22.44.1230 of the LIP. Modifications are suggested with regard to the recordation of an open space easement or open space deed restriction to carry out the development extinguishment. These documents need to be recorded free of prior liens to assure that they are not removed from title in the case of foreclosure or other proceedings.

Further, additional language is suggested to detail the lot combination methods that can be employed. The proposed Section 22.44.1230 states that lot combination must be accomplished through reversion to acreage or merger. However, each of these procedures are complicated procedurally and seem to have limited applicability. Reversion to acreage (Section 22.44.650) applies only to properties that have previously been subdivided through tract map or parcel map. The lot merger provisions of Section 22.44.660 only apply where the County initiates the merger of contiguous lots owned by the same person where at least one of the parcels does not conform to standards for minimum lot or parcel size. A third method of lot is provided in Section 22.44.650. I, which states that contiguous parcels under common ownership may be merged without reverting to acreage by filing a request for merger consistent with the standards and procedures for obtaining a certificate of compliance. Following review and approval by the Director, a Notice of Merger and a covenant and agreement to hold property as one parcel are recorded.

As discussed above, Section 22.44.680.H is suggested to be added to allow applicants to merge contiguous parcels under common ownership through the approval of a lot line adjustment. Lot line adjustments, if approved through a minor CDP, are effectuated through the recordation of a certificate of compliance with a new legal description of the lot resulting from the merger in addition to a deed or record of survey. The recordation of the certificate of compliance with new legal description and a

deed or record of survey will ensure that the newly created lot is recognized as one unified parcel for all purposes, including, but not limited to, sale, conveyance, lease, development, taxation or encumbrance. The merger by lot line adjustment is preferred to merger through covenant and agreement for ensuring that merged lots remain unified. As such, Section 22.44.1230 is suggested to be modified to provide that the combination of a retired lot(s) with a developed or buildable lot(s) shall be accomplished by one of the following methods: 1) reversion to acreage pursuant to the provisions of Section 22.44.650, excluding subsection I; 2) merger pursuant to the provisions of Section 22.44.660; or 3) merger through a lot line adjustment, in accordance with subsection H of Section 22.44.680.

Finally, language is suggested that requires the applicant to ensure that the development rights extinguishment and lot mergers are accurately reflected in the records of the County Tax Assessor. This is intended to assure that once development potential on a lot is retired that this information is considered in future land assessments. It will also ensure that, through merger, the restrictions on these retired lots will remain in effect and enforceable. Potential tax defaults and involuntary, unplanned transfer (through tax lien foreclosure sales) of these lots will be minimized by combining retired TDC parcels with at least one buildable parcel. The Commission finds that the transfer of development credit provisions of the LIP, if modified as suggested, conform with and are adequate to carry out the applicable policies of the LUP.

7. Telecommunication Facility Policies

LUP Policy CO-152 requires that all wireless and other telecommunication facilities and related support structures be sited and designed to avoid or minimize impacts to all coastal resources, consistent with all other applicable provisions of the LCP. Pursuant to Policy LU-51, new transmission lines and support structures shall be placed underground where feasible. Further, the LUP indicates that all such facilities shall be a permitted use in all zoning designations.

Section 22.44.1330 of the proposed LIP provides the siting, development, and design standards for the development of wireless and other telecommunication facilities. However, only minor additions and clarifications are required to ensure the provisions are consistent with the policies of the approved LUP and the other provisions of the LIP. The Commission finds that the LIP, as suggested to be modified, conforms with and is adequate to carry out the applicable policies of the LUP.

8. Archaeological, Paleontological, and Historic Cultural Resources

The greater province of the Santa Monica Mountains is the locus of one of the most important concentrations of archaeological sites in Southern California. Although most of the area has not been systematically surveyed to compile an inventory, the sites already recorded are sufficient in both numbers and diversity to predict the ultimate significance of these unique resources. As so many archaeological sites have been destroyed or damaged as a result of development activity or natural processes, the remaining sites, even if they are less rich in materials, have become increasingly valuable. Additionally, because archaeological sites, if studied collectively, may provide information on subsistence and settlement patterns, the loss of individual sites can reduce the scientific value of the sites that remain intact.

New development on natural sites or additional development on natural areas of developed sites can damage or destroy archaeological resources. Site preparation can disturb and/or obliterate archaeological materials to such an extent that the information that could have been derived would be lost. If a project is not properly monitored and managed during construction activities, archaeological

resources can be degraded or destroyed. The policies of the approved LUP (Policies CO-199 through CO-210) require that new development protect and preserve archaeological, historical, and paleontological resources from destruction and avoid and minimize impacts to such resources. If cultural resources are identified on the project site, the development must be designed to protect or avoid such resources, consistent with the recommendations of the archaeologist. Where project alternatives cannot avoid all impacts to archaeological or paleontological resources, reasonable mitigation measures shall be required. In addition to protecting cultural resources, and implementing mitigation measures, all grading, excavation, and site preparation that involves earth-moving operations for new development must be monitored by a qualified archaeologist and appropriate Native American consultants.

Proposed Local Implementation Plan Provisions

The proposed LIP (Section 22.44.840(X)) requires that as part of CDP applications for new development that are located in areas identified by the County or State as archaeologically sensitive, a site survey and archaeology report is required to be prepared by a qualified archaeologist. Section 22.44.840(X) also states that any resources are found in the area of a proposed development site, the resources shall be collected and maintained at the Santa Monica Mountains National Recreation Area Visitor Center, at the Los Angeles County Natural History Museum, or as otherwise required by State law. In the event of discovery of Native American remains or of grave goods, State law shall apply. However, the proposed provisions do not address paleontological or historic cultural resources. The proposed provisions are also not specific enough about the contents of the required study report or the analysis that should be conducted to determine the best method to preserve resources. Further, there are no specific development standards proposed to carry out the requirements of the LUP and State law.

In order to carry out the LUP policies discussed above, modifications to Section 22.44.840(X) and the addition of a new section to the LIP (Section 22.44.1570) are required. The suggested modifications of Attachment A add Section 22.44.1570, which provides the specific implementation measures and standards for review of projects with known or potential cultural resources. The provisions require consultation with the Native American Heritage Commission, State Historic Preservation Officer, the County's Native American Cultural Resources Advisory Committee, the County Native American Cultural Resource Manager, and the Most Likely Descendent in each phase of a cultural resource review to consider the presence of cultural resources, adverse impacts to such resources resulting from proposed development, alternative project designs to minimize impacts, and mitigation measures to mitigate impacts that cannot be avoided through siting or design alternatives.

As suggested to be modified, the archaeological, paleontological, and historic cultural resource provisions of the LIP are consistent with and adequate to carry out the applicable policies of the LUP.

F. PUBLIC ACCESS AND RECREATION

There is a number of Public Access and Recreation policies of the approved LUP (Policies CO-155 through CO-186 and five additional policies (CO-#) added to the approved LUP as suggested modifications – See Attachment B)). The approved policies recognize that the beaches, parklands, and trails located within the coastal zone of the Santa Monica Mountains provide a wide range of recreational opportunities in natural settings which include hiking, equestrian activities, bicycling, camping, educational study, picnicking, and coastal access. The LUP requires that these recreational

opportunities be protected, and where feasible, expanded or enhanced as a resource of regional, State and national importance. The LUP also requires protection of lower-cost visitor-serving and recreational facilities shall be protected, encouraged, and, where feasible, provided. The LUP recognizes that priority shall be given to the development of visitor-serving commercial and/or recreational uses that complement public recreation areas or supply recreational opportunities not currently available in public parks or beaches. The LUP further requires the identification of the California Coastal Trail (CCT) through the Plan area.

Proposed Local Implementation Plan Provisions

LIP Section 22.44.1390 – Public Access and Trail Requirements - provides implementation provisions to carry out Policy CO-181 of the approved LUP, which requires protection and enhancement of the County's existing and proposed trails in the Plan area. LIP 22.44.1390(A) though (G) outline requirements and procedures for acquiring and recording inland trail and shoreline access easements as a condition of a CDP. Suggested Modifications to these provisions are necessary to ensure the proposed LIP provisions of this section are legally adequate, include the required procedures and processes to ensure inland trail and shoreline accessways are protected and provided for, where appropriate, as required under LUP Policy CO-181.

LUP policies CO-162 and CO-163 require the County to identify and define the CCT. The proposed LIP did not include implementing provisions to carry out these LUP polices. Therefore, LIP Section 22.44.1390 is suggested to be modified to include new subsection (H) which requires the County to identify and define the CCT through the Plan area. This new subsection also includes specific implementation and design objectives for the CCT.

One of the public access and recreation policies that was added to the approved LUP as a suggested modification (CO-#) requires the County to consult with local, State and Federal park agencies and jurisdictions to periodically update Recreation Map of the LUP (Map 4) to reflect up-to-date information regarding public trails and other public recreation facilities. Therefore, Section 22.44.1390 is suggested to be modified to add subsection (I) which requires periodic updates to the LUP Recreation Map to reflect changes to existing or proposed trail alignments in consultation with local, State and Federal park agencies and jurisdictions. As modified, Section 22.44.1390 will adequately carry out the public recreation and trail policies of the above referenced approved LUP policies.

LIP Sections 22.44.1710 through 22.44.1780 and Section 22.44.1400 provide that parks, trails playgrounds, and beaches, including resource dependent recreational facilities, are an allowed use in all zoning designations in order to maximize public access and recreation opportunities within the plan area, consistent with the policies of the approved LUP.

LIP Section 22.44.1400 – Parks, Trails, Playgrounds and Beaches – provides implementation provisions to regulate uses and provide additional development standards for parks. LIP Section 22.44.1400 is suggested to be modified to clarify and refine the language of this section and modify the permit requirements for specific park development, uses, and facilities. In addition, proposed Section 22.44.1400(D) requires a minor CDP for "Private Temporary Uses" at parks, including public parkland. This provision, as proposed, is too broad and could be interpreted to require a minor CDP for any temporary private use or event on public parkland, including film shoots, occasional weddings or other similar intermittent events. This could potentially include those that may otherwise be exempt from a CDP, and without consideration of its potential for adverse impacts to coastal resources or

public access. Therefore, the following use provision of Section 22.44.1400(D) is required to be modified as follows:

-- *Private ~~temporary uses~~, recurring, for-fee temporary events that increase the intensity of use and have the potential for adverse impacts on public access or coastal resources, and which are not otherwise exempt from a CDP pursuant to Section 22.44.820.*

The provision, as revised, makes it clear that not all private temporary non-recurring uses at parks require a minor CDP, only the recurring for-fee private events that increase the intensity of use and have the potential for adverse impacts to coastal resources or public access.

Additional suggested modifications are also required to add new subsections (F) through (I) to LIP Section 22.44.1400 (Attachment A). These new implementation provisions are necessary to carry out LUP Policies CO-156, CO-159, CO-164, CO-167, CO-169, CO-175, CO-176, CO-181, and two other LUP policies (CO-#) that were added to the LUP as suggested modifications. The clarifying language and new subsections (F) through (I) to Section 22.44.1400, pursuant to the suggested modifications included in Attachment A, are adequate to implement the approved applicable LUP policies.

Section 22.44.1410 of the proposed LIP provides detailed implementation provisions and standards to regulate vehicle parking requirements for new development. LUP Policies CO-172, CO-173 and CO-174 require that sufficient parking must be provided to serve recreational uses; new development must provide adequate off-street parking; and implementation of parking restrictions that would impede public access to beaches, trails and parklands are prohibited. LIP Section 22.44.1410 is suggested to be modified to refine and clarify the proposed provisions and add implementing provisions to carry out LUP policies CO-172, CO-173 and CO-174. Subsection EE has been added to Section 22.44.1410, pursuant to the suggested modifications of Attachment A, to include the requirement that adequate parking to serve recreation uses be provided. Existing parking areas serving recreational uses shall not be displaced unless a comparable replacement area is provided. Further, new development shall provide off-street parking sufficient to serve the approved use to minimize impacts to public street parking available for coastal access and recreation. Off-street parking for private use shall be adequate for the use, but may be reasonably restricted to protect existing uses or public safety where it is demonstrated that the proximity to a public area with a parking fee is causing the private area to be used for parking instead of the public parking area. In addition, the implementation of restrictions on public parking (including, but not limited to, the posting of “no parking” signs, red curbing, physical barriers, imposition of maximum parking time periods, and preferential parking programs) is development that requires a CDP. Any public parking restrictions that would impede or restrict public access to beaches, trails or parklands, shall be prohibited except where such restrictions are needed to protect public safety and where no other feasible alternative exists to provide public safety. Where feasible, an equivalent number of public parking spaces shall be provided nearby as mitigation for impacts to coastal access and recreation. If modified as suggested, LIP Section 22.44.1410 is adequate to implement and carry out the parking and public access policies of the approved LUP.

LIP Section 22.44.1550 addresses lower cost visitor-serving facilities and provides implementation provisions to protect, encourage and provide, where feasible, new lower cost visitor serving uses in the Plan area as required pursuant to LUP Policies CO-159 and CO-169. In order to fully implement the policies of the approved LUP, Section 22.44.1550 is suggested to be modified to add that lower cost visitor-serving and recreational facilities, including overnight accommodations, shall be protected, encouraged, and, to the extent where feasible, new lower cost visitor-serving uses shall be encouraged and provided within the Coastal Zone. Developments providing public recreational opportunities are

preferred. Priority shall be given to the development of visitor-serving commercial and/or recreational uses that complement public recreation areas or supply recreational opportunities not currently available in public parks or beaches. Visitor-serving commercial and/or recreational uses may be located near public park and recreation areas only if the scale and intensity of the visitor-serving commercial recreational uses is compatible with the character of the nearby parkland and all applicable provisions of the LCP. Further, the use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall be given priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry. New visitor-serving commercial uses shall not displace existing low-cost visitor-serving commercial recreational uses unless a comparable replacement low-cost visitor-serving commercial recreational use is provided. Low-cost recreation shall not be displaced by new visitor-serving commercial facilities unless replaced, and the County shall prioritize visitor-serving commercial and recreational uses to the extent feasible. If modified as suggested, LIP Section 22.44.1550 is adequate to implement Policies CO-159 and CO-169 of the approved LUP.

Section 22.44.2160 is suggested to be modified to add sub-sections (P) and (Q) to provide provisions to implement three approved LUP policies pertaining to shoreline public access that were added as a suggested modification to the LUP (Attachment B). The added provisions require that development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation. In addition, public access from the nearest public roadway to the shoreline (vertical public access) and along the coast (lateral public access) shall be provided in new development projects except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or (3) agriculture would be adversely affected. Dedicated accessways shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway. New shoreline armoring projects, or substantial additions to existing shoreline protective structures that would extend the protective armoring seaward of the existing structure, necessary to protect existing public facilities, highways/roadways and infrastructure from erosion, wave action and high tides shall be sited and designed as far landward as feasible to avoid encroachment onto sandy or rocky beach areas. Public vertical beach accessways shall be incorporated into the design of these protective structures at intervals no less than 300 linear feet. Where feasible disabled accessible public lateral accessways shall be constructed on the landward side of the shoreline protective work and/or disabled accessible scenic overlooks shall be incorporated into the design of the protective structure. Accessways to and along the shoreline shall be sited, designed, and managed to avoid and/or protect marine mammal hauling grounds, seabird nesting and roosting sites, sensitive rocky points and intertidal areas, and coastal dunes. Further, oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and future foreseeable demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area. Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

The Commission finds that the public access and recreation provisions of the proposed LIP, as suggested to be modified, conform to and are adequate to carry out the public access and recreation policies of the approved LUP.

G. SCENIC AND VISUAL RESOURCES

The Santa Monica Mountains region is an area of incredible scenic beauty. The approved Land Use Plan provides for the protection of scenic and visual resources, including views of the beach and ocean, views of mountains, canyons, ridgelines, and views of natural habitat areas and unique natural features. LUP Policy CO-124 requires protection of the scenic and visual qualities of the Santa Monica Mountains as a resource of regional and national importance.

1. Scenic Resource Identification and Analysis

Places on, along, within, or visible from Scenic Routes, public parklands, public trails, beaches, and state waters that offer scenic vistas of the mountains, canyons, coastline, beaches, and other unique natural features are considered Scenic Resource Areas pursuant to Policy CO-125 that are to be protected. Policies CO-125 and CO-127 also require protection of public views of Scenic Elements and Significant Ridgelines identified on the LUP Scenic Resources Map, and public views of public parkland and recreation areas identified on the LUP Recreation Map. Scenic Elements are designated areas that contain exceptionally-scenic features unique not only to the Santa Monica Mountains, but to the Los Angeles County region. Significant Ridgelines are designated ridgelines that are the most dominant and highly visible. The mapped Significant Ridgelines were selected by the County based on one or more of the following criteria: topographic complexity; near/far contrast; cultural landmarks; uniqueness and character of a specific location; existing community boundaries and gateways; and overall integrity. However, Policy CO-136 also protects public views of all other ridgelines that are visible from a Scenic Route, public parkland, public trails, or the beach. The LUP identifies Scenic Routes and requires that the scenic vistas and public views from these routes be protected.

The Scenic Resources Map that was approved as part of the LUP depicts the location and boundaries of many scenic features within the plan area. Proposed LIP Section 22.44.2000 states that the Scenic Elements, Significant Ridgelines, and Scenic Routes shown on the LUP Scenic Resources Map, and places on, along, within, or visible from Scenic Routes, public parklands, public trails, beaches, and state waters that offer scenic vistas of the mountains, canyons, coastline, beaches, and other unique natural features, are considered Scenic Resource Areas that are subject to the development standards of LIP Section 22.44.2040. In order to analyze potential impacts on scenic and visual resources and to determine whether a proposed development is located within a Scenic Resource Area, proposed LIP Sections 22.44.840, 22.44.1440, and 22.44.2010 require a complete visual analysis of the proposed site, with topographic maps, photographs, site plans and elevation drawings, and staking of the site. Potential impacts to scenic and visual resources are to be determined on a site specific basis, based upon substantial evidence and the site specific analysis that is required to be submitted as part of any coastal development permit application for new development.

2. New Development

There are many scenic resource protection policies of the approved LUP (Policies CO-107 through CO-153). The policies of the approved LUP require that new development be sited and designed to protect the scenic resource areas identified above. Policy CO-131 requires that new development be sited and designed to minimize adverse impacts on scenic resources to the maximum extent feasible. If there is no feasible building site location on the proposed project site where development would not be visible, then the development shall be sited and designed to minimize impacts on scenic areas through

measures that may include, but not be limited to, siting development in the least visible portion of the site, breaking up the mass of new structures, designing structures to blend into the natural hillside setting, restricting the maximum building size, reducing maximum height, clustering development, minimizing grading, incorporating landscape and building material screening elements, and where appropriate, using earth berms planted with primarily native vegetation. Further, LUP policies require that new development be clustered, minimize the removal of native vegetation, minimize grading and the alteration of landforms, and be sited near existing developed areas in order to preserve large, existing areas of open space and native habitats. Development is required to be clustered and concentrated in one building site area to minimize impacts to coastal resources. Policy CO-132 states that avoidance of impacts to scenic resources through site selection and design alternatives is the preferred method over landscape or building material screening. Landscape or building material screening shall not substitute for project alternatives including re-siting or reducing the height or bulk of structures.

Policies CO-136 and LU-5 prohibit development on designated Significant Ridgelines and require that structures be located sufficiently below such ridgelines so as to preserve unobstructed views of a natural skyline. In addition, Policy CO-136 provides that all ridgelines, other than Significant Ridgelines, that are visible from a Scenic Route, public parkland, public trails, or a beach shall be protected by siting new development below the ridgeline to avoid intrusions into the skyline where feasible. Where there is no feasible alternative building site or where the only alternative building sites below the ridgeline would result in unavoidable impact to H1 habitat areas, structures shall be limited to one story (18 feet maximum from existing or finished grade, whichever is lower) in height to minimize visual impacts and preserve the quality of the scenic area. Policy CO-133 requires that new development be sited and designed to conform to the natural topography, minimize grading and the length and height of retaining walls, blend with the existing terrain, minimize the length of roads and driveways, and prevent flat building pads on slopes.

Policy CO-139 requires that cut and fill slopes, and other areas disturbed by construction activities, be landscaped or revegetated using native, drought-tolerant plant species that blend with the existing natural vegetation. For landscaping areas within Fuel Modification Zones A and B of new structures, Policy CO-54 requires the use of primarily locally-indigenous plant species and prohibits the use of invasive plant species. Policy CO-144 requires that new development incorporate colors and exterior materials that are compatible with the surrounding landscape. The use of highly-reflective materials is prohibited, with the exception of solar panels. Policies CO-145 and LU-50 require that solar energy devices/panels be sited on the rooftops of permitted structures, where feasible, to minimize site disturbance, the removal of native vegetation, and the visibility of the panels. If roof-mounted systems are infeasible, ground-mounted systems may be allowed only if sited within the building site area of permitted development. Wind energy systems are prohibited in order to avoid the visual impacts of such structures.

The proposed LIP contains development standards to address the scenic resource protection policies of the approved LUP. The Community-wide Development Standards of the proposed LIP apply to all new development in the plan area. There are a number of topical sections within the Community-wide Development Standards that address scenic resource protection development standards: Section 22.44.1240 (Vegetation Management and Landscaping); Section 22.44.1250 (Height Limits); Section 22.44.1260 (Grading); Section 22.44.1270 (Exterior Lighting); Section 22.44.1280 (Signs); Section 22.44.1310 (Fences, Gates, Walls); Section 22.44.1320 (Construction Colors, Materials, and Design); Section 22.44.1330 (Wireless and Other Telecommunication Facilities); Section 22.44.1350 (Hillside Management); and Section 22.44.1440 (Visual Resource Protection). However, the provisions of these

LIP sections are not internally consistent or adequate to carry out the specific requirements of the LUP policies discussed above. As such, suggested modifications to all of the LIP Sections indicated above (with the exception of 22.44.1350 and 22.44.1320) of Attachment A are necessary to ensure that the scenic resource protection requirements are clear, internally consistent, and consistent with, and adequate to carry out, the relevant policies of the LUP.

When a project site is identified in a Scenic Resource Area, pursuant to a site-specific analysis discussed above, the development standards proposed in LIP Section 22.44.2040 apply. However, the development standards in Section 22.44.2040 are not adequate to carry out the policies of the LUP to ensure that new development is sited and designed to minimize adverse impacts on scenic and visual resources to the maximum extent feasible. As such, suggested modifications to LIP Sections 22.44.1990 through 22.44.2040 pertaining to Scenic Resource Areas of Attachment A are necessary to ensure that the scenic resource protection requirements are clear, internally consistent, and consistent with, and adequate to carry out, the relevant policies of the LUP.

3. Night Lighting

Approved LUP Policy CO-94 requires that exterior lighting be minimized, restricted to low-intensity features, shielded, and cause no light to trespass into native habitat to minimize impacts on wildlife. Night lighting may be permitted when it is the minimum security lighting necessary to light walkways used for entry and exit to structures, including parking areas, and not to exceed 60 watts or the equivalent. Perimeter lighting and all other lighting of driveways or access roads are prohibited. Policy CO-94 also prohibits night lighting for sports courts or other private recreational facilities, except for minimal lighting for equestrian facilities. Policies CO-94 and CO-103 allow night lighting for confined animal facilities in H2 and H3 habitats, if limited to (1) bollard or fence-mounted fixtures for arenas and round pens that do not exceed four feet in height and are directed downward; and (2) security lighting attached to a barn or storage structure that is controlled by motion detectors and limited to 60 watts. However, such lighting may only be allowed where it is demonstrated pursuant to a site-specific evaluation that the lighting will avoid adverse impacts to H1 and H2 habitat areas, including the H1 habitat buffer, and will avoid adverse impacts to scenic resources.

Further, Policy CO-142 requires that the dark skies in the coastal zone be preserved by reducing light pollution and requiring the use of best available Dark Skies technology in order to minimize sky glow and light trespass to the maximum extent feasible. Policy LU-42 requires that new exterior lighting installations use low-intensity directional lighting and screening to minimize light spillover and glare, thereby preserving the visibility of the natural night sky and stars and minimizing disruption of wild animal behavior, to the extent consistent with public safety.

In addition, LUP Policy CO-141 acknowledges that the effects of night lighting and night lighting technology is an evolving science. Policy CO-141 states that the LIP's Dark Skies requirements will be periodically updated by the County to ensure that they are consistent with the most current Dark Skies science, technology and best practices in the field, beginning five years after LCP certification. Any update to LCP provisions would require an amendment to the LCP that must be certified by the Coastal Commission.

LIP Sections 22.44.1920(E) and 22.44.1270 contain siting and design requirements and development standards for exterior lighting that apply to all new development. Further, Section 22.44.1270 applies to the retrofit of lighting for existing development. However, the provisions of these LIP sections are not internally consistent or adequate to carry out the specific requirements of the LUP policies

discussed above. As such, suggested modifications to Sections 22.44.1920(E) and 22.44.1270 are necessary to ensure that the lighting requirements are clear, internally consistent, and consistent with, and adequate to carry out, the policies of the LUP.

4. Native Trees

Native trees (including, but not limited to, oak, walnut, sycamore, and bay trees) are an important component of the visual character and scenic quality of the area. LUP Policy CO-137 requires that individual native trees and native tree communities – especially oak, walnut, and sycamore woodlands and savannas – be preserved and, where feasible, restored and enhanced as important elements of the area's scenic character. Policy CO-99 requires that new development be sited and designed to preserve native trees to the maximum extent feasible. Removal of individual native trees is prohibited except where no feasible alternative exists. Development must be sited to prevent any encroachment into the protected zone of each tree, unless there is no other feasible alternative. If there is no feasible alternative that can prevent tree removal or encroachment, then the alternative that would result in the fewest or least-significant impacts shall be selected. Any impacts to native trees must be fully mitigated with priority given to on-site mitigation. Mitigation cannot be allowed to substitute for implementation of the project alternative that would avoid impacts to native trees and/or woodland habitat.

The mitigation for impacts to native trees must include, at a minimum, the planting of replacement trees. Policy CO-99 includes mitigation ratios for different kinds of impacts to individual native trees that are found to be unavoidable. For each tree that is removed, the habitat and scenic value of the tree is obviously lost and the mitigation required is the planting of ten replacement trees for every one tree removed. If a native tree suffers encroachment that occupies over 30% of the protected zone or extends within three feet of one or more of the tree trunks, the encroachment(s) is substantial and it is likely that the tree will experience lessened health and possible death as a result. The mitigation ratio required for such substantial encroachments is also ten replacement trees for each tree subject to such encroachment. Policy CO-99 provides that trees suffering an encroachment into 10% to 30% of the protected zone or the trimming of a branch(es) of a native tree that is over 11 inches in diameter must be mitigated at a ratio of five replacement trees for each tree so impacted. If there is suitable area on the project site, replacement trees should be provided on-site. In addition, where development encroaches into less than 10% of the protected zone of individual native trees, such trees must be monitored for reduced health or vigor and replacement trees provided if such ill effects occur. Replacement trees, particularly oak trees, are most successfully established when the trees are seedlings or acorns. Many factors, over the life of the restoration, can result in the death of the replacement trees. In order to ensure that adequate replacement is eventually reached, it is necessary to provide a replacement ratio of more than 1:1 for moderate encroachments and at least ten replacement trees for every tree removal or significant encroachment to account for the mortality of some of the replacement trees.

The proposed LIP (Section 22.44.840) requires that as part of all CDP applications for new development, in addition to the required biological inventory/assessment, a native tree survey and map is required if any sycamore, oak, bay, walnut or toyon trees are present on a project site. Section 22.44.1870 of the proposed LIP also requires (1) an oak tree report, prepared by a qualified arborist or resource specialist, if any oak trees are within 25 feet of a proposed development on a property, and (2) a native trees report, prepared by a qualified arborist or resource specialist, if any other native trees are present on a project site.

LIP Section 22.44.1920(K) includes native tree protection requirements for any native trees identified on a project site that have at least one trunk measuring six inches or more in diameter, or a combination of any two trunks measuring a total of eight inches or more in diameter, measured at four and on-half feet above natural grade. The LIP prohibits the removal of native trees, except where no feasible alternative exists. The requirements of Section 22.44.1920(K) require that new development be sited and designed to avoid removal or encroachment into the protected zone (five feet beyond the dripline of the tree canopy or 15 feet from the tree trunk, whichever is greater) of native trees to the maximum extent feasible. Mitigation is required for unavoidable impacts to native trees from permitted development. The specific native tree mitigation and protection requirements, detailed in LIP Section 22.44.1920(K), are consistent with approved LUP Policies CO-99 and CO-100 discussed above. Any CDP that includes native tree removal or encroachment requiring mitigation shall include, as a condition of permit approval, the requirement that the applicant submit a native tree replacement planting program, prepared by a qualified biologist, arborist, or other resource specialist, which specifies replacement tree locations, tree or seedling size, planting specifications, and a monitoring program to ensure that the replacement planting program is successful, including performance standards for determining whether replacement trees are healthy and growing normally, and procedures for periodic monitoring and implementation of corrective measures in the event that the health of replacement trees declines. The applicant shall plant seedlings, less than one year old on an area of the project site where there is suitable habitat. In the case of oak trees, the seedlings shall be grown from acorns collected in the area and an acorn derived from a local Santa Monica Mountains source of the same species as the seedling shall be planted within the irrigation zone of the seedling. Where on-site mitigation through planting replacement trees is not feasible, off-site mitigation shall be provided at a suitable site that is restricted from development or is public parkland. The applicant shall plant seedlings, less than one year old in an area where there is suitable habitat. In the case of oak trees, the seedlings shall be grown from acorns collected in the area. In addition, an acorn derived from a local Santa Monica Mountains source of the same species as the seedling shall be planted within the irrigation zone of the seedling. Further, Section 22.44.1920(K) require implementation of native tree protection measures as a condition of permit approval for projects near native trees, including fencing the protected zone(s) of native trees, using only hand-held tools where development is permitted to encroach into the protected zone, and employing a qualified biologist or arborist to monitor native trees that are within or adjacent to construction areas. Only minor additions and corrections are required to Section 22.44.1920(K), as detailed in the suggested modifications of Attachment A, to ensure consistency with the approved LUP policies regarding native tree protection.

Lastly, the proposed LIP (Section 22.44.950) requires a specific type of minor coastal development permit, (Coastal Development Permit-Oak Tree (CDP-OT)), for the removal or encroachment of oak trees. Such a permit would be required in addition to the coastal development permit necessary for any other development proposed and the permit are to be filed and processed concurrently. LIP Section 22.44.950 includes specific application, review, and processing requirements for the CDP-OT. However, suggested modifications are required to Section 22.44.950, as detailed in Attachment A, to ensure that the oak tree protection and mitigation requirements are consistent with the other native tree protection provisions of the LIP and to provide clarity in procedural requirements. As suggested to be modified, the proposed LIP is consistent with and adequate to carry out the native tree protection requirements of the LUP.

H. HAZARDS AND SHORELINE/BLUFF DEVELOPMENT

The Santa Monica Mountains extend steeply upward from the Pacific Ocean. The plan area contains primarily mountain areas, but also extends to the ocean in two areas at the north and the south of the City of Malibu. Development within the Santa Monica Mountains, including roads and other infrastructure is highly vulnerable to a variety of natural hazards including threats from landslides, wild fires, earthquakes, storm waves, and flooding. Bluffs, beaches, and steep hillsides are subject to natural erosional forces, often accelerated by the effects of fires, torrential rains, and winter storms. Fire is a serious potential threat every year due to dense vegetation, steep slopes, the typically long summer dry season characteristic of the Mediterranean climate, and weather conditions that can include "Santa Ana" winds in the fall and winter. Periodic "El Nino" winter storm seasons can cause considerable destruction or severe damage to beachfront development, widespread erosion along the shoreline and bluffs, and landslides that destroy or damage homes, septic systems and roads, including Pacific Coast Highway. Occasionally, a severe fire season is followed by a winter of high rainfall, leading to extraordinary erosion and landslides on hillside property which had been denuded of vegetation by the fire. The dependence on septic systems for waste disposal creates additional hazards due to the effect of poorly maintained or located systems on small lots, steep slopes, and areas with a high water table.

1. Geologic Hazards

Geologic hazards in the Santa Monica Mountains present significant risks to life and property. The effect of both seismic and non-seismic events in the Santa Monica Mountains is magnified by the region's geology and topography. The approved LUP contains policies designed to ensure that new development minimizes risks to life and property in areas of high geologic hazard. Policy SN-1 requires that all new development shall be sized, designed and sited to minimize risks to life and property from geologic hazard. Policy SN-2 restricts development that would be located on ancient landslides, unstable slopes or other geologic hazard areas, to only be permitted where there is substantial evidence, provided by the applicant and confirmed by the Los Angeles County Department of Public Works, that the project provides an adequate factor of safety. Policy SN-#, a policy that was required to be incorporated into the LUP pursuant to Suggested Modification 43 in the Commission's approval of the LUP, requires that new development shall assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

The LUP policies emphasize the avoidance of geologic hazards as the most important way to minimize the risks to life and property. For instance, Policy SN-3 prohibits new development in areas where it presents an extraordinary risk to life and property due to an existing or demonstrated potential public health and safety hazard. Policy SN-4 requires that in the placement of new development, areas susceptible to seismic and non-seismic geologic hazards must be avoided, even when engineering solutions are available. Policy SN-6 prohibits the construction of new structures for human occupation in unstable geologic areas. Further, the LUP prohibits non-emergency grading operations during the rainy season (Policy CO-17). As discussed previously, this prohibition serves to reduce the potential for erosion and sedimentation from the construction site and thereby minimize impacts to quality of coastal waters. This prohibition also serves to reduce the potential for such construction to result in slope failure, either through grading on steep slopes or re-activating existing landslides. Policy CO-18

allows grading during the rainy season only to remediate hazardous geologic conditions that endanger public health or safety.

Policy SN-9 allows for the remediation or stabilization of landslides or other slope instability that affect existing structures or that threaten public health or safety. New development proposals are required to include an analysis of alternative remediation or stabilization techniques to allow the decision maker to determine the least-environmentally-damaging alternative. Maximum feasible mitigation shall be incorporated into the project in order to minimize adverse impacts to natural resources.

Additionally, as discussed above, the LUP provides for the repair and maintenance of public roadways, even where located within H1 or H2 habitat. Many of the public roadways in the plan area are located on very steep slopes, in narrow canyons, and in areas that are otherwise very constrained. These roads are subject to damage or destruction from hazards including, but not limited to, landslide, rockfall, mudflow, flooding, stream down-cutting. While most of these are natural occurrences, they can be exacerbated by development including poor or uncontrolled drainage, undersized drainage facilities, increased runoff from impermeable surfaces. In most cases, it is critical that public roadways be repaired in order to ensure continued emergency services access, particularly in remote areas. LUP Policy CO-41 establishes that public works projects necessary to protect existing public roads may be permitted in H1 habitat. Policy CO-95 permits public works projects that involve necessary repair and/or maintenance of drainage devices and road-side slopes within and adjacent to streams, riparian habitat, or any H1 or H2 habitat in order to repair or protect existing public roads. Policy CO-95 requires that such projects be limited to the minimum design necessary to protect existing development in order to minimize adverse impacts to coastal resources. Encroachment into H1 habitat, H1 habitat buffers, and H2 habitat shall be avoided to the maximum extent feasible, and where it is determined to be infeasible to avoid habitat areas, removal of habitat shall be minimized to the extent feasible and all feasible mitigation measures shall be provided. Habitat areas temporarily disturbed by grading and/or construction activities shall be revegetated with native plant species appropriate for the type of habitat impacted, pursuant to a restoration plan.

Proposed Local Implementation Plan Provisions

The Hazards Area provisions of the proposed LIP (Sections 22.44.2050 through 22.44.2102) are intended to ensure that all new development minimizes risks to life and property from hazards associated with fire, geologic and soil conditions, earthquakes, and flooding. The provisions address hazard identification, permit application requirements, review requirements, and other measures. Permit applications for new development are required to submit a site-specific hazards evaluation report that evaluates the nature of all hazards affecting the proposed development and identify the portions of the site that contain hazards. According to LIP Section 22.44.2100, applicants are required to consult with the County Department of Public Works and the County Fire Department regarding hazards that may affect the proposed project and project site. After such consultation, the applicant is required to prepare plans and incorporate all mitigation measures necessary to comply with the recommendations and requirements of the County departments. The only stated development standard requires new development be sited and designed to avoid hazards to the maximum extent feasible. However, the proposed provisions are inadequate to implement the hazard policies of the LUP. Additional standards, and more specific standards, are necessary to ensure new development is sited and designed to avoid hazards and assure stability on the site and the surrounding area.

As such, suggested modifications to the Hazards Area provisions are required, as detailed in Attachment A, to require the submittal of certain technical reports that are prepared by qualified professionals, to add specific development standards by which projects will be measured and analyzed, and require written findings of fact, analysis, and conclusions in support of all approvals, conditional approvals, or denials that address any potential hazards on or near a proposed development site and the potential to create adverse impacts upon on-site or off-site stability or structural integrity. The provisions, as suggested to be modified, provide that the findings shall address the specific project impacts relative to the applicable development standards contained in the section and be supported by substantial evidence in the record. The provisions added pursuant to the suggested modifications require that new development on landslides, steep slopes, unstable soils or any other identified geologic hazard area adhere to a factor of safety of 1.5 (static) and 1.1 (pseudostatic), as demonstrated by a quantitative slope stability analysis. Additional standards provide that measures to remediate or stabilize landslides or unstable slopes that endanger existing structures or threaten public health be designed to be the least environmentally damaging alternative, and incorporate maximum feasible mitigation measures; and, incorporate Best Management Practices (BMPs) to control drainage and erosion. Further, all development located entirely or partially within a designated Earthquake Fault Zone as identified by the Alquist-Priolo Earthquake Fault Zone Act or a zone of required investigation for liquefaction or earthquake-induced landslides as identified by the Seismic Hazard Zone Mapping Act are required to demonstrate compliance with said Acts. Development standards also provide for permitting emergency actions to repair, replace, or protect damaged or threatened development.

Finally, as a condition of approval of new development within or adjacent to an area subject to flooding, land or mudslide, or other high geologic hazard, prior to issuance of a coastal development permit, the property owner shall be required to execute and record a deed restriction which acknowledges and assumes said risks and waives any future claims of damage or liability against the County and agrees to indemnify the County against any liability, claims, damages, or expenses arising from any injury or damage due to such hazards.

Based on the findings above, the Commission finds that the proposed LIP provisions relative to geologic hazards, as suggested to be modified, conform with, and are adequate to carry out, the provisions of the approved LUP.

2. <u>Fire Hazards</u>

Fire is an inherent threat to development and residents in the Santa Monica Mountains. The long, dry summer season in combination with frequent “Santa Ana” winds, dense vegetation that provides fuel for fire, steep canyon and hillside terrain, inappropriate development siting and design, and often inadequate road access combine to provide extreme fire hazards every year. Fire hazard is a measure of the potential wildfire burning characteristics (i.e. intensity, rate of spread, flame length) produced from a specific set of environmental conditions. As part of a statewide approach to fire hazard severity, CAL FIRE identified “fire hazard severity zones” throughout the State for the purpose of establishing and requiring adherence to wildland urban interface building codes and reducing structure loss from wildfire. These fire hazard severity zones are areas that have similar burn probabilities and fire behavior characteristics. Under this analysis, the entire Santa Monica Mountains coastal zone is classified by CAL FIRE and the Los Angeles County Fire Department as a “Very High Fire Hazard Severity Zone”. This area is shown on the approved LUP Hazards—Fire and Flood Map (Map 5).

The policies of the approved LUP (Policies CO-96 through CO-98, PF-18 through PF-20, SN-19 through SN-35) include a number of measures to ensure that new development will minimize risks

from fire hazard. These measures generally include: siting development in topographic areas that are less in danger from fire; siting development where adequate access for fire and other emergency vehicles can be provided; designing development to incorporate fire-safe features and materials; providing adequate water supplies for fire-fighting; and creating defensible space around new development through fuel modification.

Proposed Local Implementation Plan Provisions

The Hazards Area provisions of the proposed LIP (Sections 22.44.2050 through 22.44.2102) are intended to ensure that all new development minimizes risks to life and property from hazards associated with fire, geologic and soil conditions, earthquakes, and flooding. The provisions address hazard identification, permit application requirements, review requirements, and other measures. Permit applications for new development are required to submit a site-specific hazards evaluation report that evaluates the nature of all hazards affecting the proposed development and identify the portions of the site that contain hazards. According to LIP Section 22.44.2100, applicants are required to consult with the County Department of Public Works and the County Fire Department regarding hazards that may affect the proposed project and project site. After such consultation, the applicant is required to prepare plans and incorporate all mitigation measures necessary to comply with the recommendations and requirements of the County departments. The only stated development standard requires new development be sited and designed to avoid hazards to the maximum extent feasible. However, the proposed provisions are inadequate to implement the hazard policies of the LUP. Additional standards, and more specific standards, are necessary to ensure new development is sited and designed to minimize risk to life and property from fire hazard.

LIP Section 22.44.1240 addresses fuel modification requirements. A Fuel Modification Plan must be submitted to the County, and review and approved by the Fire Department, as part of permit applications for new development. Section 22.44.1240 also requires development to utilize fire resistant exterior materials, windows, roofing, eaves, and vents to resist the intrusion of flame and burning embers. Landscaping requirements within the required fuel modification zones are also specified.

However, in order to adequately implement the fire hazard related policies of the LUP, suggested modifications to the provisions of Sections 22.44.2040 – 22.44.2102 and 22.44.1240 regarding fire hazards are required. Residential structures shall be clustered to provide for more localized and effective fire protection measures such as consolidation of required fuel modification and brush clearance, fire break maintenance, firefighting equipment access, and water service. Structures shall be located along a certified all-weather accessible road in a manner that provides firefighters adequate vehicle turnaround space on private properties. Where feasible, new development must be accessed from existing roads. The length of roads shall be minimized to reduce the amount of time necessary for the Fire Department to reach residences and to minimize risks to firefighters. Development sites and structures must also be located off ridgelines and other dangerous topographic features such as chimneys, steep draws, and saddles since such features are at particular risk from fire. New development shall also provide for adequate water supply and pressure, and access to structures by firefighting equipment and personnel. Where appropriate, on-site fire suppression systems for all new residential and commercial development shall be utilized to reduce the dependence on Fire Department equipment and personnel. Water tanks shall be sized consistent with County minimum requirements, clustered with approved structures, and sited to minimize impacts to coastal resources. In the Santa Monica Mountains, there are remote areas and areas with inadequate or limited road access that are very difficult for emergency personnel to reach. Further, publicly owned and operated helicopter

pad/stops can be permitted on public or private land only where they are needed for emergency services, are consistent with all applicable policies of the LUP, and are sited to limit noise impacts on residential areas and public parkland.

Lastly, as a condition of approval of new development within or adjacent to an area subject to high wildfire hazards, prior to issuance of a coastal development permit, the property owner shall be required to submit a signed document which shall indemnify and hold harmless the County, its officers, agents, and employees against any and all claims, demands, damages, costs, and expenses of liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project in an area where an extraordinary potential for damage or destruction from wildfire exists as an inherent risk to life and property.

The Commission finds that the proposed LIP provisions relative to fire hazards, as suggested to be modified, conform with, and are adequate to carry out, the provisions of the approved LUP.

3. Flood Hazards

The Santa Monica Mountains coastal zone contains steep mountain terrain and a large number of watersheds –one regional (Malibu Creek watershed) and 16 sub-regional watersheds totaling about 50 square miles, which collect and convey all runoff from the plan area to the Pacific Ocean and North Santa Monica Bay. High water levels during storm conditions, combined with steep sloping terrain, can create flooding conditions within the watersheds. The Federal Emergency Management Agency's "Flood Insurance Rate Maps" depict a number of areas that are classified as Zone A: Areas with the potential to generate 100-year flood events. These designated flood hazard areas are limited to canyon and valley bottoms along the alignments of the primary drainage courses, including segments within Topanga Canyon, Old Topanga Canyon, Malibu Creek, Arroyo Sequit, Cold Creek, and Stokes Canyon, as well as the lower portions of Las Flores Canyon, Latigo Canyon, Escondido Canyon, and Solstice Canyon. These 100-year flood plain areas are shown on the LUP Hazards – Fire and Flood Map (Map 5). Additionally, steep slopes and high levels of soil erosion contribute to medium to high mudflow conditions, which can alter existing drainage patterns on a site and result in flooding. There are only two portions of the plan area that extend to the coastline and flank the coastal City of Malibu – the area of Leo Carrillo State Park at the east end of the plan area between Ventura County and the City of Malibu, and the Topanga coastal area at the east end between the City of Los Angeles and the City of Malibu. These areas encompass nearly two miles of coastline and include Topanga County Beach, Topanga State Park, Leo Carrillo State Park, one private beachfront parcel (Mastro's Ocean Club Restaurant), as well as segments of Pacific Coast Highway.

The approved Land Use Plan contains a number of policies that provide for the siting, design and construction of new development in a manner that minimizes risks from flood hazard. Policy SN-11 requires that new development be sited, design and sized to minimize risks to life and property from flood hazard, considering changes to inundation and flood zones caused by rising sea level. Policy SN-13 prohibits development within flood hazard areas, in consideration of rising sea level, unless no alternative building site exists on the property and proper mitigation measures are provided to minimize or eliminate risks to life and property from flood hazard. Policies CO-2, CO-3, and LU-46 require that new development implement Low Impact Development (LID) measures in project design to preserve the natural hydrologic cycle and minimize increases in storm water or dry weather flows. LID is an alternative method of land development that seeks to maintain the natural hydrologic character of the site or region. The natural hydrology of a watershed is shaped over centuries under location-specific conditions to form a balanced and efficient system. When hardened surfaces such as

roads, parking lots, and rooftops are constructed, the movement of water is altered; in particular, the amount of runoff increases and infiltration decreases. This results in increased peak flow rate and volume in stormwater runoff, which can lead to flooding. LID employs source control principles to maximize stormwater infiltration and natural hydrology, such as minimizing impervious surfaces by the use of bioretention facilities, rain gardens, vegetated rooftops, rain barrels, and permeable pavements. LID design requirements reduce the volume and speed of stormwater runoff and thereby reduce the frequency and severity of flooding, erosion, and impacts to aquatic habitats.

Policy SN-15 of the LUP provides that new development shall provide adequate drainage and erosion control facilities that convey site drainage in a non-erosive manner in order to minimize hazards resulting from increased runoff, erosion and other hydrologic impacts to streams. Policies SN-12 and SN-14 require protection of drainage courses in their natural state and development designs that maintain natural flow. Policy CO-31 allows channelizations or other substantial alterations of streams for flood protection for existing development where there is no other feasible alternative, as long as impacts to coastal resources are minimized and the best mitigation measures feasible are utilized. Bioengineering alternatives shall be preferred for flood protection over "hard" solutions such as concrete or riprap channels.

Proposed Local Implementation Plan Provisions

The Hazards Area provisions of the proposed LIP (Sections 22.44.2050 through 22.44.2102) are intended to ensure that all new development minimizes risks to life and property from hazards associated with fire, geologic and soil conditions, earthquakes, and flooding. The provisions address hazard identification, permit application requirements, review requirements, and other measures. Permit applications for new development are required to submit a site-specific hazards evaluation report that evaluates the nature of all hazards affecting the proposed development and identify the portions of the site that contain hazards. According to LIP Section 22.44.2100, applicants are required to consult with the County Department of Public Works and the County Fire Department regarding hazards that may affect the proposed project and project site. After such consultation, the applicant is required to prepare plans and incorporate all mitigation measures necessary to comply with the recommendations and requirements of the County departments. The only stated development standard requires new development be sited and designed to avoid hazards to the maximum extent feasible. However, the proposed provisions are inadequate to implement the hazard policies of the LUP. Additional standards, and more specific standards, are necessary to ensure new development is sited and designed to avoid hazards and assure stability on the site and the surrounding area.

As such, suggested modifications to the Hazards Area provisions are required, as detailed in Attachment A, to add specific development standards by which projects will be measured and analyzed, and require written findings of fact, analysis, and conclusions in support of all approvals, conditional approvals, or denials that address any potential hazards on or near a proposed development site and the potential to create adverse impacts upon on-site or off-site stability or structural integrity. The provisions, as suggested to be modified, provide that the findings shall address the specific project impacts relative to the applicable development standards contained in the section and be supported by substantial evidence in the record. The provisions added pursuant to the suggested modifications provide for allowable uses in floodway zones; and, where feasible, requires that development be sited outside of FEMA designated special flood hazard areas and potential tsunami inundation zones or, where it is not feasible, development shall conform to specific siting and construction requirements. Said requirements include anchoring structures, elevating structures above flood levels, siting on-site waste disposal systems to avoid impairment or contamination from flooding, and siting and designing

new development to not require the construction or installation of flood protective works, including bank protection or channelization. Development standards also provide for permitting emergency actions to repair, replace, or protect damaged or threatened development.

Finally, as a condition of approval of new development within or adjacent to an area subject to flooding, land or mudslide, or other high geologic hazard, prior to issuance of a coastal development permit, the property owner shall be required to execute and record a deed restriction which acknowledges and assumes said risks and waives any future claims of damage or liability against the County and agrees to indemnify the County –against any liability, claims, damages, or expenses arising from any injury or damage due to such hazards.

Based on the findings above, the Commission finds that the proposed LIP provisions relative to flood hazards, as suggested to be modified, conform with, and are adequate to carry out, the provisions of the approved LUP.

4. Shoreline and Bluff Development

Beaches, dunes and coastal bluffs are some of the most valued biological, recreational, and visual resources of the coastal environment and the Coastal Act places a high priority on preserving these ocean and recreation values. These shoreline resources are subject to coastal erosion, and with projected sea level rise, erosion may be even more pronounced in the future. But measures to address this erosion, including armoring with shoreline protective devices, can have significant adverse impacts. Some of these impacts include:

- Direct loss of sandy and rocky intertidal areas that often have been found to be a critical component of the marine ecosystem;
- Interruption of natural shoreline processes, that may contribute to erosion of the shoreline in many areas;
- Impedance of public access to and along the coastline as a result of the structure's physical occupation of the beach; and
- Degradation of scenic and visual resources.

There are only two portions of the plan area that extend to the coastline and flank the coastal City of Malibu – the area of Leo Carrillo State Park at the east end of the plan area between Ventura County and the City of Malibu, and the Topanga coastal area at the east end between the City of Los Angeles and the City of Malibu. These areas encompass nearly two miles of coastline and include Topanga County Beach, Topanga State Park, Leo Carrillo State Park, which provide for public recreational opportunities on the beach and bluffs. Pacific Coast Highway parallels the coast through these areas. Only a portion of Pacific Coast Highway in the Topanga Beach area is protected by rock revetment. There is only one private beachfront parcel between Pacific Coast Highway and the ocean in the Topanga Beach area and it is developed with a restaurant (Chart House Restaurant) and parking lot that predate the effective date of the Coastal Act. An existing rock revetment also protects this development from wave hazards. Notable coastal habitats include southern foredunes on the beach, southern coastal bluff scrub on the coastal bluffs that rise above the beach, wetlands, tidal rock formations, estuaries, and coastal lagoons. The preservation of these habitat communities is critical for the distribution of stream sediment to the coastline for beach sand replenishment and for the maintenance of estuarine habitats.

There are two lagoons that form at the mouth of two creeks within the LCP area: 1) Topanga Creek, within Topanga County Beach; and 2) Arroyo Sequit, within Leo Carrillo State Park. Year-round flows have been consistently reported in the lower five-mile reach of Topanga Creek for almost 40 years and a fairly large lagoon forms seasonally (although it is much smaller than the lagoon that formed naturally before the placement of a culvert and fill during the construction of Pacific Coast Highway). A much smaller lagoon forms on the Arroyo Sequit. The conditions of each lagoon vary considerably depending on the flows upstream and the conditions of the sand berm forming the southern boundary of each estuary. If the sand berm is closed, tidal action into the lagoon is blocked and the area is filled with freshwater. If the sand berm is open, the ocean provides tidal and wave influence into the estuary. Generally, the mouths of these two streams are closed to the ocean during summer/fall and open to the ocean during winter/spring. Topanga Creek and Arroyo Sequit are critical habitat for the endangered fish species Southern California Steelhead Trout (Oncorhynchus mykiss) and Tidewater Goby (Eucyclogobius newberryi). Although no tidewater gobies have been identified in the Arroyo Sequit, the stream has been identified as essential for the conservation of the species as a potential introduction site, and could provide habitat for maintaining the tidewater goby metapopulation in the region.

Given the limited coastal areas within the plan area and the fact that most of them are in public ownership as public parkland, the policies of the approved LUP are tailored to the specific conditions and circumstances of the plan area. Policy CO-194 requires that new development that is in proximity to the shoreline and beaches shall be sited and designed in ways that minimize risks to life and property; impacts to public access and recreation; impacts to scenic resources; impacts to the quality or quantity of the natural supply of sediment to the coastline; and accounts for sea level rise and coastal storm surge projections. Policy CO-190 prohibits shoreline structures, including piers, groins, revetments, breakwaters, drainages, seawalls, pipelines, and other such construction that alters natural shoreline processes, except where there is no less-environmentally-damaging alternative for the protection of coastal-dependent uses, existing development, or public beaches in danger from erosion. Any such structures shall be sited to avoid sensitive resources and designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Where feasible, the use of soft structures and living shorelines are required. Policy CO-189 also requires that any such permitted shoreline protection structures shall be sited to avoid impacting sensitive resources. In addition, Policy CO-30 requires the siting and design of new on-site wastewater treatment systems (OWTS) to provide adequate setbacks and/or buffers from H1 habitats and surface waters to prevent the lateral seepage of sewage effluent dispersal systems and to preclude the need for shoreline protective devices to protect OWTS from coastal erosion, flooding and inundation, initially or as a result of sea level rise. Policy SN-#, a policy that was required to be incorporated into the LUP pursuant to Suggested Modification 43 in the Commission's approval of the LUP, requires that new development shall assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. Policy CO-187 prohibits lagoon breaching or water level modification, unless it can be demonstrated that there is a health or safety emergency, there is no feasible less environmentally damaging alternative, and all feasible mitigation measures will be implemented to minimize adverse environmental effects.

Proposed Local Implementation Plan Provisions

Section 22.44.2160 of the proposed LIP addresses bluff development standards and requires that new blufftop development provide an adequate setback from the bluff edge to ensure stability and a minimum factor of safety, and to prevent the need for shoreline protective structures. Section 22.44.2160 also requires that any drainage components associated with new blufftop development shall

not contribute to the erosion of the bluff face or the stability of the bluff itself. Permanent structures, including stairs, shall be prohibited on bluff faces, except for engineered public beach access where no feasible alternative means of public access exists and the accessway will not cause, expand, or accelerate instability of the bluff. If bluff stabilization is necessary for structure protection, bioengineered options shall be the first choice instead of concrete or rip-rap. However, the proposed provisions of Section 22.44.2160 are inadequate to implement all of the shoreline and bluff development policies of the LUP and additional standards are necessary. Therefore, suggested modifications to Section 22.44.2160 are required, as detailed in Attachment A, to add specific application requirements and development standards to ensure that new development permitted on or along the shoreline and bluffs is (1) sited and designed to minimize risks, assure stability and structural integrity and not create or contribute significantly to erosion or adverse impacts on public access or shoreline sand supply; (2) that new development is sited and designed to not require the construction of protective devices and, (3) that shoreline protective devices required to protect existing structures or public beaches in danger from erosion are sited and designed to eliminate or mitigate adverse impacts on shoreline sand supply.

Further, written findings of fact, analysis and conclusions shall be included to support all approvals, conditional approvals, or denials of development on sites located on or along the shoreline or a coastal bluff which address the specific project impacts on public impacts or shoreline sand supply or other hazards relative to the applicable development standards. Development standards added as suggested modifications address the siting and design of new shoreline and bluff development including shoreline protective devices. The standards require that new development take into account anticipated future changes in sea level. In particular, increases in the historic rate of sea level rise and its potential impact on beach and bluff erosion, and shoreline retreat shall be evaluated and development is required to be set back and elevated to eliminate or minimize hazards associated with anticipated sea level rise over the expected 100 year economic life of the structure. In addition, the standards require that new development on a beach or bluff be sited outside of areas subject to hazards such as erosion, inundation, and wave run-up during the projected economic life of the development. Where complete avoidance is not possible, the standards provide that new beach or bluff development be elevated above the Federal Emergency Management Agency Base Flood Elevation and sited as far landward as feasible.

The development standards require that new development on a blufftop be set back from the bluff edge a sufficient distance to ensure that it will not be endangered or threatened by erosion or slope instability for the projected life of the development. The standards establish a minimum setback of 100 feet, however, the setback may be reduced to 50 feet if specified conditions can be met as determined by County geotechnical staff. The setback requirement applies to the principle structure and accessory structures such as guesthouses, pools, tennis courts, cabanas, and septic systems. Ancillary structures such as decks, patios and walkways that do not require structural foundations may extend to a minimum distance of 15 feet from the bluff edge but must be removed or relocated landward if threatened by erosion.

The development standards require that slope stability analyses and erosion rate estimates be performed by a licensed Certified Engineering Geologist, Geotechnical Engineer or Civil Engineer. The analysis shall address such criteria as factor of safety, bluff retreat rate, earthquake effects, shear strength, groundwater conditions, planes of weakness, etc. The standards also establish criteria for construction of swimming pools and prohibit the construction of any permanent structures on a bluff face, except for engineered stairways or accessways to provide public beach access or drainage devices constructed in compliance with applicable BMPs.

All new beachfront and bluff top development, including infill development, is required to be sized, sited, and designed to minimize risks from wave run-up, flooding, and erosion without requiring a shoreline protection structure at any time during the life of the development. New development on a beach or bluff is also required to utilize a secondary treatment waste disposal system and site such systems as far landward as possible to avoid the need for protective devices to the maximum extent feasible.

The standards provide that shoreline and bluff protection structures shall not be permitted to protect new development. Protective structures may be permitted to protect existing legal structures where it is demonstrated that existing structures are at risk from erosion and that the protective structure is the least environmentally damaging alternative and designed to eliminate or mitigate adverse impacts to shoreline sand supply and public access. No shoreline protective device shall be permitted to protect an accessory or ancillary structure and such structures shall be removed or relocated landward (and designed accordingly) if determined to be threatened from erosion, flooding or wave run-up.

Finally, the development standards provide that on any beach found to be appropriate, alternative "soft solutions" such as dune restoration, sand nourishment, and design criteria such as maximum setbacks and raised foundations should be required as the preferred alternative to protective structures where feasible. The standards permit the placement of sediments removed from erosion control or flood control facilities at appropriate points along the shoreline for beach nourishment provided that they meet U.S. Army Corps criteria for grain size, color and contamination.

Applications for new development on a beach or blufftop property are required to include an analytical report addressing erosion, wave run-up, inundation and flood hazards prepared by a qualified licensed professional. Applications for new beach or blufftop are also required to include a site map that shows all easements, deed restrictions, Offers to Dedicate, or any other dedications for public access or open space. Applications shall also be required to include written evidence of a review and determination from the State Lands Commission relative to the project's location to or impact upon the boundary between public tidelands and private property.

Further, the added provisions include requirements for the protection of sensitive coastal habitats and provisions for providing public access. In addition, the provisions provide that lagoon breaching or water level modification shall be prohibited unless it can be demonstrated that there is a health or safety emergency, there is no feasible less environmentally damaging alternative, and all feasible mitigation measures will be implemented to minimize adverse environmental effects.

Finally, the added provisions include requirements for recorded documents and deed restrictions to be included as conditions of approval for development on a bluff, beach or shoreline that is found to be subject to wave action, erosion, flooding, landslides, or other hazards. These required documents include an assumption of risk or waiver of liability, a waiver of any future right to repair, maintenance, enhancement, or reinforcement of a shoreline protective device that extends the seaward footprint of the subject structure. In addition, new development approved on a beachfront or bluff-top lot, sited and designed to not require a shoreline protective structure at any time during the life of the project based on geologic or engineering evaluations, shall be conditioned to record a deed restriction that waives any future right to construct a shoreline protective structure.

Based on the findings above, the Commission finds that the proposed LIP provisions relative to shoreline and bluff development, as suggested to be modified, conform with and are adequate to carry out, the policies of the approved Land Use Plan.

5. Sea Level Rise

Flooding can occur from both upstream accumulation of rainfall and runoff, and from the ocean via tidal flooding. Tidal flooding occurs when extreme high tides occur concurrently with storm surge events. Anticipated future sea level rise will exacerbate tidal flooding. Sea level rise is expected to lead to increased erosion, loss of coastal wetlands, permanent or periodic inundation of low-lying areas, increase in coastal flooding, and salt water intrusion into water systems. Structures and recreation areas located along bluffs susceptible to erosion and in areas that already flood during high tides will likely experience an increase in these hazards from sea level rise. Sea level rise also threatens the integrity of roads and other infrastructure. Thus, it is important that the impacts of sea level rise on proposed development be considered. Policy CO-194 requires that the siting and design of new development account for sea level rise and coastal storm surge projections. The LUP also requires that new development be sited outside areas subject to hazards. A number of other policies in the LUP require consideration of rising sea level in the siting and design of new development and the protection of recreational resources (Policies PF-1, CO-26, CO-38, CO-155, CO-163, CO-181, CO-183, CO-194, SN-11, and SN-13).

The LUP policies also incorporate consideration of future sea level rise in ongoing planning efforts. Policy CO-197 calls for the County to initiate, or participate in, aerial and regional studies of sea level rise vulnerability, and adaptation, and in shoreline monitoring to identify sea level rise concerns and possible erosion or sea level “hot spots”. Further, Policy CO-198 outlines measures necessary in order to further research and respond to sea level rise, such as continuing to gather information on the effects of sea level rise on the shoreline, including identifying the most vulnerable areas, structures, facilities, and resources; specifically areas with priority uses such as beaches, public access and recreation resources, including the California Coastal Trail, Pacific Coast Highway, significant H1 habitat such as wetlands or wetland restoration areas and riverine areas, open space areas where future wetland migration would be possible, and existing and planned sites for critical infrastructure. Policy CO-198 also states that the County will participate, as possible, in regional assessments of sea level rise vulnerability, risk and adaption planning efforts, to ensure compatible treatment for sea level rise across jurisdictional boundaries. Any vulnerability assessment shall use best available science and multiple scenarios including best available scientific estimates of expected sea level rise, such as by the Ocean Protection Council (OPC) [e.g. 2011 OPC Guidance on Sea Level Rise], National Research Council, Intergovernmental Panel on Climate Change, and the West Coast Governors Alliance. Based on information gathered over time, the County will propose additional policies and other actions for inclusion in the LCP in order to address the impacts of sea level rise. However, it is important that the County either prepare, or cooperate in, a sea level rise vulnerability and risk assessment, with special attention to the vulnerable areas and coastal resources, in order to identify specific actions needed to minimize risks to coastal resources and development due to sea level rise, including land use designations, new policies, or increased setbacks or design changes. Given the evolving science of sea level rise, the best available science should be used in any future assessment and planning actions, including using the best available sea-level rise projections in order to establish a range of locally-relevant future water levels and shoreline change, and to assess vulnerability and risks from sea level rise. Further, best available science shall be updated, in keeping with regional policy efforts, as new, peer-reviewed studies on sea level rise become available and as agencies such as the OPC or the California Coastal Commission issue updates to their guidance reports. The County is required to

prepare or cooperate in a sea level rise vulnerability and risk assessment and to remain updated on best available science in order to more fully integrate the impacts of sea level rise in future planning, as required in Policy CO-198.

Proposed Local Implementation Plan Provisions

Section 22.44.2160 of the proposed LIP addresses sea level rise. However, these LIP provisions are not fully consistent with or adequate to carry out the LUP policies discussed above. Clarifications and additions are required, as detailed in the suggested modifications to these LIP sections of Attachment A, in order to ensure the sea level provisions of the LUP are adequately carried out in the proposed LIP.

I. CIRCULATION, PUBLIC FACILITIES, AND NOISE

The approved LUP includes a number of policies pertaining to transportation/circulation, public facilities, and noise (Policies CI-1 through CI-32, SN-41 through SN-48, and PF-1 through PF-27). However, many of these policies are not implemented in the provisions of the proposed LIP. Therefore, as detailed in the suggested modifications of Attachment A, the provisions of Section 22.44.1580 through 22.44.1610 are added to the LIP as suggested modifications in order to adequately implement the policies of the LUP.

J. IMPLEMENTATION PROCEDURES

1. Conflict Resolution

While the LCP has been designed to be a stand-alone document that applies within the coastal zone area of the Santa Monica Mountains, the LUP is part of the Los Angeles County General Plan and the LIP is part of the Los Angeles County Code. As such, other policies or provisions of outside plans and codes may apply within the LCP area. The introduction of the LUP addresses conflicts. As approved with suggested modifications, the LUP states that where conflicts occur between the policies of the LUP and anything contained in any other part of the County's General Plan, in any Specific Plan or other plan, in County zoning, or in any other ordinance not included in the LCP, the policies of the LUP shall take precedence. The LUP also states that protection of SERA's (H1 and H2 habitats) and public access shall take priority over other LUP policies.

Section 22.44.620 contains provisions to resolve regulatory conflicts. It is necessary to modify this section to reflect the LUP with regard to conflicts between the LIP and other County codes. Section 22.44.620 also states that for matters on which the LIP is silent, or where more restrictive standards than the ones in the LIP are subsequently adopted by the County Board of Supervisors, other applicable provisions of the County Code shall apply provided that all no such provisions are consistent would be in conflict with the certified LCP and will not or would result in significant adverse impacts to coastal resources. The suggested modifications to this section also clarify that any LIP references to outside codes shall be to the version of said codes that exist on the date of certification and that any amendments or updates to those codes shall not apply until such changes are approved in an LCP amendment certified by the Commission.

2. Definitions

The LUP contains a glossary of terms used in the policies. Section 22.44.630 of the LIP also contains definitions. Some, but not all, of the definitions used in the LUP Glossary are repeated in the LIP for ease of use. Several modifications are suggested for Section 22.44.630 (Attachment A).

A note is needed to clarify that the definitions and acronyms listed in the section, along with the definitions appearing in the LUP Glossary apply throughout the LIP. Additionally, several definitions (confined animal facilities, livestock, principal permitted use, and appealable coastal development permit) in the LUP glossary were revised through Suggested Modification No. 59. It is necessary to make the same changes to these terms in the LIP. Further, additional definitions are necessary in support of new or modified provisions in the LIP (including, but not limited to, aggrieved person, bluff edge, dwelling unit, habitable accessory structure). Finally, the nuances in the proposed definitions can impact how the policies and provisions of the LIP are interpreted and implemented. As a result, some modifications to definitions (for instance, campground, donor areas, open space, and scenic resources) are necessary to support the objectives of the other suggested modifications herein.

3. Coastal Development Permit Procedures

The approved Land Use Plan does not contain detailed policies regarding coastal development permit processing or procedures. The LUP does, however, provide policies and provisions to protect coastal resources. The implementation and processing of Coastal Development Permits (CDP) for all development (with the exception of development that is exempt from the CDP requirement) is one of the most critical means of implementing the coastal resource protection policies of the LUP.

The Coastal Development Permit provisions of the LIP (Sections 22.44.800 through 22.44.1150) contains the procedures for filing, noticing, hearing, and acting upon coastal development permits (CDP). Section 22.44.810 details when a CDP is required. Several modifications are suggested to this section in order to add provisions regarding enforcement actions to restore coastal resources, the consolidated CDP process, and CDPs for development on parcels bisected by the Coastal Zone Boundary.

CDP Application Requirements

LIP Section 22.44.840 details the necessary information, evidence, plans, and reports that must be submitted by the applicant as part of a CDP application. In addition, other LIP sections contain additional application requirements that pertain to development regulated by those sections. Further, applicant is required to provide information to substantiate to the satisfaction of the County the following facts: 1) that the proposed development is in conformity with the certified local coastal program; and 2) that any development, located between the nearest public road and the sea or shoreline of any body of water located within the Coastal Zone, is also in conformity with the public access and public recreation policies of Chapter 3 of Division 20 of the Public Resources Code. Modifications are suggested to several of the application requirements to reflect additions in other LIP sections and to ensure internal consistency.

Exemptions

The proposed LIP includes procedures for processing of CDPs and, in the context of spelling out those procedures, identifies exemptions and thereby generally establishes the scope of application of the entire Local Coastal Program. However, it is the Coastal Act and the Commission's regulations that establish the scope of activities that are subject to "Coastal Act regulation," by defining the term "development" and designating certain types of development as exempt. Since the Local Coastal Program is the local government's blueprint for implementing that system, the scope of application of that program cannot be narrower than the Coastal Act and the California Code of Regulations. Section 22.44.820 sets out the broad categories of development that may be considered exempt from the CDP requirement and specific classes of development that do require a CDP because they involve a risk of adverse environmental impact. Suggested Modifications are required in several subsections of Section 22.44.820 in order to ensure that the exemptions provided are consistent with those provided in the Coastal Act and the California Code of Regulations (Sections 13250, 13252, and 13253). Additionally, as discussed in Section F of this report, the proposed LIP also includes exemptions in Section 22.44.1400 (Parks, Trails, Playgrounds, and Beaches) for uses that are not exempt from the CDP requirement. Modifications have been suggested to limit the exemptions listed in 22.44.1400 to those uses that either do not constitute development or for which an exemption is provided in the California Code of Regulations.

Coastal Development Permits

The LIP (Section 22.44.860) provides for several levels of CDP action:

- An Administrative CDP may be permitted for the development of a principal permitted use and certain other permitted uses as listed in each zone, if the project meets all development standards without the need for a variance, minor or major CDP and does not require review by the Environmental Review Board. If such a development is for the principal permitted use (including any accessory use that is customarily associated with and integrally related to that use), then the Administrative CDP would not be appealable to the Coastal Commission and would be acted on by the Planning Director without a public hearing. If the development includes a use(s) that is appealable to the Coastal Commission, then the Administrative CDP for the project will have a public hearing and will be acted upon by the Hearing Officer. All Administrative CDPs are reported to the Regional Planning Commission at a regularly scheduled meeting. If one-third or more of the full membership of the Commission so request, the issuance of an administrative CDP shall not become effective, but shall, if the applicant wishes to pursue the application, be treated as a Major CDP application.
- A Minor CDP is required for the development of a principal permitted use where the project does not meet the criteria to be considered as an Administrative CDP, and establishment of certain uses other than a principal permitted use as listed in each zone. If the development is for the principal permitted use (including any accessory use that is customarily associated with and integrally related to that use), then the Minor CDP would not be appealable to the Coastal Commission. If the development includes a use(s) that is appealable to the Coastal Commission, then the CDP would be appealable. Both non-appealable and appealable Minor CDPs will have a public hearing and be acted upon by the Hearing Officer.

- A Major CDP is required for development of certain uses other than a principal permitted use as listed in each zone. All Major CDPs are appealable to the Coastal Commission, have a public hearing, and are acted upon by the Regional Planning Commission.
- A CDP-oak tree (CDP-OT), a specific type of minor CDP, is required to allow a person to cut, destroy, remove, relocate, inflict damage or encroach into a protected zone of any tree or shrub of the oak genus of a minimum trunk size. A CDP-OT would be processed and acted upon in the same manner as a Minor CDP.

The LIP provides that the Planning Director will determine the type of CDP required for the various aspects of a proposed development, based on the type required for the use(s) proposed, the level of biological resource review required, the amount of grading, and whether the project includes a land division. If different CDP types would be required for different aspects of the development, then the entire project would be processed as the type of CDP with the highest level of review (the CDP hierarchy includes Administrative CDPs as the lowest level of review and Major CDPs as the highest level of review).

Sections 22.44.910 through 22.44.930 detail the criteria used by County staff to determine if approval is required by the County or Coastal Commission; if the development is exempt, non-appealable, or appealable; and a process for resolving any disputes regarding such determinations. Modifications are suggested to these sections to ensure internal consistency.

LIP Section 22.44.940 sets forth the Administrative CDP procedures, including noticing, hearing requirements, report of action to the Commission, appeal procedure, and amendments. LIP Sections 22.44.970 through 22.44.1040 provide for noticing, hearing requirements, actions, findings, conditions of approval, notices of action, and County appeal rights. Sections 22.44.1100 through 22.44.1150 establish the expiration of CDPs, amendments, revocation of CDPs, and variances. Modifications are suggested to these sections to clarify the requirements and to ensure internal consistency.

Oak Tree CDP

As discussed in detail in Section D, the LUP contains policies regarding the protection of native trees, including oak trees. Policy CO-99 requires that new development be sited and designed to preserve native trees to the maximum extent feasible. Removal of individual native trees is prohibited except where no feasible alternative exists. Development must be sited to prevent any encroachment into the protected zone of each tree, unless there is no other feasible alternative. If there is no feasible alternative that can prevent tree removal or encroachment, then the alternative that would result in the fewest or least-significant impacts shall be selected. Any impacts to native trees must be fully mitigated with priority given to on-site mitigation. Mitigation cannot be allowed to substitute for implementation of the project alternative that would avoid impacts to native trees and/or woodland habitat. Finally, approved LUP Policy CO-100 requires that new development on sites containing native trees incorporate tree protection measures during construction.

LIP Section 22.44.950 includes specific application, review, and processing requirements for the Oak Tree CDP (CDP-OT). This section requires that the County Forester and Fire Warden review the adequacy of oak tree reports prepared for proposed development, inspect the project site, and make recommendations to the decision-maker. There are provisions regarding the mitigation required for the removal of oak trees. However, there are many provisions in this section that are not consistent with the LUP policies regarding native tree protection (which includes oak trees). So, suggested

modifications are required to Section 22.44.950, as detailed in Attachment A, to ensure that the oak tree protection and mitigation requirements are consistent with the native tree protection provisions of the LUP, to ensure internal consistency within the LIP, and to provide clarity in procedural requirements.

Appeals

Several sections address whether certain CDP actions may be appealed, the appropriate appellate bodies, appeal hearings, noticing, and other procedures relating to appeals. Section 22.44.940 addresses appeals of Administrative CDPs. Section 22.44.1040 provides procedures for local appeals of Minor or Major CDPs. Modifications are suggested to these sections to ensure internal consistency with other provisions of the LIP.

Additionally, numerous sections of the LIP, including Section 22.44.1040 reference the requirement for an aggrieved party to exhaust County appeals before appealing a CDP action to the Coastal Commission. Further, Section 22.44.870 states that there is no fee for a CDP appeal. However, Section 22.44.1040 lists several fee categories for appeals of CDP decisions. Clearly, this was internally inconsistent. More significantly, pursuant to Section 13573 of the California Code of Regulations, an aggrieved person is not required to exhaust local appeals of a CDP before filing an appeal with the Coastal Commission if the local government charges an appeal fee for the filing or processing of appeals. Commission staff consulted with County staff who confirmed that no appeal fee will be charged for CDP actions. So, a suggested modification is necessary to strike the appeal fee requirements from Section 22.44.1040.

Sections 22.44.1050 through 22.44.1080 provide procedures for appeals of CDPs to the Coastal Commission. Section 22.44.1050 specifies the types of development for which County CDP actions may be appealed to the Coastal Commission. One of those types of development that is appealable to the Coastal Commission is any development approved by a coastal county that is not designated as the principal permitted use. As discussed in Section E of this report, the proposed LIP zoning designations indicate a principal permitted use for each zone. Modifications are suggested to clarify the determination of whether a CDP action is appealable to the Coastal Commission based on the use type proposed. If the proposed use is the principal permitted use or an accessory use that is considered to be customarily associated with the principal permitted use for the zone that applies to the project site, a CDP approving such use would not be appealable to the Coastal Commission. A CDP approving any other use would be appealable to the Coastal Commission. A CDP that approves both a use(s) that is not appealable and a use(s) that is appealable, would be an appealable CDP.

LIP Section 22.44.1080 sets forth a process provided for in Section 13573 of the California Code of Regulations that applies to any appeal of a CDP action by two Coastal Commissioners. This section provides that where a CDP is appealed by two Coastal Commissioners, the appeal must be transmitted to the appropriate (based on the CDP level) County appellate body for further review. Section 22.44.1080 provides that if the appellate body upholds the original decision, then the Coastal Commission appeal process resumes. If the County appellate body modifies or reverses the original decision, then the Coastal Commissioners must fill a new appeal of the new decision if they remain dissatisfied. Modifications are suggested to Section 22.44.1080 to provide clarifications to the process. Particularly, the modifications ensure that the Coastal Commission appeal shall be suspended until the County provides notice that one of three actions has happened. The three actions specified are: 1) the appellate body declines to re-hear the CDP; 2) the appellate body has reviewed the CDP and left the action unchanged; 3) the appellate body modifies or reverses the previous CDP decision.

Concurrent Processing

There are numerous LIP provisions regarding the concurrent processing of various permit actions where it is necessary for the applicant to apply for more than one type of approval (i.e. a minor CDP with a variance, a major CDP with a CDP-OT, a minor CDP with a tentative parcel map, etc.). Section 22.44.900 specifies that CDPs will be considered concurrently with other permits required by the LIP or other applicable ordinances, and that if the CDP requires a public hearing requirement even if the other permits do not, a public hearing will be held.

Section 22.44.970 provides that when the Board of Supervisors considers an LCP amendment or development agreement upon recommendation from the Regional Planning Commission, any concurrent decision by the Commission on a CDP, variance, etc. for the same property shall be deemed to be timely called up for review by the Board of Supervisors.

A concurrent action on an LCP amendment and any associated CDP presents several legal and procedural issues. For one, Section 22.44.1000 requires that findings be made that the proposed development is in conformity with the LCP. Clearly, if an LCPA is necessary to allow an associated CDP to be approved, the development considered in the CDP application is not fully consistent with the LCP. Until and unless the LCP amendment is effectively certified, it is not possible to make findings of CDP consistency with the LCP.

Further, Coastal Act Section 30603(d) and Section 13571 of the California Code of Regulations require that notice of any final CDP action shall be provided to the Coastal Commission within seven calendar days of the action. Section 13570 of the California Code of Regulations specifies that the CDP action is "final" when the local decision has been made, all required findings have been adopted, and local rights of appeal have been exhausted. Once the Coastal Commission receives the notice, the ten-day appeal period begins. These requirements give the applicant certainty about when the Coastal Commission appeal period runs and when the CDP is final if no appeals are submitted. The requirements also afford the Coastal Commission and any aggrieved person the certainty of when the appeal period will run, if there are substantial issues to be raised in an appeal.

These requirements have been incorporated into the proposed LIP. Section 22.44.1030 states that:

> *Within seven calendar days of a final decision on a CDP, the Director shall provide notice of such decision by first class mail to the applicant, the Coastal Commission and to any persons who specifically requested notice of such decision by submitting a self-addressed stamped envelope to the Department. A decision shall be considered final when all local appeals have been exhausted and the effective dates contained in Section 22.44.1040 and Section 22.44.1090 have been reached. Such notice shall include written findings, conditions of approval and the procedures for appeal of the decision, if applicable pursuant to Section 22.44.1050, to the Coastal Commission.*

In the case of a CDP considered concurrently with an LCP amendment, the associated CDP will be called up for review by the Board of Supervisors for action, local appeals will have been exhausted and the action by the Board will be a final action on the CDP, under the provisions of Section 22.44.1030. As such, the final local action notice must be provided to the Coastal Commission within 7 days, consistent with the requirements of Section 22.44.1030.

Once the required notice of final action is received, it may be necessary, in an abundance of caution, for two Coastal Commissioners to appeal the CDP because the CDP is, by definition, not consistent with the policies and provisions of the certified LCP and it would not be possible to pre-judge the Coastal Commission's eventual action on the associated LCP amendment. This creates a very inefficient, time consuming process that also introduces a fair amount of uncertainty for CDP applicants.

Commission staff has consulted with County staff regarding this issue. County staff proposed several changes to Sections 22.44.900 that would provide that the date of action on a CDP associated with an LCPA would be the date that the Board of Supervisors acts on the CDP. Additionally, the notice of final action on such a CDP would not be provided to the Coastal Commission until the LCP amendment is effectively certified. However, such changes would not be consistent with the requirements of Coastal Act Section 30603(d), Section 13571 of the California Code of Regulations, or Section 22.44.1030 of the proposed LIP, in that the notice of final action would not be provided within seven days.

Instead, modifications are suggested to Sections 22.44.900 and 22.44.1040 to clarify that a CDP and an associated LCP amendment cannot be acted on concurrently. When an application for development is proposed that requires a CDP and an LCP amendment, the proposed LCP amendment must be approved by the Board of Supervisors consistent with Section 22.44.700, approved by the Coastal Commission, and effectively certified before the Hearing Officer or Commission can take action on the related CDP. The proposed LCP amendment and CDP shall not be acted upon by the County concurrently. These suggested modifications will allow the findings to be made that the CDP is consistent with the LCP as amended and effective certified, and notice of final action on the CDP to be provided within seven days, thereby ensuring internal consistency within the LIP.

4. Development Agreements

Further, the LIP is suggested to be modified to add provisions regarding development agreements. In some cases, a development agreement between the County and an applicant may be intended to supersede the provisions of the LCP (LUP and/or LIP) for a defined geographic area. The development agreement's provisions as to the permitted land uses, density or intensity of use, maximum height and size of proposed buildings, and provisions for reservation or dedication of land for public purposes may be different from those of the LCP. Finally, the development agreement may include additional provisions that conflict with or modify provisions of the LCP. In such cases, the development agreement would need to be approved as an LCP amendment, certified by the Coastal Commission in order to be effective. To ensure that development agreements are certified as necessary, the LIP is suggested to be modified (Attachment A) to incorporate Section 22.44.1160 (Development Agreements).

5. Conclusion

In conclusion, the Commission finds that suggested modifications, as discussed above, are necessary for the conflict resolution, definition, and coastal development permit provisions of the LIP to ensure that the implementation and processing of Coastal Development Permits (CDP) will conform with and be adequate to carry out the policies of the approved LUP. The Commission finds that the these provisions of the LIP, only if modified as suggested, conform with and are adequate to carry out the applicable policies of the LUP.

K. LCP AMENDMENT PROCEDURES

The Coastal Act provides for the amendment of certified Local Coastal Programs. The LCP is a planning document that may need to be updated to reflect changes to the physical environment, or changes to the County's or community's vision for resource protection and/or development in the SMMs. Changes in State law also may necessitate modifications to the LCP.

Further, the LUP contains several policies that require future changes to the LCP. For instance, Policies CO-37 and CO-38 provide for updates to the LUP Biological Resources Map to reflect any adjustments to the habitat categories based on site-specific identification of plants and animals through CDP review or other review. CO-41 requires an LCP amendment to be certified before the County could approve any use in H1 habitat other than the limited uses provided in the policy. CO-86a requires the County to prepare a Habitat Fee study and to update the Habitat Fee amount through an LCP amendment. CO-# requires that the LUP Recreation Map be updated periodically through an LCP amendment to reflect future changes to public park open space areas, park uses, and trail alignments.

Finally, the LIP, as suggested to be modified, also includes provisions that require periodic amendments to the LCP, including the LUP Biological Resource Map (Section 22.44.1830), the LUP Recreation Map (Sections 22.44.1390.I and 22.44.1400.I.10), and Habitat Fee (Section 22.44.1950.A.2). Additionally, LIP Section 1890.C.4 provides that no development of any non-resource-dependent use other than the two permitted in that section shall be approved within H1 habitat, unless such use has first been considered in an LCP amendment. Further, Section 22.44.1160 provides that, in certain circumstances, a development agreement approved by the County must be certified as an LCP amendment before it is effective.

As proposed, the LIP does not contain procedures for the initiation, processing, or action on LCP amendments. In order to include such procedures, the LIP is suggested to be modified to add Section 22.44.700. Section 22.44.700 contains provisions for amendments of the LCP, including:

- Procedures for how amendment requests may be initiated;
- The required form and content of the submittal;
- The requirements for adequate public review of amendment documents at least 6 weeks prior to final local action on an LCP amendment request;
- Procedures for conducting local hearings on proposed amendments;
- Required findings for adoption of an amendment;
- The process for submittal to the Coastal Commission for review; and,
- Provisions that assure that no amendment shall take effect unless and until effectively certified by the Coastal Commission.

The LIP, as suggested to be modified, assures that in considering a proposed amendment, the County will have detailed and adequate information to evaluate the impact of the proposed ordinance on coastal resources, to identify feasible planning alternatives and to evaluate a proposed LCP amendment for consistency with the applicable standard of review. Section 22.44.700 requires that an amendment to the LUP must be found consistent with the policies of the Coastal Act. An amendment to the LIP is required to conform to and be adequate to carry out the policies of the LUP.

The LIP, as suggested to be modified assures that proposed LCP Amendments will be processed in a manner than affords the public maximum opportunity to participate in the LCP amendment decision making at the local level. Section 22.44.700 requires a document review period of no less than six

weeks and provides public noticing and hearings procedures for Regional Planning Commission and Board of Supervisors review of proposed LCP amendments.

As suggested to include Section 22.44.700, the LIP will provide an adequate framework to guide initiation, processing and decision-making of amendments to the LCP, consistent with the provisions of the Coastal Act. It assures that no changes will occur to the policies and/or standards of the certified LCP without full evaluation at the local level and without certification by the Coastal Commission. If modified as suggested, the LIP will provide for the LCP amendments that are required by policies of the approved LUP.

L. GENERAL ADMINISTRATION

1. Coastal Zone Boundary

The proposed LIP Zoning Map (**Exhibit 2**) shows the coastal zone boundary to illustrate the general extent of the plan area. The width of the line used by the County on the map to depict the coastal zone boundary is far too wide to indicate the precise location of the boundary, and is therefore only used to indicate the general location of the line. The precise location of the boundary will be indicated by a thinner line on a "post-certification map" adopted by the Commission after LCP certification is complete. Therefore, it is necessary to clarify the function and limitations of the coastal zone boundary that is depicted on the County's proposed Zoning Map. Suggested Modification 3(a) is required to ensure that a map note is included on the map that states: "The Coastal Zone Boundary depicted on this map is shown for illustrative purposes only and does not define the Coastal Zone. The delineation is representational, may be revised at any time in the future, is not binding on the Coastal Commission, and may not eliminate the need for a formal boundary determination made by the Coastal Commission."

One consequence of the wide coastal zone boundary line (at the scale of the maps, it is the equivalent of approximately 175-200 feet wide) is that there are areas (and may even be parcels) literally beneath the line that are within the Coastal Zone. The information that the maps purport to convey is therefore obscured for those areas and/or parcels. In the absence of site-specific information to the contrary, the Commission assumes, by default, that the character of the area beneath the line (the zoning designation for the area), matches the area immediately seaward of the area in question and that is not obscured by the line.

2. Renumbering

Though every effort has been made to correctly identify locations where numbering of sections or cross-references from one section to another has occurred as a result of the Suggested Modifications herein, there may be cases where a reference or section number was overlooked due to the length and complexity of the modifications. Therefore, the Commission finds that Suggested Modification 2 is necessary to give County staff the ability to renumber references and section numbers as necessary to incorporate the Suggested Modifications in full.

M. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 21080.9 of the Public Resources Code (a section of CEQA) exempts local governments from the requirements of CEQA in connection with the preparation and adoption of a Local Coastal

Program (LCP). Instead, certification of such an LCP by the Coastal Commission is subject to the requirements of CEQA. However, the Coastal Commission's regulatory program involving the preparation, approval and certification of local coastal programs has been certified by the Natural Resources Agency under Public Resources Code Section 21080.5 as the functional equivalent of preparing an environmental impact report (EIR). As a result of this certification, the Coastal Commission is exempt from the requirement of preparing an EIR in connection with a local coastal program. As set forth above, the Commission finds that Los Angeles County's proposed Santa Monica Mountains Local Implementation Plan, if modified pursuant to the Commission's suggested modifications, conforms with, and is adequate to carry out, the provisions of the approved Land Use Plan. The Commission also finds that approval of the Local Implementation Plan with the suggested modifications will not result in significant adverse environmental impacts within the meaning of CEQA. The Commission further finds that there are no feasible alternatives or additional mitigation measures that would substantially lessen any significant adverse impact on the environment from approval of the Local Implementation Plan with suggested modifications.

LOS ANGELES COUNTY

MAP 1: PLANNING AREA

SANTA MONICA MOUNTAINS LOCAL COASTAL PROGRAM

VENTURA COUNTY

AGOURA HILLS

WESTLAKE VILLAGE

CALABASAS

LOS ANGELES

SANTA MONICA MOUNTAINS NORTH AREA

SANTA MONICA MOUNTAINS COASTAL ZONE

MALIBU

PEPPERDINE UNIVERSITY LRDP

PACIFIC OCEAN

SANTA MONICA BAY

WESTLAKE BLVD

MULHOLLAND HWY

KANAN RD

LAS VIRGENES RD

TOPANGA CYN BLVD

OLD TOPANGA CYN RD

STUNT RD

SADDLE PEAK RD

SCHUEREN RD

PACIFIC EDGEWOOD RD

LITTLE SYCAMORE CANYON RD

ENCINAL CYN RD

LATIGO CYN RD

DECKER RD

PACIFIC COAST HWY

CORRAL CYN RD

PUMA RD

MALIBU CYN RD

RAMBLA PACIFICO

LAS FLORES CYN RD

TUNA CYN RD

DUME RD

KANAN RD

23

101

N9

N1

27

1

LEGEND

- MAJOR ROAD
- HIGHWAY
- FREEWAY
- SANTA MONICA MOUINTAINS COASTAL ZONE BOUNDARY
- PEPPERDINE UNIVERSITY LRDP (SHOWN FOR CONTEXT ONLY)*
- SANTA MONICA MOUNTAINS NORTH AREA (UNINCORPORATED)
- INCORPORATED CITY

* SEE SANTA MONICA MOUNTAINS LAND USE PLAN, P2.

VICINITY MAP

AREA MAPPED

LOS ANGELES COUNTY
DEPT. OF REGIONAL PLANNING
320 W. TEMPLE ST.
LOS ANGELES, CA 90012

FEET
0 3,500 7,000

PRINTED ON: _____

PREPARED BY DRP GIS SECTION / NOVEMBER 2013

Exhibit 1. Vicinity Map

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Exhibit 1. Vicinity Map

AGOURA HILLS

CALABASAS

SANTA MONICA MOUNTAINS NORTH AREA

SANTA MONICA MOUNTAINS NORTH AREA

LOS ANGELES

LAS VIRGENES CYN RD

MALIBU HWY

MULHOLLAND HWY

CYN RD

STUNT RD

SADDLE PEAK RD

SCHUEREN RD

PIUMA RD

MALIBU CYN RD

CORRAL CYN RD

RAMBLA PACIFICO

LAS FLORES CYN RD

OLD TOPANGA CYN RD

TOPANGA CYN BLVD

PACIFIC DR

FERNWOOD

TUNA CYN RD

TOPANGA CYN BLVD

N1

27

1

PEPPERDINE UNIVERSITY LRDP

MALIBU

COAST HWY

PACIFIC

PACIFIC OCEAN

SANTA MONICA BAY

LOS ANGELES COUNTY

ZONING (EAST)

SANTA MONICA MOUNTAINS LOCAL COASTAL PROGRAM

LEGEND

- MAJOR ROAD
- HIGHWAY
- PARCEL BOUNDARY
- C-1 RESTRICTED BUSINESS
- C-2 NEIGHBORHOOD BUSINESS
- IT INSTITUTIONAL
- O-S OPEN SPACE
- R-1 SINGLE-FAMILY RESIDENCE
- R-3 LIMITED MULTIPLE RESIDENCE
- R-C-10,000 RURAL-COASTAL (1DU/10,000SF)
- R-C-15,000 RURAL-COASTAL (1DU/15,000SF)
- R-C-20,000 RURAL-COASTAL (1DU/20,000SF)
- R-C-1 RURAL-COASTAL (1DU/1AC)
- R-C-2 RURAL-COASTAL (1DU/2AC)
- R-C-5 RURAL-COASTAL (1DU/5AC)
- R-C-10 RURAL-COASTAL (1DU/10AC)
- R-C-20 RURAL-COASTAL (1DU/20AC)
- R-C-40 RURAL-COASTAL (1DU/40AC)
- R-R RESORT AND RECREATION
- SANTA MONICA MOUNTAINS COASTAL ZONE BOUNDARY
- PEPPERDINE UNIVERSITY LRDP (SHOWN FOR CONTEXT ONLY)*

* SEE LOS ANGELES COUNTY CODE, § 22.44.610.

VICINITY MAP:

AREA MAPPED

LOS ANGELES COUNTY
DEPT. OF REGIONAL PLANNING
320 W. TEMPLE ST.
LOS ANGELES, CA 90012

MILES
0 0.5 1

PRINTED ON: _____

PREPARED BY DRP GIS SECTION / NOVEMBER 2013

Exhibit 2. Proposed LIP Zoning Map

VENTURA COUNTY

WESTLAKE VILLAGE

SANTA MONICA MOUNTAINS NORTH AREA

MALIBU

PACIFIC OCEAN

SANTA MONICA BAY

LITTLE SYCAMORE CANYON RD

MULHOLLAND HWY

KANAN RD

LATIGO CYN RD

ENCINAL CYN RD

DECKER RD

PACIFIC COAST HWY

DUME RD

N9

23

1

LOS ANGELES COUNTY

ZONING (WEST)

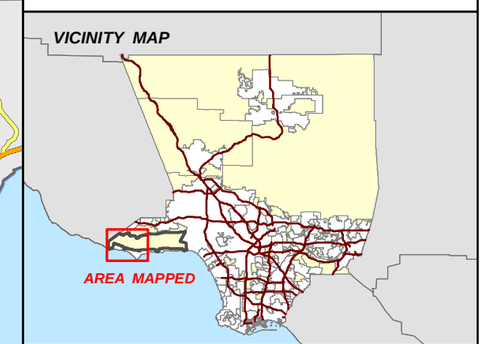
SANTA MONICA MOUNTAINS LOCAL COASTAL PROGRAM

LEGEND

- MAJOR ROAD
- HIGHWAY
- PARCEL BOUNDARY
- C-1 RESTRICTED BUSINESS
- C-2 NEIGHBORHOOD BUSINESS
- IT INSTITUTIONAL *
- O-S OPEN SPACE *
- R-1 SINGLE-FAMILY RESIDENCE
- R-3 LIMITED MULTIPLE RESIDENCE
- R-C-10,000 RURAL-COASTAL (1DU/10,000SF) *
- R-C-15,000 RURAL-COASTAL (1DU/15,000SF)
- R-C-20,000 RURAL-COASTAL (1DU/20,000SF)
- R-C-1 RURAL-COASTAL (1DU/1AC)
- R-C-2 RURAL-COASTAL (1DU/2AC)
- R-C-5 RURAL-COASTAL (1DU/5AC)
- R-C-10 RURAL-COASTAL (1DU/10AC) *
- R-C-20 RURAL-COASTAL (1DU/20AC) *
- R-C-40 RURAL-COASTAL (1DU/40AC) *
- R-R RESORT AND RECREATION *
- SANTA MONICA MOUNTAINS COASTAL ZONE BOUNDARY

* THE ABOVE ZONES PERTAIN TO THE ENTIRE LCP, BUT ONLY THOSE MARKED WITH AN ASTERISK ARE LOCATED IN THE WESTERN AREA.

VICINITY MAP



LOS ANGELES COUNTY
DEPT. OF REGIONAL PLANNING
320 W. TEMPLE ST.
LOS ANGELES, CA 90012

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PRINTED ON: _____

PREPARED BY DRP GIS SECTION / NOVEMBER 2013

Exhibit 2. Proposed LIP Zoning Map

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	Use Types	Residential		Commercial		Special Purpose and Combining Zones					
		R-1	R-3	C-1	C-3	R-C	R-R	O-S	OS-P	OS-DR	IT
Residential	Apartment houses		**A***	MJ	MJ						
	Caretaker's dwelling units (residence or mobilehome)			MJ	MJ	MJ	MJ	MJ	MJ		MJ
	Duplexes		A								
	Family child care homes, large - having no more than 14 persons					A					
	Family child care homes, small	A	A	A	A	A	A				
	Foster family homes			A	A						
	Fraternity and sorority houses			MJ	MJ						
	Group homes, children, limited to six or fewer persons	A	A	MN	MN	A					
	Group homes, children, unlimited			MJ	MJ		MJ				
	Guesthouses/habitable accessory structures	MN	MN			MN					
	Homeless shelter			MN	MN						
	Mobilehome park, continuation of existing					MJ	MJ				
	Mobilehomes used as a residence of the owner and his family during the construction by such owner of a permanent residence	MN	MN			A	MN				
	Mobilehomes for use as a residence during construction			MN	MN						
	Residences, single-family	**A***	A	MJ	MJ	**A***					
	Room rentals (accessory use)		A								
	Rooming and boarding houses		MJ								
	Rooms for rent, not more than four residents, in a single-family residence (accessory use)	A	A			A					
	Second units	MJ	MJ			MJ					
	Senior citizen residences	A	A			A					
	Small family homes, children	A	A	A	A	A	A				
	Townhouses		A								
Accessory	Accessory uses and structures	A	A	A	A	A	A	A	A		A
	Animals kept as pets (accessory use)	A	A			A					
	Arts and crafts uses providing limited commercial and					A					
	Building materials, storage of, use in the construction of a building or building project, during the construction and 30 days thereafter (accessory use)	A	A	A	A	A	A				
	Grading projects (0-50 cu. yds. of cut and fill)	A	A	A	A	A	A	A	A		A
	Grading projects (50-5,000 cu. yds. of cut and fill)	MN	MN	MN	MN	MN	MN	MN	MN		MN
	Grading projects (greater than 5,000 cu. yds. of cut and fill)	MJ	MJ	MJ	MJ	MJ	MJ	MJ	MJ		MJ
	Grading projects, off-site transport			MN	MN		MJ				
	Historic vehicle collection (accessory use)	A	A			MJ					
	Home-based occupations (accessory use)	A	A			A					
	Horse boarding, private (accessory use)					A					
	Poolhouse, located on the same property as a single-family residence and a pool, and shall not include sleeping quarters or kitchen facilities	A	A			A					
	Storage, temporary, of materials and construction equipment used in construction or maintenance of streets and highways, sewers, storm drains, underground conduits, flood control works, pipelines and similar uses for a period not to exceed one year	MJ	MJ	MJ	MJ	MJ	MJ	MJ	MJ		
	Temporary uses		A	A	A	A	A	A	A		MJ

Exhibit 3. Allowed Land Use and Permit Requirement Summary Table

	Use Types	Residential		Commercial		Special Purpose and Combining Zones					
		R-1	R-3	C-1	C-3	R-C	R-R	O-S	OS-P	OS-DR	IT
	Water wells (accessory use)	A	A	A	A	A	A	A	A		A
Public, Civic, and Institutional	Arboretums and horticultural gardens	MJ	MJ	A	A		A	MJ	MJ		
	Churches, temples, or other places used exclusively	MJ	MN	A	A	MJ	MJ				
	Colleges and universities, including appurtenant facilities giving advanced academic instruction approved by the State Board of Education or other recognized accrediting agency, but excluding trade schools			MJ	MJ						
	Comfort stations			A	A		A				
	Communication equipment buildings	MJ	MJ	A	A	MJ	MJ	MJ	MJ		
	Community centers where developed as an integral part of a building project, and operated on a nonprofit basis for the use of surrounding residents		MJ								
	Convents and monasteries where on the same lot or parcel as a legally established church or school	MJ	MJ								
	Convents and monasteries, stand-alone		MN	MJ	MJ		MJ				
	Correctional institutions, including jails, farms and camps			MJ	MJ						
	Dental clinics, including laboratories in conjunction therewith			A	A						
	Disability rehabilitation and training centers, on a lot or parcel having an area of not less than one acre, where sheltered employment or industrial-type training is conducted			MJ	MJ						
	Educational institutions either publicly or privately owned										MJ
	Electric transmission substations and generating plants, including microwave facilities used in conjunction with any one thereof			MJ	MJ						
	Electrical distribution substations, including microwave facilities used in conjunction therewith	MJ	MJ	A	A	MJ	MJ	MJ	MJ		
	Emergency preparedness and response facility	A	A	A	A	A	A	A	A		A
	Employment agencies			A	A						
	Fire Stations	MJ	MJ	A	A	MJ	MJ				MJ
	First aid stations within 600 feet of a recreational use permitted in the zone						MJ				
	Gas metering and control stations, public utility	MJ	MJ	A	A	MJ	MJ	MJ	MJ		
	Government offices and services										**A***
	Habitat preservation and public recreation, including campgrounds, resource dependent uses, public parks, trails, playgrounds, and beaches, with all appurtenant facilities customarily found in conjunction therewith								**A***		
	Hospitals			MJ	MJ						MJ
	Juvenile halls			MJ	MJ						
	Libraries			A	A						MJ
	Medical clinics, including laboratories in conjunction therewith			A	A						
	Microwave stations			A	A			MJ	MJ		
	Museums			A	A		A	MJ	MJ		
	Observatories			A	A		A	MJ	MJ		
	Parks, trails, playgrounds and beaches	A	A	A	A	A	A	A	A		A
	Police stations			A	A						MJ
	Post offices			A	A						MJ
	Probation camps										MJ
	Public utility service centers			A	A						
	Publicly owned uses necessary to the maintenance of the public health, convenience or general welfare	MJ	MJ	MJ	MJ	MJ	MJ	MJ	MJ		MJ

Exhibit 3. Allowed Land Use and Permit Requirement Summary Table

	Use Types	Residential		Commercial		Special Purpose and Combining Zones					
		R-1	R-3	C-1	C-3	R-C	R-R	O-S	OS-P	OS-DR	IT
Public, Civic, and Institutional	Recreation facilities, neighborhood, not accessory to a principal use, including tennis, polo and swimming, where operated as a nonprofit corporation for the use of the surrounding residents	MJ	MJ								
	Recreational equipment rentals where in conjunction with and intended to serve patrons of a recreational use permitted in Zone O-S							MJ	MJ		
	Road construction maintenance yards						MJ				
	Schools, business and professional, including art, barber, beauty, dance, drama and music, but not including any school specializing in manual training, shop work, or in the repair and maintenance of machinery or mechanical equipment			MJ	MJ						
	Schools, through grade 12, accredited, including appurtenant facilities, which offer instruction required to be taught in the public schools by the Education Code of the state of California			MJ	MJ	MJ					
	Telephone repeater stations		MJ	A	A						
	Tourist information centers			A	A		A				
	Uses normal and appurtenant to the storage and distribution of water					MJ					
	Water reservoirs, dams, treatment plants, gaging stations, pumping stations, wells and tanks, except those wells and tanks related to a shared water well, and any other use normal and appurtenant to the storage and distribution of water	MJ	MJ	MJ	MJ	MJ	MJ	MJ	MJ		
	Watershed, water recharge and percolation areas.							A	A		
	Wildlife, nature, forest and marine preserves and sanctuaries							A	A		
Retail, Service, and Commercial	Local-Serving Retail and Service Stores			**A***	**A***						
	Adult day care facilities	MJ	MJ	MJ	MJ		MJ				
	Adult day care facilities, having no more than 14 persons					MJ					
	Adult residential facilities, limited to six or fewer persons	A	A			A					
	Air pollution sampling stations			A	A						
	Alcoholic beverages, the sale of, for either on-site or off-site consumption			MJ	MJ						
	Antique shops, genuine antiques only			A	A						
	Juvenile halls			A	A						
	Arcades, game or movie				MJ						
	Archery ranges			MJ	MJ		A				
	Art galleries			A	A						
	Art supply stores			A	A						
	Automobile repair and parts installation incidental to the sale of new automobiles, automobile service stations and automobile supply stores			A	A						
	Automobile sales, sale of new motor vehicles, and including incidental repair and washing			A	A						
	Automobile service stations within 600 feet of a recreational use permitted in the zone						MJ				
	Automobile service stations, including incidental repair, washing and rental of utility trailers			A	A						
	Automobile supply stores, including incidental installation of parts			A	A						
	Automobile washing, waxing and polishing, accessory only to the sale of new automobiles and automobile service stations			A	A						
	Bait and tackle shops within 600 feet of a recreational use permitted in the zone						MJ				

Exhibit 3. Allowed Land Use and Permit Requirement Summary Table

	Use Types	Residential		Commercial		Special Purpose and Combining Zones					
		R-1	R-3	C-1	C-3	R-C	R-R	O-S	OS-P	OS-DR	IT
Retail, Service, and Commercial	Bakery shops, including baking only when incidental to retail sales from the premises			A	A						
	Banks, savings and loans, credit unions and finance companies			A	A						
	Barber shops			A	A						
	Barbershops within 600 feet of a recreational use permitted in the zone						MJ				
	Bars and cocktail lounges within 600 feet of a recreational use permitted in the zone						MJ				
	Bars and cocktail lounges, but excluding cabarets			MJ	MJ						
	Beauty shops			A	A						
	Beauty shops within 600 feet of a recreational use permitted in the zone						MJ				
	Bed-and-breakfast establishments					MJ	MN				
	Beer and wine, the concurrent sale of, with motor vehicle fuel			MJ	MJ						
	Bicycle and motor scooter rentals within 600 feet of a recreational use permitted in the zone						MJ				
	Bicycle rentals			A	A						
	Bicycle shops			A	A						
	Billiard halls				MJ						
	Blacksmith shop				MJ						
	Boat and other marine sales			A	A						
	Boat rentals						A				
	Bookstores			A	A						
	Butane and propane service stations				MJ						
	Car washes, coin-operated and hand wash			MJ	MJ						
	Ceramic shops, excluding a kiln or manufacture			A	A						
	Child care centers	MJ	MN	A	A	MJ	MJ				
	Christmas trees and wreaths, the sale of, between December 1st and December 25th, both dates inclusive		MN	MN	MN	MN	MN				
	Clothing stores			A	A						
	Concrete batching, provided that the mixer is limited				MJ						
	Confectionery or candy stores, including making only when incidental to retail sales from the premises			A	A						
	Contractor's equipment storage, limited to construction equipment such as dump trucks, bulldozers, and accessory material				MJ						
	Delicatessens			A	A						
	Department stores			A	A						
	Dress shops			A	A						
	Drugstores			A	A						
	Dry cleaning establishments			A	A						
	Farmers' markets	MN	MN	A	A	MN	MN	MN	MN		
	Feed store				MJ						
	Florist shops			A	A						
	Furniture stores			A	A						
	Furrier shops			A	A						
	Games of skill				MJ						
	Gift shops			A	A						
	Glass and mirror sales, including automobile glass installation only when conducted within an enclosed building			A	A						
	Golf course modifications (other than minor repair and maintenance) to, or replacement of, golf courses first established prior to the certification of the LCP						A				

	Use Types	Residential		Commercial		Special Purpose and Combining Zones					
		R-1	R-3	C-1	C-3	R-C	R-R	O-S	OS-P	OS-DR	IT
Retail, Service, and Commercial	Golf course modifications to, or replacement of, if the course was first established prior to the certification of the LCP, and any new or replacement clubhouse, meeting, seminar, dining, and other appurtenant facilities, provided that new visitor-serving overnight accommodations shall only be permitted if not less than 10 acres of open space area is dedicated to a public agency per each individually keyed guest room or guest bungalow permitted						MJ				
	Grocery stores			A	A						
	Grocery stores within 600 feet of a recreational use permitted in the zone						MJ				
	Hardware stores			A	A						
	Health food stores			A	A						
	Hobby supply stores			A	A						
	Ice cream shops			A	A						
	Ice sales, excluding ice plants			MJ	MJ						
	Interior decorating studios			A	A						
	Jewelry stores			A	A						
	Joint live and work units			MN	MN						
	Laundries, hand			A	A						
	Laundries, self service			A	A						
	Laundries, self-service within 600 feet of a recreational use permitted in the zone						MJ				
	Laundry agencies			A	A						
	Leather goods stores			A	A						
	Live entertainment, accessory, in a legally established bar, cocktail lounge or restaurant having an occupant load of less than 200 people			MN	MN	MN	MN				
	Locksmith shops			A	A						
	Lodge halls			A	A						
	Lumberyards, except the storage of boxes, crates or pallets				MJ						
	Mail order houses			A	A						
	Meat markets, excluding slaughtering			A	A						
	Menageries, zoos, animal exhibitions or other similar facilities for the keeping or maintaining of wild animals, within 600 feet of a recreational use permitted in the zone						MJ	MJ	MJ		
	Millinery shops			A	A						
	Miniature golf courses			MJ	MJ						
	Miniature golf courses, within 600 feet of a recreational use permitted in the zone						MJ				
	Music stores			A	A						
	Nightclubs				MJ						
	Notion or novelty stores			A	A						
	Office machines and equipment sales			A	A						
	Offices, business or professional			A	A						
	Outdoor dining			MJ	MJ						
	Paint and wallpaper stores			A	A						
	Parking lots and parking buildings			A	A						
	Pet grooming, excluding boarding			MJ	MJ						
	Pet stores, within an enclosed building only			MJ	MJ						
	Pet supply stores, excluding the sale of pets other than tropical fish or goldfish			A	A						
	Photographic equipment and supply stores			A	A						
	Photography studios			A	A						
	Plant nursery, retail					MJ	MJ				
	Plumbing shops and plumbing contractor's shops				MJ						
	Pool halls				MJ						

	Use Types	Residential		Commercial		Special Purpose and Combining Zones					
		R-1	R-3	C-1	C-3	R-C	R-R	O-S	OS-P	OS-DR	IT
Retail, Service, and Commercial	Radio and television stores			A	A						
	Real estate offices			A	A						
	Recording studios			MJ	MJ						
	Recreation clubs, commercial, including tennis, polo, swimming and similar outdoor recreational activities, together with appurtenant clubhouse			MJ	MJ						
	Recreation clubs, private, including tennis, polo and swimming. Such use may include a pro-shop, restaurant and bar as appurtenant uses						MJ				
	Refreshment stands operated in conjunction with and intended to serve the patrons of a use permitted in the zone.						MN	A	A	A	
	Rental, leasing and repair of articles sold on the premises, incidental to retail sales			A	A						
	Restaurants and other eating establishments including food take-out			A	A						
	Restaurants and other eating establishments, including food take-out, within 600 feet of a recreational use permitted in the zone						MJ				
	Retail stores			A	A						
	Riding academies, and/or the backyard boarding of more than 24 horses, and/or commercial stables, on a lot or parcel of land having, as a condition of use, an area of not less than five acres					MJ		MJ	MJ		
	Riding academies, stables, and horse boarding facilities						A	MJ	MJ		
	Roofing contractor's establishments				MJ						
	Septic tank and cesspool repairing, pumping, cleaning, and draining				MJ						
	Shoe repair shops			A	A						
	Shoe stores			A	A						
	Shoeshine stands			A	A						
	Signs			A	A		A	MN	MN		A
	Silver shops			A	A						
	Souvenir shops, within 600 feet of a recreational use permitted in the zone						MJ				
	Sporting goods stores			A	A						
	Stamp redemption centers			A	A						
	Stationery stores			A	A						
	Stations: Bus, railroad and taxi			A	A		MJ				
	Steam or sauna baths			MJ	MJ						
	Swimming pools			A	A		A				
	Tasting rooms, remote			MJ	MJ		MJ				
	Tasting rooms						MJ				
	Tennis, volleyball, badminton, croquet, lawn bowling and similar courts			MJ	MJ	A	A				
	Theaters and other auditoriums			MJ	MJ						
	Theaters, drive-in			MJ	MJ						
	Tobacco shops			A	A						
	Toy stores			A	A						
	Trailer rentals, box and utility only, accessory only to automobile service stations			A	A						
	Union halls			A	A						
	Used merchandise, retail sale of, taken as trade-in on the sale of new merchandise when such new merchandise is sold from the premises			A	A						
	Veterinary clinics, small animal			MJ	MJ						
	Veterinary hospital				MJ						
	Watch repair shops			A	A						
	Wild animals, the keeping of, either individually or collectively for private or commercial purposes						MJ				
	Wineries					MJ	MJ				

Exhibit 3. Allowed Land Use and Permit Requirement Summary Table

	Use Types	Residential		Commercial		Special Purpose and Combining Zones					
		R-1	R-3	C-1	C-3	R-C	R-R	O-S	OS-P	OS-DR	IT
	Yarn and yardage stores			A	A						
Other	Access roads, new, that cross one or more vacant parcels	MN	MN			MN	MN				
	Access to property lawfully used for a purpose not permitted in the zone	MN	MN	MN	MN	MN	MN	MN	MN		MN
	Amphitheaters within 600 feet of a recreational use permitted in the zone						MJ	MJ	MJ		
	Apiaries, limited to hives only.							A	A		
	Athletic fields, excluding stadiums			MJ	MJ		A				
	Cabins						MJ				
	Campgrounds						**A***				
	Camps, youth						MJ	MJ	MJ		
	Community gardens	A	A					A	A		
	Confined animal facilities					A	A				
	Crop-based agricultural uses					A	A				
	Exploratory testing	MN	MN	MN	MN	MN	MN	MN	MN		MN
	Habitat preservation and permanent open space, consistent with the limitations established for the site by the terms of the applicable easement or deed restriction									**A***	
	Habitat preservation and passive recreation							**A***			
	Health retreats, on a lot or parcel of land having, as a condition of use, a minimum area of not less than two acres						MJ				
	Motion picture sets (permanent)					MN	A	MJ	MJ		
	Outdoor festivals						MJ				
	Recreational trailer parks on a lot or parcel of land having as a condition of use an area of not less than five acres						MJ	MJ	MJ		
	Resource dependent uses	A	A	A	A	A	A	A	A	A	A
	Rural inns					MJ	MJ				
	Scientific research or experimental development of materials, methods, or products, including engineering and laboratory research, together with all administrative and other related activities and facilities in conjunction therewith Such products may be initiated, developed, or completed on the premises but no part of the products may be manufactured on the premises				MJ						
	Telecommunication Facilities	MJ	MJ	MN	MN	MN	MN	MJ	MJ		MN
	Travel trailer parks			MJ	MJ						
	Youth hostels			MJ	MJ			MJ	MJ		
	Youth hostels, within 600 feet of a recreational use permitted in the zone						MJ				

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF LOS ANGELES
INDICATING AN INTENT TO APPROVE AND SUBMIT A PROPOSED
SANTA MONICA MOUNTAINS LOCAL COASTAL PROGRAM
TO THE CALIFORNIA COASTAL COMMISSION**

WHEREAS, in compliance with the California Coastal Act of 1976 ("Coastal Act"), as amended, set forth in sections 30000, et seq., of the California Public Resources Code, the County of Los Angeles ("County") has prepared a Local Coastal Program ("LCP") for the Santa Monica Mountains, described further in this Resolution; and

WHEREAS, the Coastal Act requires local jurisdictions lying, in whole or in part, within the coastal zone (as defined in the Coastal Act) to prepare an LCP for that portion of the coastal zone within its boundaries; and allows local jurisdictions to prepare separate LCPs for different portions of its coastal zone; and

WHEREAS, the County has divided its coastal zone into three areas: the Santa Monica Mountains, Marina del Rey, and Santa Catalina Island, the latter two already operating under certified LCPs; and

WHEREAS, an LCP consists of both a land use plan ("LUP") and a local implementation program ("LIP") that may include necessary zoning ordinances and zone changes; and

WHEREAS, the County Board of Supervisors ("Board") adopted the Malibu Land Use Plan in 1986 as the LUP portion of an LCP for the Santa Monica Mountains segment of the coastal zone that was certified by the California Coastal Commission ("Coastal Commission") in 1986, but no local implementation measures were completed or certified and thus there is no complete certified LCP for the Santa Monica Mountains; and

WHEREAS, the failure to have a certified LCP requires applicants for development projects in the Santa Monica Mountains coastal zone ("Coastal Zone") to obtain coastal development permits through the Coastal Commission; and

WHEREAS, certification of the proposed Santa Monica Mountains LCP, consisting of an amendment to the LUP and adoption of the LIP, including amendments to Title 22 of the County Code and zone changes to make the zoning consistent with the LUP, will allow coastal development permits to be issued by the County; and

WHEREAS, the County Regional Planning Commission ("Planning Commission"), after public hearings, considered and recommended approval of the Santa Monica Mountains LCP in 2007 that included replacement of the Malibu LUP with the amended LUP as well adoption of the LIP. These documents were then considered at a public hearing by the Board, which indicated its intent to approve the LCP, with changes, in 2007; and

WHEREAS, the Coastal Commission, after initial discussions with the County, never considered nor certified the proposed LCP as recommended by the County in 2007, but in the last year announced a priority to encourage certification of previously uncertified portions of the State's coastal areas and to work with local agencies to update existing plans, which provided the County an opportunity to complete certification of the Santa Monica Mountains LCP; and

WHEREAS, although the recent cooperation by Coastal Commission staff and the County resulted in clarification or changes to the proposed LCP, those modifications do not substantively change the Board's adopted policy vision from 2007 and instead formulates that policy vision into this LCP, which is more consistent with current Coastal Commission approaches; and

WHEREAS, the proposed LCP does not require an accompanying environmental document under the California Environmental Quality Act because it comprises a portion of an equivalent regulatory program under section 21080.5 of the California Public Resources Code; and

WHEREAS, consistent with section 30510(a) of the California Public Resources Code, the proposed LCP is being submitted to the Coastal Commission pursuant to this Resolution and, if approved by the Coastal Commission, is intended to be carried out in a manner in full conformity with the Coastal Act; and

WHEREAS, the Board, after holding a public hearing on February 11, 2014 on the proposed LCP, finds as follows:

1. Certification of the proposed LCP is necessary to provide primary permitting authority in the Coastal Zone to the County.

2. The proposed LCP consists of the Santa Monica Mountains LUP and its LIP.

3. The Santa Monica Mountains LUP amends and replaces in its entirety the Malibu Land Use Plan and will become a part of the County General Plan ("General Plan").

4. The LIP includes detailed regulations for the Coastal Zone which are set forth in the County Zoning Code, adding provisions to Section 22.44 of Title 22 of the County Code.

5. The LIP also includes zoning changes necessary to implement the Santa Monica Mountains LUP. Those proposed zoning changes are necessary to make the zoning consistent with the Santa Monica Mountains LUP.

6. The Coastal Zone is approximately 51,019 acres, just over one-half of which is public parkland including portions of the Santa Monica Mountains National Recreational Area, Topanga State Park, and Malibu Creek State Park. There is limited commercial development on Pacific Coast Highway and Topanga Canyon Boulevard. The remainder of the Coastal Zone is generally composed of

scattered residences, rural communities, and some antiquated higher-density residential subdivisions.

7. Much of the Coastal Zone is prone to serious natural and man-made hazards, including wildfires, landslides, flooding, and earthquakes that require special attention to protect public health and safety.

8. The entire Coastal Zone has been designated by the County Fire Department as a Very High Fire Hazard Severity Zone, the most dangerous classification.

9. The circulation system in the Coastal Zone contains some major and secondary highways, but consists predominantly of narrow winding mountain roads, resulting in constrained access to much of the area. Due to geologic, topographic, and environmental constraints, it is not anticipated that new public roads will be constructed.

10. Located throughout the Coastal Zone are invaluable natural resources including mountains, streams, beaches, vegetation, and wildlife that require protection under the Coastal Act. Some resources require a greater level of protection because of their special characteristics and/or vulnerability.

11. The natural resources in the Coastal Zone require protection against pesticides and use of rodenticides, both of which are harmful to said resources.

12. The subject area contains approximately 2,900 undeveloped private parcels, many of which are undersized, have development constraints, and are located in sensitive environmental areas. Full build-out of these parcels would adversely impact public safety by overburdening the already-constrained road system in a Very High Fire Hazard Severity Zone, as well as public health and environmental health by introducing more pollutants into the watersheds, and overloading the existing infrastructure. It is necessary to mitigate these impacts by preventing an increase in the net amount of development that could occur and by encouraging development in areas less constrained by small lot sizes, steep slopes, hazards, and sensitive resources.

13. The Coastal Zone contains a number of antiquated subdivisions which are generally difficult to develop due to small lot sizes, steep slopes, unfavorable geologic conditions, on-site wastewater treatment system limitations, poor access, and other constraints. These areas can only accommodate a limited amount of development and are inappropriate for land divisions.

14. Currently, no State-designated prime agricultural land exists in the Coastal Zone on any private lands; all such designated prime agricultural land exits on publicly-owned lands.

15. Whether land is suitable for agricultural purposes requires review of a number of factors, including such things as whether its close to existing agricultural uses and availability of sufficient amounts of water. Availability of water is limited

Countywide, including in the Coastal Zone, and, given current conditions, new sources of water are questionable. Consistent with Coastal Commission guidance, review of lands within the Coastal Zone reveals that said lands are not suitable for agriculture.

16. To protect public health and safety as well as environmental resources, second units must be restricted in this Coastal Zone.

17. Development in hillsides within the Coastal Zone requires regulation to avoid geologic hazards, minimize adverse water quality impacts, maintain viable habitats, and maintain scenic vistas.

18. The Coastal Zone includes major watersheds which drain into and impact Santa Monica Bay as well as numerous riparian corridors.

19. Protection of natural stream channels contributes to improved water quality and maintenance of quality habitat.

20. The impacts of new development on water quality can be minimized through the use of best management practices in the design, construction, and use of that development.

21. The scenic beauty of the Coastal Zone area is widely recognized as one of its most distinctive and valuable attributes. Natural terrain throughout the Santa Monica Mountains contributes significantly to the Coastal Zone's scenic beauty and is highly visible to residents, motorists, and recreational users. Consistent with the Coastal Act, scenic resources must be protected.

22. The Coastal Zone provides the Los Angeles metropolitan region with a wide range of resource-based recreational opportunities. It is necessary to ensure that future generations will be able to experience the natural areas that enhance the region's quality of life.

23. The preservation of open space is necessary for protection of significant environmental resources, avoidance of geologic, fire, and flood hazards, protection of watersheds and viewsheds, and provision of public recreational opportunities.

24. The unique rural character and rural lifestyle, including equestrian activities, enjoyed by residents of the Coastal Zone must be preserved.

25. The proposed LIP provides protection of invaluable natural resources by, among other things, identifying H1 habitat in which only resource-dependent development, except for access roads in limited circumstances, is allowed, establishing regulations for development in other areas, and establishing a Resource Conservation Program to allow County purchase of lands for preservation for the benefit of the public.

26. The proposed zone changes are compatible with and are supportive of policies of the General Plan and the proposed LUP, and make zoning conform to the land use.

27. Good land use planning and zoning practice justifies the policies of the LUP and its implementation actions (the LIP consisting of Title 22 amendments and zone changes) with the intent of protecting public health, safety, and general welfare.

28. The staff report for the proposed LCP and documents attached thereto have informed the public and the Board of the numerous land use and environmental issues involved with the LCP, and County staff presented substantial evidence to the Board to support approval of the proposed LCP. Such evidence addresses, among other things, the appropriateness of the LCP and how it will further public health, safety, and general welfare and be in conformity with good planning practices. Cumulative impacts of the LCP are less than or equal to the impacts that would result from continuation of proceeding without a certified LCP.

29. The LCP does not place an undue burden on the ability of the County or the community to provide necessary facilities or services.

30. The County complied with section 30514 of the California Public Resources Code by providing appropriate public notice of the LCP, making copies of the LCP available for public review. County staff met with local homeowner, recreational, and environmental groups, neighboring jurisdictions, and State and federal park agencies for their comments on, and to discuss, the LCP and accepted public comments at the Board public hearing. Similar meetings were held in 2007 on the proposed LCP, the core provisions of which remain in the LCP as currently proposed, and public hearings were held then before the Planning Commission and the Board.

31. The LCP will strike a balance between property rights and potential development with protection and preservation of the abundant natural resources in the Coastal Zone, and is otherwise consistent with the policies of Chapter 3 of the Coastal Act.

32. If the Coastal Commission certifies the LCP, the Board will thereafter formally adopt the LCP and shall comply with Title 14 California Code of Regulations section 13544. Accordingly, the amendment to the LUP will be implemented by the LIP, adding provisions of Section 22.44 of Title 22 of the County Code, which will be adopted by ordinance, and by the zone changes to make the zoning consistent with the LUP, which will also be adopted by ordinance. The LUP amendment will be adopted by Board resolution, also after consideration by the Coastal Commission.

THEREFORE, BE IT RESOLVED THAT THE BOARD OF SUPERVISORS:

1. Finds that the Santa Monica Mountains Local Coastal Program does not require an accompanying environmental document under the California Environmental

Quality Act because it comprises a portion of an equivalent regulatory program under section 21080.5 of the California Public Resources Code;

2. Finds that said proposed Local Coastal Program is consistent with the California Coastal Act;

3. Certifies its intent to carry out the proposed Local Coastal Program, consisting of both the Land Use Plan and Local Implementation Program, in full conformity with the California Coastal Act, if approved by the Coastal Commission;

4. Indicates its intent to adopt the proposed Local Coastal Program, consisting of: (a) an amendment to the 1986 Malibu Land Use Plan resulting in its replacement with the Santa Monica Mountains Land Use Plan, as set forth in the attached Exhibit A; and (b) the Santa Monica Mountains Local Implementation Program, consisting of the amendments to Title 22 as set forth in the attached Exhibit B, and the zone changes, as set forth in the attached Exhibit C; and indicates that it will take formal action to adopt the Local Coastal Program following consideration and approval by the Coastal Commission pursuant to section 13551(b)(2) of Title 14 of the California Code of Regulations; and

5. Instructs the Department of Regional Planning to transmit the Santa Monica Mountains Local Coastal Program to the Coastal Commission for approval.

The foregoing resolution was on the 18th day of February, 2014, adopted by the Board of Supervisors of the County of Los Angeles and ex officio the governing body of all other special assessment and taxing districts, agencies, and authorities for which said Board also acts.

SACHI A. HAMAI, Executive Officer-
Clerk of the Board of Supervisors of
the County of Los Angeles

By _____
Deputy

APPROVED AS TO FORM:

JOHN F. KRATTLI
County Counsel

By _____
Deputy

Attachments

Attachment A

CLICK HERE FOR ATTACHMENT A

Los Angeles County
Santa Monica Mountains
Proposed Local Implementation Plan with Suggested Modifications

(The language of the proposed Local Implementation Plan is shown in straight type. Language recommended by Commission staff to be inserted is shown underlined. Language recommended by Commission staff to be deleted is shown in ~~strikethrough~~.)

Attachment B

CLICK HERE FOR ATTACHMENT B

Los Angeles County
Santa Monica Mountains

Approved Land Use Plan with Suggested Modifications

(does not include the approved LUP Maps)

(Approved with Suggested Modifications by the Coastal Commission on April 10, 2014)