

CALIFORNIA COASTAL COMMISSION

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February 14, 2008

W19c

TO: Commissioners and Interested Persons

FROM: John Ainsworth, South Coast Deputy Director
Teresa Henry, District Manager
Charles Posner, Coastal Program Analyst

SUBJECT: Major Amendment Request No. 1-07 (SCT-MAJ-1-07) to the County of Los Angeles Certified Local Coastal Program for Santa Catalina Island. For public hearing and Commission action at the Commission's March 5, 2008 meeting in Carmel.

SUMMARY OF LCP AMENDMENT REQUEST NO. 1-07

The Coastal Commission certified the Santa Catalina Island (County of Los Angeles) Local Coastal Program (LCP) on January 9, 1990. Local Coastal Program Amendment Request No. 1-07, the City's first and only major LCP amendment request for 2007, was submitted for Commission certification with a County Board of Supervisors Resolution (Exhibit #3). The LCP amendment request affects only the Land Use Plan (LUP) portion of the certified LCP.

Local Coastal Program Amendment Request No. 1-07 would amend the LCP's Land Use Plan Map in order to change Land Use Designation (LUD) of a 3,600 square foot portion of Lot 88 (within the Two Harbors Resort Village District of Santa Catalina Island) from Residential Subdistrict to Utilities/Services Subdistrict (Exhibit #2). The Santa Catalina Island Company is the owner of the subject property. The new Utilities/Services LUD for a portion of Lot 88 is necessary to accommodate the establishment of a new and modern above-ground fuel storage and dispensing facility at the subject site (See Related Local Coastal Development Permit Case No. 02-247-4). The subject site, which is located approximately four hundred feet inland of the Isthmus Cove shoreline, is currently developed and used as a service yard for the maintenance and storage of heavy equipment. The new fuel storage facility, once properly permitted and built, will replace the former below-ground fuel storage facility that was closed in 2003 and removed from its location near the Isthmus Cove Pier. In the interim period since 2003, a temporary above-ground fuel storage and dispensing facility has been used to supply fuel for land and water-based vehicles in the Isthmus area (See Emergency Coastal Development Permit 5-03-379-G).

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending that the Commission, after public hearing, **APPROVE** the LCP amendment request as submitted. The LCP amendment request amending the certified LUP portion of the LCP meets the requirements of, and is in conformance with the Chapter 3 policies of the Coastal Act. **The motion to accomplish this recommendation is on Page Three.**

CONTENTS OF LCP AMENDMENT REQUEST NO. 1-07

The County of Los Angeles Regional Planning Commission held a public hearing for the proposed LCP amendment on May 19, 2004. The County Board of Supervisors held a public hearing for the proposed LCP amendment on January 25, 2005. On February 28, 2007, the County of Los Angeles Department of Regional Planning submitted to our office the request to amend the Santa Catalina Island Local Coastal Program (LCP). On January 22, 2008, the Commission's South Coast District office received from the County Board of Supervisors its Resolution of Submittal for the LCP amendment, as revised and adopted on December 18, 2007 (Exhibit #3). The County's revised resolution states that the LCP amendment is intended to be carried out in a manner fully in conformity with the California Coastal Act, and that the LCP amendment shall be effective upon certification by the Coastal Commission.

The single change proposed by this LCP amendment request is the change to the Land Use Designation (LUD) for a 3,600 square foot portion of Lot 88 (within the Two Harbors Resort Village District) from Residential Subdistrict to Utilities/Services Subdistrict. The new Utilities/Services LUD for a portion of Lot 88 is necessary to accommodate the establishment of a new and modern above-ground fuel storage and dispensing facility to serve the Isthmus area (See Related Local Coastal Development Permit Case No. 02-247-4).

On January 22, 2008 the Commission's South Coast District office deemed LCP Amendment Request No. 1-07 officially submitted for Commission review. The County's submittal of the LCP amendment requests is consistent with the requirements of the Coastal Act and the regulations that govern such proposals (Sections 30501, 30510, 30514 and 30605 of the Coastal Act, and Sections 13551, 13552 and 13553 of Title 14 of the California Code of Regulations).

FOR ADDITIONAL INFORMATION

Copies of the staff report are available at the South Coast District office located in the ARCO Center Towers, 200 Oceangate, Suite 1000, Long Beach, 90802. To obtain copies of the staff report by mail, or for additional information, contact *Charles Posner* in the South Coast District office at (562) 590-5071.

STANDARD OF REVIEW

The standard of review for the proposed amendment to the Land Use Plan (LUP), pursuant to Section 30512 of the Coastal Act, is that the proposed LUP amendment meets the requirements of, and is in conformance with the Chapter 3 policies of the Coastal Act.

I. STAFF RECOMMENDATION

Staff recommends adoption of the following motions and resolutions:

Certify the Land Use Plan Amendment as Submitted

MOTION: *"I move that the Commission certify Land Use Plan Amendment No. 1-07 as submitted by the County of Los Angeles."*

Staff recommends a **YES** vote. Passage of the motion will result in the certification of the LUP amendment and adoption of the following resolution and findings. The motion to certify passes only upon an affirmative vote of the majority of the appointed Commissioners.

Resolution to Certify the Amendment to the Land Use Plan as Submitted

The Commission hereby certifies Santa Catalina Island Land Use Plan Amendment No. 1-07 for the County of Los Angeles and adopts the findings set forth below on the grounds that the Land Use Plan amendment will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan amendment 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 or mitigation measures that would substantially lessen any significant adverse impacts which the Land Use Plan Amendment may have on the environment.

II. FINDINGS

The following findings support the Commission's approval of the LCP amendment as submitted. The Commission hereby finds and declares as follows:

A. Description of the LCP Amendment Request

Only the Land Use Plan (LUP) portion of the certified Santa Catalina Island LCP is affected by this LCP amendment request. The single change proposed by this LCP amendment is the change to the Land Use Designation (LUD) for a 3,600 square foot portion of Lot 88 in the Two Harbors Resort Village District (Exhibit #2). The LUD for the 3,600 square foot site, which is owned by the Santa Catalina Island Company, would change from Residential to Utilities/Services. The new Utilities/Services LUD for a portion of Lot 88 is necessary to accommodate the establishment of a new and modern above-ground fuel storage and dispensing facility at the subject site, which is located approximately four hundred feet inland of the Isthmus Cove shoreline (Case No. 02-247-4). The new fuel facility, once properly permitted and built, will replace the former below-ground fuel storage facility located near the Isthmus Pier that was closed and removed in 2003. In the interim period since 2003, a temporary above-ground fuel storage and dispensing facility has been used to supply fuel for land and water-based vehicles in the Isthmus area (See Emergency Permit 5-03-379-G).

B. Certify the LUP Amendment Request as Submitted

The proposed LUP amendment is necessary for the construction of a new and modern fueling facility that will support coastal access and recreation. A single fueling facility at Two Harbors supports land and water based vehicles, island residents and visitors, and emergency services such as the County Sheriff and Fire Department. A temporary set of above-ground fuel tanks is currently providing the fuel supply at the Isthmus while the permits are being obtained for the construction of the new permanent fueling facility on the subject site (See Emergency Coastal Development Permit 5-03-379-G). Recreational boaters and other island visitors, as well as residents, depend on the availability of fuel at the Isthmus area for recreation and public safety. The proposed new fueling facility is vital to the community as there are no other fueling facilities that serve this part of the island.

The certified Santa Catalina Island LCP currently designates only existing utilities in the Two Harbors Resort Village District with the Utilities/Services LUD. Therefore, all of the existing properties in the Two Harbors Resort Village District that are designated Utilities/Services already contain existing utilities or services (e.g., solid waste disposal, waste water treatment, electrical substation, public works yard, and water tanks). Before a new and modern fueling facility can be built to replace the former fueling facility that was closed in 2003, the County had to identify and designate a new site within the Two Harbors Resort Village District with a LUD that allows fuel storage and dispensing. Only the Utilities/Services LUD allows fuel storage and dispensing.

As previously stated, the standard of review for the proposed LUP amendment is that it meets the requirements of, and is in conformance with the Chapter 3 policies of the Coastal Act. The proposed LUP amendment meets the requirements of, and is in conformance with the Chapter 3 policies of the Coastal Act for the following reasons.

The proposed LUP amendment will have no adverse impact on coastal access, recreation or coastal resources. The proposed change to the LUD for a portion of Lot 88 will enable the construction of a new fueling facility that will support and enhance public recreational activities and public safety on Santa Catalina Island. The proposed location of the new fueling facility is the most appropriate location at the Isthmus Cove area because no priority land uses will be displaced, no sensitive habitats will be affected, and the site is set back an adequate distance (approximately four hundred feet) from the shoreline while still being close enough (within nine hundred feet) to the fuel pumps located at Isthmus Cove Pier (Exhibit #2). The subject site is currently developed and used as a service yard (maintenance and storage of heavy equipment). The proposed change in land use for the subject site will not block or inhibit coastal access. The Best Management Practices necessary to protect water quality from any potential adverse impacts caused by the construction and use of the future fueling station will be imposed by the County as part of the local coastal development permit process (See Related Local Coastal Development Permit Case No. 02-247-4). Therefore, the proposed LUP amendment meets the requirements of, and is in conformance with the public access and recreation policies of the Coastal Act.

C. California Environmental Quality Act (CEQA)

Pursuant to the California Environmental Quality Act (CEQA) and the California Code of Regulations [Title 14, Sections 13540(f), 13542(a), 13555(b)] the Commission's certification of this LCP amendment must be based in part on a finding that it is consistent with CEQA Section 21080.5(d)(2)(A). That section of the Public Resources Code requires that the Commission not approve or adopt an LCP:

...if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The Commission finds that for the reasons discussed in this report there are no further feasible alternatives or feasible mitigation measures available that could substantially reduce any adverse environmental impacts. The Commission finds that the proposed LCP amendment is consistent with Section 21080.5(d)(2)(A) of the Public Resources Code.

**A RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF LOS ANGELES
RELATING TO ADOPTION OF
LOCAL COASTAL PLAN AMENDMENT NUMBER 02-247-(4)**

WHEREAS, Article 6 of Chapter 3 of Division 1 of Title 7 of the California Government Code (commencing with section 65350) provides for the adoption of amendments to county general plans; and

WHEREAS, the Regional Planning Commission of the County of Los Angeles has conducted a concurrent public hearing in the matter of Local Coastal Plan Amendment Number 02-247-(4), Coastal Development Permit Case No. 02-247-(4), and Conditional Use Permit 02-247-(4) on May 19, 2004; and,

WHEREAS, the Board of Supervisors of the County of Los Angeles has conducted its concurrent public hearing on the above-referenced applications on January 25, 2005; and

WHEREAS, in compliance with the California Coastal Act of 1976, as amended to date, the County of Los Angeles has prepared an amendment to the certified Local Coastal Program for Santa Catalina Island; and

WHEREAS, the Santa Catalina Island Local Coastal Program consists of a Land Use Plan and Local Implementation Program, which includes a Specific Plan; and

WHEREAS, an amendment to the Santa Catalina Island Local Coastal Program element of the Los Angeles County General Plan is necessary at this time to address unique circumstances in the unincorporated territory of Santa Catalina Island; and

WHEREAS, the amendment to the Santa Catalina Island Local Coastal Program includes modifications to the Land Use Plan and Local Implementation Program and related text, for the unincorporated area of Santa Catalina Island commonly known as Two Harbors; and

WHEREAS, a Negative Declaration for the project has been completed in compliance with the California Environmental Quality Act and the State and County guidelines relating thereto; and

WHEREAS, the Board of Supervisors has considered the public testimony, the recommendations and testimony of the Regional Planning Department staff, and the Negative Declaration, including the documentation within each file; and

COASTAL COMMISSION
LCP 1-07

EXHIBIT # 3

PAGE 1 OF 6

WHEREAS, the Board of Supervisors finds as follows:

1. The applicant is requesting a change of the land use designation of the subject property from the Residential Subdistrict of the Two Harbors Resort Village District to the Utilities/Services Subdistrict on a 3,600-square foot piece of property. As the property is located in the Coastal Zone, the coastal development permit requirement will assure that development occurring after reclassification of the property will conform to the approved plans and will ensure compatibility with the surrounding area. As applied in this case, the coastal development permit will restrict the development of the re-classified site to an above-ground fuel storage facility. No other development is permitted on the property unless a new coastal development permit is obtained.
2. The subject property consists of a 3,600-square foot portion of Two Harbors (Lot 88), approximately 400 feet south of the Isthmus Cove shoreline, Santa Catalina Island, and is located in the Santa Catalina Island Zoned District.
3. Access to the property is taken via an unnamed dirt road to the southeast.
4. Surrounding land use designations in the vicinity of the subject site include Residential to the north, west, and south and Marine Commercial to the east.
5. The subject site is currently used for outdoor storage of heavy equipment and vehicles, a legal nonconforming use.
6. Surrounding land uses in the vicinity of the subject site include residential uses to the north; vehicle storage, a workshop, and boat and vehicle parking to the south; an office, a storage tank, parking, and a boat yard to the east; and vacant land and single family residences to the west.
7. This Local Coastal Plan Amendment request was heard concurrently with Coastal Development Permit and Conditional Use Permit Case No. 02-247-(4), a related request to authorize the establishment of an above-ground fuel storage facility on the subject property.
8. The applicant's site plan, marked Exhibit "A," depicts the location of the proposed 1,296-square foot building that will house the two 28 feet x 11.5 feet fuel storage tanks and two dispensers that will be located at the eastern end of the building on a concrete pad and protected by two metal bollards per dispenser. The elevation drawings depict the maximum height of the proposed building at approximately 16 feet, 3 inches. A 10-square foot sign is depicted on the building face, the bottom of which is at 6 feet, 5 inches above grade.

COASTAL COMMISSION

9. The United States Environmental Protection Agency has required the removal of the existing underground fuel storage tanks that service land and water-based vehicles at Two Harbors, including emergency vehicles. The proposed above-ground facility will replace the existing underground tanks and will be used for the same purpose.
10. The subject property is located in the Residential Subdistrict of the Two Harbors Resort Village District. The proposed above-ground fuel facility is inconsistent with the current land use designation of the subject property. A need exists for the proposed Local Coastal Plan Amendment from the Residential Subdistrict to the Utilities/Services Subdistrict to allow the owner to establish an above-ground fuel facility on the subject property.
11. A Local Coastal Program Amendment is required for the proposed fuel storage facility due to the fact that there is no appropriate land use designation that would allow such use within 900 feet of the Isthmus Cove pier, the maximum distance that the fuel tanks can be located from a fuel dispenser.
12. The proposed facility is consistent with existing land uses to the south and is a natural progression from the Marine Commercial Subdistrict to the Residential Subdistrict.
13. The subject property is a proper location for the proposed Utilities/Services Subdistrict classification and placement of the proposed district at such location will be in the interest of public health, safety, and general welfare, and in conformity with good zoning practice because the proposed facility is consistent with existing land uses to the south and is a natural progression from the Marine Commercial Subdistrict to the Residential Subdistrict. The use will serve the local area and the new location will remove conflicts and congestion from the existing fueling location at the Isthmus Cove shoreline.
14. The proposed Local Coastal Plan Amendment from the Residential Subdistrict to the Utilities/Services Subdistrict is consistent with the goals and objectives of the Countywide General Plan and the certified Local Coastal Program.
15. The proposed project is permissible in the proposed Utilities/Services Subdistrict, subject to issuance of a coastal development permit and conditional use permit.
16. The proposed fuel storage facility will not adversely impact coastal access and will enhance recreational opportunities on Santa Catalina Island.

COASTAL COMMISSION

17. An Initial Study was prepared for this project in compliance with the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines and the Environmental Document Reporting Procedures and Guidelines of the County of Los Angeles. The Initial Study showed that there is no substantial evidence that the project may have a significant effect on the environment. Based on the Initial Study, the Department of Regional Planning has prepared a Negative Declaration for this project. The project is de minimus in its effect on fish and wildlife resources.

THEREFORE, BE IT RESOLVED THAT THE BOARD OF SUPERVISORS:

1. Indicates that it has previously adopted the Negative Declaration prepared for the project and found that it complies with CEQA and reflects the independent judgment of the Board.
2. Finds that the recommended Local Coastal Plan Amendment is consistent with the goals, policies, and programs of the Los Angeles County General Plan and the Santa Catalina Island Specific Plan.
3. Adopts Local Coastal Plan Amendment No. 02-247-(4), amending the Land Use Map of the Santa Catalina Island Specific Plan and the Land Use policy map of the Santa Catalina Island Land Use Plan (and related text) on the 0.36-acre subject property from "Residential Subdistrict" to "Utilities/Services Subdistrict," all as indicated on the attached exhibits. The amendment shall take effect upon certification by the California Coastal Commission.
4. Certifies that the Santa Catalina Island Local Coastal Program as amended is intended to be carried out in a manner fully in conformity with the California Coastal Act.
5. Instructs the Department of Regional Planning to submit the Santa Catalina Island Local Coastal Program amendment to the California Coastal Commission for certification.

COASTAL COMMISSION

EXHIBIT # 3
PAGE 4 OF 6

The foregoing was on the 18TH day of DECEMBER, 2007,
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 so acts.



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

By _____

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Deputy

APPROVED AS TO FORM

RAYMOND G. FORTNER, JR.
County Counsel

By: _____

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Deputy

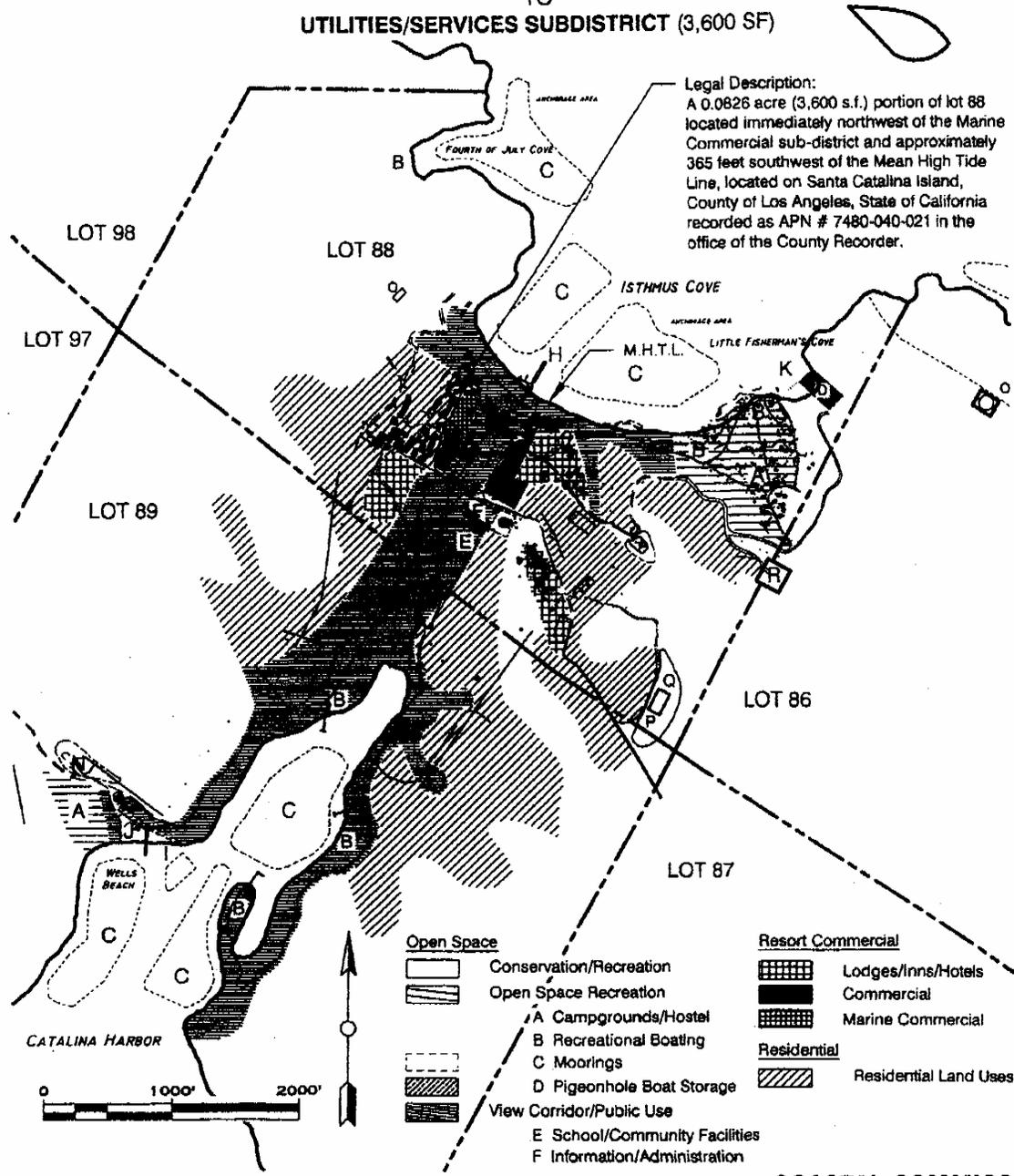
COASTAL COMMISSION

EXHIBIT # 3

PAGE 5 OF 6

**AMENDMENT TO THE
SANTA CATALINA ISLAND LOCAL COASTAL PLAN
TWO HARBORS RESORT VILLAGE DISTRICT**

**RESIDENTIAL SUBDISTRICT
TO
UTILITIES/SERVICES SUBDISTRICT (3,600 SF)**



Legal Description:
A 0.0826 acre (3,600 s.f.) portion of lot 88 located immediately northwest of the Marine Commercial sub-district and approximately 365 feet southwest of the Mean High Tide Line, located on Santa Catalina Island, County of Los Angeles, State of California recorded as APN # 7480-040-021 in the office of the County Recorder.

COASTAL COMMISSION