

CALIFORNIA COASTAL COMMISSION

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Th17a

ADDENDUM

DATE: April 9, 2014

TO: Coastal Commissioners and Interested Persons

FROM: Commission Staff

RE: **Addendum to Item Th17a:** Los Angeles County-Santa Monica Mountains Land Use Plan Amendment (No. LCP-4-LAC-14-0108-4), scheduled for public hearing and Commission action on April 10, 2014.

The purpose of this addendum is to provide:

1. *Ex Parte* Notices received from Commissioners (**Attachment A**).
2. Correspondence from the public received by 11 a.m. April 8, 2014, which is sorted as indicated below, along with the following responses to some of that correspondence:
 - a. Correspondence received in support of the proposed Land Use Plan and the staff recommendation is attached as **Attachment B**. Due to the large volume of letters received (approx. 411 letters), only a representative sample of letters is attached for reference as Attachment B. However, all letters received are included as part of the administrative record and are available for review in the Commission's Ventura Office.
 - b. Correspondence received expressing opposition to the proposed prohibition of new crop-based agricultural uses in the County's proposed Land Use Plan are attached as **Attachment C**. Due to the large volume of letters received (approx. 66 letters), only a representative sample of letters are attached for reference as Attachment C. However, all letters received are included as part of the administrative record and are available for review in the Commission's Ventura Office. Commission staff has conferred with County staff regarding these concerns and has come to agreement with County staff on some proposed changes. Accordingly, Commission staff is changing its recommendation with respect to Suggested Modifications 27, 29 and 54, as indicated below.
 - c. Several of the letters received express opposition to Suggested Modification 3 and request that the language of proposed Policy CO-12 be retained in order to provide a compliance program for unpermitted confined animal facilities.
 - d. Correspondence received from the Recreation and Equestrian Coalition is attached as **Attachment D**. The letter expresses opposition to Suggested Modifications 3 and 51. Commission staff has conferred with County staff regarding these concerns and has come to

Addendum 1: Agenda Item Th17a, for hearing on April 10, 2014
Los Angeles County-Santa Monica Mountains Land Use Plan

agreement with County staff on a change to the staff recommendation for Suggested Modification 51, as indicated below.

- e. Correspondence received from the Ramirez Canyon Preservation Fund/Murphy Way Home and Land Owners Association is attached as **Attachment E**. The letter primarily asserts that the LUP fails to conform to the Coastal Act's policies for the protection of environmentally sensitive habitat ("ESHA"), that the allowance of low-impact campgrounds as a resource-dependent use violates the ESHA protection policy in Section 30240, and that the allowance of camping would pose an unacceptable risk of wildfire. In response, Commission staff would note that:

The issue of ESHA is addressed in Section E of the Commission's findings in the staff report. Although the County has chosen to divide ESHA into two categories (H1 and H2), H1 and H2 habitats constitute ESHA as defined by the Coastal Act. Regarding the issue of low-impact campgrounds, such facilities are considered a resource-dependent use because they are specifically designed to expose the public to the resource while avoiding significant disruption of habitat values. The letter also asserts that the LUP inappropriately designates habitat and public access as having equal priority, but the Commission sees no evidence of this, and none of the policies cited in the letter in support of this objection have that effect. Policy CO-66 elevates both access and habitat protections over other development standards, but does not purport to establish that ESHA and public access have equal priority. Policies CO-42 and CO-93 allow trails and low-impact campgrounds within ESHA, but only as resource-dependent uses, not because of any equating of the value of the resources. Regarding the issue raised in the letter pertaining to campground fires posing a hazard in this fire-prone region, the definition of campgrounds in the proposed LUP states that fire pits or open fires are prohibited. A portion of the submitted letter relate to the implementation program/zoning code portion of the County's proposed LCP. However, those provisions are not currently before the Commission.

- f. Correspondence received from the Pacific Legal Foundation (PLF), raising issues regarding the taking of private property and the protection of agriculture, is attached as **Attachment F**. In response, Commission staff would note that:

PLF states that by conditioning permits on the relinquishment of a right to use the property "regardless of the proposal's impact on existing open space," the LUP raises "serious Takings Clause concerns." Staff has added findings (indicated below as part of this addendum) regarding the requirement for a conservation and open space easement to protect the remaining habitat on a site that is entirely ESHA and where limited development has been allowed solely to avoid a constitutional taking of private property. The additional findings clarify that this requirement functions differently from an exaction to mitigate for impacts of the proposed development. Rather, it is a means of ensuring that limitations already imposed by the LUP via requirements to protect such habitat are adhered to into the future and reflected on the title to the property. Nor is it true that the requirements are divorced from the proposal's impacts on the remainder of the property, as PLF suggests. The PLF letter goes on to state that an individualized determination regarding the impacts is necessary. But the requirements will only apply to properties that have already been assessed and the habitat value of which has

been determined, so an individualized assessment will have to be made through the coastal development permit approval process.

PLF also claims that the restrictions in the LUP may violate the Takings Clause by imposing a substantial economic impact and undermining an owner's reasonable investment-backed expectations. However, the proposed findings recognize that such investments also receive constitutional protections. See, e.g., findings on pages 67, 79, 81-82, and 106. As is explained in those findings, reasonable expectations were considered, and the references to allowing not only an economically viable use of property but also a "reasonable" use reflect the Commission's conclusion that the allowances in the LUP will ensure that owners' reasonable investment-backed expectations are satisfied.

Finally, PLF asserts that the plan fails to comply with the protections for agriculture found in Public Resources Code sections 30241-30242. PLF claims that the plan overlooks the distinction between agricultural land and prime agricultural soils. However, the Commission considered both, as relevant. The presence of prime agricultural land is relevant to section 30241 and was considered in that context. It is important to note, however, that the term is not entirely distinct from soil considerations. The phrase is defined (in section 30113) largely based on soil characteristics. The Commission considered the soils as relevant to the definition of prime agricultural land. PLF also complains that no section 30241.5 analysis was conducted, but that analysis is only required when prime agricultural soils are present (so that section 30241 applies) and the lands in question are on the periphery of urban areas. Neither was the case here. Finally, to the extent that PLF complains of a general overemphasis on soils, we would note that the presence of agricultural soils is also relevant to the determination as to whether lands are "suitable for agricultural use," which is a threshold criterion for the application of section 30242. All that said, as indicated above, in point b, Commission staff is changing its recommendation with respect to Suggested Modifications 27, 29 and 54, to temper the wholesale prohibition on new crop-based agriculture that appears in the County's original proposal.

g. Correspondence received from Zev Yaroslavsky, Los Angeles County Third District Supervisor is attached as **Attachment G**.

3. Changes to the staff report published on March 27, 2014, including various clarifications, additions, and corrections are detailed below.

Changes to the staff report for Agenda Item Th17a are shown following the pertinent page or suggested modification reference to the March 27, 2014 staff report, as follows:

1. Revise **Suggested Modifications 27 and 29** on pages 26-27 of the staff report so that Policies CO-102 and LU-11 read as indicated below (new text is shown in **underline**; deleted text shown in ~~strike through~~). The changes to these suggested modifications were developed in cooperation with

County staff in order to address concerns raised by members of the public and various groups regarding the County's proposed prohibition of crop-based agriculture in the plan area.

CO-102/LU-11

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.

2. The following change shall be made to the first sentence of the first full paragraph on Page 5 in the Summary of Staff Recommendation (new text is shown in underline; deleted text shown in ~~strike-through~~):

The LUP ~~prohibits any~~ limits new crop-based agriculture in the Santa Monica Mountains.

3. The following changes shall be made to the findings on Pages 91-92 (new text is shown in underline; deleted text shown in ~~strike-through~~):

Crop-Based Agricultural Uses

LUP Policy CO-102 prohibits new crop, orchard, vineyard, and other crop-based, non-livestock agricultural uses. As reflected in the proposed LUP, the County has determined that some agricultural uses are not appropriate for the mountain environment of the Santa Monica Mountains and do not maximize coastal resource protection. Much of the private undeveloped land of the plan area is on steep slopes that support native vegetation. Clearing this steep land to plant crops not only requires extensive habitat destruction and soil disturbance, but compromises the stability of slopes, thereby increasing risk to life, water quality, and property. Policy CO-102 states that existing, legally-established agricultural crop uses are allowed to continue. ~~However, it is important to clarify that existing, legally-established agricultural crop uses cannot be expanded since new crops are prohibited. The Commission finds that Suggested Modifications 27 and 29 are required to provide that clarification.~~

The prohibition on new crop-based agriculture that is proposed by the County is consistent with the land and marine resource protection policies of the Coastal Act. The clearing of land to plant crops

requires native vegetation removal, soil disturbance, irrigation, and often chemical and fertilizer inputs. The areas between rows of plantings are often bare, and when a deciduous crop such as grapes replace the evergreen cover of native chaparral vegetation, even more bare ground is exposed in the winter months. In combination with the relatively steep mountain topography in the plan area, vegetation removal, increased soil exposure, and chemical/fertilizer and irrigation requirements from crop-based agriculture can result in significant impacts to biological resources and water quality from increased erosion, sedimentation of streams, pollution, slope instability, and loss of habitat. New or expanded crop-based agriculture also raises significant concerns about water availability and use, including protection of coastal groundwater basins and coastal streams, as well as pesticide use and landform alteration. The prohibition on new crop-based agriculture proposed in the LUP ~~will~~ would serve to avoid these potential adverse impacts to coastal resources. However, the Commission also recognizes that, if it can be accomplished consistent with other Chapter 3 policies, the Coastal Act encourages and promotes the continuation of agriculture. Existing legally-established crop uses are allowed to continue, ~~but may not be expanded,~~ as long as they comply with the water quality protection policies of the LCP that require utilization of Best Management Practices to minimize erosion and avoid sediment and pollution impacts. Finally, this prohibition is consistent with Coastal Act Section 30242 for the reasons stated previously.

However, small-scale crop-based agricultural operations (with the exception of vineyards) can avoid adverse impacts to biological resources and water quality if limited to natural slopes of 3:1 or less steep in H2 and H3 habitats, and within the irrigated fuel modification area of a principal use in H2 habitat (such as within the approved building site area allowed by Policy CO-51 and Fuel Modification Zones A and B), and Organic or Biodynamic farming practices are followed. Existing, legally-established agricultural uses (including vineyards) may be allowed to continue and can only be expanded if consistent with the above criteria. Existing, legally-established vineyards may be allowed to continue but may not be expanded. Therefore, Suggested Modifications 27 and 29 are necessary to allow for small-scale crop-based agricultural operations (with the exception of vineyards) either accessory to a principal use in H2 habitat or in H3 habitat. The criteria reflected in Suggested Modifications 27 and 29 is important to prevent new agricultural uses on steep slopes or in H2 habitat (ESHA) beyond the required irrigated fuel modification area where development may be allowed to avoid a constitutional taking of private property. Steep slopes converted from the natural chaparral or coastal sage scrub vegetation to a ground cover of crops do not hold the soil, resulting in increased sediment loading into the region's streams and impacting sensitive species such as the Arroyo chub and the steelhead trout. Further, organic and biodynamic farming practices are required to prevent the use of pesticides, herbicides, and fertilizers, which can adversely impact the biological productivity of coastal waters and human health.

New vineyards are prohibited pursuant to Suggested Modifications 27 and 29. Vineyards require the removal of all native vegetation and the soils must be scarified which results in increased erosion and sedimentation of streams which adversely impact riparian areas and water quality. In addition, vineyards typically require the application of pesticides that can also adversely impact coast streams and riparian habitat. Furthermore, vineyards require large amounts of water that can require agricultural wells that can draw down ground water and adversely impact streams and seeps and their associated habitats. Moreover, County staff asserts that grapevines can be an invasive type of

vegetation in riparian areas. Finally, given that grapevines must be supported by trellises in a linear, unnatural pattern, vineyards can adversely impact scenic views.

Policy CO-102 also states that gardens that are accessory to a permitted residential or non-residential use may be permitted if located within the building site area or irrigated fuel modification zone (Zones A and/or B), subject to all water quality protection measures required in the LCP. To minimize removal of native vegetation and the introduction of irrigation beyond where it is required for necessary fuel modification required by the Fire Department, it is appropriate to limit accessory gardens to the irrigated fuel modification area of the principal use. Thus, Suggested Modifications 27 and 29 retain that language.

4. Revise **Suggested Modification 51** on page 36 so that it would result in Policy LU-24 reading as indicated below (new text is shown in underline; deleted text shown in ~~strike-through~~). The purpose of the change is to clarify that lawfully-established uses or structures built prior to the Coastal Act or pursuant to a validly issued coastal development permit will be treated by the County as having special status and may be repaired or maintained. Further, it is clarified that additions and improvements to such structures may be permitted provided that the addition and/or improvements are consistent with the LCP and they do not increase any existing inconsistencies, and any inconsistencies with the LCP of the existing legal structure are rectified only when substantial additions or reconstructions are proposed that result in changes of 50% or more of the underlying structure.

LU-24 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.

5. The following changes shall be made to the last paragraph on Page 158 (new text is shown in underline; deleted text shown in ~~strike-through~~):

However, as proposed, Policy LU-24 includes some provisions that would more broadly allow additions, repairs and renovation without regard to whether they would increase the extent of the nonconforming structure and would allow for a wide variety of improvements and modifications to nonconforming uses, including additional square footage improvements, modifications to setbacks, increases in height and addition of parking, without requiring conformance with current standards.

Such allowances would permit substantial development upgrades and additions to existing nonconforming structures. Specifically, Policy LU-24 includes a provision that all existing legally established uses and structures that conform to the conditions on which they were legally established are legal conforming uses and structures. Thus, this provision of Policy LU-24 would effectively serve to render all non-conforming structures, if constructed prior to the Coastal Act, as “conforming” structures in perpetuity, for the purpose of any future CDP applications. Thus, as proposed, this provision of Policy LU-24 would substantially undermine the intent of the other non-conforming use provisions of the LUP and would be inconsistent with past Commission actions. Therefore, Suggested Modification 51 is necessary to revise Policy LU-24 and to clarify that lawfully-established uses or structures built prior to the Coastal Act or pursuant to a validly issued coastal development permit will be treated by the County as having special status and may be repaired or maintained. ~~delete the provision that would treat existing, legal non-conforming structures as “conforming” structures for the purpose of the review of new CDPs. Further, it is clarified that additions and improvements to such structures may be permitted provided that the additions/improvements are consistent with the LCP and they do not increase any existing inconsistencies, and any inconsistencies with the LCP of the existing legal structure are rectified only when substantial additions or reconstruction is proposed that changes of 50% or more of the underlying structure.~~ This modification would ensure that substantial reconstruction or additions to existing non-conforming structures would not be allowed without bringing the structure into compliance with the other policies and provisions of the LCP. ~~In addition, Suggested Modification 51 is necessary to clarify that substantial additions, demolition or reconstruction to any non-conforming structures are not permitted unless the entire structure is brought into conformance with the policies and standards of the LCP. Pursuant to Suggested Modification 51, the Policy LU-24 would still continue to recognize that legal nonconforming structures can continue to be repaired and maintained.~~

6. Revise **Suggested Modification 53**, as follows (new text is shown in underline; deleted text shown in ~~strike-through~~):

LU-31 Restrict 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 by applying the Slope Intensity Formula to residential development. **The Slope Intensity Formula shall not apply to the Upper Latigo Rural Village.**

7. The following shall be added to the Commission findings in subsection G.8 (Rural Villages) of the staff report on Page 164 (new text is shown in underline; deleted text shown in ~~strike-through~~):

The majority of the 116-lot “Upper Latigo” Rural Village is located outside of the coastal zone, in an area where the County does not require the slope intensity formula for new development. Only fourteen lots are located in, or partially in, the coastal zone, and most of those lots are encumbered by existing development. Given the unique circumstances of the “Upper Latigo” Rural Village, and the fact that the slope intensity formula is designed to be effective only through its cumulative effect on an entire subdivision, the Commission finds that applying the slope intensity formula restriction for such a small percentage of the total number of parcels within the Upper Latigo Rural Village is not appropriate.

8. Revise **Suggested Modification 54**, as follows, to clarify that limited agricultural uses are allowed in the Rural Lands and Rural Residential land use designations (new text is shown in underline; deleted text shown in ~~strike through~~):

Rural Lands

Lands designated Rural Lands consist of rolling hills, steep slopes, and remote mountain lands with difficult or no access. Rural Lands also include areas that are only accessible via narrow, winding roads that cannot accommodate substantial increases in traffic volume. Parcels are remotely located having, for the most part, no public services and no physical access to the few public roads. While there are concentrations of development in these lands, there are also large areas undisturbed by development activity. Some properties adjoin State and federal parklands and inappropriate development would adversely impact these public resources. These lands commonly contain large areas of healthy locally-indigenous vegetation and are located in well-functioning watersheds containing thriving natural habitats and producing clean runoff. Further development in these areas, with its associated fuel modification requirements, has the potential to create problems in the form of increased erosion and introduction of pollutants into watersheds.

The principal permitted use is single-family homes. Other permitted uses – those sensitively located and consistent with all development standards – may include limited confined animal facility agriculture (including equestrian) uses, **limited agricultural uses**, retreats, monasteries, public recreation areas and facilities, trails, campgrounds, tent camps, bed-and-breakfast facilities, ~~low-intensity conference centers~~, public and local-serving private schools, water tanks, ~~and telecommunications facilities, and other local-serving commercial, institutional, and public facilities.~~ The following Rural Lands categories are designated on the Land Use Map:

...

RL20 Rural Lands 20

These lands are primarily located in well-functioning ~~Significant W~~ sensitive watersheds and continue to produce high-quality runoff. Some examples of these areas include the following canyons: Nicholas, Trancas, Zuma, Ramirez, Latigo, Corral, Malibu Creek, Peña, Tuna, and Lower Topanga

Not to exceed a maximum residential density of one dwelling unit per 20 acres (1 unit per 20 acres).

...

Rural Residential

The lands in these categories are typically located in the few scattered clusters of estate-sized lots that exist throughout the Mountains. These lands are appropriate in areas with slopes of less than 25 percent. The properties have domestic water but no other services. The principal permitted use in the Rural Residential categories is low-density single-family detached homes in a setting consistent with this LUP's definition of "rural" area. Clustering may be useful in providing community open space and protecting natural resources. Other permitted uses – which must be consistent with all development standards – include: equestrian uses, **limited agricultural uses**, retreats, convents, monasteries, public recreation areas and facilities, trails, hostels, tent camps, campgrounds, bed-and-breakfast facilities, ~~low-intensity conference centers~~, water tanks, public and local-serving private schools, and telecommunications

~~facilities, and other local-serving commercial and institutional public facilities.~~ Existing State-permitted mobilehome parks are deemed consistent with the Rural Residential sub-category in which they are located, and if destroyed may be rebuilt to their original State-permitted densities. Rebuilt mobilehome parks must ~~incorporate~~ comply with all current LUP policies; redevelopment to other uses must be consistent with the underlying land use category. The following Rural Residential categories are designated on the Land Use Map:

...

9. The following correction shall be made to the third paragraph on Page 2 (new text is shown in underline; deleted text shown in ~~strike-through~~):

The protection and preservation of the environmentally sensitive habitats in the Santa Monica Mountains is the most significant issue in this LUP. Working in cooperation with Commission staff, the County has prepared detailed maps of the environmentally sensitive habitats in the Santa Monica Mountains (Biological Resources Map – LUP Map 2). The biological resource protection approach proposed in the LUP designates three habitat categories: H1 habitat, H2 habitat, and H3 habitat. H1 and H2 habitats are collectively described as Sensitive Environmental Resource Areas (SERA's). H1 and H2 habitats constitute ESHA as defined by the Coastal Act. H3 habitats are developed or legally disturbed areas that may retain some residual habitat values, but are not considered to be ESHA. The most sensitive and geographically constrained habitats such as riparian corridors, oak and walnut woodlands, native grasslands, rocky outcrops, coastal bluff scrub, dunes, wetlands, streams, and populations of rare plants are designated as H1 habitats. Approximately 10,223 acres of ~~H1 habitat in the mountains~~ are designated as H1 habitat (5,983 acres of which are located on public parkland and 4,240 acres are located on private property). 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. 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 rare natural communities and species associated with H2 habitat.

10. The following correction shall be made to the last paragraph on Page 41 (new text is shown in underline; deleted text shown in ~~strike-through~~):

More than half of the 50,000-acre plan area is public parkland (approximately ~~29,500~~ 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 (Exhibit 2). 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.

11. The following clarification shall be made to last paragraph on Page 84 (new text is shown in underline; deleted text shown in ~~strike-through~~):

Siting and designing new development such that an adequate buffer is provided between the outer edge of the ESHA and development will minimize adverse impacts to these habitats. Providing a significant distance between new development and ESHA will ensure that removal or thinning of native vegetation within parks or H1 habitat areas for fuel modification will not be required to provide fire protection. This is critical because fuel modification is a type of development that is prohibited in H1 habitat areas (pursuant to policies CO-41 and CO-42) and in H1 buffer areas (pursuant to policies CO-55 and CO-56).¹ Additionally, the transitional “ecotones” between different habitat types are particularly valuable areas with a higher diversity of plants and animals. The provision of adequate buffers around ESHA protects ecotones. Natural vegetation buffers also protect streams and their associated riparian habitats by providing area for infiltration of runoff, minimizing erosion and sedimentation. Finally, natural vegetation buffers minimize the spread of invasive exotic vegetation that tends to supplant native species, from developed areas into sensitive resource areas. In past permit actions in the Santa Monica Mountains, the Commission has found that development shall be located no closer than 100 feet from ESHA, in order to protect the biological integrity of the ESHA, provide space for transitional vegetated buffer areas, and minimize human intrusion. The Commission finds that the habitat buffer requirements provided in the LUP policies discussed above are adequate to protect the sensitive habitats within the plan area against any significant disruption of habitat values.

12. The following correction shall be made to the third paragraph on Page 105 (new text is shown in underline; deleted text shown in ~~strike-through~~):

Third, the County’s proposal draws arbitrary distinctions between unpermitted confined animal facilities that are on lots of different sizes or that were installed pre- and post-2001. There is no justification provided for these distinctions. Not only is there no factual or legal basis provided for treating these cases differently from other cases of unpermitted confined animal facilities (i.e, those on smaller ~~lots facilities~~ or installed at a later date), but the policy would be particularly unfair to parties who may have qualified for this program but have removed their unpermitted facilities in response to previous enforcement actions. *See, e.g.,* Commission Cease and Desist Order (CDO) CCC-09-CD-04 and Restoration Order (RO) CCC-09-RO-03 (Da Silva); CDO CCC-12-CD-04 & RO CCC-12-RO-04 (Linder). There are also cases of removals prompted by Commission action that did not result in formal orders. *See, e.g.,* Commission Violation Files V-4-12-014 (Estancia Escondido) and V-4-01-043 (Rex).

¹ As such, Policy CO-54’s statement that vegetation reduction 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” cannot be read to imply a converse, general allowance for vegetation reduction that would trump the prohibitions in H1 and H1 buffer areas. This is also clear from Policy CO-51, which envisions reducing the maximum allowable residential building site area when necessary to avoid impacts to priority habitat areas, and Policy CO-57, which expressly allows fuel modification within the H1 Quiet Zone, whereas there is no analogous allowance for the H1 buffer or the actual H1 habitat area.

13. The following clarifications shall be added to Page 112 (new text is shown in underline; deleted text shown in ~~strike-through~~):

Open Space Conservation

Where development is approved in H2 habitat to provide a reasonable economic use, the remaining H2 and/or H1 habitats on the property should be preserved in perpetuity in order to protect those areas against significant disruption of habitat values, to the maximum extent feasible. LUP Policy 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. 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. Because the LUP policies preclude any development beyond the minimum necessary to avoid a constitutional taking of private property, as discussed above, the Commission finds that such an easement does not impose any additional restriction on any legally available use of the property. The Commission further finds that the most effective way to assure sensitive habitat preservation on a site is the granting of an open space conservation easement that prohibits development on the remaining habitat area on a site, now and in the future. An easement is recorded against the title to the property and thus provide notice to future owners of the limitations that apply to the open space conservation area, reducing the risk of a future irreparable violation of the restriction. A conservation easement is the most effective method of preserving the remaining ESHA on a property, as opposed to an open space deed restriction, for the following two reasons. First, a deed restriction is not as reliable because a property owner can record another document purporting to rescind the deed restriction. Although any attempt to rescind a deed restriction required by a coastal development permit (“CDP”) without an amendment to that CDP authorizing such a rescission would constitute a violation of the CDP and the LCP, the County Recorder’s office is likely to allow recordation of a rescission without the required County authorization. On the other hand, because an easement necessarily involves more than one party, the County Recorder would not likely record a document purporting to rescind an easement unless the easement holder was also to sign the document. Thus, a condition requiring a deed restriction is much easier to violate, and therefore much less protective, than a condition requiring an easement.

Second, the Legislature has adopted provisions to the Government Code specifically sanctioning the use of conservation easements for this purpose and changing procedures to ensure that they are prominent in searching title to property. In 2001, the Legislature adopted a new requirement that County Recorders keep a separate and “comprehensive index of conservation easements.” *See* Cal. Gov’t Code § 27255(a). As such, the Commission finds that the requirement of an open space and conservation easement is the most effective method of ensuring that the remaining ESHA on a project site will be conserved in the future. Finally, the Commission concludes that an open space easement that allows only the easement holder and no other entity to enter the property for inspection purposes does not interfere with the fee title owner’s right to exclude the general public. It therefore does not constitute a significant invasion of the fee title owner’s property interest. In fact, as discussed above, it effects no meaningful change to the owner’s property rights and is effectively the same as the deed

restriction option, with the sole difference being that, as discussed above, it is more reliable. Therefore, the open space easement requirements of the LUP employ the most effective legal method to insure that where new development is permitted in H2 habitats, the remaining H1 or H2 habitat areas on the project site will be preserved in perpetuity.

14. The following corrections and clarifications shall be made to Page 202 (new text is shown in underline; deleted text shown in ~~strike-through~~):

2. LUP Maps and the Coastal Zone Boundary

The proposed LUP maps (Maps 1-9) show the coastal zone boundary to illustrate the general extent of the plan area. The width of the line used by the County on the LUP maps to depict the coastal zone boundary is far too wide to indicate the ~~accurate~~ precise location of the boundary, and is therefore only used to indicate the general location of the line. The ~~accurate~~ 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 LUP maps. Suggested Modification 60 is required to ensure that a map note is included on LUP maps 1-9 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 (whether that be in terms of the nature of the habitat, hazards, scenic qualities etc., that are present, or the land use designation for the area), matches the area immediately seaward of the area in question and that is not obscured by the line.

3. Principally Permitted Use Definition

The Land Use and Housing Element of the proposed LUP specifies the principally permitted use for each land use designation. However, the meaning of that term and its relevance in relation to Coastal Act Section 30603(a) is not defined in the LUP. Coastal Act Section 30603(a) specifies the types of development that, if approved in a in which local government coastal development permit, make such approvals appealable 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 for the area where it is authorized (pursuant to section 30603(a)(4)). Since the phrase "principal permitted use" is used throughout the LUP, ~~T~~the Commission recommends adding definitions for the ~~terms~~ phrase "Principally-Permitted Use" and the related phrase "Appealable Coastal Development Permit" within the LUP glossary, as set forth in Suggested Modification 59.

FORM FOR DISCLOSURE OF EX PARTE COMMUNICATIONS

Name or description of project, LPC, etc. County of L.A. LUP – LCP-4-LAC-14-0108-4 (Santa Monica Mtns)

Date and time of receipt of communication: April 8, 2014 11:30 a.m.- 11:45 a.m.

Location of communication: Santa Barbara
Type of communication (letter, facsimile, etc.): telecon

Person(s) initiating communication: Sara Sikich, Heal the Bay, Catherine Pease watershed scientist for Heal the Bay

Detailed substantive description of content of communication:

They submitted comments. They are in strong support of the LUP, especially with the modifications that CCC staff suggested. They have been working on this for years and are very impressed with how the County has gone about outreach.

The issues that they thought needed additional refinement included Modification 3 - they support what staff is proposing. The County had proposed a program that would permit equestrian facilities that are not in compliance with creek setbacks, etc. They are concerned about legality of the policy as proposed by the County. They were concerned that facilities that do not have a legal status would be given a legal status. They like the idea that this would help folks be in compliance. They assert that having a simple policy statement will allow staff to work in IP for a specific program. They think the policy language is flexible enough for staff and equestrians to figure out specifics in the IP.

They are supportive of the rest of the modifications. Their major concerns are on habitat and water quality impacts, and stem from research Heal the Bay has done since the late 1990's, specifically the Malibu Creek watershed: first, water quality pollution issues, there are 20 different pollutants under the Clean Water Act; the highest levels of nutrient are just downstream from vineyards and equestrian facilities. The policies in the LUP will go a long way to address water quality impacts.

There is significant development of vineyards in Newton Canyon, are on steep slopes; they are concerned about sediment runoff. Pepperdine has conducted research on amphibian habitat; they are concerned about filling up the habitat with sediment.

They know that there are concerns from vineyards that would not allow expansion or new vineyards. But the mountain areas contain very steep slopes, and it is a recreational hotspot for millions of L.A. residents to experience wildlife.

Date: 4/7/2014 Jana Zimmer

Attachment A

**Los Angeles County-Santa Monica Mountains Land
Use Plan Amendment No. LCP-4-LAC-14-0108-4**

FORM FOR DISCLOSURE OF EX PARTE COMMUNICATIONS

Name or description of project, LPC, etc.: **Los Angeles County Land Use Plan Amendment No. LCP-4-LAC-14-0108-4 (Santa Monica Mountains Land Use Plan).**

Date and time of receipt of communication: **9:30 a.m. to 10:00 a.m. March 20, 2014, (and supplemental correspondence received March 24, 2014 approximately 2:00 p.m.)**

Location of communication: Santa Barbara

Type of communication (letter, facsimile, etc.): telecon, follow up e mail

Person(s) initiating communication: Supervisor Zev Yaroslavsky, County of L.A.

Detailed substantive description of content of communication:

County of L.A. has worked intensively over seven years on their land use plan, with good cooperation from coastal staff. They have worked with a broad base of stakeholders, from environmental groups to 30-40 neighborhood associations. Recently, a couple of lobbyists have engaged in a disinformation campaign, with false claims about how this plan would impact existing agriculture in the Santa Monica Mountains.

We discussed that this area of the Santa Monica Mountains is different from other areas of the State where the Commission is engaged in finding ways to support and retain agriculture as an economically viable use on lands which are designated and zoned for agriculture. In the Santa Monica Mountains, existing orchards and vineyards are generally an adjunct to residential and institutional uses.

We discussed that Don Schmitz, a permit expediter from Malibu, had appeared in public comment at the Commission's March, 2014 meeting, stating he was representing a "Coalition of Family Farmers", and objecting to the proposed LUP provisions that would prohibit new or expanded commercial vineyards. It is simply not true that the LUP would abolish vineyards. Existing vineyards would be allowed to remain. The LUP proposal related to vineyards is responsive to demonstrated and serious damage to resources from existing vineyards, especially on steep slopes. These include water quality and air quality impacts from pesticides, erosion, visual impacts and over use of well water.

We discussed that in the Rydings case, represented by Mr. Schmitz, coastal staff recommended that no vineyard be permitted on slopes over 3:1, and Mr. Schmitz is well aware of the serious impacts to resources from development on steep slopes that the County is trying to address. Mr. Yaroslavsky also made clear that orchards and vegetable gardens will continue to be permitted within the 10,000 square foot building pad and disturbed buffer areas from ESH.

The LUP as proposed does allow new equestrian facilities as long as they are appropriately designed and sited pursuant to policies enumerated in the LUP. With regard to equestrian uses, the County is proposing to preserve long term horse boarding operations, but which have been unpermitted over twenty years, to create a 'pathway to legalization', which would include a discretionary permit process, appealable to the Commission and subject to findings that adverse impacts to coastal resources are mitigated. He hopes that the Commission will support this effort, which was an important compromise to achieve local support for the plan.

Subsequent to the conversation, on March 24, 2014 at approximately 2:00 p.m., I received additional detail regarding the issues discussed, by e mail from the County via Supervisor Yaroslavsky, in substance as follows:

There are no privately owned lands in this LCP area that are designated "prime agricultural land." The only area that has such a designation in this area is a portion of the King-Gillette Ranch which is publicly owned by the park services of the region.

Those portions of the Coastal Zone that are in agricultural production today, generally have prime soils, active agricultural operations, large parcel sizes sufficient for, and conducive to, commercial agriculture (100 acres or greater), sufficient water supplies, and are effective producers of produce and livestock. The Santa Monica Mountains are dominated by steep slopes, relatively small parcel sizes, and have only perched ground water rather than a permanent source of groundwater. Therefore, the proposed limit on agricultural production in the Santa Monica Mountains LCP area is consistent with the restrictions imposed on similar mountainous regions in other parts of the State, such as the mountainous parts of the Santa Ynez area in Santa Barbara County. So, our proposed LCP is consistent with the distinction other counties have made with respect to true agricultural lands as opposed to "rustic" areas. Finally, any legally established agricultural uses will be grandfathered by the proposed SM Mountains LCP.

Legally established vineyards in the LCP area will be grandfathered by our proposed LCP. No new vineyards will be permitted. Our preliminary review of the Coastal Commission agendas over the past 11 years shows that there has been only one request for a 5,800 square foot vineyard that has reached a Coastal Commission hearing in the Santa Monica Mountains Coastal Zone. In fact, at the present time, vineyards are not permitted in this area by the commission, except in the irrigated areas of the property, specifically in Fuel Modification Zone A (and sometimes B), and only when on slopes of 3:1 or less. Therefore, in the Santa Monica Mountains Coastal Zone, this is not a land use in high demand.

However, the LCP does permit fruit and vegetable gardens in the irrigated areas of a parcel. It will also permit home occupations (e.g. canning and produce preparation for sale) and farmer's markets. Finally, the LCP does not propose to do anything to interrupt the existing agricultural operations lawfully established by both the County and the Coastal Commission.

Date: March 24, 2014

/s/Jana Zimmer

FORM FOR DISCLOSURE
OF EX PARTE
COMMUNICATIONS

Date and time of communication: 3/17/2014, 3 pm

Location of communication: Telephone/Home
(If communication was sent by mail or
facsimile, indicate the means of transmission.)

Identity of person(s) initiating communication: Supervisor Zev Yaroslavsky

Identity of person(s) receiving communication: Dayna Bocho

Name or description of project: Santa Monica County LUP

Description of content of communication:
(If communication included written material, attach a copy of the complete text of the written material.)

Supervisor Yaroslavsky contacted me about what he perceived to be untrue and
disturbing information that was being disseminated about the upcoming LUP. He cited
specific "untruths" (banning horses, personal gardens, dogs). He related the long road the
Commission staff and the County have been on to get this project right. He stated that he
hoped the timeline would be April hearing: approval of LUP; June hearing: approval of
IF. He hopes to have a LCP certified by the time he leaves office in Nov. Asked that I
would read the document and if I had questions to ask him or his Land Use director: Ben Salzman.

Date


Signature of Commissioner

If communication occurred seven (7) or more days in advance of the Commission hearing on the item that was the subject of the communication, complete this form and transmit it to the Executive Director **within** seven (7) days of the communication. If it is reasonable to believe that the completed form will not arrive by U.S. mail at the Commission's main office prior to the commencement of the meeting, other means of delivery should be used, such as facsimile, overnight mail, or personal delivery by the Commissioner to the Executive Director at the meeting prior to the time that the hearing on the matter commences.

If communication occurred within seven (7) days of the hearing, **complete** this form, provide the information **orally** on the record of the proceeding **and** provide the Executive Director with a copy of any written material that was part of the communication.

Christensen, Deanna@Coastal

From: Ainsworth, John@Coastal
Sent: Tuesday, April 08, 2014 11:11 AM
To: Christensen, Deanna@Coastal
Subject: FW: ex parte LA County LUP REC

From: Jana Zimmer [mailto:janazimmer@cox.net]
Sent: Tuesday, April 08, 2014 10:59 AM
To: Miller, Vanessa@Coastal; Staben, Jeff@Coastal
Cc: Ainsworth, John@Coastal
Subject: ex parte LA County LUP REC

FORM FOR DISCLOSURE OF EX PARTE COMMUNICATIONS

Name or description of project, LPC, etc. L.A. County LUP Stan Lamport

Date and time of receipt of communication: April 8, 2014 9:00 a.m.-9:20 a.m.

Location of communication: Santa Barbara
Type of communication (letter, facsimile, etc.): telecon

Person(s) initiating communication: Stan Lamport Recreation Equestrian Coalition

Detailed substantive description of content of communication:

REC is dedicated to equestrian recreation in Santa Monica Mountains, dedicated to opening up the mountains for recreational use for a long time. Workshops in front of the County in 2006, equestrians worked with a biologist and worked out a series of best management practices, saw them for Malibu Valley Farms CDP. They demonstrated they could keep equestrian uses where they are. The LUP in 2007 incorporated all of those.

When the Coastal Act was enacted regarding boundaries generally described 5 miles inland or first major ridgeline, people thought the boundaries in the mountains above Malibu, did not know that they were in the coastal zone. Even the County did not know. So people treated as non-permitted did not intend to thumb their nose in the Coastal Act. So their first contact with coastal is as a dark force, in enforcement.

Most of the places where slopes are less than 3:1 are areas that are not far from drainage and are typically within the 100 setback. How can we make something functional and still protect the resources. SM is a recreational area. The debate has been is it a nature preserve or a recreation area? This plan institutionalizes more houses being built by people who can pay for them. To ride, you have to trailer in, or find a place to board. That occurs on residential properties that have stables on them. The concern is if we start restricting access to equestrian, you restrict access to recreation area. The backyard boarding proposition. The 2007 plan had a consensus. Coastal staff said that plan was a dead letter. Heard nothing till December 2013, that a plan was coming out.

They need:

1. LU 24 as revised by staff would make any equestrian facility that was permitted or vested legal nonconforming facility. REC is concerned that will be the extinction of equestrian. Wants that retained- an ambiguity between the first and second paragraph. Second paragraph: "Notwithstanding the foregoing" those that were vested remain legal conforming.

2. CO-12 :wants it restored

3. Wants to demonstrate that with BMP they can have the policies that the County approved in 2007 does not want it foreclosed.

At least allow a policy that would provide the opportunity to address the development of the process in the IP.

Date: April 8, 2014

/s/ Jana Zimmer Commissioner

If the communication was provided at the same time to staff as it was provided to a Commissioner, the communication is not ex parte and this form does not need to be filled out.

If communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication, complete this form and transmit it to the Executive Director within seven days of the communication. If it is reasonable to believe that the completed form will not arrive by U.S. mail at the Commission's main office prior to the commencement of the meeting, other means of delivery should be used, such as facsimile, overnight mail, or personal delivery by the Commissioner to the Executive Director at the meeting prior to the time that the hearing on the matter commences.

If communication occurred within seven days of the hearing, complete this form, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication.

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

DISTRICT OFFICE
5015 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



April 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

Re: SUPPORT
Agenda Item No. Th 17a and 17b Santa Monica Mountains LCP

Hon. Chair Kinsey and Commissioners:

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

The Santa Monicas are within a National Recreation Area and are unique as the only range in the United States to bisect a major urban area. As such they are enjoyed by millions of residents, many who travel long distances from the underserved urban core, to enjoy a myriad of activities, including equestrian activities, hiking, biking, camping, and outdoor education programs. They are also home to small communities of residents who treasure the opportunity to live in a National Recreation Area.

They are a special place where the impacts of future development pose serious risks of permanent degradation of the environment and the unique habitat that supports the abundant wildlife and native plants if conservation and the protection of open space are not firmly established.

The Guiding Principle of the Local Coastal Plan that *"resource protection has priority over development"* is the key.

As Chair of the Senate Committee on Natural Resources and Water, I am particularly concerned about the impacts of inappropriate development on the watersheds, water quality and water supply. The proliferation of agricultural uses in the Mountains is a substantial concern, including commercial vineyards and wineries. Pesticides and herbicides drift offsite into the plant communities surrounding these properties. The massive terracing and grading that is required

Attachment B

**Los Angeles County-Santa Monica Mountains Land
Use Plan Amendment No. LCP-4-LAC-14-0108-4**

greatly increases runoff of the polluted soil into the creeks and down the watershed. The enormous consumption of scarce water that is already being reflected in the depletion of the aquifers and in the need for deeper and deeper wells by neighboring properties also brings with it the risk of soil subsidence and collapse.

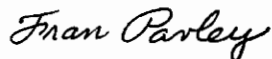
There are many environmental benefits in the LCP that lead me to strongly support it.

- It reduces the amount of grading that can be done without environmental review from 100,000 cubic yards today to 50 cubic yards under the LCP.
- It grandfathers existing legal vineyards to protect private property rights, but prohibits new vineyards and applies best management practices to the existing operations.
- It prohibits the alteration and armoring of natural streams.
- It ensures that illegally-created parcels and other illegal activity cannot be used to surreptitiously increase development rights.

I commend the Coastal 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. Certification of this Local Coastal Plan will further burnish the reputation of the Commission as the body that stands firm to protect, conserve, restore, and enhance environmental and human-based resources of our beautiful and fragile California coast.

Thank you for your support.

Sincerely,

A handwritten signature in cursive script that reads "Fran Pavley".

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

RECEIVED
APR 03 2014
California
Coastal Commission

April 3, 2014

California Coastal Commission
45 Fremont St. Suite 2000
San Francisco, CA 94105

RE: Agenda Item No. Th 17a and 17b – Santa Monica Mountains LCP

Dear Commissioners:

I strongly support the staff recommendation, with the exception of CO-12/suggested Modification-3, to approve the Land Use Plan for Santa Monica Mountains that will be on your agenda on April 10, 2014. This plan strengthens the continuity of planning within the Santa Monica Mountains and will result in enormous benefits to the environment within the coastal zone.

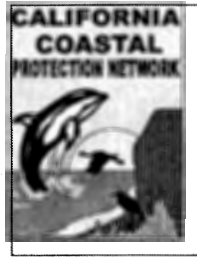
As the California State Assembly representative for much of this area as well as a former member of the California Coastal Commission, I am acutely aware of the importance of proper zoning to protect our State's most precious resource. The proposed Local Coastal Plan (LCP) expands on existing principles established in the North Area Plan and the Coastal Act by making resource protection a priority over development.

Adopting an LCP for this area is particularly important given its rare Mediterranean biome with steep slopes, lack of agriculturally productive soils and watersheds that flow to the Santa Monica Bay. The area is more than 50% in public ownership, and is a significant part of the Santa Monica Mountains National Recreation Area. In carrying out these principles, this plan protects these sensitive habitats against development, protects water quality, and places an emphasis on controlling and eradicating invasive species. Furthermore, this plan places restrictions on development near public trails, scenic routes, and steep slopes and completely prohibits development on all mapped significant ridgelines.

Thank you for your consideration of this Coastal Plan. If you need any more information, please do not hesitate to contact me.

Sincerely,

RICHARD BLOOM
Assemblymember, 50th District



April 8th, 2014

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

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

RE: Support of Los Angeles County Land Use Plan Amendment #LCP-4-LAC-14-0108-4 (Santa Monica Mountains Land Use Plan) Thursday, 4/10/14 Item 17A

Dear Chair Kinsey and Commissioners,

The California Coastal Protection Network (CCPN) and the Surfrider Foundation urge the Coastal Commission to approve the Santa Monica Mountains Land Use Plan (LUP) at its April 2014 hearing. CCPN and the Surfrider Foundation agree with all of staff's Suggested Modifications, with the exception of its revision of CO-12 which deletes the County's proposed compliance program for unpermitted confined animal facilities.

In a stunning turnaround from the day when the then-Executive Director told Supervisor Yaroslavsky that the 2007 proposed Santa Monica Mountains LCP was dead on arrival, Los Angeles County and Coastal Commission staff have labored diligently to develop a plan that balances reasonable use with strong environmental protections that will ensure that the Santa Monica Mountains retain the unique characteristics of a rugged landscape in close proximity to a highly developed urban area. It is imperative that the many years of work that have gone into this LUP not be held back by further delays or by efforts to weaken its provisions.

CCPN and the Surfrider Foundation strongly support the following policies:

- CO-12 that creates a compliance program for illegal confined animal facilities;
- CO-33 that establishes three levels of Sensitive Habitat Resource Areas, and;
- CO-102 that prohibits additional crop-based agriculture.

CCPN and the Surfrider Foundation agree with staff's recommendation for a prohibition on expanded viticulture and the designation of three escalating levels of designated Sensitive Habitat Resources Areas, but disagree with staff's Suggested Modification #3 which deletes the parameters of a compliance program for confined animal facilities and recommends delaying the creation of such compliance program to a future LCP amendment.

Prohibition on Expanded Viticulture: SUPPORT PER COUNTY AND STAFF

On the County decision to maintain and protect existing legally permitted vineyards while prohibiting expanded vineyards, Commission staff, along with Heal the Bay, have conveyed cogent arguments to the Commission on why expanded viticulture would be destructive to the environment and habitat that exists within the Santa Monica Mountains. CCPN and the Surfrider Foundation agree with their stated position and urge you to retain this prohibition.

Creation of Three Levels of Sensitive Habitat Resource Areas: SUPPORT PER COUNTY AND STAFF

On the establishment of three categories of Sensitive Resources Areas that include H-1, H-2 and H-3 habitat, CCPN and the Surfrider Foundation acknowledge the increased protection that the H-1 habitat affords those areas that the County believes should be protected from any development whatsoever (with rare exceptions) – a standard that exceeds the Commission's existing practice of allowing some 'reasonable' development in ESHA to avoid a 'taking'. This policy sets a new standard and model that disallows fragmentation of important habitat and creates a Habitat Mitigation Fund that will reimburse landowners for land that is no longer developable under the new LCP. While other local governments may not possess the financial resources to institute such a plan, and the Commission itself cannot declare land to be undevelopable, Los Angeles County should be commended for taking this bold move towards permanently protecting the most important habitat in the Santa Monica Mountains.

Establishment of a Compliance Program for Confined Animal Facilities: SUPPORT PER COUNTY. OPPOSE STAFF SUGGESTED MODIFICATION #3.

The ongoing existence of unpermitted, illegal equestrian facilities in the Santa Monica Mountains has proven to be a vexing, if not intractable, problem for the

Coastal Commission. Of 500 outstanding violations in the SMM area, equestrian facilities account for 75 cases or 15% of the cases. The Commission staff does not possess the ability to pursue these violations in a timely and meaningful way and, as a result, the negative impacts from these facilities have persisted for years.

The County has developed a novel approach in the form of a Compliance Program that has the potential to bring illegal facilities into conformity with the requirements of the LCP to the maximum extent possible, while pursuing enforcement against those facilities that are unable or unwilling to comply with strict water quality Best Management Practices.

However, in Suggested Modification #3, the staff has retained only the standard that would "prevent the disposal of animal waste, wastewater, and any other byproducts of human, crop-based agricultural or equestrian facilities in or near any drainage course, or H1 habitat area", but deleted the rest of the description of the compliance program as proposed. Instead, the staff acknowledges the value that such a compliance program would bring, but recommends that the program be brought back for consideration in a future LCP amendment.

CCPN and the Surfrider Foundation disagree with staff's decision to delay implementation of a Compliance Program and urge the Commission to adopt CO-12 as submitted by the County for the following reasons:

- The Compliance Program invites in those older facilities on parcels larger than 15,000 sq. ft. that were established prior to 2001 and after the inception of the Coastal Act (1976). These facilities often were not required to get a County permit and many horse owners may have been initially unaware of the requirement for a Coastal Development Permit. The County will actively assist these facilities by requiring those who can comply with the 100-foot stream setback, property slope ratio and water quality BMPs to do so at a lower permit rate. Those who cannot comply with the 100-foot stream setback and property slope ratio will be required to pay a higher permit rate and institute the same water quality BMPs as those who are in full compliance. *Inability or refusal to comply to the maximum extent possible or to implement the water quality BMPs will lead to an enforcement action and removal of the facilities.*
- Facilities established after 2001, when awareness of the need for a county permit and a CDP was widely publicized, will be required to fully comply with the provisions of the LCP, will not be afforded legal non-conforming status, and will be subject to enforcement and removal of those facilities for refusal to comply fully with the LCP.

- Non-conforming facilities will not be allowed to expand and should such a facility not have horses for a year, the ability to house horses on-site will be discontinued.
- In addition to other restrictions, the water quality BMPs that are required of *all* facilities include that:
 - All manure and waste must be stored in a sealed area, inside a structure, or in a covered container with an impervious bottom surface. Open piles will not be allowed.
 - Water will be diverted around pen and storage disposal areas with a berm.
 - Oak trees are protected from animals through setbacks.
 - Filter strips are to be used around confinement areas.

Should the Commission desire additional water quality BMPs, this can still be addressed in the Local Implementation Plan.

- Any facilities that continue to inflict harm on the environment and that do not meet the standard that requires them to 'prevent disposal of animal waste, wastewater, and any other byproducts of human, crop-based, or equestrian activities in or near any drainage course or H1 habitat area will be disallowed.
- Should the Coastal Commission be dissatisfied with the Compliance Program or its implementation on specific properties, it retains enforcement powers and can still move against a property owner to require removal of facilities.
- Unlike the Commission, the County has the resources to implement this Compliance Program once the LCP is certified. Failure to approve CO-12 and delay implementation to a future LCP amendment will result in continued degradation of the environment by horse facilities that are sited in close proximity to streams and that lack appropriate water quality BMPs. As such, CCPN and the Surfrider Foundation believe that approval of CO-12 in its entirety is, on balance, most protective of coastal resources.

After years of lacking the funds to adequately pursue the certification of uncertified areas and updating outdated LCPs, the Commission can now move to protect one of the state's most important resource conservation areas, the Santa Monica Mountains, transfer that permitting authority to the County of Los Angeles as called for under the Coastal Act, and concentrate on bringing in other areas for certification, including the City of Los Angeles, the County of San Diego, etc.

The collaboration between the Commission, its staff, and Los Angeles County is proof-positive that the Commission is capable of working closely with local governments throughout the state to achieve protection of coastal resources.

Sincerely,

Handwritten signature of Susan Gordon in black ink.

California Coastal Protection Network
Director

Handwritten signature of Stephanie Surich-Quinn in black ink.

Surfrider Foundation
California Policy Manager

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



MIKE BONIN

City of Los Angeles
Councilmember, Eleventh District

April 4, 2014

California Coastal Commission
45 Fremont Street
Suite 2000
San Francisco, CA 94105
Via email: santamoniamtns@coastal.ca.gov

Dear Honorable Commissioners:

I am writing in support of the Los Angeles County Santa Monica Mountains Local Coastal Program (LCP), which is before your Commission for certification on April 10, 2014. This LCP marks a significant step forward in the protection and management of important coastal resources in the Santa Monica Mountains.

The certification of this LCP has particular significance for my district. The Santa Monica Mountains make up the northwestern boundary of Los Angeles City Council District 11. As the elected representative for that district, I recognize the important environmental resources and incredible recreational opportunities that the Santa Monica Mountains provide to the residents of Council District 11. The benefits of better habitat protection, more effective resource management, and carefully planned, thoughtful development that will result from the certification and implementation of this LCP are directly realized not just by Council District 11, but also throughout the broader region.

This LCP thoughtfully balances the critical need to protect and preserve the unique character of the Santa Monica Mountains with the also important need to allow for appropriate and sensitive development, including development that would accommodate the equestrian traditions in the area. By permanently protecting the most sensitive habitat areas and carefully regulating development in the remaining areas, the LCP improves on existing practices and provides a comprehensive framework for resource protection.

Westchester Office
7166 W. Manchester Boulevard
Westchester, CA 90045
(310) 568-8772
(310) 410-3946 Fax

City Hall
200 N. Spring Street, Room 475
Los Angeles, CA 90012
(213) 473-7011
(213) 473-6926 Fax

West Los Angeles Office
1645 Corinth Avenue, Room 201
Los Angeles, CA 90025
(310) 575-8461
(310) 575-8305 Fax



Reaching this point of the LCP certification process shows the positive results of diligent coordination and ongoing cooperation between Commission staff and the County. This cooperation has resulted in a set of policies and regulations that will protect significant habitat, allow for appropriate development, and preserve our natural resources for years to come. As Councilmember for the district that has the largest portion of the City's Coastal Zone, including active areas that do not yet have a certified LCP of their own, I find it particularly encouraging that this LCP is poised for certification. This effort shows that the countless hours of hard work dedicated by Commission staff and the County have paid off. This helps to reinforce the City's resolve to work towards a certified LCP for our Venice community, and ultimately for the remaining Coastal Zone areas of the City.

I fully support the Santa Monica Mountains LCP, and I respectfully request that your Commission take the steps necessary to certify this LCP. It establishes a comprehensive approach to coastal resource protection and management that provides a benchmark for carrying out Coastal Act policies in the Santa Monica Mountains.

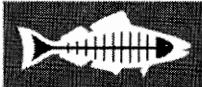
Regards,

A handwritten signature in black ink, appearing to be 'MB' followed by a horizontal line.

MIKE BONIN

Councilmember, District 11

cc: Charles Lester, Executive Director, California Coastal Commission
Jack Ainsworth, Senior Deputy Director, California Coastal Commission
Zev Yaroslavsky, Los Angeles County Supervisor, Third District
Richard Bruckner, Director of Los Angeles County Department of Regional Planning



Heal the Bay

1444 9th Street
Santa Monica CA 90401

ph 310 451 1500
fax 310 496 1902

info@healthebay.org
www.healthebay.org

April 4, 2014

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

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

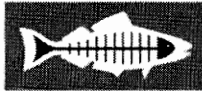
Re: Support of Los Angeles County Land Use Plan Amendment No. LCP-4-LAC-14-0108-4 (Santa Monica Mountains Land Use Plan)

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) Land Use Plan and urge the Coastal Commission to approve the Land Use Plan with the modifications suggested by Coastal Commission staff. Developing a strong LCP for the Santa Monica Mountains is of the utmost importance. The Santa Monica Mountains are one of the few remaining areas in Los Angeles County with significant natural habitat. However, Heal the Bay has 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. An LCP that prioritizes protection of natural resources for the benefit of ecosystem services and recreational uses is greatly needed. The proposed LUP with suggested modifications (hereafter, the "proposed LUP") provides for balanced use throughout the Santa Monica Mountains while maintaining strong protection of sensitive habitats and water quality.

Since 1998, Heal the Bay's citizen science monitoring program, Stream Team, has collected data to assess the health of the Malibu Creek Watershed and other areas in the Santa Monica Mountains. In March 2013, we released a report, "Malibu Creek Watershed: Ecosystem on the Brink", detailing many of the issues facing the Malibu Creek Watershed, including 1) hardened streambanks, 2) polluted waterways, 3) the proliferation of invasive plants and animals, and 4) unregulated agricultural and equestrian use.¹ Our report details several recommendations to address these issues, including the adoption of an LCP for the Santa Monica Mountains that protects open space; provides adequate setback requirements for development from sensitive habitats, including streams and riparian areas; addresses streambank erosion; and prohibits agricultural development on slopes steeper than 3:1, while requiring appropriate best management practices for equestrian facilities to address nutrient and bacteria pollution, as well as sedimentation from these sites. The proposed LUP establishes policies that address these areas of

¹ Heal the Bay, *Malibu Creek Watershed: Ecosystem on the Brink*, March 2013. Available at: <http://www.healthebay.org/sites/default/files/pdf/Heal%20the%20Bay%20-%20Malibu%20Creek%20Watershed%20Report%20-%20Ecosystem%20on%20the%20Brink.pdf>



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degradation and will further protect this critical natural resource. Detailed comments about environmental concerns in the Watershed are further described below, as well as how the proposed LUP addresses them.

1) Hardened Streambanks

Surveying 68 miles of streams, Heal the Bay's Stream Team found that 21 miles of streambank (31%) were modified or hardened (with materials such as concrete or riprap). Streambanks are typically armored for stabilization but, these modifications frequently cause further erosion downstream of the hardened area. Erosion results in the loss of riparian habitat and an increase in fine sediments in the stream, negatively impacting in-stream habitat for aquatic life, such as the federally endangered southern steelhead trout. Our analysis indicated that 62% of the 987 individual streambank modifications mapped were either degraded or were failing altogether, raising concerns about cumulative impacts related to streambank armoring and the associated erosion, as well as how individual permit requests for repair and additional armoring would address these cumulative and site-specific erosion issues. Our report calls for policies limiting streambank hardening, prioritizing bioengineered solutions over hardened solutions, and establishing setbacks for development of 100ft. from the outer edge of the riparian canopy. We are specifically supportive of the policies in the proposed LUP that prioritize softer solutions over streambank hardening (Policies CO-31, CO-68), provide 100ft. riparian buffers (Policy CO-21 with Suggested Modification 6), and protect riparian habitat (Goal CO-2 and Policy CO-33 with Suggested Modification 9).

2) Polluted Waterways

Despite being in a largely undeveloped area, many streams in the Santa Monica Mountains are polluted and do not meet current water quality standards. In the Malibu Creek Watershed, 14 different streams, lakes, and beaches are listed as impaired under the Clean Water Act for over 20 different pollutants, such as nutrients, bacteria, trash, sediment, and invasive species. Local pollution sources include stormwater runoff, septic systems, wastewater discharge as well as runoff from vineyards and equestrian facilities. Levels of bacteria and nutrients frequently exceed water quality standards, causing impacts to human health as well as biological health. We are supportive of the policies in the proposed LUP that will improve water quality through protection of riparian areas (Goal CO-2 and Policy CO-33 with Suggested Modification 9), establishment of setbacks from riparian habitat (Policy CO-21 with Suggested Modification 6), a reduction in impervious surfaces in new development (Policy CO-4), and a reduction of pollutants entering our streams and ocean (Policies CO-2, CO-3, CO-12 with Suggested Modification 3, CO-13 with Suggested Modification 4, CO-30).

3) Invasive Species

Invasive aquatic animals and plants are widespread throughout the Malibu Creek Watershed and greater Santa Monica Mountains. The Stream Team found that 26% of the 68 total stream miles mapped in the watershed were impacted by invasive vegetation, which displaces native vegetation and provides little to no habitat or food for native wildlife. The five most common invasive plants species found were: periwinkle (*Vinca*), spurge, fennel, giant reed (*Arundo donax*), and eucalyptus trees. Invasive aquatic animals, such as the New Zealand mudsnail, bullfrogs, red swamp crayfish, and mosquitofish are also found in many streams in the watershed. Invasive species have negative impacts on native species through



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competition, displacement, and predation. Amphibian populations in the Santa Monica Mountains are heavily impacted by predation (at the egg and larvae stages particularly) from non-native red swamp crayfish, bullfrogs, and non-native fish. Invasive species can also alter the natural ecosystem, changing the natural fire regime or availability of water. We support provisions Los Angeles County has included in the LUP that address aquatic invasive species, particularly mosquito fish, and promote education about spread of invasive species, such as New Zealand mudsnails (Policies CO-9, CO-11, CO-22, CO-54, CO-60, LU-43). The proposed LUP is strong in its consideration of invasive species and we support these policies that prohibit use of invasive species and promote collaborative outreach and education about invasive species.

4) Equestrian and Agricultural Land Use

Another major recommendation of our 2013 report is the need to regulate equestrian and agricultural use in the watershed through a Local Coastal Program. We have been concerned about increasing agricultural land use in the Santa Monica Mountains, especially the recent boom in viticulture and growth of equestrian facilities in the area. We have documented negative impacts of equestrian facilities on water quality and riparian habitat, such as runoff containing manure and hay, as well as inappropriate siting of equestrian facilities in sensitive riparian habitat, causing streambank erosion, habitat destruction, and increased sedimentation. We recognize that horse use has been a part of the history of this region, and recommended strongly that the LCP require appropriate installation, monitoring, and maintenance of best management practices (BMPs) to protect water quality and habitat from further impacts. We believe the proposed LUP with the Coastal Commission staff modifications provides planning guidance that will address Heal the Bay's concerns related to habitat and water quality issues associated with equestrian facilities (Policies CO-12 with Suggested Modification 3, CO-15 with Suggested Modification 5, CO-16) while maintaining flexibility for continued equestrian use in the Santa Monica Mountains (Policy CO-207).

The impacts of vineyards are also of great concern; we urge the Coastal Commission to be precautionary and protect and preserve native habitats of the Santa Monica Mountains for generations to come. Heal the Bay is particularly concerned about water use associated with viticulture, sedimentation from vineyard development on steep slopes, polluted runoff, and habitat loss and damage. Without a permanent groundwater basin in the Santa Monica Mountains, increased agricultural operations will compete with existing private wells for scarce water resources. Dr. Lee Kats, Biology Professor and Vice Provost for Research & Strategic Initiatives at Pepperdine University, has been conducting amphibian surveys in the Santa Monica Mountains since the early 1990s. Dr. Kats and his students visit the same streams every year to measure habitat variables and count numbers of native amphibians (adults, larvae, and egg masses) as well as non-native species (crayfish, bullfrogs, fish). Over the last 7-8 years, Dr. Kats has seen in-stream habitat steadily decline in Newton Creek, which is downstream from several vineyards. There is a large waterfall at Newton Canyon with a pool below that is prime habitat for California newts (a species of special concern) and other amphibians (Figure 1a). Historically, this pool has been over a meter deep, yet over the past few years, Dr. Kats has seen this pool fill up with sediment to a level where it no longer provides habitat for amphibians (Figure 1b). Upstream from the Newton Canyon waterfall are large vineyards on steep slopes with little to no cover cropping (see Figure 1c). Inputs of sediment to Newton



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Creek from these vineyards through stormwater and non-stormwater runoff is very likely occurring and causing negative impacts to the stream ecosystem.

Figure 1. Images of Newton Canyon waterfall and pool from (a) approximately 10 years ago and (b) current conditions; photographs provided by Dr. Lee Kats. Image (c) is an image from Google Earth showing the waterfall with a red marker, the stream in blue, and the presence of vineyards and agriculture upstream (shown in yellow, although note that not all agriculture has been marked with yellow).

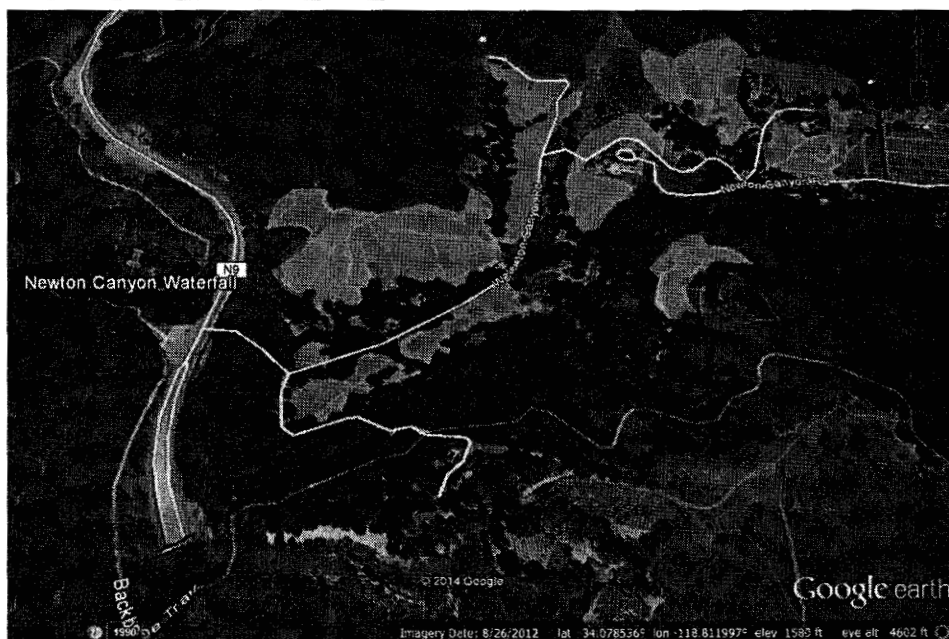
a)



b)



c)





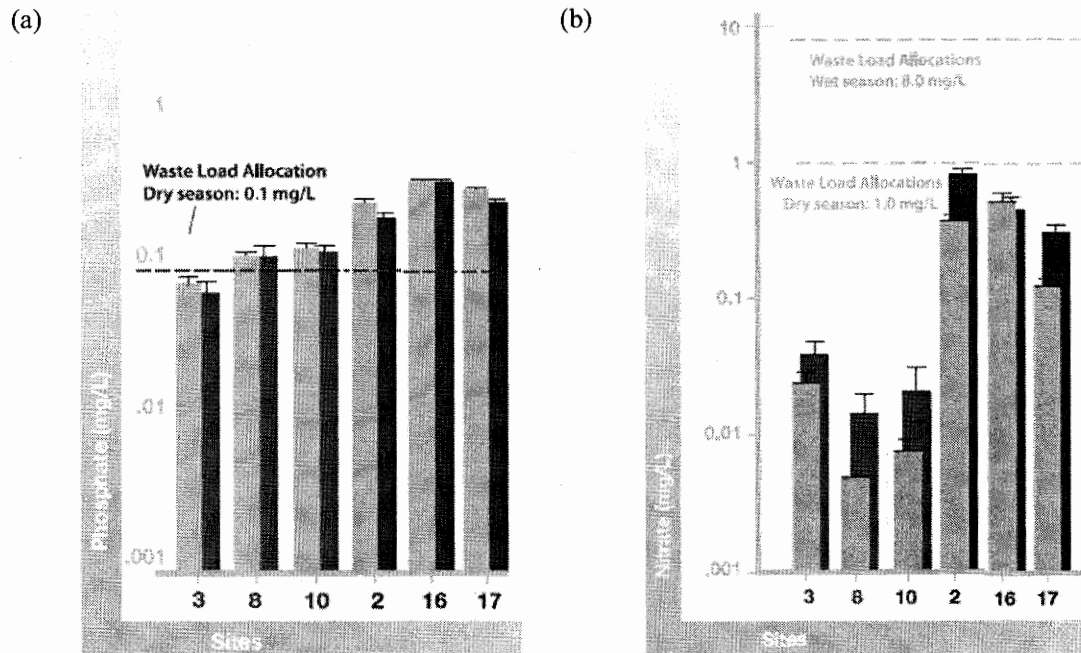
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In addition to sediment inputs, Heal the Bay's Stream Team has documented high nutrient levels in streams downstream from equestrian and vineyard land uses. For instance, we find high phosphate (Figure 2a) and nitrate (Figure 2b) levels at three sites (Sites 2, 16, 17) that are downstream from equestrian and viticulture facilities compared to the most similar reference sites (Sites 3, 8, 10), which are downstream of primarily open space. Site 2 is located in lower Cold Creek; Site 16 is located in Stokes Creek; Site 17 is located in Triunfo Creek. Nutrients come from fertilizers, animal waste, as well as from other sources. High nutrient levels can cause excessive algae, negatively impacting the biological health of the stream through loss of habitat and low levels of dissolved oxygen (eutrophication), a condition that threatens aquatic life, such as steelhead trout, which require a relatively high concentration of dissolved oxygen.

Figure 2. Phosphate (a) and nitrate (b) levels at reference (blue) and impacted (purple) sites. Dry season values are shown in the lighter shaded bars and wet season values are shown in darker shaded bars.



We support the approach taken in the proposed LUP to address agricultural land use impacts on water quality and habitat, by only allowing for such development in select areas and requiring BMPs to control against habitat and water quality degradation (Policies CO-54, CO-102 with Suggested Modification 27, new policy Suggested Modification 28). Further, without a strong LCP, there is the opportunity for increased agricultural development in the Santa Monica Mountains, posing an imminent danger of



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additional habitat loss with potentially severe impacts to the water quality and habitat of our streams and ocean. A recent UCLA study (Goepel et al. 2012) examined areas in the Santa Monica Mountains where vineyard development could potentially occur (due to physical and political factors).² The study examined 48,394 acres in the Santa Monica Mountains and found that 62.5% of that land had favorable conditions and appropriate zoning for vineyard development (see Figure 3 from the report).

Figure 3. Extent of vineyard potential in the Santa Monica Mountains National Recreation Area (taken from UCLA study).

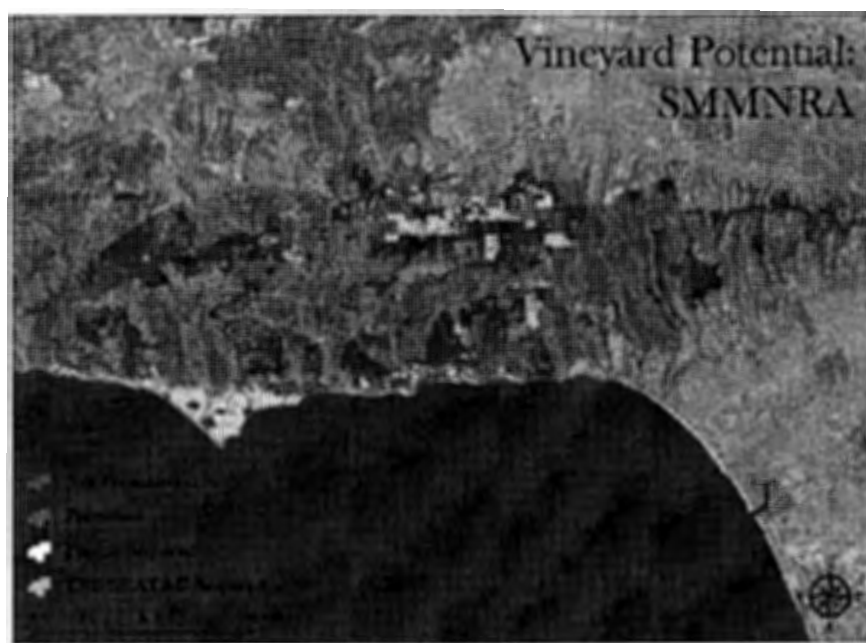


Figure 3: extent of vineyard potential in SMMNRA

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. Much of the potential for vineyard development is on private residential properties, given the fragmented land-ownership in the Santa Monica Mountains. Such development would be in direct contradiction to the goals of the Santa Monica Mountains National Recreational Area which include the “preservation, protection, and managed usage of the historical, natural, and cultural resources and assets of the park.”³

² Goepel, C., Hoeberling, K., Keto, F., Pardo, R., Palmquist, J., Traverso, M., and A. Yoon. June 2012. Potential Extent of Vineyard Development in the Santa Monica Mountain National Recreation Area. UCLA, Institute of the Environment and Sustainability. Available at:

<http://www.environment.ucla.edu/perch/resources/files/potentialsmmvineyarddevelopment2012.pdf>

³ Santa Monica Mountains National Recreation Area website: <http://www.nps.gov/samo/parkmgmt/index.htm>



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The goals and mission statements of other government agencies (California State Parks⁴, Santa Monica Mountains Conservancy⁵, and the Santa Monica Mountains Resource Conservation District⁶) that manage the National Recreation Area are consistent in their dedication to the protection and preservation of natural resources for the benefit of the general public. The need to protect the unique Mediterranean ecosystem of the Santa Monica Mountains is urgent.

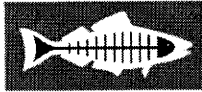
The Santa Monica Mountains are in great need of a Local Coastal Program. This LCP has been in development for nearly a decade and it is imperative that the proposed LCP be adopted in a timely manner. The proposed LUP provides the policy guidance for development and preservation in the Santa Monica Mountains, while the Local Implementation Plan (LIP) is the document that implements the LUP and provides specific detailed information. We encourage the County and the Coastal Commission to be thoughtful in their planning efforts for the LIP, ensuring that the necessary details are provided to fully implement the policies of the LUP. For instance, Suggested Modification 28 in the LUP prevents the conversion of agricultural land to non-agricultural uses for existing, legally-established, economically-viable crop-based agricultural uses. We recognize that this is consistent with the Coastal Act, however, we do not want this provision to be abused. We encourage the Local Implementation Plan (LIP) to contain specific details on implementation of this provision, such as qualifications of what is considered legally-established and economically viable. We also suggest specific guidance be provided in the LIP on aquatic invasive species, such as which species are invasive and how to implement programs of outreach and education to minimize the spread of invasive species. Another example of what we hope to see in the LIP would be further details on CO-4, which seeks to minimize impervious surfaces; we suggest that the LIP set a percentage goal for impervious surfaces in the Santa Monica Mountains or select watersheds or sub-watersheds. Our research has shown negative impacts to the benthic macroinvertebrate community at low percentages (approximately 6%) of impervious surface in sub-watersheds⁷. We urge the County and the Coastal Commission to advance the LIP in a timely manner so that the full LCP is finalized expeditiously, providing clarity and guidance to the public and landowners in the area.

⁴ California Department of Parks and Recreation mission: To provide for the health, inspiration and education of the people of California by helping to preserve the state's extraordinary biological diversity, protecting its most values natural and cultural resources and creating opportunities for high-quality outdoor recreation. Available at: http://www.parks.ca.gov/?page_id=91

⁵ Santa Monica Mountains Conservancy mission is to: strategically buy back, preserve, protect, restore, and enhance treasured pieces of Southern California to form an interlinking system of urban, rural and river parks, open space, trails, and wildlife habitats that are easily accessible to the general public. Available at: <http://smmc.ca.gov/mission.html>

⁶ The Resource Conservation District of the Santa Monica Mountains is: dedicated to providing education and leadership in the creation of programs to conserve and enhance the natural resources of the District; inspiring and mobilizing public conservation involvement; and identifying natural resource issues. Available at: <http://www.rcdsmm.org/mission-statement>

⁷ Pease KM, Sikich S, Maggio M, Diringier S, Abramson M, Gold M (2013) Impact of development on aquatic benthic macroinvertebrate communities in the Santa Monica Mountains of southern California. *Urban Coast*, 4, 52-62.



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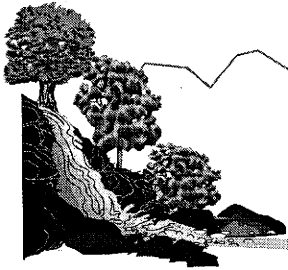
The Coastal Commission has a great opportunity to set the framework for how development proceeds in the Santa Monica Mountains for years to come with consideration of the proposed LUP. Heal the Bay has been involved in the effort to develop an LCP for the Santa Monica Mountains since 2006. We reviewed and commented on the previous versions of the LCP in 2006, 2007, and 2008, and have seen notable improvements since then. We appreciate the collaborative approach taken by the County in the development of this LCP and we applaud the work of the County and the Coastal Commission staff on crafting such a thoughtful LUP for the Santa Monica Mountains. We support the proposed LUP with the Coastal Commission modifications and encourage the Coastal Commission to adopt a strong LCP that keeps the vision of recreation and open space at the forefront for this region.

Thank you for the opportunity to comment; please don't hesitate to contact us if you have any questions.

Sincerely,

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Watershed Scientist
kpease@healthebay.org
310-451-1500 x 141

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



Las Virgenes Homeowners Federation, Inc.

Post Office Box 353, Agoura Hills, California 91301



The voice and conscience of the Santa Monica Mountains since 1968

April 02, 2014

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

Re: Agenda Item No. Th 17a and 17b – Santa Monica Mountains LCP

Honorable Commissioners:

The Las Virgenes Homeowners Federation, representing 10,000 homeowners, property owners, and horse owners in the Santa Monica Mountains, voted unanimously to support the proposed Santa Monica Mountains Land Use Plan (LUP). **We respectfully request your approval, without further delay, on April 10, 2014.**

For more than seven years, we have been working with the county to bring balance, consistency and predictability to all stakeholders within the Coastal Zone. This Local Coastal Program (LCP) reflects those efforts.

As your staff notes, this LCP locks in critical resource protections of the Santa Monica Mountains; it safeguards the unique character of our mountain communities; it ensures horse owners in our LCP communities of Topanga, Monte Nido, Cold Creek and Malibu Lake can thrive; and, it greatly enhances recreational benefits and public access for everyone –including trail, parkland and scenic route preservation. In addition, we are grateful that the LCP will preserve our most sensitive, highest value habitat by codifying standards and requiring that development be sited in less environmentally damaging areas.

As local residents, it is critical for us—and envisioned by the Coastal Act—that our local government have permitting authority for basic land use matters. In the Santa Monica Mountains, this return of authority is decades overdue.

The Santa Monica Mountains are a rugged, beautiful, natural landscape – a scenic resource of national and regional significance. The LCP protects the public's interest by ensuring new development adheres to scenic resource policies and standards.

The LCP enacts strict development standards to protect coastal resources, including:

- Preserving the most sensitive habitat types from all non-resource dependent development;
- Prohibiting development on all mapped significant ridgelines, and requiring that development must be sited below all other ridgelines wherever feasible;
- Enacting strict limits on signage and night lighting;
- Prohibiting the alteration and armoring of natural streams; and,
- Prohibiting the creation of any net new developable lots in the Coastal Zone.

It is representative of a remarkable collaboration for the first time between County planning staff and the California Coastal Commission staff. The LCP is a brilliantly written document that respects all stakeholders' interests.

We strongly support your staff's recommendation to certify the LUP with suggested modifications, with one exception. We respectfully request the Commission consider restoring CO-12 (Suggested Modification 3) in order to allow our community horse owners to come into compliance with modern water quality standards. Coastal staff clearly state in their staff report, that, "as a whole, the LUP is, on balance more protective of coastal resources as required by Coastal Action Sections 30240 & 30250." To remove this single element - a grandfathering clause - therefore seems unnecessary and upsets the balance that has been so carefully achieved, to protect our most sensitive environmental resource areas first and foremost overall. The CO-12 provision represents a creative way to bring immediate improvements to water quality, and to ensure that our Las Virgenes Homeowners community of the Santa Monica Mountains remains as a cohesive whole.

We urge you to certify the Santa Monica Mountains Land Use Plan on April 10.

Sincerely,

Kim Lamorie
President

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

PEPPERDINE UNIVERSITY

OFFICE OF THE PRESIDENT

April 4, 2014

Agenda Item Th17a

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

Re: Pepperdine University Comments on the Proposed 2014 Santa Monica Mountains Local Coastal Program

Honorable Commissioners:

On behalf of Pepperdine University, I appreciated the opportunity, during the Los Angeles County Board of Supervisor's review of the County's Santa Monica Mountains Local Coastal Program ("LCP"), to express Pepperdine's support for the County's significant achievement in long term coastal planning. For nearly three decades, the County and the University have worked closely together on long range planning for our Malibu Campus. Throughout these years, the guidance and leadership of both the County of Los Angeles and the California Coastal Commission have resulted in measured advancements in our campus facilities while retaining over 500 acres of our 830-acre campus in a native state. The Commission's Long Range Development Plan ("LRDP") for our Malibu campus, together with the County's Specific Plan for Development and Development Program Zone, successfully and appropriately memorialize our long term planning goals.

I appreciate the LCP language clarifying that the University remains subject to the previously established Specific Plan for Development and Coastal Commission-approved LRDP, thereby retaining the existing framework and policies for the long-term build-out of Pepperdine's Malibu campus. The County's existing planning approvals and the LRDP recognize both Pepperdine's unique land use as a major university within the largely rural Santa Monica Mountains coastal region and the need

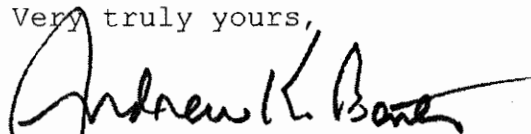


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for universities to have flexibility to implement master plans over extended periods of time as student needs and funding dictate. Pepperdine's LRDP also contains specific policies and establishes standards to ensure that Pepperdine's future campus construction remains consistent with the applicable policies in the Coastal Act. The proposed Santa Monica Mountains LCP appropriately maintains these provisions by providing for continued campus development pursuant to the Specific Plan for Development and LRDP, while protecting the significant resources in the Santa Monica Mountains consistent with the long-term goals of the County, the community, and the State of California.

I congratulate the County on this significant achievement in long-term planning, which will result in the continued preservation of the unique environment that is the Santa Monica Mountains, and thank them for their work in engaging Pepperdine and other stakeholders throughout this coastal planning process. I also appreciate the recommendations of Coastal staff, which confirm that the LRDP remains the appropriate planning document to guide the future of the University's Malibu campus. And I remain grateful for the close working relationship we have enjoyed with the County of Los Angeles and the California Coastal Commission over the last three decades as Pepperdine has built its Malibu campus into the leading university that it is today.

Very truly yours,



Andrew K. Benton
President and CEO

cc: Jack Ainsworth, California Coastal Commission, Senior Deputy Director; Steve Hudson, California Coastal Commission, District Manager; Barbara Carey, California Coastal Commission, Supervisor, Planning and Regulation; Deanna Christensen, California Coastal Commission, Coastal Program Analyst; Ben Saltzman, Planning Deputy; Supervisor Yaroslavsky; Richard Bruckner, Los Angeles County, Director of Planning; Sam Dea, Los Angeles County, Supervising Regional Planner; Kim Szalay, Los Angeles County, Principal Regional Planning Assistant; Gary Hanson, Pepperdine, Executive Vice President and Chief Operating Officer; Phil Phillips, Pepperdine, Vice President for Administration; Rhiannon Bailard, Pepperdine, Associate Vice President for Regulatory Affairs; Cindy Starrett, Latham & Watkins; John C. Heintz, Latham & Watkins



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A California Public
Benefit Corporation
To Preserve, Protect and
Enhance the Natural
Resources of the
Santa Monica Mountains

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April 2, 2014

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

RE: Agenda Item No. Th 17a and 17b – Santa Monica Mountains LCP

Sent via electronic mail to santamoniamtns@coastal.ca.gov

Dear Commissioners,

Mountains Restoration Trust, a public benefit nonprofit established in 1981 by the California Coastal Commission and State Coastal Conservancy, and emancipated in 1984 as a publicly supported organization. MRT works with all the Santa Monica Mountains' resource agencies to achieve our common goals of protecting the unique ecosystem of the mountains. MRT supports the Coastal Commission's staff recommendation to approve of the Land Use Plan.


MRT appreciates the County of Los Angeles, the largest uncertified area of the state, in preparing this long overdue plan. We urge the Commission to act on the Plan without delay.

MRT respects the efforts to regulate new development to ensure private property rights are respected while also ensuring that development is conducted in a manner that protects the public's investment in the National Recreation Area. The LCP requires critical setbacks from open space and parkland to avoid imposing needless costs on public agencies and non-profit land trusts.

In addition, the Plan's prohibition on anti-coagulant rodenticides and other toxic pesticides will help protect apex predators and preserve a healthy way of life in the mountains.

Thank you for all you do to protect the future of our natural environment.

Sincerely,


Debra Sharpton
Executive Director



EDMUND G. BRYAN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

April 7, 2014

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

Dear Chair Kinsey and Commissioners.

SUPPORT - Agenda Item No. 17a and 17b – Santa Monica Mountains LCP

The Los Angeles County Santa Monica Mountains Land Use Plan and Local Implementation Plan are on your agenda for your upcoming meeting on Thursday April 10. As this is also the date for the Los Angeles Regional Water Quality Control Board meeting, we will be unable to attend and testify.

However, we are writing to offer our support for the Los Angeles County Santa Monica Mountains Land Use Plan and Local Implementation Plan. We also support your staff recommendation to modify and approve both.

We realize that approval of this Local Coastal Plan is decades in the making. But the timing for you to consider its final approval could not be better. In November, 2012, our Board passed a precedent-setting Los Angeles County Municipal Stormwater Permit (MS4) for the county and all municipalities in all watersheds that drain into the Pacific Ocean in the County. This permit is also decades in the making, incorporating regulations to improve water quality for each pollutant in each impaired water body in these watersheds, and the coastal wetlands and waters to which they drain.

The Santa Monica Mountains Land Use Plan before you today contains most of the Malibu Creek Watershed and most of the Northern Santa Monica Bay Watersheds in the MS4 permit. The MS4 permit includes Total Maximum Daily Loads (TMDLS) for pollutants that are impairing the water bodies in this area. The permit contains time deadlines for implementing TMDLS for the Northern Santa Monica Bay and Malibu Creek Watersheds to reduce impairments in creeks and wetlands, and Santa Monica Bay beaches and coastal waters. The requirements in the Santa Monica Mountains include TMDLS to reduce bacteria, impairments from onshore and offshore trash and debris, and impairments from DDT and PCBs. In Malibu Creek and Lagoon, TMDLS address bacteria, trash and nutrients that impact the health of the creek, lagoon and coastal waters. By taking actions to meet the requirements in the MS4, the dischargers, including Los Angeles County, will meet the water quality standards for creeks, wetlands and coastal waters in the Clean Water Act and the Porter Cologne Act and prevent future pollution.

CHARLES STINGER, CHAIR | SAMUEL UNGER, EXECUTIVE OFFICER

322 West 4th St., Suite 200, Los Angeles, CA 90013 | www.waterboards.ca.gov/losangeles

April 7, 2014

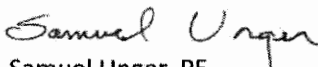
- 2 -

Under the Clean Water Act, counties and municipalities regulated under the MS4 permit are responsible for regulating all uses within its jurisdiction to prevent polluted runoff and meet water quality standards. While the Regional Board sets the water quality standards and the timeframe to implement the, we can only recommend best management practices to implement the permit. It is up to each local jurisdiction to decide how to meet the requirements of the permit.

In this case, Los Angeles County has developed this Local Coastal Plan as a major tool to meet its requirements under the MS4 permit. They have taken advantage of a unique opportunity in the Santa Monica Mountains. In most of Los Angeles County, water pollution exists because of the way that properties have developed and the way that the flood control system has developed. The amount of permeable surface has decreased, the development on steep slopes has increased and the storm drain system and channelization of creeks has all contributed towards moving pollutants into polluted channels and the ocean. But in the Santa Monica Mountains LCP, the County has taken opportunity to plan future development and improve existing uses that they will not contribute to pollution. We congratulate Los Angeles County on making water quality a significant water priority in their submittal and urge you to approve the Santa Monica Mountains Land Use Plan and Implementation Plan on April 10.

Thank you.

Sincerely,


Samuel Unger, PE
Executive Officer

cc. Charles Lester, Executive Director
Jack Ainsworth, Senior Deputy Director,
South Central Coast District.
Charles Stringer, Chair, LARWQCB
Irma Munoz, Vice-Chair, LARWQCB
Maria Mehranian, LARWQCB
Francine Diamond, LARWQCB
Madelyn Glickfeld, LARWQCB
Maria Camacho, LARWQCB
Lawrence Yee, LARWQCB

MJG

*Madelyn Glickfeld
28907 Grayfox Street
Malibu, CA 90265
Tel: (310) 589-9110
Fax: (310) 457-5692*

April 6, 2014

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

Dear Chair Kinsey and Commissioners.

SUPPORT - Agenda Item No. Th 17a and 17b – Santa Monica Mountains LCP

The Los Angeles County Santa Monica Mountains Land Use Plan and Local Implementation Plan are on your agenda for your upcoming meeting on Thursday April 10. As this is also the date for the Los Angeles Regional Water Quality Control Board meeting and I am a member, I am unable to attend and testify.

However, I am writing, as an individual, to offer support for the Los Angeles County Santa Monica Mountains Land Use Plan and Local Implementation Plan.

I know that this Local Coastal Plan has been decades in the making because I was on the Coastal Commission in 1986, when that Land Use Plan was narrowly approved. The Plan our Commission approved was not adequately protective of resources, and did not adequately protect the health of people who use coastal creeks and the ocean. This Plan provides the County with the means to protect the habitat, birdlife, wildlife, fisheries and the health of millions of swimmers, surfers and divers that use the coastal waters of Santa Monica Bay.

I urge you to approve the Land Use Plan and Local Implementation Plan with the modifications that the staff recommends.

Thank you.

Madelyn Glickfeld

Madelyn Glickfeld

P.O. Box 27404
Los Angeles, CA 90027

PRESIDENT
Marian Dodge
CHAIRMAN
Charley Mims
VICE PRESIDENTS
Mark Stratton
Wendy-Sue Rosen
SECRETARIES
Carol Sidlow
John Given
TREASURER
Don Andres



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

April 4, 2014

Beachwood Canyon Neighborhood
Bel Air Knolls Property Owners
Bel Air Skycrest Property Owners
Bel Air Ridge Association
Benedict Canyon Association
Brentwood Hills Homeowners
Brentwood Residents Coalition
Cahuenga Pass Property Owners
Canyon Back Alliance
CASM-SFV
Crests Neighborhood Assn.
Franklin Ave./Hollywood Bl. West
Franklin Hills Residents Assn.
Highlands Owners Assn.
Hollywood Dell Civic Assn.
Hollywood Heights Assn.
Hollywoodland Homeowners
Holmby Hills Homeowners Assn.
Kagel Canyon Civic Assn.
Lake Hollywood HOA
Laurel Canyon Assn.
Lookout Mountain Alliance
Los Feliz Improvement Assn.
Mt. Olympus Property Owners
Mt. Washington Homeowners All.
Nichols Canyon Assn.
N. Beverly Dr./Franklin Canyon
Oak Forest Canyon Assn.
Oaks Homeowners Assn.
Outpost Estates Homeowners
Pacific Palisades Residents Assn.
Residents of Beverly Glen
Roscomare Valley Assn.
Save Sunset Blvd.
Shadow Hills Property Owners
Sherman Oaks HO Assn.
Studio City Residents Assn.
Sunset Hills Homeowners Assn.
Tarzana Property Owners Assn.
Torreyson Flynn Assn.
Upper Mandeville Canyon
Upper Nichols Canyon NA
Upper Riviera Homeowners Assn.
Whitley Heights Civic Assn.

CHAIRPERSONS EMERITUS
Shirley Cohen
Jerome C. Daniel
Patricia Bell Hearst
Alan Kishbaugh
Gordon Murley
Steve Twining
Polly Ward

CHAIRMAN IN MEMORIUM
Brian Moore

Re: **SUPPORT - Agenda Item No. Th 17a and 17b -
Santa Monica Mountains Local Coastal Program LCP)**

Honorable Commissioners:

The Federation of Hillside and Canyon Associations, representing 44 homeowner and resident associations spanning the Santa Monica Mountains, voted to support your staff's recommendation to certify the Santa Monica Mountains Land Use Plan on April 10th, and we hope you will do so without delay.

This critical plan preserves our most sensitive coastal resources and our most spectacular view sheds in the heart of the Santa Monica Mountains, while enacting critical protections against the wrong kind of development - including those on ridgelines, in riparian areas, and in native woodlands. It will stop the spread of commercial agriculture which threatens to take over the native chaparral and sage scrub environment with water - and pesticide-intensive commercial operations that degrade the water quality of our streams and beaches. It will limit grading, retaining walls, and access roads that scar the hillsides. In short, the LCP sets a new standard for hillside preservation.

Just as important, the LCP will promote public access by expanding trail uses and providing for a variety of visitor serving uses. This portion of the Santa Monica Mountains is an irreplaceable recreational resource for the millions of Southern Californians who live in urbanized areas and need an opportunity to enjoy and learn about nature. This rural refuge - just minutes from Los Angeles' densest neighborhoods - must be saved and the LCP will do just that.

There are many places where people can go to visit wineries (we have them in downtown Los Angeles) or see commercial centers. But, there is only one Santa Monica Mountains. The Mountains - its ridgelines, habitat, streams, and beaches - are a public resource that should be preserved for all of us and for all time.

Please approve the Santa Monica Mountains Land Use Plan on April 10th.

Sincerely,

Marian Dodge
Marian Dodge

cc: Supervisor Zev Yaroslavsky

April 7, 2013

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

VIA EMAIL santamoncamtns@coastal.ca.gov

RE: Agenda Item No. Th 17a and 17b – Santa Monica Mountains LCP.

Honorable Commissioners:

We are residents of the Santa Monica Mountains, specifically Topanga Canyon. We moved here about ten years ago, and in that time I have seen first-hand the importance of protecting the fragile environment of the Santa Monica Mountains Coastal Zone for the benefit of future generations of visitors and residents alike. I am therefore proud to support your staff's recommendation to certify the Santa Monica Mountains Land Use Plan on April 10th, and I hope you will do so without delay.

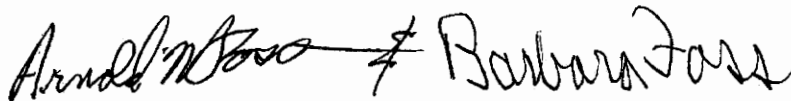
Over the past several months, we have been pleased at our friends and neighbors ability to talk with the county about our questions, read the plan online, and participate in community meetings.

After this opportunity for thorough review, I am convinced that this critical plan will preserve our rural way of life—including our ability to keep horses and organic gardens. It will set forth clear rules of the road so that all will know what to expect when we want to add a bedroom or remodel our house. It will restore our ability to work directly with the County of Los Angeles, our locally elected government. And, it will enact critical protections against the wrong kind of development—including those on ridgelines, in sensitive riparian areas, and in native woodlands. Finally, it will stop the spread of commercial agriculture which today threatens to take over the native chaparral and sage scrub environment with water- and pesticide-intensive commercial operations that degrade the water quality of our streams and beaches..

I appreciate the historic work of the Coastal Commission in preserving the Santa Monica Mountains—a critical open space resource and one of the last contiguous areas of Mediterranean biome that provides irreplaceable recreational opportunities—on trails and at the beaches—for the millions of Californians who live nearby. I am confident that, by certifying the LCP, the Coastal Commission will continue your legacy of environmental protection.

I urge your full and enthusiastic support of the Santa Monica Mountains LCP on April 10th.

Sincerely,

Handwritten signatures of Arnold and Barbara Foss. The signature for Arnold is on the left, and Barbara's is on the right, separated by a small 'x' or flourish.

Arnold & Barbara Foss

2175 Tuna Canyon Road, Topanga, California 90290

Agenda # Th 17a and 17b LCP

Paul Goldsmith [paulgoldsmithasc@gmail.com]

Sent: Monday, April 07, 2014 5:41 PM

To: CoastalSantaMonicamtms

I've lived in Monte Nido for 24 years. All 4 of my daughters have grown up here and gone through the local schools, Lupin Hill, A.E. Wright, Calabasas HS. We know our area well and treasure the unique blend of community and wilderness. My whole family supports this Land Use Plan. We believe it is flexible and a compromise of all the overlapping interests involved. All of us who have chosen to live here value what we have and share. The Land Use Plan proposed by L.A. County comes closest to preserving the life we live and the land we live on.

regards, Paul

Paul Goldsmith ASC
25620 Loree Way
Calabasas, CA 91302
818) 903-0077
paulgoldsmithasc@gmail.com
paulgoldsmithasc.com

Please Protect Topanga From Development

Marcy Winograd [winogradteach@gmail.com]

Sent: Tuesday, April 08, 2014 6:44 AM

To: CoastalSantaMonicamtns

Dear Coastal Commission:

As someone who lives near Topanga and has enjoyed the beauty of nature there, I urge you to continue to protect the mountains, streams, and natural habitats in Topanga Canyon. Please continue to safeguard these areas from development. I heard these areas are now targeted by developers -- and that would be a terrible shame, to lose more open space to development we don't need. Thank you for protecting Topanga in the past.

Sincerely,

--

Marcy Winograd

Agenda Item No. Th 17a and 17b - Santa Monica Mountains LCP.

Micah Dyer [dyermicah@yahoo.com]

Sent: Tuesday, April 08, 2014 1:49 AM

To: CoastalSantaMonicamtms

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

RE: Agenda Item No. Th 17a and 17b – Santa Monica Mountains LCP.

Honorable Commissioners:

I am a resident of the Santa Monica Mountains. As such, I see first-hand the importance of protecting the fragile environment of the Santa Monica Mountains Coastal Zone for the benefit of future generations of visitors and residents alike. I am therefore proud to support your staff's recommendation to certify the Santa Monica Mountains Land Use Plan on April 10th, and I hope you will do so without delay.

Over the past several months, we have been pleased at our friends and neighbors ability to talk with the county about our questions, read the plan online, and participate in community meetings.

After this opportunity for thorough review, I am convinced that this critical plan will preserve our rural way of life—including our ability to keep horses and organic gardens. It will set forth clear rules of the road so that all will know what to expect when we want to add a bedroom or remodel our house. It will restore our ability to work directly with the County of Los Angeles, our locally elected government. And, it will enact critical protections against the wrong kind of development—including those on ridgelines, in sensitive riparian areas, and in native woodlands. Finally, it will stop the spread of commercial agriculture which today threatens to take over the native chaparral and sage scrub environment with water- and pesticide-intensive commercial operations that degrade the water quality of our streams and beaches..

I appreciate the historic work of the Coastal Commission in preserving the Santa Monica Mountains—a critical open space resource and one of the last contiguous areas of Mediterranean biome that provides irreplaceable recreational opportunities—on trails and at the beaches—for the millions of Californians who live nearby. I am confident that, by certifying the LCP, the Coastal Commission will continue your legacy of environmental protection. I urge your full and enthusiastic support of the Santa Monica Mountains LCP on April 10th.

Sincerely,

Micah Dyer

310-663-3396

Land Use

Darryl Wizenberg [darryl@wizenberg.com]

Sent: Monday, April 07, 2014 9:36 PM**To:** CoastalSantaMonicamtms**Attachments:** Land Use letter.pdf (33 KB)

Dear California Coastal Commission and Staff:

I am a resident of Monte Nido, 876 Crater Oak Drive, Monte Nido, 91302

I truly believe that protecting the natural resources of the area is far more important than new development.

The current Land Use plan that was developed with the cooperation of the Coastal Commission staff, unlike previous plans, is going in the right direction.

I strongly approve that the new plan recognizes that not all areas are equally sensitive and that these different areas of sensitivity should be clearly mapped out.

I agree that zoning densities and grading are reduced while streams, ridge lines and trails are protected from development.

I am very happy that backyard horse keeping is recognized as an important historical recreational use in the Santa Monica Mountains - unlike current Coastal Commission policies.

I think it most important that the County's Draft Land Use Plan provision allowing for a path to compliance for existing horse facilities and requiring implementation of Best Management Practices should be adopted, notwithstanding the Coastal Commission staff's objections to it.

We need a plan that takes into account the concerns of all long term neighbors and incorporates the knowledge, ideas and opinions of the people that know this area better than anyone else, the people that have been living in the neighborhood for the last 10, 20, 30 or 40 years.

I implore the Coastal commission to approve the plan as it was set out and how it was intended to be passed.

Please contact me directly should you have any questions.

Please see attached signed letter.

Thank you,

Darryl Wizenberg
876 Crater Oak Drive
Monte Nido, California
91302

310-941-8088

Santa Monica Mountains Land Use

June Chadwick [june.chadwick@gmail.com]

Sent: Monday, April 07, 2014 7:18 PM

To: CoastalSantaMonicamtms

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

Honorable Commissioners:

SUPPORT - Agenda Item No. Th 17a and 17b - Santa Monica Mountains LCP

I am writing to offer my strong support for the staff recommendation to certify the Santa Monica Mountains Land Use Plan at your upcoming meeting on April 10.

The Santa Monica Mountains are a national treasure that we must protect. The LCP will protect streams, ridgelines, trees and natural habitat, and significantly increase recreational opportunities. The mountains are a refuge for the millions of people that call Southern California home and the millions more that come to visit.

The threats of climate change are real and the benefits of protecting our natural resources are innumerable. The LCP makes enormous strides in addressing these challenges and protecting our backyard.

I urge you to approve the Santa Monica Mountains Land Use Plan on April 10.

Thank you.

June Chadwick
M. AmSAT

Agenda Item No. Th 17a and 17b - Santa Monica Mountains LCP

Kristine Kidd [kiddkristine@gmail.com]

Sent: Tuesday, April 08, 2014 9:33 AM**To:** CoastalSantaMonicamtms**Importance:** High

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

RE: Agenda Item No. Th 17a and 17b – Santa Monica Mountains LCP.

Honorable Commissioners:

I am a resident of the Santa Monica Mountains. As such, I see first-hand the importance of protecting the fragile environment of the Santa Monica Mountains Coastal Zone for the benefit of future generations of both visitors and residents. I am therefore please to support your staff's recommendation to certify the Santa Monica Mountains Land Use Plan on April 10th, and I hope you will do so without delay.

Over the past several months, we have been pleased at our friends and neighbors ability to talk with the county about our questions, read the plan online, and participate in community meetings.

After this opportunity for thorough review, I am convinced that this critical plan will preserve our rural way of life--including our ability to keep horses and organic gardens. It will set forth clear rules so that all will know what to expect when we want to add a bedroom or remodel our house. It will restore our ability to work directly with the County of Los Angeles, our locally elected government. And, it will enact critical protections against the wrong kind of development--including those on ridgelines, in sensitive riparian areas, and in native woodlands. Finally, it will stop the spread of commercial agriculture which today threatens to take over the native chaparral and sage scrub environment with water- and pesticide-intensive commercial operations that degrade the water quality of our streams and beaches. I appreciate the historic work of the Coastal Commission in preserving the Santa Monica Mountains--a critical open space resource and one of the last contiguous areas of Mediterranean biome that provides irreplaceable recreational opportunities--on trails and at the beaches--for the millions of Californians who live nearby. I am confident that, by certifying the LCP, the Coastal Commission will continue your legacy of environmental protection. I urge your full and enthusiastic support of the Santa Monica Mountains LCP on April 10th.

Sincerely,

Kristine Kidd
2303 Tuna Canyon Rd.
Topanga, CA 90290

Agenda Item No. Th 17a and 17b Santa Monica Mountains LCP

Toby Keeler [toby@finecut.com]

Sent: Sunday, March 30, 2014 10:14 AM

To: CoastalSantaMonicamtms

Honorable Commissioners -

My name is Toby Keeler and for thirty-plus years my family has lived in the Santa Monica Mountains National Recreation Area.

The Local Coastal Plan is based upon a joint scientific effort of Los Angeles County and the California Coastal Commission, which provides 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 LCP 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 Coastal Plan will help ensure that the dark skies over the Santa Monica Mountains will remain so for future generations to enjoy.

Please support the LCP with your "yes" vote on April 10th. Thank you.

Respectfully submitted,

Toby Keeler
23333 Valdez Rd.
Topanga, CA 90290

County Draft Land Use Plan

Phillip Roth [philliproth@earthlink.net]

Sent: Monday, April 07, 2014 3:15 AM

To: CoastalSantaMonicamtms

Dear Coastal Commission and Staff,

I am a resident of the Monte Nido community located in unincorporated Los Angeles County, and I am most happy that backyard horse keeping is perceived as an important historical recreational use in the Santa Monica Mountains. It is an important part of our legacy to be cherished by future generations to come.

I think it extremely important that the County's Draft Land Use Plan provision allowing for a path to compliance for existing horse facilities and requiring implementation of Best Management Practices should be adopted, despite the Coastal Commission staff's objections to it. Protecting our natural resources is far more important than development.

This Land Use Plan, unlike previous plans, was developed in cooperation with the Coastal Commission staff, and I strongly approve that the new plan recognizes that not all areas are equally sensitive and that these different areas of sensitivity should be clearly mapped out. Likewise, I agree that zoning densities and grading are reduced while streams, ridge lines and trails are protected from development.

Thank you for your sensible stewardship of our beautiful Santa Monica Mountains and for helping to preserve the important historical character of our rural communities.

Best regards,

Phillip Roth

888 Crater Oak Drive
Monte Nido CA 91302
818.222.5750

agenda item: Thursday, 17a and 17b (Santa Monica Mountains LCP)

Mary Ellen Strote [mestrote@gmail.com]

Sent: Sunday, March 30, 2014 11:33 PM

To: CoastalSantaMonicamtms

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

To the Commissioners:

I've lived in the Coastal Zone of the Santa Monica Mountains for many decades and have long acknowledged the need to protect the heart of the mountains for the benefit of the visiting public and for local residents.

My homeowner association has hosted County planning officials at our meetings, and we have participated in their development of the LCP. Now that I have read the plan, I'm convinced that it will preserve habitat and other natural resources while still allowing property owners the rightful use of their land.

I urge you to support the County's work by certifying the LCP on April 10.

Sincerely,

Mary Ellen Strote
475 Stunt Road
Calabasas, CA 91302
818-222-0221

Agenda Item no. Th 17a and 17b -Santa Monica Mountains LCP

ALAN BERKOWITZ [kapoore@pacbell.net]

Sent: Monday, March 31, 2014 12:18 PM

To: CoastalSantaMonicamtms

Kathy Berkowitz
24946 Alicante Drive
Calabasas, CA 91302

March 31, 2014

Honorable Commissionioners:

I appreciate the historic work of the Coastal Commission in preserving the Santa Monica Mountains. It has taken the vigilant oversight of the Coastal Commission to keep California's beautiful coastline free from overdevelopment. Still, as you know the pressure for development is unceasing and in order to continue preservation efforts we now must once again protect the fragile environment of the Santa Monica Mountains Coastal Zone by certifying the Local Coastal Plan.

I am a resident of Calabasas and an avid hiker in the Santa Monica Mountain's trail system. Calabasas would be just one more exit off the 101 Freeway if we didn't have our pristine mountain scenery.

Calabasas residents consistently vote for open space and recreational uses for the mountains rather than for more development. Likewise, hikers and recreational users of the mountains want to have the rugged and native landscapes for vistas, not hillsides stripped of native plants for the sake of ugly vineyards. Most people do not know about the Local Coastal Plan, but they do know they don't want more vineyards in the mountains. No one wants the Santa Monica Mountains to become Napa Valley. No one wants wine tasting off Kanan and Las Virgenes with typsy drivers adding to the menace of these already crowded mountain roads.

The Local Coastal Plan is a win/win for the ecosystem and the mountain communities. Residents will have a simplified process of getting permits, and be able to keep horses and plant organic gardens; while ridge lines, sensitive riparian habitats and native woodlands will be protected. Please pass the LCP on April 10th, 2014.

Thank you.

Sincerely,

Kathy Berkowitz

Agenda Item No. Th 17a and 17b – Santa Monica Mountains LCP.

John Suwara [johsuwa@yahoo.com]

Sent: Monday, March 31, 2014 2:22 PM

To: CoastalSantaMonicamtms

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

Honorable Commissioners:

I am a resident of the Santa Monica Mountains and have hiked, run, biked the trails in the mountains over the years by myself and with friends and family. It is a beautiful and fragile environment. The vistas, the fragrances of the brush as you pass through it and the excitement of seeing a mountain lion or a deer standing on a rise outlined against the sky are memories that stay with you.

As such, it is important that we protect the fragile environment of the Santa Monica Mountains Coastal Zone for the benefit of future generations of visitors and residents alike. I am therefore proud to support your staff's recommendation to certify the Santa Monica Mountains Land Use Plan on April 10th, and I hope you will do so without delay.

Over the past several months, we have been pleased at our ability to talk with the county about our questions, read the plan online, and participate in community meetings.

After this opportunity for thorough review, I am convinced that this critical plan will preserve our rural way of life--including our ability to keep horses and organic gardens. It will set forth clear rules of the road so that all will know what to expect when we want to add a bedroom or remodel our house. It will restore our ability to work directly with the County of Los Angeles, our locally elected government. And, it will enact critical protections against the wrong kind of development--including those on ridgelines, in sensitive riparian areas, and in native woodlands. Finally, it will stop the spread of commercial agriculture which today threatens to take over the native chaparral and sage scrub environment with water- and pesticide-intensive commercial operations that degrade the water quality of our streams and beaches.

I appreciate the historic work of the Coastal Commission in preserving the Santa Monica Mountains--a critical open space resource and one of the last contiguous areas of Mediterranean biome that provides irreplaceable recreational opportunities--on trails and at the beaches--for the millions of Californians who live nearby. I am confident that, by certifying the LCP, the Coastal Commission will continue your legacy of environmental protection. I urge your full and enthusiastic support of the

Santa Monica Mountains LCP on April 10th.

Sincerely
John Suwara
5843 Belbert Circle
Calabasas, CA 91302

Agenda Item No. Th 17a and 17b – Santa Monica Mountains LCP

Rothenberg, Nancy [NRothenberg@ptpn.com]

Sent: Monday, March 31, 2014 2:57 PM

To: CoastalSantaMonicamtms

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

Honorable Commissioners:

I am a homeowner in the Santa Monica Mountains and I support your staff's recommendation to certify the Santa Monica Mountains Land Use Plan on April 10th, and I hope you will do so without delay.

Over the past several months, we have been pleased at the public's ability to talk with the county about questions, read the plan online, and participate in community meetings. After this opportunity for thorough review, I am convinced that this critical plan will preserve our rural way of life--including our ability to keep horses and organic gardens. It will set forth clear rules so that all will know what to expect when we want to add a bedroom or remodel our house. It will restore our ability to work directly with the County of Los Angeles, our locally elected government. And, it will enact critical protections against the wrong kind of development--including those on ridgelines, in sensitive riparian areas, and in native woodlands. Finally, it will stop the spread of commercial agriculture which today threatens to take over the native chaparral and sage scrub environment with water- and pesticide-intensive commercial operations that degrade the water quality of our streams and beaches.

I appreciate the historic work of the Coastal Commission in preserving the Santa Monica Mountains--a critical open space resource with irreplaceable recreational opportunities--on trails and at the beaches--for the millions of Californians who live nearby. I am confident that, by certifying the LCP, the Coastal Commission will continue your legacy of environmental protection. I urge your full and enthusiastic support of the Santa Monica Mountains LCP on April 10th.

Nancy Rothenberg, President
Calabasas Highlands HOA

Agenda Item No. Th 17a and 17b - Santa Monica Mountains LCP

PHIFeldman@aol.com

Sent: Monday, March 31, 2014 6:17 PM

To: CoastalSantaMonicamtms

Costal Commission:

As residents of the greater Los Angeles area, we strongly support your Staff's recommendations to certify the Santa Monica Mountains Land Use Plan on April 10th. We hope you will do so without delay.

Peter Feldman and Rena Schweizer



MONTE NIDO VALLEY



COMMUNITY ASSOCIATION

POST OFFICE BOX 8054, CALABASAS CALIFORNIA 91372



A Dark Sky Community

Agenda No: Th17a & 17b

LCP 4-LAC-14-0108-4 & LCP 4-LAC-14-0109-4

Monte Nido Valley Community Association

In favor

March 31, 2014

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

Honorable Commissioners:

The Board of Directors of the Monte Nido Valley Community Association (MNVCA), a community of some 375 households in the Santa Monica Mountains, voted unanimously to support the Santa Monica Mountains Land Use Plan for certification before you April 10, 2014. MNVCA is also an active member of the Las Virgenes Homeowners Federation.

We have carefully reviewed the LCP approved by the county Feb. 11, 2014. We endorse the priority of resource protection over development as documented in this plan. We view the Santa Monica Mountains as a truly irreplaceable treasure in close proximity to a mega urban area, a treasure not only for those of us who live, visit, hike, and ride here today, but for all future generations.

We believe this plan before you, representing so much effort and diverse input over so many years, upholds the environmental standards for protecting the Coastal Zone. And, almost as important, it provides consistent rules which do not currently exist, rules that

are fair, efficient and transparent. County staff has answered our questions, participated in community meetings, published pertinent online documents. As citizens, we have been given the necessary tools to make an informed decision. We now need you to take the next step and certify this plan.

MNVCA urges you to support your staff's recommendation. Give us this long awaited plan without further delay!

Sincerely,

Carrie Baltin, President MNVCA
825 Crater Oak Drive, Monte Nido, CA 91302

Joan Slimocosky, Vice-President MNVCA
25632 Buckhorn Dr, Monte Nido, CA 91302

Support ratification of the Los Angeles County LCP

Nona Green [nona4re@gmail.com]

Sent: Tuesday, April 01, 2014 10:43 AM

To: CoastalSantaMonicamtms

Dear Officers,

I live and ride horses in the Santa Monica Mountains open space and I am concerned that the area is turning into another area that is pilfered by vineyards. Commercializing the mountains is NOT what is good for the California coastal zone. Help save the wildlife habitat, spare the aquifers, and preserve the area for future generations by passing the LCP.

--

Nona Green
Agoura Hills, Ca 91301
818 426-2292

Local Coastal Program (LCP) on April 10th

dandy2002 OKAZAKI [dandy2002@msn.com]

Sent: Tuesday, April 01, 2014 3:16 PM

To: CoastalSantaMonicamtms

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

Honorable Commissioners:

Unfortunately, I will not be able to personally attend the meeting on April 10th. I did want to take a moment and hopefully my email will reach the appropriate people involved.

I am a long time resident of the Santa Monica Mountains for almost 20 years. As such, I have seen and lived the importance of protecting the fragile environment of the Santa Monica Mountains Coastal Zone for the benefit of future generations of visitors and residents alike. Sometimes it is hard to think about our children and the generations to follow, but I would like my kids to be able enjoy those benefits when they are older, too. I therefore support your staff's recommendation to certify the Santa Monica Mountains Land Use Plan on April 10th, and I hope you will be able to do so without any delays.

I have been that the public has had the ability to talk with the county about questions, read the plan online, and participate in community meetings. Over these past few months, it has provided an opportunity for thorough review and I am convinced, like many of my neighbors, that this critical plan will preserve our rural way of life--including our ability to keep horses and organic gardens. By setting forth clear rules, everyone will know what to expect when we want to add a bedroom or remodel our homes. I also believe it will restore our ability to work directly with the County of Los Angeles, our locally elected government. And, it will enact critical protections against the wrong kind of development--including those on ridgelines, in sensitive riparian areas, and in native woodlands. Finally, it will stop the spread of commercial agriculture which today threatens to take over the native chaparral and sage scrub environment with water- and pesticide-intensive commercial operations that degrade the water quality of our streams and beaches.

I appreciate the historic work of the Coastal Commission in preserving the Santa Monica Mountains--a critical open space resource with irreplaceable recreational opportunities--on trails and at the beaches--for the millions of Californians who live nearby. I am confident that, by certifying the LCP, the Coastal Commission will continue your legacy of environmental protection. I urge your full and enthusiastic support of the Santa Monica Mountains LCP on April 10th.

Sincerely

Daniel Okazaki
Calabasas Highlands

Honorable California Coastal Commission
South Central Coast District Office
VIA EMAIL

April 1, 2014

RE: Agenda Item No. Th 17a and 17b – Santa Monica Mountains LCP

Dear Honorable Commissioners,

I am a resident of Topanga Canyon in the Santa Monica Mountains. I have walked or biked through the Santa Monica Mountains on a nearly daily basis with my young boys since moving here in 2010 and I love that we are part of a community that embraces wildlife and places a high value on our natural surroundings. My children already have an appreciation for wilderness that is unique to our home within the boundaries of Los Angeles County. I am therefore proud to support your staff's recommendation to certify the Santa Monica Mountains Land Use Plan on April 10th, and I hope you will do so without delay. I am unable to attend your hearing because I will be with my family in Yosemite National Park on a trip we have been planning for 6 months.

I am convinced that this critical plan will preserve our rural way of life; including our ability to keep horses and organic gardens. It will set forth clear rules so that all will know what to expect when we move forward to remodel our house. And, it will enact critical protections against the wrong kind of development--including those on ridgelines, in sensitive riparian areas, and in native woodlands. Finally, it will stop the spread of commercial agriculture, which today threatens to take over the native chaparral and sage scrub environment with water- and pesticide-intensive commercial operations that degrade the water quality of our streams and beaches.

I truly appreciate the historic work of the Coastal Commission in preserving the Santa Monica Mountains for the millions of Californians who live nearby. As one of those who enjoys the mountains on a daily basis, I urge your full support of the Santa Monica Mountains LCP on April 10th.

Sincerely,

<signed> Kelly Rockwell, Grady (3) & Elliott Rockwell (1) and Pattie the Wonder Dog



Agenda Item 17a & 17b No LCP-4-0108-4

cynthia@cynthiamaxwell.com

Sent: Wednesday, April 02, 2014 4:35 PM

To: CoastalSantaMonicamtms

April 2, 2014

Re: Agenda item 17a & 17b; L.A. County - Santa Monica Mountains Land Use Plan Amendment (No. LCP-4-LAC-14-0108-4)

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

Dear California Coastal Commissioners:

The Cold Creek Community Council would like to express their support of the above LCP. However, there is one area of concern regarding a zone change for Stokes Creek. Stokes Creek has been identified as riparian and the woodlands are ESHA by the Coastal Commission up until the proposed LCP up zoning of the area. We request that the new zoning designation is limited to low intensity visitor serving recreation and would not be used to construct intensive indoor accommodations or large scale resort commercial facilities.

Sincerely,

Cynthia Maxwell

President, Cold Creek Community Council

ENDANGERED HABITATS LEAGUE

DEDICATED TO ECOSYSTEM PROTECTION AND SUSTAINABLE LAND USE



March 22, 2014

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

**RE: Item 17(a) Los Angeles County Land Use Plan Amendment
No. LCP-4-LAC-14-0108-4 (Santa Monica Mountains Land Use Plan)
Hearing Date: April 9, 2014 — *SUPPORT***

Dear Chairman Kinsey and Commission Members:

The Endangered Habitats League (EHL) supports Los Angeles County's proposed Land Use Plan Amendment for the Santa Monica Mountains along with the modifications proposed by staff. For your reference, EHL is Southern California's only regional conservation group and has been an active participant and habitat and land use planning programs in Los Angeles, Orange, San Bernardino, Riverside, and San Diego Counties.

We support the Santa Monica Mountains amendment because it will allow the County of Los Angeles to successfully realize Coastal Act goals and policies for habitat and water quality protection. The framework of mapped habitat tiers, with uses prohibited in the highest sensitivity category, will protect ESHA as well as provide clarity and certainty for the siting of development. The water quality provisions will prevent pollution from agricultural runoff in an area with scant water resources. We also support revised language from the County for expedited permitting of habitat restoration.

Staff's proposed modifications are important and should also be adopted. Among other improvements, these would allow development to be clustered in least sensitive areas with greater flexibility for all parties, and would further protect water quality from animal facilities.

This is an excellent, environmentally sound but also balanced plan. It takes the necessary steps for resource protection and does so in a way that provides a well-defined path to compatible development for landowners and project applicants. Thank you for considering our views.

Yours truly,

A handwritten signature in black ink, appearing to read 'Dan Silver', is positioned above the printed name and title.

Dan Silver
Executive Director



CHARLES BERNSTEIN ARCHITECT AIA LEED AP

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

RE: Agenda Item No. Th 17a and 17b
Santa Monica Mountains LCP.

3 April 2014

Honorable Commissioners:

I live in Topanga and am a long time resident of the Santa Monica Mountains. I support your staff's recommendation to certify the Santa Monica Mountains Land Use Plan on April 10th. I trust you will do so without delay.

As a result of this thorough review that has taken place, I am certain that this critical plan will preserve one of the most significant contiguous areas of natural habitat that also provides irreplaceable recreational opportunities for the many that live nearby.

I believe this plan will preserve our rural way of life. It will enact important protections against the kind of development that threatens this wonderful and unique environmental area, including development on ridgelines, in sensitive waterways, and in native woodlands. It will stop the spread of commercial agriculture which today threatens to take over the native chaparral and sage scrub environment with farming techniques that degrade the water quality of our streams and beaches. It has clear understandable rules with what to expect when one wishes to add a bedroom or remodel a house. And it will restore our ability to work directly with the County of Los Angeles, without having to submit to the Coastal Commission s well.

I am confident that, by certifying the LCP, the Coastal Commission will continue your legacy of environmental protection. I urge your full and enthusiastic support of the Santa Monica Mountains LCP.

Sincerely,

Charles Bernstein AIA LEEDAP

SUPPORT - Agenda Item No. Th 17a and 17b – Santa Monica Mountains LCP

Helene Hart [hhart55@gmail.com]

Sent: Sunday, April 06, 2014 11:55 PM

To: CoastalSantaMonicamtms

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

Honorable Commissioners:

SUPPORT - Agenda Item No. Th 17a and 17b – Santa Monica Mountains LCP

I am writing to offer my strong support for the staff recommendation to certify the Santa Monica Mountains Land Use Plan at your upcoming meeting on April 10.

The Santa Monica Mountains are a national treasure that we must protect. The LCP will protect streams, ridgelines, trees and natural habitat, and significantly increase recreational opportunities. The mountains are a refuge for the millions of people that call Southern California home and the millions more that come to visit.

The threats of climate change are real and the benefits of protecting our natural resources are innumerable. The LCP makes enormous strides in addressing these challenges and protecting our backyard.

I urge you to approve the Santa Monica Mountains Land Use Plan on April 10.

Thank you.

Hélène Hayat-Hart.
310.435.1882 ☎.
06.31.33.66.72.
Envoyé de mon iPhone.

Agenda Item No. Th 17a and 17b - Santa Monica Mountains LCP

Stacy Sledge [ssledge@verizon.net] on behalf of Stacy Sledge

[contact@topangatowncouncil.org]

Sent: Friday, April 04, 2014 9:31 PM

To: CoastalSantaMonicamtms

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

Honorable Commissioners:

Years in the making, the LCP is a far-reaching document establishing rigorous new restriction for development in the mountains that rise along Los Angeles County's northern edge. The Topanga Town Council supports this plan that will ban construction in the most fragile habitat areas to help ensure the survival of animal and plant life, including our oak woodlands. Natural streams will be allowed to flow without alterations or barriers. Certain deadly rodent poisons will be outlawed to protect mountain lions and other venerable creatures. Stars in the night sky will remain visible thanks to tough rules on outdoor lighting. What's more, prohibited development on all significant ridge lines will prevent scars that would ruin this magnificent landscape and undermine the outdoor experience for hikers, equestrians and others who've found refuge just minutes away from our urban sprawl.

The Topanga Town Council sees first-hand the importance of protecting the fragile environment of the Santa Monica Mountains Coastal Zone for the benefit of future generations of visitors and residents alike. We, therefore, are proud to support your staff's recommendation to certify the Santa Monica Mountains Land Use Plan on April 10th, and we hope you will do so without delay.

After this opportunity for thorough review, we are convinced this critical plan will preserve our rural way of life, including our ability to keep horses and organic gardens. It will set forth clear rules of the road so that all will know what to expect when residents want to add a bedroom or remodel their homes. It will restore the ability to work directly with the County of Los Angeles, our locally elected government. And, it will enact critical protections against the wrong kind of development—including those on ridge lines, in sensitive riparian areas, and in native woodlands.

It will keep large development from intruding in an area that already has difficult ingress and egress due to limited roads. We do not need to add in large proportions population growth where it would put a greater strain on our roads for traffic control and evacuation. These areas must be protected.

Finally, it will stop the spread of commercial agriculture, which today threatens to take over the natural chaparral and sage scrub environment with water and pesticide intensive commercial operations that degrade the water quality of our streams and beaches.

We appreciate the historic work of the Coastal Commission in preserving the Santa Monica Mountains—a critical open space resource, and one of the last contiguous areas of the Mediterranean biome that provides irreplaceable recreations opportunities for the millions of Californians who live in and nearby.

The Topanga Town Council is confident that by certifying the LCP, the Coastal Commission will continue the legacy of environmental protection. We urge your full and enthusiastic support of the Santa Monica Mountains LCP on April 10th.

Sincerely,

The Topanga Town Council

P.O. Box 1085

Topanga, CA 90290

Agenda Item No. Th 17a and 17b – Santa Monica Mountains LCP

healypatt@aol.com

Sent: Wednesday, April 02, 2014 5:02 PM

To: CoastalSantaMonicamtms

To: Coastal Commission

From: Malibu Coalition for Slow Growth by Patt Healy

Re: Agenda Item No. Th 17a and 17b – Santa Monica Mountains LCP.

Honorable Commissioners:

The Malibu Coalition for Slow Growth recommends the certification of the Santa Monica Mountains LCP.

It protects the fragile environment of the Santa Monica Mountains Coastal Zone while also protecting property rights, granting recreational opportunities for visitors and for the residents of Los Angeles County. It also protects the scenic beauty of the mountains, the native habitat and the wildlife.

It grandfathers in existing vineyards and agriculture. it will stop the spread of commercial agriculture which is today rapidly destroying the native chaparral and sage scrub environment and degrading the water quality of our streams and ocean.

Unfortunately it doesn't prevent the spread of commercial agricultural in the portion of the mountains outside of the Coastal Zone .

Preserving the Santa Monica Mountains is essential, not only are these Mountains a National Recreation Area which was created by Congress in 1972 but one of five Mediterranean ecosystems world wide.

We urge your full support of the Santa Monica Mounains LCP on April 10th.

LCP support

Wendy Greuel [wgreuel@gmail.com]

Sent: Monday, April 07, 2014 12:12 PM

To: CoastalSantaMonicamtms

Cc: Joey Freeman [joeydfreeman@gmail.com]

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

Honorable Commissioners:

SUPPORT - Agenda Item No. Th 17a and 17b – Santa Monica Mountains LCP

I am writing to offer my strong support for the staff recommendation to certify the Santa Monica Mountains Land Use Plan at your upcoming meeting on April 10. Please find the statement I released regarding the LCP below.

"I wholeheartedly support the Local Coastal Program, recently approved by the Los Angeles County Board of Supervisors, and urge the California Coastal Commission to uphold this historic agreement.

I commend Supervisor Zev Yaroslavsky, State Senator Fran Pavley, State Assemblyman Richard Bloom, the Sierra Club, Heal the Bay, the Santa Monica Mountains Conservancy, the Las Virgenes Homeowners Federation and the California Coastal Protection Network for reaching consensus, building public support and securing passage of this plan. We cannot allow the misinformation spewed by a few to unravel the thorough work done by this impressive coalition.

This plan would preserve and protect the pristine Santa Monica Mountains, including streams, ridgelines and trees, and significantly increase recreational opportunities for residents and visitors alike. As a member of the Los Angeles City Council, I preserved hundreds of acres of open space, passed a Scenic Preservation Corridor Plan to protect prominent mountain ridgelines and strengthened the city's Oak Tree Ordinance. These are issues that I care about deeply and am thrilled to see included as the backbone of the LCP.

The threats of climate change are real and the benefits of protecting our natural resources are innumerable. The LCP makes enormous strides in addressing these challenges and protecting a national treasure. I implore the California Coastal Commission to make the right decision and vote to uphold the LCP."

I urge you to approve the Santa Monica Mountains Land Use Plan on April 10.

Thank you,

Wendy Greuel



RESOURCE
CONSERVATION DISTRICT
OF THE
SANTA MONICA MOUNTAINS

818.597.8627 | phone
818.597.8630 | fax
info@rcdsmm.org

30000 Mulholland Highway, Agoura Hills, CA 91301
Mail: PO Box 638, Agoura Hills, CA 91376-0638

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Director

10 February 2014

Honorable Board of Supervisors
Attn: Sachi A. Harmai
Public Hearing
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

EXECUTIVE OFFICER
Clark Stevens

**Re: Proposed Santa Monica Mountains Local Coastal Program (SMMLCP)
Public Hearing, 11 February 2014**

Honorable Supervisors,

The Resource Conservation District of the Santa Monica Mountains wishes to commend the tremendous effort that has been expended in developing the SMMLCP. It was encouraging to see that many of the concerns provided during many years of the Technical Advisory Committee phase of the program development, as well as Coastal Commission requests have been incorporated into these documents. We urge the Board of Supervisors to approve the SMMLCP.

The overarching goal of planning documents is to provide the community with a vision for the future. What will the Santa Monica Mountains coastal area be like in 50 years? We greatly appreciate the articulation of the overriding goals outlined in the Land Use Plan (LUP). The LUP and Local Implementation Plan (LIP) provide a detailed road map that will lead the county forward towards development consistent with protecting, preserving and restoring important ecological, social and economic elements within the Santa Monica Mountains Coastal Zone administered by Los Angeles County.

In particular, we appreciate the effort of the plan to:

- reduce the impacts associated with vineyard or other agricultural conversion of native habitats within the coastal zone,
- the emphasis on protection of highly sensitive habitat areas and water quality,
- requirements that public agencies and utilities to adhere to the Plan,
- establishment of a Resource Conservation Program to direct acquisition of priority parcels,
- efforts to avoid fuel modification impacts to public open space and parklands adjacent to development,
- protection of dark skies,
- recognition of the historical and present equestrian uses within the coastal zone while protecting water quality,
- prohibition of discing as a fuel modification method and
- emphasis on ecologically sensitive site development overall.



While we appreciate the extensive work required to produce the planning documents, we would like to offer the following specific technical comments addressing portions of the documents that would benefit from additional clarification, as well as identify elements that we recommend be added.

We concur with staff recommendations for policy revisions and recommend expanding CO 21 to add language that not only encourages the restoration of streams, but also coastal lagoons.

Land Use Plan

CO-21, CO-55, CO-92 and others, Section 22.44.1340 A, 22.44.1900 A in the LIP:

The description of how to measure the 100-foot setback varies slightly when mentioned in many policies. Consistent direction on how to determine the setback, using the stream bank if no riparian vegetation is present, or the edge of the riparian canopy is needed. It would also help to establish a time frame for when the riparian canopy measurement is determined, especially in the case of projects that evolve over many years, during which time the extent of canopy could expand.

OWTS Policies CO-25-30 primarily addresses new construction. It would be most helpful to add policies addressing the issues associated with existing OWTS on substandard, antiquated lots with existing residences that will have extreme difficulty meeting current county standards due to small lot size and other factors. PF 10 recommends the formation of an On-Site Wastewater Disposal Zone. We encourage the county to continue allowing the use of functional OWTS, and appreciate that repairs are allowed, rather than consolidate these into point sources. The ramifications of one system failing is far less damaging than when a sewer line fails, and the dispersal of seepage via functional septic systems can enhance the county goal of groundwater recharge effectively as well.

CO – 53 All references to protection of oak trees should also add protection of oak woodlands as is noted in the LA County General Plan, and the Los Angeles County Oak Woodlands Conservation Management Plan. Mitigation for impacts to either oak trees or oak woodlands should be consistent with the policies and guidelines of other County documents.

CO-99 and section 22.44.1920 K identifies protected trees as six inches or greater, but other policies use 5 inches, and still others 8 inches. The state requires protection of all trees over 5 inches DBH. We recommend making this the consistent standard throughout all the documents. We also recommend identifying oak and native woodlands within the native tree policy discussions. The no-net loss policy should guide impacts to oak woodlands.

Shoreline and Beaches Goals and Policies need to specifically call for the restoration of coastal lagoons and estuaries to the greatest extent possible. In particular, the seasonal lagoon at Topanga would greatly benefit from this.



The guiding principle for the Safety and Noise Element directs development away from high-risk areas. Considering the regular wildfire, slope failure and flood impacts, along with the less common earthquake problems, we appreciate the effort to discourage additional placement of development in areas that are difficult to protect with the current level of emergency services.

SN-16 requires that new development not increase peak stormwater flows, but does not provide guidance for non-peak flow conditions. Added information on how to avoid and/or minimize low flow event impacts to drainage courses or existing downstream development would be helpful.

The Land Use and Housing Element articulates the guiding principles for development that prioritize safety and environmental protection in a variety of ways. We particularly appreciate the retention of the Transfer of Development Credit (TDC) program, restriction of total building area to 10,000 square feet or 25% of the parcel, depending on the hillside standard criteria, and attention to the problem of grading roads for site testing and exploration that are then left to erode (LU-25, LU-38).

We appreciate the several definitions of "Open Space," and encourage the county to review the use of those words throughout the document to clarify specifically which category is applicable in every instance throughout the document. These definitions should also be added to the glossary and to the Local Implementation Plan.

Local Implementation Plan

Section 22.44.840 X requires analysis of all feasible alternatives that would avoid adverse impacts. The one-stop county review program that can assist landowners in identifying potential constraints on a given parcel and discuss strategies for avoidance should be promoted. We highly encourage the county to develop strong outreach to landowners encouraging them to take advantage of this preliminary environmental constraints analysis EARLY in the process.

Section 22.44.950 and Section 22.44.1870B. d outlines requirements to protect oak trees. We recommend that this be expanded to include oak woodlands and be made consistent with policies in the General Plan and Los Angeles County Oak Woodlands Conservation Management Plan. We concur that transplanted oak trees should be considered as removals requiring mitigation.

One of the unintended consequences of protecting oak trees over 8 inches DBH in compliance with the county Oak Tree Permit is that landowners often will cut down volunteer oaks before they achieve protected size. We encourage the county to develop a process where landowners could map and document volunteer or planted oaks that they are retaining after a specific date, with the understanding that those trees would not be considered protected and therefore would not require additional mitigation if removed in the future. This would encourage the use of native oaks in landscaping, prevent loss of genetically suitable volunteers and still allow for reasonable use of a property, while still protecting oak trees that were growing prior to the planting date. Since irrigation under oaks is not advisable, expanding voluntary Oak canopy



RESOURCE
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OF THE
SANTA MONICA MOUNTAINS

areas until such time as the owner chooses to utilize the area for other uses will also lead to water conservation.

Section 22.44.1300 provides extensive direction for siting, planting and management of crops, however new or expanded agricultural development is prohibited. If it is prohibited, why are there such detailed directions? How would the Post Construction Runoff Plan- Agriculture be enforced?

Section 22.44.1440 has a typo for the word "these" in section A.

Section 22.44.1870B. iv. where trees are suitable for nesting or roosting or significant foraging habitat should also include evaluation of potential bat habitat.

Section 22.44.1870 C. 5 Biological Assessment checklist should incorporate the changes made to the county initial study document to assess presence and extent of oak woodlands as well as oak and native trees.

Section 22.44.1910 J identifies a 10% threshold for loss of oak woodlands. This should be changed to no net loss to be consistent with the General Plan and Los Angeles County Oak Woodlands Conservation Management Plan.

Section 22.44.1940 B typo at the end of the sentence Section 22.44.XX should be corrected.

We have no comments regarding either the Zoning Consistency document or the Appendices.

We applaud the effort of the county to develop a thoughtful, comprehensive approach to managing development of the remaining privately held parcels within the Santa Monica Mountains Coastal zone.

Sincerely,

Clark Stevens
Executive Officer

FRED GAINES
SHERMAN L. STACEY
LISA A. WEINBERG*
REBECCA A. THOMPSON
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INTERNET: WWW.GAINESLAW.COM

April 7, 2014

ORIGINAL VIA U.S. MAIL

VIA EMAIL santamonicamtns@coastal.ca.gov

Steve Kinsey, Chair
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Th 17a

Re: Los Angeles County Land Use Plan Amendment No. LCP-4-LAC-14-0108-4
Santa Monica Mountains Land Use Plan
Commission Hearing Date: April 10, 2014
**Opposition to Ban on Agriculture in the Proposed Santa Monica Mountains
Local Coastal Program Amendment**

Dear Chair Kinsey and Honorable Commissioners:

This firm represents the Coastal Coalition of Family Farmers (the "Coalition") with respect to the above-referenced matter scheduled for the Coastal Commission's April 10, 2014 meeting (Agenda Item No. Th17a). On behalf of the Coalition, we urge you to deny the pending amendments to the County of Los Angeles's Land Use Plan ("LUP") that would ban agricultural uses in the Santa Monica Mountains Local Coastal Program ("LCP") area. The LUP amendments, if approved, would prohibit all new agricultural uses within the Santa Monica Mountains and are in direct conflict with the California Coastal Act, the California Attorney General's published opinion, and the previously certified 1986 Malibu/Santa Monica Mountains LUP, all of which prioritize agricultural uses.

The Staff Report, which recommends approval of the LUP, is replete with errors and unsupported conclusions. Approval of the Santa Monica Mountains LUP would not only contravene existing law and policy regarding the prioritization of agricultural uses, but also destroy a thriving and diverse agricultural industry with a rich history that continues today in the Santa Monica Mountains.

Attachment C

**Los Angeles County-Santa Monica Mountains Land
Use Plan Amendment No. LCP-4-LAC-14-0108-4**

A.) **The LUP Amendments Conflict with Existing Laws and Policies that Prioritize Agricultural Uses.**

1.) **The LUP Amendments Do Not Comply with the Coastal Act or Longstanding Coastal Commission Policies Regarding the Prioritization of Agricultural Lands.**

Existing laws and policies, including the California Coastal Act, prioritize agricultural uses.

- Section 30106 of the California Coastal Act defines development in pertinent part as: "The removal or harvesting of major vegetation other than for agricultural purposes."
- Section 30241 of the California Coastal Act provides that: "The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the area's agricultural economy."
- Section 30242 of the California Coastal Act provides that all other lands suitable for agricultural use shall not be converted "to nonagricultural use unless continued or renewed agricultural use is not feasible."
- Section 30222 of the California Coastal Act provides that: "The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agricultural...industry."

Protection of agricultural land has been of significant importance throughout the Coastal Commission's history. In fact, the Commission has held several workshops focused on the importance of preserving agricultural lands and uses (*i.e.* April 26, 2013 Coastal Commission Memorandum to Commissioners re "Background Report for Workshop on Agriculture in the Coastal Zone: Implementation of Coastal Act Provisions Related to Agriculture", attached hereto as Exhibit A). In fact, the Coastal Act requires the protection of agricultural lands within the Coastal Zone and the Commission has found repeatedly that the conversion of land suitable for agricultural use is allowed "only when continued or renewed agricultural use is infeasible..." (*Id.*, p. 5.)

In addition, the Staff analysis of the Santa Monica Mountains relevant to agriculture is incorrect and unsupported. The claim that the Santa Monica Mountains have never been a successful and appropriate area for agriculture flies in the face of the historical reality. The fact is that the Santa Monica Mountains include 1,500 homesteads as referenced in the County staff report, including one of the oldest vineyards of record in California. Based upon the homesteading history alone that would constitute 6,000 acres of agriculture in the Santa Monica Mountains. Many of the area's roads, towns, and reservoirs were built by the ranchers and farmers. The staff report provides no data for the Commission to review in this regard. Furthermore, it provides no qualitative or quantitative

analysis on the status of agriculture in the Santa Monica Mountains today. The existing orchards, vineyards, and organic farms are not mapped out for the Commission within the planning area, and no data is provided about the future potential of agriculture expansion in the area.

The staff report does not discuss nor analyze the existing designated wine growing regions within the Santa Monica Mountains, nor any pending applications. There has been no consultation with the State Department of Food and Agriculture, the California Farm Bureau, or other relevant agencies and organizations that have the expertise and resources to opine on whether the Santa Monica Mountains qualify as "prime agricultural land". The staff report misapplies the classification of prime soils as translating directly into a classification of prime agricultural land, which is incorrect, and for which Coastal staff is not qualified nor authorized to unilaterally conclude. Accordingly, it is inappropriate to summarily excuse the Commission from having to analyze the impacts of the LCP under section 30241 of the Coastal Act.

Similarly, the staff report fails to provide the Commission and public with any analysis pursuant to Section 30242 of the Coastal Act. It is incontrovertible that both historically, and at present, agriculture is a significant land use in the Santa Monica Mountains. Even if the unproven assertion that the Santa Monica Mountains are not prime agricultural land is correct, the Commission is still obliged to base its determination upon a quantified and qualified analysis regarding the complete conversion of thousands of acres of agricultural land to strictly residential uses. The staff report provides no such analysis on the viability of agriculture in the Santa Monica Mountains as required in section 30242, which specifically states its applicability to agricultural land even if it does not qualify as prime agricultural land.

2.) **The LUP Amendments are Inconsistent with the Coastal Act's Limitations on Conversions of Agricultural Lands to Non-Agricultural Uses.**

Previous conversions of agricultural land to non-agricultural uses was for development within incorporated areas. (*Id.*, p. 9.) In cities such as Half Moon Bay, Oxnard, Carlsbad and Carpinteria, LCPs were approved that authorize permissible conversions of agricultural land. Those LCP decisions were based on provisions of Coastal Act Section 30241 and 30242 which allow for some conversion for areas surrounded by urban uses, or where the conversion would complete logical and viable neighborhoods, concentrate development and contribute to a stable limit to urban developments. (*Id.*) None of those instances are applicable to the pending LUP amendments.

3.) **The LUP Amendments Do Not Comply with the Attorney General's Opinion.**

On April 6, 1978, the State Attorney General's Office prepared Opinion Letter No. SO 77/39 I.L (attached hereto as Exhibit B). to interpret the statutory intent of Section 30106, and determined the following:

- “If vegetation is major, its removal or harvesting constitutes a “development” and thus requires a coastal permit unless done in furtherance of agricultural purposes.”
- “Agriculture” is the science or art of cultivating the soil, producing crops, and raising livestock.” Thus, “the clause in question (Section 30106) therefore excludes from the definition of ‘development’ and the requirement of a coastal development permit any removal or harvesting done for the purpose of cultivating the soil producing crops, or raising livestock.”
- “...we can recognize and give account to a legislative intent to leave hands off coastal agricultural activity...”

4.) **The LUP Amendments Do Not Comply With the Previously Certified 1986 Malibu/Santa Monica Mountains LUP.**

All local Land Use Plans and Local Coastal Programs must abide by the Coastal Act. Specific policies in the previously certified 1986 Malibu/Santa Monica Mountains LUP further emphasize agricultural uses as a protected and priority use, including Land Use Policies P266 through P270:

- Malibu LUP, P266: Encourage agricultural uses in nonurban areas as long as they remain economically viable.
- Malibu LUP, P267: Encourage agricultural uses with limited land requirements such as greenhouses and nurseries.

The staff report asserts that the 1986 LUP did not have land use designations specifically for agriculture, but fails to inform the Commission that agriculture was allowed in almost all of the land use designations in that Plan. In fact the Commission has granted Coastal Development Permits to a number of property owners for vineyards, orchards and farms under the 1986 LUP. Furthermore, the staff report fails to mention that the County zoning for over 90% of the plan area was A-1-1 (Light Agriculture 1 dwelling unit per acre) until it was recently changed by the County.

Despite the emphasis of importance and protection of agricultural uses under California and local law, the proposed Santa Monica Mountains LCP's Land Use Plan Policies prohibit agricultural uses. Specifically, Policy CO-102 states, in part, that “[n]ew crop, orchard, vineyard, or other agricultural use is prohibited.” This proposed Policy is in direct conflict with Section 30242.

The Coastal Act makes agricultural use a priority. The proposed LCP prohibits new agriculture. The draft LCP bans the Coastal Act's highest priority use (agriculture), while only allowing for development of the Coastal Act's lowest priority use (private single family residences). This conflict legally prohibits the Commission from approving the LCP in its current form.

B.) The Staff Report is Replete with Errors and Unsupported Conclusions.

The Staff Report, which recommends approval of the LUP amendments, is based on unsupported conclusions and contains numerous errors and arbitrary findings. It randomly classifies areas as prime agricultural land, while classifying other identical and similarly situated sites as non prime agricultural land. The Staff Report identifies some longstanding agricultural uses (such as the Rosenthal vineyards), but completely misses others (such as the Rancho Francisco vineyards and agricultural uses) that are comprised of the same uses and same soil type.

The LUP's designation of prime vs. non prime agricultural land, as well as proposed habitat designations, are arbitrary and unsupported by any studies, surveys, or reports. Section 30242 makes no mention whatsoever of "prime" agricultural land. Furthermore, the LUP amendments cannot be approved because the mandates set forth by the Commission for LCP amendments have not been followed, including but not limited to:

- A description of an area's agricultural economy and parameters to ensure its continued existence;
- Inventory and map of all prime and non-prime agricultural land within the Coastal Zone;
- Designation of stable boundaries that separate urban and rural areas;
- Land use designations and zoning districts that describe and map agricultural uses on agricultural land, and limit allowable uses to only those that are agricultural or that support agriculture;
- Standards for siting and designing any allowable structures to maximize agricultural production and to prevent interference with agricultural operations;
- Measures to assure continued agricultural use on agricultural lands; and
- Criteria for considering conversions of agricultural land to other uses.

(See Coastal Commission's *LCP Update Guide - Part I - Section 5. Agricultural Resources*, July 31, 2013, attached hereto as Exhibit C.)

There are numerous instances of existing crops that will be designated habitat under the LUP, despite those areas not meeting the habitat definitions established by the County. The County has not conducted adequate studies and data collection to determine that certain LCP areas fall under the H1, H2, and Buffer habitat designations. Existing facilities should be exempt from the H1, H2, and H1 Buffer habitat protection provisions.

In addition, the Staff Report acknowledges that the Rosenthal vineyards (Newton Canyon) and associated agricultural uses were established in the 1980s (Staff Report, p. 5), but it fails to mention that the Rancho Francisco site of more than 150 acres has consisted of continuous agricultural uses since at least 1915. Furthermore, while Staff states that the Newton Canyon area is designated Unique Farmland, the Staff Report does not draw any distinctions between those areas and other areas that have identical soil and/or similar historic agricultural uses. Staff recommends suggested Modification 28 to protect conversion of the Rosenthal property to non-agricultural uses, but there is no reference to other similarly situated properties, such as Rancho Francisco. In fact, there is no evidence in the record to show how soil type was determined. In fact, soil and habitat determination was arbitrary. Rancho Francisco's soil type, Mipolomol-Topanga, is identical to that in Newton Canyon (see Exhibit D, attached hereto). To treat both sites differently in the LCP is an error and to place habitat designations over disturbed and cultivated land, such as Rancho Francisco, is an error. Regardless, the underlying soils are not the basis for the definition of prime agricultural land, and the Commission must rely on the Department of Food and Agriculture to make that determination.

1.) Provisions of the LUP Lack a Legal Nexus.

In the proposed LUP, conservation easements are required on undeveloped portions of properties without any nexus to require the conservation easement. The LCP's provisions are much more restrictive than the Commission's policies, stating that "the condition shall require the applicant to provide evidence of recordation of a deed restriction against the property, free and clear of prior encumbrances except tax liens." The reality of this is that a party must get its lender to subordinate a mortgage, any agency or other party to subordinate any easements, etc. before the CDP in order to meet the condition. This is unreasonable, given the extensive number of encumbrances on a given property, from mortgages, to lines of credit, to utility easements, road easements, etc. The process of a property owner to have encumbrances lifted can be very expensive and time-consuming and may not be met through no fault of the owner of the property. Furthermore, it simply may be impossible for an owner to get a party to subordinate its interest, in which case an owner would be unable to comply with the applicable CDP condition(s).

C.) The Santa Monica Mountains LCP Would Destroy Businesses and Operations Rooted In Agricultural Uses.

Agricultural uses have enjoyed a long history in the Santa Monica Mountains. Today, numerous vineyards, orchards, and wineries operate successfully in the Santa Monica Mountains. Equestrian Centers and livestock farms, as well as organic farming (and a thriving farmer's market scene), are abundant in the area and would be subject to the new Santa Monica Mountains LCP. Wine tasting rooms, wine tours and farm exhibits attract tens of thousands of visitors each year to the Santa Monica Mountains National Recreation Area, consistent with the most basic Coastal Act principles of visitor serving use and coastal access. If approved, the LCP would severely impact these existing uses and prohibit any new such uses. (See Coastal Coalition of Family Farmers PowerPoint, attached hereto as Exhibit E.)

D.) **The County Violated the Law Because it Did Not Hold Public Hearings on New and Revised LCP Sections Within Four Years.**

The County of Los Angeles, in approving the recent LCP, failed to comply with public participation requirements set forth in the Public Resources Code. Specifically, Public Resources Code Section 30503 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.”

By its own admission, the County did not meet this mandate. During the February 11 and 18, 2014 Board meetings on the LCP, Supervisor Yaroslavsky stated that the County had been working on the LCP for 6 ½ years and that it is very different from the 2007 plan, which was never presented to the Coastal Commission. The Commission Staff Report also reflects that no public hearings were held since 2007. (Staff Report, p. 43.)

Public Resources Code Section 30503 is clear. “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.**” [Emphasis added.] The section is not discretionary; it is mandatory.

The LCP has changed significantly since 2007. For example, the H1, H1-Buffer, H2, H2-Buffer, and H3 categories did not exist in the 2007 plan at all. In 2007, lands were classified as either Environmentally Sensitive Habitat Area or they were not. There are numerous additional differences between the 2007 and 2014 LCPs.

Despite the changes made between 2007 and 2014, no public hearings were held on any of these new and revised sections as required by law. Public Resources Code Section 30503 requires that public hearings be held on “that portion of the program which has not been subjected to public hearing within four years of such submission.” Because numerous sections did not exist in 2007, they could not have been included in the hearings related to such plan. Additionally, because there were no hearings between 2007 and 2014, the new and revised sections could not have been subject to public hearings within four (4) years of submission to the Coastal Commission.

As such, all LCP changes since 2007 must be returned to the County for public hearings in accordance with Public Resources Code Section 30503 before the Commission can act.

E.) LCP Provisions Impact Non-Coastal Zone Areas.

Section K of the Introduction to the LUP, "Relationship to the Santa Monica Mountains North Area Plan" ("NAP"), states, in part:

"Notwithstanding the division by the Coastal Zone boundary, the County of Los Angeles is committed to the concept that planning for the entire Santa Monica Mountains should be governed by the following planning principle: Integrated, comprehensive, regional in concern and in approach, consistent and fair in application of policies and regulations, and open to public participation from all parts of the region. The LUP and North Area Plan together will serve as a comprehensive statement of regional policy for the regulation of uses within the Santa Monica Mountain, thereby creating continuity for planning within the greater Santa Monica Mountains region."

As such, "[n]otwithstanding the division by the Coastal Zone boundary", it appears the intention of the County is to extend the LUP's reach outside the Coastal Zone and into the North Area of the Santa Monica Mountains.

In addition, the County has stated that when a structure, such as a fence, extends to both plan areas, the fence must comply with LCP regulations. This assertion is contrary to the statement that the NAP and LCP are separate with no overlapping areas and violates the Coastal Act by applying LCP policies and regulations to areas outside the LCP and Coastal Zone areas.

The Commission should note that the certified Ventura County LCP, which covers the adjacent western portion of the Santa Monica Mountains, does not ban agriculture.

F.) The LCP Eliminates the Previously Approved Grandfathering Clause.

The LCP fails to include a grandfathering clause for setbacks as included and approved by the County in the 2007 plan. Amendment 5 to the 2007 County approved LCP states:

"Clarify that existing, lawfully established developments, including livestock-containment facilities, shall be grandfathered with respect to mandated setbacks, but shall nevertheless be subject to all other required best management practices at the soonest practicable date."

The 2007 LCP included grandfathering clauses that permitted existing setbacks. In contrast, the 2014 LCP limits grandfathering to facilities built before 2001. As such, any facility built after 2001 must comply with every provision of the LCP, including setbacks, or be removed. This is infeasible for many post-2001 structures that may not comply with the new setback requirements. And, in fact, the new setbacks would eliminate ability to make agricultural use of properties.

G.) The Proposed LCP Amendments Constitute a Taking.

The proposed ban on agricultural uses in the Santa Monica Mountains, as well as conservation easement requirements, would constitute unlawful takings under Article I, Section 19 of the California Constitution and the Fifth and Fourteenth Amendments to the United States Constitution, which expressly forbid the Commission from acting in any manner which results in a taking or damaging of private property without payment of just compensation. The Commission's actions in denying agricultural use, and the requirement to provide conservation easements without a legal nexus, would amount to a taking of private property without compensation and undue interference with reasonable use of the affected properties.

There is simply no evidence to support differential treatment between properties of the same type and historical agricultural uses, and no legal nexus for the LUP's habitat designations and/or conservation easements. To ensure fairness and protect private property rights, the Takings Clause strictly guards against extortionate conditions that the government might be inclined to force a property owner seeking a permit to develop or use his/her land to accept. In Nollan v. California Coastal Comm'n, 483 U.S. 825, 837 (1987), the Supreme Court determined that an "essential nexus" must exist between any permit condition and the public purpose allegedly requiring the condition. The United States Supreme Court held that there must be a nexus between the condition imposed on the use of land and the social evil that would otherwise be caused by the unregulated use of the owner's property. Id. Without such a connection, a permit condition is an illegal regulatory taking - i.e. "Not a valid regulation of land use but "an out-an-out plan of extortion." Id.

In Dolan v. City of Tigard, 512 U.S. 374 (1994), the Supreme Court defined how close a "fit" is required between the permit condition and the alleged impact of the proposed development. Even when a nexus exists, there still must be a "degree of connection between the exactions and the projected impact of the proposed development." Id. at 386. There must be rough proportionality - i.e., "some sort of individualized determination that the required dedication is related both in nature and extent to the impact of the proposed development." Id. at 391. Otherwise, the condition will be held unconstitutional as an unlawful taking.

H.) The Commission's Action to Approve the LUP Amendments Violate Civil Rights.

The Commission's actions to approve the LUP amendments would violate civil rights under 42 USC §1983. By its acts in denying agricultural uses of the affected properties, the Commission would knowingly and intentionally single out and deprive property owners of rights under the United States Constitution and laws, including, but not limited to, 42 USC §1983, and would be acting in conscious disregard to those clearly established rights. The Commission's actions, on their face and as applied to the affected properties, would constitute a violation of owners' rights to procedural and substantive due process and equal rights under the United States Constitution.

California Coastal Commission

April 7, 2014

Page 10

I.) Conclusion.

The Santa Monica Mountains are replete with diverse, successful, and thriving agricultural operations. Sections 30241 and 30242 of the Coastal Act prioritize agricultural lands and protect them from being taken out of circulation. Section 30222 provides that agricultural use is the priority use over all other uses. In direct contravention to the Coastal Act, approval of the Santa Monica Mountains LUP amendments would prohibit all new agricultural uses and severely impact the historical agricultural uses of the Santa Monica Mountains.

On behalf of the Coalition, we respectfully request that the Commission deny the amendments to the Santa Monica Mountains LUP. Alternatively, the Coalition requests that the matter be continued to allow additional public hearing at the County pursuant to Public Resources Section 30503. A continuance will also give Commission staff time to correct errors in the Staff Report, make revisions to accurately reflect impacts to agricultural uses, and substantiate conclusions regarding soil quality, habitat designations, and the viability of agricultural uses in the affected area.

Thank you for your consideration, and please contact me with any questions or requests for additional information.

Sincerely,

GAINES & STACEY LLP

By


FRED GAINES

cc: All Coastal Commission Members (Via Email)
Charles Lester, Executive Director (Via Email)

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James A. Kay
Items 17a and 17b

April 7, 2014

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

Re: April 10, 2014 Hearing of Coastal Commission – Items 17a and 17b

Dear Commissioners:

We are writing on behalf of our clients James A. Kay; Parklands Ranch, LLC; Third District Parklands, LLC; Yogi Bear Properties, LLC; Mountainlands Conservancy, LLC; Third District Meadowlands, LLC; Smokey the Bear Properties, LLC; Panorama Ranch, LLC; LT-WR, LLC; and Deer Valley Ranch, LLC. Our clients are all landowners in the Coastal Zone of the Santa Monica Mountains. On the April 10, 2014 session of your next meeting scheduled for April 9-11, 2014, the Commission is expected to consider a request by the County of Los Angeles to amend its certified Land Use Plan ("LUP") for the Santa Monica Mountains segment of the County's coastal zone (Agenda Item No. 17a) and to extend the time to act on the County's Local Implementation Plan for that region (Agenda Item No. 17b). The proposed LUP, even assuming the adoption of the changes proposed in the Coastal Commission Staff Report, raises substantial issues as to conformity with the policies of Chapter 3 of the Coastal Act, in particular its nearly four-decade-old policy of preserving land in the Coastal Zone for agriculture. We therefore request that the Commission either decline certification of the LUP in whole or, pursuant to Public Resources Code section 30512 (a)(2), set an additional hearing on all matters that raise such "substantial issues."

The LUP's Prohibition of All New Crop-Based Non-Livestock Agriculture Conflicts with the Agricultural Policies of the Coastal Act

It is the policy of the State of California that because "agricultural lands located within the Coastal Zone contribute substantially to the state and national food supply and are a vital part of the state's economy[,]" those agricultural coastal lands should be "protected from intrusion of nonagricultural uses, except where conversion to urban or other uses is in the long-term public interest." (Public Resources Code §§ 31050-51.)

Moreover, the Coastal Act excludes the removal of major vegetation for agricultural purposes from its definition of "development." (Public Resources Code § 30106.) In discussing this section of

the Coastal Act, the Attorney General recognized that the Coastal Act "give[s] account to a legislative intent to leave hands off local coastal agricultural activity. . . ." (See April 6, 1978 letter of Attorney General Evelle J. Younger to California Coastal Commission, attached as Exhibit A, at p. 7.)

Within the past year, the Coastal Commission conducted a workshop on agriculture within the Coastal Zone. The reports related to that workshop further acknowledge the Coastal Act's longstanding goal of preserving agriculture in the Coastal Zone. (See Exhibits B and C; April 26, 2013 Background Report for Workshop on Agriculture in the Coastal Zone: Implementation of Coastal Act Provisions Related To Agriculture and addendum.)

The proposed LUP contradicts the State of California's express policies in favor of preserving agriculture in the Coastal Zone.

LUP Policy CO-102 categorically prohibits new crop-based agriculture in the coastal zone of the Santa Monica Mountains:

New crop, orchard, vineyard, and other crop-based non-livestock agricultural uses are prohibited. Existing, legally-established agricultural uses shall be allowed to continue, but may not be expanded.

(Policy CO-102 of proposed LUP at p. 41; Suggested Modification 27 of Staff Report (suggested changes underlined..))

The prohibition of new agriculture is reiterated in LUP Policy LU-11, which provides the following:

Prohibit new agricultural uses, and limit existing commercial or "hobby" agricultural uses such as vineyards, orchards, and field or row crops in order to preserve natural topography and locally-indigenous vegetation, and to prevent the loading of soil and chemicals into drainage courses.

The prohibition of new agriculture expressed in Policy CO-102 and Policy LU-11 conflicts with multiple expressions of policy in Chapter 3 of the Coastal Act, both on the face of the Coastal Act and as expressed in the Coastal Act's legislative history. (Copies of the legislative history of the Coastal Act are submitted as Exhibits D and E.) This is true especially in light of the Coastal Commission Staff Report's mistaken characterizations of the suitability for agriculture of the soil available to landowners in the affected area.

Specifically, the LUP's prohibition of new agriculture directly conflicts with the following provisions of Chapter 3 of the Coastal Act:

- Section 30241, which provides that "[t]he maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas' agricultural economy"

- Section 30242, which provides that “[a]ll other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250.”

Although the Coastal Commission Staff recognizes the relevance of the Coastal Act policies expressed in Sections 30241 and 30242 of the Coastal Act (Staff Report at pp. 45-48), the Staff reaches incorrect conclusions regarding the application of those policies to the LUP.

First, the Staff Report contends that the Section 30241 requirement to maintain prime agricultural land in production is inapplicable as the “only areas containing suitable prime agricultural soils are located within existing public parkland areas” or “are developed with existing uses and not in agricultural production.” (Staff Report at p. 5.) This is counter-factual, as we are aware of at least one property within the Coastal Zone containing a deed restriction indicating the presence of “prime agricultural land” on that property.

But even more egregiously, the Staff Report declares that the Section 30242 prohibition on converting non-prime agricultural land to nonagricultural uses in the absence of one of the two listed conditions is inapplicable because, in the Staff’s view, “the confluence of factors – including steep slopes, poor soils, scenic considerations, sensitive waterlands, abundant ESHA, and lot size limitations – render the vast majority of land in the Santa Monica Mountains unsuitable for agricultural use.” (Staff Report at p. 5.) Later, the Staff Report goes on to find that *there are no areas in the Coastal Zone where agriculture is even possible* other than “the one or two areas that are already in active agricultural production.” (Staff Report at p. 89.)

These findings are purely speculative and contradicted by the record. The Staff Report includes no information on the amount of land in the Coastal Zone that is currently under cultivation, nor does it include a persuasive explanation of why there is no further land in the Coastal Zone that is suitable for agriculture.

As shown in the attached report of our clients’ expert Daryl Koutnik (Exhibit F, p. 3), there are multiple areas in the Coastal Zone of the Santa Monica mountains that are suitable for agriculture:

The Coastal staff report dismissing of agricultural uses in the Santa Monica Mountains based solely on soils being too rocky and steeply sloping to be suitable or appropriate for crop based agriculture does not correspond to current successful agricultural operations in the area. With modern agricultural practices, field, tree, bush, berry and row crops or livestock grazing may be successful on a variety of soil types and slope steepness. Farming and engineering techniques are available to address water quality and erosional concerns that could harm coastal resources from agriculture in the coastal zone. To limit agricultural uses within the Santa Monica Mountains to only those designated by DOC based on soil types and recent or current operation while prohibiting such use for properties that have been historical used for such practices is a substantial change from the current zoning designations that allow these agricultural activities as permitted and non discretionary uses.

Moreover, as indicated by multiple soil reports and maps for areas in and near the Coastal Zone of the Santa Monica Mountains, it is simply not the case that there are no soils in the area that are suitable for agriculture. These reports and maps include, but are not limited to the following:

- Exhibit G – Soil Survey of the Los Angeles Area, California (1903)
- Exhibit H – Soil Survey of the Ventura Area, California (1920)
- Exhibit I – Soil Survey of the Santa Monica Mountains National Recreation Area and related documents
- Exhibit J – California Department of Conservation Soil Candidate Listing for Prime Farmland and Farmland of Statewide Importance for Los Angeles County
- Exhibit K – Castro Peak Soil Map
- Exhibit L – Gillette Ranch Soil Map
- Exhibit M – Mulholland Soil Map
- Exhibit N – Newton Canyon Soil Map
- Exhibit O – Soil Map of the Ventura Area, California (1920)
- Exhibit U – Malibu Golf Club Soil Map
- Exhibit V – Map of Cultivate L.A.: An Assessment of Urban Agriculture in Los Angeles County, June 2013

Attached as Exhibit P are documents culled from the foregoing soil reports and maps that are specific to the soils surrounding our clients' properties.

Furthermore, the Staff's finding that "[g]iven the steep topography, poor soils, limited water availability, and constrained access within the plan area, the Santa Monica Mountains have never been an area particularly conducive for agriculture" (Staff Report at p. 5) is contradicted by the century-old existence of agricultural zoning of coastal lands in the Santa Monica Mountains:

For nearly the past 100 years, the properties of the Santa Monica Mountains and much of the County of Los Angeles have been zoned for agriculture as a primary use. The agricultural zones were established to permit a comprehensive range of agricultural use in areas particularly suited for agricultural activities. Permitted uses were intended to encourage agricultural pursuits and such other uses required for, or desired by, the inhabitants of the community. Such permitted uses granted by right to property owners include field, tree, bush, berry and row, including nursery stock crops, and the grazing of cattle, horses, sheep, goats, alpacas, or llamas not affiliated with any dairy, livestock feed yard, livestock sales yard. The raising of poultry, fowl, birds, rabbits, frogs, fish, and other similar animals was also permitted.

(Expert report of Daryl Koutnik (Exhibit F, p. 1).)

The presentation of the Coastal Coalition of Family Farmers attached as Exhibit Q further indicates that the dozens of vineyards in currently existing in the Santa Monica Mountains have limited water dependency and provide erosion control for the area. The permitting of further vineyards in the Coastal Zone could, therefore, be part of a sustainable and environmentally-friendly agricultural program for the area.

As the Coastal Commission Staff recognizes the existence of areas in active agricultural production that are suitable for agricultural use, the Staff has indicated that the proposed LUP must be modified to ensure that those lands receive the protection granted to them under Section 30242 of the Coastal Act. To that end, the Staff has provided Suggested Modification 28 to the LUP, which states the following:

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.

While we agree that such a provision is necessary to protect "existing, legally-established, economically-viable crop-based agricultural uses," Section 30242 on its face does not protect only existing, legally-established, or economically-viable agriculture. Rather Section 30242 protects *all* non-prime land suitable for agriculture from conversion to non-agricultural uses unless one of the two enumerated conditions is satisfied. As noted above, there are many areas in the Coastal Zone portion of the Santa Monica Mountains that are "suitable for agricultural use" other than the lands identified by Coastal Commission Staff. As these lands are entitled to the protection of Section 30242 as well, Suggested Modification 28 should be reduced to the following:

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 Proposed LUP Gives Insufficient Attention to Fire Control

Public Resources Code section 30253 (a) provides that new development must "minimize risks to life and property in areas of high . . . fire hazard." The proposed LUP's prohibition of new agriculture within the Coastal Zone is inconsistent with this policy of the Coastal Act as the clearing of lands for agriculture provides fire breaks that help prevent the spread of forest fires and creates staging areas for fighting such fires. As the elimination of new crop-based agriculture in favor of other types of development would remove this potential barrier to the spread of forest fires, it fails to minimize the risk of fire to life and property.

The Maps Accompanying the LUP Contain Inaccuracies

Additionally, as indicated in the letter submitted to the Los Angeles County Board of Supervisors and attached as Exhibit R, there are multiple inaccuracies in the maps included in the LUP. Our clients have encountered additional inaccuracies in the maps used by the County to designate habitat categories. These inaccuracies have caused some of our clients considerable difficulty in the past, and we are certain that other landowners have been and continue to be affected by these inaccuracies. These mapping errors should be corrected before certification of the LUP.

As evidenced by Suggested Modification 60 of the Staff Report (p. 40), the vegetation mapping

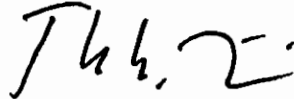
for the H1 and H2 Habitat designations appears to be based on the National Park Service vegetation mapping efforts that were completed in 2006. The report prepared pursuant to that effort is attached as Exhibit S. A copy of the biological resources boundaries for the Santa Monica Mountains Local Coastal Program is attached as Exhibit T.

Conclusion

For the foregoing reasons, we respectfully request that the Coastal Commission deny certification of the LUP or, alternatively, set an additional hearing regarding the substantial issues raised as to the LUP's conflicts with Chapter 3 of the Coastal Act.

Sincerely,

Michel & Associates, P.C.

A handwritten signature in black ink, appearing to read 'T. Maciejewski', is written over the printed name.

Thomas E. Maciejewski

TEM/cs



MALIBU

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Executive Director

Mark Persson

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

April 3, 2014

Re: Santa Monica Mountain Land Use Plan LCP -4-LAC-14-0108-4

Dear Senior Deputy Director and Commission members:

As you know, the Malibu Chamber of Commerce is dedicated to helping local companies grow their businesses. We are deeply invested in the success of our community, and we work tirelessly on our members' behalf to ensure that local and state elected officials are aware of the impact their decisions will have on our economy and community. It is the Chamber's job to analyze the impact each issue will have on local businesses and to relay this information to our members and the community.

The Malibu Chamber of Commerce is opposed to the proposed ban on any new agriculture in our region. Agriculture is part of our heritage and a priority use in the Coastal Act. We urge the Coastal Commission to modify the LCP to delete the ban on agriculture. Replacing the ban on agriculture with policies that promote agriculture will not only enhance the beauty of our region, it will continue to serve our residents and visitors.

Local restaurants and grocers enjoy the benefit of buying local produce. Produce grown locally helps to promote farm-to-table dining in our restaurants, Malibu's farmers market, and healthy options for parents and our youth who shop in Malibu's grocery stores.

Local vintners are thriving. Malibu continues to draw visitors from around the country who wish to enjoy wines produced in our area. With so much attention drawn here in that respect, we hope that there is consideration given to those vintners who wish to expand their operations. It is also important to make agriculture available to those wishing to create new ventures into Malibu's wine region.

Finally, we hope that you consider the effect that all the supporting industries may suffer based on your decision. From bee keepers to limousine companies, a ban on agriculture in the Santa Monica Mountains, will be devastating.

We respectfully request that the California Coastal Commission recommend removing the ban on agriculture from the LCP, and replace it with policies that promote agriculture as a priority use.

On behalf of the Malibu Chamber of Commerce Board of Directors,
Mark Persson
Executive Director



CALIFORNIA FARM BUREAU FEDERATION

OFFICE OF THE GENERAL COUNSEL

2300 RIVER PLAZA DRIVE, SACRAMENTO, CA 95833-3293 • PHONE (916) 561-5665 • FAX (916) 561-5691

April 7, 2014

*Via U.S. Mail, Facsimile (415-904-5400),
and Electronic Mail*

*(john.ainsworth@coastal.ca.gov and
barbara.carey@coastal.ca.gov)*

California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Re: **Agenda Item No. 17a – April 10, 2014 Meeting**
Los Angeles County Land Use Plan Amendment No. LCP-4-LAC-14-0108-4
Santa Monica Mountains Land Use Plan

Dear Commissioners:

The California Farm Bureau Federation ("Farm Bureau") appreciates the opportunity to comment upon the California Coastal Commission's noticed public hearing on April 10 regarding the Santa Monica Mountains Land Use Plan.

Farm Bureau is a non-governmental, non-profit, voluntary membership California corporation whose purpose is to protect and promote agricultural interests throughout the state of California and to find solutions to the problems of the farm, the farm home and the rural community. Farm Bureau is California's largest farm organization, comprised of 53 county Farm Bureaus currently representing nearly 78,000 agricultural, associate and collegiate members in 56 counties. Farm Bureau strives to protect and improve the ability of farmers and ranchers engaged in production agriculture to provide a reliable supply of food and fiber through responsible stewardship of California's resources. On behalf of its membership, Farm Bureau has been consistently monitoring land use planning processes in the coastal zone which directly affect production agriculture.

We understand that the County of Los Angeles has submitted a proposed Local Coastal Plan ("LCP") for the Santa Monica Mountains. As part of this, the County has submitted a Land Use Plan ("LUP") to the Commission which would prohibit *any* new crop-based agriculture in the Santa Monica Mountains (Policy Nos. CO-102 and LU-11). In turn, Commission staff has proposed certain modifications to the LUP (Suggested Modification Nos. 27 and 29) which would essentially ratify this prohibition. We strenuously oppose this prohibition, both for the Santa Monica Mountains in particular, and as a matter of general precedent.

NANCY N. McDONOUGH, GENERAL COUNSEL

ASSOCIATE COUNSEL:

CARL G. BORDEN • KAREN NORENE MILLS • CHRISTIAN C. SCHEURING • KARI E. FISHER • JACK L. RICE

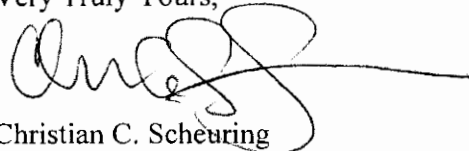
California Coastal Commission
Re: Agenda Item No. 17a – April 10, 2014 Meeting
April 7, 2014
Page 2

A *per-se* ban on new agricultural operations throughout the plan area would be inconsistent with the Commission's statutory mandate under the Coastal Act, which if nothing else requires a balancing of coastal resource protection priorities. To the extent that agriculture – a Coastal Act value – is feasible without impacting other Coastal Act values, any rule respecting agriculture must allow for flexibility to allow for agriculture in the absence of impacts to other coastal resources. The LUP is overbroad and unduly burdensome in this respect, because *it does not allow for any new crop-based agricultural undertakings at all – regardless of any need to identify impacts to competing values*. We believe the County of Los Angeles fails to properly implement the Coastal Act when it authors a draconian policy like the one respecting agriculture in this LUP; the Coastal Act clearly admits of better administration than the one-dimensional approach to agriculture that is written into the County of Los Angeles' LUP for the Santa Monica Mountains, and we urge the Commission to reject it.

We respectfully remind the Commission of the recent public workshop the Commission held on agriculture in the coastal zone. At that workshop, held on May 8, 2013 in Marin County, the Commission heard directly from a spectrum of farmers and ranchers who live and raise families in the coastal zone, as well as produce food and fiber on its working landscapes. We felt that the workshop, the first dedicated to comprehensively interface with agriculturalists in the coastal zone, was a valuable and productive exercise that would lead to an improved regulatory environment between the Commission and agriculture. We hope that it has, and hope that the Commission can bring some of the context developed at that workshop to bear in approaching the LUP in question here.

As an alternative to adoption of this particular LUP's policies on agriculture and Commission staff's proposed changes to these policies, Farm Bureau urges the Commission to defer action on this agenda item at this time, and to instruct Commission staff to work with agricultural stakeholders to develop language with greater flexibility to accommodate agriculture in the Santa Monica Mountains in a manner that is consistent with other resource values. We would be available to directly participate in this process.

Very Truly Yours,



Christian C. Scheuring
Managing Counsel

CCS/dkc

cc: Los Angeles County Farm Bureau
Monterey County Farm Bureau

Upset new land owner

Jon Asher [calasher@gmail.com]

Sent: Wednesday, April 02, 2014 10:47 PM

To: CoastalSantaMonicamtms

Hello,

I recently purchased some land in Malibu with the intention of setting up a worm farm and some day growing organic crops for the local market. I am very upset to hear that you are considering anti-agricultural policies that go against the Coastal Act and 1986 Land Use Plan, especially shortly after I have purchased property. My family has owned property in the area for over 39 years, and agriculture has always been a huge and essential part of the region. What can I do to ensure what I thought were my rights as a Malibu property owner are not taken away?

Sincerely,

Jon Asher

Land Use Policy

Caitlin Zacha [cbzacha@gmail.com]

Sent: Thursday, April 03, 2014 8:39 AM

To: CoastalSantaMonicamtms

To Whom It May Concern:

I grew up on our family farm in the beautiful Santa Monica Mountains. This rural lifestyle was the most valuable contribution in shaping me into the person I am and instilling in me values for which I am grateful for each day.

I spent my childhood, not in front of the television or at the mall, but picking organic produce that my dad would later deliver to local restaurants and markets, experiencing the rewarding feeling of being a meaningful part of a community. My family's farm improved the lives of those around me by offering healthy food sources and encouraging public support of local and organic produce- qualities that should be of paramount importance to anyone with a concern for environmental sustainability. Moreover, our farm employed several local residents, providing jobs for many wonderful people who became like family to me.

Growing up on a working farm encouraged me to embrace honesty and hard work. I learned that the more care and dedication I gave to my garden, the more fruitful my success. Farming reinforced the maxim that hard work actually leads to success. That dedication to hard work is what allowed me to journey down the road of veterinary medicine, as I grew up understanding that a little sweat, dirt, and determination can lead to great things.

Thomas Jefferson wrote, "Cultivators of the earth are the most valuable citizens. They are the most vigorous, the most independent, the most virtuous, and they are tied to their country and wedded to its liberty and interests by the most lasting bands." This eloquently summarizes the high regard in which society holds farmers and defines the nature of farmers to be virtuous and fiercely loyal. These are the qualities that I learned growing up as a farmer and they are what sustain me in my professional, personal, and civic life.

Farming in the Santa Monica Mountains is not large-scale agriculture for mass production. Rather, it is a boutique trade in which local farmers care for their farms with a unique tenderness and consideration for the land. It is this passion for agriculture that creates goods for all the public to enjoy whether it is at local markets, restaurants or journeying through the mountains.

If the motivation of the Land Use Policy is really for the benefit of both the public and the environment, than I would hope that these entities are truly valued through the recognition of the benefits and importance of preserving agriculture in this region.

Respectfully,
Caitlin Zacha

--

Caitlin Zacha
310.924.2149
cbzacha@gmail.com

Santa Monica Mountain Agriculture

Rodnina Harvey [rodrinaharvey@gmail.com]

Sent: Tuesday, April 01, 2014 12:35 PM

To: CoastalSantaMonicamtms

Dear California Coastal Commission,

I am writing to you because it has been brought to my attention that the agriculture is proposed to be banned in the Santa Monica Mountains, in CA.

I am writing to you because I feel you are proposing a negative action on the families and the people of the United States of America. I base this on several points of view.

As a mother of young children and as a former school teacher and director I understand how important it is for our children to understand where the food comes from. It is vital for them to be able to visit a local farm in the area of Los Angeles to be able to learn and hear about how their food is grown and harvested. Local food is on a second note so important in our more and more expanding world on import. Local farmers and economy is vital for us all to support and nurture.

It is also important to support these organic family farms because we need them to feed our community. All communities need to have local farmers. If you are trying to close them down or hinder them to continue feeding the population you are not serving the best interest of the people. Any thriving city need to have their local farms to feed the local people. It is also a good contribution to support the small businesses in our area.

I bring my children to visit these local family farms. I have used these farms for educational benefit as well as buy local food for my family. Please do not proceed with this proposed ban on agriculture in the Santa Monica Mountains Recreation Area.

If you are really looking to serve the people as well as the nation, please stop this proposed ban!

It is of high importance that we nurture and support our local family farmers in this global economy.

For our children and our future childrens wellbeing.

Thank you,

Rodnina Hallgren

Los Angeles County Land Use Plan Amendment No. LCP-4-LAC-14-0108-4

Martha Fritz [msfritz38@gmail.com]

Sent: Friday, March 28, 2014 5:42 PM

To: CoastalSantaMonicamtms

Attachments: Coastal Commission OpEd L~1.docx (22 KB) ; Coastal Commission OpEd L~2.docx (22 KB)

Dear California Coastal Commission:

Attached is my letter regarding the Los Angeles County Land Use Plan Amendment (LCP).

In addition, I would encourage the Commission to grant a request for an extension of time as I have yet to meet a stakeholder property owner who has had sufficient time to consider the current version of the LCP.

Martha Fritz

Landowner and Stakeholder

Former Planning Commissioner for the City of Calabasas

Martha Fritz
4007 Cottonwood Grove Trail
Calabasas, CA 91301
March 27, 2014

Regarding:
Los Angeles County Land Use Plan Amendment No. LCP-4-LAC-14-0108-4

Dear California Coastal Commissioners:

Locally grown, organic vegetables have a special richness, just as locally produced wine has a taste unique to its wine region. These delicacies are often celebrated as a source of local pride, reminding us of our connection with the earth and our historical roots. In the Santa Monica Mountains, farming has been protected for generations and agriculture has a "priority use" designation under the California Coastal Act. The juxtaposition of parkland, horse facilities and agricultural uses are part of the rich cultural fabric of the area. The Chambers of Commerce remind us that shopping locally at the farmers market is responsible because it supports organic regional growers and creates local jobs. In Calabasas the environmentally award winning "2030 General Plan" encourages hobby farming which has resulted in Calabasas home grown wine. Everywhere you look, the overriding idea is for land use to support many different lifestyles that embrace sustainable best practices, celebrate our heritage and support the local economy.

Given all of this evidence in support, why does the proposed Malibu Local Coast Plan (LCP) contain an outright *prohibition* on all new agricultural uses, banning new organic farms, orchards and vineyards, with a ripple effect on bee keepers, wineries, wine-tasting rooms and farmers markets? Such a rigid policy does not reflect the spirit of compromise reflected in a fair, but messy process. Furthermore, it cannot be misconstrued as somehow allowing a property owner fair use of their land. It is, in fact, a short sighted and unthoughtful way to go about conservation in our area.

Less than one percent of the Santa Monica Mountains is privately owned. Many of these property owners would not likely become farmers. However, a valuable agricultural potential would be lost if the Coastal Commission approves the current version of the Malibu LCP on April 10th. Just as the farmer's markets are becoming successful and the area has been designated as a special wine region, any and all new farming efforts would be stifled.

I agree with the Malibu Chamber of Commerce and the Coastal Coalition of Family Farmers who oppose this "prohibition" in favor of a policy that would be in keeping with the current California Coastal Act and which honors *both* the environmental and farming heritage of our region. The two are not hopelessly incompatible. The idea of organic farms co-existing with conservation areas is possible and supports the idea of sustainable agricultural in our community. While the proposed LCP has many positive elements, the ban on agriculture should be reconsidered in further public hearings and modified before the Coastal Commission adopts a final version.

Sincerely,

Martha Fritz

Santa Monica Mountains LUP

Elaine Spierer [espierer@verizon.net]

Sent: Tuesday, April 01, 2014 12:59 PM

To: CoastalSantaMonicamtns

Good afternoon.

I am writing to suggest that you have before you for consideration a 'cure' in search of a disease.

Agriculture is one of the essential ingredients in this vicinity in general and on the rolling lands of this peaceful area in particular. Ranches/farms have always been good stewards of the land. Further, agriculture is ingrained in the culture of the area. Forbidding future agriculture projects in the Santa Monica mountains will not only harm those who want to live a country life in the Santa Monica mountains, it also will diminish the public's enjoyment of this special environment in future years.

I hope the Coastal Commission will recognize the essential importance of maintaining this wonderful agriculture environment now and support similar uses of the land in the future.

Respectfully submitted,

Elaine Spierer
Venice CA

Argriculture in the Santa Monica Moutains....

EPlent@aol.com

Sent: Tuesday, April 01, 2014 11:40 AM

To: CoastalSantaMonicamtms

Dear Ladies and Gentlemen:

I visit that area very often to see my family. I live in Oregon and we do not have that kind of agriculture where I reside on 9 acres.

Please do not not ban the future of agriculture. It has and been a great part my many, many visits to that area.

Thank you for your time and please, pay attention to the many folks who enjoy the fruits of labor from that area. It is absolutely needed every day.

Sincerely,

Eileen T Plent
16682 Jones Rd
White City Or 97503-9592

The Malibu Lifestyle

Ellen Francisco [ellen@malibuonline.com]

Sent: Friday, March 28, 2014 3:57 PM

To: CoastalSantaMonicamtms

To whom it May Concern,

My husband and I have been residents of Malibu since 1971 and we have enjoyed living here for over 43 years. We have enjoyed all facets of life here, but most especially the ability to have animals, raise fruits and vegetables and have access to riding and walking trails. We have lived in two different locations, both close to the ocean and overlooking the ocean. Now, we have the benefit of having enough land to have horses, dogs, other animals and expansive vegetable gardens and fruit trees. We not only are able to help feed our family, but we are able to share our food with the people who work for us.

I cannot imagine life in Malibu without driving in and around and through the canyons and not seeing horses, wildlife, trees, vegetable gardens, and more recently the vineyards. That's what life in Malibu is all about and I can't believe that anyone would want to impose restrictions that would change this in any way. Anyone who doesn't feel the same way should not move to Malibu rather than move here and then try to change everything.

I have so many friends who come to our house to get horse manure for their gardens and we are very conscientious about cleaning corrals, pastures and stalls and having the disposal service haul it away. Rather than eliminating these things that are so valuable to many of us, please re-think your outrageous bans and demands and let us continue to enjoy the Malibu as we know it today.

Ellen and Kent Francisco

--

Santa Monica Mountains LUP

malibure@aol.com

Sent: Friday, March 28, 2014 8:01 PM

To: CoastalSantaMonicamtms

dont ban fruit trees

we live off of our land as much as possible

i have loquates and grow all my own letus and vegetables

i live in malibu park

at 5938 filaree heights

i am a real person. been her over 40 years

get a clue to the GMO debate and realize some of us dont trust
the markets and want to grow our own food. real avacados here in america.
not from mexico

▪

Best REgards

Terry Lucoff

Coldwell Banker Realty

Malibu California

310 317 8391 office line

310 924 1045 field contact

Dept of Real Estate #01112504

Agenda Item No. 17a and 17b – Santa Monica Mountains LCP

Ray Stewart [ray@1099pro.com]

Sent: Monday, April 07, 2014 12:00 AM

To: CoastalSantaMonicamtms

My hillside had invasive Spotted Knapweed and Artichoke Thistle which are invasive species ready to jump to the adjacent properties. Given our unique Mediterranean climate I planted Syrah grapes which will not invade my neighbors properties. Not only do I have a I have a fire break but I have a great event and centuries old culture to share with my neighbors and friends.

Do not take the sacred right of agriculture from our existence.

-ray (grower/vitner)

And Remember soil erosion is non-existent

Despite the dismissive findings in the staff report, Agriculture was and remains viable in our mountains.

The staff report has NO data on the number of acres presently under cultivation, what types of crops are grown, their quality and quantity, and what the future potential is for responsible and environmentally sensitive expansion of agriculture. The coastal act requires them to do so. (sections 30241 and 30242)

Some of the best wines and finest specialty crops in the state are grown in our mountains. Like mine under the brands of Triunfo Creek and Mulholland Hwy.

Agriculture is the most basic of rights of mankind.

Ray Stewart

-Grower

-Protector of the Environment

-Wine Enthusiast

Malibu LCP**Scott J. Tepper [scottjtepper@msn.com]****Sent:** Sunday, April 06, 2014 10:26 AM**To:** CoastalSantaMonicamtms

As a resident within a Coastal Zone in Calabasas, a former resident of Malibu and a horseman I write to oppose the LCP to the extent it would limit equestrian accesses and use in Malibu and to the extent it would require removal of established agricultural uses. With the Ahmanson and King Gillette ranches as prime examples it appears that no growth advocates have taken over and also turned our public lands into movie sets. To do the same or worse with private land is unconscionable.

Agriculture and equestrian use in Malibu go back to the Rindge days. Please do not allow it to be changed. We have enough sage brush in Malibu.

Scott J. Tepper,
24753 Mulholland Hwy.
Calabasas, CA

LCP Amendment No. LCP-4-LAC-14-0108-4

isaiah5258@aol.com

Sent: Saturday, April 05, 2014 10:20 PM

To: CoastalSantaMonicamtms

Dear Members of the Calif. Coastal Commission:

I am writing to urge you to reconsider you plan to implement LCP Amendment No. LCP-4-LAC-14-0108-4, which would put limitations on property owners who engage in agricultural production, and/or limit new property owners from engaging in agricultural activities.

As a discerning consumer who tries hard to carefully select only organic products for my large family, I see this as an egregious mistake and an enormous step backwards in a state that has always been a bellwether to the world in many industries, especially those regarding the health and welfare of its citizens.

Limiting local growers, curtailing the vital small farm agricultural industry at a time when the entire country is engaged in a battle against the non-foods produced by factory farming Leviathans, will be viewed by future generations as a dubious decision made with unsound data. For many of us our greatest comfort when feeding our families comes from knowing our produce was locally grown. Furthermore, the seacoast with its temperate and moist air is a perfect environment for growth, both for humans and the fauna that depend upon it for *their* survival.

In short, to the thoughtful members of this commission, halting the growth and development of individuals who wish to participate in an agricultural industry that influenced the epic founding of this great nation, and that is the single most important movement that fueled the development of civilization, is an idea that will surely lead to the impoverishment of our greatest source of sustainability; the ability to have control over the nourishment of our families and their welfare.

Thank you for your kind consideration of these thoughts.

Sincerely,

Mrs. K. Isaiah Black

Santa Rosa Valley, California 93012

Comments on Los Angeles County's proposed LCP adoption - policy CO102

John Freeman [jfreeman@celgene.com]

Sent: Friday, April 04, 2014 2:48 PM

To: CoastalSantaMonicamtms

To whom it concerns,

I am qualified to comment on the proposed Santa Monica Mountains Land use policy CO102 from two perspectives:

- a) I am a resident of Malibu and the Santa Monica Mountains, and
- b) I have had practical experience and involvement in viticulture.

I object to the proposed wording and the process by which it has been developed on several counts:

- 1. This policy is inconsistent with existing coastal act provisions that encourage agricultural use.
- 2. This area has a rich prior history of agriculture that has been sustained and has been without detrimental impact for an extended period.
- 3. Commercially viable agriculture has already been established and demonstrated as evidenced by award winning wine production and the proliferation of farmers markets.
- 4. Locally produced agricultural products are being produced in a sustainable manner and are meeting a growing societal demand for local, known source products.
- 5. A clear and demonstrable number of people have income and livelihoods that depend on agriculture in this area.
- 6. Existing planning laws already offer extensive controls of land use and development.
- 7. Because of topography agricultural land use will be naturally limited.
- 8. The final adoption of this policy has not been subject to adequate public awareness and consultation. It has been on file since 2007 and is being inappropriately expedited without adequate consultative steps.
- 9. The manner of implementation will provide basis and opportunity for legal challenge of any implemented policies – which is not in tax payers interest or good use of public funds.

I urge the commission not to vote in favor of adoption of policy CO102 and instead send the matter back to LA County for further consideration and public consultation.

Thank you

John Freeman
310 589 4925

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sender to notify us of the error and delete the original
message. Thank You.

Agenda Item No.Th 17a and 17b - Santa Monica Mountains LCP

Damon Bunetta [dbunetta@gmail.com]

Sent: Friday, April 04, 2014 12:22 PM

To: CoastalSantaMonicamtms

To whom it may concern on the Coastal Commision staff:

I have been a resident of the Monte Nido neighborhood in Malibu Canyon / Calabasas for 25 years. I own a home here. My brother owns a home here. My parents own a home here. Please reconsider your proposed modifications to the LUP. I realize that the County's version is not perfect but these changes would signifigantly alter our lifestyles for the worse.

Sincerely,
DB

--
Damon Bunetta

Family Affair Productions
818.610.9539 ☎ mobile
818.222.6170 ☎ studio

ATTN: Changes Made to LCP Letter of Opposition

villacalcare@aol.com

Sent: Monday, April 07, 2014 2:33 PM

To: CoastalSantaMonicamtms

To Whom It May Concern,

As a resident, business owner, and active participant of the Malibu community for over 25 years, I am abhorred by the proposed measure to enact a new Local Coastal Program to the unincorporated Malibu area and existing LCP.

The exorbitant LCP would not only render injury to the established properties in the *unincorporated* Malibu-area, but also to the City of Malibu, by discouraging commerce, leisure, and tradition, all under the guise of environmental statutes. Malibu is so much more than simply a *beach* community, as revenues and residents alike attest, and we need to maintain the culture of tradition that stretches hundreds of acres into the Santa Monica Mountains and canyons.

By proposing a ban on all future agriculture, you discourage the development of vineyards, stables, and organic farms, and consequently, discourage wineries, tourism, and farmers markets. I strongly encourage the Los Angeles Board of Supervisors to consider revising the LCP to maintain the agricultural and equestrian tradition of Malibu.

Thank you for your time and consideration.

Sincerely,

Mehrdad Sahafi, Proprietor

Mobile: 310.877.9720

- Please consider the environment before printing this email.-

ATTN: California Coastal Commission Hearing New Malibu LCP

Mehrdad Sahafi [villashiraz@aol.com]

Sent: Monday, April 07, 2014 2:20 PM

To: CoastalSantaMonicamtms

Cc: msahafi@aol.com

To Whom It May Concern,

As a resident, business owner, and active participant of the Malibu community for over 25 years, I am abhorred by the proposed measure to enact a new Local Coastal Program to the unincorporated Malibu area and existing LCP.

The exorbitant LCP would not only render injury to the established properties in the *unincorporated* Malibu-area, but also to the City of Malibu, by discouraging commerce, leisure, and tradition, all under the guise of environmental statutes. Malibu is so much more than simply a *beach* community, as revenues and residents alike attest, and we need to maintain the culture of tradition that stretches hundreds of acres into the Santa Monica Mountains and canyons.

By proposing a ban on all future agriculture, you discourage the development of vineyards, stables, and organic farms, and consequently, discourage wineries, tourism, and farmers markets. I strongly encourage the Los Angeles Board of Supervisors to consider revising the LCP to maintain the agricultural and equestrian tradition of Malibu.

Thank you for your time and consideration.

Sincerely,

Roxanne Satarzadeh

Agenda Item No. 17 and 17 b - SMM LCP

Susan Burger [susan@susanburger.com]

Sent: Monday, April 07, 2014 10:37 AM

To: CoastalSantaMonicamtms

Agenda Item No. 17a and 17b – Santa Monica Mountains LCP.

I am a resident of Malibu. Although this does not affect me directly, I think the proposed land use restrictions concerning a landowner's ability to clear one's land, grow, food, produce, crops and raise livestock is 100% contrary to the "American Way" and our constitution.

It is just another ploy to in the long run to completely take control of our land, force us to consume only GMO food produced by the BIG food producers and continue to be poisoned by the Chemical Trails that are consistently sprayed over our heads on a weekly basis. We are all aware of the bigger plan and not buying it.

Susan Burger

Agenda Item No. 17a and 17b – Santa Monica Mountains LCP.

Isabel Miller [isabelmiller@yahoo.com]

Sent: Monday, April 07, 2014 12:45 PM

To: CoastalSantaMonicamtms

Agenda Item No. 17a and 17b – Santa Monica Mountains LCP.

;

- 1) Agriculture has been in these mountains for over 200 years, and that it is not only part of our history, it is the soul of our lifestyle and culture.
- 2) Despite the dismissive findings in the staff report, Agriculture was and remains viable in our mountains.
- 3) The staff report has NO data on the number of acres presently under cultivation, what types of crops are grown, their quality and quantity, and what the future potential is for responsible and environmentally sensitive expansion of agriculture. The coastal act requires them to do so. (sections 30241 and 30242)
- 4) Some of the best wines and finest specialty crops in the state are grown in our mountains.
- 5) Agriculture is the foundation for a flourishing tourism into the National Recreation Area, bringing thousands of people to the wine tasting rooms, restaurants, and farm tours.

Santa Monica Mountains LUP

Don Richstone [malibubeach@earthlink.net]

Sent: Friday, April 04, 2014 5:43 PM**To:** CoastalSantaMonicamtms**Cc:** Donald Richstone [malibubeach@earthlink.net]

Dear Coastal Commissioners; The concept of banning all agriculture is an idea from a bygone era. We live in the time of organic agriculture, farm to table, farmers markets and locally grown produce. Anyone who lives in Malibu as I have for well over 30 years knows that the idea that the only lands suitable for agriculture are owned by Rosenthol and Semmel is an outrageous confabulation. Let's see you do something constructive and imaginative. I know that you can do so much better for the public and the environment. Think out of the box and solicit new ideas please.

Sincerely;

Donald Richstone

DRE 00814460

Coldwell Banker, Malibu

310 457 4264 Tel.

310 383 1107 Cell.

malibubeach@earthlink.net

April 7, 2013

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

VIA EMAIL santamonicamtms@coastal.ca.gov

RE: Agenda Item No. Th 17a and 17b – Santa Monica Mountains LCP.

Honorable Commissioners:

We are residents of the Santa Monica Mountains, specifically Topanga Canyon. We moved here about ten years ago, and in that time I have seen first-hand the importance of protecting the fragile environment of the Santa Monica Mountains Coastal Zone for the benefit of future generations of visitors and residents alike. I am therefore proud to support your staff's recommendation to certify the Santa Monica Mountains Land Use Plan on April 10th, and I hope you will do so without delay.

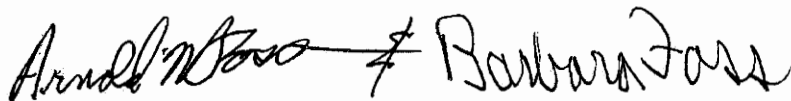
Over the past several months, we have been pleased at our friends and neighbors ability to talk with the county about our questions, read the plan online, and participate in community meetings.

After this opportunity for thorough review, I am convinced that this critical plan will preserve our rural way of life—including our ability to keep horses and organic gardens. It will set forth clear rules of the road so that all will know what to expect when we want to add a bedroom or remodel our house. It will restore our ability to work directly with the County of Los Angeles, our locally elected government. And, it will enact critical protections against the wrong kind of development—including those on ridgelines, in sensitive riparian areas, and in native woodlands. Finally, it will stop the spread of commercial agriculture which today threatens to take over the native chaparral and sage scrub environment with water- and pesticide-intensive commercial operations that degrade the water quality of our streams and beaches..

I appreciate the historic work of the Coastal Commission in preserving the Santa Monica Mountains—a critical open space resource and one of the last contiguous areas of Mediterranean biome that provides irreplaceable recreational opportunities—on trails and at the beaches—for the millions of Californians who live nearby. I am confident that, by certifying the LCP, the Coastal Commission will continue your legacy of environmental protection.

I urge your full and enthusiastic support of the Santa Monica Mountains LCP on April 10th.

Sincerely,

A handwritten signature in black ink, appearing to read "Arnold & Barbara Foss". The signature is written in a cursive, flowing style.

Arnold & Barbara Foss

2175 Tuna Canyon Road, Topanga, California 90290

Opposition to proposed Los Angeles County Land Use Plan Amendment No. LCP-4-LAC-14-0108-4

Kenneth Charles Greene [kenlaw100@gmail.com]

Sent: Tuesday, April 08, 2014 10:28 AM

To: CoastalSantaMonicamtms

Cc: steve@triuinfocanyonvineyards.com; Stephen Levine [slevine@wrslawyers.com]

Dear California Coastal Commissioners:

I write you to voice my opposition to the proposed Los Angeles County Land Use Plan Amendment No. LCP-4-LAC-14-0108-4. If the proposed LUP/LCP is approved as currently written it will prohibit future agricultural growth in the Santa Monica Mountains.

The Federal Government has extensively analyzed the Santa Monica Mountain region and determined that it is a distinct, significant grape growing region worthy of designation as an American Viticultural Area (AVA). The Alcohol and Tobacco Tax and Trade Bureau of the US Department of Treasury (TTB) has published the proposed rule after unanimous support during the public comment period; the publication of the law is imminent. When asked about the CCC's proposed prohibition, the TTBs response was: "this is a grape-growing region with a viable commercial viticultural community". The CCC staff reference to the lack of California recognizing the area as agriculturally significant is because it is a Federal jurisdiction and the Federal Government is about to do so.

The 1976 California Coastal Act protects and prioritizes agricultural land use in the Santa Monica Mountains over all other types of use. I support section 30241 and section 30242 of the California Coastal Act, which has sustained the ecological balance in this region for more than 35 years.

Today, hundreds of small organic farms, orchards and vineyards exist in the Santa Monica Mountains. If the proposed LUP in its present form is implemented thousands of jobs that depend on local agriculture will be lost.

The Coastal Commission Staff report is not accurate and does not present all of the facts. They claim "Given the steep topography, poor soils, limited water availability and constrained access within the plan area, the Santa Monica Mountains have never been an area particularly conducive for agriculture." Quality grapes thrive in poor soils. The most cherished vineyards in the world are not in fertile valleys but in hillside slopes, whereby vine are stressed.

The CCC staff report claims "the Santa Monica Mountains have never been an area particularly conducive for agriculture", when in fact vineyards have existed in the Santa Monica Mountains for more than 200 years and are well documented.

Further, CCC staff is critical of the small scale of vineyards in the AVA and characterize them as "hobby vineyards". It is already well documented that wine produced from vineyards in the Santa Monica Mountains is commercially available for sale and bringing revenue into the region.

Lastly, vineyards are natural firebreaks that protect human life and private property from the fires that occur regularly in the Santa Monica Mountains.

I urge you to reject Staff's proposal and allow our agricultural community to continue to thrive.

Kenneth Charles Greene, Esq.
Law Offices of Kenneth Charles Greene

Opposition to proposed Los Angeles County Land Use Plan Amendment No. LCP-4-LAC-14-0108-4

Lstorch [lstorch@aol.com]

Sent: Tuesday, April 08, 2014 10:39 AM

To: CoastalSantaMonicamtms

Subject Line:

Dear California Coastal Commissioners:

I write you to voice my opposition to the proposed Los Angeles County Land Use Plan Amendment No. LCP-4-LAC-14-0108-4. If the proposed LUP/LCP is approved as currently written it will prohibit future agricultural growth in the Santa Monica Mountains.

The Federal Government has extensively analyzed the Santa Monica Mountain region and determined that it is a distinct, significant grape growing region worthy of designation as an American Viticultural Area (AVA). The Alcohol and Tobacco Tax and Trade Bureau of the US Department of Treasury (TTB) has published the proposed rule after unanimous support during the public comment period; the publication of the law is imminent. When asked about the CCC's proposed prohibition, the TTBS response was: "this is a grape-growing region with a viable commercial viticultural community". The CCC staff reference to the lack of California recognizing the area as agriculturally significant is because it is a Federal jurisdiction and the Federal Government is about to do so.

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Lastly, vineyards are natural firebreaks that protect human life and private property from the fires that occur regularly in the Santa Monica Mountains.

I urge you to reject Staff's proposal and allow our agricultural community to continue to thrive.

Lawrence Storch
lstorch@aol.com

Sent from my iPhone

Letter

Hueston, John [JHueston@irell.com]

Sent: Tuesday, April 08, 2014 10:47 AM

To: CoastalSantaMonicamtms

Dear California Coastal Commissioners:

I write you to voice my opposition to the proposed Los Angeles County Land Use Plan Amendment No. LCP-4-LAC-14-0108-4. If the proposed LUP is approved as currently written it will prohibit future agricultural growth in the Santa Monica Mountains.

The Federal Government has extensively analyzed the Santa Monica Mountain region and determined that it is a distinct, significant grape growing region worthy of designation as an American Viticultural Area (AVA). The Alcohol and Tobacco Tax and Trade Bureau of the US Department of Treasury (TTB) has published the proposed rule after unanimous support during the public comment period; the publication of the law is imminent. When asked about the CCC's proposed prohibition, the TTBs response was: "this is a grape-growing region with a viable commercial viticultural community". The CCC staff reference to the lack of California recognizing the area as agriculturally significant is because it is a Federal jurisdiction and the Federal Government is about to do so.

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Further, CCC staff is critical of the small scale of vineyards in the AVA and characterize them as "hobby vineyards". It is already well documented that wine produced from vineyards in the Santa Monica Mountains is commercially available for sale and bringing revenue into the region.

Lastly, vineyards are natural firebreaks that protect human life and private property from the fires that occur regularly in the Santa Monica Mountains.

I urge you to reject Staff's proposal and allow our agricultural community to continue to thrive.

John Hueston

PLEASE NOTE: This message, including any attachments, may include privileged, confidential and/or inside information. Any distribution or use of this communication by anyone other than the intended recipient(s) is strictly prohibited and may be unlawful. If you are not the intended recipient, please notify the sender by replying to this message and then delete it from your system. Thank you.

Los Angeles County Land Use Plan Amendment No. LCP-4-LAC-14-0108-4.

Michael Barnes [mbarnes@barneslaw.us]

Sent: Tuesday, April 08, 2014 8:12 AM

To: CoastalSantaMonicamtms

I write in opposition to Los Angeles County Land Use Plan Amendment No. LCP-4-LAC-14-0108-4.

For the Commissioners' background, below is a short primer on 200 years of Malibu and Santa Monica Mountains viticulture. The Staff Report appears to have ignored this important, culturally-relevant information.

A Short Primer on the 200 Year History of Viticulture in Malibu/Santa Monica Mountains

By: Michael Barnes 2004

Malibu's vineyard and wine history may be obscure, but that is due only to neglect.

Forget Napa. Commencing with the plantings of the Mission priests beginning in 1760, Los Angeles had over 4 million grape vines and two dozen large wineries before Napa got its first winery during the Civil War. Malibu's first vineyard predates Napa's by 50 years. By the time Napa was getting its start, Malibu had 500 acres of vineyards were already in the ground.

The story of Malibu vines and wines begins with the Spanish Missionaries under Junipera Serra. Father Serra built vineyards around each mission. The first recorded "Mission Vintage" in Southern California was 1769.

Around the time of that first vintage, a soldier named Jose Bartolome Tapia visited Malibu as a common soldier with Spanish Captain Juan Bautista de Anza. A few decades later, Tapia retired from service, and in 1800 Tapia moved his family to San Gabriel. Remembering his visit to Malibu Creek decades before, he petitioned and (in 1805) was granted a "concession" (like a lifetime lease, common as a retirement reward for military service) of the "Topanga Malibu Rancho" by the Spanish military commander in Santa Barbara.

Recorded dates vary, but sometime around 1802-1805, Tapia moved his family to Malibu – to the "Vaquero Flats," which is the area now occupied by the Malibu Lagoon Museum and Cross Creek shopping area. (Vaquero Flats isn't the only name change that has occurred over the past 200 year. The original Chumash name for the region, *Umalibu*, was variously known over the years as *Malibu* (1805), *Maligo* (1827), *Malago* (1851), *Malico* (1860), and *Malaga*. Around 1881, the *Malibu* stuck.)

Malibu pioneer Tapia died in 1824, and he left his property to his wife, Maria Francisca Mauricia Villalovo. Tapia's last will and testament will did not spell out the size or the boundaries of his Topanga Malibu Rancho, nor the amount of acres, nor anything we worry about in modern land transfers.

Rather, Tapia's will described his vast land estate as "the vineyard with the little planting ground." In order for his widow to carry on the vineyard, he bequeathed her the wine and brandy equipment. And as a footnote, he added, "the ranch and the cattle." Tapia's last will noted that his vineyard extended to "where it is fenced to the ditch of the deceased Mariano Verdugo." Perhaps the vineyard extended past the ditch, and Tapia was recording the cut-off line for his property. This implies that the Verdugo family owned the remaining portion of the vineyard, continuing past the ditch.

Who was this Verdugo fellow? Verdugo was the ex-mayor of the Los Angeles pueblo, and a fellow retired Spanish soldier. Verdugo passed away a few months before Tapia.

So at his death 1824, one of the owners of Malibu pretty much considered his Malibu property to consist of "the vineyard" and some winemaking equipment. He apparently shared his Malibu vineyard with the ex-Mayor of Los Angeles.

And so, 200 years ago, began a long tradition of politicians growing vineyards and drinking wine at Vaquero Flats, aka Malibu. Malibu's City Hall is but a few hundred yards from this 200-year old original Malibu vineyard.

We have no specific record of Tapia's (or Mayor Verdugo's) vintages or harvests, or even what types of grapes he grew. Presumably, they were the so-called "Mission" grape, introduced into California by Junipero Serra from the 1760's through the early 1800's. But suffice it to say, in 1824, the original Malibu vineyard at Vaquero Flats - Cross Creek - was the main identifying feature of what was to become "Malibu."

Two generations later, this early 1800's Malibu vineyard and winery equipment, was swapped for wine, victuals and some cash. It rivaled the elementary school story about the purchase of Manhattan Island for "wampum beads." In Malibu, it was jugs of wine, not beads, that served as the currency. It happened in 1848 - a year after the California territory was ceded by Mexico to the U.S.

In that year, on the eve of the California Gold Rush, Tapia's widow sold the Malibu Rancho to her granddaughter and her husband, Victor Prudhomme. The 1848 price for the Topanga Malibu Rancho? 200 Mexican pesos worth of wine and foodstuffs, plus 200 pesos cash. Perhaps a Pepperdine finance student can analyze which was the better deal - Peter Stuyvesants' purchase of New York in 1658, or Prudhomme's 1848 deal for Malibu Topanga for 400 pesos.

A decade later, in 1857, Matthew Keller bought the Malibu rancho from Prudhomme, for about 10 cents an acre. (Apparently, Prudhomme had borrowed money from Keller, and Prudhomme settled the debt by granting Malibu to don Keller.) California was now a state, and the Gold Rush in full swing. The Malibu Topanga sequit - from the vineyard referenced by the Tapia, to the 13,000 acres of coastal land -- now belonged to Matthew Keller.

Keller finally got the courts to declare him the legal owner of Malibu in 1864, granting clear title to a piece of the original Tapia rancho - from Las Flores Canyon to the Ventura County line, running a little over a mile inland. Keller built his family a little house next to a stream in a secluded canyon of Malibu. The refurbished 1864 Keller House still stands - in Solstice Canyon Park in Malibu.

Keller - known as "Don Mateo Keller" to his contemporaries - was the largest vineyard owner in California, and one of the foremost viticulturalists in the United States. Keller's obituary in a Los Angeles newspaper reported that Keller had planted "500 acres of vineyards" in Malibu around 1879. The exact locations of those vineyards are lost to time. But it is certainly possible that Keller planted at least one vineyard near his 1864 Malibu adobe house, in Solstice Canyon.

Daniel Forge -- for 20+ years the proprietor of the Beaurivage Restaurant, about ½ mile downstream from the Keller adobe - tells of the "wild" grapevines he encountered in the Solstice Canyon creekbed. (This author has been shown one such vine.) A direct descendant of one of Keller's 500-acres of mystery Malibu vineyards? Or, perhaps of the first Tapia and Verdugo vineyard at Cross Creek/Vaquero Flats? Some things remain a mystery.



April 7, 2014

California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Re: Los Angeles County Land Use Plan Amendment No. LCP-4-LAC-14-0108-4 (Santa Monica Mountains Land Use Plan) – Support with changes

Dear Commissioners,

I am writing on behalf of Global Green USA regarding the Land Use Plan (LUP) that the Commission is considering adopting, the first part of the proposed Local Coastal Program (LCP). We support the proposal's goal to protect and preserve environmentally sensitive habitats in the Santa Monica Mountains. However, we are concerned about the proposed ban on agriculture – a nuanced and diverse practice – and urge the Commission to prohibit specific agricultural practices, rather than all agriculture. We ask that the Commission modify this ban during the Local Implementation Plan (LIP) in the coming months.

Global Green is a national non-profit environmental organization dedicated to fighting climate change and greening the built environment. We are the only national environmental non-profit organization headquartered in Santa Monica, and have worked with the City and County on various environmental initiatives over the past 20 years. We have worked on the issue of local, urban food production to revitalize areas of the Mid-west, and are currently investigating how urban food hubs can be used to increase access to fresh, healthy food in food deserts.

To begin with, we ask that the proposal clarify the difference between "agriculture" and a "garden." In section C0-102 on page 26, the proposal states, "New crop, orchard, vineyard, and other crop-based non-livestock agriculture uses are prohibited.... Gardens located within the building site area... may be allowed." Agriculture and gardening include overlapping practices and methods, and it is currently unclear how the proposal distinguishes one from the other. We request a clear definition of farming versus agriculture before the Commission votes on the (LIP) in the coming months, the second part of the LCP process.

Furthermore, a strict ban on all agriculture is an overly broad solution to address a very specific problem. Revised Policy LU-11 in Section C. on page 27 clarifies that the goal of prohibiting any new crop-based agriculture in the Santa Monica Mountains is to "preserve natural topography and locally-indigenous vegetation, and to prevent the loading of soil and chemicals into drainage courses." We agree that these are crucial goals, however they can be met while still supporting a selection of agricultural practices. There are currently multiple forms of certified organic, biodynamic, chemical free, and/or water efficient agricultural in the Santa Monica Mountains, which provide food and build community for local residents. Local food production prevents CO2 emissions associated with food transport and travel; biodynamic farming can actually enhance the surrounding soil and land by creating an array of nutrients.

HEADQUARTERS: 2218 Main Street, 2nd Floor | Santa Monica, CA 90405 | Phone: 310.581.2700 | Fax: 310.581.2702
WASHINGTON D.C.: 1100 15th Street, NW. 11th Floor | Washington D.C. 20005 | Phone: 202.222.0701 | Fax: 202.222.0703
NEW ORLEANS: 2407 South Broad Street | New Orleans, LA 70125 | Phone: 310.581.2700 | Fax: 310.581.2702
NEW YORK: 350 7th Avenue, 17th Floor | New York, NY 10001 | Phone: 310.581.2700 | Fax: 310.581.2702



It is overly broad to ban all agricultural, and a better approach would be to ban specific forms of agriculture that are harmful to the surrounding environment. This could include banning harmful practices and farming techniques, banning agriculture beyond a certain acreage level, and more. As with any ban, this should be paired with regular enforcement.

Global Green is dedicated to protecting the planet's people and places in need. A more nuanced ban on harmful agricultural practices, verses a blanket ban on all agriculture, will allow us to protect our region's natural eco-system while still encouraging innovative local food production. We urge the Commission to ban specific forms of agriculture, rather than all agriculture, before passing the LCP.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mary Luévano".

Mary Luévano
Interim Executive Director
Global Green USA

HEADQUARTERS: 2218 Main Street, 2nd Floor | Santa Monica, CA 90405 | Phone: 310.581.2700 | Fax:310.581.2702
WASHINGTON.D.C: 1100 15th Street, NW. 11th Floor | Washington D.C. 20005| Phone: 202.222.0701| Fax:202.222.0703
NEW ORLEANS: 2407 South Broad Street | New Orleans, LA 70125 | Phone: 310.581.2700 | Fax:310.581.2702
NEW YORK: 350 7th Avenue, 17th Floor | New York, NY 10001| Phone:310.581.2700 | Fax:310.581.2702

Commentary Re: April 10, 2014, Agenda Items Nos. 17a and 17b

Samantha Blake [sam.blake7@gmail.com]

Sent: Monday, April 07, 2014 5:10 PM**To:** CoastalSantaMonicamtms

Dear Commissioners:

My husband and I have an active coastal permit and are in the process of developing a property in the Santa Monica Mountains. We subsequently acquired an additional adjoining property. The properties are currently zoned A-1 (Light Agricultural). I am an avid organic gardener, with aspirations someday to have a small-scale organic farm and orchard. Some of the produce I grow in my backyard garden has already garnered interest from a local farmer's market and a restaurateur. The potential to grow food crops commercially on a small scale was a driving factor in our choice of those particular properties.

While I recognize that it has been a practice of the Coastal Commission in the recent past to deny most permit applications for commercial crop uses in the Santa Monica Mountains, Los Angeles County's recommended ban on all future commercial crop uses forecloses the possibility altogether. I submit that growing food locally is a vitally important use of the land that sustains our communities while ensuring our food security into the future.

With sensitive, low-impact farming practices, agriculture and the unique ecosystem of the Santa Monica Mountains can coexist in harmony. In my experience gardening here for the past 13 years, I have found the soil to be extremely fertile and suitable to growing a great variety of fruits and vegetables year-round. Local, low-impact, organic food production reduces carbon emissions through reduced travel miles and sequesters carbon through the use of composting and soil-building. Good organic farming practices also reduce water use significantly, which is important as our water resources in Southern California face an uncertain future. Responsible organic farming also helps sustain the native populations of birds, bees, and other creatures that comprise the unique ecosystem found here.

I urge that the Commission consider carefully the potentially adverse long-term impact that would result from adopting the proposed blanket ban on future commercial crop uses. Not only does this deprive landowners of a significant beneficial use of their land, but it deprives the surrounding communities of access to healthy, locally produced food they may not otherwise have access to.

Samantha Blake

Christensen, Deanna@Coastal

From: Ainsworth, John@Coastal
Sent: Tuesday, April 08, 2014 11:23 AM
To: Christensen, Deanna@Coastal
Subject: FW: CCC Hearing Thursday April 10th 2014 - Agenda Item No. 17a and 17b – Santa Monica Mountains LCP.

-----Original Message-----

From: John Freeman [<mailto:jfreeman999@icloud.com>]
Sent: Tuesday, April 08, 2014 11:07 AM
To: Ainsworth, John@Coastal
Subject: CCC Hearing Thursday April 10th 2014 - Agenda Item No. 17a and 17b – Santa Monica Mountains LCP.

Dear Commissioners,

Doubtless you will have already heard from numerous commentators concerning the proposed adoption of the Santa Monica Mountains LCP.

My points are simple and direct:

1. There has been insufficient consultation and engagement of stakeholders - the matter is being rushed for no apparent reason.
2. There are factual inaccuracies within the Coastal Commission Staff report that demand reconsideration. This is especially so where the report makes sweeping and uninformed statements around the absence of viable commercial agriculture.
3. As currently written and constructed, policy CO-102 will merely propagate mis-understanding, it fails to address the underlying objective and is probably unenforceable - the only winners will be attorneys representing the aggrieved parties, the losers will be the public purse who have to defend against such claims.

PLEASE DO THE RIGHT THING AND REJECT THIS PROPOSAL - SEND IT BACK FOR MORE WORK AND MORE CONSULTATION.

Thank You

John Freeman
Malibu CA

Sent from my iPhone

25 more people signed: graham burton, William T Batson...

Grace Guzman [mailto:mail@changemail.org]

Sent: Tuesday, April 08, 2014 10:41 AM

To: CoastalSantaMonicamtms

25 people recently add their names to Coastal Coalition of Family Farmers's petition "Local Coastal Program: Protect the Future of Farming in the Santa Monica Mountains". That means more than 500 people have signed on.

There are now 401 signatures on this petition. Read reasons why people are signing, and respond to Coastal Coalition of Family Farmers by clicking here:

<http://www.change.org/petitions/local-coastal-program-protect-the-future-of-farming-in-the-santa-monica-mountains/responses/new?response=b4461a9b998f>

Dear Local Coastal Program,

Protect the Future of Farming in the Santa Monica Mountains

Sincerely,

- 401. graham burton skillman, New Jersey
- 400. William T Batson Llano, California
- 399. Tina Michel Topanga, California
- 398. Rob Cashulin Malibu, California
- 397. Michael Barnes Los Angeles County, California
- 396. Pam Hanson Woodland Hills, California
- 395. Daryn Longman La Jolla, California
- 393. Christopher Deleau Oak Park, California
- 392. Azmina Kanji Chatsworth, California
- 391. Amanda McClelland St. Louis, Missouri
- 390. Rachel Stafford-Lewis San Clemente, California
- 389. Jackie Saiz Simi Valley, California
- 388. Lizi Ruch Marina del Rey, CA, California
- 387. Suheila Mouammar Malibu, California
- 386. Oliver Jerde Los Angeles, California
- 385. Annette Branch Camarillo, California
- 383. Briana London Los Angeles, California
- 382. Matthew Cotter Tarzana, California
- 381. ursula spadea , Germany
- 380. Merle DerVartanian Westlake Village, California
- 379. Otis Bess Brisbane, California
- 378. Thomas Brown Westlake Village, California
- 376. Johanne Zell Santa Rosa Valley, California
- 375. Grace Guzman Torrance, California
- 374. Robert Coffey Camarillo, California



P.O. Box 245
Agoura Hills, CA 91376
Phone: 818.991.1236
Fax: 818.889.4540
www.gotorec.org

California Coastal Commission
45 Fremont St. Suite 2000
San Francisco, CA 94105

Re: Santa Monica Mountains Local Coastal Program LUP
April 10, 2014, Agenda Item 17a

Dear Chair Kinsey and Coastal Commissioners:

The Recreation and Equestrian Coalition (REC) represents a broad coalition of the Los Angeles County equestrian community. For the past 15-years, REC has been actively engaged in preserving and enhancing the equestrian life in the Santa Monica Mountains as well as equestrian access and use of the Santa Monica Mountains National Recreation Area. REC actively participated in the proceedings leading up to the Commission's adoption of the Malibu LCP in 2002 and Los Angeles County adoption of the Santa Monica Mountains North Area Plan in 2000, which covers the area outside the coastal zone. And REC participated in all of the Los Angeles County workshops and hearings for the Santa Monica Mountains LCP in 2006 and 2007.

The County LCP encompasses over 33,000 acres of private property comprised of approximately 8,000 private lots. Many of these properties contain equestrian facilities and uses that serve not only the owner, but many who ride horses in the Santa Monica Mountains National Recreation Area. Most equestrians who ride in the National Recreation Area do not have the means to trailer horses in for a day ride. Most have to find a way to keep their horses in the area. The public lands in the Santa Monica Mountains National Recreation Area do not provide places to board horses. Private property owners have fulfilled that role through what is commonly referred to as backyard boarding. Reducing the number of places where horses can be kept severely limits equestrian access to the Santa Monica Mountains National Recreation Area.

REC would like to see a LCP adopted for the portion of the Santa Monica Mountains National Recreation Area. However, REC opposes the adoption of the LUP as recommended to you by your staff. If the Coastal Commission intends to certify the LUP, REC requests that you do so on the following basis:

- Reject Suggested Modification 3 and retain the language in Policy CO-12 that allows existing unpermitted equestrian uses and facilities to obtain CDPs.
- Reject Suggested Modification 51 and retain the language in Policy LU-24 with the following exception. To resolve a potential ambiguity between the two paragraphs of the policy, the second paragraph should be revised to state, "Notwithstanding the foregoing, all existing legally established uses and structures that conform to the conditions on which they were legally established are legal conforming uses and structures."
- Add a policy that allows the County to re-adopt the equestrian friendly provisions that were in the County's 2007 draft LCP, which are attached as Exhibit "1."

Attachment D

**Los Angeles County-Santa Monica Mountains Land
Use Plan Amendment No. LCP-4-LAC-14-0108-4**



The Santa Monica Mountains supports a rich history of equestrian use that extends back more than 150 years. In all that time, equestrian uses and facilities have existed in the locations they are found today without impacting water quality or the biological values that you see today in the Santa Monica Mountains. We worked with the County to develop best management practices and policies that would allow equestrian uses and facilities to continue in the Santa Monica Mountains. That work was based on biological and other studies and data which demonstrated that equestrian facilities and uses are not degrading water quality or wildlife habitat. The Coastal Commission found that these measures were consistent with the Coastal Act, when the Commission approved the CDP for the equestrian facilities at Malibu Valley Farms.

We had a plan in 2007 that incorporated these concepts into a LUP that REC believed would allow for equestrian uses and facilities in the Santa Monica Mountains. The 2007 draft LUP provisions governing equestrian facilities are attached as Exhibit 1. The 2007 draft generally allowed equestrian facilities throughout the coastal zone subject to specific measures that the County worked out in partnership with REC. Those measures were designed to assure that coastal resources would be protected. As a result, REC supported the LCP before the Board of Supervisors in 2007.

In the six years since the County initially adopted the LCP in 2007, there have been no public workshops or any other public meetings regarding the LCP about which the equestrian community was notified. We were told that senior Coastal Commission staff had told the County that the LCP was "dead on arrival" and that nothing was occurring.

Suddenly, on January 9, 2014, the new LCP appeared on the County's website with a hearing before the Board of Supervisors set for February 11, 2014. At that time REC was told that the LCP was the same as what we had supported in 2007. It took a couple of weeks before we realized that we were mislead. This LCP does not include any of the equestrian friendly resource protection provisions that we supported in 2007. Instead, the LUP now before you would result in the eventual elimination of equestrian uses and facilities in the coastal zone portion of the Santa Monica Mountains National Recreation Area.

The County's Summary of Individual and Cumulative Impacts explains what occurred.

In 2001, following many years of discussion and the incorporation of the City of Malibu, the County began a dialogue with the Coastal Commission aiming for full certification. The effort culminated in a Board of Supervisors hearing in 2007 when the Board indicated its intent to approve a revised Land Use Plan and Local Implementation Program for the Santa Monica Mountains Coastal Zone. This plan was discussed with Coastal Commission management, and because significant areas of disagreement remained between the Coastal Commission management and the County management, the LCP as heard by the Board in 2007 was never submitted. The County abandoned their efforts at that point, as did Coastal Commission staff...



In 2012, County management and Coastal Commission management revisited the issue of certification in response to new Coastal Commission direction to secure certification of the uncertified segments of the LCPs statewide, as well as updates to existing certified LCPs. In direct meetings between the current Executive Director and the Coastal Commission, the Supervisor for the Third District in which the Santa Monica Mountains are located, Zev Yarsoslavsky, it was agreed that both parties – the County and the Coastal Commission – could move forward with an attempt to certify this LCP. Rather than file the LCP at that time, the Supervisor elected to work cooperatively with the Coastal Commission management and staff to reach a rough consensus on the terms of the LCP. (Ex. 2, p. 3.)

REC certainly does not object to the County working with Coastal Commission staff. However, the draft the County and Commission staff negotiated behind the scenes abandoned the equestrian-friendly provisions in the 2007 draft, without affording the equestrian community an opportunity to respond.

The result is a LCP, which the County Summary of Individual and Cumulative Impacts describes as a “new policy and regulatory strategy.” There have been no workshops on this new policy and regulatory strategy. The County produced biological resource maps without parcel boundaries, so no one could tell how the policies would apply on individual parcels. (Ex. 3.) New biological resource maps with parcel boundaries were finally produced without notice on March 19, 2014, one month after the Board of Supervisors adopted the LCP. (Ex. 4.) The public has had less than two weeks to review these maps.

As a result, equestrians are uncertain about the full ramifications of the LUP on individual equestrian uses. What is clear is that the plan will result in the eventual extinction of equestrian uses and structures in the coastal zone. Your staff report states that “there are relatively few private parcels that can actually accommodate confined animal facilities” under the LCP. (Staff Report, p. 92) That is because the LUP limits equestrian structures on slopes greater than 3:1. In many places, that will limit equestrian structures and uses to areas near drainages that are subject to multiple setbacks and buffers that in many cases would result in no area available for equestrian structures and uses. The staff reports states that only approximately 3,200 acres of private land in the H2 habitat have slopes that are less than 3:1, but that does not account for the 200-foot H1 setbacks, the 100-foot water course setbacks, the 100-foot “vacant land” setback staff is proposing, and the 100-foot setback from public lands.

There is no scientific basis for the reasons given for imposing all of the slope and setback restrictions on equestrian structures and uses. Your staff report relies on the tired old anecdotal claim that confined animal facilities are a recognized source of non-point source pollutants because of the concentration of animal wastes. Between 2000 and 2006, the equestrian community went to great efforts to demonstrate to the County that horse manure is not a source of pollutants and that the use of best management practices can avoid any impacts to water quality or native vegetation. Specifically:



- Coliform bacteria, which your staff report states is the primary pollutant affecting water quality, comes from carnivorous animal waste, not horses. (See Ex. 5.)
- The rise in water pollution in Santa Monica Bay has occurred during a period when there are fewer horses in the Santa Monica Mountains than there were in the past when there was no water pollution. (See Ex. 5.)
- Studies have shown that horse urine that enters soil within 50-feet of a stream does not result in the introduction of any contaminants into the stream. (See Ex. 6.)
- Best management practices can be implemented within 100-foot of a drainage that will prevent surface and groundwater contamination. (See Ex. 7.) There is no basis for the staff report claim that best management practices and runoff control measures can be easily overwhelmed in large rain events. In fact, when bio-swales and best management practices are applied, the runoff during large rain events is the same as a 100-foot buffer.

REC would like the Commission to hold a public workshop to consider the equestrian policy the County initially adopted in the 2007 draft LCP. The Santa Monica Mountains equestrian community views themselves as stewards of the land. Equestrians would like to work in collaboration with the County and the Coastal Commission to protect the resources in the Santa Monica Mountains. REC would like the opportunity for the Commission to consider how that can be accomplished. REC would also like the Commission to hold a public workshop to consider ways to reduce the extraordinary costs to obtain a permit under this plan.

If the Commission intends to adopt the County LUP without any workshops, then, at a minimum, allow existing legally established uses and structures to be treated as conforming under the LUP in Policy LU-24 and allow a path for unpermitted facilities to become legal as the County adopted in Policy CO-12.

Under your staff's Suggested Modification 51, equestrian facilities that have Commission approved CDPs or which are vested would become legal non-conforming. This means that they cannot be significantly expanded, they cannot be replaced, and they must be removed at the point they must be replaced if they do not conform to the County LCP.

This would mean that equestrian facilities that have CDPs from the Coastal Commission would eventually be phased out unless they are on one of the few parcels that to contain an equestrian facility under the LCP. Your staff's recommendation would also mean that all vested equestrian facilities would no longer be vested.

In adopting the LUP, the County recognized that equestrian facilities and uses that have CDPs have already been found to comply with Chapter 3 of the Coastal Act. The County agreed with REC that those facilities should be allowed to continue under an LCP that is intended to implement the Coastal Act's policies. The County also recognized that existing equestrian facilities and uses are vested and not subject to Chapter 3 policies and should be allowed to continue accordingly.



REC believes that the County's policy decision in Policy LU-24 should be respected. However, REC believes that the first paragraph of the policy and the second paragraph as drafted by the County could conflict and are ambiguous. The first paragraph of Policy LU-24 essentially makes limitations that apply to non-conforming uses and structures applicable to legally permitted uses and structures. The second paragraph states the legally established uses are conforming. The two paragraphs could be read to mean that while legally conforming, legal structures and uses would still be subject to the limitations on expansion and replacement that apply to non-conforming uses and structures.

In order to avoid the ambiguity, REC requests that the words "Notwithstanding the foregoing" be added to the beginning of the second paragraph so that the two paragraphs do not cancel themselves out.

REC also believes that the process for legalizing unpermitted equestrian facilities should remain in Policy CO-12. Most of the equestrian facilities that would be considered unpermitted development today, were not recognized as unpermitted development when they were established. Although the extent of the Coastal Commission's authority is more clearly established today, it did not start out that way. Many people did not know they were in the coastal zone. The boundary is not intuitive. The coastal boundary maps, that have always been hard to obtain, did not match the written description of the coastal zone in Section 30303. County staff frequently did not know the location of the boundary to direct people to the Coastal Commission. Many were not aware that "development" under the Coastal Act encompassed far more than what most people understand that term to mean.

Much of this was sorted out over the last 20 years, but many equestrian facilities were established without realizing a CDP was required. These facilities provide a valuable service for the National Recreation Area as places where horse keeping can occur. These are not people who intended to violate the Coastal Act. They should be allowed a path to legalization incorporating the best management practices that can protect coastal resources.

We appreciate your favorable consideration of our requests.

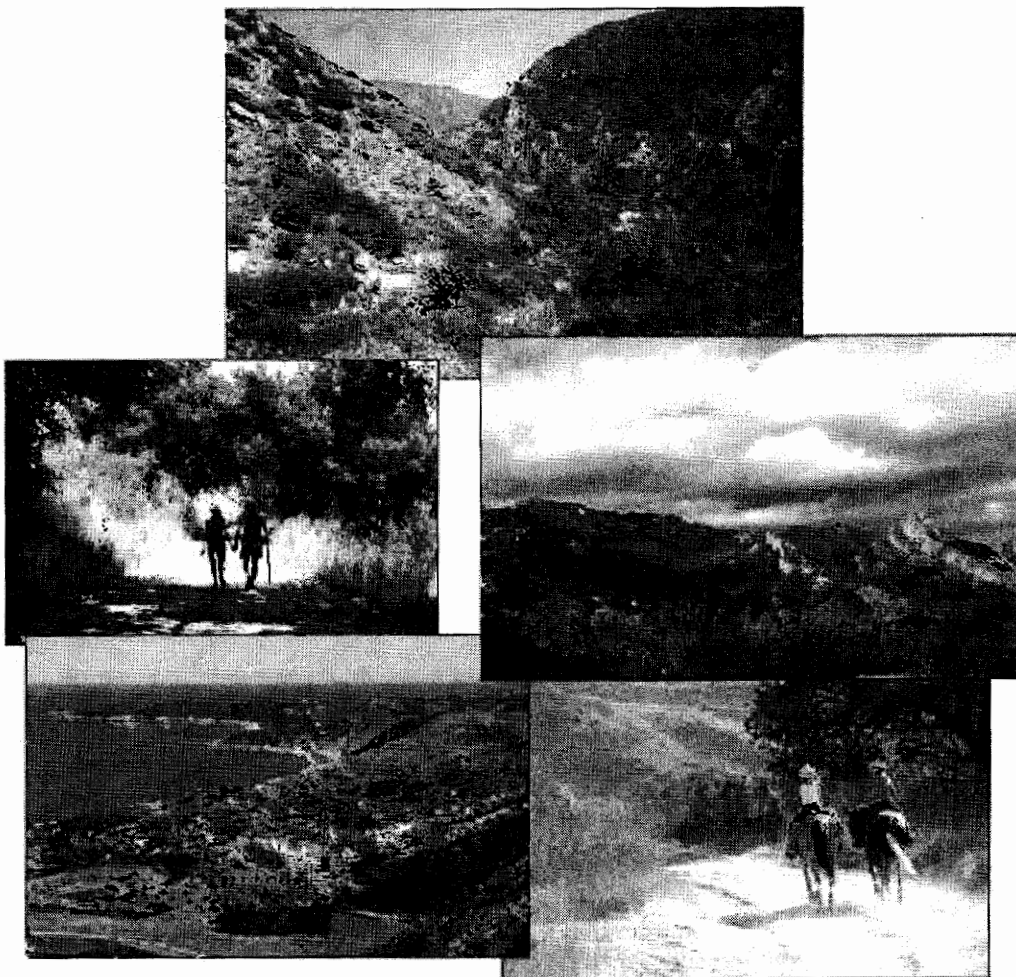
Sincerely,

Ruth Gerson

EXHIBIT 1

Proposed
Santa Monica Mountains
Local Coastal Program
Local Implementation Program

A Component of the
Santa Monica Mountains Local Coastal Program



September 2007
County of Los Angeles
Department of Regional Planning

D. Incentive. Any one incentive listed below may be chosen for any one qualifying action, except as specified below. Only one incentive may be taken.

1. 7,000 cubic yards of grading is permitted before a Major Coastal Development Permit is required.

2. 15,000-square-foot building site is permitted in Significant Watersheds or Significant Woodlands and Savannas.

3. 20,000-square-foot building site is permitted in Watersheds.

4. 30-foot setback is permitted from a Significant Ridgeline.

5. Structure height up to 35 feet is permitted, except in a Scenic Element, along a Scenic Route, or on a Significant Ridgeline.

E. Multiple incentives. If an applicant takes the action of retiring development rights and also takes any other qualifying action as provided in subsection C above, the applicant may choose two incentives as provided in D above.

F. Any action taken by applicant as provided in subsection C above must be recorded by the County Recorder and reported to the Assessor's office. This requirement does not apply to subsection C.2 above. Copies of the recorded documents, including any documents verifying that a dedication or easement has been received by a land conservation agency, shall be provided to the director before a coastal development permit will be issued.

ZONE-SPECIFIC DEVELOPMENT STANDARDS

22.44.700 Livestock management. Property in Zones R-C and R-R may be used for the raising and keeping of horses and other equine, cattle, sheep, goats, llamas, and alpacas, and boarding of horses and other equine, provided the following measures are utilized for all facilities, whether new or existing:

A. Clean water shall be diverted, with a berm or other such measure, around holding pens and the storage or disposal area for waste, compost, fertilizer, amended soil products, and any other byproducts of livestock activities or developed areas to the extent possible;

B. Animal containment facilities shall not be located within natural drainage courses;

C. Animal containment facilities, such as corrals and barns, and accessory structures shall be a minimum of 100 feet from an ESHA. These facilities shall be a minimum of 50 feet from any riparian habitat or natural drainage course that is not a designated ESHA. Brush clearance and fuel modification shall not extend into ESHA or riparian habitat;

D. Fencing for the direct containment of animals, such as for stalls, shall be no more than six feet in height. Fencing that may encompass the greater area of an animal containment facility, such as for paddocks and grazing areas, shall be no more than six feet in height and shall not enclose an area greater than one acre. Fencing for equine and cattle shall have an open design so as not to restrict wildlife movement;

E. Runoff, waste, and waste byproducts from animal containment facilities must be contained on the parcel and disposed of in an approved manner;

F. Animal containment facilities shall not discharge sedimentation or polluted runoff onto any public road, adjoining property, or in any drainage course;

G. Oak trees situated within animal containment facilities shall be protected from rubbing, chewing, or scratching by the contained livestock; and

H. The following BMPs shall be incorporated to minimize direct loading of animal waste, fertilizers, chemicals, and other agricultural products, runoff, and sediments:

1. Stockpiled dirt should be protected from wind and water erosion by using tarps and jute netting to cover the pile;

2. Manure, waste, oils, chemicals, fertilizers, and other such materials shall be stored in a sealed area, inside a structure, or in a covered container with an impervious bottom surface;

3. Manure, waste, oils, chemicals, fertilizers, and other such materials shall be stored at least 100 feet away from any ESHA. These materials shall be stored at least 50 feet away from any non-ESHA natural drainage course, and from any underground water source used for human consumption;

4. Filter strips, natural vegetation, gravel, sand, or other similar materials shall be used along the periphery of corrals, pens, animal showers, and waste containment areas to absorb and treat runoff from animal facilities; and

5. Sediment holding ponds may incorporate phytoremediation techniques.

22.44.701 Bed and breakfast establishments. "Bed and breakfast establishment" means a single-family residence containing guest rooms used for short-term rental accommodations, which provides breakfast for guests of the facility. Property in Zones R-C and R-R may be used for bed and breakfast establishments, provided a major coastal development permit has first been obtained as provided in Part 17 of Chapter 22.56 and Section 22.44.516, and while such permit is in full force and effect in conformity with the conditions of such permit, and with the following conditions:

A. The lot or parcel of land containing the facility shall have, as a condition of use, an area of not less than one net acre;

B. The facility must maintain a residential character;

C. The facility shall be operated and maintained by the owner or lessee of the property, and it shall constitute the primary residence of the owner or lessee;

D. The facility shall contain not more than five guest rooms available for paying guests, and the rooms shall be located only within the primary residence;

E. Stays for any paying guest shall not exceed 14 consecutive days and shall be not more than 30 days for such guest in any calendar year;

F. Kitchens and other cooking facilities shall be prohibited in any guest room within the facility;

G. There shall be one on-site parking space, which may be uncovered, served by an all-weather driveway, for each guest room available for paying guests;

H. Serving or consumption of food or beverages, including alcoholic beverages, shall be restricted to residents and guests of the facility. No restaurant or similar activity that is open to the general public shall be permitted; and

I. One wall-mounted or freestanding sign shall be permitted, provided that such sign does not exceed six square feet in sign area or 12 square feet in total sign area, and when installed does not exceed a height of 42 inches measured vertically from ground level at the base of the sign to the top of the sign.

EXHIBIT 2

SUMMARY OF INDIVIDUAL AND CUMULATIVE IMPACTS

INTRODUCTION

The County of Los Angeles (County) has prepared this document, entitled "Cumulative Impact Assessment for the Santa Monica Mountains Local Coastal Program ("LCP"), for the purpose of evaluating the environmental impacts potentially resulting from the LCP. This study recites key findings of special studies undertaken by the County to assess cumulative impacts. Specific measures to mitigate impacts have been incorporated into the LCP itself.

Relationship between the Coastal Commission and Compliance with the California Environmental Quality Act (CEQA)

California Public Resources Code (PRC) Section 21080.9 – within the California Environmental Quality Act (CEQA) – exempts local governments from the requirement of preparing an environmental impact report (EIR) in connection with their activities and approvals necessary for the preparation and adoption of a local coastal program, or amendments thereto.

Instead, the CEQA responsibilities are assigned to the California Coastal Commission (Coastal Commission). However, because the Natural Resources Agency found the Coastal Commission's LCP review and approval program to be functionally equivalent to the EIR process¹, PRC Section 21080.5 relieves the Commission of the responsibility to prepare an EIR for each LCP or amendment thereto. Nevertheless, some elements of CEQA continue to apply to this review process.

Specifically, pursuant to CEQA and Coastal Commission's regulations², the Coastal Commission's certification of this LCP amendment must be based in part on a finding that it meets the CEQA requirements listed in PRC section 21080.5(d)(2)(A). That section requires that the Coastal 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.

HISTORY

The Santa Monica Mountains Coastal Zone covers the unincorporated area west of the City of Los Angeles and east of Ventura County. It stretches approximately five miles inland from the shoreline and encompasses roughly 52,000 acres and more than 8,000 separate parcels. Despite its size, more than half of the area is currently in public ownership due to the unified efforts of the County, California State Parks, the Santa Monica Mountains Conservancy, and the National Park Service to acquire key park, trail, and habitat areas for the public. The LCP builds upon the preservation efforts described above, respects the rights of private property owners, and

¹ 14 C.C.R. § 15251(f)

² 14 C.C.R. §§ 13540(f), 13542(a), and 13555(b))

represents a renewed level of cooperation between the Coastal Commission and local governments to secure certification of uncertified segments and update existing LCPs.

In 1986, the County received certification from the Coastal Commission for the Land Use Plan portion of the LCP, which at that time also included the area incorporated later as the City of Malibu. In 2001, following many years of discussion and the incorporation of the City of Malibu, the County began a dialogue with the Coastal Commission aiming for full certification. This effort culminated in a Board of Supervisors hearing in 2007 wherein the Board indicated its intent to approve a revised Land Use Plan and Local Implementation Program for the Santa Monica Mountains Coastal Zone. This plan was then discussed with Coastal Commission management, and because significant areas of disagreement remained between the Coastal Commission management and the County management, the LCP as heard by the Board in 2007 was never submitted. The County abandoned their efforts at that point, as did Coastal Commission staff. Meanwhile, the County continued their planning efforts outside the Coastal Zone in the North Area Plan, which has been completed. Finally, the County also continued to participate in the acquisition and preservation of key parcels of land in the Santa Monica Mountains.

In 2012, County management and Coastal Commission management revisited the issue of certification in response to new Coastal Commission direction to secure certification of uncertified segments of LCPs statewide, as well as updates to existing certified LCPs. In direct meetings between the current Executive Director of the Coastal Commission and the Supervisor for the Third District in which the Santa Monica Mountains are located, Zev Yaroslavsky, it was agreed that both parties – the County and the Coastal Commission – could move forward with an attempt to certify this LCP. Rather than file the LCP at that time, the Supervisor elected to work cooperatively with Coastal Commission management and staff to reach rough consensus on the terms of the LCP.

In addition, the County undertook a comprehensive study of the Santa Monica Mountains LCP area (Coastal Zone or Santa Monica Mountains Coastal Zone) from a biological standpoint. Many meetings were held to discuss the LCP and the biological review, and the staffs of both agencies continuously exchanged information. This type of working relationship – called for by the Coastal Commission as far back as December 2012 and continuing through to this day – has led to the possibility that an agreement on the LCP can be reached.

The recommendation for certification subject to Suggested Modifications in this report, if accepted by the Coastal Commission, will resolve the largest uncertified area of the California coast.

DESCRIPTION OF SPECIAL STUDIES FOR THE LCP

The County caused to be prepared a number of highly specific studies to support the LCP and its associated policy adjustments. These are as follows:

A Conservation Analysis for the Santa Monica Mountains Coastal Zone
Significant Watersheds
Historic and Cultural Resources
Geotechnical Resources
Significant Ridgelines
Air Quality
Transportation Study
Stormwater Pollution Mitigation Best Management Practices

All of these studies are incorporated by reference into this document. These studies carefully evaluate the existing resources and the potential development pressure upon them. These studies are summarized in this Cumulative Impact Assessment and included in their entirety in the Appendices submitted in support of the LCP.

The County is taking this opportunity to present a new policy and regulatory strategy to address long term actions for sensitive resources in the Santa Monica Mountains. In doing so, the County is proposing a LCP that is more restrictive –and therefore produces fewer individual and cumulative impacts – than the current practice of the Coastal Commission. A comparison of the current Coastal Commission practices and the proposed LCP is set forth below to provide a basis for the conclusion that under the County LCP individual and cumulative impacts are reduced.

ANALYSIS OF POTENTIAL INDIVIDUAL AND CUMULATIVE IMPACTS

To begin an analysis of individual and cumulative impacts, it is necessary to understand the current practices.

At present, the County evaluates development proposed through the permit process but lacks final permit authority because a complete LCP has never been certified for the Santa Monica Mountains. Thus, once the County has issued what the Coastal Commission refers to as an Approval in Concept, the applicant must secure a coastal development permit (CDP) from the Coastal Commission prior to developing.

Thousands of parcels have been created over time in the Santa Monica Mountains Coastal Zone, some created well before the advent of the Coastal Act. Most of these parcels were created at a time when no comprehensive planning guidance document for the Coastal Zone was in place to steer decisions on the arrangement, number or configuration of these parcels.

With the proposed LCP, the County developed a program that preserves the best practices currently employed by Coastal Commission staff and accomplishes more habitat protection than is legally possible under the Coastal Act alone. Therefore, the LCP, combined with the County's autonomous authority to regulate development and its significant monetary commitment to land acquisition in the Coastal Zone, discussed below, will lead to a more comprehensive regulatory scheme to protect important resources in the Coastal Zone.

A. The County's Approach is grounded in a peer-reviewed biological study of the habitats found within the Santa Monica Mountains Coastal Zone.

The County began its renewed LCP effort by studying the resources of the Santa Monica Mountains Coastal Zone with particular care based on information collected in the more than ten years since the Coastal Commission last considered characterizing these resources. The resource designations and the field confirmations allowed a much more finely textured identification of flora and fauna than had previously been available in this area. The County then worked with Coastal Commission staff to further refine resource classifications and priorities with the goal of identifying the most valuable resources in the Coastal Zone, and distinguishing those resources from those that are important and deserving of protection, but are comparatively less unique and sensitive. The LCP therefore reflects the input of the County biologist, consulting biologists Rob Hamilton and Dan Cooper, as well as Dr. John Dixon and Dr. Jonna Engel of the Coastal Commission.

With this depth of biological input as a foundation, the LCP designates three habitat categories: H1, H2, and H3. In brief, H1 habitat constitutes riparian and wetland areas, including creeks, streams, marshes, seeps, and springs; coast live and valley oak, sycamore, walnut, and bay woodlands; and, alluvial scrub, coastal bluff scrub, native grassland, and rock outcrop habitat types. H2 habitat constitutes areas of high biological significance, rarity, and sensitivity that are important for the ecological vitality and diversity of the Coastal Zone, including large, contiguous areas of coastal sage scrub and chaparral-dominated habitats. H3 constitutes property that would otherwise be designated as H2 habitat but has been significantly disturbed or removed as part of lawfully established development.

Of note, the LCP continues the existing Coastal Commission practice of allowing site specific biological studies to add heretofore undiscovered H1 habitat, and "prove out" of erroneously mapped H1 or H2 habitat. This process is consistent with that of the Malibu LCP, which was written by Coastal Commission staff and certified by the Commission in 2002.

B. The LCP provides an overall level of protection to all areas designated H1 and H2 that exceeds the level of protection provided by current Coastal Commission practices used to enforce the Chapter Three Policies of the Coastal Act.

The LCP has been deliberately crafted through the cooperative efforts of Coastal Commission and County staff to not only meet the requirements necessary to justify certification of an LCP under the Coastal Act, but also improve upon the existing practices of the County and Coastal Commission. To do this, the LCP:

- Prohibits development in the most sensitive habitat areas;
- Meets or exceeds the development standards currently required by the Coastal Commission in all other areas;
- Guarantees additional financial resources to acquire key parcels as permanent open space; and,
- Imposes new standards meant to preserve and enhance coastal resources through requirements ranging from a ban on anti-coagulant rodenticides to limits on the length of new access roads.

Details are set forth below.

1. The LCP will permanently protect all H1 habitat.

The LCP prohibits non-resource dependent development in resources, except for access roads in limited circumstances, designated as H1 habitat. The area designated as H1 (approximately 40 percent of which is on private land) represents the most sensitive habitat in the Santa Monica Mountains Coastal Zone that will be permanently protected upon the certification of the LCP. To further protect this H1 habitat, the LCP provides a 100-foot buffer beyond H1 where all non-resource-dependent development is prohibited wherever feasible. In addition, the LCP extends a further 100-foot protection beyond the H1 buffer by establishing a "Quiet Zone," where uses are strictly limited in accordance with recommendations of the County Environmental Review Board.

As noted above, the LCP's designation of H1 habitat represents the cooperative efforts of Coastal Commission and County biologists to identify the most critical, unique, and important habitat in the Coastal Zone: the most intact riparian areas, as well as rare and sensitive plant communities. Because these areas contain the highest value habitat in this Coastal Zone, any loss of this habitat severely and irreplaceably depreciates the biological resources of the area. Despite the best efforts of the Coastal Commission, these areas have incrementally been lost to development. Certifying the LCP will ensure that this habitat will be permanently protected from nearly all non-resource dependent development even if it is located on private parcels.

2. To protect H2 and H3 Habitat, the LCP codifies and improves upon existing practices which today are only applied on an ad hoc, case-by-case basis and are therefore subject to uneven enforcement and could change at any time.

In addition to placing H1 habitat beyond the reach of non-resource dependent development, the LCP imposes strict development controls to limit the development footprint and avoid or reduce impacts to resources. The LCP employs development standards that meet or exceed those utilized by the Coastal Commission at the present time. A summary of key enhancements are described below. Importantly, these standards would be codified so all interested parties would know the rules before they begin the process. Therefore, land owners will be knowledgeable, can make informed choices, and will be on notice of the rules and expectations before submitting a development proposal inconsistent with the goals and policies of the LCP.

- a. The LCP limits the maximum developable area for a residential³ use to 10,000 square feet—even for those parcels on which the Coastal Commission would currently allow as much as an acre of development area.*

The LCP sets an absolute maximum residential building site area of 10,000 square feet (less than ¼ acre) throughout the Coastal Zone. As with the Coastal Commission's current approach, the building pad, all graded slopes, the primary house, all accessory structures, and all impervious surfaces must be confined within the building site. Further, and consistent with the Commission's approach, only one access driveway (which must be the minimum design necessary required by the Fire Department), one hammerhead turnaround if required by the Fire Department (including associated grading), fuel modification, and limited horsekeeping uses

³ Commercial (in the limited zones where such uses are allowed) and park uses such as camping and trails are not subject to this 10,000 square foot limitation. However, commercial uses are generally limited to a maximum Floor-to-Area ratio, ranging from 0.3-0.5, depending upon the zone.

may extend beyond the building site. But, unlike the Commission's current approach, which allows the pad to be extended up to an acre for larger parcels, this 10,000 square foot standard reflects an absolute maximum that cannot be expanded.

Moreover, the 10,000 square foot limit is subject to numerous restrictions that will often force the building site to be reduced to less than 10,000 square feet. For example, for parcels less than an acre, the building site cannot exceed 25 percent of the parcel. And, for lots smaller than 10,000 square feet in small lot subdivisions such as Las Flores Heights, Malibu Lake, and Fernwood, development is subject to gross structural area limitations which further reduce development intensity. Critically, the LCP also requires all building sites to be reduced where doing so would preserve coastal resources.

b. The LCP will prohibit new vineyard areas anywhere in the Santa Monica Mountains

Coastal Zone and apply best management practices retroactively on existing operations.

The LCP prohibits new or expanded agricultural development, except for residential vegetable gardens for the exclusively noncommercial use of the resident(s), within the building site or within Fuel Modification Zone A. The effect of this regulation is that there will be no new vineyards in this Coastal Zone, with a consequent reduction in impacts to water quality, groundwater supply, and visual resources. Moreover, as it does for confined animal facilities, the LCP requires that existing crop and vineyard areas conform to the LCP Best Management Practices (BMPs).

c. The LCP employs the highest level of state of the art water quality protections.

Working with Coastal Commission technical staff, the County has incorporated all of the suggestions of Coastal Commission staff with respect to water quality. Moreover, the LCP "reaches back" to existing confined animal facilities, and requires them to upgrade manure management and filtration of runoff, among other mandatory improvements.

d. The LCP will ensure that illegally created parcels and other illegal activity cannot be used to surreptitiously increase development rights in the Santa Monica Mountains Coastal Zone.

In keeping with the goal of preventing unpermitted activities from facilitating additional development potential, the LCP will treat areas that have been illegally disturbed as if the original habitat were still in place. This will help remove the incentive, sometimes acted upon under today's regulatory environment, whereby unscrupulous actors will disturb native habitat to gain further development rights. Further, to ensure that illegally created lots from previous decades are not used to increase development potential in the Coastal Zone, the LCP will require a coastal development permit and approval of a tentative subdivision map before allowing development on a lot that was not created in compliance with all requirements of the California Subdivision Map Act and the Coastal Act.

e. H2 areas are additionally protected to ensure the sensitive habitat resources are preserved.

Any development proposed within H2 habitat must undergo a site-specific biological inventory and detailed Biological Assessment, which is then reviewed by the County Biologist and the County Environmental Review Board. Further, the LCP requires that the most sensitive areas within H2 (called H2 High Scrutiny areas) must be preserved wherever feasible. Additionally, all

areas outside of the allowable building site must be permanently protected against future development. H3 habitat areas are subject to review by the County biologist.

f. The LCP enacts key development standards to protect the full range of coastal resources. Under the LCP, habitat considerations are only one of the determinants of development constraints. Numerous LCP standards not related to habitat also act to control development. These include restrictions on development in critical viewshed areas—including all areas visible from public parkland, public trails, and designated scenic routes—as well as areas of steep slopes greater than 15 percent. In addition, the LCP:

- Prohibits development on all mapped significant ridgelines, and requires that development must be sited below all other ridgelines wherever feasible;
- Prohibits the use of highly reflective building materials;
- Prohibits the use of fencing or landscaping that would obscure views from scenic routes;
- Mandates the use of split-level pads to reduce grading in hillside areas;
- Enacts strict limits on signage and night lighting;
- Limits access roads to no more than 300-feet in length unless additional review is performed;
- Protects public dollars by requiring that development be sited more than 200 feet away from public parklands wherever feasible to avoid creating new brush clearance impacts on publicly owned lands;
- Prohibits the alteration and armoring of natural streams;
- Requires elevations, story poles, and other submittal requirements to ensure an open and transparent review of the visual effects of proposed structures before they are approved; and,
- Prohibits the creation of any net new developable lots in the Coastal Zone.

3. The LCP will guarantee at least \$2 million of funding for land acquisition, more than doubling the amount of mitigation fees collected by the Coastal Commission over the past nine years.

In addition to imposing the aforementioned structural limitations on development that meet or exceed the current Coastal Commission practices used to implement the Chapter Three Policies of the Coastal Act, the LCP will guarantee at least \$2 million of funding for land and development right acquisition in the Santa Monica Mountains Coastal Zone prior to the 10-year anniversary of the LCP. In contrast, the Commission has collected approximately \$862,000 over the last 9 years, of which only \$284,000 has been spent (to acquire just more than 24 acres of land). The County's commitment, which is not otherwise available without certification of the LCP, eclipses the performance and the amount collected via the Commission's current program. To ensure performance, the County will prepare an annual monitoring report to track the progress of the LCP's acquisition plan, and review will be required after 5 years. In exchange for this upfront financial commitment, the County will not charge a habitat mitigation fee to single-family residences building only within the allowed building site.

4. The LCP recognizes the horse-keeping tradition of the Santa Monica Mountains Coastal Zone by allowing carefully designed equestrian facilities to be established with Fuel Modification Zones A, B, and C.

Against the backdrop of major regulatory and open space acquisition advantages discussed above, the LCP proposes an important, but limited accommodation of further equestrian use in this Coastal Zone beyond that allowed by the Coastal Commission today. Specifically, the LCP will allow small-scale backyard horse boarding and will allow equestrian facilities to be established in H2 habitat on slopes of 3:1 or less within Fuel Modification Zones A, B or C, along with associated grading. The facilities so established are also subject to the following requirements:

1. The facilities must meet all other policies of the LCP.
2. If the facilities require additional fuel modification beyond that of the principal permitted use, a mitigation fee must be paid.
3. In no case can the facilities encroach into the 100-foot buffer for H1 habitat (which includes, but is not limited to, riparian areas).
4. Equestrian facilities may be located outside of the fuel modification area if and only if:
 - a. There is no area of 3:1 slope inside the fuel modification area for the principal permitted use where the equestrian facilities could be located.
 - b. The facilities are located on slopes of 4:1 or less, and constitute not more than five percent of the parcel area, or two acres, whichever is less.
 - c. Such facilities are limited to wildlife-permeable fencing for pasturage, with water facilities, and without lighting.

Next, subject to all other standards of the LCP, horsekeeping is allowed in H3. Finally, the LCP provides a process to accommodate horse facilities established at least 13 years ago without a permit. This "grandfather" provision is designed to encourage relocation, if possible, of facilities and to ensure that the facilities are observing BMPs by encouraging owners to voluntarily come forward for a permit. To help this policy provide assistance to those individuals who need it without allowing for abuse by large commercial operations, this provision is only available to parcels of between 15,000 square feet and 10 acres.

CONCLUSIONS OF THE SUMMARY OF CUMULATIVE IMPACT IMPACTS

The current practices of the Coastal Commission have resulted in a development pattern that is the best that can be accomplished given the limitations of the Coastal Act. However, the County is not bound in the same way as the Coastal Commission. This means that the County can actually reduce impacts beyond what would occur without a certified LCP by limiting development area to 10,000 square feet plan-wide, and by an absolute commitment to preserve H1 habitat. The County's commitment to a minimum of \$2 million of acquisition over the next ten years insures that impacts that would otherwise occur will be further reduced. The result, taken together with the many protective policies in the LCP, creates a condition over time in which impacts will be sharply reduced. The diminutive scale of development allowed insures that the ecological vitality of the

Santa Monica Mountains Coastal Zone will be preserved and enhanced. Therefore, individual and cumulative impacts are not significant in this case, and are mitigated by the policies and regulations in any event.

EXHIBIT 3

LOS ANGELES COUNTY

MAP 2: BIOLOGICAL RESOURCES

SANTA MONICA MOUNTAINS
LOCAL COASTAL PROGRAM

VENTURA COUNTY

AGOURA HILLS

WESTLAKE
VILLAGE

SANTA MONICA MOUNTAINS
NORTH AREA

CALABASAS

SANTA MONICA MOUNTAINS
NORTH AREA

LOS ANGELES

SANTA MONICA MOUNTAINS
COASTAL ZONE

MALIBU

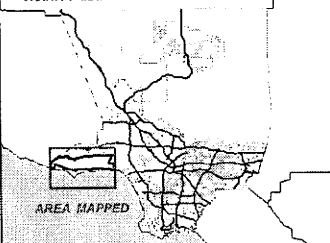
PACIFIC OCEAN

SANTA
MONICA
BAY

LEGEND

- MAJOR ROAD
- FREEWAY
- HIGHWAY
- STREAM
- SENSITIVE ENVIRONMENTAL RESOURCE AREAS (SERA):**
 - H1 HABITAT
 - H2 HABITAT
 - H2 HABITAT - HIGH SCRUTINY SUB-AREA
- OTHER ENVIRONMENTAL RESOURCE AREAS:**
 - H1 HABITAT 100-FOOT BUFFER
 - H3 HABITAT
- RURAL VILLAGE (SHOWN FOR CONTEXT ONLY)
- PEPPERDINE UNIVERSITY LRDP (SHOWN FOR CONTEXT ONLY)
- COASTAL ZONE BOUNDARY
- SANTA MONICA MOUNTAINS NORTH AREA (UNINCORPORATED)
- INCORPORATED CITY

VICINITY MAP



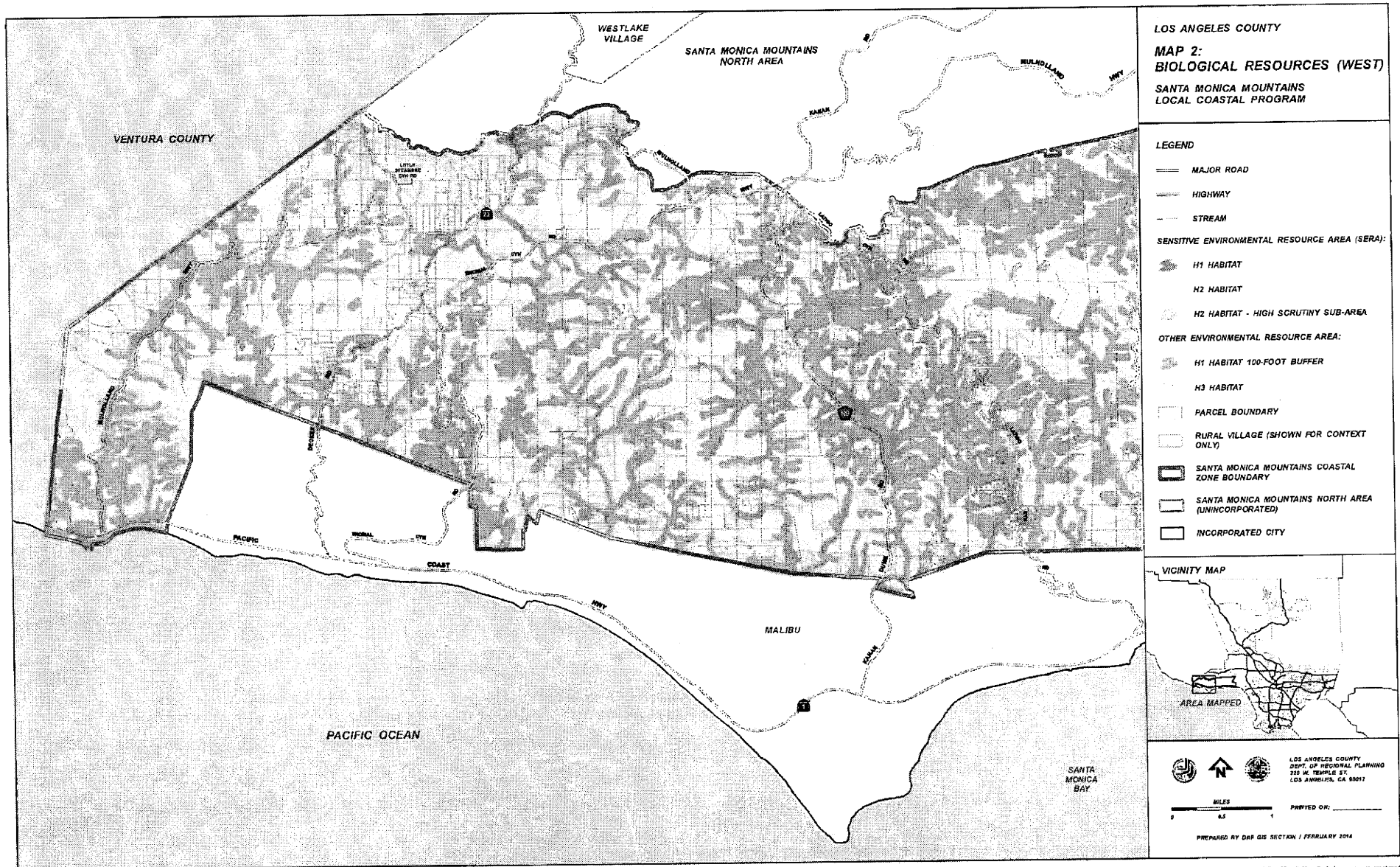
LOS ANGELES COUNTY
DEPT. OF REGIONAL PLANNING
200 W. TEMPLE ST.
LOS ANGELES, CA 90012

0 3,100 7,200

PRINTED ON: _____

PREPARED BY DRP DIS SECTION / NOVEMBER 2012

EXHIBIT 4



\\DRP_ADVANCE_PLANNING\community_development\Coastal_Zone\Local_Map_SantaMonica_mts_west.mxd

EXHIBIT 5

WATER QUALITY

For many years I have been hearing about water quality in our mountains, especially as it effects the Santa Monica Bay. Traditionally, these concerns revolved around the issue of sewage spills, septic system malfunctions, etc. But now I'm hearing the question of water quality discussed in terms of waste from the horses kept on the few rural areas still existing in the Santa Monica Mountains. Nobody wants to say it directly, but the implication is, "the fewer the horses, the better the water quality." Well, I'm no expert on water pollution and its causes, but I think we should all consider the following:

There is less livestock living in the Santa Monica Mountains today than there has been for probably four hundred years. Look at the place names around us (especially the housing developments). Almost all of them are punctuated by the word "ranch." Think of North Ranch, Ahmanson Ranch, Morrison Ranch, Lang Ranch, etc. Even in my youth, what we now call Westlake was called the Russell Ranch. And that's what it was, a working cattle ranch. Drive along Las Virgenes Road and visit the old ranch house that's now a place to show children what life used to be like out here. This whole area was once a vast grazing land for cattle, horses, goats, and sheep. So ask yourself this question: Do you think the water quality two hundred years ago, or one hundred years ago, or even fifty years ago, was worse than it is today?

If in fact the water quality was less polluted then than now, if the bacteria counts were lower then than now, if the quality of the water in Santa Monica Bay was better then than now, then simple logic tells us that it isn't our horses that are causing the problem, because there were a lot more of them around then than now.

Maybe it's overflows of human sewage, or the run-off from the fertilizing of countless lawns, or maybe the spewing residue of thousands and thousands of cars, or the decaying mountains of organic and synthetic rubbish in the land fills, or Well, it might be a lot of things. But unless the water quality is a lot better now than two hundred years ago, it isn't horses.

Ed Khmara

WATER QUALITY IN MARIN COUNTY
NOT AFFECTED BY HORSES RIDING TRAILS AT EDGE OF RESERVOIRS

August 2007

The Marin Municipal Water District, which has jurisdiction over the only water supply in southern Marin County, allows horses on all fire protection roads in its 18,500 acres of watershed on Mt. Tamalpais. It allows horses on about one-third of footpaths, including paths on the very edge of these five reservoirs. It has just signed a fifty-year lease with a stable on its land in Fairfax, which is not watershed land, but is still MMWD land. Bicycles are prohibited from footpaths and allowed on fire roads only.

MMWD drinking water is famed for its high quality, far beyond that required by state and/or federal standards. Tests are run all day, every day, on literally hundreds of organic and inorganic parameters and compounds. MMWD serves several hundred thousand customers.

The fact that horses are allowed throughout the district, close to reservoirs and even crossing feeder streams in places, has shown to have absolutely no impact on water quality. To claim otherwise is bogus.

Connie Berto
Marin Horse Council Board of Directors

EXHIBIT 6



Jones & Stokes

July 3, 2002

John Dittes
Consulting Biologist
467 East 9th Street
Chico, CA 95928

Subject: Evaluation of Surface Water and Groundwater Quality Impacts Resulting from the Proposed Equestrian Facility at 2200 Stokes Canyon Road, Calabasas, California

Dear Mr. Dittes:

Jones & Stokes has conducted an evaluation of surface water and groundwater quality impacts resulting from the subject project. Based on the results of a site visit on April 15th, 2002, a review of the equestrian facility waste management literature, and the results of a geotechnical investigation and shallow percolation test conducted by Gorian and Associates, Inc. (Gorian and Associates, Inc. 2002), we conclude that the proposed project will not significantly impact surface water or groundwater quality, assuming standard equestrian facility best management practices (BMPs) are implemented.

This report discusses the results of the site visit, summarizes the equestrian facility waste management literature and relevance to the proposed project, describes the hydrologic conditions and soils at the proposed project site, and assesses the overall risk to surface water and groundwater quality.

Results of Site Visit

The top 2 inches of the soil profile at the proposed project site was relatively compact. Coarse-textured soil material was observed in the streambank profile from the compacted surface layer to the stream channel invert. No restrictive layers were observed. Water was not observed in the stream and there were no seeps. Unfortunately, these observations told us little about the overall site stratigraphy and nothing about the depth to groundwater. These are extremely important factors to understand if we are to make an impact assessment for surface water and groundwater quality. The uncertainties regarding stratigraphy and depth to groundwater prompted a need for geotechnical and shallow percolation testing, causing us to request a geotechnical investigation, conducted by Gorian and Associates, Inc. (2002) (being provided to you as an attachment).

Review of Equestrian Facility Waste Management Literature

The U.S. Environmental Protection Agency (1999 and 2001) asserts that the primary source of most of the water pollutants (including nitrogen) associated with animal feeding operations (AFOs) are derived from manure, rather than urine. Most of these manure-derived pollutants are transported to surface water and groundwater as a result of poor manure management practices (e.g., leaky or failed storage lagoons, poor runoff control in manure storage areas, and poor land application practices).

Approximately 60-90% of the nitrogen in manure (including the urine fraction) is in an organic form (EPA 2001); the remainder is mostly in the form of ammonia. The organic-N in urine is mostly in the form of urea, which is easily mineralized (i.e., converted to inorganic forms) by common soil microbes; the end products of mineralization and subsequent nitrification are ammonium and nitrate. Nitrate is highly mobile in most soils because it is negatively charged. Conversely, ammonium is significantly less mobile because it is positively charged, but is readily converted to nitrite and nitrate by common soil microbes.

Hydrologic Conditions and Soils

The stream adjacent to the project site is located in an alluvial valley surrounded by steep slopes with exposed bedrock. The site is located in a predominantly agricultural area with little impervious area.

Soils in the proposed pen areas consist of alluvium mantled by 1-4 feet of fill material. They are primarily coarse-textured (sandy loams, loamy sands, and coarse sands and gravels at depth). According to permeability ranges developed by the U.S. Natural Resources Conservation Service, the permeability of surface soils in this area is very rapid (>20 inches per hour).

A moderately fine-textured layer was detected between the depths of 3-4 feet in borehole B-2 (Gorian and Associates, Inc. 2002). This layer could slow vertical water movement somewhat, but as was pointed out in the geotechnical report, does not appear to be laterally continuous. As such, the layer is unlikely to perch water or facilitate lateral throughflow of water towards the stream.

Although groundwater was not encountered during Gorian and Associates' subsurface investigations in June, the moisture status of the borehole soils and sediments at this time indicate that the groundwater table rises to within 4-6 feet of the soil surface during the winter/spring. However, the soil colors within 4-6 feet of the surface suggest that groundwater is not present long enough to develop reducing conditions.

Overall Risk Assessment

The soils, sediments, and fill materials at the project site are predominately coarse-textured, rapidly permeable, and probably have low to moderate cation and anion exchange capacity due to their coarse texture. As such, they likely have low to moderate nutrient retention capabilities. Groundwater appears to rise to within 5 feet of the ground surface during the wet season. Based on these soil characteristics and groundwater conditions, we cannot completely rule out the possibility that nitrogen (especially nitrate-N) generated by horses in the pen area will not reach groundwater. However, it is unlikely that environmentally significant concentrations will reach groundwater for the following reasons:

Source Control: The project applicant will implement a manure management program that will involve the regular collection, storage, and treatment of manure generated in the pen areas. By doing so, the applicant will effectively remove the primary source of nitrogen and other pollutants from the pen areas. This manure management plan will be a key element in preventing surface water and groundwater contamination.

Transport Potential/Pathways: No fractures or other extensive macropore networks were detected during the subsurface investigations, suggesting that there is little potential for preferential transport of pollutants to groundwater.

The potential for nitrogen from urine/manure to reach groundwater via other, more ordinary transport processes (saturated and unsaturated flow through the soil matrix) is also low, as it is extremely unlikely that there will ever be enough to generate an "equestrian effluent (nitrate) plume" capable of reaching groundwater.

For example, a recent publication by the Oregon State University Extension Service indicates that a 1000-pound horse generates approximately 6 gallons of manure (including urine) per day. Assuming that half of this volume is urine, 32 horses at the proposed equestrian facility would generate an average of 96 gallons of urine per day over an area of approximately 37,500 ft² (0.86 acre) (i.e., the approximate size of the total area occupied by the pens). Assuming a soil porosity of 35%, this volume of urine would fill the soil pore space to a depth of 1.1 inches if all 96 gallons were "applied" at one time and spread equally over the entire pen area. The wetting front would extend slightly deeper. It would actually take approximately 14,600 gallons of urine (approximately 150 times what would be generated on a daily basis under the proposed plan) to generate a plume large enough to reach groundwater at a depth of 5 ft below the ground surface.

Because the pen area will be covered, and runoff (rain water from outside the pen) will be diverted using a system of berms and ditches, there will be no additional water entering the pen area to "push" the nitrate-N and ammonium-nitrogen down to the groundwater table. Consequently, evaporation would be the dominant process of water/urine removal from the upper part of the soil profile and the net flux of salts, including nitrate and ammonium will be up,

Mr. Dittes
July 3, 2002
Page 4

not down through the soil profile. Most of the nitrogen from the manure and urine will simply concentrate in the top 1-2 feet of soil, and would effectively be immobile.

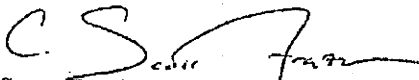
In order to prevent concentrated flows that may result in scouring and accelerated sedimentation to the stream, roof runoff and runoff water from the perimeter of the western group of pens will be diverted to the area between the arena and the existing fence along the eastern side of Stokes Canyon Road and allowed to infiltrate into the soil. Roof runoff and runoff water from the perimeter of the eastern group of pens will be diverted to the area between the arena and the stream and allowed to infiltrate into the soil. All exposed areas adjacent to the stream will be stabilized with deergrass (*Muhlenbergia rigens*). These stabilized areas will serve as filter strips for the overland flow that occurs between the pens and the edge of the stream.

We appreciate the opportunity to evaluate the potential water quality impacts from the proposed project. Please contact us if you have any questions.

Sincerely,



Eric Berntsen
Certified Professional in Erosion and Sediment Control



Scott Frazier
Certified Professional Soil Scientist

cc: Joel Butterworth

Attachment: Gorian and Associates, Inc. (2002)

References:

Gorian and Associates, Inc. 2002. Geotechnical investigation and shallow percolation testing, equestrian facility, 2200 Stokes Canyon Road, Calabasas, CA.

U.S. Environmental Protection Agency. 1999. Preliminary data summary: Feedlots point source category study. EPA-821-R-99-002. U.S. Environmental Protection Agency Office of Water. Washington, DC.

U.S. Environmental Protection Agency. 2001. Environmental assessment of proposed revisions to the National Pollutant Discharge Elimination System Regulation and Effluent Guidelines

Mr. Dittes
July 3, 2002
Page 5

for concentrated animal feeding operations. EPA-821-B-01-001. U.S. Environmental Protection Agency Engineering and Analysis Division. Washington, DC.

EXHIBIT 7

FH & A

(661) 250 - 8311; 298 - 7579 fax; e-mail: fhovore@thevine.net
www.hovore.com

Frank Hovore & Associates
14734 Sundance Place
Santa Clarita, CA 91387-1542

Biological Resource Analysis of Proposed ESHA Setback for Malibu Valley Farms Equestrian Center Improvements Pursuant to Land Use Permit Change Application Calabasas, Los Angeles County, CA January 2002, updated October 2004

Introduction

The project proponent (Malibu Valley Farms) is proposing improvements to its existing equestrian facility, located near the intersection of Mulholland Hwy and Stokes Canyon Road, southwest of Calabasas in Los Angeles County. The intent of the proposed modification is twofold: 1) improve the existing facility for the purpose of use as a commercial equestrian boarding and riding center, and 2) bring the facility into compliance, to the degree possible, with California Coastal Commission Ecological Sensitive Habitat Area (ESHA) requirements, pursuant to change from the existing Agricultural Use Permit to a Commercial Land Use Permit.

The California Coastal Zone jurisdictional boundary passes from northeast to southwest through the northerly portion of the property, across the footprint of the existing equestrian facility. The area south of this boundary is under the jurisdiction of the California Coastal Commission. As with other stream courses and riparian habitats in the region, the reach of Stokes Creek lying within the jurisdictional area of the California Coastal Zone has been designated an (ESHA) as part of the programmatic designation of natural watercourses as ESHA's by the California Coastal Commission.

Accordingly, as part of the approval to change operation of an existing facility from Agricultural to Commercial, the California Coastal Commission is requesting the standard 100-foot setback buffer to be located between the proposed equestrian facilities and the channel and upper banks of Stokes Creek. Owing to existing facility constraints relative to site dimensions, the agency-requested 100-foot setback from the seasonal drainage would negate the feasibility of the existing facility and proposed improvements. Per current operating constraints under the existing Agricultural Land Use Permit, there is no setback buffer between the facility development and the upper banks of Stokes Creek.

The project proponent is requesting approval by the California Coastal Commission of a 50-foot setback from the upper bank of Stokes Creek, as practicable, as an alternative to the programmatic 100-foot buffer currently requested by the Agency for stream course ESHA's. The proponent proposes that a 50-foot setback, with site design improvements and continued implementation of operational BMP's, is sufficient to maintain and even improve the existing level of ecological function of the seasonal drainage and associated riparian habitat, as well as stream and groundwater quality.

Ramirez Canyon Preservation Fund
5969 Ramirez Canyon road
Malibu, CA 90265
310-457-7502 / rdmullen@verizon.net

Agenda Item: 17A

Winding Way - Murphy Way Home and Land Owners Association
PO Box 2883
Malibu, CA 90265
213-806-6767 / Jonathan@Kayo.com

March 3, 2014

APR 04 2014

California
Coastal Commission

Via Email: santamoncamtns@coastal.ca.gov
Public Hearing April 10, 2014
Commissioners
California Coastal Commission
89 South California Street, Suite 200
Ventura, CA 93001-2801

RE: Santa Monica Mountains Local Coastal Program
For Consideration by California Coastal Commission on April 10, 2014

Dear Commissioners:

We represent the Ramirez Canyon Preservation Fund (RCPF) and the Winding Way – Murphy Way Home and Landowner's Association. Thank you for the opportunity to provide comments on the proposed Santa Monica Mountains Local Coastal Program (LCP). We appreciate the County's extensive efforts to prepare the proposed program and urge you focus special attention on the biological, open space, park, and recreation components of the LCP. We have focused on those areas because the proposed LCP is not consistent with the Coastal Act in numerous respects, including but not limited to, the failure to designate ESHA, the failure to limit the use of ESHA to resource dependent uses, and the failure to protect the public from the risk of fire in the Santa Monica Mountains.

I. The Proposed LCP Does Not Utilize the Coastal Act Designation of "ESHA" and Attempts to Avoid the Mandate to Protect and Preserve ESHA by Adopting Different Terminology (e.g., SERA, H1/H2/H3 Habitat, etc.).

The Coastal Act defines "environmentally sensitive area" as: "Any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments" (Public Resources Code (PRC) § 30107.5). The protection of coastal resources, and in particular environmentally sensitive habitat areas (ESHA), is one of the primary objectives of the Coastal Act. (See e.g., PRC, §§ 30001, 30007.5, 30240.)

The proposed LCP is not consistent with the Act because almost all references to environmentally sensitive habitat areas¹ have been removed from the LCP. The proposed LCP does reprint excerpts from the ESHA provisions² of the Coastal Act in the Land Use Plan (LUP) of the proposed LCP. However, those references are prefaced by the statement that they "are included for reference only and

¹ This includes references to similar terms including "environmentally sensitive areas," "environmentally sensitive habitat," and "ESH," or "ESHA."

² See e.g., references to PRC §§ 30233 (LUP, pp. 67-68), 30240 (LUP, pp. 69, 86, and 105).

are not adopted by the County." The proposed LCP's failure to deal with the ESHA issue starkly contrasts with the 2007 version of the draft Santa Monica Mountains LCP, the Malibu LCP (which governs much of the adjoining area in the Santa Monica Mountains), and every other certified LCP in the state. We respectfully submit that the LCP cannot comply with the Coastal Act's mandate to protect ESHA when the document fails to inform the public of either the location of ESHA or the ESHA protections mandated by the Act.

A. The reclassification of areas that are presently treated as ESHA is contrary to existing certified LCPs and the past and current practice of the Coastal Commission.

Appendix A of the proposed LCP is a "Determination and Delineation of Environmentally Sensitive Habitat Areas (ESHA) and Other Habitat Classifications," (Biota Report) revised January 3, 2014. This technical appendix to the proposed LCP discusses ESHA in the Santa Monica Mountains, including a methodology for identifying the areas that meet the Coastal Act definition of ESHA. However, the Biota Report does not include a map showing the locations considered ESHA based on this methodology. In addition, the proposed LCP provides no explanation of how the study applies to the LCP – in which almost no mention of ESHA is made.

The Biota Report also attempts to redefine what qualifies as ESHA pursuant to the Coastal Act. The authors acknowledge that, "For the past decade, the CCC has delineated virtually all undeveloped land in the Study Area as Environmentally Sensitive Habitat Area (ESHA) in satisfaction of criteria in Section 30107.5 of the Coastal Act" (Biota Report, p. ii) and claim that "[o]ur approach to conservation planning in the Study Area is modeled, in part, on the City of Malibu Local Coastal Program, Local Implementation Plan." As an example of that "modeling," the Report cites to the fact that, under the Malibu LCP, 'chaparral ESHA' and 'coastal sage scrub ESHA' are afforded different protections than "riparian ESHA." (2014 Proposed LCP, Appendix A, pp. ii-iii.) However, there is a glaring difference between the City of Malibu's LCP's treatment of ESHA and the Report's treatment of ESHA. In the Malibu LCP, all of these various types of vegetation are classified as ESHA and afforded all of the protections of ESHA specified in the Coastal Act. The authors of this Report did not follow that approach. Instead, they proposed new terms for vegetation, including the chaparral and coastal sage scrub, and then claim that that vegetation does not satisfy ESHA criteria. Reclassifying this vegetation as non-ESHA has the effect of downgrading the level of protection that has been afforded to vast areas of vegetation in the Santa Monica Mountains for over a decade.

The Report is also entirely inconsistent with the Coastal Commission's procedures for designating ESHA. Since 2003, the Coastal Commission has applied three site-specific tests to determine whether an area is ESHA.³ In applying these tests, the Commission has determined that chaparral and coastal sage scrub habitats meet the definition of ESHA per the Coastal Act. Specifically, these habitats require protection as ESHA "because of their valuable roles in [the Santa Monica Mountains] ecosystem, including providing a critical mosaic of habitats required by many species of birds, mammals and other groups of wildlife, providing the opportunity for unrestricted wildlife movement among habitats, supporting populations of rare species, and preventing the erosion of steep slopes and thereby protecting riparian corridors, streams, and ultimately, shallow marine waters." (2003 Dixon Memo, p. 24.)

Neither the Biota Report nor the proposed LCP itself explain what might have changed since 2003 or what might be unique about the unincorporated Santa Monica Mountains Coastal Zone such that chaparral and coastal sage scrub should no longer be protected as ESHA. We respectfully submit that the Commission should direct staff to protect these areas, as they have been since 2003 and as they are just across the City of Malibu border pursuant to the certified City of Malibu LCP. (See Exhibit B, City of Malibu LCP ESHA and Marine Resources Maps.)

³ See Coastal Commission Memorandum from John Dixon, Ph.D., dated March 25, 2003 regarding "Designation of ESHA in the Santa Monica Mountains," (2003 Dixon Memo) included as Exhibit A.

B. Despite discussions of ESHA in Appendix A, the proposed LCP provides no map or explanation identifying which, if any, areas it proposes to classify as ESHA.

As stated above, the Biota Report acknowledges that virtually all undeveloped land in the Santa Monica Mountains has been delineated as ESHA for the past decade. However, the Report then proposes that approximately 87 percent of the undeveloped portions of the plan area be reclassified as non-ESHA and instead be classified under newly proposed terms of "Stewardship Habitat" and "Restoration Habitat." (Biota Report, Tables 1 and 2 and pp. 47-48.) These habitat terms are not defined in the Coastal Act or in the proposed LCP, and the Report does not include any map depicting the location of the remaining, approximately 6,000 acres of land that the Report's authors indicate continues to meet the ESHA criteria. In fact, the proposed LCP does not mention the Biota Report at all. Without a map and a discussion of the Biota Report's applicability to the LCP, it is impossible to know which areas the County considers ESHA and which areas have other proposed classifications. Further, without any discussion of policies and standards related to ESHA or to the new Stewardship Habitat and Restoration Habitat area, none of these areas are afforded any of the protections recommended by the County's own biologist and required by the Coastal Act.

The LCP does include Map 2: Biological Resources, which depicts and classifies areas as Sensitive Environmental Resource Areas (SERA) and Other Environmental Resource Areas. (Attached as Exhibit C.) SERA includes three sub-categories: H1 Habitat, H2 Habitat, and H2 Habitat - High Scrutiny Sub-Area. Other Environmental Resource Areas includes two sub-categories: H1 Habitat 100-Foot Buffer and H3 Habitat. These subcategories are described in Section 22.44.1810 of the proposed Local Implementation Plan (LIP). However, the descriptions do not include any reference to the Biota Study, the terms Stewardship Habitat or the Restoration Habitat. And, there is no explanation of how these terms might correspond to the Biological Resources Map. Further, nowhere in the LCP is there a discussion of which, if any, of these categories fit the definition of ESHA pursuant to the Coastal Act.

The Coastal Act mandates that, before a local government may submit a proposed LCP to the Coastal Commission for certification it must adopt a resolution certifying that the proposed LCP is intended to be carried out in a manner in full conformity with the Coastal Act. (PRC § 30510(a).) We respectfully submit that, with virtually no discussion of ESHA or delineation of the locations of ESHA within the plan area, your Commission cannot adopt a resolution finding that the LCP as proposed is in full conformity with the Coastal Act.

II. The Proposed LCP Violates the Coastal Act by Defining Campgrounds as a "Resource Dependent" Use.

The Coastal Act restricts the use of ESHA to that which is "resource dependent" (PRC, §30240). Yet, without ever identifying the locations of ESHA, the LIP defines "Campgrounds, low impact" as a "resource-dependent use." (LIP Sec. 22.44.630) - presumably authorizing campgrounds in areas that meet the Coastal Act definition of ESHA. We placed several calls to County staff to clarify this problem - staff did not respond. Therefore, to the extent that the proposed LCP would allow campgrounds in ESHA, we respectfully submit that the proposed LCP violates the Coastal Act for the following reasons.

A. The Coastal Act mandates "heightened protection" for ESHA. Only resource dependent uses are allowed and campgrounds are not resource dependent.

The Coastal Act mandates "heightened protection" for ESHA (PRC § 30140(a); *Bolsa Chica Land Trust v. Superior Court* (1999) 71 Cal.App.4th 493, 506; *Feduniak v. California Coastal Com'n* (2007) 148 Cal.App.4th 1346, 1376), and ensures that protection by imposing "consequences of ESHA status," i.e., "strict preferences and priorities that guide development." (*Sierra Club v. California Coastal Comm'n* (1993) 12 Cal.App.4th 602, 611; *McAllister v. California Coastal Commission* (2008) 169 Cal.App.4th 912, 923).

As stated above, Public Resources Code Section 30240, subdivision (a), mandates: "Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas." "The language of section 30240(a) is simple and direct." (*McAllister, supra*, 169 Cal.App.4th at p. 928.) "[N]o use of an ESHA may occur which is not dependent on resources which exist in the ESHA." (*Bolsa Chica, supra*, 71 Cal.App.4th at p. 514, emphasis added; *Sierra Club, supra*, 12 Cal.App.4th 602; *McAllister, supra*, 169 Cal.App.4th at p. 929.)⁴ The Coastal Act cites "nature study" and "aquaculture" as resource dependent uses. (PRC § 30233 (a)(7).) These uses by their nature require that the resource be either observed or cultivated; the result is the preservation or enhancement of the resource.

In stark contrast to these uses, the campgrounds proposed to be allowed in the H1 Habitat/ESHA by the LIP (sec. 22.44.1770), will destroy the resource. As defined in the proposed LIP, low impact campgrounds include "appurtenant facilities" including potable water, self-contained chemical or composting restrooms, shade trees, water tanks, portable fire suppression apparatus, and fire-proof cooking stations. (LIP, sec. 22.44.630.) These facilities, although necessary for human habitation and safety, inevitably cause impacts on the land. (See for example Exhibit D ["Low impact" campground facility photos].) The installation of the facilities for campers requires excavation, grading and trenching in, under and through ESHA— in other words, the destruction and removal of ESHA. To prevent potential fire, these facilities also require clearance of brush and vegetation in and around the campsite— more removal of ESHA. The operation of these campgrounds will further damage ESHA by, for example, significant increases in noise, including nighttime noise, which will disturb wildlife in the habitat; the introduction of lights at night which will also disturb wildlife; the introduction of increased trash, which even with the most stringent requirements to "carry-in and carry-out" and associated fines, is inevitable; the increase in dogs harming and/or killing wildlife; and the significant increase in fire risk associate with overnight camping in High Fire Hazard Severity Zones (see further discussion of fire risk below). Simply stated, camping and campgrounds are not "resource dependent" uses because they require destruction of the resource.

The County's own biological consultant and the proposed LIP admit that habitat disturbance is not compatible with ESHA. The Biota Report specifically states, "Legal, ongoing habitat disturbance is incompatible with the very definition of ESHA" (p. ii.). And the LIP provides, "the fuel modification areas required by 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 woodland habitats (e.g. removal of deadwood)." (LIP, sec. 22.44.1810.E.) Thus, allowing low impact campgrounds in ESHA will inevitably create habitat disturbance.

The characterization of the campgrounds as "low impact" and the proposed development standards that guide their future development and use (LIP, sec. 22.44.1770.D) do not change the fact that the use is absolutely prohibited by Public Resources Code section 30240. In *Sierra Club, supra*, 12 Cal.App.4th 602, the Supreme Court rejected the Coastal Commission's argument that "limited" and "well-controlled" development could be allowed in ESHA as long as the habitat was protected from degradation: "If ESHA status could be avoided by having only 'well-controlled' development which in essence protects against significant disruption (i.e., protection... - the habitat would never be restricted to resource-dependent uses..." (*Id.*, 12 Cal.App.4th at pp. 616-617, emphasis added.) The "low impact" campgrounds proposed to be allowed by the LCP are no different than the "well-controlled" development discussed by the Supreme Court in *Sierra Club*. The use is not resource dependent. Therefore, it is not allowed in ESHA. (See also, *McAllister, supra*, 169 Cal.App.4th at p. 929.)

⁴ The ESHA rules are consistently and strictly applied. (See, e.g., *Bolsa Chica, supra*, 71 Cal.App.4th 493 [Commission could not approve destruction of ESHA for street widening, and could not allow residential development in a eucalyptus grove that contained a raptor habitat]; *McAllister, supra*, 169 Cal.App.4th 912 [Commission could not allow residential development in Blue Butterfly or coastal bluff scrub habitat]; *Feduniak v. California Coastal Com'n, supra*, 148 Cal.App.4th 1346 [Commission could require removal of pitch-and-putt golf course and restoration of the grounds to native dune vegetation].)

B. The Directive to "Maximize" Public Access Does Not Trump the Mandatory Duty to Restrict the Use of ESHA to Resource Dependent Uses.

The LCP designates protection of habitat and public access as having equal priority. That is contrary to the mandates of the Coastal Act. (See e.g., LUP Policies CO-42, CO-66, CO-93 and LIP § 22.44.1910.D.) The threshold defect is that the LCP's approach ignores half of the public access equation. The Coastal Act requires that public access be maximized "consistent with sound resources conservation principles . . ." (PRC § 30001.5 [emphasis added].)⁵ Where property is designated ESHA, the ESHA rules dictate those "sound resources conservation principles." The Legislature did not require public access "at all costs" to resources, nor did the Legislature give local governments or the Coastal Commission the power to "balance" public access against the protection of ESHA. "[W]hile compromise and balancing in light of existing conditions is appropriate and indeed encouraged under *other* applicable portions of the Coastal Act, the power to balance and compromise conflicting interests cannot be found in section 30240 [the mandate to protect and preserve ESHA]." (*Bolsa Chica, supra*, 71 Cal.App.4th at p. 508, emphasis added.)

Moreover, even if the County had the power to balance "public access" against the mandate for only resource dependent use of ESHA, the proposed LCP would still violate the Coastal Act because Public Resources Code section 30007.5 requires the County to resolve conflicts "in a manner which on balance is the most protective of significant coastal resources . . ." (*Id.*, emphasis added). This statutory duty is mandatory. (*City of San Diego v. California Coastal Com.* (1981) 119 Cal.App.3d 228, 234 [affirming Commission's denial of permit for road widening which would infringe on wetland ESHA].)⁶

Finally, the "public access" rationale certainly should not outweigh the mandatory ESHA protection in inland areas, such as the Santa Monica Mountains, because the provisions at issue do not involve access to the coastline and the beach. (Compare Coastal Act, Chap. 3, Coastal Resources Planning and Management Policies, Article 2; Pub. Res. Code, sec. 30210, et seq.; Cal. Const., Art. X, sec. 4⁷ with Coastal Act, Chap. 3, Coastal Resources Planning and Management Policies, Article 3).⁸

⁵ See, also, Public Resources Code section 30214(a)(3) and proposed LUP Policy CO-160, which requires that public access policies be implemented by considering, among other things, the "appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area . . ."

⁶ Where the right to balance exists, "Section 30007.5 shall be utilized to resolve the conflict and the resolution of such conflicts shall be supported by appropriate findings setting forth the basis for the resolution of identified policy conflicts." (PRC § 30200(b), emphasis added; see, *McAllister, supra*, 169 Cal.App.4th at p. 937.)

⁷ The legislative history of the Coastal Act confirms that these provisions set the "goal of maximum public access to coast." (SB 1277, Assembly Committee on Resources, Land Use, and Energy, Bill Analysis, as amended 8/5/76, p. 2.) See, also, Chap. 6, "Implementation," Art. 3, "Coastal Public Access Program," PRC, § 30530, et seq. (requiring the preparation and implementation of a "program to maximize public access to and along the coastline").

⁸ This Article refers to the use of "upland areas necessary to support coastal recreational use" (see, e.g., PRC, § 30223). However, the recreation provisions of the Act focus on "water-oriented recreational activities" (§ 30220), "oceanfront land suitable for recreational use" (§ 30221), and use for "coastal recreation" (§ 30222). The legislative history of the Act confirms that these provisions "protect shorefront property suitable for recreation; encourages use of private lands for recreation and recreational boating facilities in certain areas." (SB 1277, Assembly Committee on Resources, Land Use, and Energy, Bill Analysis, as amended 8/5/76, p. 2, emphasis added.)

For these reasons, the proposed LCP's authorization of campgrounds is not resource dependent and violates Public Resources Code, section 30240.

III. Allowing camping in the unique sensitive environmental habitat areas of the Santa Monica Mountains poses an unacceptable risk of wildfire.

The Fire Hazards section of the proposed LUP Safety and Noise Element begins with the following statements:

The Santa Monica Mountains are characterized by a Mediterranean climate where native vegetation is composed primarily of chaparral and coastal sage scrub plant communities that are both drought and fire-adapted. In combination with extended drought periods, the density, structural arrangement, and chemical composition of chaparral make it one of the most volatile fuel types in the world. In fact, the Santa Monica Mountains and surrounding communities are considered to be one of the most fire-prone landscapes in North America. (LUP, p. 78.)

It is for this reason that the entire Santa Monica Mountains Coastal Zone is designated a Very High Fire Hazard Severity Zone by CalFIRE (California Department of Forestry and Fire Protection). (See Exhibit E, LCP, Map 5: Hazards – Fire and Flood.)

Section 22.44.1810.A.3 of the LIP indicates that "H2 habitat includes large, contiguous areas of coastal sage scrub and chaparral-dominated habitats." Yet the LIP proposes to allow campgrounds of all types in the Open Space (O-S) Zone within this incredibly fire prone vegetation. And, these campgrounds would be allowed with an administrative Coastal Development Permit reviewed and approved by the Director, with limited public notice and in many cases without the requirement of a public hearing. (LIP §§ 22.44.940 and 22.44.1770.)

Further, the only provision in the LCP which attempts to address the extreme fire risk posed by these campgrounds is the prohibition of fire pits or open fires of any kind. (LIP, sec. 22.44.630, definition of "campground".) Simply prohibiting fire pits or open fires is not sufficient to restrain campers from making fires while camping. In fact, not providing an area for a fire has the potential to increase the fire risk as undoubtedly some campers will attempt to make their own fire pits and/or start fires in unconfined areas that can so easily spread to the surrounding chaparral and sage scrub igniting a wildfire that will threaten the lives of surrounding residents. Any consideration of allowing camping in the LCP must consider the enormous impacts to ESHA of this reasonably foreseeable consequence.

As you are likely aware, Santa Monica Mountains Conservancy (SMMC) has previously proposed campsites on property it owns in the Santa Monica Mountains in the City of Malibu. The Malibu community objected to that proposal because of the tremendous fire risk it posed. A study prepared by Science Applications International Corporation (SAIC) in December 2008 addresses the fire hazards associated with SMMC's proposed campsite development. The analysis is equally applicable to the broader Santa Monica Mountains area. The Fire Hazard analysis section of that report is included as Exhibit F. This study describes the number, causes, and severity of fires in the state and in Los Angeles County from 1987-2007. The vast majority of fires were human caused. In the state, 142 fires started by campfires which burned over 360,000 acres and cost over 140 million dollars in suppression costs. In Los Angeles County alone, eight fires between 1987 and 2007 were started by campfires, burning over 2,200 acres and costing over three million dollars in suppression costs. (SAIC Report, pp. 15-16.) And in 2012 alone, eight wildfires in Los Angeles County were caused by campfires. (CalFIRE 2012 Wildfire Statistics, Number of Fires and Acres Burned by Cause and by Size Class in Contract Counties⁹.) Campfires have been suspected but not confirmed as the ignition source of numerous other Los Angeles

⁹ See http://www.fire.ca.gov/fire_protection/fire_protection_fire_info_redbooks_2012.php.

County fires. (SAIC Report, pp. 15-16.) In just the past six months, three large wildfires in California – the Rim Fire in Yosemite, the Pfeiffer Fire in Big Sur, and the Colby Fire in Glendora – have been caused by or are suspected to have been caused by campers. (See Exhibit G.)

The wildfire risks associated with camping are documented in many other sources including numerous newspaper articles. We have included a few of these articles as attachments. (See Exhibit G.)

We respectfully submit that allowing camping in the midst of some of the most volatile fuel types in the world poses an unacceptable level of risk to the residents of the Santa Monica Mountains and the surrounding communities, and to the millions of visitors who come to the area every year. Moreover, allowing camping with only staff level review and no procedures for the development and management of the risks (including, but not limited to, community wide notice and public review), is an abdication of the Board's duty to protect the public's health and safety. Therefore, we respectfully request that the Board direct staff to revise the proposed LCP to allow camping only outside areas containing chaparral and coastal sage scrub and only with a Conditional Use Permit and major Coastal Development Permit. Only in that manner can the County appropriately condition this use to ensure that the risk of fire is minimized to the greatest extent feasible.

IV. There are numerous discrepancies between the permit requirements for parks, trails, playgrounds and beaches in Sec. 22.44.1400, which is applicable to all zone districts, and the permit requirements applicable to the same uses in the O-S zone (Sec. 22.44.1770).

Section 22.44.1400 et seq. of the proposed LIP would allow parks, trails, playgrounds, and beaches "with all appurtenant facilities and uses customarily found in conjunction therewith" in any zone district subject to the provisions of that section. The section goes on to list specific uses that are exempt from permits and others that require administrative, minor, or major CDPs. However, many of the provisions of this section contradict the permit requirements for parks, trails, playground, and beaches in the O-S Open Space Zone (LIP, sec. 22.44.1770 et seq.). Perhaps the most glaring contradiction is that "parks, playgrounds and beaches, with all appurtenant facilities customarily found in conjunction therewith" require a major CDP in the O-S Zone pursuant to LIP sec. 22.44.1770.D, while sec. 22.44.1440 et seq. establishes completely different permit requirements for such uses. Do the permit requirements of the section 22.44.1440 et seq. supercede the requirements of the O-S Zone? Do they only apply in every other zone district? If so, why would different, and often lesser, permit requirements apply to park, playground and beach uses in other zones when they require a major CDP in the O-S Zone, the zone that is primarily intended for such uses?

Other examples include the following:

- According to sec. 22.44.1400.C, new structures associated with parks, trails, playgrounds and beaches that are from 120 square feet to less than 3,000 square feet are allowed with a minor CDP in any zone district with no restrictions on use. However, in the O-S Zone structures that may be permitted with a minor CDP are limited to 400 square feet, must be accessory to another use, and may not be used for permanent human occupancy. (LIP, sec. 22.44.1770.C.)
- In section 22.44.1400.A, temporary uses open to the public for activities that are resource-dependent or intended to enhance the resource would be allowed in all zones, but in the O-S Zone, temporary uses require an administrative CDP subject to LIP sec. 22.44.1530 et seq.

The conflicting permit requirements are not limited to the examples above. We respectfully request that the Commission direct staff to correct these contradictions and conflicts prior to the Board's adoption of the LCP. Further, the types of park related uses allowed in all zone districts should be extremely limited and/or subject to a major CDP. For example, as proposed, the LIP would allow parking lot for up to nine cars and portable toilets next door to single family homes with no permit at all! At a minimum, this type of

development should be reviewed to ensure appropriate siting and landscape screening is provided where appropriate.

Further, both sections 22.44.1400 et seq. and 22.44.1770 et seq. propose to allow "appurtenant facilities and uses customarily found in conjunction" with park, trail, playground, and beach uses. However, with the exception of appurtenant facilities associated with low impact campgrounds, the LCP provides no definition of what constitutes an "appurtenant use," nor is there any limitation on the size and/or scope of these uses. Does the County consider camping an "appurtenant use" to parks or trails? If so, would it be allowed in any zone district, not just the O-S Zone? Would large private events at a park be an "appurtenant use" allowed at any park in any zone district? The LCP should clarify and limit the type, size and scope of appurtenant facilities and uses that would be allowed in the O-S Zone and elsewhere and clarify what permit requirements apply to each use. Otherwise, the LCP's classification could allow a huge variety of uses and development based on a claim that it is "appurtenant and customary" to a park use. Failure to clarify and limit the types of uses risks significant expansion of uses in ESHA and resulting damage to that ESHA, in conflict with the Coastal Act.

V. There are numerous cross-reference errors in the Biological Resources section of the proposed LIP.

There appear to be numerous errors in the cross-references provided in the Biological Resources section of the proposed LIP (sec. 22.44.1800, et seq.). These include, for example but not limited to, the cross-references in sections 22.44.1850.C, 22.44.1850.C.3 and 22.44.1860.B. This makes it extremely difficult for the public, including property owners proposing development, to understand the policies and procedures that will apply to the County's review of development that potentially impacts biological resources. These errors should be corrected prior to adoption of the LCP and then the public should be informed of and provided notice and an opportunity to comment on the proposed changes before they are adopted.

We respectfully request that the LCP be revised to clarify the locations of ESHA consistent with the Coastal Act and to eliminate campgrounds as an allowed use in ESHA as well as any other chaparral and coastal sage scrub habitats.

Sincerely,



Rick Mullen
President
Ramirez Canyon Preservation Fund

Jonathan Kaye
President
Winding Way/Murphy Way Home and Land Owners Association

Exhibits:

- A. Coastal Commission Memorandum from John Dixon, Ph.D., March 25, 2003
- B. City of Malibu LCP ESHA and Marine Resources Maps
- C. Map 2: Biological Resources which classify areas as Sensitive Environmental Resource Areas (SERA) and Other Environmental Resource Areas
- D. Low impact campground facility photos
- E. Newspaper articles re wildfire risks of camping
- F. SAIC Report excerpt re Fire Hazards, December 2008



PACIFIC LEGAL FOUNDATION

April 4, 2014 #17(a)
Pacific Legal Foundation

California Coastal Commission
South Central Coast District Office
89 South California Street, Suite 200
Ventura, CA 93001-1732

VIA FACSIMILE: (805) 641-1732

Re: Comments on Proposed Santa Monica Land Use Plan (LUP)

Dear Members of the California Coastal Commission:

This letter addresses the Proposed Santa Monica Mountains Land Use Plan that is before the Commission for its consideration. The letter has been sent to the South Central Coast District Office, which we have been told would be distributed to staff and to each of you.

Introduction

Pacific Legal Foundation (PLF) is a nonprofit, tax-exempt corporation organized under the laws of the State of California for the purpose of monitoring and litigating matters affecting the public interest. For more than forty years, PLF has been litigating in support of property rights. See, e.g., *Koontz v. St. Johns River Water Mgmt. Dist.*, 133 S. Ct. 2586 (2013); *Palazzolo v. Rhode Island*, 533 U.S. 606 (2001); *Suitum v. Tahoe Reg'l Planning Agency*, 520 U.S. 725 (1997); *Nollan v. California Coastal Comm'n*, 483 U.S. 825 (1987). Because of its history and experience with regard to issues affecting private property rights, PLF believes that its perspective may provide you with some valuable insight as you consider the LUP. We do not advocate any particular policy or law. Instead, our aim is to identify some of the legal implications of certain draft policies contained in the draft ordinance, should they be adopted.

Summary of Law

Our comments primarily concern the potential for some of the proposed policies to infringe on constitutionally protected private property rights. The Fifth Amendment to the United States Constitution provides, in relevant part, that private property may not "be taken for public use without just compensation." U.S. Const. amend. V; see also Cal. Const. art. I, § 19 (private property may be taken only for a "public use" and "only when just compensation" has been paid). The United States Supreme Court has explained that the

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Attachment F

Los Angeles County-Santa Monica Mountains Land
Use Plan Amendment No. LCP-4-LAC-14-0108-4

California Coastal Commission

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Takings Clause was designed to ensure fundamental fairness—i.e., “to bar Government from forcing some people alone to bear public burdens which, in all fairness and justice, should be borne by the public as a whole.” *Armstrong v. United States*, 364 U.S. 40, 49 (1960).

To ensure fairness and protect private property rights, the Takings Clause strictly guards against unreasonable demands that permitting agencies make as conditions of property owners’ permit approvals. In *Nollan*, 483 U.S. at 837—one of the cases that PLF litigated—the Supreme Court determined that a permit condition must bear an “essential nexus” to impacts caused by a proposed project. In *Nollan*, the Coastal Commission required the property owner of beach-front property to dedicate a strip of beach as a condition of obtaining a permit to rebuild his house. *Id.* at 827-28. The United States Supreme Court held that there must be a nexus between the condition imposed on the use of land and the social evil that would otherwise be caused by the unregulated use of the owner’s property. *Id.* at 837. Without such a connection, a permit condition will be deemed to be an illegal regulatory taking—i.e., “not a valid regulation of land use but ‘an out-and-out plan of extortion.’” *Id.* (citations omitted).

In *Dolan v. City of Tigard*, 512 U.S. 374 (1994), the Supreme Court defined how close a “fit” is required between the permit condition and the alleged impact of the proposed development. Even when a nexus exists, there still must be a “degree of connection between the exactions and the projected impact of the proposed development.” *Id.* at 386. There must be rough proportionality—i.e., “some sort of individualized determination that the required dedication is related both in nature and extent to the impact of the proposed development.” *Id.* at 391 (emphasis added). Otherwise, the condition will be held unconstitutional as an unlawful taking. Notably, the burden is on the permitting agency to demonstrate that *Nollan* and *Dolan* are satisfied.

Finally, when regulations deprive the owner of the economic use of the property the regulations are deemed a taking. *Lucas v. S. Carolina Coastal Council*, 505 U.S. 1003 (1992). In these situations the courts will not review the public use but will instead determine that there has been a “per se” taking. *Id.*

With these basic principles in mind, we urge you to consider the legal implications of some of your proposed policies, as outlined below.

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Comments Re: Proposed Issue Summary on
Santa Monica County General Use Plan (LUP)

1. Requirement To Dedicate Open Space

The county's LUP makes several demands on landowners. As presented to this commission, it would require those who build single-family homes in H2 or H3 habitats to use a maximum of 10,000-square feet, or 25% of the parcel size for a building site, while the remaining 75% would remain open space. CO-51. Anyone who applies for development within H1, H2, or H3 habitat would also be required to dedicate an open space easement over the remaining area. CO-67. Finally, the policy pressures landowners to permanently dedicate steep lands to public agencies or to dedicate the properties through easements. CO-46. The staff recommendations would ensure that these open space dedications not only apply to developing single-family homes but to all development in H2 areas. Suggested Modification 13.

By conditioning permits on the relinquishment of a right to use the property—regardless of the proposal's impact on existing open space—these policies raise serious Takings Clause concerns. Under the proposed rule, there is no requirement that the County make an individualized determination that the impact of proposed projects constitutionally justifies such a substantial concession on the part of permit applicants. Without an individualized showing of an essential nexus and rough proportionality between a project's impact and the open space dedication, the condition may violate the Takings Clause under *Nollan* and *Dolan*.

If the County wants a property owner to dedicate property, it must first demonstrate that the impact of the proposed project justifies the forced dedication. If there is no connection between the project's impact and the dedication requirement then the County must either forgo the requirement or pay for the easement it wants. U.S. Const. amend. V (prohibiting a taking of private property without "just compensation"). Without such a connection the dedication demand is nothing more than "an out-and-out plan of extortion." *Nollan*, 483 U.S. at 837. The Takings Clause prohibits the County from forcing landowners to bear burdens benefitting the public which, "in all fairness and justice, should be borne by the public as a whole." *Armstrong*, 364 U.S. at 49. Because the proposed LUP seeks to require these massive dedications as a general policy, in order to set aside these lands for habitat space, it raises significant takings concerns.

California Coastal Commission

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2. Prohibition on H1 Development and H2 Developments

The current proposal prohibits everything but public works and access roads in H1 habitat areas, CO-41. It also states that the Commission only "the minimum development necessary to provide a reasonable economic use of the property and where there is no feasible alternative." Suggested recommendation 49 would further undermine the value of the property by preventing them from being used in the Transfer of Development Credits program (TDC). Suggested Modification 49. Development in H2 habitat is permitted only under very specific restrictions, and if there is no H3 habitat that contains development. The combination of these restrictions will make it very difficult for landowners to make use of their properties.

This raises serious takings issues. Under *Lucas*, regulations that deny all "economically viable use" of the land are considered "total takings." *Lucas*, 505 U.S. at 1004. As staff acknowledges, this means that the Commission must allow economically viable use of every parcel. Staff Report at 99. Because the prohibition of H1 development would destroy all economic value, the County will need to purchase approximately 4,240 acres of private property. The staff report claims that the County is prepared to make these purchases and that therefore it will avoid a takings claim. Staff Report at 80.

However, the city hasn't taken any further steps to ensure that these funds have been set aside for such purchases, that the County is conducting this condemnation process, nor in fact were these large expenses even disclosed to the public. Although \$2,000,000 has been allocated to these purposes this will be an insufficient amount to purchase this valuable real estate. Until the County develops specific plans to compensate affected landowners, its policies effect an uncompensated taking of land. Endorsing such a questionable policy would abdicate the Coastal Commission's responsibility to defend these rights. See, e.g., Coastal Act § 30010.

Even though the plan's drafters included a carefully worded exception to these restrictions by allowing, "the minimum development necessary to provide a reasonable economic use of the property," this section may still violate the Takings Clause. When a regulation causes a substantial economic impact and undermines an owner's reasonable investment-backed expectations about the use he is able to make of his land, the regulation may effect a compensable taking. *Penn Central Transp. Corp. v. New York City*, 438 U.S. 104, 124 (1978). Likewise, the H2 restrictions may run afoul of this precedent. Because these restrictions can have a significant impact on property and may interfere with investment-backed expectations they may violate the Takings Clause under *Penn Central*.

California Coastal Commission

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3. Improper assessment of agricultural resources

This plan also overlooks the distinction between prime agricultural "land" and prime agricultural "soils." The staff report claims that Coastal Act Section 30241's mandate to maintain prime agricultural resources applies to the Santa Monica Mountains. The report reaches this erroneous conclusion because it focuses on the soil classification of these properties instead of what they are actually used for. Staff report at 5. By focusing on the soil instead of the growing conditions this report fails to acknowledge that this region has great agricultural potential—for example, for vineyards. By artificially restricting these future uses the plan classifies prime agricultural land, and prevents the maintenance and growth of this unique resource.

Additionally, the city did not conduct an analysis to resolve the conflict between agricultural uses. Coastal Act Section 30242 requires an analysis of the economic viability of agricultural uses. This planning proposal doesn't even take minimum steps to make this determination, let alone evaluate the future growing potential of this region. This makes the LUP analysis insufficient and the plan, as currently drafted the LUP is incomplete.

4. Procedural Concerns

We are also concerned that the current plan before the Board is vastly different than the plan proposed and discussed in 2007. The Board was last in July 6.5 years between the last hearing in October, 2007, and the first publication of the meeting notice in January, 2014. Planning commission staff also failed to inform of significant changes to the proposal so that the public would be able to understand and comment on the changes. The result reflects poorly on government transparency and discourages public participation in the planning process.

We appreciate your consideration of our comments.

Sincerely,



PAUL J. BEARD II
Principal Attorney

JONATHAN W. WILLIAMS
Fellow



BOARD OF SUPERVISORS COUNTY OF LOS ANGELES

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ZEV YAROSLAVSKY

SUPERVISOR, THIRD DISTRICT

April 8, 2014

Chair Steve Kinsey and Honorable Commissioners
California Coastal Commission
45 Fremont Street, Suite 200
San Francisco, California 94105-2219

RE: Agenda Items Th17a and Th17b: Santa Monica Mountains Land Use Plan

Dear Chair Kinsey and Honorable Commissioners:

I write this letter to respectfully request that you: 1) vote in favor of your staff's overall recommendation to approve the Santa Monica Mountains Land Use Plan, with one critical exception set forth below; and, 2) affirm and strengthen your staff's commitment to bring the Local Implementation Program to your Commission for a vote at your June, 2014 meeting.

On April 10, 2014, your Commission will cast a historic vote on the Land Use Plan for the Santa Monica Mountains Local Coastal Program. Certifying the LCP in its entirety will end a three-decade odyssey of contention and debate, and it will fulfill the Coastal Act's mandate to return local permitting authority to the County of Los Angeles. Thus, the proposal before you represents a critical milestone in the planning of this region.

Moreover, this proposed LCP is the product of unprecedented cooperation between Los Angeles County, my office, and Coastal Commission staff over the past two years. While many on your team have contributed to this effort, I want to single out the work of Dr. Charles Lester, Jack Ainsworth, Steve Hudson, Barbara Carey, Deanna Christensen, Dr. John Dixon and Dr. Jonna Engel. I want to personally thank them for their wisdom, guidance, and perseverance.

The vast majority of your staff's suggested modifications are, in fact, clarifications and refinements to the language of the LUP policies submitted by the County and will not change the substantive requirements of the submitted LUP. The County's Director of Regional Planning has opined, and I concur, that these changes will still permit property owners—including equestrians—to construct, repair, and maintain developments on their property. Accordingly, I will not object to, and will recommend that my colleagues on the Board of Supervisors accept, 59 of the 60 Suggested Modifications submitted by your staff.

However, I do object to Suggested Modification 3, repealing almost all of Policy CO-12. I strongly and respectfully request that your Commission restore Policy CO-12 in the form it was submitted to your Commission by the County. Before explaining in detail why this Policy should be restored, this letter will briefly provide the context for this planning effort and explain why

Attachment G
Los Angeles County-Santa Monica
Mountains Land Use Plan Amendment
No. LCP-4-LAC-14-0108-4

protecting equestrians by restoring CO-12 is necessary to achieving the fundamental purposes of this LUP.

Planning Goals Implemented by the LUP

First, the LUP is foremost about protection of the one-of-a kind natural resources that make the Santa Monica Mountains National Recreation Area very special. To that end, this LUP will firmly and without compromise protect coastal resources, including by:

- codifying protections for significant ridgelines;
- limiting grading and excessively long access roads that scar hillsides and impede wildlife movement;
- enacting stringent dark sky protections; and,
- prohibiting new vineyards that frequently lead to soil erosion, stream and beach pollution, the spread of invasive species, the removal of large swaths of natural habitat, and the introduction of highly visible changes to the landforms and natural landscape of the Santa Monica Mountains National Recreation Area.

Second, the LUP recognizes the principle that the County and our state and federal partners have invested tens of millions of dollars to purchase land in the Santa Monica Mountains for permanently preserved open space. This public investment was made not only to preserve environmental resources in perpetuity, but also to ensure that millions of people who live in Southern California and beyond will be able to enjoy the National Recreation Area's scenic beauty and one of the last remaining outposts of unspoiled nature so close to a major metropolitan area.

Third, this LUP promotes the preservation and creation of new trails, and facilitates diverse forms of overnight accommodations which will allow people to deepen their experience within the National Recreation Area. As highlighted by the National Park Service's recent study,¹ this public investment in the creation of America's largest urban park returns millions of dollars to the local economy annually, thus proving that investing in the preservation of the Santa Monica Mountains is not only good for the psyche of the population, but it is good for our collective pocketbook as well. This LUP is critical to further protecting that investment.

Fourth, the County carefully crafted the LUP over the course of nearly a decade—involving meetings with hundreds of community stakeholders as well as at least five formal public meetings and hearings—to ensure that the existing communities of the Santa Monica Mountains, or as we like to call it, “The Big Sur of Southern California,” will continue to be livable, welcoming, and beautiful for generations to come. As a result, the LUP provides newfound assurances that communities will be able to rebuild after natural disasters, that residents will have access to farmer's markets and gardens from which they can gather locally grown food, and that clear and fair rules will be codified so that people will know what to expect when buying new land or beginning a new construction project.

Finally, the LUP recognizes the equestrian past, present, and future of the Santa Monica Mountains by providing for backyard horse boarding. It also expands areas for confined animal

¹ <http://www.nature.nps.gov/socialscience/economics.cfm>

facilities and pasturage while ensuring horsekeeping is done in an environmentally sound manner that protects water quality and coastal resources. Certifying the full LCP will also allow applicants for the vast majority of projects within the Santa Monica Mountains to work directly with their locally elected government—fulfilling the promise of the Coastal Act of promoting public access, environmental protection, and local control over land use decisions.

In short, the LUP as submitted by the County protects the culture, history, and rural way of life of the Santa Monica Mountains' existing communities. The LUP protects the National Recreation Area's irreplaceable natural resources from ill-conceived development and ensures that visitors from all walks of life will be able to enjoy this area in its natural state for decades to come. With one critical exception, the staff's recommendations are consistent with these principles.

Policy CO-12 Should Be Restored in order to Protect Coastal Resources and the Equestrian History of the Santa Monica Mountains

Unlike the other Suggested Modifications, Suggested Modification 3 unacceptably interferes with the LUP's dual and complementary goals of protecting coastal resources and allowing the historic communities of the Santa Monica Mountains to maintain their long-standing history and culture. Policy CO-12 as submitted by the County provides a means by which confined animal facilities which have existed as established uses within the community and have become a part of the environment for well over a decade may be maintained on the property regardless of questions about their current permit status.

In practice, CO-12 encourages all such facilities to be relocated to an area on the property that fully conforms to the LCP's current standards for horsekeeping and other confined animal facilities. Where such relocation is infeasible, this policy creates a mechanism whereby property owners can gain the right to keep their facility if they incorporate critical best management practices to ensure that water quality and other coastal resources are protected. This practice will thus solve what your staff notes is one of the most challenging administrative / enforcement problems anywhere within the Coastal Zone by encouraging compliance with water quality improvement measures.

Finally, Policy CO-12 requires that any facility utilizing this process must prove they were established prior to 2001, a date the county selected because of the existence of high quality aerial photographs which can provide evidence of the presence of these facilities. Using a look-back period generally will ensure that no one in the Santa Monica Mountains could have taken advantage of this policy by establishing a facility after they became aware of this proposed policy. And, by creating a robust look-back period, the LUP ensures that the compliance mechanism only applies to long-ago established facilities. Therefore, Policy CO-12 avoids the systemic risk that such a policy would create a culture or administrative precedent where unpermitted development will be condoned or encouraged anywhere in the Coastal Zone.

In sum, Policy CO-12 establishes a pragmatic solution to a heretofore intractable problem which previously had been dealt with solely through relatively inflexible enforcement mechanisms. On the one hand, the existing practices have threatened to promote distrust between your Commission and property owners and create a cloud over people's ability to continue to live as

Chair Steve Kinsey and Honorable Commissioners
April 8, 2014
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a part of the Santa Monica Mountains' quintessential equestrian experience. At the same time, the status quo practice has failed to measurably improve the protection of coastal resources. Indeed, your staff notes on pages 4-5 of the staff recommendation that creative solutions to this existing enforcement challenge are needed and could be implemented through a future LCP amendment. Given the County's work on this program, the County's acceptance of responsibility for your pending enforcement cases, the fact that this approach will result in the fastest possible improvements to coastal resources, and the urgent need to resolve these issues, I respectfully urge your Commission not to wait. Instead, your Commission should act now to restore Policy CO-12 and create a trail to legalization for these longstanding members of the Santa Monica Mountains equestrian community.

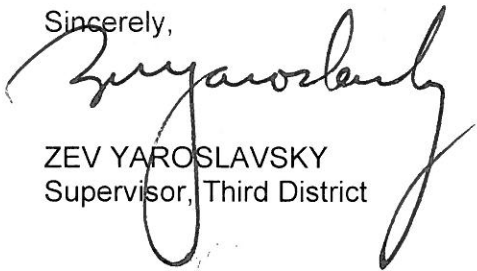
Conclusion

With the restoration of Policy CO-12, I respectfully urge your Commission to approve the Santa Monica Mountains LUP in Item Th17a.

In addition, while the County supports your staff's recommendation to grant a time extension on the Local Implementation Program in Item Th17b, we respectfully urge your Commission to formalize your staff's goal of bringing the LIP to your Commission no later than June of this year.

This LCP has been a monumental effort, demonstrating how the Coastal Commission can work with local governments to build consensus and serve the public's lasting interests. This plan sends a very clear message: In the Santa Monica Mountains, the environment will dictate development, not the other way around. To achieve both these ends, the LUP should be approved without delay, and the LIP should be brought back to your Commission for full consideration in June.

Sincerely,

A handwritten signature in black ink, appearing to read 'Zev Yaroslavy', written over the printed name and title.

ZEV YAROSLAVSKY
Supervisor, Third District