

**CALIFORNIA COASTAL COMMISSION**

SOUTH CENTRAL COAST AREA  
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# Th 17a

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**DATE:** March 27, 2014

**TO:** Commissioners and Interested Persons

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

**SUBJECT:** County of Los Angeles Land Use Plan Amendment (No. LCP-4-LAC-14-0108-4) for the Santa Monica Mountains Segment of the County's Coastal Zone, for Public Hearing and Commission Action at the April Commission Meeting in Santa Barbara.

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## DESCRIPTION OF THE SUBMITTAL

Los Angeles County has proposed a Local Coastal Program (LCP) for the Santa Monica Mountains segment of the County's coastal zone. The proposed Santa Monica Mountains LCP consists of two parts: 1) a Land Use Plan, and 2) a Local Implementation Plan. For the Land Use Plan portion, the County is requesting an amendment to its existing certified Land Use Plan, consisting of a comprehensive update to replace the existing Land Use Plan with a new proposed Land Use Plan (Exhibit 4). The Land Use Plan amendment is the subject of this staff report. The County is also requesting certification of a new Local Implementation Plan. As a separate hearing agenda item and action, the Coastal Commission will consider an extension of time for Commission action on the Implementation Plan portion of the proposed LCP, in order to allow adequate time for Commission staff review of the proposed Implementation Plan.

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## SUMMARY OF STAFF RECOMMENDATION

Los Angeles County has submitted a proposed Local Coastal Program (LCP) for the Santa Monica Mountains segment of the County's coastal zone. The LCP consists of a Land Use Plan (LUP), which are the general overarching planning policies and programs for the plan area. The Commission's standard of review for the proposed LUP are the Chapter 3 policies of the Coastal Act. The proposed LUP also includes various maps designating land uses, rural villages, sensitive habitats, scenic resources, hazards, trails, and recreation areas. The second part of the LCP is the Local Implementation Plan (LIP) which are the more detailed zoning or implementing ordinances designed to carry out the more general policies the LUP. The standard of review for the LIP is the LUP. The Commission is first considering the LUP for action at the April 2014 Commission meeting, which is the subject of this staff report. The LIP will be considered at a subsequent hearing which is tentatively scheduled for the June 2014 Commission meeting. The LUP is intended to entirely replace the existing certified Malibu-Santa Monica Mountains LUP that was certified by the Commission in 1986.

Commission staff is recommending denial of the LUP as submitted and approval of the LUP subject to 60 suggested modifications outlined on pages 10-40 of this report. The majority of the suggested modifications are clarifications and refinements to proposed LUP policies. However, there are several

new LUP policies included as suggested modifications that are necessary to ensure the LUP is in conformity with the Chapter 3 policies of the Coastal Act.

The Santa Monica Mountains segment of Los Angeles County's coastal zone includes the unincorporated area west of the City of Los Angeles and east of Ventura County, excluding the City of Malibu and Pepperdine University. The Santa Monica Mountains plan area extends inland from the shoreline approximately five miles and encompasses approximately 50,000 acres. There are two relatively small portions of the plan area that extend to the coastline and flank the coastal City of Malibu – the area of Leo Carrillo State Park at the east end of the plan area between Ventura County and the City of Malibu, and the Topanga coastal area at the east end between the City of Los Angeles and the City of Malibu.

The Santa Monica Mountains are a rugged, unique, and beautiful natural landscape with large areas of environmentally sensitive habitat and public parkland. The Santa Monica Mountains were designated as a National Recreation Area in 1978. Over fifty percent of the plan area is designated public parkland or open space managed by the County, the National Park Service, the California Department of Recreation, the Santa Monica Mountains Conservancy, the Mountains Recreation and Conservation Authority, and the Mountains Restoration Trust. Surrounded by the dense urban development of Los Angeles and other cities, the Santa Monica Mountains represent a valuable low-cost recreational resource within the region for visitors and residents alike. The parklands are interspersed and fragmented by private, rural-residential properties ranging in size from parcels of less than 10,000 square feet to parcels of 80 acres or more.

#### *Environmentally Sensitive Habitat Areas (ESHA)*

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.

The LUP prohibits most development within H1 habitats, with the exception of resource-dependent uses, certain public works projects, and access roads to parcels within H2 or H3 habitats when there is no other way to access the parcels. The County has made the commitment through this LUP to acquire or purchase property, if necessary, in order to avoid a constitutional taking of private property in H1

habitat. The prohibition of development within H1 habitat will preserve about 4,200 acres of the most sensitive habitat in the Santa Monica Mountains in perpetuity.

In H2 habitat (coastal sage scrub/ chaparral habitat), the LUP generally reflects the policy approach the Commission has implemented through individual coastal development permit actions in the Santa Monica Mountains for the past twelve years, which has limited development in ESHA to a maximum development area of 10,000 square feet, subject to a number of other resource protection measures in order to provide a reasonable economic use of the property to avoid a taking of private property. The Commission has also required mitigation for the loss of habitat resulting from removal of ESHA for the approved development area and the associated 200 foot fuel modification zone required by the County Fire Department. The total impact area can encompass as much as 4.5 acres of habitat. The Commission allows for several options to mitigate for the loss of ESHA, but in past permit actions applicants have typically chosen the Habitat Impact Mitigation In-Lieu Fee option which has not been updated since the Commission began implementing the fee in 2002. The County is proposing to update this Habitat Fee through a “nexus” study which is required pursuant to State Law. The LUP requires that this Habitat Fee be updated within five years of certification of the LCP, and in the meantime the Commission’s existing fee would apply adjusted for inflation. The LUP also includes a Resource Conservation Program (RCP), under Policy CO-86, in which the County commits \$2,000,000 for the strategic purchase of private properties containing H1 and H2 habitats near existing public parklands and open space. This fund would serve as mitigation for the loss of habitat associated with the loss of H2 habitat resulting from new development in the plan area. The RCP would be managed similar to a mitigation bank whereby the habitat mitigation fee requirement for each individual coastal development permit involving the removal of H2 habitat would be debited from the account and closely tracked on an annual basis for a period of ten years. After ten years the County would either add to this account or require individual applicants to pay the habitat mitigation fee for new residential development directly into an account that would be used to purchase H1 and H2 properties. Through Suggested Modification 22, staff is recommending a number of clarifications regarding how the program will operate including monitoring and tracking of the County’s \$2,000,000 (minimum) habitat compensation account.

#### *Equestrian and Confined Animal Facilities*

In recognition of the rich equestrian history and culture in the Santa Monica Mountains, the proposed LUP allows for limited confined animal equestrian facilities within the required fuel modification zone surrounding a residential structure on slopes of 3:1 or less, as well as, a limited amount of non-irrigated equestrian pasture area outside of the fuel modification zone on slopes of 4:1 or less, subject to requirements for best management practices to control and filter runoff and manure management. The allowance for pasture areas outside of the fuel modification zone is further limited to a maximum of five percent of the parcel size, up to a maximum of two acres, and is also limited to parcels that could not accommodate an equestrian facility within the fuel modification zone, as required pursuant to Suggested Modifications 31. It is not anticipated that this allowance for pasture outside the fuel modification zone will result in the removal of a significant amount of H2 habitat given the slope restrictions, the limits on the amount of pasture allowed outside the fuel modification zone, and the fact that over the past ten years only eight coastal development permit applications for equestrian facilities have been approved by the Commission. However, this allowance for equestrian pasture outside the fuel modification zone is beyond what the Commission has typically allowed through individual permit actions in the Santa Monica Mountains to provide a reasonable economic use and to avoid a taking of private property. Nevertheless, the small amount of pasture that may be authorized will be

compensated, or off-set, through several LUP provisions and policies that will permanently preserve over 4,200 acres of H1 habitat on private properties; preserve and concentrate development in H2 areas through a Transfer of Development Credit (TDC) program; and the funds collected through the updated in-lieu habitat mitigation fee will be directed to strategic purchase of private property adjacent to parklands and other protected open space areas. Therefore, despite including policies that have potential adverse impacts from some limited removal of H2 habitat for limited additional fuel modification for confined animal facilities and equestrian pasture outside of the fuel modification areas for residential development, as a whole, the LUP is, on balance, more protective of coastal resources, as required by Coastal Act Sections 30240 and 30250. This conclusion is supported by the language of Section 30007.5, in which the legislature recognized that a plan to concentrate development in areas better able to accommodate such development would likely be more protective of coastal resources overall.

#### *Land Divisions in H2 Habitat*

The LUP also includes policies that would allow for land divisions within H2 habitat (ESHA). In past permit actions in the Santa Monica Mountains, the Commission has not allowed land divisions in H2 habitat (coastal sage scrub & chaparral ESHA), as these land divisions are not considered resource dependent uses and result in the creation of a new developable parcel and building site that will result in the direct removal and disturbance of ESHA, which is not consistent with Section 30240 of the Coastal Act. As proposed, Policy CO-75 allows for land divisions in H2 without any requirements or provisions that would result in the concentration of development through land divisions in a manner that would preserve larger contiguous areas of H2 habitat. Suggested Modifications 19 and 49 identify specific provisions that would allow for land divisions in H2 habitat in a manner that would cluster and concentrate development in areas better able to accommodate development and would result in lot pattern that would preserve more H2 habitat than the existing lot pattern. Therefore, the LUP, as modified, appropriately concentrates development in areas better able to accommodate development, while preserving larger contiguous areas H2 habitats (ESHA) consistent with Sections 30250 and 30240 of the Coastal Act. This conclusion is supported by the language of Section 30007.5, in which the legislature recognized that a plan to concentrate development in areas better able to accommodate such development would likely be more protective of coastal resources overall.

#### *Confined Animal Facility Compliance Program*

Policy CO-12 of the proposed LUP establishes a permitting program for existing, unpermitted confined animal facilities and invites such facilities to conform to the LCP policies and regulations to the extent feasible given parcel size and on-site resources, in lieu of enforcement. Under this proposed policy, unpermitted confined animal facilities in the plan area would be allowed to remain as legal non-conforming uses, in perpetuity, even where such facilities cannot be brought in conformance with the LUP policies due to site constraints, as long as water quality provisions and confined animal facility management policies of the LCP are implemented. Pursuant to this policy, it is possible that a certain number of unpermitted confined animal facilities would be allowed to remain even though the facility has absolutely no setback from a stream and/or could be located on very steeply sloping topography. This policy would result in long term on-going adverse impacts to riparian habitat and water quality of coastal streams and waters. Therefore, Suggested Modification 3 is necessary to delete the provision from Policy CO-12 that would allow for the retention of unpermitted confined animal facilities that cannot be brought into conformance with the requirements of the LUP. However, a programmatic approach through the LCP that encourages a path towards compliance for unpermitted confined animal

facilities can be framed in a way that does not violate the Coastal Act. Policy measures could include provisions to: encourage compliance through education, public outreach and technical assistance; reductions in permitting fees; reducing or eliminating fines for a limited period of time; allowing limited retention of the unpermitted development that may include some reduced setback/buffer and slope requirements in order to allow the landowner time to bring the facility into compliance; and grant programs that assist landowners to bring the facility into compliance. These are just a few of the possible compliance measures that could be incorporated into the LUP as a means to bring unpermitted confined animal facilities into compliance with the LUP. This type of program could be proposed through an amendment to the LCP at a future date.

### *Crop Based Agriculture*

The LUP prohibits any new crop-based agriculture in the Santa Monica Mountains. Within the Santa Monica Mountains plan area, a very large percentage of area soils are rocky and steeply sloping, contain sensitive habitat, and as such, are not suitable or appropriate for crop-based agriculture. The only areas containing suitable prime agricultural soils are located within existing public parkland areas. The largest area of prime agricultural soils is located on the King Gillette Ranch which is owned and operated by the National Park Service. There is one other notable area that is not public parkland, the Malibu Golf Club, an existing golf course in Encinal Canyon that was originally built prior to the effective date of the Coastal Act. The limited lands within the plan area that contain prime agricultural soils (less than 2% of the plan area) are either State or Federal public parkland or are developed with existing uses and not in agricultural production. In addition, these lands are not on any urban-rural boundary. As such, the mandate of Coastal Act Section 30241 to maintain the maximum amount of prime agricultural land in agricultural production is not applicable in this unique Santa Monica Mountains coastal environment. Furthermore, the existing certified LUP for the Malibu-Santa Monica Mountains does not designate any property in the plan area for exclusive agricultural use. 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. The land use designations in the 1986 certified LUP for this area consist primarily of rural-residential designations that allow limited, low-intensity commercial recreational uses and agricultural activities. The proposed LUP also does not designate any areas for exclusive agricultural use.

The State Department of Conservation (DOC) designates Farmlands of Statewide Importance, which is similar to Prime Farmland but with minor shortcomings, such as greater slopes or less ability to store soil moisture. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date. There are no designated Farmland of Statewide Importance areas within the plan area. Unique Farmland is another DOC designation, consisting of lesser quality soils used for the production of agricultural crops. This land is usually irrigated, but may include non-irrigated orchards or vineyards as found in some climatic zones in California. Land must have been cropped at some time during the four years prior to the mapping date. There is one small area in the Santa Monica Mountains that is designated Unique Farmland - the Malibu-Newton Canyon (Rosenthal) vineyards that were planted in the 1980's and encompass approximately 25 acres. There is another area of commercial vineyards that straddles the Coastal Zone boundary on the Saddle Rock Ranch. The majority of the vineyards on this ranch are located outside of the coastal zone. Only approximately 50 acres of vineyards are located within the plan area. In order to provide for the continuation of coastal agriculture on these productive agricultural lands within the plan area, consistent with Coastal Act Section 30242, Suggested Modification 28 is necessary to limit the conversion of these lands to non-agricultural uses. There are also scattered small-scale "hobby"

vineyards located with the irrigated fuel modification zones of some residences in the mountains that are not economically viable agriculture operations and therefore, do not warrant protection under Sections 30241 or 30242 of the Coastal Act. Therefore, the confluence of factors – including steep slopes, poor soils, scenic considerations, sensitive watersheds, abundant ESHA, and lot size limitations – render the vast majority of the land in the Santa Monica Mountains unsuitable for agricultural use. As such, the prohibition on the conversion of lands suitable for agricultural use to non-agricultural use of Coastal Act Section 30242 does not apply in most cases in this unique plan area.

In addition, under the proposed LUP definitions, confined animal facilities for the raising, breeding, and keeping of equine could be interpreted to be an agricultural use when the proposed definitions for “agricultural uses”, “livestock”, and “confined animal facilities” in the LUP are considered together. Although equine-keeping facilities may be commercial operations, they are not to cultivate food, fiber, or plant material products for sale, and are therefore not agricultural use for purposes of the Coastal Act. Therefore, Suggested Modification 59 includes these definition clarifications.

Finally, in addition to the issue areas addressed above, the LUP contains policies and standards relative to new development; protection of scenic resources; and policies to address geologic hazards, shoreline development sea level rise, and public works. A number of suggested modifications are required to clarify and refine several of these policies. In addition, there are several suggested modifications that add new LUP policies necessary to conform to applicable Chapter 3 policies of the Coastal Act. The LUP, if modified as suggested in this report, is in conformity with the Chapter 3 policies of the Coastal Act.

## **TABLE OF CONTENTS**

|             |  |            |
|-------------|--|------------|
| <b>I.</b>   | <b>STAFF RECOMMENDATION, MOTION, &amp; RESOLUTION.....</b>                           | <b>9</b>   |
| A.          | DENIAL OF THE LUP AMENDMENT AS SUBMITTED.....  | 9          |
| B.          | CERTIFICATION OF THE LUP AMENDMENT WITH SUGGESTED MODIFICATIONS .....                | 9          |
| <b>II.</b>  | <b>SUGGESTED MODIFICATIONS .....</b>   | <b>10</b>  |
| <b>III.</b> | <b>FINDINGS.....</b>   | <b>40</b>  |
| A.          | ENVIRONMENTAL SETTING AND DESCRIPTION OF THE PLAN AREA .....                         | 40         |
| B.          | LOCAL COASTAL PLANNING HISTORY .....   | 42         |
| C.          | PROPOSED PLAN.....   | 43         |
| D.          | PUBLIC PARTICIPATION .....   | 43         |
| E.          | LAND AND MARINE RESOURCES .....  | 44         |
| 1.          | <i>Coastal Act Provisions .....</i>  | <i>44</i>  |
| 2.          | <i>Coastal Act Policies.....</i>   | <i>45</i>  |
| 3.          | <i>Introduction and Setting .....</i>  | <i>49</i>  |
| 4.          | <i>ESHA Designation .....</i>  | <i>50</i>  |
| 5.          | <i>Habitats of the Plan Area and Designation of ESHA.....</i>                        | <i>51</i>  |
| 6.          | <i>Biological Resource Protection Approach of the 1986 Certified LUP .....</i>       | <i>63</i>  |
| 7.          | <i>Coastal Commission's Existing ESHA Protection Approach in the Plan Area .....</i> | <i>65</i>  |
| 8.          | <i>Designation of Biological Resources Proposed in the LUP.....</i>                  | <i>69</i>  |
| 9.          | <i>Habitat Mapping.....</i>  | <i>72</i>  |
| 10.         | <i>Protection of ESHA (SERA's).....</i>  | <i>76</i>  |
| 11.         | <i>Confined Animal Facilities and Agriculture.....</i>                               | <i>87</i>  |
| 12.         | <i>Habitat Impact Mitigation and the Resource Conservation Program (RCP) .....</i>   | <i>106</i> |
| 13.         | <i>New Development .....</i>   | <i>110</i> |
| 14.         | <i>Land Divisions .....</i>  | <i>118</i> |
| 15.         | <i>Stream Protection .....</i>   | <i>121</i> |
| 16.         | <i>Wetlands .....</i>  | <i>123</i> |
| 17.         | <i>Native Trees .....</i>  | <i>125</i> |
| 18.         | <i>Marine Resources .....</i>  | <i>128</i> |
| 19.         | <i>Water Quality.....</i>  | <i>128</i> |
| 20.         | <i>Conclusion .....</i>  | <i>133</i> |
| F.          | PUBLIC ACCESS AND RECREATION.....  | 133        |
| 1.          | <i>Coastal Act Provisions .....</i>  | <i>133</i> |
| 2.          | <i>Coastal Act Policies.....</i>   | <i>133</i> |
| 3.          | <i>Introduction .....</i>  | <i>136</i> |
| 4.          | <i>Inland Recreational Trails.....</i>   | <i>138</i> |
| 5.          | <i>California Coastal Trail .....</i>  | <i>141</i> |
| 6.          | <i>Lateral &amp; Vertical Beach Access.....</i>                                      | <i>142</i> |
| 7.          | <i>Parking / Transit / Signage.....</i>  | <i>144</i> |
| 8.          | <i>Visitor and Recreation Serving Uses .....</i>                                     | <i>146</i> |
| G.          | NEW DEVELOPMENT .....  | 149        |
| 1.          | <i>Coastal Act Provisions .....</i>  | <i>149</i> |
| 2.          | <i>Coastal Act Policies.....</i>   | <i>149</i> |
| 3.          | <i>Introduction .....</i>  | <i>150</i> |
| 4.          | <i>Density, Types, and Intensity of Use.....</i>                                     | <i>150</i> |

|     |   |     |
|-----|---|-----|
| 5.  | <i>General Land Use Provisions</i> .....                          | 155 |
| 6.  | <i>Residential Development</i> .....                              | 159 |
| 7.  | <i>Commercial Development</i> .....                               | 161 |
| 8.  | <i>Rural Villages</i> .....                                       | 162 |
| 9.  | <i>Land Divisions</i> .....                                       | 164 |
| 10. | <i>Lot Retirement and Cumulative Impacts of Development</i> ..... | 168 |
| 11. | <i>Telecommunication Facility Policies</i> .....                  | 174 |
| 12. | <i>Archaeological/Paleontological/Historic Resources</i> .....    | 175 |
| 13. | <i>Conclusion</i> .....   | 175 |
| H.  | SCENIC AND VISUAL RESOURCES .....                                 | 176 |
| 1.  | <i>Coastal Act Provisions</i> .....                               | 176 |
| 2.  | <i>Coastal Act Policies</i> .....                                 | 176 |
| 3.  | <i>Introduction</i> .....   | 176 |
| 4.  | <i>Scenic and Visual Resource Identification</i> .....            | 177 |
| 5.  | <i>New Development</i> .....                                      | 178 |
| I.  | HAZARDS AND SHORELINE DEVELOPMENT .....                           | 183 |
| 1.  | <i>Coastal Act Provisions</i> .....                               | 183 |
| 2.  | <i>Coastal Act Policies</i> .....                                 | 184 |
| 3.  | <i>Introduction</i> .....   | 184 |
| 4.  | <i>General Development</i> .....                                  | 185 |
| 5.  | <i>Geologic Hazards</i> .....                                     | 185 |
| 6.  | <i>Fire Hazards</i> .....   | 187 |
| 7.  | <i>Flood Hazards</i> .....  | 191 |
| 8.  | <i>Shoreline and Bluff Development</i> .....                      | 192 |
| 9.  | <i>Sea Level Rise</i> .....                                       | 196 |
| J.  | GENERAL LUP ADMINISTRATION .....                                  | 197 |
| 1.  | <i>LUP Introduction</i> .....                                     | 197 |
| 2.  | <i>LUP Maps and the Coastal Zone Boundary</i> .....               | 202 |
| 3.  | <i>Principally Permitted Use Definition</i> .....                 | 202 |
| K.  | CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) .....                 | 202 |

## EXHIBITS

- Exhibit 1.** Vicinity Map of the Los Angeles County-Santa Monica Mountains Plan Area
- Exhibit 2.** Map of Public Parkland within the Plan Area
- Exhibit 3.** Inventory of Low-Cost Overnight Accommodations in Vicinity of Plan Area
- Exhibit 4.** Proposed Los Angeles County-Santa Monica Mountains Land Use Plan, including Land Use Plan Maps 1-9:
- Map 1 – Planning Area
  - Map 2 – Biological Resources
  - Map 3 – Scenic Resources
  - Map 4 – Recreation
  - Map 5 – Fire and Flood Hazards
  - Map 6 – Seismicity Hazards
  - Map 7 – Rural Villages
  - Map 8 – Land Use Map
  - Map 9 – Highway Plan

## **I. STAFF RECOMMENDATION, MOTION, & RESOLUTION**

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

### **A. DENIAL OF THE LUP AMENDMENT AS SUBMITTED**

#### **Motion:**

*I move that the Commission certify Land Use Plan Amendment No. LCP-4-LAC-14-0108-4 as submitted by Los Angeles County for the Santa Monica Mountains segment of the County's Coastal Zone.*

Staff recommends a NO vote. Following this staff recommendation will result in denial of the land use plan amendment as submitted and adoption of the following resolution. The motion to certify as submitted passes only upon an affirmative vote of a majority of the appointed Commissioners.

#### **Resolution to Deny the LUP Amendment as Submitted:**

*The Commission hereby denies certification of the Land Use Plan Amendment submitted by Los Angeles County for the Santa Monica Mountains segment of the County's coastal zone and adopts the findings set forth below on grounds that the land use plan amendment as submitted does not meet the requirements of and is not in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan amendment would not meet the requirements of the California Environmental Quality Act, as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the land use plan amendment as submitted.*

### **B. CERTIFICATION OF THE LUP AMENDMENT WITH SUGGESTED MODIFICATIONS**

#### **Motion:**

*I move that the Commission certify Land Use Plan Amendment No. LCP-4-LAC-14-0108-4, submitted by Los Angeles County for the Santa Monica Mountains segment of the County's Coastal Zone, if modified as suggested in this staff report.*

Staff recommends a YES vote. Passage of this motion will result in certification of the land use plan amendment with suggested modifications and adoption of the following resolution and findings. The motion to certify with suggested modifications passes only upon an affirmative vote of a majority of the appointed Commissioners.

#### **Resolution to Certify with Suggested Modifications:**

*The Commission hereby certifies the Land Use Plan Amendment submitted by Los Angeles County for the Santa Monica Mountains segment of the County's coastal zone, if modified as suggested, and adopts the findings set forth below on grounds that the land use plan amendment with the suggested modifications will meet the requirements of and be in*

*conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan amendment if modified as suggested complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the land use plan amendment if modified as suggested.*

## II. SUGGESTED MODIFICATIONS

The staff recommends the Commission certify the proposed LUP amendment, with 60 suggested modifications as shown below. Since the proposed LUP amendment consists of a comprehensive update to replace the existing Land Use Plan with a new proposed Land Use Plan, language proposed in the County's LUP is shown in straight type. Language recommended by Commission staff to be inserted is shown underlined. Language recommended by Commission staff to be deleted is shown in ~~striketrough~~. Other suggested modifications that do not directly change LUP text (e.g., revisions to maps, figures, instructions) are shown in *italics*.

### **Suggested Modification 1**

*Revise Section D of Part I. Introduction (LUP Page 3-4), as follows:*

#### **D. How to Use the LUP**

The Santa Monica Mountains LUP is a component of the Los Angeles County General Plan. However, where conflicts occur between the policies contained in this LUP and ~~those~~ anything contained in any ~~element~~ other part of the County's General Plan, in any Specific Plan or other plan, in County zoning, or in any other ordinance not included in the LUP, the policies of this LUP shall take precedence. Users should be guided by the following:

- ~~Should any LUP policies conflict, unless specifically noted, the policy that is most protective of coastal resources, including Protection of SERA's (H1 and H2 habitats) and public access shall take priority over other LUP development standards. , shall take precedence. Two policies will only be treated as conflicting if applying one would necessarily result in a violation of the other, so there is no way to apply both. If development can be made to comply with two different policies, the policies shall not be construed to be in conflict.~~
- Certain policies of Chapter 3 of the Coastal Act (Public Resources Code Sections 30200 through 30265) are included in the LUP for illustrative purposes only, and are not adopted by the County. While the County has not incorporated Chapter 3 policies directly into this LUP as individually enforceable policies, the County recognizes that Chapter 3 policies provide the authority for the policies of this LUP, and the policies in this LUP must be interpreted in a manner consistent with the Coastal Act. Therefore, the provisions of this LUP should be construed to be at least as protective of Coastal Resources as corresponding policies of the Coastal Act.
- ~~If a conflict is identified between policies of Chapter 3 of the Coastal Act, Public Resources Code Section 30007.5 shall be utilized to resolve the conflict.~~
- The County shall not issue a coastal development permit unless, P~~p~~prior to issuing a coastal development permit, the County shall determines that it can make, and does make, the finding that the proposed development is consistent with the policies set forth in this LUP.

- Nothing in this LUP shall be construed to prevent construction of a single-family residence on an existing, lawfully-established lot that allows such use, due to the size of the lot. Lot size may, however, play a role in a determination that location of a building pad on a lot is infeasible because necessary health and safety facilities cannot be accommodated.
- While this LUP is meant to be a guide for the public in determining allowable uses of private property, nothing in this LUP provides an entitlement to any specific form of development, and the public is strongly encouraged to consult with County planning staff prior to making any substantial investment in reliance on the belief that any specific development is possible, including prior to investing in the preparation of development plans that might later prove to be inconsistent with the LUP.
- All uses lawfully-established prior to the certification of this LCP that are not consistent with all LCP policies and provisions may continue in a legal non-conforming status subject to Zoning Ordinance provisions. Such uses may not be expanded in any manner inconsistent with the certified local coastal program (LCP). Where feasible, such lawfully established uses will be brought into conformity with the certified LCP.
- Development on Pepperdine University's 830-acre Malibu-area campus is subject to the Coastal Commission's review authority pursuant to Pepperdine's long range development plan (LRDP), which was certified by the Coastal Commission on January 11/April 12, 1990. The policies in this LUP shall not replace the Chapter 3 policies of the Coastal Act for the purposes of reviewing future amendments to the LRDP by the County and Coastal Commission. Similarly, proposed new development on the Pepperdine University campus will continue to be reviewed by the Coastal Commission for consistency with the policies contained in the certified LRDP, rather than the LUP policies of this LCP. The standard of review for any proposed amendments to the certified LRDP would continue to be the Chapter 3 policies of the Coastal Act, rather than the policies of this LCP.

...

### **Suggested Modification 2**

*Revise Section A. Introduction of Part II. Conservation and Open Space Element (LUP Page 12), as follows:*

Each section provides goals and policies to guide applicants. The policies, along with the implementation measures of the LCP, are the standard of review to be used by decision-makers for new development. To ensure compliance with the Coastal Act, these goals and policies address many key components, including, but not limited to, the following:

- Protection of H1 and H2 habitat areas against significant disruptions of habitat values through the policies of this LUP;
- Protection of the scenic and visual qualities of coastal areas;
- Protection and expansion of public access to the shoreline and recreational opportunities and resources, including lower-cost visitor-serving and recreational facilities; and
- Protection of paleontological and archaeological resources.

### **Suggested Modification 3**

*Revise Policy CO-12 in Section C. Water Quality of Part II. Conservation and Open Space Element (LUP Page 17), as follows:*

- CO-12 Prevent the disposal of animal waste, wastewater, and any other byproducts of human, crop-based-agricultural or equestrian activities in or near any drainage course, or H1 habitat area. ~~To more fully carry out this policy for existing confined animal facilities where the issue of legal establishment is in question, establish a program which invites such facilities to conform to the LCP policies and regulations to the extent feasible given parcel size and on-site resources, in lieu of enforcement. This program shall be extended to such facilities that lack Coastal Development Permit, are located on parcels larger than 15,000 square feet, and where it can be documented that the facility existed prior to 2001 and after the effective date of the Coastal Act. All such facilities shall conform to the livestock management requirements of the LCP for water quality improvement. If the facility can be brought into full conformity with the LCP, the facility shall be extended legal status. If it is not feasible to bring the facility into full conformity, but the facility conforms to all water quality measures for livestock management, the facility shall be extended legal non-conforming status. This provision shall be subject to all due process rights, notices, correction periods, and opportunities to contest staff's initial determination otherwise provided by the LCP.~~

#### **Suggested Modification 4**

*Revise Policy CO-13 in Section C. Water Quality of Part II. Conservation and Open Space Element (LUP Page 18), as follows:*

- CO-13 As part of the Coastal Development Permit process, require confined animal facilities and agricultural activities to utilize BMPs to minimize erosion and avoid sediment and pollutant impacts. For all development, require the ongoing maintenance of all design features used to mitigate stormwater runoff.

#### **Suggested Modification 5**

*Revise Policy CO-15 in Section C. Water Quality of Part II. Conservation and Open Space Element (LUP Page 18), as follows:*

- CO-15 Limit the siting of confined animal facilities and maximum number of livestock permitted on a site to that appropriate to the parcel size, slope, proximity to H1 and H2 habitat areas, and other unique site characteristics and constraints, as set forth in the policies of this LUP.

#### **Suggested Modification 6**

*Revise Policy CO-21 in Section C. Water Quality of Part II. Conservation and Open Space Element (LUP Page 18), as follows:*

- CO-21 Natural vegetation buffer areas that protect riparian habitats shall be maintained. Buffers shall function as transitional habitat and provide a separation from developed areas to minimize adverse impacts. Buffers shall be of a sufficient size to ensure the biological integrity and preservation of the riparian habitat, but in no case shall the buffer be less than 100 feet, except when it is infeasible to provide the 100 foot buffer in one of the following circumstances: (1) to provide access to development approved in a coastal development permit on a legal parcel where no other alternative is feasible; (2) for public works projects required to repair or protect existing public roads when there is no feasible alternative; (3)

for a development on a legal parcel that is the minimum development necessary to provide a reasonable economic use of the property and where there is no feasible alternative. Water quality ~~improvements~~ BMPs required for new development shall be located outside the 100-foot buffer, except for non-structural BMPs (e.g. vegetated berms/swales, bioengineered velocity reducers). Water quality BMPs proposed to improve the water quality of runoff from existing development without adequate BMPs shall be located outside the 100-foot buffer to the maximum extent feasible. The County encourages the daylighting restoration of streams that had previously been channelized or otherwise significantly altered. ~~Therefore, such a newly daylighted~~ Existing legally-established development within the required 100-foot buffer of such a restored streams shall be considered a lawfully non-conforming use subject to the non-conforming development provisions of the LCP. exempt from the buffer requirement.

### **Suggested Modification 7**

*Revise Policy CO-32 in Section C. Water Quality of Part II. Conservation and Open Space Element (LUP Page 20), as follows:*

CO-32 Alteration of natural streams for the purpose of creating stream road crossings shall be prohibited unless there is no other feasible alternative to provide access to public recreation areas or lawfully-established development ~~approved in a coastal development permit~~ on legal parcels, and the ~~alteration does not restrict movement of fish or other aquatic wildlife. In all other cases,~~ stream crossings ~~is shall be~~ accomplished by bridging. ~~Where feasible, b~~Bridge columns shall be located outside streambeds and banks. Wherever possible, shared bridges shall be used for providing access to multiple home sites. Culverts may be utilized for the crossing of minor drainages lacking beds and banks and riparian vegetation and where the culvert is sized and designed to not restrict movement of fish or other aquatic wildlife. ~~When it is determined by the Fire Department that doing so would not result in diminished access and a threat to public safety, a~~An in-stream road crossing, such as an "Arizona crossing", shall be modified ~~when feasible~~ to a soft-bottom crossing or replaced by a bridge, consistent with Fire Department requirements, when major maintenance or repair activities on the crossing are undertaken.

### **Suggested Modification 8**

*Revise a portion of the Introduction of Section D. Biological Resources of Part II. Conservation and Open Space Element (LUP Page 22-23), as follows:*

The SERA habitat categories are described as follows:

H1 habitat consists of areas of highest biological significance, rarity, and sensitivity. H1 habitats include: alluvial scrub; coastal bluff scrub; dune ~~coast live oak, valley oak, sycamore, walnut, and bay woodlands~~; native grassland; and scrub with a strong component of native grasses or forbs; riparian; native oak, sycamore, walnut and bay woodlands; and rock outcrop habitat types. Wetlands, including creeks, streams, marshes, seeps and springs, are also H1 habitat. ~~Any species that are less sensitive than H1 but included in H1 habitat shall receive the more sensitive treatment of H1.~~ H1 habitat also includes populations of plant and animals species (1) listed by the State or Federal government as rare, threatened or endangered, listed by NatureServe as State or Global-ranked 1, 2, or 3, and identified as

California Species of Special Concern, and/or (2) CNPS-listed 1B and 2 plant species<sup>1</sup>, normally associated with H1 habitats, where they are found within H2 or H3 habitat areas.

...

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 (1) CNDDDB-identified rare natural communities; (2) plant and animal species listed by the State or Federal government as rare, threatened, or endangered; listed by NatureServe as State or Global-ranked 1, 2, or 3, and identified as California Species of Special Concern; and/or (3) CNPS-listed 1B and 2 plant species<sup>2</sup>, normally associated with H2 habitats. H2 “High Scrutiny” habitat also includes (1) plant and animals species listed by the State or Federal government as rare, threatened or endangered, listed by NatureServe as State or Global-ranked 1, 2, or 3, and identified as California Species of Special Concern, and/or (2) CNPS-listed 1B and 2 plant species, normally associated with H1 habitats, where they are found as individuals (not a population) in H2 habitat. ~~H2 habitat species/habitats containing California Department of Fish and Wildlife (“CDFW”)/California Natural Diversity Database (“CNDDDB”) identified rare species associated with H2 habitat, and California Native Plant Society (“CNPS”) categories 1B and 2 habitats.~~ New development shall avoid H2 habitat (including H2 High Scrutiny habitat), where feasible, in order to protect these sensitive environmental resource areas from disruption of habitat values. New development shall only be allowed in H2 habitat if it is consistent with the specific limitations and mitigation requirements for development permitted in H2 habitat. H2 High Scrutiny habitat is considered a rare H2 habitat subcategory that shall be given protection priority over other H2 habitat and shall be avoided to the maximum extent feasible.

...

In addition to the prohibition of development in H1 habitat – to preserve the areas of highest biological significance, rarity, and sensitivity – a Resource Conservation Program (RCP) will be implemented by the County to mitigate for permitted development that will result in unavoidable adverse impacts to H2 habitat, to H1 habitat from the provision of less than a 100-foot H1 habitat buffer, or for unavoidable impacts to ~~H1 and~~ H2 habitat for public works projects. The Program consists of the expenditure of funds by the County over a ten-year period for the acquisition and permanent preservation of land containing substantial areas of ~~habitat identified on the Biological Resource Map as H1 or H2 habitats or other properties in the coastal zone of the Santa Monica Mountains that contain critical habitat and/or wildlife linkages or other significant habitat values for the Santa Monica Mountains.~~ ~~The RCP will keep track of the acreage of habitat impacts from development approved through coastal development permits (CDP) and the land acquisition brought about by the RCP. For impacts to H2 habitat brought about by expanded fuel modification for confined animal facilities within the fuel modification area of the principal permitted use, or for pasturage in H2 habitat outside of the fuel modification for the principal permitted use as set forth in this LCP, the County shall conduct the necessary statutory studies to establish an in-lieu impact mitigation fee. Such fee shall be approved pursuant to an amendment to this LCP. If at the time of issuance of the first CDP which includes such impacts to H2 habitat, no amendment has been approved by the California Coastal Commission with full certification and jurisdiction returned, then the County shall collect the fee established in the in-lieu fee study approved by the Board of Supervisors. The fee proceeds will go into a “Habitat Impact Mitigation Fund” that will be used by the County to purchase properties that contain substantial areas~~

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<sup>1</sup> All of these particular categories of listed species are maintained in the California Department of Fish and Wildlife (“CDFW”)/California Natural Diversity Database (“CNDDDB”), which is an information clearinghouse for lists of rare plant and animal species and rare natural communities.

<sup>2</sup> Ibid

~~of habitat. The County will include in the annual reporting for the RCP the amount of the annual fee imposed and collected, if any.~~

### **Suggested Modification 9**

*Revise Policy CO-33 in Section D. Biological Resources of Part II. Conservation and Open Space Element (LUP Page 24), as follows:*

- CO-33 Sensitive Environmental Resource Areas (SERAs) are areas containing habitats of the highest biological significance, rarity, and sensitivity. SERAs are divided into two habitat categories – H1 habitat and H2 habitat – that are subject to strict land use protections and regulations.
- 1) H1 habitat consists of areas of highest biological significance, rarity, and sensitivity--alluvial scrub, coastal bluff scrub, dune, native grassland and scrub with a strong component of native grasses or forbs, riparian, native oak, sycamore, walnut and bay woodlands, and rock outcrop habitat types. Wetlands, including creeks, streams, marshes, seeps and springs, are also H1 habitat. Coast live and valley oak, sycamore, walnut, and bay woodlands are all included in H1 habitat. H1 habitat also includes populations of plant and animals species (1) listed by the State or Federal government as rare, threatened or endangered, listed by NatureServe as State or Global-ranked 1, 2, or 3, and identified as California Species of Special Concern, and/or (2) CNPS-listed 1B and 2 plant species<sup>3</sup>, normally associated with H1 habitats, where they are found within H2 or H3 habitat areas. Any species that are less sensitive than H1 but included in H1 habitat shall receive the more sensitive treatment of H1.
  - 2) 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 sensitive H2 habitat species/habitats that should be given avoidance priority over other H2 habitat. This habitat contains (1) CNDDDB-identified rare natural communities; (2) plant and animal species listed by the State or Federal government as rare, threatened, or endangered; listed by NatureServe as State or Global-ranked 1, 2, or 3, and identified as California Species of Special Concern; and/or (3) CNPS-listed 1B and 2 plant species<sup>4</sup>, normally associated with H2 habitats. H2 “High Scrutiny” habitat also includes (1) plant and animals species listed by the State or Federal government as rare, threatened or endangered, listed by NatureServe as State or Global ranked 1, 2, or 3, and identified as California Species of Special Concern, and/or (2) CNPS-listed 1B and 2 plant species, normally associated with H1 habitats, where they are found as individuals (not a population) in H2 habitat. California Department of Fish and Wildlife (CDFW)/California Natural Diversity Database (CNDDDB)-identified rare species associated with H2 habitat, such as high elevation and interior chaparral dominated by redshank (*Adenostoma sparsifolium*) and rarer species of Ceanothus, as well as rare and localized scrub types such as ashy buckwheat (*Eriogonum cinereum*) scrub, as treated in the Manual of California Vegetation, 2nd Ed. (categories G1-3/S1-3). Chamise (*Adenostoma fasciculatum*) chaparral is also included as H2 High Scrutiny, which while

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<sup>3</sup> Ibid

<sup>4</sup> Ibid

~~not considered rare statewide, is associated with several rare and declining species of plants and wildlife in the Santa Monica Mountains.~~

### **Suggested Modification 10**

*Revise Policy CO-41 in Section D. Biological Resources of Part II. Conservation and Open Space Element (LUP Page 26), as follows:*

CO-41 New non-resource-dependent development shall be prohibited in H1 habitat areas in order to protect these most sensitive environmental resource areas from disruption of habitat values. The only exception is that two uses may be approved in H1 habitat other than wetlands in very limited circumstances, as follows: (1) public works projects required to repair or protect existing public roads when there is no feasible alternative, as long as impacts to H1 habitat are avoided to the maximum extent feasible, and unavoidable impacts are minimized and mitigated; and (2) an access road to a lawfully-permitted use outside H1 habitat when there is no other feasible alternative to provide access to public recreation areas or development on a legal parcel, as long as impacts to H1 habitat are avoided to the maximum extent feasible, and unavoidable impacts are minimized and mitigated. Any new development approved for one of these two uses within woodland or savannah habitat shall protect native trees in accordance with Policy CO-99.

The County shall not approve the development of any non-resource dependent use other than these two uses within H1 habitat, unless such use has first been considered in an LCP amendment that is certified by the Coastal Commission.

### **Suggested Modification 11**

*Revise Policy CO-42 in Section D. Biological Resources of Part II. Conservation and Open Space Element (LUP Page 27), as follows:*

CO-42 Resource-dependent uses are only allowed in H1 and H2 habitats where sited and designed to avoid significant disruption of habitat values, consistent with the policies of the LUP. Low-impact campgrounds, public accessways, and trails are considered resource-dependent uses. ~~Such~~ Resource-dependent uses shall be sited to avoid or minimize impacts to H1 and H2 habitat to the maximum extent feasible. Measures, including but not limited to, signage, placement of boardwalks, utilizing established trail corridors, following natural contours to minimize grading, and limited fencing shall be implemented as necessary to protect H1 and H2 habitat. Accessways to and along the shoreline shall be sited, designed, and managed to avoid and/or protect marine mammal hauling grounds, seabird nesting and roosting sites, sensitive rocky points and intertidal areas, and coastal dunes.

### **Suggested Modification 12**

*Revise Policy CO-50 in Section D. Biological Resources of Part II. Conservation and Open Space Element (LUP Page 28), as follows:*

CO-50 New development shall be prohibited in wetlands with the exception of the following where it has been demonstrated that there is no feasible less-environmentally-damaging alternative,

and where feasible mitigation measures have been provided to minimize adverse environmental effects: (1) wetlands-related scientific research and wetlands-related educational uses, (2) incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines, and (3) wetland restoration projects where the primary purpose is restoration of the habitat, ~~and (4) access roads to public or private lands where there is no feasible alternative to the wetland encroachment, and where mitigation is provided~~

### **Suggested Modification 13**

*Revise Policy CO-51 in Section D. Biological Resources of Part II. Conservation and Open Space Element (LUP Page 28), as follows:*

CO-51 Where ~~single-family residential~~ new development is permitted in H2 habitat ~~or H3 habitats~~ pursuant to this LCP, the maximum allowable ~~residential~~ building site area on parcels shall be 10,000 square feet, or 25 percent of the parcel size, whichever is less. Where new residential development is permitted in H3 habitat, the maximum allowable residential building site area shall be 10,000 square feet, or 25 percent of the parcel size, whichever is less. The restriction of the building site area to less than the maximum may be required if the native tree protection policies require a smaller area or if it is determined that a smaller building site area would serve to avoid impacts to ~~priority~~ H1 habitat areas, substantially minimize grading associated with the project, reduce the need for manufactured slopes, or reduce the need for retaining features visible from scenic areas, public trails, and public lands. The allowable building site area may be increased for projects that qualify for participation in the incentive program of Policy LU-28 or for projects that comprise two adjoining legal lots, if the existing lots are merged into one lot and one consolidated building site is provided with one access road or driveway. The allowable building site area shall not exceed the total of the building site areas allowed for each individual parcel. ~~Mitigation of adverse~~ Adverse impacts to H2 habitat that cannot be avoided through the implementation of siting and design alternatives shall be accommodated through the Resource Conservation Program pursuant to Policy CO-86 ~~where H2 habitat is impacted.~~

### **Suggested Modification 14**

*Revise Policy CO-52 in Section D. Biological Resources of Part II. Conservation and Open Space Element (LUP Page 29), as follows:*

~~CO-52 Subdivisions altering existing parcel configurations or creating additional lots shall be subject to Policies LU-9 and LU-17.~~

### **Suggested Modification 15**

*Revise Policy CO-53 in Section D. Biological Resources of Part II. Conservation and Open Space Element (LUP Page 29), as follows:*

CO-53 In Rural Villages, new development shall be sited and designed to avoid adverse impacts to all oak woodland habitat (either disturbed or undisturbed), while conforming to all other policies of the LCP. Where there is no feasible alternative to avoid oak woodland habitat that

is not H1 habitat in order to provide a reasonable economic use of the property, ensure public health and safety, or fulfill requirements under the Americans with Disabilities Act for reasonable accommodation, removal of oak woodland habitat within Rural Villages may be allowed if limited to the minimum area necessary to achieve the purpose allowed. In no case shall the removal of oak woodland habitat exceed 10 percent of the total oak woodland area on the subject property. Where removal of oak woodland is allowed, oak tree mitigation shall be required, in accordance with Policy CO-99.

### **Suggested Modification 16**

*Revise Policy CO-55 in Section D. Biological Resources of Part II. Conservation and Open Space Element (LUP Page 29-30), as follows:*

CO-55 New development adjacent to H1 habitat shall provide native vegetation buffer areas to serve as transitional habitat and provide distance and physical barriers to human intrusion. Buffers shall be of a sufficient size to ensure the biological integrity and preservation of the H1 habitat areas they are designed to protect. New development shall provide a buffer of no less than 100 feet from H1 habitat. Variances or modifications to the required H1 habitat buffer width shall not be granted, except for a permitted use included in Policy CO-56 ~~or in the event that to impose the buffer would affect a taking.~~ For streams and riparian habitat, the buffer shall be measured from the outer edge of the canopy of riparian vegetation. Where riparian vegetation is not present, the buffer shall be measured from the outer edge of the bank of the subject stream. For woodland habitat, the buffer shall be measured from the outer edge of the woodland tree canopy. For coastal bluff habitat, the buffer shall be measured from the bluff edge. For wetlands, the buffer shall be measured from the upland limit of the wetland. For all other H1 habitat, the buffer shall be measured from the outer extent of the vegetation that makes up the habitat.

### **Suggested Modification 17**

*Revise Policy CO-57 in Section D. Biological Resources of Part II. Conservation and Open Space Element (LUP Page 30), as follows:*

CO-57 New non-resource-dependent development shall also provide an additional 100-foot “Quiet Zone” from H1 habitat where feasible (measured from the outer edge of the 100-foot H1 habitat buffer required above). New development is not permitted in the H1 habitat Quiet Zone except resource-dependent uses, non-irrigated fuel modification required by the Fire Department for lawfully-established structures, and the following other uses in very limited circumstances: (1) public works projects required to protect existing public roads when there is no feasible alternative, as long as impacts to H1 habitat and the H1 buffer are avoided to the maximum extent feasible, and unavoidable impacts are minimized and mitigated; (2) an access road to a lawfully-permitted use when there is no other feasible alternative to provide access to public recreation areas or development on a legal parcel, as long as impacts to H1 habitat and H1 buffer are avoided to the maximum extent feasible, and unavoidable impacts are minimized and mitigated; (3) a development on a lawfully-created parcel that is the minimum development necessary to provide a reasonable economic use of the property and where there is no feasible alternative, as long as impacts to H1 habitat and H1 buffer are avoided to the maximum extent feasible, and unavoidable impacts are minimized and

mitigated; (4) equestrian pasture outside of the fuel modification zone, consistent with the requirements of the LCP, where the development is sited and designed to ensure that no required fuel modification extends into H1 habitat or H1 buffer, it will not significantly degrade H1 habitat, and will not adversely affect wildlife usage, including movement patterns, of the local area or region ~~and Zone C fuel modification~~. Additionally, if existing fuel modification for the principal use is located within the Quiet Zone ~~is within the fuel modification zone~~, confined animal facilities may be established within the Quiet Zone on slopes of 3:1 or less only if the facilities will not require fuel modification to extend into H1 habitat or the H1 habitat buffer, and ~~are~~ subject to ERB review. Furthermore, public recreational facilities ~~resources~~ may also be located within this quiet zone, if it is developed and/or disturbed by historic use (e.g., recreational).

### **Suggested Modification 18**

*Revise Policy CO-64 in Section D. Biological Resources of Part II. Conservation and Open Space Element (LUP Page 31), as follows:*

CO-64 ~~Where there is any conflict between the standards that apply or uses that are permitted in the habitat categories or their required buffers, the development standards and permitted uses that are~~ Where multiple SERA protection policies and permitted uses are applicable, the policy that is most restrictive and protective of the habitat resource shall regulate development.

### **Suggested Modification 19**

*Revise Policy CO-75 in Section D. Biological Resources of Part II. Conservation and Open Space Element (LUP Page 33), as follows:*

CO-75 Land divisions, including but not limited to lot line adjustments, shall only be permitted in accordance with all applicable policies of the LCP ~~Policies LU-9 and LU-16~~, and where substantial evidence demonstrates that each new parcel being created through subdivision or being reconfigured through a lot line adjustment contains an identified, feasible building site, and any necessary access road thereto that are is (1) located outside of H1 habitat, H1 habitat buffer, and H2 High Scrutiny habitat, and (2) capable of being developed consistent with other LCP policies and without requiring ~~shall not require~~ vegetation removal or thinning for fuel modification in H1 habitat, H1 habitat buffer, and H2 High Scrutiny habitat. In the case of subdivisions or lot line adjustments that include the creation of a parcel(s) that is dedicated or restricted to open space uses (through open space easement, deed restriction, or donation to a public agency for park purposes), no demonstration of building site or access road outside of H1 habitat, H1 habitat buffer, and H2 High Scrutiny habitat is required for the open space parcel(s). ~~Furthermore, a new parcel being created through subdivision or being reconfigured through a lot line adjustment shall contain an identified, feasible building site, any necessary access road thereto, and any required fuel modification that avoids H2 habitat to the maximum extent feasible, consistent with the requirements of this LCP. Creation of a new Open Space parcel could be allowed within any habitat category or buffer, as long as the entire parcel is used exclusively as Open Space in perpetuity and the construction rights over the entire parcel are dedicated to the County of Los Angeles.~~

Land divisions in H2 habitat shall only be permitted in accordance with all applicable policies of the LCP, and where substantial evidence demonstrates that each new parcel being created through subdivision or being reconfigured through a lot line adjustment contains an identified, feasible building site, and any necessary access road thereto that will cluster and concentrate development in areas able to accommodate the development consistent with all other policies of the LCP and in compliance with the following:

- The proposed parcels are configured and building sites are sited and designed to ensure that future structures will have overlapping fuel modification zones and in no case shall the proposed building sites be located more than 100 feet apart.
- The building site on each newly created parcel is located no more than 200 feet from an existing public roadway and is capable of being served by existing power and water service.
- Each building site is located only on slopes of 3:1 or less.
- The proposed newly created parcels shall be within 1/4 mile of existing developed parcels.
- Land divisions on parcels adjacent to public parklands or parcels restricted as permanent open space are prohibited.
- A Transfer of Development Credit shall be required for the creation of any new parcel in H2 habitat in accordance with Policy LU-#.
- The County shall make a finding that the land division and associated TDC will result in the transfer and concentration of existing development rights to a location that results in the preservation of H2 habitat in a manner that is superior to the pre-land division lot configuration if developed.

In the case of subdivisions or lot line adjustments that include the creation of a parcel(s) in H2 habitat that is dedicated or restricted to open space uses (through an open space easement, deed restriction, or donation to a public agency for park purposes), no demonstration of the building site or access road meeting the requirements above is required for the open space parcel(s).

### **Suggested Modification 20**

*Add the following new policy to Section D. Biological Resources of Part II. Conservation and Open Space Element:*

CO-# Lot line adjustments may be approved between existing, legally created parcels, only where consistent with Policy CO-75. If the existing, legally-created parcels do not meet the requirement of Policy CO-75, then a lot line adjustment may only be approved where it is demonstrated that the reconfigured parcels: (1) can accommodate development that more closely conforms to LCP policies than development on the existing parcels could; (2) will not increase the amount of H2 habitat that would be removed or modified by development on

each of the existing parcels (including necessary roads and fuel modification); and (3) will not increase the amount of landform alteration or have greater adverse impacts to scenic and visual resources than would have occurred from development on the existing parcels. Minor lot line adjustments between existing lawfully-developed parcels may be authorized provided the adjustment would not adversely impact H1 habitat, H1 habitat buffer, H2 habitat, or scenic resources. Lot line adjustments for the sole purpose of combining two or more parcels may also be authorized as a means of reversing a purported but illegal division of property.

### **Suggested Modification 21**

*Revise Policy CO-83 in Section D. Biological Resources of Part II. Conservation and Open Space Element (LUP Page 35), as follows:*

CO-83 Where animal containment facilities are allowed pursuant to the LCP, fencing may be allowed for pasture, corrals, stables, and riding rings if such fencing is wildlife-permeable. ~~Notwithstanding any other provision of the LUP, Non-wildlife-permeable~~ fencing for animal containment facilities may be allowed only where it is demonstrated, pursuant to a site-specific biological evaluation, that the layout and extent of the fencing will not significantly impede wildlife movement through a property or through the surrounding area shall not be required to be wildlife permeable.

### **Suggested Modification 22**

*Revise Policy CO-86 in Section D. Biological Resources of Part II. Conservation and Open Space Element (LUP Page 35-37), as follows:*

CO-86a Unavoidable impacts to H1 habitat from the provision of less than a 100-foot H1 habitat buffer, and/or to H2 habitat from direct removal or modification, shall be ~~mitigated~~ compensated by the following, at a minimum.

- a. The County will administer a Resource Conservation Program (“RCP”), which shall consist of the expenditure of funds to be used for the acquisition and permanent preservation of land in the Santa Monica Mountains coastal zone containing substantial areas of habitat identified on the Biological Resources Map as H1 and/or H2 habitats, or other properties in the coastal zone of the Santa Monica Mountains that contain critical habitat and/or wildlife linkages or other significant habitat values for the Santa Monica Mountains as determined by the County. The County commits to expend no less than \$2,000,000 over a ten-year period. The RCP shall demonstrate that the lands preserved are, at a minimum, proportional to the habitats impacted from permitted development in area (acreage or partial acreage) and habitat value/function.
- b. For purposes of analyzing and implementing the RCP, and Policy CO-86b below, the County shall prepare a Habitat Fee Study within five years of certification of the LCP to determine the appropriate fees to adequately compensate for adverse impacts to H1 habitat from the provision of less than a 100 foot buffer, and to H2 habitat from direct removal or modification. The Habitat Fee shall be submitted to the Coastal Commission through an LCP amendment within five years of certification of the LCP. After the first five years following certification of the LCP, no CDPs that involve impacts to H1 habitat from the provision of less than a 100-foot H1 habitat buffer and/or to H2 habitat from direct removal or modification may be processed until the amount of the in-lieu fee

pursuant to the study is incorporated into this LCP through an LCP amendment that is certified by the Coastal Commission.

- c. ~~An~~ The County shall track and prepare an annual monitoring report at the end of each calendar year the RCP is in operation. The report for the calendar year shall itemize all acquisitions made that year, in addition to all of the following information shall be prepared that tracks the operation of the RCP and shall include:

- An overview of each prospective year's acquisition priorities and approach;
- A statement of the prior year's efforts in coordination with other agencies to enhance acquisition, preservation, protection, and connectivity of habitat and open space;
- A summary of the land acquisitions made for that calendar year, including a breakdown of the location, area, habitat composition/classifications, and preservation mechanisms utilized for each acquisition;
- The number of CDPs issued: a) in the previous year, and b) cumulatively since the starting date of the RCP;
- The number of acres of each sensitive habitat classification allowed to be developed or otherwise impacted from issued CDPs: a) in the previous year, and b) cumulatively since the starting date of the RCP;
- The amount of the Habitat Impact ~~Mitigation~~ fee as determined appropriate for each CDP in accordance with the following: in section b below;

1. Current In-Lieu Fee: During the first five years following certification of the LCP, or until an updated fee is certified through an LCP amendment, the County shall utilize the Coastal Commission's Habitat Impact Fee that was implemented through individual coastal development permit actions prior to certification of the LCP, adjusted for inflation. The current fee amounts are:

- \$15,500 per acre for the approved building site area, driveway/access roads and turnarounds areas, any required irrigated fuel modification zones, and required off-site brush clearance areas (assuming a 200-foot radius from all structures).
- \$3,900 per acre for non-irrigated fuel modification areas (on-site).

2. Updated In-Lieu Fee: The amount of the Habitat Impact Fee, approved through an amendment to the LCP pursuant to subsection B above, shall be used and adjusted for inflation annually.

- A table or tables depicting the cumulative acreage of impact from issued CDPs in relation to the acreage acquired and preserved pursuant to the RCP, the cumulative amount of the Habitat Impact ~~Mitigation~~-Fee that would otherwise have been required for the issued CDPs calculated pursuant to section b below, and monies spent and monies remaining under the RCP. All acres of habitat shall be categorized by the number of acres of each sensitive habitat classification impacted/acquired; and
- A summary of other restoration or enhancement efforts in the Santa Monica Mountains, such as TDCs, donation of other property, and grants for further funding of the RCP.

2. ~~For purposes of the annual monitoring report, the amount of the Habitat Impact Mitigation fee shall be calculated as follows:~~

- i. ~~Current In Lieu Fee: Using the current practice of the Coastal Commission as a reasonable approximation of the value of habitat impacted, during the first five~~

~~years following certification of this LCP, the amount of the Habitat Impact Mitigation fee shall be determined by multiplying the number of acres of sensitive habitat allowed to be impacted by issued CDPs by the current in lieu fee set by the Coastal Commission, namely: \$12,000 per acre for the building site of the principal permitted use and \$3,000 per acre for the fuel modification areas.~~

- ~~ii. Updated In-Lieu Fee: For all annual monitoring reports submitted after this initial five-year period, the amount of the Habitat Impact Mitigation fee shall be determined by multiplying the number of acres of sensitive habitat allowed to be impacted by issued CDPs by the in lieu fee approved pursuant to the LCP amendment set forth in section d below.~~

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

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

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

~~At the close of the five-year period commencing upon certification of this LCP, and at the conclusion of the ten-year period, the County will review progress achieved in relation to the impacts of projects approved by the County. At the close of the five-year period, the County and the Coastal Commission shall meet to cooperatively consider the information contained in the annual monitoring reports. The results of these discussions shall be reported to the Coastal Commission with a recommendation from Coastal Commission staff as to whether the RCP has provided over the first five years of its operation at least an equivalent means of protecting sensitive habitat than the Habitat Impact Mitigation fee acting alone would have provided. If these discussions and recommendations provided by the Coastal Commission staff, if any, demonstrate that changes to the RCP are needed to ensure that the RCP provides at least an equivalent means of protecting sensitive habitat than would the Habitat Impact Mitigation fee alone, the County shall prepare an LCP amendment to so modify the RCP. If the County implements an extension of the RCP, or a similar program, the terms of such program shall be incorporated into this section through an LCP amendment certified by the Coastal Commission. Any expenditures exceeding \$2 million over the prior ten years shall be credited proportionately to the new term.~~

- ~~e. When the earliest of the following events occurs: 1) the ten year period ends; or 2) the LCP amendment provided above terminates the program; or 3) at such time as the County elects to discontinue the RCP, each CDP that includes development resulting in unavoidable impacts to H1 habitat from the provision of less than a 100-foot H1 habitat~~

~~buffer, and/or to H2 habitat from direct removal or modification shall be conditioned to include the provision of the required in-lieu habitat impact mitigation fee, as detailed in Sections c, d, and e herein, unless the County, at the end of ten years, elects to continue the RCP.~~

- ~~d. The amount of the habitat impact mitigation fee for H2 habitat, on a per-acre basis, will be determined by an in-lieu fee study conducted by the County following certification of the Santa Monica Mountains Local Coastal Program and before the issuance of the first CDP by the County requiring a fee to be paid by the applicant. Such fee shall be approved pursuant to an amendment to this LCP. If at the time of issuance no amendment has been approved by the Coastal Commission with full certification and jurisdiction returned, then the County shall collect the fee established in the in-lieu fee study approved by the Board of Supervisors.~~
- ~~e. If the RCP is not in existence: The fee shall be applied to each acre of H1 habitat impacted by the provision of less than a 100-foot H1 habitat buffer. The fee shall also be applied to each acre of H2 habitat impacted by development through direct removal, or modification (including removal, thinning, and/or irrigation). A determination of the total number of acres of H1 and/or H2 habitat and the total fee amount required (based on the fee per acre multiplied by the total number of acres of habitat impacted) shall be included in the findings of every CDP approved for development.~~
- ~~f. If the RCP is not in existence, a condition of approval on each CDP subject to the provisions of this section shall require the payment of the in-lieu fee into the Habitat Impact Mitigation Fund administered by the County.~~
- ~~g. The proceeds of the Habitat Impact Mitigation Fund will be used by the County to purchase properties that contain substantial areas of habitat identified on the Biological Resources Map as H1 habitat or other properties that contain critical habitat and/or wildlife linkages or other significant habitat values for the Santa Monica Mountains as determined by the County.~~

CO-86b Unavoidable impacts to H1 Habitat from the provision of less than a 100-foot H1 habitat buffer and/or to H2 Habitat from direct removal or modification, shall be compensated by the provision of a required in-lieu habitat impact fee, as a condition of approval of individual projects (CDP's), in each of the following cases:

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

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

A determination of the total area of H1 and/or H2 Habitat impacted by a project and the total fee amount required (based on the fee per acre multiplied by the total area of habitat impacted) shall be included in the findings of every coastal development permit approved for development that is subject to the provisions of this policy. As a condition of approval on each coastal development permit for development subject to the provisions of this policy shall require the payment of the in-lieu fee into the “Habitat Impact Fund” administered by the County. The proceeds of the “Habitat Impact Fund” shall be used by the County to purchase and permanently preserve properties that contain substantial areas of H1 and/or H2 habitat in the coastal zone of the Santa Monica Mountains.

### **Suggested Modification 23**

*Revise Policy CO-90 in Section D. Biological Resources of Part II. Conservation and Open Space Element (LUP Page 38), as follows:*

CO-90 New recreational facilities or structures on beaches shall be designed and located to ~~minimize~~ avoid impacts to H1 habitat and marine resources.

### **Suggested Modification 24**

*Revise Policy CO-92 in Section D. Biological Resources of Part II. Conservation and Open Space Element (LUP Page 38), as follows:*

CO-92 Leachfields shall be located at least 100 feet and seepage pits shall be located at least 150 feet from any stream, as measured from the outer edge of riparian canopy, or from the stream bank where no riparian vegetation is present, and at least 50 feet outside the dripline of existing oak, sycamore, walnut, bay, and other native trees. The County shall ensure that new leachfields and seepage pits permitted by the County comply with all applicable Water Resources Control Board requirements, ~~and that the~~ The LCP is may be updated, pursuant to an LCP amendment that is certified by the Coastal Commission, to ensure consistency between the policies contained within the LCP and such reflect new Water Resources Control Board requirements.

### **Suggested Modification 25**

*Revise Policy CO-95 in Section D. Biological Resources of Part II. Conservation and Open Space Element (LUP Page 39), as follows:*

CO-95 Public works projects that involve necessary repair and/or maintenance of drainage devices and road-side slopes within and adjacent to streams, riparian habitat, or any H1 or H2 habitat in order to repair or protect existing public roads, shall comply with the following requirements in addition to all other requirements of the LCP.

- The development shall be the minimum design necessary to protect existing development in order to minimize adverse impacts to coastal resources.
- The development shall avoid encroachment into H1 habitat, H1 habitat buffers, and H2 habitat to the maximum extent feasible. Where it is determined to be infeasible to avoid habitat areas, removal of habitat shall be minimized to the extent feasible and all feasible mitigation measures shall be provided.

- c. Habitat areas temporarily disturbed by grading and/or construction activities shall be revegetated with native plant species appropriate for the type of habitat impacted, pursuant to a restoration plan.
- d. The adverse impacts to biological resources resulting from H1 habitat areas that are permanently removed or impacted shall be mitigated through either on-site or off-site restoration as a condition of approval. The adverse impacts to biological resources resulting from H2 habitat areas that are permanently removed or impacted shall be mitigated through either the RCP, or on-site or off-site restoration as a condition of approval.

### **Suggested Modification 26**

*Revise Policy CO-99 in Section D. Biological Resources of Part II. Conservation and Open Space Element (LUP Page 40), as follows:*

CO-99 New development shall be sited and designed to preserve oak, walnut, sycamore, bay, or other native trees to the maximum extent feasible that are not otherwise protected as H1 or H2 habitat and that have at least one trunk measuring six inches or more in diameter, or a combination of any two trunks measuring a total of eight inches or more in diameter, measured at four and one-half feet above natural grade. Removal of native trees shall be prohibited except where no other feasible alternative exists. Development shall be sited to prevent any encroachment into the protected zone of individual native trees to the maximum extent feasible, as set forth below. Protected Zone means that area within the dripline of the tree and extending at least five feet beyond the dripline, or 15 feet from the trunk of the tree, whichever is greater. Removal of native trees or encroachment in the protected zone shall be prohibited for accessory uses or structures. If there is no feasible alternative that can prevent tree removal or encroachment, then the alternative that would result in the fewest or least-significant impacts shall be selected. Adverse impacts to native trees shall be fully mitigated, with priority given to on-site mitigation. Mitigation shall not substitute for implementation of the feasible project alternative that would avoid impacts to native trees and/or woodland habitat.

...

### **Suggested Modification 27**

*Revise Policy CO-102 in Section D. Biological Resources of Part II. Conservation and Open Space Element (LUP Page 42), as follows:*

CO-102 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. Gardens located within the building site area of both residential and non-residential uses, or Fuel Modification Zones A and B, whichever is greater, may be allowed, consistent with Policy CO-54.

### **Suggested Modification 28**

*Add the following new policy to Section D. Biological Resources of Part II. Conservation and Open Space Element:*

CO-# 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.

### **Suggested Modification 29**

*Revise Policy LU-11 in Section C. Development and Environmental Resources of Part IV. Land Use and Housing Element (LUP Page 94), as follows:*

LU-11 Prohibit new crop, orchard, vineyard, and other crop-based non-livestock agricultural uses, however, existing, legally-established agricultural uses shall be allowed to continue, but may not be expanded 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.

### **Suggested Modification 30**

*Revise Policy CO-103 in Section D. Biological Resources of Part II. Conservation and Open Space Element (LUP Page 42), as follows:*

CO-103 Development permitted within H2 or H3 habitat may include accessory confined animal facilities limited to stables, barns, shelters, tack rooms, corrals, turnout pens, hay storage structures, loafing sheds, non-irrigated arenas and pens, manure management facilities, water troughs, horse trailer storage, covered equipment storage, non-irrigated pastures, wash rack, mounting blocks, tie racks, and fencing associated with any of the above. Night lighting for these facilities shall be limited to the following, consistent with all other LCP policies may be established as follows:

- a. Necessary security lighting attached to a barn or storage structure that is controlled by motion detectors and limited to 60 watts or equivalent;
- b. Arena and round pen lighting by bollard or fence-mounted fixtures that do not exceed four feet in height, and that are shielded, directed downward, and use best available Dark Skies technology. Such lighting shall only be allowed where it is demonstrated, pursuant to a site-specific evaluation, that the lighting will avoid adverse impacts to scenic resources and avoid illumination of H1 and H2 habitat areas, including the H1 habitat buffer.

Within H3 habitat areas, accessory equestrian facilities identified above may be located within or outside of the fuel modification area required by the Fire Department for the principal permitted use, subject to all other policies of the LCP.

In areas of H2 habitat, accessory confined animal facilities identified above may be allowed only within the fuel modification area that is required by the Los Angeles County Fire Department (Zones A, B, and/or C if required) for the principal permitted use structure(s) within the approved building site. Such uses may be located only on natural slopes of 3:1 (horizontal:vertical) or less steep, and may include the minimum grading necessary to

establish such facilities. All such facilities must be constructed of non-flammable materials. Facilities shall be clustered to the maximum extent feasible to minimize the area disturbed and to avoid or minimize expansion of the required fuel modification area for the principal permitted use.

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

### **Suggested Modification 31**

*Revise Policy CO-104 in Section D. Biological Resources of Part II. Conservation and Open Space Element (LUP Page 43), as follows:*

CO-104 In areas of H2 habitat or H1 Quiet Zone, equestrian pasture comprised of only fenced areas for turnout, water troughs, and other minor improvements for which the Fire Department does not require fuel modification may be permitted outside of the fuel modification area required for the principal permitted use, only when all of the following are met: (1) there is no feasible area within the fuel modification area of the principal permitted use that meets the 3:1 slope requirement pursuant to Policy CO-103; (2) the pasture area is located on slopes no steeper than 4:1; and (3) habitat impact mitigation is required pursuant to Policy CO-86b. Such pasture facilities shall not exceed an area more than 5 percent of the total parcel size, or two acres, whichever is less. Lighting and irrigation are not allowed in these areas. No locally-indigenous vegetation may be removed except as incidental and necessary to the setting of posts for fencing, fencing and gates. Such pasture facilities shall not require additional roads.

~~The maximum area of equestrian pasture provided in this policy and the maximum area of additional impacts to H2 habitat outside of the fuel modification area required by the Fire Department for the approved structures comprising the principal permitted use for confined animal facilities provided in Policy CO-103 shall be not cumulatively exceed 5 percent of the total parcel size, or two acres, whichever is less, and this maximum shall be cumulative for facilities allowed by Policies CO-103 and CO-104.~~

### **Suggested Modification 32**

*Revise Policy CO-134 in Section G. Scenic Resources of Part II. Conservation and Open Space Element (LUP Page 50), as follows:*

CO-134 The length of roads or driveways shall be minimized, except where a longer road or driveway would allow for an alternative building site location that would be more protective of scenic resources, H1 and H2 habitat areas, or other coastal resources. Driveway slopes shall be designed to follow the natural topography, unless otherwise required by the Fire Department.

Driveways that are within or visible from a scenic resource shall be a neutral color that blends with the surrounding landforms and vegetation.

### **Suggested Modification 33**

*Revise Policy CO-136 in Section G. Scenic Resources of Part II. Conservation and Open Space Element (LUP Page 50), as follows:*

CO-136 Prohibit development on designated Significant Ridgelines and require that structures be located sufficiently below such Ridgelines so as to preserve unobstructed views of a natural skyline. In addition, all ridgelines other than Significant Ridgelines that are visible from a Scenic Route, public parkland, public trails, or a beach shall be protecting by siting new development below the ridgeline to avoid intrusions into the skyline where feasible. Where there is no feasible alternative building site or where the only alternative building sites below the ridgeline would result in unavoidable impact to H1 or H2 habitat areas, structures shall be limited to one story (18 feet maximum from existing or finished grade, whichever is lower) in height to minimize visual impacts and preserve the quality of the scenic area.

### **Suggested Modification 34**

*Revise Policies CO-141 and CO-142 in Section G. Scenic Resources of Part II. Conservation and Open Space Element (LUP Page 50-51), as follows:*

CO-141 Limit and design exterior lighting to preserve the visibility of the natural night sky and stars, to the extent feasible and consistent with public safety. ~~Light pollution impacts the Coastal Zone's native species, residents, and visitors in ways we are only beginning to understand. This is a quickly evolving field where today's best practices are not necessarily consistent with those of only a decade ago. Therefore, Los Angeles County will periodically update~~ revisit the LIP's Dark Skies requirements, to ensure that they are consistent with the most current Dark Skies science, technology, and best practices in the field, beginning five years after the LCP's certification date.

CO-142 Maintain dark skies in the Coastal Zone by reducing light pollution and requiring best available Dark Skies technology in all permitted lighting and compliance with Dark Skies principals and best practices to the maximum extent feasible. Only very limited night lighting for equestrian facilities shall allowed and must be consistent with Policy CO-103. Night lighting for sport courts or other private recreational facilities shall be prohibited.

### **Suggested Modification 35**

*Revise a portion of the Introduction of Section H. Recreation and Trails of Part II. Conservation and Open Space Element (LUP Page 53), as follows:*

...

#### **Visitor Serving Accommodations**

Visitor serving overnight accommodations in the Coastal area of the Santa Monica Mountains are to be provided through low impact facilities where infrastructure is available to serve these uses. They primarily will be public and private campgrounds, however, other low impact facilities such as bed-and-breakfast facilities, rural inns, cabins, and hostels are also allowed. Campgrounds provide visitors

with the opportunity to enjoy the beauty and recreational opportunities of the Santa Monica Mountains at a relatively low cost. Camping locations in and around the coastal zone contain significant numbers of low-cost overnight accommodations. Within the coastal zone, Leo Carrillo State Park, Malibu Creek State Park, Musch Trail Camp within Topanga State Park, and Decker Canyon Group Campground provide camping opportunities. In total, these camping locations offer 209 campsites, and additional group camping opportunities for up to 260 people. Within approximately five miles of the coastal zone, there are additional camping locations at Point Mugu State Park, Topanga State Park, Thornhill Broome Beach, La Jolla Valley Camp, Danielson Multi-Use Area, and Sycamore Multi-Use Area. These camping locations offer an additional 144 campsites and group camping opportunities for up to 333 people. In total, there are 353 campsites and additional group camping opportunities for approximately 600 people. It is anticipated that the area's public land management agencies will enhance camping and other recreational opportunities within the Santa Monica Mountains in the near future. The Santa Monica Mountains Conservancy plans to add up to 63 campsites within Malibu Bluffs Park, Corral Canyon, Ramirez Canyon, and Charmlee Park. The National Park Service plans to add eight new low-impact trail camps along the Backbone Trail, with approximately 40 new campsites. While there are no other types of existing low-cost visitor serving overnight accommodations besides campgrounds within the plan area, there are more than 1,500 low- and moderate-cost hotel rooms within five miles, and more than 4,000 low and moderate-cost hotel rooms within approximately eight miles, of the Santa Monica Mountains coastal zone. Given the topography, large areas of sensitive habitat, limited infrastructure, vast area of public parkland, and rural land use pattern within the plan area, visitor serving accommodations allowed under the LCP will be limited to primarily campgrounds and low impact types of overnight accommodations. The land use designations, and development standards combined with the biological resources, topography and limited infrastructures in the Santa Monica Mountains significantly restricts new overnight accommodations with the exception of low impact facilities such as; bed and breakfast facilities, rural inns, and accommodations for camping. Motels and more intensive commercial overnight accommodations are being provided in commercial areas adjacent to the 101 freeway, in nearby Santa Monica and in communities that have appropriate land use patterns, are easily accessible and have infrastructure.

...

### **Suggested Modification 36**

*Revise a portion of the Introduction of Section H. Recreation and Trails of Part II. Conservation and Open Space Element (LUP Page 53), as follows:*

...

#### **Trails**

The existing Santa Monica Mountains trail system is comprised primarily of regional and local trails operated by public and private agencies, as well as trails that extend onto private lands. ~~There are many trails throughout the Mountains, but only those within parklands, or along dedicated easements, are publicly protected.~~ Maintenance and often basic construction of trails protected through public ownership, prescriptive use, or easements are primarily carried out by volunteers.

...

### **Suggested Modification 37**

*Add the following three new policies to Section H. Recreation and Trails of Part II. Conservation and Open Space Element:*

- CO-# Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.
- CO-# Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or, (3) agriculture would be adversely affected. Dedicated accessways shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.
- CO-# Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

### **Suggested Modification 38**

*Revise Policy CO-159 in Section H. Recreation and Trails of Part II. Conservation and Open Space Element (LUP Page 55), as follows:*

- CO-159 Lower-cost visitor-serving and recreational facilities, including overnight accommodations, shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. Priority shall be given to the development of visitor-serving commercial and/or recreational uses that complement public recreation areas or supply recreational opportunities not currently available in public parks or beaches. Visitor-serving commercial and/or recreational uses may be located near public park and recreation areas only if the scale and intensity of the visitor-serving commercial recreational uses is compatible with the character of the nearby parkland and all applicable provisions of the LCP.

### **Suggested Modification 39**

*Revise Policy CO-169 in Section H. Recreation and Trails of Part II. Conservation and Open Space Element (LUP Page 58), as follows:*

- CO-169 The use of private lands suitable for visitor-serving commercial recreational, ~~including educational~~, facilities designed to enhance public opportunities for coastal recreation shall be given priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry. New visitor-serving commercial uses shall not displace existing low-cost visitor-serving commercial recreational uses unless a comparable replacement low-cost visitor-serving commercial recreational use ~~area~~ is provided.

### **Suggested Modification 40**

*Add the following two new policies to Section H. Recreation and Trails of Part II. Conservation and Open Space Element:*

- CO-# Map 4 Recreation shall be reviewed and updated periodically to reflect up-to-date information regarding public parkland and open space areas, public campgrounds, and

existing and proposed trail alignments, including the CCT, in consultation with the National Park Service, the California Department of Parks and Recreation, the State Coastal Conservancy, Caltrans, the City of Malibu, the Santa Monica Mountains Trails Council, the Mountains Recreation and Conservation Authority, and the Santa Monica Mountains Conservancy. Revisions to the map shall be treated as LCP amendments and shall be subject to the approval of the Coastal Commission.

CO-# Consult in the preparation of regional trail and parkland planning efforts, such as the Trail Management Plan (TMP) that is being prepared by the National Park Service, the California Department of Parks and Recreation, and the Santa Monica Mountains Conservancy/Mountains Recreation and Conservation Authority to establish the overall, coordinated, long-range direction of future management and development and completion of the trail network throughout Santa Monica Mountains National Recreation Area. The TMP will prescribe actions to support interagency management of the trail network throughout the national recreation area, and will include a trail map depicting the planned trail network use designation and management actions. The LCP and Map 4 Recreation shall be updated as applicable to reflect the final trail routes.

#### **Suggested Modification 41**

*Revise Policy CO-188 in Section I. Shoreline and Beaches of Part II. Conservation and Open Space Element (LUP Page 62), as follows:*

CO-188 Allow the diking, filling, or dredging of open coastal waters, wetlands, and estuaries only where there is no feasible less-environmentally-damaging alternative, and where mitigation measures have been provided to minimize adverse environmental effects. Uses of open coastal waters, wetlands, and estuaries shall be limited to the following:

- Incidental public service purposes including, but not limited to, burying cables and pipes; ~~bridge construction or repair, and maintenance of existing drainage structures;~~
- Restoration purposes; and
- Nature study, aquaculture, or similar resource-dependent activities.

#### **Suggested Modification 42**

*Revise Policy CO-198 in Section I. Shoreline and Beaches of Part II. Conservation and Open Space Element (LUP Page 63), as follows:*

CO-198 Research and respond to the impacts of sea level rise on the Pacific Ocean/North Santa Monica Bay shoreline, with special attention to beach level septic and leachfield systems.

- a. Continue to gather information on the effects of sea level rise on the shoreline, including identifying the most vulnerable areas, structures, facilities, and resources; specifically areas with priority uses such as beaches, public access and recreation resources, including the California Coastal Trail, Highway 1, significant H1 habitat such as wetlands or wetland restoration areas and riverine areas, open space areas where future wetland migration would be possible, and existing and planned sites for critical infrastructure. Participate, as possible, in regional assessments of sea level rise vulnerability, risk and adaption planning efforts to ensure compatible treatment for sea level rise across jurisdictional boundaries. Any vulnerability assessment shall use best

available science and multiple scenarios including best available scientific estimates of expected sea level rise, such as by the Ocean Protection Council [e.g. 2011 OPC Guidance on Sea Level Rise], National Research Council, Intergovernmental Panel on Climate Change, and the West Coast Governors Alliance.

- b. Best Available Science shall be updated, in keeping with regional policy efforts, as new, peer-reviewed studies on sea level rise become available and as agencies such as the OPC or the CCC issue updates to their guidance reports.
- c. Prepare a sea level rise vulnerability assessment, or cooperate in a regional or multi-jurisdictional assessment, or the FEMA multi-hazard assessment, and give special attention to the vulnerable areas and coastal resources highlighted in subsection a of this policy.
- b. d. Based on information gathered over time, propose additional policies and other actions for inclusion in the LCP in order to address the impacts of sea level rise. As applicable, recommendations may include such actions as:
  - relocation of existing or planned development to safer locations, working with entities that plan or operate infrastructure, such as Caltrans;
  - changes to LCP land uses, and siting and design standards for new development, to avoid and minimize risks;
  - changes to standards for wetland, H1 habitat, and stream buffers and setbacks;
  - modifications to the LCP to ensure long-term protection of the function and connectivity of existing public access and recreation resources; and
  - modifications to the Regional Transportation Plan.

### **Suggested Modification 43**

*Add the following new policy to Section C. Seismic and Non-Seismic Geologic Hazards of Part III. Safety and Noise Element:*

SN-# New development shall assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

### **Suggested Modification 44**

*Revise Policies SN-24 and SN-25 in Section E. Fire Hazards of Part III. Safety and Noise Element (LUP Page 82), as follows:*

SN-24 Structures that require fuel modification shall be set back 200 feet from adjoining vacant lands, where feasible. If it is not feasible to provide a 200 foot setback, then structures shall be set back to the maximum extent possible. However, a lesser setback may be approved where it will serve to cluster development, minimize fire hazards, or minimize impacts to coastal resources.

SN-25 New development adjacent to public parkland shall be sited at least 200 feet from all parkland, where feasible, and designed to ensure that all required fuel modification is located within the project site boundaries and no brush clearance is required within the public parkland. New development that requires Unavoidable brush clearance in parklands shall only be approved to

allow a reasonable economic use, brush clearance shall be minimized to the maximum extent feasible, and all resource impacts shall be fully mitigated.

#### **Suggested Modification 45**

*Revise Policy SN-48 in Section G. Noise Hazards of Part III. Safety and Noise Element (LUP Page 87), as follows:*

SN-48 Private helicopter pads are prohibited. Publicly owned and operated helicopter pads and stops may be allowed on public or private land where needed for emergency services, and consistent with all applicable policies of the LCP. Locate new public helicopter pads to limit noise impacts on residential areas and public parklands. ~~Prohibit private helicopter pads and stops except where needed for emergency services.~~

#### **Suggested Modification 46**

*Revise a portion of the Introduction in Section B. Guiding Principle of Part IV. Land Use and Housing Element (LUP Page 92), as follows:*

...The biological resource protection policies of H1 habitat areas and the public access protection policies of this LUP shall take priority over other LUP development policies standards and where there is any conflict between general development policies standards and H1 habitat areas the biological resource and/or public access protection policies, the standards policies that are most protective of 1) SERAs H1 habitat areas, and 2) public access shall have precedence (in that order). Two policies of the LUP will only be treated as conflicting if applying one would necessarily result in a violation of the other, so there is no way to apply both. If development can be made to comply with two different policies, the policies shall not be construed to be in conflict.

...

#### **Suggested Modification 47**

*Revise Policy LU-9 in Section C. Development and Environmental Resources of Part IV. Land Use and Housing Element (LUP Page 93), as follows:*

LU-9 Land divisions shall only be permitted if each new parcel being created contains an identified building site area and any necessary access road that could each be developed consistent with all policies of the LCP and without building in H1 or H2 “High Scrutiny” habitat areas, H1 habitat buffer, or removing or modifying H1 or H2 “High Scrutiny” habitat for fuel modification. ~~Lots that are created entirely as dedicated open space lots are exempt from this policy.~~ In the case of subdivisions or lot line adjustments that include the creation of a parcel(s) that is dedicated or restricted to open space uses (through open space easement, deed restriction, or donation to a public agency for park purposes), no demonstration of building site or access road outside of SERA is required for the open space parcel(s).

#### **Suggested Modification 48**

*Revise Policy LU-12 in Section C. Development and Environmental Resources of Part IV. Land Use and Housing Element (LUP Page 94), as follows:*

- LU-12 Require that the extension of water, sewer, or utility infrastructure to serve development be located within legally existing roadways and road rights-of-way in a manner that avoids adverse impacts to coastal resources to the maximum extent feasible. Such infrastructure shall be sized and otherwise designed to provide only for the approved development to avoid ~~If the extension of such infrastructure could potentially result in growth-inducing impacts, require all appropriate environmental review, and a discretionary approval for the development if appropriate.~~

#### **Suggested Modification 49**

*Revise Policies LU-14 and LU-15 in Section C. Development and Environmental Resources of Part IV. Land Use and Housing Element (LUP Page 94), as follows:*

- LU-14 The Transfer of Development Credit (TDC) Program shall be implemented in order to ensure that the individual and cumulative impacts of creating new lots in H3 habitat, second residential units, or developing multi-family residential units are minimized and mitigated through the retirement of an equivalent number of development credits from existing lots that meet the qualification criteria of the program. Lots that contain ~~H1~~ H2 habitat areas (may also contain H1 habitat but shall primarily contain H2 habitat), are located in Rural Villages, or are located adjacent to H1 habitat areas or parklands can be retired for transfer of development credits.

~~LU-#~~ The Transfer of Development Credit (TDC) Program shall be implemented in order to ensure that the individual and cumulative impacts of creating new lots in H2 habitat are minimized and mitigated through the retirement of an equivalent number of development credits from existing lots that meet the qualification criteria of the program. Lawfully created parcels that are comprised of H2 (including H2 high scrutiny) habitat and exceed seven acres in size can be retired for transfer of development credits.

- LU-15 Lots retired through the TDC program shall have all ~~be restricted from~~ development potential extinguished, shall be combined/merged with adjoining buildable parcel(s) ~~other TDC parcels where they adjoin~~, and such actions shall be accurately reflected in the records of the County Tax Assessor.

#### **Suggested Modification 50**

*Revise Policy LU-22 in Section C. Development and Environmental Resources of Part IV. Land Use and Housing Element (LUP Page 95), as follows:*

- LU-22 Any coastal development permit for a land division resulting in the creation of additional lots, or the development of a second residential unit or multi-family residential units, shall be conditioned upon the retirement of development credits (TDCs) at a ratio of one credit per new lot or unit created.

### **Suggested Modification 51**

*Revise Policy LU-24 in Section C. Development and Environmental Resources of Part IV. Land Use and Housing Element (LUP Page 95), as follows:*

- LU-24 Existing, lawfully-established structures built prior to the effective date of the Coastal Act or pursuant to a validly issued coastal development permit after the effective date of the Coastal Act, that do not conform to the provisions of the LCP may be maintained and repaired. Except as provided below, additions and improvements to such structures may be permitted provided that such additions or improvements themselves comply with the current policies and standards of the LCP. Substantial additions, demolition, or reconstruction to non-conforming structures ~~on a blufftop or on the beach~~ are not permitted unless the entire structure is brought into conformance with the policies and standards of the LCP. Except to allow reconstruction of an existing lawfully-established structure following a natural disaster, the following changes to a non-conforming structure are not permitted unless the entire structure is brought into conformance with the policies and standards of the LCP: (1) additions that increase the square footage of the existing structure by 50 percent or more; or (2) any demolition, removal, replacement and/or reconstruction that results in the demolition of more than of 50 percent or more of either the total existing exterior wall area, and/or 50 percent of or of the existing foundation system, or the cumulative total of each of the above that apply, of a non-conforming structure is not permitted unless the entire structure is brought into conformance with the policies and standards of the LCP.

All existing legally established uses and structures that conform to the conditions on which they were legally established may continue consistent with this policy. ~~are legal conforming uses and structures.~~

### **Suggested Modification 52**

*Revise Policy LU-29 in Section D. Pattern and Character of Development of Part IV. Land Use and Housing Element (LUP Page 104), as follows:*

- LU-29 Prohibit development of non-resource-dependent uses and development that significantly disrupts habitat values within the H1 habitat areas, except for the two permitted uses pursuant to Policy CO-41.

### **Suggested Modification 53**

*Revise Policy LU-31 in Section D. Pattern and Character of Development of Part IV. Land Use and Housing Element (LUP Page 104), as follows:*

- 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.

## **Suggested Modification 54**

*Revise a portion of the Introduction in Section D. Pattern and Character of Development of Part IV. Land Use and Housing Element (LUP Page 99), as follows:*

...

### **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, 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, 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:

...

### **Suggested Modification 55**

*Add “telecommunication facilities” as a permitted use in all Commercial, Open Space, Residential and Public and Semi-Public Facilities land use designations in Section D. Pattern and Character of Development of Part IV. Land Use and Housing Element (LUP Pages 98-102).*

### **Suggested Modification 56**

*Revise Policy LU-28 in Section D. Pattern and Character of Development of Part IV. Land Use and Housing Element (LUP Page 104), as follows:*

LU-28 Maintain low densities within Rural Lands and Rural Residential areas and protect the features that contribute to rural character and rural lifestyles by:

- Retaining the natural terrain and vegetation in hillside areas, rather than creating large, flat pads;
- Protecting natural vegetation, natural environmental features, and streams;
- Landscaping with locally-indigenous species outside of Fuel Modification Zone A;
- Maintaining rural road sections without curbs, gutters, streetlights, or sidewalks;
- Providing opportunities for keeping equines where adequate space and suitable topography are available, and where consistent with all other policies of the LCP;
- Limiting the types and locations of commercial development;
- Maintaining a natural physical setting comprised of large areas of undisturbed hillsides, oak woodlands, canyons, and riparian areas, and a visual character dominated by natural environmental features;
- Preserving the openness and scenic beauty of the area’s natural environment;
- Preserving significant environmental features and requiring the dedication of open spaces in new development;
- Requiring hillside residential development designs that feature natural rather than manufactured forms and emphasize using custom foundations;
- Sizing houses and flat pad areas to be consistent with the natural setting; limiting features such as tennis courts and paved areas;
- Protecting hilltops and ridgelines by prohibiting structures in those areas where feasible; and
- Minimizing disturbance of landforms and biological resources by requiring buildings on hillsides to be constructed on multilevel pads where appropriate; and
- Providing greater protection to coastal resources than the minimum required by this LCP by offering incentives for limited types of proposed development. In order to encourage the concentration of development and the retirement of buildable parcels for the permanent protection of their habitat and open space values, the maximum approvable building site for development permitted in H2 or H3 habitat areas may be

increased from 10,000-square feet to 15,000-square-feet if an applicant voluntarily proposes and implements the retirement of all development rights on one or more lawfully-created, buildable parcel(s) located in the Santa Monica Mountains Coastal Zone that is at least 5 acres in size and contains habitat designated as H2 (may also contain H1 habitat but shall primarily contain H2 habitat).

### **Suggested Modification 57**

*Revise Policy LU-42 in Section D. Pattern and Character of Development of Part IV. Land Use and Housing Element (LUP Page 105), as follows:*

LU-42 Limit exterior lighting, except when needed for safety. Require that new exterior lighting installations use best available Dark Skies technology to minimize sky glow and light trespass ~~low-intensity directional lighting and screening to minimize light spillover and glare~~, thereby preserving the visibility of a natural night sky and stars and minimizing disruption of wild animal behavior, to the extent consistent with public safety.

### **Suggested Modification 58**

*Revise Policy LU-46 in Section D. Pattern and Character of Development of Part IV. Land Use and Housing Element (LUP Page 106), as follows:*

LU-46 Require that all development incorporate low impact development (LID) ~~principles and standards~~ strategies to the maximum extent feasible, which emphasize an integrated system of decentralized, small-scale control measures to minimize alteration of the site's natural hydrologic conditions through infiltration, evapotranspiration, filtration, detention, and retention of runoff close to its source, as contained in the LCP.

### **Suggested Modification 59**

*Revise or add, as applicable, the following definitions in the Glossary:*

#### **CONFINED ANIMAL FACILITIES**

Facilities built and used for the keeping of livestock and equines.

#### **LIVESTOCK**

Any pig, pygmy pig, hog, cow, bull steer, ~~horse, mule, jack, jenny, hinny~~, sheep, goat, llama, alpaca, domestic fowl, or rabbit. For the purposes of this LUP LP, livestock keeping shall be considered an agricultural use. ~~Livestock is not an agricultural use for purposes of the prohibition of new agricultural uses.~~

#### **PRINCIPALLY-PERMITTED USE**

The primary use of land that clearly carries out the land use intent and purpose of a particular zone. Where a land use is identified as a principally-permitted use in the LCP, the County's approval of a Coastal Development Permit for that development is not appealable to the Coastal Commission unless it otherwise meets the definition of "Appealable Coastal Development Permit".

#### **APPEALABLE COASTAL DEVELOPMENT PERMIT**

After certification of the LCP, an action taken by the County on a coastal development permit application may be appealed to the California Coastal Commission for only the following types of developments:

- (1) Developments approved by the County between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance;
- (2) Developments approved by the County not included in paragraph 1 that are located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff;
- (3) Any development approved by the County that is not designated as the principal permitted use under the certified LCP;
- (4) Any development that constitutes a major public works project or a major energy facility. The phrase "major public works" or a "major energy facility" as used in this section and in these regulations generally shall mean: any such project or facility as defined by Section 13012 of the Coastal Commission Regulations and the Coastal Act.

### **Suggested Modification 60**

A) *Revise all LUP maps (Maps 1-9) to add a note within the map legend that states the following:*

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

B) *Revise the Biological Resources Map (Map 2) to show the USFWS NWI (2013) data for streams, wetlands, lakes, and coastal waters in place of the USGS-NHD data for streams.*

C) *Revise the Biological Resources Map (Map 2) to designate as H1 habitat all areas identified as Coastal Bluff Scrub within Leo Carrillo State Beach and on the coastal bluff inland of Pacific Coast Highway and east of Topanga Canyon Road. The map shall be revised to designate as H1 habitat the areas identified by the NPS-USGS vegetation map as the following habitat alliances: 1) California Encelia; 2) California Encelia-Laurel Sumac-Black Sage; 3) California Encelia-Lemonadeberry; and 4) California Encelia Superassociation mapping unit.*

D) *Revise the Land Use Policy Map (Map 8) to redesignate the two following parcels from "Open Space-Parks" (OS-P) to "Mountain Lands 20" (RL20): APN 4471-026-001 and APN 4471-027-048.*

## **III. FINDINGS**

The Commission hereby finds and declares as follows:

### **A. ENVIRONMENTAL SETTING AND DESCRIPTION OF THE PLAN AREA**

The Santa Monica Mountains segment of the County's coastal zone (also referred to as the "plan area" throughout this document) includes the unincorporated area west of the City of Los Angeles and east

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

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

More than half of the 50,000-acre plan area is public parkland (approximately 29,500 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. Congress, when it established SMMNRA, found:

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

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

## **B. LOCAL COASTAL PLANNING HISTORY**

An LCP is defined as "a local government's land use plans, zoning ordinances, zoning district maps, and, within sensitive coastal resources areas, other implementing actions, which, when taken together, meet the requirements of, and implement the provisions and policies of [the Coastal Act] at the local level" (PRC Section 30108.6). The Land Use Plan is defined as "the relevant portion of a local government's general plan, or local coastal element which are sufficiently detailed to indicate the kinds, location, and intensity of land uses, the applicable resource protection and development policies and, where necessary, a listing of implementing actions (PRC Section 30108.5).

The Coastal Act allows local governments to prepare separate local coastal programs for separate geographic segments within the jurisdiction's coastal zone if the Commission finds that the area proposed for separate review can be analyzed for the potential cumulative impacts of development on coastal resources and access independently of the remainder of the affected jurisdiction. The County has segmented its coastal zone into three separate geographic units due to their very unique characteristics and lack of connectivity: Marina del Rey, Santa Catalina Island, and the Santa Monica Mountains. Marina del Rey and Santa Catalina Island each have a certified LCP. The Santa Monica Mountains has a certified Land Use Plan only. The County now seeks full LCP certification of the Santa Monica Mountains segment. The subject of this staff report is the Land Use Plan portion of the proposed LCP, which consists of an entirely new Land Use Plan to replace the existing certified Land Use Plan.

Efforts to complete a Local Coastal Plan in conformance with the California Coastal Act for the Malibu and Santa Monica Mountains area have been ongoing since shortly after the Coastal Act

became effective on January 1, 1977. Prior to the City of Malibu's incorporation, the initial planning, public hearings, and submittals were the responsibility of Los Angeles County. Initial studies and planning documents addressed the larger coastal zone for Malibu and the Santa Monica Mountains, which extends approximately 5 miles inland.

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

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

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

## **C. PROPOSED PLAN**

The proposed Santa Monica Mountains LCP consists of two parts: 1) a land use plan, and 2) a local implementation plan. The proposed LUP is intended to replace, in its entirety, the Malibu-Santa Monica Mountains Land Use Plan that was certified by the Coastal Commission in 1986. Implementing measures for this LCP are contained in the Santa Monica Mountains Local Implementation Program (LIP), a segment of the Los Angeles County Code (Title 22 - Planning and Zoning Ordinance). However, in order to expedite Commission consideration of the proposed LCP as efficiently as possible given time and staff constraints, the proposed LUP is being considered first by the Commission at the April 2014 hearing (which is the subject of this staff report), and a request for an extension of time for Commission action on the LIP will also be considered by the Commission at the April 2014 hearing (separate action and staff report) in order to allow adequate time for Commission staff review. Commission staff endeavor to schedule the LIP for public hearing and Commission action for the June 2014 Commission hearing.

## **D. PUBLIC PARTICIPATION**

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

*During the preparation, approval, certification, and amendment of any local coastal program, the public, as well as all affected governmental agencies, including special districts shall be provided maximum opportunities to participate. Prior to submission of a local coastal program*

***for approval, local governments shall hold a public hearing or hearings on that portion of the program which has not been subjected to public hearings within four years of such submission.***

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

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

## **E. LAND AND MARINE RESOURCES**

### **1. Coastal Act Provisions**

One of the chief objectives of the Coastal Act is the preservation, protection, and enhancement of coastal resources, including land and marine habitats, and water quality. The rare and most ecologically important habitats are protected from development. Section 30240 requires the protection of environmentally sensitive habitat areas (ESHA) against any significant disruption of habitat values. No development, with the exception of uses dependent on the resources, is allowed within any ESHA. This policy further requires that development adjacent to ESHA is sited and designed to prevent impacts that would significantly degrade ESHA and to be compatible with the continuance of the habitat areas. Finally, development adjacent to parks and recreation areas must be sited and designed to prevent such impacts.

In addition to requiring protection as ESHA, the Coastal Act requires that streams and associated riparian habitat be protected in order to maintain the biological productivity and quality of coastal waters. Section 30231 requires that natural vegetation buffer areas that protect riparian habitats be maintained, and that the alteration of natural streams be minimized. Section 30236 limits channelizations, dams, or other substantial alterations of rivers and streams to only three purposes: necessary water supply; protection of existing structures where there is no feasible alternative; or improvement of fish and wildlife habitat.

Marine resources are protected to sustain the biological productivity of coastal waters and to maintain healthy populations of all species of marine organisms. Section 30230 requires that marine resources be maintained, enhanced, and where feasible restored. Uses of the marine environment must provide for the biological productivity of coastal waters and maintain healthy populations of marine organisms. Section 30233 provides that the diking, filling, or dredging of open coastal waters, wetlands, or

estuaries may only be permitted where there is no less environmentally damaging alternative and such actions are restricted to a limited number of allowable uses.

Finally, the Coastal Act requires that the biological productivity and quality of coastal waters be protected. Section 30231 requires the use of means, including managing waste water discharges, controlling runoff, protecting groundwater and surface water, encouraging waste water reclamation, and protecting streams, in order to maintain and enhance water quality.

## **2. Coastal Act Policies**

Section **30107.5** of the Coastal Act states that:

*"Environmentally sensitive area" means 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.*

Section **30230** of the Coastal Act states that:

*Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*

Section **30231** of the Coastal Act states that:

*The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

Section **30233** of the Coastal Act states that:

*(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:*

*(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.*

*(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.*

*(3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland. The size of the wetland area used for boating facilities, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, shall not exceed 25 percent of the degraded wetland.*

*(4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.*

*(5) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.*

*(6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.*

*(7) Restoration purposes.*

*(8) Nature study, aquaculture, or similar resource dependent activities.*

*(b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable long shore current systems.*

*(c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Game, including, but not limited to, the 19 coastal wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California", shall be limited to very minor incidental public facilities, restorative measures, nature study, commercial fishing facilities in Bodega Bay, and development in already developed parts of south San Diego Bay, if otherwise in accordance with this division.*

*For the purposes of this section, "commercial fishing facilities in Bodega Bay" means that not less than 80 percent of all boating facilities proposed to be developed or improved, where such improvement would create additional berths in Bodega Bay, shall be designed and used for commercial fishing activities.*

*(d) Erosion control and flood control facilities constructed on water courses can impede the movement of sediment and nutrients which would otherwise be carried by storm runoff into coastal waters. To facilitate the continued delivery of these sediments to the littoral zone, whenever feasible, the material removed from these facilities may be placed at appropriate points on the shoreline in accordance with other applicable provisions of this division, where feasible mitigation measures have been provided to minimize adverse environmental effects.*

*Aspects that shall be considered before issuing a coastal development permit for such purposes are the method of placement, time of year of placement, and sensitivity of the placement area.*

Section **30236** of the Coastal Act states that:

*Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.*

Section **30240** of the Coastal Act states that:

*(a) 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.*

*(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

Section **30241** of the Coastal Act states that:

*The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:*

*(a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.*

*(b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.*

*(c) By permitting the conversion of agricultural land surrounded by urban uses where the conversion of the land would be consistent with Section 30250.*

*(d) By developing available lands not suited for agriculture prior to the conversion of agricultural lands.*

*(e) By assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.*

*(f) By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b), and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.*

Section **30241.5** of the Coastal Act states that:

*(a) If the viability of existing agricultural uses is an issue pursuant to subdivision (b) of Section 30241 as to any local coastal program or amendment to any certified local coastal program submitted for review and approval under this division, the determination of "viability" shall include, but not be limited to, consideration of an economic feasibility evaluation containing at least both of the following elements:*

*(1) An analysis of the gross revenue from the agricultural products grown in the area for the five years immediately preceding the date of the filing of a proposed local coastal program or an amendment to any local coastal program.*

*(2) An analysis of the operational expenses, excluding the cost of land, associated with the production of the agricultural products grown in the area for the five years immediately preceding the date of the filing of a proposed local coastal program or an amendment to any local coastal program.*

*For purposes of this subdivision, "area" means a geographic area of sufficient size to provide an accurate evaluation of the economic feasibility of agricultural uses for those lands included in the local coastal program or in the proposed amendment to a certified local coastal program.*

*(b) The economic feasibility evaluation required by subdivision (a) shall be submitted to the commission, by the local government, as part of its submittal of a local coastal program or an amendment to any local coastal program. If the local government determines that it does not have the staff with the necessary expertise to conduct the economic feasibility evaluation, the evaluation may be conducted under agreement with the local government by a consultant selected jointly by local government and the executive director of the commission.*

Section **30242** of the Coastal Act states that:

*All 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. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.*

Section **30250(a)** of the Coastal Act states:

*New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent*

*of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.*

### **3. Introduction and Setting**

The Santa Monica Mountains region is a unique habitat area. On a global scale, the area is part of the Mediterranean Scrub biome. This biome type is found in only five areas worldwide: around the Mediterranean Sea, Chile, South Africa, Australia, and Southern California. All of these areas occur on the west coast of the respective continents where there are cold ocean currents offshore. The Mediterranean climate includes wet winters and dry summers with precipitation ranging from 15 to 40 inches per year. Temperatures are moderated by the maritime influence and fog associated with the cold ocean currents. Worldwide, this biome occupies a small area and a very small percentage of the historical extent remains undisturbed.

The Santa Monica Mountains are part of the Transverse Ranges, the only mountain range in California that is oriented in an east to west direction. The Transverse Ranges extend from the Santa Barbara Coast to the Mojave Desert, creating a natural barrier between Central and Southern California.

The Santa Monica Mountains segment of Los Angeles County's coastal zone comprises approximately 50,000 acres of unincorporated land, approximately 90 percent of which is undeveloped, and approximately 52 percent of which is publicly owned (most of it is public parkland). This segment of the coastal zone is bounded by the City of Los Angeles to the east, the Santa Monica Mountains of Ventura County to the west, the "North Area" of the Santa Monica Mountains and the cities of Calabasas, Agoura Hills, and Thousand Oaks to the north, and the City of Malibu to the south. This segment of the coastal zone includes small areas of coastline at either end of the City of Malibu (Leo Carrillo State Park in the west and Topanga Beach in the east).

The Plan area is characterized by dramatic and varied topography, with numerous deep, parallel canyons that drain south into Santa Monica Bay. An extraordinary feature of this section of coast is the large number of watersheds. Most of these watersheds originate at or near the northern plan area boundary and connect to habitats within the coastal City of Malibu and ultimately discharge into the ocean. Malibu Creek, however, extends well inland to the Simi Hills and drains approximately 67,000 acres of watershed into Malibu Lagoon in the City of Malibu. The upper reaches of these streams are relatively undisturbed and consist of steep canyons containing riparian oak-sycamore bottoms, with coastal sage scrub and chaparral ascending the canyon walls. With the Santa Monica Mountains "transverse" range oriented in an east-west direction, the streams within this unique topographic setting have south-facing riparian habitats, which have more variable sun exposure than the east-west riparian corridors of other sections of the coast. This creates a more diverse moisture environment and contributes to the higher biodiversity of the region.

There are several habitat types and individual plant species within the Santa Monica Mountains portion of unincorporated Los Angeles County that are considered sensitive. The California Department of Fish and Wildlife has identified habitats that are considered sensitive because of their scarcity and because they support a number of endangered, threatened, and rare plants, as well as sensitive bird and animal species. The many different physical habitats of the Santa Monica Mountains support at least 17 native vegetation types<sup>5</sup> including the following habitats considered sensitive by the California

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<sup>5</sup> From the NPS report ( 2000 op. cit.) that is based on the older Holland system of subjective classification. The data-driven system of Sawyer and Keeler-Wolf results in a much larger number of distinct "alliances" or vegetation types.

Department of Fish and Wildlife: native perennial grassland, coastal sage scrub, red-shank chaparral, valley oak woodland, walnut woodland, southern willow scrub, southern cottonwood-willow riparian forest, sycamore-alder woodland, oak riparian forest, coastal salt marsh, and freshwater marsh. Over 400 species of birds, 35 species of reptiles and amphibians, and more than 40 species of mammals have been documented in this diverse ecosystem. More than 80 sensitive species of plants and animals (listed, proposed for listing, or species of concern) are known to occur or have the potential to occur within the Santa Monica Mountains Mediterranean ecosystem. The Santa Monica Mountains still include large areas of intact habitat, an extraordinary fact given the dense urban development that surrounds the area.

#### **4. ESHA Designation**

The Coastal Act provides a definition of “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” (Section 30107.5).

There are three important elements to the definition of ESHA. First, a geographic area can be designated ESHA either because of the presence of individual species of plants or animals or because of the presence of a particular habitat. Second, in order for an area to be designated as ESHA, the species or habitat must be either rare or it must be especially valuable. Finally, the area must be easily disturbed or degraded by human activities.

The first test of ESHA is whether a habitat or species is rare. Rarity can take several forms, each of which is important. Within the plan area, rare species and habitats generally fall within one of two common categories. Most rare species or habitats within the plan area are globally rare, but locally abundant. They have suffered severe historical declines in overall abundance and currently are reduced to a small fraction of their original range, but where present, may occur in relatively large numbers or cover large local areas. This is probably the most common form of rarity for both species and habitats in California and is characteristic of coastal sage scrub, for example. Some other habitats are geographically widespread, but occur everywhere in low abundance. California’s native perennial grasslands fall within this category.

A second test for ESHA is whether a habitat or species is especially valuable. Areas may be valuable because of their “special nature,” such as being an unusually pristine example of a habitat type, containing an unusual mix of species, supporting species at the edge of their range, or containing species with extreme variation. For example, reproducing populations of valley oaks are not only increasingly rare, but their southernmost occurrence is in the Santa Monica Mountains. Generally, however, habitats or species are considered valuable because of their special “role in the ecosystem.” For example, some areas within the plan area may meet this test because they provide habitat for endangered species, protect water quality, provide essential corridors linking one sensitive habitat to another, or provide critical ecological linkages such as the provision of pollinators or crucial trophic connections. Of course, all species play a role in their ecosystem that is arguably “special.” However, the Coastal Act requires that this role be “especially valuable.” Within the plan area, this test is met for those areas that are integral parts of the Santa Monica Mountains Mediterranean ecosystem because of the demonstrably rare and extraordinarily special nature of that ecosystem as detailed below. Other areas within the plan area may meet this test for other reasons, for example for especially valuable roles in marine systems.

Finally, ESHAs are those areas that could be easily disturbed or degraded by human activities and developments. Within the plan area, as in most of urban southern California, all natural habitats are in grave danger of direct loss or significant degradation as a result of many factors related to anthropogenic changes.

## **5. Habitats of the Plan Area and Designation of ESHA**

### *Riparian Habitat*

The term “riparian” refers to both a distinct location (the area immediately adjacent to streams, creeks, and rivers) and a distinct community (the plants and animals that occur immediately adjacent to streams, creeks, and rivers). Riparian areas have one or both of the following characteristics: 1) distinctly different vegetative species than adjacent areas, and 2) species similar to adjacent areas but exhibiting more vigorous or robust growth forms. Riparian areas are usually transitional between wetland and upland.<sup>6</sup>

Riparian habitat occurs along both perennial and intermittent streams in nutrient-rich soils. Partly because of its multi-layered vegetation, the riparian community contains the greatest overall biodiversity of all the plant communities in the area. At least four types of riparian communities are discernable in the Santa Monica Mountains: walnut riparian areas, mulefat-dominated riparian areas, willow riparian areas and sycamore riparian woodlands. Of these, the sycamore riparian woodland is the most diverse riparian community in the area. In these habitats, the dominant plant species include arroyo willow, California black walnut, sycamore, coast live oak, Mexican elderberry, California bay laurel, and mule fat. Wildlife species that have been observed in this community include least Bell’s vireo (a State and Federally listed endangered species), American goldfinches, black phoebes, warbling vireos, bank swallows (State listed threatened species), song sparrows, belted kingfishers, raccoons, and California and Pacific tree frogs.

Riparian communities are the most species-rich to be found in the Santa Monica Mountains. Because of their multi-layered vegetation, available water supply, vegetative cover and adjacency to shrubland habitats, they are attractive to many native wildlife species, and provide essential functions in their lifecycles<sup>7</sup>. During the long dry summers in this Mediterranean climate, these communities are an essential refuge and oasis for much of the areas’ wildlife.

Riparian habitats and their associated streams form important connecting links in the Santa Monica Mountains. These habitats connect all of the biological communities from the highest elevation chaparral to the sea with a unidirectional flowing water system, one function of which is to carry nutrients through the ecosystem to the benefit of many different species along the way.

The streams themselves provide refuge for sensitive species including: the coast range newt, the western pond turtle, and the steelhead trout. The coast range newt and the western pond turtle are California Species of Special Concern, and the steelhead trout is federally endangered and a California Species of Special Concern. The health of the streams is dependent on the ecological functions provided by the associated riparian woodlands. These functions include the provision of large woody

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<sup>6</sup> USFWS. 2009. A System for Mapping Riparian Areas in the Western United States.

<sup>7</sup> Walter, Hartmut. Bird use of Mediterranean habitats in the Santa Monica Mountains, Coastal Commission Workshop on the Significance of Native Habitats in the Santa Monica Mountains. CCC Hearing, June 13, 2002, Queen Mary Hotel.

debris for habitat, shading that controls water temperature, and input of leaves that provide the foundation of the stream-based trophic structure.

The importance of the connectivity between riparian areas and adjacent habitats is illustrated by the western pond turtle and the coast range newt, both of which are sensitive and both of which require this connectivity for their survival. The life history of the western pond turtle demonstrates the importance of riparian areas and their associated watersheds for this species. These turtles require the stream habitat during the wet season. However, recent radio tracking work<sup>8</sup> has found that although the western pond turtle spends the wet season in streams, it also requires upland habitat for refuge during the dry season. Thus, in coastal southern California, the western pond turtle requires both streams and intact adjacent upland habitats such as coastal sage scrub, woodlands or chaparral as part of their normal life cycle. The turtles spend about four months of the year in upland refuge sites located an average distance of 50 m (but up to 280 m) from the edge of the creek bed. Similarly, nesting sites where the females lay eggs are also located in upland habitats an average of 30 m (but up to 170 m) from the creek. Occasionally, these turtles move up to 2 miles across upland habitat<sup>9</sup>. Like many species, the pond turtle requires both stream habitats and the upland habitats of the watershed to complete its normal annual cycle of behavior. Similarly, the coast range newt has been observed to travel hundreds of meters into upland habitat and spend about ten months of the year far from the riparian streambed<sup>10</sup>. They return to the stream to breed in the wet season, and they are therefore another species that requires both riparian habitat and adjacent uplands for their survival.

Riparian habitats in California have suffered serious losses and such habitats in southern California are currently very rare and seriously threatened. In 1989, Faber estimated that 95-97% of riparian habitat in southern California was already lost<sup>11</sup>. Writing at the same time as Faber, Bowler asserted that, “[t]here is no question that riparian habitat in southern California is endangered.”<sup>12</sup> In the intervening 13 years, there have been continuing losses of the small amount of riparian woodlands that remain. Today these habitats are, along with native grasslands and wetlands, among the most threatened in California.

In addition to direct habitat loss, streams and riparian areas have been degraded by the effects of development. For example, the coast range newt, a California Species of Special Concern has suffered a variety of impacts from human-related disturbances<sup>13</sup>. Human-caused increased fire frequency has resulted in increased sedimentation rates, which exacerbates the cannibalistic predation of adult newts on the larval stages.<sup>14</sup> In addition impacts from non-native species of crayfish and mosquito fish have also been documented. When these non-native predators are introduced, native prey organisms are exposed to new mortality pressures for which they are not adapted. Coast range newts that breed in the Santa Monica Mountain streams do not appear to have adaptations that permit co-occurrence with

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<sup>8</sup> Rathbun, G.B., N.J. Scott and T.G. Murphy. 2002. Terrestrial habitat use by Pacific pond turtle in a Mediterranean climate. *Southwestern Naturalist*. (in Press).

<sup>9</sup> Testimony by R. Dagit, Resource Conservation District of the Santa Monica Mountains at the CCC Habitat Workshop on June 13, 2002.

<sup>10</sup> Dr. Lee Kats, Pepperdine University, personal communication to Dr J. Allen, CCC.

<sup>11</sup> Faber, P.A., E. Keller, A. Sands and B.M. Massey. 1989. The ecology of riparian habitats of the southern California coastal region: a community profile. U.S. Fish and Wildlife Service Biological Report 85(7.27) 152pp.

<sup>12</sup> Bowler, P.A. 1989. Riparian woodland: An endangered habitat in southern California. Pp 80-97 in Schoenherr, A.A. (ed.) *Endangered plant communities of southern California*. Botanists Special Publication No. 3.

<sup>13</sup> Gamradt, S.C., L.B. Kats and C.B. Anzalone. 1997. Aggression by non-native crayfish deters breeding in California newts. *Conservation Biology* 11(3):793-796.

<sup>14</sup> Kerby, L.J., and L.B. Kats. 1998. Modified interactions between salamander life stages caused by wildfire-induced sedimentation. *Ecology* 79(2):740-745.

introduced mosquito fish and crayfish<sup>15</sup>. These introduced predators have eliminated the newts from streams where they previously occurred by both direct predation and suppression of breeding.

Therefore, because of the essential role that riparian plant communities play in maintaining the biodiversity of the Santa Monica Mountains, because of the historical losses and current rarity of these habitats in southern California, and because of their extreme sensitivity to disturbance, the native riparian habitats in the Santa Monica Mountains meet the definition of ESHA under the Coastal Act.

### *Coastal Sage Scrub and Chaparral*

Coastal sage scrub and chaparral are often lumped together as “shrublands” because of their roughly similar appearance and occurrence in similar and often adjacent physical habitats. In earlier literature, these vegetation associations were often called soft chaparral and hard chaparral, respectively. “Soft” and “hard” refers to differences in their foliage associated with different adaptations to summer drought. Coastal sage scrub is dominated by soft-leaved, generally low-growing aromatic shrubs that die back and drop their leaves in response to drought. Chaparral is dominated by taller, deeper-rooted evergreen shrubs with hard, waxy leaves that minimize water loss during drought.

The two vegetation types are often found interspersed with each other. Under some circumstances, coastal sage scrub may even be successional to chaparral, meaning that after disturbance, a site may first be covered by coastal sage scrub, which is then replaced with chaparral over long periods of time.<sup>16</sup> The existing mosaic of coastal sage scrub and chaparral is the result of a dynamic process that is a function of fire history, recent climatic conditions, soil differences, slope, aspect and moisture regime, and the two habitats should not be thought of as completely separate and unrelated entities but as different phases of the same process<sup>17</sup>. The spatial pattern of these vegetation stands at any given time thus depends on both local site conditions and on history (e.g., fire), and is influenced by both natural and human factors.

In lower elevation areas with high fire frequency, chaparral and coastal sage scrub may be in a state of flux, leading one researcher to describe the mix as a “coastal sage-chaparral subclimax.”<sup>18</sup> Several other researchers have noted the replacement of chaparral by coastal sage scrub, or coastal sage scrub by chaparral depending on fire history.<sup>19</sup> In transitional and other settings, the mosaic of chaparral and coastal sage scrub enriches the seasonal plant resource base and provides additional habitat variability and seasonality for the many species that inhabit the area.

### *Relationships Among Coastal Sage Scrub, Chaparral and Riparian Communities*

Although the constituent communities of the Santa Monica Mountains Mediterranean ecosystem can be defined and distinguished based on species composition, growth habits, and the physical habitats

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<sup>15</sup> Gamradt, S.C. and L.B. Kats. 1996. Effect of introduced crayfish and mosquitofish on California newts. *Conservation Biology* 10(4):1155-1162.

<sup>16</sup> Cooper, W.S. 1922. The broad-sclerophyll vegetation of California. Carnegie Institution of Washington Publication 319. 124 pp.

<sup>17</sup> Longcore, T and C. Rich. 2002. Protection of environmentally sensitive habitat areas in proposed local coastal plan for the Santa Monica Mountains. The Urban Wildlands Group, Inc., P.O. Box 24020 Los Angeles, CA 90024. (See attached comment document in Appendix).

<sup>18</sup> Hanes, T.L. 1965. Ecological studies on two closely related chaparral shrubs in southern California. *Ecological Monographs* 41:27-52.

<sup>19</sup> Gray, K.L. 1983. Competition for light and dynamic boundary between chaparral and coastal sage scrub. *Madrono* 30(1):43-49.

Zedler, P.H., C.R. Gautier and G.S. McMaster. 1983. Vegetation change in response to extreme events: The effect of a short interval between fires in California chaparral and coastal sage scrub. *Ecology* 64(4): 809-818.

they characteristically occupy, they are not independent entities ecologically. Many species of plants, such as black sage, and laurel sumac, occur in more than one plant community and many animals rely on the predictable mix of communities found in undisturbed Mediterranean ecosystems to sustain them through the seasons and during different portions of their life histories.

Strong evidence for the interconnectedness between chaparral, coastal scrub and other habitats is provided by “opportunistic foragers” (animals that follow the growth and flowering cycles across these habitats). Coastal scrub and chaparral flowering and growth cycles differ in a complimentary and sequential way that many animals have evolved to exploit. Whereas coastal sage scrub is shallow-rooted and responds quickly to seasonal rains, chaparral plants are typically deep-rooted having most of their flowering and growth later in the rainy season after the deeper soil layers have been saturated<sup>20</sup>. New growth of chaparral evergreen shrubs takes place about four months later than coastal sage scrub plants and it continues later into the summer<sup>21</sup>. For example, in coastal sage scrub, California sagebrush flowers and grows from August to February and coyote bush flowers from August to November<sup>22</sup>. In contrast, chamise chaparral and bigpod ceanothus flower from April to June, buck brush ceanothus flowers from February to April, and hoaryleaf ceanothus flowers from March to April.

Many groups of animals exploit these seasonal differences in growth and blooming period. The opportunistic foraging insect community (e.g., honeybees, butterflies and moths) tends to follow these cycles of flowering and new growth, moving from coastal sage scrub in the early rainy season to chaparral in the spring<sup>23</sup>. The insects in turn are followed by insectivorous birds such as the blue-gray gnatcatcher<sup>24</sup>, bushtit, cactus wren, Bewick’s wren and California towhee. At night bats take over the role of daytime insectivores. At least 12 species of bats (all of which are considered sensitive) occur in the Santa Monica Mountains<sup>25</sup>. Five species of hummingbirds also follow the flowering cycle<sup>26</sup>.

Many species of ‘opportunistic foragers’, which utilize several different community types, perform important ecological roles during their seasonal movements. The scrub jay is a good example of such a species. The scrub jay is an omnivore and forages in coastal sage scrub, chaparral, and oak woodlands for insects, berries and notably acorns. Its foraging behavior includes the habit of burying acorns, usually at sites away from the parent tree canopy. Buried acorns have a much better chance of successful germination (about two-fold) than exposed acorns because they are protected from desiccation and predators. One scrub jay will bury approximately 5000 acorns in a year. The scrub jay therefore performs the function of greatly increasing recruitment and regeneration of oak woodland, a valuable and sensitive habitat type<sup>27</sup>.

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<sup>20</sup> DeSimone, S. 2000. California’s coastal sage scrub. *Fremontia* 23(4):3-8. Mooney, H.A. 1988. Southern coastal scrub. Chap. 13 in Barbour, M.G. and J. Majors; Eds. 1988. *Terrestrial vegetation of California*, 2<sup>nd</sup> Edition. Calif. Native Plant Soc. Spec. Publ. #9.

<sup>21</sup> Schoenherr, A. A. 1992. *A natural history of California*. University of California Press, Berkeley. 772p.

<sup>22</sup> Dale, N. 2000. Flowering plants of the Santa Monica Mountains. California Native Plant Society, 1722 J Street, Suite 17, Sacramento, CA 95814.

<sup>23</sup> Ballmer, G. R. 1995. What’s bugging coastal sage scrub. *Fremontia* 23(4):17-26.

<sup>24</sup> Root, R. B. 1967. The niche exploitation pattern of the blue-gray gnatcatcher. *Ecol. Monog.* 37:317-350.

<sup>25</sup> Letter from Dr. Marti Witter, NPS, dated Sept. 13, 2001, in letters received and included in the September 2002 staff report for the Malibu LCP.

<sup>26</sup> National Park Service. 1993. *A checklist of the birds of the Santa Monica Mountains National Recreation Area*. Southwest Parks and Monuments Assoc., 221 N. Court, Tucson, AZ. 85701

<sup>27</sup> Borchert, M. I., F. W. Davis, J. Michaelsen and L. D. Oyler. 1989. Interactions of factors affecting seedling recruitment of blue oak (*Quercus douglasii*) in California. *Ecology* 70:389-404. Bossema, I. 1979. Jays and oaks: An eco-ethological study of a symbiosis. *Behavior* 70:1-118. Schoenherr, A. A. 1992. *A natural history of California*. University of California Press, Berkeley. 772p.

Like the scrub jay, most of the species of birds that inhabit the Mediterranean ecosystem in the Santa Monica Mountains require more than one community type in order to flourish. Many species include several community types in their daily activities. Other species tend to move from one community to another seasonally. The importance of maintaining the integrity of the multi-community ecosystem is clear in the following observations of Dr. Hartmut Walter of the University of California at Los Angeles:

“Bird diversity is directly related to the habitat mosaic and topographic diversity of the Santa Monicas. Most bird species in this bio-landscape require more than one habitat for survival and reproduction.” “A significant proportion of the avifauna breeds in the wooded canyons of the Santa Monicas. Most of the canyon breeders forage every day in the brush- and grass-covered slopes, ridges and mesas. They would not breed in the canyons in the absence of the surrounding shrublands. Hawks, owls, falcons, orioles, flycatchers, woodpeckers, warblers, hummingbirds, etc. belong to this group. Conversely, some of the characteristic chaparral birds such as thrashers, quails, and wrentits need the canyons for access to shelter, protection from fire, and water. The regular and massive movement of birds between riparian corridors and adjacent shrublands has been demonstrated by qualitative and quantitative observations by several UCLA students<sup>28</sup>.”

Thus, the Mediterranean ecosystem of the Santa Monica Mountains is a mosaic of vegetation types linked together ecologically. The high biodiversity of the area results from both the diversity and the interconnected nature of this mosaic. Most raptor species, for example, require large areas and will often require different habitats for perching, nesting and foraging. Fourteen species of raptors (13 of which are considered sensitive) are reported from the Santa Monica Mountains. These species utilize a variety of habitats including rock outcrops, oak woodlands, riparian areas, grasslands, chaparral, coastal sage scrub, estuaries and freshwater lakes<sup>29</sup>.

When the community mosaic is disrupted and fragmented by development, many chaparral-associated native bird species are impacted. In a study of landscape-level fragmentation in the Santa Monica Mountains, Stralberg<sup>30</sup> found that the ash-throated flycatcher, Bewick’s wren, wrentit, blue-gray gnatcatcher, California thrasher, orange-crowned warbler, rufous-crowned sparrow, spotted towhee, and California towhee all decreased in numbers as a result of urbanization. Soule<sup>31</sup> observed similar effects of fragmentation on chaparral and coastal sage scrub birds in the San Diego area.

In summary, all of the vegetation types in this ecosystem are strongly linked by animal movement and foraging. Whereas classification and mapping of vegetation types may suggest a snapshot view of the system, the seasonal movements and foraging of animals across these habitats illustrates the dynamic nature and vital connections that are crucial to the survival of this ecosystem.

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<sup>28</sup> Walter, Hartmut. Bird use of Mediterranean habitats in the Santa Monica Mountains, Coastal Commission Workshop on the Significance of Native Habitats in the Santa Monica Mountains. CCC Hearing, June 13, 2002, Queen Mary Hotel.

<sup>29</sup> National Park Service. 1993. A checklist of the birds of the Santa Monica Mountains National Recreation Area. Southwest Parks and Monuments Assoc., 221 N. Court, Tucson, AZ. 85701. and Letter from Dr. Marti Witter, NPS, Dated Sept. 13, 2001, in letters received and included in the September 2002 staff report for the Malibu LCP.

<sup>30</sup> Stralberg, D. 2000. Landscape-level urbanization effects on chaparral birds: A Santa Monica Mountains case study. p 125-136 in: Keeley, J. E., M. Baer-Keeley and C. J. Fotheringham (eds), 2<sup>nd</sup> Interface Between Ecology and Land Development in California, U.S. Geological Survey Open-File Report 00-62.

<sup>31</sup> Soule, M. E, D. T. Bolger, A. C. Alberts, J. Wright, M. Sorice and S. Hill. 1988. Reconstructed dynamics of rapid extinctions of chaparral-requiring birds in urban habitat islands. *Conserv. Biol.* 2: 75-92.

### *Coastal Sage Scrub*

“Coastal sage scrub” is a generic vegetation type that is inclusive of several subtypes<sup>32</sup>. In the Santa Monica Mountains, coastal sage scrub is mostly of the type termed “Venturan Coastal Sage Scrub.” In general, coastal sage scrub is comprised of dominant species that are semi-woody and low-growing, with shallow, dense roots that enable them to respond quickly to rainfall. Under the moist conditions of winter and spring, they grow quickly, flower, and produce light, wind-dispersed seeds, making them good colonizers following disturbance. These species cope with summer drought by dying back, dropping their leaves or producing a smaller summer leaf in order to reduce water loss. Stands of coastal sage scrub are much more open than chaparral and contain a greater admixture of herbaceous species. Coastal sage scrub is generally restricted to drier sites, such as low foothills, south-facing slopes, and shallow soils at higher elevations.

The species composition and structure of individual stands of coastal sage scrub depend on moisture conditions that derive from slope, aspect, elevation and soil type. Drier sites are dominated by more drought-resistant species (e.g., California sagebrush, coast buckwheat, and *Opuntia* cactus). Where more moisture is available (e.g., north-facing slopes), larger evergreen species such as toyon, laurel sumac, lemonade berry, and sugar bush are common. As a result, there is more cover for wildlife, and movement of large animals from chaparral into coastal sage scrub is facilitated in these areas. Characteristic wildlife in this community includes Anna’s hummingbirds, rufous-sided towhees, California quail, greater roadrunners, Bewick’s wrens, coyotes, and coast horned lizards<sup>33</sup>, but most of these species move between coastal sage scrub and chaparral during their daily activities or on a seasonal basis.

Of the many important ecosystem roles performed by the coastal sage scrub community, five are particularly important in the Santa Monica Mountains. Coastal sage scrub provides critical linkages between riparian corridors, provides essential habitat for species that require several habitat types during the course of their life histories, provides essential habitat for local endemics, supports rare species that are in danger of extinction, and reduces erosion, thereby protecting the water quality of coastal streams.

Riparian woodlands are primary contributors to the high biodiversity of the Santa Monica Mountains. The ecological integrity of those riparian habitats not only requires wildlife dispersal along the streams, but also depends on the ability of animals to move from one riparian area to another. Such movement requires that the riparian corridors be connected by suitable habitat. In the Santa Monica Mountains, coastal sage scrub and chaparral provide that function. Significant development in coastal sage scrub would reduce the riparian corridors to linear islands of habitat with severe edge effects<sup>34</sup>, reduced diversity, and lower productivity.

Most wildlife species and many species of plants utilize several types of habitat. Many species of animals endemic to Mediterranean habitats move among several plant communities during their daily activities and many are reliant on different communities either seasonally or during different stages of

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<sup>32</sup> Kirkpatrick, J.B. and C.F. Hutchinson. 1977. The community composition of Californian coastal sage scrub. *Vegetatio* 35:21-33; Holland, 1986. op.cit.; Sawyer and Keeler-Wolf, 1995, op.cit.

<sup>33</sup> National Park Service. 2002. General Management Plan & Environmental Impact Statement, Santa Monica Mountains National Recreation Area, US Dept. of Interior, National Park Service, December 2002.

<sup>34</sup> Environmental impacts are particularly severe at the interface between development and natural habitats. The greater the amount of this “edge” relative to the area of natural habitat, the worse the impact.

their life cycle. Without an intact mosaic of coastal sage scrub, chaparral, and riparian community types, many species will not thrive. Specific examples of the importance of interconnected communities, or habitats, were provided in the discussion above. This is an essential ecosystem role of coastal sage scrub.

A characteristic of the coastal sage scrub vegetation type is a high degree of endemism. This is consonant with Westman's observation that 44 percent of the species he sampled in coastal sage scrub occurred at only one of his 67 sites, which were distributed from the San Francisco Bay area to Mexico<sup>35</sup>. Species with restricted distributions are by nature more susceptible to loss or degradation of their habitat. Westman said of this unique and local aspect of coastal sage scrub species in California:

“While there are about 50 widespread sage scrub species, more than half of the 375 species encountered in the present study of the sage scrub flora are rare in occurrence within the habitat range. In view of the reduction of the area of coastal sage scrub in California to 10-15% of its former extent and the limited extent of preserves, measures to conserve the diversity of the flora are needed.”<sup>36</sup>

Coastal sage scrub in southern California provides habitat for about 100 rare species<sup>37</sup>, many of which are also endemic to limited geographic regions<sup>38</sup>. In the Santa Monica Mountains, rare animals that inhabit coastal sage scrub<sup>39</sup> include the Santa Monica shieldback katydid, silvery legless lizard, coastal cactus wren, Bell's sage sparrow, San Diego desert woodrat, southern California rufous-crowned sparrow, coastal western whiptail, and coast horned lizard. Some of these species are also found in chaparral<sup>40</sup>. Rare plants found in coastal sage scrub in the Santa Monica Mountains include Santa Susana tarplant, Coulter's saltbush, Blockman's dudleya, Braunton's milkvetch, Parry's spineflower, and Plummer's mariposa lily<sup>41</sup>. A total of 32 sensitive species of reptiles, birds and mammals have been identified in this community by the National Park Service.<sup>42</sup>

One of the most important ecological functions of coastal sage scrub in the Santa Monica Mountains is to protect water quality in coastal streams by reducing erosion in the watershed. Although shallow rooted, the shrubs that define coastal sage scrub have dense root masses that hold the surface soils much more effectively than the exotic annual grasses and forbs that tend to dominate in disturbed areas. The native shrubs of this community are resistant not only to drought, as discussed above, but well adapted to fire. Most of the semi-woody shrubs have some ability to crown sprout after fire. Several CSS species (e.g., *Eriogonum cinereum*) in the Santa Monica Mountains and adjacent areas resprout vigorously and other species growing near the coast demonstrate this characteristic more strongly than do individuals of the same species growing at inland sites in Riverside County.<sup>43</sup> These

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<sup>35</sup> Westman, W.E. 1981. Diversity relations and succession in Californian coastal sage scrub. *Ecology* 62:170-184.

<sup>36</sup> Ibid.

<sup>37</sup> Atwood, J. L. 1993. California gnatcatchers and coastal sage scrub: The biological basis for endangered species listing. pp.149-166 *In*: Interface Between Ecology and Land Development in California. Ed. J. E. Keeley, So. Calif. Acad. of Sci., Los Angeles. California Department of Fish and Game (CDFG). 1993. The Southern California Coastal Sage Scrub (CSS) Natural Communities Conservation Plan (NCCP). CDFG and Calif. Resources Agency, 1416 9<sup>th</sup> St., Sacramento, CA 95814.

<sup>38</sup> Westman, W.E. 1981. op. cit.

<sup>39</sup> Biological Resources Assessment of the Proposed Santa Monica Mountains Significant Ecological Area. Nov. 2000. Los Angeles Co., Dept. of Regional Planning, 320 West Temple St., Rm. 1383, Los Angeles, CA 90012.

<sup>40</sup> O'Leary J.F., S.A. DeSimone, D.D. Murphy, P.F. Brussard, M.S. Gilpin, and R.F. Noss. 1994. Bibliographies on coastal sage scrub and related malacophyllous shrublands of other Mediterranean-type climates. *California Wildlife Conservation Bulletin* 10:1-51.

<sup>41</sup> Biological Resources Assessment of the Proposed Santa Monica Mountains Significant Ecological Area. Nov. 2000. Los Angeles Co., Dept. of Regional Planning, 320 West Temple St., Rm. 1383, Los Angeles, CA 90012.

<sup>42</sup> NPS, 2002, op cit.

<sup>43</sup> Dr. John O'Leary, SDSU, personal communication to Dr. John Dixon, CCC, July 2, 2002

shrub species also tend to recolonize rapidly from seed following fire. As a result they provide persistent cover that reduces erosion.

In addition to performing extremely important roles in the Mediterranean ecosystem, the coastal sage scrub community type has been drastically reduced in area by habitat loss to development. In the early 1980's it was estimated that 85 to 90 percent of the original extent of coastal sage scrub in California had already been destroyed.<sup>44</sup> Losses since that time have been significant and particularly severe in the coastal zone.

Therefore, because of its increasing rarity, its important role in the functioning of the Santa Monica Mountains Mediterranean ecosystem, and its extreme vulnerability to development, coastal sage scrub within the Santa Monica Mountains meets the definition of ESHA under the Coastal Act.

### *Chaparral*

Another shrub community in the Santa Monica Mountain Mediterranean ecosystem is chaparral. Like "coastal sage scrub," this is a generic category of vegetation. Chaparral species have deep roots (10s of ft) and hard waxy leaves, adaptations to drought that increase water supply and decrease water loss at the leaf surface. Some chaparral species cope more effectively with drought conditions than do desert plants<sup>45</sup>. Chaparral plants vary from about one to four meters tall and form dense, intertwining stands with nearly 100 percent ground cover. As a result, there are few herbaceous species present in mature stands. Chaparral is well adapted to fire. Many species regenerate mainly by crown sprouting; others rely on seeds which are stimulated to germinate by the heat and ash from fires. Over 100 evergreen shrubs may be found in chaparral<sup>46</sup>. On average, chaparral is found in wetter habitats than coastal sage scrub, being more common at higher elevations and on north facing slopes.

The broad category "northern mixed chaparral" is the major type of chaparral shown in the National Park Service map of the Santa Monica Mountains. However, northern mixed chaparral can be variously dominated by chamise, scrub oak or one of several species of manzanita or by ceanothus. In addition, it commonly contains woody vines and large shrubs such as mountain mahogany, toyon, hollyleaf redberry, and sugarbush<sup>47</sup>. The rare red shank chaparral plant community also occurs in the Santa Monica Mountains. Although included within the category "northern mixed chaparral" in the vegetation map, several types of ceanothus chaparral are reported in the Santa Monica Mountains. Ceanothus chaparral occurs on stable slopes and ridges, and may be dominated by bigpod ceanothus, buck brush ceanothus, hoaryleaf ceanothus, or greenbark ceanothus. In addition to ceanothus, other species that are usually present in varying amounts are chamise, black sage, holly-leaf redberry, sugarbush, and coast golden bush<sup>48</sup>.

Several sensitive plant species that occur in the chaparral of the Santa Monica Mountains area are: Santa Susana tarplant, Lyon's pentachaeta, marcescent dudleya, Santa Monica Mountains dudleya,

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<sup>44</sup> Westman, W.E. 1981. op. cit.

<sup>45</sup> Dr. Stephen Davis, Pepperdine University. Presentation at the CCC workshop on the significance of native habitats in the Santa Monica Mountains. June 13, 2002.

<sup>46</sup> Keely, J.E. and S.C. Keeley. Chaparral. Pages 166-207 in M.G. Barbour and W.D. Billings, eds. North American Terrestrial Vegetation. New York, Cambridge University Press.

<sup>47</sup> Ibid.

<sup>48</sup> Ibid.

Braunton's milk vetch and salt spring checkerbloom<sup>49</sup>. Several occurring or potentially occurring sensitive animal species in chaparral from the area are: Santa Monica shieldback katydid, western spadefoot toad, coast horned lizard, silvery legless lizard, San Bernardino ring-neck snake, San Diego mountain kingsnake, coast patch-nosed snake, sharp-shinned hawk, southern California rufous-crowned sparrow, Bell's sage sparrow, yellow warbler, pallid bat, long-legged myotis bat, western mastiff bat, and San Diego desert woodrat.<sup>50</sup>

Coastal sage scrub and chaparral are the predominant generic community types of the Santa Monica Mountains and provide the living matrix within which rarer habitats like riparian woodlands exist. These two shrub communities share many important ecosystem roles. Like coastal sage scrub, chaparral within the Santa Monica Mountains provides critical linkages among riparian corridors, provides essential habitat for species that require several habitat types during the course of their life histories, provides essential habitat for sensitive species, and stabilizes steep slopes and reduces erosion, thereby protecting the water quality of coastal streams.

Many species of animals in Mediterranean habitats characteristically move among several plant communities during their daily activities, and many are reliant on different communities either seasonally or during different stages of their life cycle. The importance of an intact mosaic of coastal sage scrub, chaparral, and riparian community types is perhaps most critical for birds. However, the same principles apply to other taxonomic groups. For example, whereas coastal sage scrub supports a higher diversity of native ant species than chaparral, chaparral habitat is necessary for the coast horned lizard, an ant specialist<sup>51</sup>. Additional examples of the importance of an interconnected communities, or habitats, were provided in the discussion of coastal sage scrub above. This is an extremely important ecosystem role of chaparral in the Santa Monica Mountains.

Chaparral is also remarkably adapted to control erosion, especially on steep slopes. The root systems of chaparral plants are very deep, extending far below the surface and penetrating the bedrock below<sup>52</sup>, so chaparral literally holds the hillsides together and prevents slippage.<sup>53</sup> In addition, the direct soil erosion from precipitation is also greatly reduced by 1) water interception on the leaves and above ground foliage and plant structures, and 2) slowing the runoff of water across the soil surface and providing greater soil infiltration. Chaparral plants are extremely resistant to drought, which enables them to persist on steep slopes even during long periods of adverse conditions. Many other species die under such conditions, leaving the slopes unprotected when rains return. Since chaparral plants recover rapidly from fire, they quickly re-exert their ground stabilizing influence following burns. The effectiveness of chaparral for erosion control after fire increases rapidly with time<sup>54</sup>. Thus, the erosion

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<sup>49</sup> Biological Resources Assessment of the Proposed Santa Monica Mountains Significant Ecological Area. Nov. 2000. Los Angeles Co., Dept. of Regional Planning, 320 West Temple St., Rm. 1383, Los Angeles, CA 90012.

<sup>50</sup> Ibid.

<sup>51</sup> A.V. Suarez. Ants and lizards in coastal sage scrub and chaparral. A presentation at the CCC workshop on the significance of native habitats in the Santa Monica Mountains. June 13, 2002.

<sup>52</sup> Helmers, H., J.S. Horton, G. Juhren and J. O'Keefe. 1955. Root systems of some chaparral plants in southern California. *Ecology* 36(4):667-678. Kummerow, J. and W. Jow. 1977. Root systems of chaparral shrubs. *Oecologia* 29:163-177.

<sup>53</sup> Radtke, K. 1983. *Living more safely in the chaparral-urban interface*. General Technical Report PSW-67. U.S. Department of Agriculture, Forest Service, Pacific Southwest Research Station, Berkeley, California. 51 pp.

<sup>54</sup> Kittredge, J. 1973. *Forest influences — the effects of woody vegetation on climate, water, and soil*. Dover Publications, New York. 394 pp. Longcore, T and C. Rich. 2002. Protection of environmentally sensitive habitat areas in proposed local coastal plan for the Santa Monica Mountains. (Table 1). The Urban Wildlands Group, Inc., P.O. Box 24020 Los Angeles, CA 90024. Vicars, M. (ed.) 1999. *FireSmart: protecting your community from wildfire*. Partners in Protection, Edmonton, Alberta.

from a 2-inch rain-day event drops from 5 yd<sup>3</sup>/acre of soil one year after a fire to 1 yd<sup>3</sup>/acre after 4 years.<sup>55</sup>

Therefore, because of its important roles in the functioning of the Santa Monica Mountains Mediterranean ecosystem, and its extreme vulnerability to development, chaparral within the Santa Monica Mountains meets the definition of ESHA under the Coastal Act.

### *Oak Woodland and Savanna*

Coast live oak woodland occurs mostly on north slopes, shaded ravines and canyon bottoms. Besides the coast live oak, this plant community includes hollyleaf cherry, California bay laurel, coffeeberry, and poison oak. Coast live oak woodland is more tolerant of salt-laden fog than other oaks and is generally found nearer the coast<sup>56</sup>. Coast live oak also occurs as a riparian corridor species within the Santa Monica Mountains.

Valley oaks are endemic to California and reach their southernmost extent in the Santa Monica Mountains. Valley oaks were once widely distributed throughout California's perennial grasslands in central and coastal valleys. Individuals of this species may survive 400-600 years. Over the past 150 years, valley oak savanna habitat has been drastically reduced and altered due to agricultural and residential development. The understory is now dominated by annual grasses and recruitment of seedlings is generally poor. This is a very threatened habitat.

The important ecosystem functions of oak woodlands and savanna are widely recognized<sup>57</sup>. These habitats support a high diversity of birds<sup>58</sup>, and provide refuge for many species of sensitive bats<sup>59</sup>. Typical wildlife in this habitat includes acorn woodpeckers, scrub jays, plain titmice, northern flickers, cooper's hawks, western screech owls, mule deer, gray foxes, ground squirrels, jackrabbits and several species of sensitive bats. Therefore, because of their important ecosystem functions and vulnerability to development, oak woodlands and savanna within the Santa Monica Mountains meet the definition of ESHA under the Coastal Act.

### *California Black Walnut and other Native Tree Woodlands*

California black walnut and other native tree (e.g. California bay laurel, sycamore, alder) woodlands contribute to the high biodiversity of the Santa Monica Mountains. While these woodland habitats are most often components of riparian habitats, they also occur in mesic conditions found in pockets, canyons, and west, north-west, and/or north-east facing slopes. California black walnut is a native, deciduous tree that grows to a height of up to 50 feet and has a lifespan of approximately 100 years. Individual walnut trees and walnut woodlands are both identified as rare by the California Natural

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<sup>55</sup> Ibid.

<sup>56</sup> NPS 2002. op. cit.

<sup>57</sup> Block, W.M., M.L. Morrison, and J. Verner. 1990. Wildlife and oak-woodland interdependency. *Fremontia* 18(3):72-76. Pavlik, B.M., P.C. Muick, S. Johnson, and M. Popper. 1991. *Oaks of California*. Cachuma Press and California Oak Foundation, Los Olivos, California. 184 pp.

<sup>58</sup> Cody, M.L. 1977. Birds. Pp. 223-231 in Thrower, N.J.W., and D.E. Bradbury (eds.). *Chile-California Mediterranean scrub atlas*. US/IBP Synthesis Series 2. Dowden, Hutchinson & Ross, Stroudsburg, Pennsylvania. National Park Service. 1993. A checklist of the birds of the Santa Monica Mountains National Recreation Area. Southwest Parks and Monuments Assoc., 221 N. Court, Tucson, AZ. 85701

<sup>59</sup> Miner, K.L., and D.C. Stokes. 2000. Status, conservation issues, and research needs for bats in the south coast bioregion. Paper presented at *Planning for biodiversity: bringing research and management together*, February 29, California State University, Pomona, California.

Diversity Database (CNDDDB). The Santa Monica Mountains support some of the best remaining examples of California black and California bay laurel woodland in all of Southern California<sup>60</sup>.

Native tree woodland areas qualify as ESHA due to their structural complexity and food resource value, both of which encourage high rates of use by wildlife by providing a diversity of shelter and foraging niches. Structural attributes include a greater diversity of vegetation layers, an abundance of hollows, cavities and crevices and a complex array of varied light levels and temperatures, all of which provide a concomitant diversity of microhabitats for nesting, roosting and foraging. Food resources include acorns, walnuts and other fruits, as well as leaf litter and longer-lasting coarse debris (limbs and fallen tree trunks) which provide a resource base for an abundance of invertebrates, which in turn serve as prey for other animal species.

### *Grasslands*

Grasslands consist of low herbaceous vegetation that is dominated by grass species but may also harbor native or non-native forbs.

### *California Perennial Grassland*

Native grassland within the Santa Monica Mountains consists of perennial native needlegrasses: purple needlegrass, (*Nassella pulchra*), foothills needlegrass, (*Nassella lepida*) and nodding needlegrass (*Nassella cernua*). These grasses may occur in the same general area but they do not typically mix, tending to segregate based on slope and substrate factors<sup>61</sup>. Mixed with these native needlegrasses are many non-native annual species that are characteristic of California annual grassland<sup>62</sup>. Native perennial grasslands are now exceedingly rare<sup>63</sup>. In California, native grasslands once covered nearly 20 percent of the land area, but today are reduced to less than 0.1 percent<sup>64</sup>. The CNDDDB lists purple needlegrass habitat as a community needing priority monitoring and restoration. The CNDDDB considers grasslands with 10 percent or more relative cover of purple needlegrass and/or associated native forbs to be significant, and recommends that these be protected as remnants of original California prairie. Patches of this sensitive habitat occur throughout the Santa Monica Mountains where they are intermingled with coastal sage scrub, chaparral and oak woodlands.

Many of the raptors that inhabit the Santa Monica Mountains make use of grasslands for foraging because they provide essential habitat for small mammals and other prey. Grasslands adjacent to woodlands are particularly attractive to these birds of prey since they simultaneously offer perching and foraging habitat. Particularly noteworthy in this regard are the white-tailed kite, northern harrier, sharp-shinned hawk, Cooper's hawk, red-shouldered hawk, red-tailed hawk, golden eagle, American kestrel, merlin, and prairie falcon<sup>65</sup>.

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<sup>60</sup> Impact Sciences, Inc. 2009. Biological Resources of the Los Angeles County Santa Monica Mountains Local Coastal Program.

<sup>61</sup> Sawyer, J. O. and T. Keeler-Wolf. 1995. A manual of California vegetation. California Native Plant Society, 1722 J St., Suite 17, Sacramento, CA 95814.

<sup>62</sup> Biological Resources Assessment of the Proposed Santa Monica Mountains Significant Ecological Area. Nov. 2000. Los Angeles Co., Dept. of Regional Planning, 320 West Temple St., Rm. 1383, Los Angeles, CA 90012.

<sup>63</sup> Noss, R.F., E.T. LaRoe III and J.M. Scott. 1995. Endangered ecosystems of the United States: a preliminary assessment of loss and degradation. Biological Report 28. National Biological Service, U.S. Dept. of Interior.

<sup>64</sup> NPS 2002. op. cit.

<sup>65</sup> NPS 2002. op. cit.

Therefore, because of their extreme rarity, important ecosystem functions, and vulnerability to development, California native perennial grasslands within the Santa Monica Mountains meet the definition of ESHA under the Coastal Act.

### *California Annual Grassland*

The term “California annual grassland” refers to non-native annual grasses and has been proposed to recognize the fact that these grasses should now be considered naturalized and a permanent feature of the California landscape and should be acknowledged as providing important ecological functions. These habitats support large populations of small mammals and provide essential foraging habitat for many species of birds of prey. California annual grassland generally consists of dominant invasive annual grasses that are primarily of Mediterranean origin. The dominant species in this community include common wild oats (*Avena fatua*), slender oat (*Avena barbata*), red brome (*Bromus madritensis* ssp. *rubens*), ripgut brome, (*Bromus diandrus*), and herbs such as black mustard (*Brassica nigra*), wild radish (*Raphanus sativus*) and sweet fennel (*Foeniculum vulgare*). Annual grasslands are located in patches throughout the Santa Monica Mountains in previously disturbed areas, cattle pastures, valley bottoms and along roadsides. While many of these patches are dominated by invasive non-native species, it would be premature to say that they are never sensitive or do not harbor valuable annual native species. A large number of native forbs also may be present in these habitats<sup>66</sup>, and many native wildflowers occur primarily in annual grasslands. In addition, annual grasslands are primary foraging areas for many sensitive raptor species in the area.

While California annual grasslands are not necessarily a rare habitat type, they do meet the Coastal Act ESHA criteria if populations of rare native plants are present or if rare wildlife occupy the habitat.

### *Rock Outcrops*

Rock outcrop is a sparsely vegetated community occurring on cliffs and rock outcroppings of sedimentary, metamorphic, and volcanic rocks along the ridges and peaks of the hills and mountains. Rock outcrops in the Santa Monica Mountains support a distinctive flora, often dominated by spikemoss, liverworts and lichens. These communities are slow to develop and recover from disturbance. In addition to the general characteristic of slow development, these areas often support rare or regionally-restricted taxa that are seldom otherwise seen in the Santa Monica Mountains. These taxa include the following: Santa Susana tarplant (*Deinandra minthornii*); Blochman's dudleya (*Dudleya blochmaniae* ssp. *blochmaniae*); Marcescent dudleya (*Dudleya cymosa* ssp. *marcescens*); Santa Monica dudleya (*Dudleya cymosa* ssp. *ovatifolia*); Wright's buckwheat (*Eriogonum wrightii* var. *membranaceum*); Silver-leaf trefoil (*Lotus argophyllus*); and Pacific stonecrop (*Sedum spathulifolium*).<sup>67</sup>

Several rock outcrops also support rare plant species not associated with rock, but that are susceptible to invasion by non-native weeds (which are discouraged by the thin, rocky soil). In many ways, these outcrops serve as refugia for various sensitive and localized native plants, including two onions (*Allium peninsulare*, *A. haematochiton*) and Plummer's mariposa lily (*Calochortus plummerae*). By extrapolation, numerous native invertebrates are probably similarly dependent on these habitats, though this community has been little-explored. In addition, several bird species with isolated breeding

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<sup>66</sup> Holstein, G. 2001. Pre-agricultural grassland in Central California. *Madrono* 48(4):253-264. Stromberg, M.R., P. Kephart and V. Yadon. 2001. Composition, invasibility and diversity of coastal California grasslands. *Madrono* 48(4):236-252.

<sup>67</sup> Impact Sciences, Inc. 2009. op. cit.

populations in the Santa Monica Mountains are associated with these outcrops, notably the Canyon Wren (*Catherpes mexicanus*).<sup>68</sup>

Based on these considerations, rock outcrop habitats are ESHA because these are rare and easily disturbed by human activities.

### *Dunes*

Southern foredunes are a habitat type identified as rare by the CNDDDB. Southern foredunes are found within the two shoreline portions of the plan area (Leo Carrillo State Park and Topanga County Beach). These dunes are located just inland of the coastal strand (incipient dune habitat) and are stabilized by prostrate plants such as sand verbenas (*Abronia maritima*), beach bur (*Ambrosia chamissonis*) and the non-native Hottentot fig (*Carpobrotus edulis*).<sup>69</sup> This harsh habitat is characterized by salt spray, slow nutrient cycling and desiccating winds that contribute to a desert-like environment. Relatively few plant species are adapted to such an environment and most tend to grow slowly. The slow growth rates and shifting substrate make this habitat slow to recover from disturbance. Because of their unique nature, dune habitats are known to harbor many endemic and rare insect species that have adapted to this environment.<sup>70</sup>

Therefore, because of their rarity, restriction to particular coastal environments, their important ecosystem functions, and vulnerability to disturbance, the Commission finds that coastal dunes meet the definition of ESHA under the Coastal Act.

### *Coastal Bluff Scrub*

There are coastal bluff areas inland of the two shoreline portions of the plan area (Leo Carrillo State Park and the bluff inland of Pacific Coast Highway just north of Topanga County Beach). The coastal bluffs rising above the beach support southern coastal bluff scrub. Plants in this community are usually woody and/or succulent. Dominant species include bush sunflower (*Encelia californica*), identified as rare by the CNDDDB, coast goldenbush (*Isocoma menziesii*), and giant coreopsis (*Coreopsis gigantea*) on moister sites.<sup>71</sup> Coastal bluff scrub is a highly distinctive community containing near-succulent species, including localized forms of more widespread species (e.g. prostrate goldenbush *Isocoma menziesii* var. *sedoides*) confined to a narrow strip of land at the immediate coast.<sup>72</sup>

Given the rarity of bluff habitat, restriction to particular coastal environments, and vulnerability to disturbance, coastal bluff scrub meets the definition of ESHA.

## **6. Biological Resource Protection Approach of the 1986 Certified LUP**

The certified 1986 LUP includes several categories of designated “Sensitive Environmental Resource Areas” in the plan area, including Environmentally Sensitive Habitat Areas (ESHA), Disturbed Sensitive Resource Areas, Significant Watersheds, the Cold Creek Resource Management Area, and Significant Oak Woodlands and Savannas. The 1986 LUP reflects a tiered approach to resource

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<sup>68</sup>Cooper, D.S., R.A. Hamilton. 2014. A Conservation Analysis for the Santa Monica Mountains “Coastal Zone” in Los Angeles County.

<sup>69</sup> California Department of Parks and Recreation. 1996. Leo Carrillo State Park General Management Plan.

<sup>70</sup> Powell, J.A. 1981. Endangered habitats for insects: California coastal sand dunes. *Atala* 6(1-2):41-55.

<sup>71</sup> DPR. 1996. op. cit.

<sup>72</sup> Cooper, D.S., R.A. Hamilton. op. cit.

protection, whereby the resources among the designations are valued differently and are afforded different protections. ESHA and Significant Watersheds are prioritized and afforded the highest level of protection.

### *ESHA*

Areas designated as ESHA in the LUP consist of major riparian corridors, along with two small wetlands, certain shoreline rocky areas, and offshore marine resources. Certain undisturbed oak woodlands that are contiguous with riparian or other habitat areas are also designated ESHA in the LUP. The Commission has previously found that these resources meet the Coastal Act definition of ESHA. The LUP designates the following areas as Environmentally Sensitive Habitat Areas (ESHAs): (a) those shown on the LUP's Sensitive Environmental Resources Map, and (b) any undesignated areas which meet the criteria and which are identified through the biotic review process or other means.

The LUP states that only resource-dependent uses are permitted within ESHA. The LUP also requires that new development provide a 100 foot buffer from ESHA. However, to address a small number of lots in the Topanga area which are separated from existing roads by streams and riparian areas that are designated ESHA, the LUP allows driveways across the stream where the house site itself is located outside the ESHA. Such crossings are subject to requirements that bridges be used, with columns outside the stream course, if possible, and that other measures be taken to minimize adverse impacts to ESHA.

### *Significant Watersheds*

Relatively undisturbed watershed areas containing exceptional undisturbed riparian and oak woodlands (or savannahs) are designated as "Significant Watersheds." These areas are shown on the LUP's Sensitive Environmental Resources Map and include the areas of Arroyo Sequit, Zuma Canyon, Solstice Canyon, Corral Canyon, Malibu Canyon, Cold Creek Canyon, Tuna Canyon, and Trancas Canyon. Residential use is allowed in Significant Watersheds, subject to specific development standards. Under the 1986 LUP, the maximum development area is 10,000 sq. ft., and grading and vegetation removal is limited to that necessary to accommodate one residence, one garage, one other structure, and one access road. Further, structures are required to be clustered, located as close as possible to existing roads and services, as far as possible outside riparian areas in canyons and outside ridgeline saddles between canyons which serve as primary wildlife corridors.

### *Wildlife Corridors*

Corridors connecting the canyons containing Significant Watersheds are designated as Wildlife Corridors. The purpose of the designation is to link the Significant Watersheds into an unbroken chain of resource protection areas extending nearly the length of the Malibu/Santa Monica Mountains coastal zone. The Wildlife Corridors were not intended to be off-limits for all development, but to prevent a solid wall of development which would impede passage of wildlife between major canyons. Residential use is allowed, subject to the development standards of Significant Watersheds, discussed above, in addition to a prohibition of fencing the entire parcel.

### *Disturbed Sensitive Resources*

Riparian woodlands, streams, oak woodlands, and savannahs which are located in areas of existing development and can no longer support a significant number of species normally associated with healthy habitat are designated as "Disturbed Sensitive Resources" (DSRs). These designated areas are delineated on the LUP's Sensitive Environmental Resources Map. Development is allowed in these

areas pursuant to the LUP as long as grading and the removal of native vegetation and riparian trees are minimized. In addition, development must adhere to the County's Oak Tree Ordinance.

#### *Significant Oak Woodlands and Savannas*

Oak woodlands (non-riparian) or savannas located outside Significant Watersheds are considered a significant resource in the LUP and are depicted on the LUP's Sensitive Environmental Resources Map. Such woodlands are required to be avoided as feasible, however, residential use is allowed if sited in the least damaging location that minimizes encroachment into the woodland and at least 90% of the entire woodland is retained. In addition, development must adhere to the County's Oak Tree Ordinance.

#### *Malibu-Cold Creek Resource Management Area*

The Malibu-Cold Creek Resource Management Area is depicted on the LUP's Sensitive Environmental Resources Map and is an area targeted to minimize development and removal of native vegetation. Grading and vegetation removal is limited to that necessary to accommodate one residence, one garage, one other structure, and one access road. Further, structures are required to be clustered, located as close as possible to existing roads and services.

### **7. Coastal Commission's Existing ESHA Protection Approach in the Plan Area**

Without a fully certified LCP for the plan area, the Coastal Commission has retained coastal development permitting authority. The standard of review for Commission decisions on coastal development permits in the Santa Monica Mountains is the Chapter 3 policies of the Coastal Act, with the policies of Los Angeles County's certified Malibu/Santa Monica Mountains Land Use Plan (1986) as guidance. The Commission does not implement the tiered approach to resource protection discussed above that is contained in the certified 1986 LUP because it does not adequately protect lands that rightfully meet the definition of ESHA under the Coastal Act. The Commission has found that many areas located in the Santa Monica Mountains Coastal Zone meet the Coastal Act definition of ESHA even though they may contain some other resource designation, as is explained further below.

In the Commission's certification of the City of Malibu LCP in 2002, and in the Commission's numerous individual permit actions since that time in the Santa Monica Mountains coastal zone (unincorporated Los Angeles County), the Commission has found that the Santa Monica Mountains Mediterranean Ecosystem, which includes the undeveloped native habitats of the Santa Monica Mountains, is rare and, when occurring in large, contiguous blocks, especially valuable because of its relatively pristine character, physical complexity, and resultant biological diversity. The Commission has found that the undeveloped native habitats within the Santa Monica Mountains that are discussed above are environmentally sensitive habitat areas (ESHA) because of their valuable roles in that 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. Additional discussion of the special roles of these habitats in the Santa Monica Mountains ecosystem, and how they are easily disturbed or degraded by human activities and developments, appears in the March 25,

2003 memorandum prepared by the Commission's Ecologist, Dr. John Dixon<sup>73</sup> (hereinafter "Dr. Dixon Memorandum"), which is incorporated as if set forth in full herein.

The unique aspect of the approach the Commission adopted in certifying the City of Malibu LCP and also which it also carried out through permit actions in the Santa Monica Mountains was the designation of contiguous areas of coastal sage scrub and chaparral habitat as ESHA on a landscape scale. Vast undeveloped areas in Malibu and the Santa Monica Mountains were considered to be ESHA under this policy approach, which affected thousands of privately owned parcels. The designation of ESHA on such a large scale and affecting so many properties was a very controversial policy issue when the Commission was considering the Malibu LCP.

In order to determine the presence of ESHA in relation to proposed projects in the Santa Monica Mountains, a site-specific biological assessment is required to be submitted as part of new permit applications for development. The Commission then analyzes all available biological information and permit history<sup>74</sup> related to the site in order to determine the presence and distribution of ESHA.

New development is required to be sited and designed to avoid impacts to ESHA, which includes providing an adequate buffer to avoid significant disruption of habitat values within the ESHA. In past permit actions in the Santa Monica Mountains, the Commission has often required development to 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. To protect ESHA, no development, including fuel modification, should be permitted within an appropriately sized buffer area. The buffer is typically required to extend from the outer edge of the ESHA. In the case of streams and riparian ESHA, the buffer should generally extend from the outer edge of the canopy of riparian vegetation, or the top of the stream bank where there is no riparian vegetation, and from the outer edge of the tree canopy for oak or other native tree woodland ESHA. Similarly, the buffer for bluff ESHA should extend from the edge of the blufftop. With regard to coastal sage scrub and chaparral ESHA, the Commission has required that development be set back sufficiently to ensure that no development or required fuel modification will extend into the ESHA.

Section 30240 of the Coastal Act restricts development within ESHA to only those uses that are dependent on the resource, such as habitat restoration and public trails. However, most types of the development proposed in this area, including residential, do not have to be located within ESHA to function and are not uses that are dependent on ESHA resources. Because of the prevalence of ESHA in this area, development proposals in this area also often involve proposals for the removal or modification of ESHA for development and associated fuel modification for fire protection purposes, which significantly disrupts the habitat value in those locations. Application of Coastal Act Section 30240, by itself, would therefore require denial of such non-resource dependent projects, because the projects would result in significant disruption of habitat values and would not involve a use dependent on those sensitive habitat resources.

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<sup>73</sup> The March 25, 2003 Memorandum Regarding the Designation of ESHA in the Santa Monica Mountains, prepared by John Dixon, Ph. D, is available on the California Coastal Commission website at <http://www.coastal.ca.gov/ventura/smm-esha-memo.pdf>

<sup>74</sup> The permit history is relevant to ensure that any area where ESHA was degraded was done so pursuant to any legally mandated authorization. If ESHA is degraded by unpermitted or otherwise illegal activities, the Commission must continue to treat the area as ESHA. See *LT-WR, L.L.C. v. California Coastal Comm'n* (2007) 152 Cal.App.4th 770, 797.

If the application of the ESHA policies and provisions would result in a constitutional “taking” of private property under regulatory takings law, then a use that is not consistent with the ESHA policies will be permitted, provided such use is consistent with all other applicable Coastal Act policies to the extent possible and is the minimum amount of development necessary to provide a reasonable economic use and avoid a constitutional taking of property. The vast majority of development proposals in the Santa Monica Mountains are for residential development because most of the parcels in the mountains were designated for residential uses under the 1986 certified LUP. In the design and review of new development, alternative projects must be identified and analyzed. If there is no feasible alternative that can avoid or eliminate all significant impacts to resources, then the alternative that results in the fewest or least significant impacts should be selected. Development can be sited and designed to minimize adverse impacts to ESHA by measures that include but are not limited to: limiting the size of structures, limiting the number of accessory structures and uses, clustering structures, siting development in any existing disturbed habitat areas rather than undisturbed habitat areas, locating development as close to existing roads and public services as feasible, and locating structures near other residences in order to minimize additional fuel modification.

The Commission has generally limited the allowable development area on parcels where all feasible building sites are ESHA or ESHA buffer to a *maximum* of 10,000 square feet, or 25 percent of the parcel size, whichever is less. This development area is calculated to include the building pad, all graded slopes, all structures and parking areas. However, the area of one access driveway and one hammerhead safety turnaround is excluded from the development area square footage. The size of a proposed development area is sometimes reduced in cases where there are other resources such as streams, riparian areas, native trees, or visual resources that would be protected by such an adjustment. The Commission has allowed a larger development area for projects whereby two or more parcels are merged and one consolidated development area is provided with one access drive. The intent is to provide an incentive for clustering development and maximizing the area of contiguous open space.

The Commission has also found that for a project to be consistent with Section 30240 to the maximum extent feasible, while providing a reasonable economic use and/or one consistent with the property owner’s reasonable, investment-backed expectations, the approved project must constitute the minimum amount of ESHA destruction on the site; and to mitigate for the ESHA impacts that are allowed and ensure that no additional impacts are allowed subsequently, the remaining ESHA on the property must be preserved in perpetuity through the granting of an open space conservation easement or open space deed restriction to prohibit development on the remainder of the site (beyond Zone B of the approved fuel modification area which is 100 feet from structures).

In addition to protection as ESHA under Section 30240 of the Coastal Act, wetlands, estuaries, lakes, streams and associated riparian habitat are protected under additional Coastal Act policies. Section 30233 limits the filling of wetlands and certain other water bodies to a list of certain enumerated types of projects. Section 30231 requires that the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes be maintained, and where feasible restored to maintain optimum populations of marine organisms and for the protection of human health. Section 30231 also requires that natural vegetation buffer areas that protect riparian habitats be maintained, and that the alteration of natural streams be minimized. In order to implement these Coastal Act policies, the Commission requires that new development provide a buffer from coastal waters, wetlands, streams, and riparian habitat. The Commission has often found that such a buffer must be of no less than 100 feet achieve its purpose. Native trees and woodlands are also considered a particularly significant coastal resource under Coastal Act Sections 30240, 30250, and 30251 because they prevent the erosion of hillsides and

stream banks, moderate water temperatures in streams through shading, provide food and habitat, including nesting, roosting, and burrowing to a wide variety of wildlife species, contribute nutrients to watersheds, and are important scenic elements in the landscape.

As such, when all the Coastal Act policies are taken together, estuaries, wetlands, streams, riparian, and native tree/woodland habitats are afforded multiple types of protections rather than the protection provided to other habitats that are also considered ESHA, such as coastal sage scrub and chaparral habitats. For example, when the entirety of a parcel consists of both stream/riparian ESHA and coastal sage scrub ESHA and development must be allowed to avoid a taking, although both habitats are ESHA, the preference is to site the development outside the stream/riparian ESHA and its required buffer in order to comply with both the habitat protections and the requirement to protect water quality and the biological productivity of the stream and riparian habitat. In other words, if a parcel has a combination of riparian habitat and chaparral ESHA the environmentally preferred alternative is usually a development area in the chaparral habitat outside of the riparian buffer.

Any impacts to coastal sage or chaparral ESHA resulting from development that cannot be avoided through the implementation of siting and design alternatives must be mitigated. The Commission has identified three appropriate methods for providing mitigation for the unavoidable loss of ESHA resulting from development; namely, habitat restoration, habitat conservation, and payment for mitigation. The first method is to provide mitigation through the restoration of an area of degraded habitat (either on the project site, or at an off-site location) that is equivalent in size to the area of habitat impacted by the development. The second habitat impact mitigation method is habitat conservation. This includes the conservation of an area of intact habitat of a similar type as that impacted equivalent to the area of the impacted habitat. The parcel containing the habitat conservation area must be restricted from future development and permanently preserved. The third habitat impact mitigation option is the payment for mitigation of impacts to habitat. This method (along with the protection of the remainder of the property on which the proposed development would occur) has been the most popular option among permit applicants because it is perhaps the most time- and cost-effective method. The payment is based on the cost per acre to restore or create comparable habitat types, and the acreage of habitat affected by the project. The Commission has, in past permit decisions, determined the appropriate payment for the restoration or creation of chaparral and coastal sage scrub habitat, based on research carried out by the Commission's biologist in 2002. A range of cost estimates was obtained that reflected differences in restoration site characteristics including topography (steeper is harder), proximity to the coast (minimal or no irrigation required at coastal sites), types of plants (some plants are rare or difficult to cultivate), density of planting, severity of weed problem, condition of soil, etc. The Commission has determined that the appropriate mitigation for loss of coastal sage scrub or chaparral ESHA should be based on the actual installation of replacement plantings on a disturbed site, including the cost of acquiring the plants (seed mix and container stock) and installing them on the site (hydroseeding and planting). The payment amount found by the Commission to be appropriate to provide mitigation for the habitat impacts to ESHA areas where all native vegetation will be removed (building site, the "A" zone required for fuel modification, and off-site brush clearance areas), and where vegetation will be significantly removed and any remaining vegetation will be subjected to supplemental irrigation (the "B" zone or any other irrigated zone required for fuel modification) is \$12,000 per acre. Further, the Commission has required a payment of \$3,000 per acre for areas where the vegetation will be thinned, but not irrigated ("C" zone or other non-irrigated fuel modification zone).

Where there are unavoidable adverse impacts to riparian ESHA, such as necessary public works' repair and maintenance projects along narrow mountain roads, in past permit actions the Commission has required mitigation for the habitat areas permanently displaced by a project, in the form of restoration of similar habitat at a ratio of 4:1 for wetland habitat; 3:1 for riparian habitat and for or other non-chaparral or coastal sage scrub ESHA. Mitigation restoration shall occur on-site if adequate area exists on-site. However, in past permit actions, the Commission has allowed for the required mitigation be provided off-site (when adequate area on-site for mitigation is not available). Native trees are also protected, and where there are unavoidable impacts to native trees mitigation is required at a ratio of 10:1.

New agricultural uses or confined animal facilities are prohibited within or adjacent to ESHA, except within coastal sage scrub or chaparral ESHA in conjunction with development approved to avoid a taking. When such development is allowed, it may include limited crop, orchard, or vineyard use within the irrigated fuel modification area (Zones A and/or B, if required) required around the approved structure(s), if the agricultural use would not be located on slopes greater than 3:1, would not result in any increase to the required fuel modification area, and does not increase the possibility of in-stream siltation or pollution from herbicides or pesticides. Accessory confined animal facilities may be permitted within the approved development area and within the fuel modification area (Zones A, B, and/or C, if required) required around the structure(s) approved within the development area, if these facilities would not be located on slopes over 4:1, would not require additional grading (except for minimal grading for foundations), and would not result in any expansion to the required fuel modification area.

Fencing associated with development approved within coastal sage scrub or chaparral ESHA to avoid a taking has generally been allowed if necessary for security, but it has been limited to the clustered development area and/or within the irrigated fuel modification area (Zone B). Any other fencing that may be permitted has generally been required to be wildlife permeable. Perimeter fencing of entire properties has regularly been prohibited where it is found to prevent the free passage of wildlife. Regarding the siting and design of solar energy devices, priority is given to roof-mounted systems. However, if roof-mount is infeasible, ground-mounted systems have been permitted as close to the approved structures as feasible, and in any case within the fuel modification area.

The Commission has limited night lighting to low intensity security lighting within approved development areas to minimize disruption to wildlife and protect the nighttime rural character of the area. Night lighting for private sports courts or private recreational facilities has generally not been allowed.

## **8. Designation of Biological Resources Proposed in the LUP**

The biological resource protection approach proposed in the subject LUP for the Santa Monica Mountains segment of the County's coastal zone 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).

According to Policy CO-33, H1 habitat consists of areas of highest biological significance, rarity, and sensitivity. H1 habitats include alluvial scrub; dunes; coastal bluff scrub; native grassland and scrub with a strong component of native grasses or forbs; riparian; native oak, sycamore, walnut and bay

woodlands or savannahs; and rock outcrop habitat types. Wetlands, including creeks, streams, marshes, seeps and springs are also H1 habitat.

H2 habitat consists of areas of high biological significance, rarity, and sensitivity that are important for the ecological vitality and diversity of the Santa Monica Mountains Mediterranean Ecosystem, but which don't qualify as H1. H2 habitat includes large, contiguous areas of coastal sage scrub and chaparral-dominated habitats. A subcategory of H2 habitat is H2 "High Scrutiny" habitat, which comprises H2 habitat species/habitats containing California Department of Fish and Wildlife ("CDFW")/California Natural Diversity Database ("CNDDDB")-identified rare species associated with H2 habitat.

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

H1 and H2 habitats are described as Sensitive Environmental Resource Areas (SERAs) in the proposed LUP. H1 and H2 habitats (SERAs) meet the definition of ESHA under the Coastal Act, as explained in the "Habitats of the Plan Area and Designation of ESHA" section above. Although both H1 and H2 habitats are considered SERA's and meet the definition of ESHA, the County proposes the distinction between the two sensitive habitats in order to carry out a different regulatory approach for the protection of each category of habitat, as will be explained in the following sections.

All known habitats within the plan area that constitute ESHA are included in the H1 and H2 habitat descriptions of Policy CO-33, with the exception of areas containing certain rare plant and animal species as identified by the California Department of Fish and Wildlife ("CDFW") in its California Natural Diversity Database ("CNDDDB"). The CNDDDB is a state depository of lists of rare plant and animal species and rare natural communities, generated by an array of regional, state, national and international sources, and which are vetted, maintained and continually updated by the Biogeographic Branch of the CDFW. In making ESHA determinations, Commission staff generally review a subset of these lists, which includes the following:

- natural communities identified as rare by the CDFW;
- rare, threatened or endangered plant and animals species listed by the State or Federal government;
- natural communities and plant and animal species listed by NatureServe as State or Global-ranked 1, 2, or 3;
- plant and animal species listed as California Species of Special Concern; and
- plant species listed by the California Native Plant Society (CNPS) as 1B or 2.

Pursuant to the Endangered Species Act (ESA) and the California Endangered Species Act (CESA), the United States Fish and Wildlife Service (USFWS) and CDFW, respectively, maintain lists of rare, threatened, and endangered plant and species. In addition to these categories, they identify plant and animal species that are candidates for listing as well as candidates for delisting.

NatureServe, originally developed and managed by The Nature Conservancy, has been in operation since the 1970s. It is a distributed network of biodiversity inventories that all employ a rigorous set of field and data management standards and protocols known collectively as natural heritage methodology. This common methodology means data can be integrated across political boundaries, allowing species and ecosystems to be understood in a range-wide context, rather than only within individual states, provinces, or nations. NatureServe uses a 5 level global and state ranking system where the global rank reflects the overall status of a species or natural community throughout its global range whereas the state rank refers to the species or natural community status only within state boundaries. The ranking value reflects a combination of rarity, threat, and trend factors with weighting heaviest on rarity. Global and state level 1 communities or species are identified as “critically imperiled - at very high risk of extinction due to extreme rarity (often 5 or fewer populations), very steep declines, or other factors.” Global and state level 2 communities and species are identified as “imperiled – at high risk of extinction due to very restricted range, very few populations (often 20 or fewer) steep declines, or other factors.” And Global and state level 3 communities and species are identified as “vulnerable – at moderate risk of extinction due to a restricted range, relatively few populations (often 80 or fewer), recent and widespread declines, or other factors.”

California Species of Special Concern (SSC) is a category of plants and animals maintained by the CDFW that have “declining populations levels, limited ranges, and/or continuing threats have made them vulnerable to extinction.”

The CNPS rare plant inventory identifies 1B plants as “rare throughout their range with the majority of them endemic to California. Most of the plants that are ranked 1B have declined significantly over the last century.” CNPS 2A ranked plants are presumed extirpated because they have not been seen or collected in the wild in California for many years but that are more common in their range. CNPS 2B ranked plants are rare, threatened or endangered in California but are more common elsewhere.

While CNDDDB-identified species that are associated with H2 habitat types are designated H2 “High Scrutiny” habitat in Policy CO-33, the policy is not specific enough as to which CNDDDB-identified species warrant that protection. Only some of those CNDDDB-listed species constitute ESHA. Further, the policy does not address how rare species that are typically associated with H1 habitats, either as individuals or a population, will be treated when located within H2 or H3 habitats. In addition, Policy CO-33 states “any species that are less sensitive than H1 but included in H1 habitat shall receive the more sensitive treatment of H1.” However, this statement is unclear and unnecessary. Where an area has been identified as an H1 habitat, the presence of individual species that may not normally be associated with H1 habitat would not be provided any less protection because it is the context of the overall habitat that is important. The statement fails to acknowledge the mosaic and transitional nature of species that can occur within H1 habitats. In order to provide greater clarification in the policy to address these issues, **Suggested Modifications 8 and 9** are required to clarify that H1 habitat shall also include plant and animal species that are either listed by the state or federal government as rare, threatened, or endangered, listed by NatureServe as state or global ranked 1, 2, or 3, or identified as a California Species of Special Concern, and/or listed by the California Native Plant Society (CNPS) as 1B or 2 plant species, where they represent a distinct population within H2 or H3 habitat areas but are normally associated with H1 habitats. All of these categories of listed species are identified in the CNDDDB. Where any of these same listed species are found only as sparse individuals (do not constitute a population) in H2 habitat but are normally associated with H1 habitats, they shall be afforded the protections of H2 “High Scrutiny” habitat. Any of these same listed species that are

normally associated with H2 habitats shall also be afforded the protections of H2 “High Scrutiny” habitat. H2 “High Scrutiny” habitat must also include CNDDDB-identified rare natural communities.

The clarifications included in Suggested Modifications 8 and 9 will ensure that all known habitats and species within the plan area that constitute ESHA are included in the appropriate H1 and H2 habitat descriptions of Policy CO-33 to ensure protection and consistency with Coastal Act Section 30240.

The H3 habitat designation consists of all other areas within the plan area that are not H1 or H2 habitats. H3 habitat includes:

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

While H3 habitat does not constitute a “SERA”, or ESHA, the County has determined that these areas provide important biological functions that warrant specific development standards for the siting and design of new development.

## **9. Habitat Mapping**

In order to provide information to the public and county planners about the habitats located on specific properties and to facilitate implementation of the biological resource protection policies and provisions of the LCP, a Biological Resource Map is proposed as part of the LUP that depicts the location and boundaries of the habitat categories designated in the plan area - H1 and H2 habitat (SERA’s, which constitute ESHA), and H3 habitat. The proposed map also shows a general depiction of the 100 foot buffer from H1 habitat that is required in the proposed LUP. The map was prepared using the best available science and information. The map accurately depicts the habitat designations based on the methods used, except for coastal bluff scrub (an H1 habitat type), which was not accurately mapped as H1 habitat. As such, it is necessary to revise the Biological Resources Map (Map 2), pursuant to **Suggested Modification 60**, to designate all areas identified as Coastal Bluff Scrub within Leo Carrillo State Beach and on the coastal bluff inland of Pacific Coast Highway and east of Topanga Canyon Road as H1 habitat.

Below is a breakdown of the area (in acres and percent) of the various habitat categories depicted on the proposed Biological Resource Map. Figures are based on a total plan area of approximately 50,000 acres, which excludes roads and the Pepperdine University campus that is subject to a Long Range Development Plan.

| Habitat Category                                       | Public Open Space | NOT Public Open Space | TOTAL           |
|--|-------------------|-----------------------|-----------------|
| H1 Habitat   | 5,983<br>11.9%    | 4,240<br>8.4%         | 10,223<br>20.4% |
| H2 Habitat<br>(includes H2 “High<br>Scrutiny” habitat) | 19,117<br>38.1%   | 14,738<br>29.4%       | 33,855<br>67.5% |
| H2 “High Scrutiny”<br>Habitat                          | 3,538<br>7.0%     | 2,081<br>4.1%         | 5,619<br>11.2%  |
| H3 Habitat   | 812<br>1.6%       | 5,281<br>10.5%        | 6,093<br>12.1%  |

The following discussion summarizes the methods and protocols used in the biological resource mapping process prior to submittal of the LCP.

### Habitat Mapping Methods/Protocols

The map was developed utilizing a detailed vegetation map that was produced by the National Park Service (NPS), in partnership with the U.S. Geological Survey (USGS), for the Santa Monica Mountains National Recreation Area (CDFG 2006, AIS/ESRI 2007). The NPS-USGS vegetation map was developed as part of a program to classify, describe, and map vegetation communities in national park units across the United States. Much of the work for the SMMNRA vegetation mapping effort occurred between 2001 and 2005 and followed a standardized field sampling and complex vegetation classification process to document the various vegetation types found in the park. Naming conventions follow the floristic units of "associations," as defined by the National Vegetation Classification System and the California Native Plant Society. An association is defined by a group of samples that have similar dominant and characteristic species in the overstory and other important and indicator species, whereby these species are distinctive for a particular environmental setting. Approximately 200 vegetation associations were mapped in the plan area. Further, significant indicator species were drawn from the analysis and applied to the associations. A set of similar associations are grouped hierarchically to the next level in the classification, the alliance, which is defined as the basic, generic unit of floristic classification, usually by the dominant and/or characteristic plant species in the upper layer of vegetation. The information produced in the classification process was used by photo-interpreters to delineate polygons of vegetation stands, which were subsequently subjected to an accuracy assessment process. The photo-interpreters defined a minimum mapping unit of one acre, below which they would not attempt to delineate a stand. Vegetation stands less than one acre were included into the surrounding stands that were greater than the one acre minimum mapping unit. The NPS-USGS effort produced a vegetation map, descriptions of each vegetation type, a key to each type, and all related data and metadata files. This highly detailed spatial assessment of native vegetation in the area is a valuable resource and planning tool. However, the vegetation mapping and data has its limitations. It represents a snapshot in time within a very dynamic natural environment when the composition, cover, and visual dominance of vegetation stands change with seasons and succession. Further, the map is delineating stands of vegetation at the association (and sometimes alliance) level and do not reflect ecological habitats or communities. However, the information is an excellent tool to help understand the ecological landscape of the area.

The NPS vegetation mapping data was utilized by County and Coastal Commission staff in the identification of vegetation communities and the development of a habitat map for the plan area and inclusion into the LCP. The County consolidated the approximately 200 vegetation associations that

were mapped by NPS into ecological communities. The County then assigned those communities a habitat designation (H1, H2, H3), as discussed above, and tagged each polygon of the NPS vegetation map one of the habitat designations based upon their chosen groupings. However, this method posed some problems given the high level of detail and mosaic pattern of the vegetation polygons mapped by NPS. Further data analysis and photointerpretation was required at a larger scale to better capture the bounds of ecological communities and exclude developed areas. For example, there were significant gaps in areas that were clearly riparian. In order to minimize the gaps and better capture intact riparian and woodland H1 habitat areas in the mapping, Commission staff ran queries of the map data to search for certain species and associations at a specified constancy or frequency of occurrence threshold (e.g. 25% and above, 50% and above, 75% and above). Commission staff refined the map using the query results in combination with detailed air photo-interpretation and analysis to find glaring problems and to capture riparian areas defined by stream channels (including smaller drainages) and the areas that visually contained either riparian plant species, or non-riparian species that are performing the function of riparian habitat as evidenced by greater density, size, and/or vigor (vigor was visible as more intense green color than surrounding vegetation). Commission staff also refined the maps using air photo-interpretation and analysis to identify the large, contiguous areas of unfragmented chaparral and coastal sage scrub vegetation outside of the H1 type habitats, and which meet the definition of the H2 habitat designation. Based on Commission staff's knowledge of the plan area and Commission records, certain areas visible on aerial photos as disturbed were included on the map as either H1 or H2 habitat designation due to known significant open violations/unpermitted development.

The Biological Resources map also shows some streams within the LUP area. Staff would note that there are two readily available sources for digital stream information: 1) the National Hydrography Dataset (NHD) mapped by the United States Geological Survey (USGS); and 2) the National Wetlands Inventory (NWI) maps produced by the United States Fish and Wildlife Service (USFWS).

The NHD is primarily focused on surface water and map features such as lakes, ponds, streams, rivers, canals, dams, stream gages, and a flow network that allows for tracing water downstream or upstream. According to the USGS, these data are designed to be used in general mapping and in the analysis of surface water systems. The NWI is a nationwide inventory of U.S. wetlands to provide biologists and others with information on the distribution and type of wetlands to aid in conservation efforts. The NWI maps show the location and type (classification) of wetlands and deepwater habitats (streams, lakes, and estuaries) based on the official FWS wetland classification system (Cowardin *et al.* 1979).

Review of the digital mapping for the Santa Monica Mountains indicates that the NHD, which is based on water surface and flow, does not map all of the streams within each watershed, particularly smaller tributary streams and those in the uppermost reaches of each watershed. The NWI maps are based on the location of wetland habitat and contain more comprehensive information on the location and type (classification) of wetlands and deepwater habitats (streams, lakes, and estuaries). As such, the NWI map data (2013) was used by Commission staff in the habitat mapping process because of their more complete depiction of the drainage network within the many watersheds of the plan area. This information was also useful in analyzing and identifying associated riparian habitat of the drainage network. During coordination with the County prior to submittal of the LCP, Commission staff had recommended that the County use the NWI data on the LCP's Biological Resource Map to depict streams, wetlands, lakes, and estuaries because they are more comprehensive and conservative than the USGS National Hydrography Dataset for identifying the likely location of water-oriented habitat resources. This is especially important because no other method was used to map wetland habitat

(apart from the mapping of H1 habitat) for the LUP area, and the Biological Resources map, as proposed, does not specifically depict known or potential wetlands.

### ***LUP Biological Resources Map and Policies***

The Coastal Act requires that areas meeting the definition of ESHA be protected, as provided by Section 30240. One way that the LUP provides for the protection of ESHA is by generally depicting the location of known ESHA on the proposed LUP Biological Resources Map. The LUP Biological Resources Map is a valuable tool for identifying the presence of sensitive resources. However, if the LUP policies protecting ESHA were applied only to the areas shown on the map, there would not be complete assurance that all areas meeting the definition of ESHA would be protected as required by the Coastal Act, for the reasons explained below.

As discussed above, the proposed Biological Resource Map depicts the location and boundaries of the habitats designated in the plan area - H1 and H2 habitat (SERA's, which constitute ESHA), and H3 habitat. The proposed Biological Resource Map also depicts streams based on the USGS National Hydrography Dataset. As discussed above, the NHD does not represent a complete mapping of the drainage network for watersheds in the Santa Monica Mountains, so it does not capture all streams and wetlands, which are considered H1 habitat. The U.S. Fish and Wildlife Service National Wetlands Inventory (NWI) map data is a more comprehensive and conservative depiction of wetlands, streams, lakes, and estuaries. As such, the NWI data for those water features is more appropriate for use on the Biological Resource Map than the USGS dataset. This is especially important because no other method was used to map wetland habitat (apart from the mapping of H1 habitat) for the LUP area, and the Biological Resources map, as proposed, does not specifically depict known or potential wetlands. Therefore, **Suggested Modification 60** is required to revise the Biological Resources map to show the NWI data (2013) for streams and wetlands for the LUP area in place of the USGS-NHD data for streams.

The Biological Resource Map reflects the best available information as of the time of this Commission action and accurately depicts that information's indication of the location of habitat areas according to the methods used, if modified as suggested pursuant to Suggested Modification 60.

All maps have errors that stem from the methods used (such as photointerpretation and lack of field verification) and their static nature, so it is important that the map be used in conjunction with site-specific studies to confirm presence and more precise location of resources and habitats. In-depth, site-specific biological surveys of the entire plan area would need to be conducted in order to map habitats on a detailed, comprehensive, site-by-site level. Conducting such surveys would not only be time and cost prohibitive, but also an inefficient method to determine the location of sensitive habitat areas. Site-specific biological surveys of the entire plan area would still only provide an accurate depiction of sensitive habitat areas at one point in time. It is more efficient to carry out a site-specific biological analysis of each site at the time that development is proposed.

Additionally, the resource areas that are considered sensitive are not static over time. Development across the state results in the loss of natural areas and fragmentation of habitat such that, in the future, certain habitats and/or plant and animal species may become more rare and their protection more critical. Additionally, scientific study may reveal new information and understanding of the existence, rarity, sensitivity to human disturbance, or importance of certain habitats and species.

Therefore, it is clear that the LUP Biological Resources Map, while a valuable tool in assessing the location of sensitive habitats subject to protection under the policies of the LUP, must be used in conjunction with site specific information provided through a detailed biological study conducted at the time that development is proposed to determine the presence and location of sensitive habitat designations on the ground. Policies CO-36 and CO-37 provide that although the designated sensitive habitat categories are generally depicted on the Biological Resources Map, the precise boundaries of the habitat categories shall be determined based on a site-specific biological inventory and/or assessment at the time development is proposed. Based on substantial evidence, a resource on any site may be classified or reclassified from one category to a higher or lower category. Policies CO-33 through CO-35 provide the criteria for what constitutes the various habitat categories.

Policy CO-36 further provides that any area not previously designated on the Biological Resources Map that meets the criteria of a habitat category (H1, H2, H3) shall be accorded all the protection provided for that habitat category in the LCP. Policies CO-39 and CO-40 provide that any area mapped as, or meeting the definition of, H1, H2, or H3 habitat shall not be deprived of protection as that habitat category, as required by the policies and provisions of the LCP, on the basis that habitat has been damaged or eliminated by natural disaster (e.g. landslide, flooding, etc.), burned by wildfire, or impacted by illegal development or other illegal means, including removal, degradation, or elimination of species that are rare or especially valuable because of their nature or role in an ecosystem.

It is important to update the LUP Biological Resource Map periodically to reflect current information. Policy CO-38 requires that the map be reviewed and updated every five years to reflect up-to-date information on the location of designated sensitive habitats. The map will be updated to reflect any applicable new facts, including, but not limited to, information on rare, threatened or endangered species or habitats, or changes due to development or sea level rise. Areas subject to habitat restoration projects will also be considered for designation as H1 or H2 habitat. Any update to the Biological Resources Map will be reviewed by the County ERB and treated as an LCP amendment that is subject to the approval of the Coastal Commission.

Policy CO-37 addresses the circumstance where the County finds, based on substantial evidence and review by the ERB, that the physical extent of habitats on a project site are different than those indicated on the Biological Resources Map. In such a case, the Biological Resources Map shall be slated for modification accordingly, as part of a map update, and such a modification shall be considered an LCP amendment and subject to approval by the Coastal Commission as set forth in Policy CO-38. The County may take action on the Coastal Development Permit application, applying the appropriate LCP policies and standards for protection of the habitat categories determined to be present, even if the Biological Resources Map of the LUP has not yet been amended.

The Commission finds that the depiction of known resources meeting the definition of ESHA (H1 and H2 Habitats known collectively as SERA) and H3 habitat on the LUP Biological Resources Map, if modified as suggested, and in conjunction with the requirements for site-specific study and map updates as required by the habitat designation policies of the LUP, meets the requirements of and is in conformity with the land and marine resource policies of Chapter 3 of the Coastal Act.

## **10. Protection of ESHA (SERA's)**

Policy CO-70 states that all coastal development permit (CDP) applications for new development shall be accompanied by a site-specific Biological Inventory. A detailed Biological Assessment report shall

be required in applications for new development located in, or within 200 feet of, H1 or H2 (including H2 “High Scrutiny”) habitat, as mapped on the Biological Resources Map, or where an initial Biological Inventory indicates the presence or potential for sensitive species or habitat. Policy CO-73 states that the County Biologist shall conduct preliminary review of the submitted Biological Inventories and/or Biological Assessments, as well as all proposals for non-exempt development in habitat category H3, and which would not encroach within 200 feet of designated H1, H2 “High Scrutiny”, or other H2 habitat, and developments within the Rural Villages of El Nido, Fernwood, Malibu Bowl, Malibu Lake, Monte Nido, Old Post Office, Old Topanga, Topanga Canyon, Topanga Oaks, Topanga Woods, and Upper Latigo, unless the Director determines that review by the ERB is warranted.

Policy CO-72 provides that the County Environmental Review Board (ERB) shall review and analyze all proposals for non-exempt development in H1 habitat or within 200 feet of designated H1 habitat, H2 habitat including H2 “High Scrutiny” or within 200 feet of designated H2 habitat including H2 “High Scrutiny”, and any development within the Las Flores Heights, Malibu Mar Vista, Malibu Vista, and Vera Canyon Rural Villages. The ERB is an existing review body established under County ordinances. Policy CO-71 provides that the ERB shall be comprised of qualified professionals with technical expertise in resource management and serve as an advisory body to the Director, Regional Planning Commission and the Board of Supervisors in the review of development proposals in the Santa Monica Mountains Coastal Zone and their effects on biological resources. Policy CO-71 states that the ERB shall provide recommendations to the decision-making body on the conformance or lack of conformance of the project to the policies of the LUP, and shall consider the individual and cumulative impact of each development proposal.

The detailed biological resource information required for CDP applications will provide site-specific information to the County Biologist and the ERB for a determination of the presence and distribution of sensitive habitats on a proposed project site. Any identified habitats meeting the definition of H1, H2 (including H2 High Scrutiny), or H3 habitats pursuant to Policies CO-33 through CO-35 shall be accorded all the protection provided for that habitat category in the LCP.

The biological resource protection approach of the LUP consists of (1) the preservation of the habitats of highest biological significance and sensitivity (H1 habitat, which constitutes ESHA as explained previously) by a policy that prohibits new development, and (2) the protection of habitats of high biological significance and sensitivity (H2 habitat, which constitutes ESHA as explained previously) that are critical to the ecological vitality and diversity of the Santa Monica Mountains by strict development regulations to avoid, or minimize and fully mitigate, impacts to the habitat from new development in order to protect the habitat from significant disruption of habitat values.

LUP Policy CO-41 prohibits new development in H1 habitat in order to protect these most sensitive environmental resource areas from disruption of habitat values. The only exceptions are resource dependent uses, and the following two non-resource dependent uses: (1) public works projects required to repair or protect existing public roads when there is no feasible alternative, and impacts to H1 habitat are avoided to the maximum extent feasible, and unavoidable impacts are minimized and mitigated; and (2) an access road to a lawfully-permitted use outside H1 habitat when there is no other feasible alternative to provide access to public recreation areas or development on a legal parcel, and impacts to H1 habitat are avoided to the maximum extent feasible, and unavoidable impacts are minimized and mitigated.

LUP Policy CO-43 requires that new development avoid H2 Habitat (including H2 “High Scrutiny” habitat), where feasible, in order to protect the sensitive environmental resource areas from disruption of habitat values. Where it is infeasible to avoid H2 habitat, the policy requires that new development be sited and designed to minimize impacts to H2 habitat. If there is no feasible alternative that can eliminate all impacts to H2 habitat, then the alternative that would result in the fewest or least significant impacts to H2 habitat shall be selected. Further, the policy requires that impacts to H2 habitat that cannot be avoided through the implementation of siting and design alternatives be fully mitigated.

H2 “High Scrutiny” habitat is considered a rare and extra sensitive subcategory of H2 habitat that shall be given protection priority over other H2 habitat and shall be avoided to the maximum extent feasible.

In addition, LUP Policy CO-44 establishes the order of prioritization for siting new development in consideration of the LUP’s habitat categories. New development is required to be sited in a manner that avoids the most biologically-sensitive habitat onsite where feasible, while assuring consistency with other LCP policies, in the following order of priority: H1, H2 High Scrutiny, H2, H3. Priority shall be given to siting development in H3 habitat, but outside areas that contain undisturbed native vegetation that is not part of a larger contiguous habitat area. If infeasible, priority shall be given to siting new development in such H3 habitat. If it is infeasible to site development in H3 habitat areas, development may be sited in H2 habitat if it is consistent with the specific limitations and standards for development in H2 habitat and all other provisions of the LCP. New development is prohibited in H1 habitat unless for a use that is specifically provided for pursuant to Policy CO-41. However, it is important to clarify that resource dependent uses are allowed in ESHA (H1 and H2 habitats) pursuant to Coastal Act Section 30240, but such uses must still avoid significant disruption of habitat values. Therefore, **Suggested Modification 11** to Policy CO-42 is necessary to clarify that resource dependent uses are allowed in H1 and H2 habitats where sited and designed to avoid significant disruption of habitat values. A similar change is necessary to Policy LU-29, as reflected in **Suggested Modification 52**.

#### *Economically Viable Use/Constitutional Takings*

Section 30240 of the Coastal Act requires protection of ESHA against significant disruption of habitat values and restricts development within ESHA to only those uses that are dependent on the resource. Non-resource dependent development that is permitted in the LUP, such as residential development, does not have to be located within ESHA to function and is not a use dependent on ESHA resources. Development in ESHA would require removal and/or modification of ESHA for construction and associated fuel modification for fire protection purposes, which would significantly disrupt the habitat value in those locations. Application of Section 30240, by itself, would require denial of such projects, as well as any other projects that would significantly disrupt habitat values. However, Coastal Act Section 30010, and a long line of federal and state court cases interpreting the “takings” clauses of the United States and California constitutions, including *Lucas v. South Carolina Coastal Council* (1992) 505 U.S. 1003, 112 S.Ct. 2886, must also be considered. Section 30010 of the Coastal Act provides that the Coastal Act shall not be construed as authorizing the Commission, or a local government carrying out the Coastal Act (including through its LCP), to exercise its power to grant or deny a permit in a manner that will take private property for public use. Application of Section 30010 may therefore overcome the presumption of denial in some instances.

The *Lucas* case addressed the subject of when government action depriving a property owner of all of the economically viable use of a parcel would result in a “taking” in violation of the U.S. Constitution. In *Lucas*, the Court held that in order to withstand a claim of complete economic deprivation based on the “takings” clause, the regulation prohibiting development would have to be merely prohibiting a use that was already forbidden under “background principles of the state’s law of property and nuisance.” At this time no California case law has held restrictions on development of wetlands, or non-wetland ESHA, to be a “background principle” of state property law. Thus, when all economic use of a parcel would be prohibited because the lot in question is entirely ESHA, the Commission reads *Lucas* as the controlling case law and Section 30010 as the controlling statutory law. In addition, if the permit decision does not constitute a taking under *Lucas*, a court may consider whether the permit decision would constitute a taking under the *ad hoc* inquiry stated in cases such as *Penn Central Transp. Co. v. New York City* (1978) 438 U. S. 104, 123-125. This inquiry generally requires an examination into factors such as the character of the government action, its economic impact, and its interference with reasonable, investment-backed expectations, as well as any background principles of property law identified in *Lucas* that would allow prohibition of the proposed use.

In sum, the Commission interprets Section 30010, together with the *Lucas* decision, to mean that if a denial of a project would deprive an applicant’s property of all reasonable economic use, based solely on the presence of ESHA or other statutory restrictions not yet held to constitute background principles of state property or nuisance law, and compensation is not available, some development must be allowed, even if a Coastal Act policy would otherwise prohibit it. In other words, Section 30240 of the Coastal Act cannot be read to justify such an uncompensated deprivation, because Section 30240 cannot be interpreted to require the Commission, or local government carrying out the Coastal Act, to act in an unconstitutional manner. As such, notwithstanding Section 30240, development may be allowed in ESHA to permit an applicant a reasonable economic use of their property consistent with Section 30010 of the Coastal Act.

The LUP outlines an approach to protect the most environmentally sensitive habitat areas, or H1 habitat, through the outright prohibition of development within these areas, with the exception of resource dependent uses, roads to access developable H2 parcels, and development associated with the maintenance of existing access roads and infrastructure, as more fully described below. In order to avoid a constitutional taking of private property in H2 habitat, the LUP policies allow for a reasonable economic use of the property, generally in the form of a limited residential development, as more fully described below. Thus, Policy CO-43, which allows development in H2 areas where there is no feasible alternative that could reduce impacts to the H2 habitat, and it is otherwise infeasible to avoid such impacts, and where the development is sited and designed to minimize impacts to the H2 habitat, is consistent with the Coastal Act, as explained in more detail below, in the section on “Development Allowed in H2 Habitat.”

#### *Development Prohibition in H1 Habitat*

Proposed Policy CO-41 prohibits development in H1 habitat, which meets the definition of ESHA, even in cases where such a prohibition could deprive the owner of all economically viable use. Again, this would serve to satisfy the requirement of and conform with Coastal Act Section 30240 in that it would prohibit non-resources-dependent development in ESHA and protect ESHA against significant disruption of habitat values. Moreover, although Section 30010 of the Coastal Act provides that the Act is not to be construed as authorizing a local government carrying out the Coastal Act to exercise its power to grant or deny a permit in a manner that will take or damage private property for public use

without the payment of just compensation, therefore, since it is the county's proposal to completely prohibit development in H1 habitat, this Commission, by approving that, is not interpreting the Coastal Act as authorizing such a taking. Furthermore, while the LUP's prohibition of development in H1 habitat may lead to project denials and deprivation of all economical viable use of property, and thereby potential "regulatory takings" claims, the County can avoid such a "taking" if it pays just compensation for any property the regulation of which might otherwise constitute a taking. And indeed, the County has acknowledged that all available strategies will be utilized including, but not limited to, providing just compensation for acquisition of such properties. Unlike the Coastal Commission, the County, under its statutory and regulatory authority, has the ability to compensate property owners when all use of a private property is denied. In the event that the County decision-maker finds it necessary to approve development that is prohibited, or to otherwise modify this policy regarding H1 habitat protection in the future, Policy CO-41 indicates that an LCP amendment would be required, which must be certified by the Coastal Commission.

As previously mentioned above, the Commission, through past permit actions in the Santa Monica Mountains, has authorized residential development, subject to restrictions, in coastal sage scrub and chaparral ESHA in order to provide a reasonable economic use of a property and avoid a constitutional taking of private property. This approach and the development restrictions the Commission has applied through permit actions, for the most part, mirrors the policy approach outlined in the proposed LCP. In siting new residential development in coastal sage scrub/chaparral ESHA, the Commission has attempted, where possible, to avoid the more rare and sensitive riparian, oak woodland, native grasslands and other rare habitat types identified as H1 habitats in the LUP. However, the Commission does not have the regulatory or statutory authority to purchase property or otherwise to compensate a property owner for a taking of private property. Therefore, the Commission has allowed limited development in H1 habitat types to provide a property owner a reasonable economic use and to avoid a taking of private property. The proposed LUP takes the unprecedented step of an outright prohibition on development in H1 habitats with very narrow exceptions and will compensate the property owner if necessary to avoid taking of the private property. Approximately 4,240 acres of private property designated as H1 habitat will be permanently protected and preserved under the proposed LUP, which is more protective of these most sensitive habitats than the Coastal Commission's current approach under individual coastal development permit actions.

#### *Limited Development Allowed in H1 Habitat*

LUP Policy CO-41 establishes the limited allowable non-resource dependent uses that may be permitted in H1 habitat to address public works projects necessary to protect existing public roads, and access roads necessary to provide access to public recreation areas or development on existing legal parcels outside of H1 habitat. The Commission finds that these uses may be permitted in H1 habitat where necessary to avoid a taking or, under the repair and maintenance exception, to protect existing public roads, provided it is allowed only where it is consistent with all other applicable policies and where it is determined that there is no feasible alternative, impacts to H1 habitat are avoided to the maximum extent feasible, and unavoidable impacts are minimized and properly mitigated, as provided in Policy CO-41. H1 habitat includes wetlands, however, as discussed in the wetlands subsection of this staff report, Coastal Act Section 30233 provides that the diking, filling, or dredging of open coastal waters, wetlands, or estuaries may only be permitted where there is no less environmentally damaging alternative and restricted to a limited number of allowable uses, which do not include the uses allowed in H1 habitat under the proposed LUP Policy CO-41. Therefore, **Suggested Modification 10** is required to clarify in Policy CO-41 that the limited uses shall be allowed only in

those H1 habitats other than wetlands. Further, LUP Policy CO-188 is proposed to carry out Coastal Act Section 30233, however, an additional use within open coastal waters, wetlands, and estuaries is allowed under Policy CO-188 that is not provided for under Coastal Act Section 30233 – bridge construction and repair and the maintenance of existing drainage structures. To ensure consistency with Coastal Act Section 30233, **Suggested Modification 41** is required.

#### *Development Allowed in H2 Habitat*

H2 habitat meets the definition of ESHA. As is explained above, the policy approach outlined in the LUP authorizes limited development in the areas designated as H2 habitat to provide a reasonable economic use of the property and in order to avoid a constitutional taking of private property. Where it is not possible to site development and any required fuel modification outside of H2 habitat on a legal parcel, LUP Policy CO-51 establishes the maximum “building site” area that would be allowed. The building site area in such cases may not exceed 10,000 square feet, or 25 percent of the parcel size, whichever is less.

The Commission finds that this will provide private owners of vacant, legal parcels where all feasible building sites are H2 habitat an economically viable use of the property consistent with reasonable, investment-backed expectations. This determination is based on consideration of the following factors: the legal status of the lot, the long-standing residential zoning applicable to such parcels, the fairly large size of vacant lots in the area, the presence of existing residential development consistent with this scale in the area, including numerous residences approved by the Coastal Commission (through coastal development permits) in areas with the same types of habitat as those identified as H2 habitat, and property values that reflect the expectation of residential use. Finally, the Commission previously found, in adopting the City of Malibu LCP, that the approval of the same maximum development area (10,000 sq. ft., or 25 percent of the parcel size, whichever is less) would provide an economically viable use of private parcels that contain ESHA consistent with any reasonable, investment-backed expectations.

The building site area is defined in the LUP as the approved area of a project site that is or will be developed, including the building pad and all graded slopes, all structures, decks, patios, impervious surfaces, and parking areas. However, the area of one access driveway and one hammerhead safety turnaround required by the County Fire Department that are the minimum design necessary may be excluded from the calculation of the total building site area. A fuel modification area required by the County Fire Department for approved structures and limited confined animal facilities may extend beyond the limits of the approved building site area. The restriction of the building site area to less than the maximum may be required if the native tree protection policies of the LUP require a smaller area or if it is determined that a smaller building site area would serve to avoid impacts to H1 habitat areas or required buffers, substantially minimize grading associated with the project, reduce the need for manufactured slopes, or reduce the need for retaining features visible from scenic areas, public trails, and public lands. Policy CO-51 also extends this building site limitation (10,000 square feet, or 25 percent of the parcel size, whichever is less) to development in H3 habitat, which does not constitute ESHA, if it has been determined by the County to contain some habitat value and function that warrants development limitations.

However, the building site area restriction that is included in Policy CO-51 for development in H2 habitat is limited to single-family residential development. While single-family residential development is the principally permitted use in many of the land use designations proposed in the

LUP, and is historically the most common type of development proposed in the plan area, there are many other permitted uses allowed by the proposed plan. The LUP policies do not contain a building site restriction for those other types of development that are permitted in all of the proposed land use designations. In order to determine that development permitted in H2 habitat ESHA is limited to that necessary to provide a reasonable economic use of property, the Commission finds **Suggested Modification 13** necessary to apply the 10,000 sq. ft. building site limitation included in Policy CO-51 to *all* new development in H2 habitat. Further, Suggested Modification 13 clarifies that the proposed building site limitation for new development in H3 habitat (which does not constitute ESHA) may apply to residential development only, and not to other permitted uses that may be allowed.

The Commission finds that the building site area limitation of Policy CO-51, if modified as suggested, will provide private owners of parcels that contain H2 habitat (ESHA) an economically viable use of the property consistent with reasonable, investment-backed expectations, to avoid a constitutional taking of private property, while protecting the ESHA to the maximum extent possible. Further, the definition of building site and the building site limitation of 10,000 sq. ft., or 25 percent of the parcel size, whichever is less, that is contained in the proposed LUP is consistent with what the Commission has consistently required in past permit actions in the Santa Monica Mountains and in the certified City of Malibu LCP to provide an economically viable use of properties containing ESHA.

Policy CO-51 states that the allowable building site area may be increased for projects that comprise two adjoining legal lots, if the existing lots are merged into one lot and one consolidated building site is provided with one access road or driveway. The allowable building site area shall not exceed the total of the building site areas allowed for each individual parcel. Policy CO-51 states that the allowable building site area may also be increased for projects that qualify for participation in an incentive program pursuant to Policy LU-28. However, Policy LU-28 does not specify how much the building site may be increased or the qualifications or components of the referenced incentive program. As such, it is unclear whether the program is consistent with the policies of the Coastal Act. The submitted LIP portion of the LCP, that is not a subject of this staff report, indicates that the County would allow the building site area to increase from 10,000 sq. ft. to 15,000 sq. ft. in H2 habitat if an applicant either (1) retires all development rights on one or more lawfully-created parcel(s) that total at least five acres in size and contain habitat designated as H1 and/or H2 habitat; (2) dedicates an ingress/egress easement for the purpose of providing access to publicly-owned open space; or (3) dedicates a public trail or trail easement.

However, the additional habitat impacts that would result from the incentive of increasing the maximum building site area in H2 habitat (additional area of habitat removal and modification from development and associated fuel modification) in excess of the LUP standard would not be commensurate with two of the proposed voluntary actions – dedication of an access easement and dedication of a public trail. There is, however, a nexus between retiring the development rights on a legal parcel that contains H2 habitat (may also contain H1 habitat but shall primarily contain H2 habitat) and the building site area increase incentive. In order to encourage the concentration of development and the retirement of buildable parcels for the permanent protection of their habitat and open space values, the maximum approvable building site for development permitted in H2 or H3 habitat areas may be increased from 10,000-square feet to 15,000-square-feet if an applicant voluntarily proposes and implements the retirement of all development rights on one or more lawfully-created, buildable parcel(s) located in the Santa Monica Mountains Coastal Zone that is at least 5 acres in size and contains habitat designated as H2 (may also contain H1 habitat but shall primarily contain H2 habitat). As such, **Suggested Modification 56** is required to reflect the terms of the incentive

program in regards to the building site area in a manner that ensures no net loss of H2 habitat and provides an incentive that is commensurate with the voluntary action. As suggested to be modified, the provisions in the LUP that allow an increase in the allowable building site area encourage the clustering of development potential and associated fuel modification requirements in order to minimize adverse impacts to the surrounding sensitive H2 habitat.

Although the proposed LUP allows development in H2 habitat, it is a habitat that meets the definition of ESHA and development can only be authorized where it is necessary to provide a reasonable economic use of private property and to avoid a constitutional taking of property. The policies of the LUP are clear that H2 habitat shall be avoided where feasible to avoid disruption of habitat values. However, there are several policies of the LUP that focus on protection of H1 habitat, but fail to also mention H2 habitat, which is also considered ESHA. Therefore, **Suggested Modifications 2, 5, 32, and 33** to Policies CO-15, CO-134, and CO-136 (and the introduction to the LUP's Conservation and Open Space Element) are required to clarify that consideration and protection be provided to H2 habitat as well. Similarly, the introduction to the Land Use and Housing Element of the LUP discusses the prioritization of the H1 habitat and public access protection policies over the more general development policies of the LCP, and where there is a conflict between the H1 habitat or public access policies and any general development policies, the policies that are most protective of (1) H1 habitat, and (2) public access, shall have precedence. However, H1 and H2 habitat together constitute ESHA, so it is important that both H1 and H2 habitat protection policies take precedence over more general development policies that do not implicate Coastal Act issues but that relate to local issues such as yard setbacks, private views, etc. Therefore, **Suggested Modification 46** is required to clarify that issue.

#### *Oak Woodland Habitat in Rural Villages*

There are fourteen Rural Villages within the plan area. These Rural Villages are residential enclaves that were subdivided in the 1920's and 30's into very small and constrained "urban" scale lots of less than one acre, but more typically range in size from 4,000 to 5,000 square feet. The density of residential development within many of the Rural Villages has disturbed and fragmented the oak woodland habitats that occur in these areas. As such, the majority of the Rural Village areas are designated and mapped as H3 habitat. Although disturbed, the oak woodlands in Rural Villages remain largely intact and serve important ecosystem functions. Policy CO-53 states that new development in Rural Villages shall be sited and designed to avoid adverse impacts to all oak woodland habitat (either disturbed or undisturbed), while conforming to all other policies of the LCP. Where there is no feasible alternative to avoid oak woodland habitat in order to provide a reasonable economic use of a property, ensure public health and safety, or fulfill requirements under the Americans with Disabilities Act for reasonable accommodation, removal of oak woodland habitat within Rural Villages may be allowed if limited to the minimum area necessary to achieve the purpose allowed. In no case shall the removal of oak woodland habitat exceed 10 percent of the total oak woodland area on the subject property. Where removal of oak woodland is allowed, oak tree mitigation is required. However, in order to clarify that Policy CO-53 applies only to oak woodlands in Rural Villages that are not designated H1 habitat, **Suggested Modification 15** is required.

Although the disturbed oak woodland areas in Rural Villages do not constitute H1 or H2 habitats, or ESHA, in past permit actions in the Santa Monica Mountains the Commission has found that native oak trees are an important coastal resource. Section 30250 of the Coastal Act requires that development be located and designed to ensure that significant adverse impacts on coastal resources,

both individual and cumulative, be avoided. Native trees prevent the erosion of hillsides and stream banks, moderate water temperatures in streams through shading, provide food and habitat, including nesting, roosting, and burrowing to a wide variety of wildlife. Native trees that are not part of a larger, intact habitat may nonetheless provide nesting or roosting habitat for raptors and other birds that are rare, threatened, endangered, fully protected, or species of special concern. Furthermore, individual oak trees such as those on the subject site do provide some habitat for a wide variety of wildlife species and are considered to be an important part of the character and scenic quality of the area. Therefore, the protection afforded oak woodlands within Rural Villages pursuant to Policy CO-53, as suggested to be modified, is consistent with 30240 and 30250 of the Coastal Act.

### *Habitat Buffers*

Section 30240 of the Coastal Act requires that development adjacent to ESHA is sited and designed to prevent impacts that would significantly degrade ESHA and to be compatible with the continuance of the habitat areas. Section 30240 of the Coastal Act also requires that development adjacent to parks and recreation areas must be sited and designed to prevent impacts.

The LUP policies establish the protection of H1 habitat and parklands through the provision of buffers between these areas and new development. Natural vegetation buffer areas must be provided around H1 habitat or parkland that are of sufficient size to prevent impacts that would significantly degrade these areas, as required by Section 30240 of the Coastal Act. Policy CO-55 and Policy CO-63 require that new development provide a buffer of no less than 100 feet from H1 habitat and parkland resources. Policy CO-21 also requires at least a 100 foot buffer from riparian habitats to protect water quality. Additionally, streams and wetlands are protected by the policies of the LCP discussed below in the stream and wetlands subsections of this report. With regard to coastal sage scrub and chaparral ESHA (H2 habitat), LUP Policy CO-43 requires that new development avoid the habitat, but where it is infeasible to avoid H2 habitat, new development shall be sited and designed to minimize impacts to H2 habitat and unavoidable impacts are fully mitigated. In order to provide clarification in Policy CO-55 regarding how the required buffer for H1 habitats shall be measured, **Suggested Modification 16** is required. For streams and riparian habitat, the buffer shall be measured from the outer edge of the canopy of riparian vegetation. Where riparian vegetation is not present, the buffer shall be measured from the outer edge of the bank of the subject stream. For woodland habitat, the buffer shall be measured from the outer edge of the woodland tree canopy. For coastal bluff habitat, the buffer shall be measured from the bluff edge. For wetlands, the buffer shall be measured from the upland limit of the wetland. For all other H1 habitat, the buffer shall be measured from the outer extent of the vegetation that makes up the habitat.

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. 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.

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

The Commission finds that these uses may be permitted in H1 habitat buffer where necessary to avoid a taking or, under the repair and maintenance exception, to protect existing public roads, provided it is allowed only where it is consistent with all other applicable policies and where it is determined that there is no feasible alternative, impacts to H1 habitat are avoided to the maximum extent feasible, and unavoidable impacts are minimized and properly mitigated.

To protect water quality, Policy CO-21 requires a 100 foot buffer from riparian habitats. Policy CO-21 states that the County encourages the daylighting of streams that had previously been channelized or otherwise significantly altered, therefore, newly daylighted streams are exempt from the 100 foot buffer requirement. This policy language implies that if a previously altered and disturbed stream is restored, new development does not need to provide the full 100 foot buffer from it, or existing development that does not provide the full buffer would be considered lawfully conforming. While it is important to encourage the restoration of disturbed streams and riparian habitats, new development must provide the minimum required buffer (100 feet) in order to adequately protect the restored habitat from disruption of habitat values. As such, **Suggested Modification 6** is required to Policy CO-21 to clarify that new development near restored streams is not exempt from the buffer requirements and existing legally-established development within the required 100 foot buffer of a restored stream shall be considered a lawfully, non-conforming use subject to the non-conforming development provisions of the LCP.

Variances or modifications to the H1 habitat buffer may not be granted for new development, except for one of the permitted uses pursuant to Policy CO-56 discussed above. Modifications to other required development standards that are unrelated to H1 and H2 habitat protection, such as street setbacks, shall be permitted where it is necessary in order to avoid impacts to H1 habitat and to avoid or minimize impacts to H2 habitat. LUP Policy CO-66 establishes that the protection of H1 and H2 habitats and public access takes priority over other development policies or standards. Where there is any conflict between general/other development standards and the biological resource and/or public access protection standards, the standards that are most protective of H1 and H2 habitat resources or public access shall have precedence. However, introductory language within the Land Use and Housing Element of the LUP is inconsistent with this policy regarding the protection of ESHA (H1 and

H2 habitats) and their prioritization over other general development standards of the plan. Therefore, **Suggested Modification 46** is required to clarify and ensure the plan's internal consistency. Further, Policy CO-64 states that where there is any conflict between the standards that apply or uses that are permitted in the habitat categories or their required buffers, the development standards and permitted uses that are most restrictive and protective of the habitat resource shall regulate development. However, the Coastal Act does not provide for the delegation of the Commission's policy conflict resolution authority to a local government after certification of its LCP. Therefore, **Suggested Modification 18** is necessary to provide clarification by specifying that where multiple SERA protection policies and permitted uses are applicable, the policy that is most restrictive and protective of the habitat resource shall regulate development.

To provide further protection of H1 habitats, Policy CO-57 requires that new development provide an additional 100-foot "Quiet Zone" buffer from H1 habitat where feasible (measured from the outer edge of the 100-foot H1 habitat buffer discussed above). However, resource-dependent uses and non-irrigated fuel modification required by the Fire Department for lawfully-established structures, as well as those certain other uses that are allowed in the 100-foot H1 habitat buffer, may be allowed within this Quiet Zone buffer. Further, non-irrigated equestrian pasture is allowed within the Quiet Zone if located on slopes no steeper than 4:1, is consistent with the requirements of the LCP, and if the development is sited and designed to ensure that no required fuel modification extends into and adversely impact H1 habitat or H1 buffer. Vegetation is not allowed to be removed for the equestrian pasture in the Quiet Zone, except what is necessary for fencing and setting posts. The Commission finds that most of the limited uses permitted within this additional H1 habitat Quiet Zone buffer are necessary to avoid a taking or to protect existing public roads, and given that they cannot be approved unless there is no feasible alternative, impacts to H1 habitat are avoided to the maximum extent feasible, and unavoidable impacts are minimized and properly mitigated, which means that the projects will be consistent with all other applicable policies to the extent possible, these uses can be allowed. The allowed non-irrigated fuel modification and equestrian pasture uses within the Quiet Zone buffer, while not necessary to avoid a taking, are limited, are not irrigated, would not require fuel modification within the H1 habitat or the 100 foot buffer, and must also minimize unavoidable impacts, meaning they must comply with all other LCP policies, including water quality policies, to the extent possible. As such, the uses would not significantly degrade the adjacent H1 habitat.

However, Policy CO-57 also allows confined animal facilities within the H1 Quiet Zone buffer on slopes of 3:1 or less, subject to ERB review, if the Quiet Zone is already impacted by required fuel modification for a principal permitted use. One of the most widespread H1 habitat types within the plan area is riparian and stream ESHA. Coastal Act Sections 30231 and 30240(b) require maintenance of natural vegetation buffer areas to protect riparian habitats, water quality, and ESHA. Siting confined animal facilities within the H1 Quiet Zone buffer may require vegetation removal for fuel modification within the adjacent H1 habitat buffer (which is not permitted pursuant to Policy CO-56) resulting in adverse impacts to H1 habitat. Therefore, **Suggested Modification 17** is required to limit confined animal facilities within the Quiet Zone to facilities that will not require fuel modification to extend into H1 habitat or the H1 habitat buffer.

The Commission finds that, if the suggested modifications discussed herein are incorporated, the ESHA protection policies of the LUP will meet the requirements of, and will be in conformity with, the land and marine resource policies of Chapter 3, as well as other provisions, including Section 30010 of the Coastal Act.

## **11. Confined Animal Facilities and Agriculture**

The Coastal Act (sections 30241-30242) requires the protection of agricultural lands within the coastal zone. It does so by, among other means, requiring that the maximum amount of prime agricultural land be maintained in agricultural production to protect the agricultural economy and by requiring that conflicts between agricultural and urban uses be minimized by establishing stable urban-rural boundaries, providing agricultural buffers, ensuring that non-agricultural development is directed first to lands not suitable for agriculture or to transitional lands on the urban-rural boundary, restricting land divisions and controlling public service or facility expansions. The Coastal Act policies provide for the continuation of coastal agriculture on prime and other productive agricultural lands. In many areas of the state, prime soils combine with unique coastal climates in a manner that supports highly productive agriculture. Recognizing increasing pressure to develop these areas with urban land uses, the Coastal Act requires that lands in prime agricultural production be maintained, except in very limited circumstances.

The definition of “Prime Agricultural Land” in the Coastal Act (§30113) references the first four elements of the definition in Government Code (Williamson Act) §51201(c). “Prime agricultural land” means any of the following: (1) All land that qualifies for rating as class I or class II in the Natural Resource Conservation Service land use capability classifications; (2) Land which qualifies for rating 80 through 100 in the Storie Index Rating; (3) Land which supports livestock used for the production of food and fiber and which has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture; and (4) Land planted with fruit or nut bearing trees, vines, bushes, or crops which have a nonbearing period of less than five years and which will normally yield at least \$200 per acre annually from the production of unprocessed agricultural plant production.

The U.S.D.A Natural Conservation and Resources Conservation Service (NRCS) classifies soils through the land capability classifications (based on chemical and physical soil properties) referenced in the Government Code definition of prime agricultural lands cross-referenced in the Coastal Act. Land with a Storie Index Rating of 80 through 100 is considered prime agricultural land based on the second prong of the definition of prime agricultural soils contained in Section 51201(c) of the Government Code. The Storie Index Rating is based on soil characteristics that govern the land’s potential utilization and productive capacity (e.g., characteristics of the soil profile, surface texture, slope, drainage, nutrient level, acidity, alkalinity, etc.) and is independent of other physical or economic factors that might determine the desirability of growing certain plants in a given location.

Within the Santa Monica Mountains plan area, a very large percentage of area soils are rocky and steeply sloping, and as such, are rated poorly. There are no NRCS Class I soils and very few NRCS Class II and 80-100 Storie Index-rated soils in the plan area. None of the designated NRCS Class II and 80-100 Storie Index-rated soil areas are currently in existing agricultural production. The areas containing such prime soils represent less than 2 percent of the entire plan area. Moreover, the majority of the NRCS Class II and 80-100 Storie Index-rated areas are contained within existing public parkland areas, including Leo Carrillo, Topanga, and Malibu Creek State Parks, and King Gillette Ranch (NPS). A notable Class II area that is not public parkland is the Malibu Golf Club, an existing golf course in Encinal Canyon that was originally built prior to the effective date of the Coastal Act, in approximately 1976.

Another prong of the definition of prime agricultural soils contained in Section 51201(c) of the Government Code is the site's potential qualification as prime agricultural land based upon whether the land supports commercial fruit, nut, or other crop production at specified minimal yields. Another qualifying definition of prime agricultural land is whether the land supports livestock used for the production of food and fiber with an annual carrying capacity equivalent to at least one animal-unit per acre as defined by the United States Department of Agriculture. Although the area has a long history of rural use, given the steep mountain topography and lack of suitable agricultural soils, there are very few areas in existing agricultural use. The only areas in agricultural production are very limited vineyard areas, encompassing a very small percentage of the plan area. The largest vineyard areas are the Rosenthal vineyards in Newton Canyon and the Rosenthal Saddlerock Ranch vineyards on Mulholland Highway near the northern coastal zone boundary of the plan area. Since most of the Saddlerock Ranch vineyards are outside of the coastal zone, these two vineyard areas encompass only approximately 50 acres. However, they are in commercial production and likely meet the fourth prong of the definition of prime agricultural soils. Otherwise, the remaining vineyards in the plan area are a very limited number of very small, "hobby" vineyard plots (less than 2 acres) that are accessory to single-family residences. However, these areas are very limited and often not commercially viable. There are currently no active cattle ranches or agricultural grazing lands within the plan area. Further, there is no agricultural land protected under the Williamson Act within the plan area. Under the Williamson Act, specific parcels of land are temporarily restricted to allow only on-going agricultural use and property tax assessments are significantly lowered.

Additionally, the California Department of Conservation's (DOC) Farmland Mapping and Monitoring Program (FMMP) uses the NRCS land capability classifications to classify and map agricultural lands as prime farmland, farmland of statewide importance, farmland of local importance, or unique farmland. The map identifies the location and extent of the soils that are best suited for food, feed, fiber, forage, and oilseed crops. The best quality land is called Prime Farmland, consisting of areas with the best combination of physical and chemical features able to sustain long term agricultural production. This land has the soil quality, growing season, and moisture supply needed to produce sustained high yields. To qualify for this designation, the land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date. According to the DOC Farmland map (2012), there is only one area of designated Prime Farmland in the plan area - the King Gillette Ranch site along Mulholland Highway near Las Virgenes Road. A portion of the site was once in irrigated agricultural production (including growing hay, grazing livestock, fruit production and orchards) and meets the physical and chemical criteria for the Prime Farmland designation. However, the King Gillette Ranch site is now public parkland and no longer in active agricultural production. The site is owned and cooperatively managed by the National Park Service, the Santa Monica Mountains Conservancy, the Mountains Recreation and Conservation Authority, and California State Parks for public parkland and open space uses. The site contains various public recreational amenities including a state-of-the-art visitor center (Anthony C. Beilenson Visitor Center) for the Santa Monica Mountains National Recreation Area.

Another DOC agricultural designation is Farmland of Statewide Importance, which is similar to Prime Farmland but with minor shortcomings, such as greater slopes or less ability to store soil moisture. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date. There are no designated Farmland of Statewide Importance areas within the plan area. Unique Farmland is another DOC designation, consisting of lesser quality soils used for the production of agricultural crops. This land is usually irrigated, but may include non-irrigated orchards or vineyards as found in some climatic zones in California. Land must have been cropped at some time

during the four years prior to the mapping date. There is only one region within the plan area that is designated Unique Farmland - the Malibu-Newton Canyon (Rosenthal) vineyards that were planted in the 1980's and encompass approximately 25 acres. This area is the only major commercial vineyard in the Santa Monica Mountains coastal zone.

The limited lands within the plan area that contain prime agricultural soils are either State or Federal public parkland or are developed with existing uses and not in agricultural production. In addition, these lands are not on any urban-rural boundary. As such, the mandate of Coastal Act Section 30241 to maintain the maximum amount of prime agricultural land in agricultural production is not applicable in this unique Santa Monica Mountains coastal environment.

Further, given the conditions and constraints of the plan area, outlined above, other lands in existing agricultural use and suitable for agricultural use are very limited in area. As discussed previously, a large percentage of the plan area consist of very steep slopes and poor soils, which are unsuitable for agriculture. Further, water availability is limited for irrigation purposes. The steep slopes, poor soils, limited water availability, and other constraints within the Santa Monica Mountains make viable livestock grazing lands infeasible and the cultivation of vineyards and other crops either infeasible, or extremely difficult and costly. In addition, there are significant biological and scenic resources within the plan area. The majority of the plan area that is not already developed consists of lands that are either publicly-owned parkland and open space or environmentally sensitive habitat areas. Activities such as vineyards or other intensive crop cultivation can have significant adverse impacts on the biological integrity of the surrounding mountain environment and receiving waterbodies. Such agricultural uses can also lead to significant and dramatic impacts on the scenic character of the area. Finally, even where there are small patches of land that can support some agricultural use, they are generally not large enough to be economically viable. This confluence of factors – including steep slopes, poor soils, scenic considerations, sensitive watersheds, abundant ESHA, and lot size limitations – render the vast majority of the land in the Santa Monica Mountains unsuitable for agricultural use. As such, the prohibition on the conversion of lands suitable for agricultural use to non-agricultural use of Coastal Act Section 30242 does not apply in most cases in this unique plan area.

However, as described above, there are certain very limited areas where agriculture is possible. In fact, they are limited to the one or two areas that are already in active agricultural production. In order to provide for the continuation of coastal agriculture on these productive agricultural lands within the plan area, consistent with Coastal Act Section 30242, **Suggested Modification 28** is necessary to limit the conversion of these lands to non-agricultural uses. And because these lands are limited to lands in existing agricultural use, Suggested Modification 28 requires that 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 in existing developed areas able to accommodate it.

The existing certified LUP for the Malibu-Santa Monica Mountains does not designate any property in the plan area for exclusive agricultural use. 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. The land use designations in the 1986 certified LUP for this area consist primarily of rural-residential designations that allow limited, low-intensity commercial recreational uses and agricultural activities. The proposed LUP also does not designate any areas for exclusive agricultural use. However, limited confined animal facility uses are permitted within many

of the proposed land use designations, and existing, legally-established crop-based agriculture is allowed to continue (as discussed in detail below).

The Santa Monica Mountains have a long history of equestrian uses, including equestrian trail riding and the keeping of equines for personal and recreational use. There are existing confined animal facilities for equestrian use scattered throughout the plan area, either as a primary use or accessory to residential development. The keeping of horses and other equines is an important part of the rural character of the area and is recognized as such in the proposed LUP. Confined animal facilities are an allowable use in the proposed LUP, as an accessory use, or a use on its own. However, the raising, breeding, and keeping of equines are not related to the cultivation of an agricultural commodity, and are therefore not considered agricultural uses within the strict meaning of the term. Agricultural uses are uses of land directly related to the cultivation (grow and/or produce) of agricultural commodities for commercial purposes, including livestock and poultry and their products; field, fruit, nut, and vegetable crops; and nursery products. Agricultural commodities are limited to food and fiber in their raw unprocessed state, and ornamental plant material. The proposed LUP describes agricultural uses as including crops (field, tree, bush, berry, and row, including nursery stock), grazing and raising of livestock, dairy, livestock feed yard, and livestock sales yard operations. The proposed LUP defines livestock broadly as any pig, pygmy pig, hog, cow, bull steer, horse, mule, jack, jenny, hinny, sheep, goat, llama, alpaca, domestic fowl, or rabbit. And confined animal facilities are defined in the proposed LUP glossary as “facilities built and used for the keeping of livestock.” Given the proposed definitions for these two terms, equines would be considered livestock, and the grazing and raising of such livestock in confined animal facilities would be considered an agricultural use under the proposed LUP.

It is important to be clear what uses constitute agricultural uses for purposes of properly applying the agricultural protection policies of the Coastal Act. The definition of “livestock” in the proposed LUP states, in part, that “for purposes of the LUP, livestock keeping shall be considered an agricultural use,” yet “livestock is not an agricultural use for purposes of the prohibition of new agricultural uses.” The County is attempting to make a distinction between crop-based agriculture, which is prohibited under the plan, and livestock-type agriculture, which is permitted under the plan. However, as explained previously, confined animal facilities for the raising, breeding, and keeping of equine could be interpreted to be an agricultural use when the proposed definitions for “agricultural uses”, “livestock”, and “confined animal facilities” in the LUP are considered together. Although equine-keeping facilities may be commercial operations, they are not to cultivate food, fiber, or plant material products for sale, and are therefore not agricultural use for purposes of the Coastal Act. In order to provide greater specificity in the LUP, it is necessary to clarify that the definition of “livestock” shall not include equines, and as a consequence of that change, that the definition of “confined animal facilities” is facilities for the keeping of livestock *and equines*. **Suggested Modification 59** includes these definition clarifications. In order to provide greater specificity where the terms “agriculture” or “agricultural uses” are used in the LUP to mean permitted livestock-type agriculture and confined animal facilities, **Suggested Modification 54** is required to use the more specific term – confined animal facilities – as the term is defined pursuant to Suggested Modification 59. **Suggested Modification 4** to Policy CO-13 is also required to clarify that Policy CO-13 requiring Best Management Practices for agricultural activities shall also apply to confined animal facilities.

Since agriculture and confined animal facilities are not considered resource-dependent uses, they are prohibited within or adjacent to ESHA. Such uses can have significant adverse environmental impacts if located within or in close proximity to ESHA, particularly riparian and stream areas. At the same

time, Coastal Act Section 30242 does not allow any such lands that are suitable for agricultural use to be converted to non-agricultural uses. However, as indicated above, most lands in the Santa Monica Mountains are not suitable for agricultural use, due to the confluence of several factors. Hence, when development is allowed within ESHA in the Santa Monica Mountains, it is generally residential, which has less impacts on the surrounding ESHA than agricultural uses would, in part due to the nature of the use, and in part because a viable residential economic use can be created with a smaller footprint than would be required of an agricultural use. That said, small accessory agricultural and confined animal facility uses can sometimes be associated with such residential uses without needing to be independently economically viable and without imposing any significant adverse impacts on coastal resources. Thus, in past permit actions in the Santa Monica Mountains, the Commission has approved a very limited number of agricultural and confined animal facility-type uses in chaparral/coastal sage scrub ESHA, as an accessory use to residential development that is approved to provide a reasonable economic use of a property. The Commission has found in past permit actions that such accessory uses may be found consistent with the Coastal Act only if located within the required fuel modification area of the residential use and if the area is not steeply sloping and would not disrupt the habitat values of a stream or riparian ESHA area. The fuel modification zones would already be disturbed to carry out any clearing, thinning, landscaping, and irrigation for the protection of approved residential structures. The Commission has allowed crop, orchard, or vineyard uses in conjunction with an existing or new residential use only within the irrigated fuel modification area of any approved structures (Zones A and/or B, which extend 100 ft. from structures), so long as such accessory use is located on slopes no steeper than 3:1 and no expansion of the fuel modification area for the residential structures is required. The Commission has also allowed the development of confined animal facilities in conjunction with an existing or new residential project if located within the approved development area, or within the approved fuel modification area (Zones A, B, and/or C), so long as they are not located on a slope over 4:1, do not require additional grading (except minor grading for foundations), are constructed of non-flammable materials, and do not result in any expansion to the required fuel modification area.

While the proposed LUP supports rural uses and does not eliminate existing, legally-established, crop-based agricultural uses, the policies of the proposed LUP limit the type and intensity of agricultural practices allowed in the future.

#### *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 serve to avoid these potential adverse impacts to coastal resources. 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.

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.

### *Confined Animal Facilities*

Historically, cattle ranching and the raising of livestock were common in some areas of the Santa Monica Mountains. Although there are no longer any active cattle ranches or grazing lands, there are existing confined animal facilities scattered throughout the plan area, either as a primary use or accessory to residential development. The Santa Monica Mountains have a long history and culture as an active equestrian area. Residents and visitors to the area enjoy equestrian trail riding on the many trails through the mountains. The policies of the LUP allow for new confined animal facilities as well as equestrian pasture areas. Policies CO-103 through CO-105 establish parameters for the development of new confined animal facilities and equestrian pasture within the plan area. However, there are relatively few private parcels that can actually accommodate a confined animal facility in the mountains. The LUP limits such facilities to slopes of 3:1 or less. In addition, with over half of the plan area in public ownership for parkland and open space purposes, there is limited private land available that contains adequate area for confined animal facilities that meet the slope requirements, is set back from H1 habitat, and that meet all other requirements of the LCP. According to County staff calculations, of the approximately 50,000 acres in the plan area, only approximately 3,200 acres of private land in mapped H2 habitat have slopes of 3:1 or less steep. Additional area may be available in H3 habitat (approximately 3,000 acres have slopes of 3:1 or less according to County staff calculations), although the majority of designated H3 habitats are existing developed areas.

Confined animal facilities are prohibited in H1 habitat or within the required H1 habitat buffer that extends 100 feet from the outer extent of H1 habitat. Prohibiting development in H1 habitat ESHA and its buffer would serve to satisfy the requirement of Coastal Act Section 30240 of protection of ESHA against significant disruption or degradation of those H1 habitat values.

As discussed previously, to provide further protection of H1 habitats, Policy CO-57 requires that new development provide an additional 100-foot “Quiet Zone” buffer from H1 habitat where feasible (measured from the outer edge of the 100-foot H1 habitat buffer). However, certain uses are allowed within the Quiet Zone, including non-irrigated equestrian pasture if it is located on slopes no steeper than 4:1, is consistent with the requirements of the LCP, and if the development is sited and designed to ensure that no required fuel modification extends into H1 habitat or the H1 habitat buffer. Since the policies of the LUP prohibit: the removal of vegetation; irrigation; and structures that require fuel modification in conjunction with equestrian pasture use in the Quiet Zone, such a use would not significantly degrade the adjacent H1 habitat.

However, Policy CO-57 would also allow confined animal facilities within the LUP’s proposed 100 foot Quiet Zone (which extends from the outer extent of the 100 foot H1 habitat buffer) on slopes of 3:1 or less, subject to ERB review, if the Quiet Zone were already impacted by required fuel modification for a principal permitted use. As explained in the previous section, confined animal facilities can be a more intensive land use than equestrian pasture because such facilities consist of structures that require fuel modification for fire safety, require greater vegetation clearance for structures, stalls, and corrals, and are a concentrated source of animal waste and non-point source pollutants. Siting confined animal facilities within the proposed Quiet Zone buffer may require vegetation removal for fuel modification within the adjacent H1 habitat buffer (which is not permitted pursuant to Policy CO-56), resulting in adverse impacts to H1 habitat. One of the most widespread H1 habitat types within the plan area is riparian. Coastal Act Sections 30231 and 30240(b) require maintenance of natural vegetation buffer areas to protect riparian habitats, water quality, and ESHA. Therefore, **Suggested Modification 17** to Policy CO-57 is required to limit confined animal facilities within the Quiet Zone to facilities that will not require fuel modification to extend into H1 habitat or the H1 habitat buffer.

H2 habitat also meets the definition of ESHA. The proposed LUP allows development in H2 habitat, where it is necessary to avoid a taking of private property. Where all feasible building sites and any required fuel modification on a parcel would be located in H2 habitat, LUP Policy CO-51 establishes the maximum “building site” area that would be allowed – 10,000 sq. ft., or 25 percent of the parcel size, whichever is less. The fuel modification area that is required by the Fire Department for structures within the building site obviously extends well outside the building site. Policies CO-103, CO-104, and CO-105 allow limited confined animal facilities (including equestrian pasture) within H2 habitat ESHA where there is no feasible alternative to avoid H2 habitat, as an accessory use, or as a use on its own, subject to limitations and site-specific constraints. Below is a summary of the siting and design limitations proposed in the LUP for confined animal facilities in H2 habitat. In addition, LUP policies require that any approved confined animal facility use shall implement Best Management Practices to prevent erosion, excessive sediment and pollutant impacts, and ensure proper management and disposal of waste to protect water quality.

| <b>CONFINED ANIMAL FACILITIES IN H2 HABITAT</b><br>(Limited to stables, barns, shelters, tack rooms, corrals, turnout pens, hay storage structures, loafing sheds, non-irrigated arenas and pens, manure management facilities, water troughs, horse trailer storage, covered equipment storage, non-irrigated pastures, wash rack, mounting blocks, tie racks, and fencing) |   |
|--|---|
| <b>Slope</b>   | 3:1 or less steep   |
| <b>Maximum Area</b>  | 3 acres   |
| <b>-As Sole Use</b>  |   |
| <b>-As Accessory Use</b>   | Within fuel modification area required for principal permitted use.<br>Additional fuel modification required for the confined animal facilities is to be avoided if feasible. Only if infeasible, then additional fuel modification area may be permitted to not exceed 5% of the parcel size, or two acres, whichever is less                            |
| <b>Fuel Modification</b>   | Facilities shall be clustered to minimize required fuel modification and constructed of non-flammable materials   |
| <b>Night Lighting</b>  | <ul style="list-style-type: none"> <li>• Necessary security lighting attached to a barn or storage structure that is controlled by motion detectors and limited to 60 watts or equivalent;</li> <li>• Arena and round pen lighting by bollard or fence-mounted fixtures that do not exceed four feet in height, and that are directed downward</li> </ul> |
| <b>Fencing</b>   | Allowed (may be wildlife permeable and/or non-wildlife permeable)   |
| <b>Grading</b>   | Minimum necessary to establish facilities and must be consistent with all other LUP policies  |
| <b>Irrigation</b>  | Prohibited  |
| <b>Mitigation</b>  | Habitat Impact Mitigation In-Lieu Fee Required, where avoiding additional fuel modification impacts is infeasible.  |
| <b>ACCESSORY EQUESTRIAN PASTURE IN H2 HABITAT, OUTSIDE THE FUEL MODIFICATION AREA REQUIRED FOR THE PRINCIPAL PERMITTED USE</b><br>(Limited to fenced areas for turnout, water troughs, and other minor improvements)   |   |
| <b>Slope</b>   | 4:1 or less steep   |
| <b>Maximum Area</b>  | 5% of the parcel size, or two acres, whichever is less  |
| <b>Fuel Modification</b>   | Prohibited  |
| <b>Lighting</b>  | Prohibited  |
| <b>Grading</b>   | Prohibited  |
| <b>Irrigation</b>  | Prohibited  |
| <b>Fencing</b>   | Allowed (may be wildlife permeable and/or non-wildlife permeable)   |
| <b>Native Vegetation Removal</b>   | Prohibited except minimum necessary to install fencing and fence posts  |
| <b>Mitigation</b>  | Habitat Impact Mitigation In-Lieu Fee Required  |

Due to the historical uses and activities in the Santa Monica Mountains and its current rural character and culture, the Commission has, at times, found that confined animal facilities may be permitted as an accessory use to residential development that is approved in H2 habitat to provide a use consistent with property owners' reasonable investment-backed expectations. Accessory confined animal facilities in H2 habitat may be permitted on slopes of 3:1 or less, within the fuel modification area that is required by the Los Angeles County Fire Department (Zones A, B, and/or C if required) for the principal permitted use. The minimum grading necessary to establish such facilities may be permitted. Policy CO-103 also requires facilities to be constructed of non-flammable materials and clustered to the maximum extent feasible to minimize the area disturbed and to avoid or minimize expansion of the fuel modification area that is required for the principal permitted use as a result of permitted confined animal facility structures. Confined animal facilities may also be permitted as the only use of a parcel in H2 habitat, instead of a principal permitted use, as long as the use and any required fuel

modification does not exceed three (3) contiguous acres, including graded areas, and is restricted to slopes of 3:1 or less.

The Commission has found in past permit actions in ESHA, that a new residential development within a 10,000 sq. ft. building site area and with a full 200 foot fuel modification radius will result in an ESHA impact area that is four to five acres in size. Native vegetation that is cleared and replaced with ornamental species or substantially removed and widely spaced for required fuel modification will be lost as habitat and watershed cover. Since that area no longer retains its ESHA status, in past permit actions, the Commission has allowed limited accessory equestrian or other confined animal uses within that disturbed fuel modification area of an approved residential use, as long as those equestrian or confined animal facility uses are not sited on steep slopes, to prevent biological and water quality impacts from erosion, sedimentation, slope instability, and polluted runoff.

Similarly, the proposed LUP limits the maximum allowable building site area within H2 habitat to 10,000 square feet. The Fire Department continues to require a combination of three fuel modification zones that extend up to 200 feet from structures. Although the LUP limits accessory confined animal facilities to the fuel modification area of the allowed principal permitted use in H2 habitat and to slopes no steeper than 3:1, there are two exceptions in which confined animal facility-related development may result in disturbance and/or displacement of habitat that extends beyond the four to five acre maximum area of disturbance (including building site and fuel modification) that is allowed in H2 habitat:

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

LUP policies require that these two exceptions be avoided, where feasible. However, if infeasible, they may be allowed if the additional impact area does not exceed a maximum of 5 percent of the total parcel size, or two acres, whichever is less, and habitat impact mitigation is required. That maximum area is cumulative for both exceptions pursuant to Policy CO-104. For clarity, **Suggested Modification 30** is necessary to make clear in Policy CO-103 as well that the cumulative maximum area applies for both exceptions.

For example, where there is a ten acre parcel in H2 habitat, without any H1 habitat or native trees to avoid, a residential development may be permitted within a maximum building site area of 10,000 sq. ft. A 200 foot fuel modification radius would be required by the Fire Department around permitted structures within the building site area – resulting in a total impact area of four to five acres. If there are slopes of 3:1 or less steep, accessory confined animal facilities may be permitted within that four to five acre development envelope. If the parcel is ten acres in size, the maximum area that may be impacted outside the four to five acre development envelope by fuel modification for the confined animal facilities, and/or for equestrian pasture, is 21,780 sq. ft. (0.5 acre), which represents 5 percent of the parcel size. For a 20-acre parcel, the maximum area would be an acre. For a 40-acre parcel, the maximum area would be 2 acres.

The County staff has indicated that accessory equestrian pasture may only be permitted outside of the fuel modification area for the principal permitted use if there is no area within the fuel modification area of the principal use that meets the 3:1 or less slope requirement. However, this intended requirement is not reflected in LUP policies, particularly Policy CO-104. Further, Policy CO-104 does not address roads to equestrian pasture that may be permitted outside of the fuel modification area. In order to minimize disturbance to H2 habitat, equestrian pasture outside of the fuel modification area for the principal permitted use should only be allowed where there is no feasible area within the fuel modification area, as reflected in **Suggested Modification 31**. As such, equestrian pasture in H2 habitat outside of the fuel modification area required for the principal permitted use, shall only be allowed when all of the following are met: (1) there is no feasible area within the fuel modification area of the principal permitted use that meets the 3:1 slope requirement; (2) the pasture area is located on slopes no steeper than 4:1 and within an area not to exceed 5 percent of the parcel size, or two acres, whichever is less; and (3) habitat impact mitigation is required. Further, such pasture facilities shall not include lighting, irrigation, additional roads, or removal of native vegetation except as incidental to fencing and the setting of posts for fencing. **Suggested Modification 31** to Policy CO-104 is required to clarify these limitations.

Policies CO-103 and CO-104 that address confined animal facility development that may be permitted outside of the fuel modification area for the principal use in H2 habitat, as suggested to be modified, will serve to minimize and fully mitigate adverse impacts to biological resources. Structures permitted within the fuel modification area for the principal permitted use must be clustered to the maximum extent feasible to minimize the area disturbed by such facilities. Equestrian pasture that may be permitted outside the fuel modification area for the principal use must be on slopes no steeper than 4:1 and may not involve structures, night lighting, irrigation, additional roads, impervious surfaces, or removal of native vegetation except for the minimum necessary to install fencing. The maximum area for the pasture is limited to five percent of the parcel size, or two acres, whichever is less. The use of water quality BMPs is also required. Such areas are limited to fenced paddock areas used for turnout (exercise) only, without stalls or structures, so animals would not be kept in them for long periods of time. As such, no significant vegetation modification or waste generation would occur in the pasture areas. These provisions will ensure that significant adverse impacts to H2 habitat outside of the approved development envelope are minimized. Further, Policy CO-104 requires habitat impact mitigation for such facilities, which will be discussed further in the next section.

Fencing for confined animal facilities, including equestrian pasture, is allowed pursuant to Policies CO-83, CO-103, and CO-104. Fencing may be wildlife permeable or non-wildlife permeable, as provided in Policy CO-83. The County has indicated that non-wildlife permeable fencing for animal containment facilities will be allowed to prevent animal injury and escape. However, non-wildlife permeable fencing can impede the free movement of wildlife through an area. Depending on the fencing configuration and maximum confined animal area allowed on any given site, which can include all areas within the fuel modification area (4-5 acres) that contains slopes that are 3:1 or less and up to a maximum of two additional acres outside the fuel modification area, and any fencing or obstacles on adjacent properties, the movement of wildlife species among and between habitats can be significantly impacted. To allow limited non-wildlife permeable fencing for animal containment facilities while ensuring that adequate wildlife corridors are maintained, **Suggested Modification 21** to Policy CO-83 is required to clarify that non-wildlife-permeable fencing for animal containment facilities may be allowed only where it is demonstrated, pursuant to a site-specific biological evaluation, that the layout and extent of the fencing will not significantly impede wildlife movement through a property or through the surrounding area.

Policy CO-103 allows accessory confined animal facilities in H3 habitat and specifies that they may be located within or outside of the fuel modification area required by the Fire Department for the principal permitted use, subject to all other policies of the LCP. H3 habitat does not constitute ESHA and are appropriate for siting such facilities in order to avoid higher priority ESHA habitats (H1 and H2), consistent with all other policies of the LCP.

The Commission, through its permit actions in the Santa Monica Mountains, has not authorized development, including pasture areas that require clearance or disturbance of coastal sage scrub/chaparral ESHA (H2 habitat), beyond what is necessary for a residential use to avoid a constitutional taking of private property. A pasture associated with a residential use is considered an accessory use and removal of coastal sage scrub or chaparral ESHA outside of the fuel modification zone for the residence goes beyond what is required to provide a reasonable economic use and avoid a constitutional taking of private property. The removal of ESHA for this type of use is inconsistent with Section 30240 of the Coastal Act, as this use is not a resource dependent use. This inconsistency (coupled with the fact that allowing this use is not necessary to avoid a constitutional taking of private property) would typically require either denial of, or a suggested modification to, the LUP to prohibit pasture outside of the fuel modification zone required for the residence. However, this inconsistency with the Coastal Act may still be approvable if there is a conflict between Chapter 3 policies that must be resolved. Section 30007.5 of the Coastal Act states:

*The Legislature further finds and recognizes that conflicts may occur between one or more policies of the division. The Legislature therefore declares that in carrying out the provisions of this division such conflicts be resolved in a manner which on balance is the most protective of significant coastal resources. In this context, the Legislature declares that broader policies which, for example, serve to concentrate development in close proximity to urban and employment centers may be more protective, overall, than specific wildlife habitat and other similar resource policies.*

And Coastal Act Section 30200(b) (in Chapter 3) states:

*Where the commission or any local government in implementing the provisions of this division identifies a conflict between the policies of this chapter, 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.*

To be certified by the Commission, the proposed LUP must fulfill the requirements of, and be in conformity with the policies of Coastal Act Chapter 3 (Sections 30200 through 30265.5). In general, an LCP amendment must be consistent with all relevant Coastal Act policies in order to be approved. Thus, if a proposal is inconsistent with one or more Coastal Act policies, it must normally be denied, or suggested modifications must be included to make it consistent with all relevant policies.

However, the Legislature also recognized that conflicts can occur among applicable Coastal Act policies. It therefore declared that when the Commission identifies a conflict between one or more policies in Chapter 3, such conflicts are to be resolved “in a manner which on balance is the most protective of significant coastal resources” (Sections 30007.5 and 30200(b)). The Legislature also recognized that when a conflict exists, broader policies such as the policy to concentrate development in close proximity to urban and employment centers may be more protective, overall, than specific wildlife habitat and other similar resource policies (Section 30007.5). The first step is to establish that

the proposal presents a conflict between one or more statutory directives contained in Chapter 3 of the Coastal Act. The fact that a proposal is consistent with one directive of Chapter 3 and inconsistent with another directive does not necessarily result in a conflict. Rather, the Commission must find that to deny the proposal based on the inconsistency with one directive will result in coastal zone effects that are themselves inconsistent with another Chapter 3 directive.

Although the LUP includes restrictive policies limiting the area from which vegetation may be removed or that may otherwise be disturbed as a result of the allowance for additional pasturage outside of the fuel modification area, it will still result in the removal of H2 habitat, which constitutes ESHA. As such, that remaining allowance is not consistent with Section 30240. However, Section 30250 of the Coastal Act provides that:

*"New residential . . . development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources."*

The LUP includes several policies and provisions that will concentrate development and preserve large areas of H1 and H2 habitat (ESHA). As is explained below, the policy allowing for pasturage is both very limited (so that the impacts are minimized) and part of a comprehensive package for regulation of land use in the Santa Monica Mountains that is so interconnected that without this critical element, the policies leading to concentration of development would be lost. Therefore, since denial of this allowance would result in the unraveling of this program, it would cause coastal zone effects that are themselves inconsistent with Section 30250. Given that conflict, the Commission must resolve it in the manner that is, on balance, most protective of significant coastal resources. As explained below, when considered as a whole, the LUP, with the modifications listed below, is, on balance, most protective of those resources.

The equestrian pasture allowance in the proposed LUP is very limited. Pursuant to the policies in the LUP, the extension of pasture areas outside of the fuel modification zone for the residence would only be allowed if there are no areas available within the fuel modification zone that could accommodate a confined animal facility, because of steep slopes (exceeding 3:1). In addition, the total area of a horse or confined animal facility outside of the fuel modification zone is limited to 5% of the total parcel for parcels over 15,000 square feet up to a maximum of two acres. The LUP further limits confined animal facilities outside of the fuel modification zone to slopes no greater than 4:1. Of the approximately 15,114 acres of private developed and undeveloped land in mapped H2 habitat in the Santa Monica Mountains, only about 1,800 acres of private developed and undeveloped property in H2 habitat have slopes of 4:1 or less, which will significantly limit the number and extent of these pasture areas outside of the fuel modification zone for a residence. Furthermore, only a small number of land owners are likely to request pasturage outside of the fuel modification zone in the plan area. In the past ten years there have only been eight coastal development permit applications for new equestrian or confined animal facilities on private properties in the Santa Monica Mountains. The majority of these applications were for small stables and corrals. Therefore, it is not likely there will be significant amounts of coastal sage scrub or chaparral habitat (H2 habitat) removed as a result of allowing limited pasturage outside of the fuel modification area.

The two exceptions listed on page 94-95 are proposed in the context of a comprehensive plan to manage land uses within the Santa Monica Mountains. Under the proposed LUP, the County is

completely prohibiting development in H1 habitat, which are the areas least able to accommodate residential development, not only because of the very sensitive habitats in these areas, but also because these areas are typically more remote with steep topography, stream courses and limited infrastructure. This is a great benefit. Under the current regime, with no LCP in place, the Commission must allow some economically viable use of every legal, economic parcel. Approximately 4,240 acres of H1 habitat on privately owned properties will be permanently protected and preserved under the proposed LUP. Pursuant to the LUP, residential uses will be concentrated in the designated H2 and H3 habitat areas, which are better able to accommodate such development than more sensitive H1 habitats. In addition, concentrating development in the H2 and H3 habitat areas will be more protective not only of the very sensitive H1 habitat, but also of streams and water quality, since H1 habitat includes all major stream courses. Furthermore, through the County's proposed Resource Conservation Program (RCP), impacts to H2 habitat will be fully mitigated, as discussed later in this section. The RCP will facilitate strategic purchases of private H1 and H2 properties that will be permanently preserved as public open space and provide for critical habitat connections and wildlife corridors. The elimination of development potential on these private properties will direct development away from these important habitat and wildlife corridors and concentrate development to more appropriate areas.

The LUP also includes a Transfer of Development Credit (TDC) program for new second residential units or for the creation of new lots through approved subdivisions in H3 habitat areas, which will require the retirement of an H2 parcel or rural village parcel(s). In addition, pursuant to **Suggested Modification 56**, a development area on a parcel in H2 habitat may be increased from 10,000 square feet to 15,000 square feet as an incentive to retire an entire H2 property that is at least five acres in size, which would eliminate the development potential of the parcel and the associated fuel modification area of up to four to five acres. The LUP provisions cited above will result in the concentration of development outside of the most sensitive habitat and will also serve to reduce residential density in H2 areas through the retirement of developable parcels in H2 habitats. Through the implementation of these LUP policies, the prohibition of development in H1 habitats, in combination with various other LUP provisions that will further preserve and concentrate development within H2 areas, will more than offset, or compensate for, the relatively small amount of H2 habitat that will be removed as a result of the allowance of limited equestrian pasture area and confined animal facility fuel modification to occur outside of the fuel modification zone for a residence.

Denial of the LUP or imposition of a Suggested Modification to prohibit equestrian pasture outside of the fuel modification zone for residential development will likely result in the County rejecting the LUP and these more protective approaches that concentrate development and preserve the H1 and H2 habitats (ESHA) would not be realized, or implemented, which would not be consistent Sections 30250 and 30240 of the Coastal Act. In addition, the proposed programmatic LUP policies that will result in the concentration of development and the permanent preservation and protection of approximately 4,240 acres of H1 habitat on private property is clearly more protective of the ESHA and sensitive coastal resources than the current status quo under the Coastal Commission's permit authority, which, as indicated above, allows residential development in H1 habitats to allow for a reasonable economic use of a private property to avoid a constitutional taking of private property.

Therefore, the LUP, as modified, appropriately concentrates development in areas better able to accommodate development, while preserving larger and more contiguous areas of H1 and H2 habitats (ESHA). Therefore, despite including policies that have potential adverse impacts from some limited removal of H2 habitat for limited additional fuel modification for confined animal facilities and equestrian pasture outside of the fuel modification areas for residential development, as a whole the

LUP is, on balance, more protective of coastal resources, as required by Coastal Act Sections 30240 and 30250. This conclusion is supported by the language of Section 30007.5, in which the legislature recognized that a plan to concentrate development in areas better able to accommodate such development would likely be more protective of coastal resources overall.

### *Night Lighting/ Dark Skies*

In past permit actions in the Santa Monica Mountains, the Commission has found that night lighting of ESHA areas in the Malibu/Santa Monica Mountains may alter or disrupt feeding, nesting, and roosting activities of native wildlife species. Where development is approved in ESHA to provide a reasonable economic use, the Commission has limited lighting to low-intensity, downward-shielded security lighting within the developed area of the site. The Commission has prohibited perimeter lighting and lighting for sports courts or other private recreational facilities in order to minimize the disruption of wildlife that is commonly found in this rural and relatively undisturbed area and that traverses the area at night.

Unnecessary night lighting of private accessory facilities such as tennis courts and equestrian arenas have the potential for significant individual and cumulative adverse impacts to ESHA and the scenic, rural dark-sky character of the area. Even when night lighting is directed downward to minimize light spill onto adjacent habitats, light reflects off particles in the atmosphere to create a “sky glow” effect that can diffuse light over a wider area and disrupt wildlife movement and habitat values. Night lighting has the potential to adversely impact numerous species of nocturnal, crepuscular, and 24 hour activity pattern wildlife species that occupy H1 and H2 habitat areas. Animals typically fall into one of several patterns of daily activity. Diurnal animals are active during the day; nocturnal animals are active at night; crepuscular animals are active at dawn and dusk; and 24-hour pattern animals have activity bursts during the night, dawn, and dusk. While humans are diurnal in nature, most other mammals are nocturnal (e.g. 80% of primates, all bats), crepuscular (e.g. rabbits, rodents), or have a 24 hour pattern where they are most active at night, dawn, and dusk (e.g. ungulates, large carnivores, some smaller carnivores)<sup>75</sup>. Thus daily behavioral activities such as sleeping, foraging, eating, moving, and resting occur at different times for different animals such that a single habitat is partitioned into temporal niches regulated by light. Most predators are specifically adapted to hunt under particular light conditions (intensity, wavelength) and in most natural habitats, there is a distinct “changing of the guard”, from a suite of animals that are active during the day to a suite of animals that are active at dusk or dawn and/or at night. The majority of activity of many nocturnal and all crepuscular animals tends to occur during the periods of changing natural light levels - the hours at and just after dusk and just prior to dawn. Introducing artificial night lights to an area will change the ambient setting and can adversely impact animals. Significant adverse impacts to these species include avoidance of the lit area, disorientation, disruption of foraging patterns, increased predation risk, disruption of biological clocks, disruption of reproduction, and disruption of dispersal, to name a few. Any one or a combination of these impacts can lead to reduced survival and/or an increase in mortality. While the impacts of light trespass and sky glow and glare may be deemed inconsequential from a human perspective, the impacts of artificial night lights are very significant and adverse from a wildlife perspective, based on their high sensitivity to light levels and their numerous adaptations to making a living at night.

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<sup>75</sup> Chepesiuk, R. 2009. Missing the Dark: Health effects of light pollution. *Environmental Health Perspectives*. v. 117 (1): A20-A-27

Of substantial importance are top predators of the system which regulate the trophic interactions of the ecosystem<sup>76</sup>. These predators (including, but not limited to, mountain lions, bobcats, and coyotes) tend to be most active at night, dawn, and dusk and avoid developed areas by traveling through dark wildlife corridors in the Santa Monica Mountains. Avoidance of development (artificial night lights) effectively decreases the realized range of these species, which can limit prey availability, increase necessary travel, and ultimately impact survival success. Areas that are avoided by medium to large sized carnivores can have an increase in the number of smaller predators which can have a negative effect on avian species of scrub communities<sup>77</sup>. And whereas large animals such as mountain lions, bobcats, and coyotes have relatively large territories, many of the smaller animals have relatively small territories and are unable to avoid development (artificial night lights).

Daylength, light intensity, and light wavelength also play a significant role in regulating patterns of seasonal life-cycle activity such as flowering in plants and migration, dispersal, hibernation, and reproduction in animals. The internal mechanism of the biological clock is responsible for the hormonal, physiological, and anatomical preparation that these activities require<sup>78</sup>. Although not the only parameter, the changing length of day (photoperiod) is the most predictive environmental cue for the seasonal timing of physiology and behavior<sup>79</sup>. Sensitivity to the length of day is often so acute that many species can detect discrepancies in natural light as short as one minute<sup>80</sup>. For many species the stages of their life cycle are set by daylength; research has shown that reproduction cycles are disrupted when artificial night light interferes with species' natural detection systems<sup>81</sup>. Artificial night lights may also interfere with the accurate discernment of seasonal periods of weather conditions, food availability and/or predator activity which is crucial for survival of many species.

Night lighting can also adversely impact migrating birds - more than 60 species of waterfowl, raptors, shorebirds, and songbirds are known to regularly migrate through Ventura and Los Angeles counties; traveling at night and stopping for a time by inland and coastal creeks, wetlands, woods, and neighborhoods on their northward spring and southward fall migrations. Spring migration occurs during the months of late March through May and fall migration occurs during September, October, and the first part of November. Depending on the types of migrating birds, certain pathways (e.g. bordering the ocean, along valleys, etc.) will be more frequented, and certain habitats (woodlands, riparian areas, wetlands) will be more important stopovers, than others. Most migratory movement occurs early in the evening so any impacts to migrating birds due to the intramural field night lighting are likely to occur during the first two to three hours after sunset<sup>82</sup>. Birds that migrate at night use the moon and stars for navigation. During clear weather they appear to be able to distinguish artificial lighting from light emanating from planets and stars. However, during inclement weather, birds can become confused and drawn to artificial lights. This phenomenon has been observed on numerous

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<sup>76</sup> Ibid

<sup>77</sup> California State Parks, Inland Empire District. September 2002. Urban edge effects and their relationship with the natural environment.

<sup>78</sup> Gaston, K.J., T.W. Davies, J. Bennie & J. Hopkins. 2012. Reducing the ecological consequences of night-time light pollution: options and developments. *Journal of Applied Ecology*. v. 49:1256-1266

<sup>79</sup> Zivkovic, B. July 9, 2007. Clock Tutorial #16: Photoperiodism - Models and Experimental Approaches". A Blog Around the Clock. ScienceBlogs.

<sup>80</sup> Ibid

<sup>81</sup> Kempenaers, B., P. Borgström, P. Loës, E. Schlicht and M. Valcu. September 16, 2010. Light is the Friend of Lovers: Artificial night lighting affects songbird behaviour and reproduction. *Current Biology*, Published online.

<sup>82</sup> McCrary, M.D., R.L. McKernan, R.E. Landry, W.D. Wagner & R.W. Schreiber. 1982. Nocturnal Avian Migration Assessment of the San Geronio Wind Resource Study Area. Report Prepared for Research and Development, Southern California Edison Company, Rosemead, California through the Los Angeles County Natural History Museum Foundation, Section of Ornithology, Los Angeles, California.

occasions at lighted buildings, oil platforms, and athletic fields. Once drawn into an artificial light source a number of negative outcomes including mortality can occur; birds may crash into something, circle the light source becoming exhausted, or become confused and drawn off course.

In order to minimize potential adverse individual and cumulative impacts to wildlife and sensitive habitats within the plan area, it is appropriate to limit night lighting to the minimum necessary for safety within the development area of the principal permitted use, limit night lighting for confined animal facilities, and prohibit night lighting for private sports and recreational facilities. The LUP policies limit night lighting for new development in H2 and H3 habitat to the minimum necessary and prohibit night lighting for sports courts and other private recreational facilities. Policy CO-94 requires that exterior lighting be minimized, restricted to low-intensity features, shielded, and cause no light to trespass into native habitat to minimize impacts on wildlife. In addition, Policy CO-94 prohibits night lighting for sports courts or other private recreational facilities, except for minimal lighting for equestrian facilities as provided for in CO-103. LUP Policy CO-103 allows limited night riding for equestrian arenas and round pens. Such facilities may only be permitted on slopes 3:1 or less steep. With over half of the plan area in public ownership for parkland and open space purposes, there is limited private land available that contains adequate area for confined animal facilities that meet the slope requirements, is set back from H1 habitat, and that meet all other requirements of the LCP. According to County staff calculations, of the approximately 50,000 acres in the plan area, only approximately 3,200 acres of private land in mapped H2 habitat have slopes of 3:1 or less steep. Additional area may be available in H3 habitat, although such areas are also limited and most mapped H3 habitats are existing developed areas. As such, given the limited availability of areas that would be suitable for confined animal facilities, limited lighting of such facilities would not result in significant individual or cumulative impacts on H1 or H2 habitats, if restricted to limit illumination and light trespass. Therefore, **Suggested Modification 30** to Policy CO-103 is required to add that the four foot high, downward-directed arena and round pen lighting permitted must also be shielded and use best available Dark Skies technology, and that such lighting may only be allowed where it is demonstrated pursuant to a site-specific evaluation that the lighting will avoid adverse impacts to SERA, including, but not limited to the illumination of any surrounding H1 and H2 habitat areas, including the H1 habitat buffer, and will avoid adverse impacts to scenic resources.

#### *Confined Animal Facility Compliance Program*

Policy CO-12 establishes a permitting program for existing, unpermitted confined animal facilities, which invites such facilities to conform to the LCP policies and regulations to the extent feasible given parcel size and on-site resources, in lieu of enforcement. The policy states that the program shall be extended to facilities that lack Coastal Development Permits, are located on parcels larger than 15,000 square feet, and where it can be documented that the facility existed prior to 2001 and after the effective date of the Coastal Act. If the facility can be brought into full conformity with the LCP, including the livestock management requirements of the LCP for water quality improvement, the facility shall be extended legal status. If it is not feasible to bring the facility into full conformity, but the facility conforms to all water quality measures for livestock management, the facility shall be extended legal non-conforming status.

Under this proposed policy, unpermitted confined animal facilities in the plan area would be allowed to remain as legal non-conforming uses, in perpetuity, even where such facilities cannot be brought in conformance with the LUP policies due to site constraints, as long as water quality provisions and confined animal facility management policies of the LCP are implemented. In other words, if there is

no other location on the property where the LUP would otherwise allow the unpermitted confined animal facility, given, for example, slope and setback/buffer policies of the LCP, the facility could remain in place provided best management practices related to water quality are implemented consistent with the LCP. Pursuant to this policy, it is possible that an unpermitted confined animal facility would be allowed to remain even though the facility has absolutely no setback from a stream and/or could be located on very steeply sloping topography.

Confined animal facilities are one of the most recognized sources of non-point source pollutants since these types of developments are cleared of vegetation and have concentrated sources of animal wastes that are rarely channeled into any sort of sewage conveyance system. Use of corrals and other confined animal facilities generates animal waste, which includes manure, urine, waste feed, and straw, shavings and/or dirt bedding, which can be significant contributors to water quality pollution. The amount of animal waste from just a few animals can be substantial. In addition, animal waste contain organic matter, nutrients such as phosphorous and nitrogen, as well as microbial pathogens such as coliform bacteria which can cause eutrophication and a decrease in oxygen levels resulting in clouding, algae blooms, and other impacts adversely affecting the biological productivity of coastal waters. Other contaminants in runoff from horse facilities can include pesticide residues (fly sprays and wormers), herbicide residues, and chemicals from soaps and other horse-care products. When the pollutants are swept into coastal waters by storm water or other means, they can cause adverse cumulative impacts such as: eutrophication and anoxic conditions resulting in fish kills and diseases and the alteration of aquatic habitat, including adverse changes to species composition and size; excess nutrients causing algae blooms and sedimentation increasing turbidity, which both reduce the penetration of sunlight needed by aquatic vegetation that provide food and cover for aquatic species; disruptions to the reproductive cycle of aquatic species; acute and sublethal toxicity in aquatic organisms leading to adverse changes in reproduction and feeding behavior; and human diseases such as hepatitis and dysentery. These impacts reduce the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes, reduce optimum populations of aquatic organisms, and can have adverse impacts on human health. The Council of Bay Area Resource Conservation Districts notes that:

*“Riparian Buffers...are one of the most effective tools to help assure clean runoff from horse facilities. Buffers can be considered a last line of defense against the natural downslope flow of runoff down streambanks before that runoff reaches the creek. As with all horse keeping practices, buffers should be integrated with other proven pollution control and management practices, and incorporated into a facility’s conservation plan to maximize their effectiveness in protecting overall water quality” (Managing Manure: The Role of Riparian Buffers, Fact Sheet, CBARCD, June 2003).*

A setback distance (for equestrian facilities) from a water course of 100 feet is recommended by the Resource Conservation District of the Santa Monica Mountains<sup>83</sup>. In past permit actions, the Commission has generally required horse facilities to be located a minimum distance of 100 feet from streams, in addition to requiring the employment of best management practices to minimize runoff of pollutants, in order to protect water quality. The 100-foot setback is measured from the outer edge of the riparian canopy. This setback is necessary to provide sufficient area for infiltration of runoff, prevention of erosion and sedimentation, minimization of the spread of invasive exotic plant and animal species, and to allow for an adequate and functional natural vegetation buffer consistent with Coastal Act Sections 30231 and 30240.

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<sup>83</sup> *Managing Manure: The Role of Riparian Buffers, Fact Sheet, CBARCD, June 2003*

The primary functions of buffers are to keep disturbance at a distance from sensitive environmental resources and to provide ecosystem services in benefit of the adjacent ESHA, including water quality. Riparian buffers adjacent to streams and creeks serve to maintain the integrity of the waterway, stabilize the stream banks, reduce pollution, and provide food, habitat, and thermal protection for both terrestrial and aquatic organisms. Riparian buffers benefit aquatic habitat by improving the quality of nearby waters through shading, filtering, and moderating stream flow. Plant roots hold bank soil together and plant stems protect banks by deflecting the cutting action of storm runoff. The vegetation catches dust and pollutants carried by the wind and helps stabilize banks and reduce water velocity and erosion. With the vegetation slowing down the velocity of the runoff, the riparian buffer allows water to infiltrate the soil to help control flooding and runoff pollution. Water infiltration allows sediments and pollutants to settle out, be modified by soil bacteria, and taken up by plants, thereby minimizing the amount of sediment and pollutants that may enter the waterway. However, it is also important that pollution control measures, such as vegetative swales and bioretention basins, be situated on the outer edge of the riparian buffer if feasible in order to allow additional infiltration and absorption of excess nutrients, sediments, and pollutants within the buffer before they reach the creek. Buffers are a last line of defense against the natural flow of runoff down slopes and streambanks before that runoff reaches a waterway. Vegetated buffer areas are especially critical when the nature of the development creates organic and chemical waste and is highly compacting of site soils. These conditions result in reduced site infiltration capacity and increased potential for nutrient, chemical, and sediment-loading of coastal waters.

Even if best management practices and runoff control measures are implemented for confined animal facilities, these measures must be maintained in order to be effective and can be easily overwhelmed in large rain events, which is why a large 100 foot buffer is necessary to filter runoff before entering a stream or drainage course. In addition, on steep slopes these unpermitted confined animal facilities can significantly contribute to erosion and sedimentation of nearby streams even if water quality measures are implemented, as these measures are not as effective on steeply sloping sites. Authorizing these unpermitted facilities without appropriate setback and slope requirements will result in significant adverse impacts to water quality and riparian habitat which is not consistent Coastal Act Sections 30231 and 30240.

In addition, no study or analysis has been conducted by the County to identify the extent and scope of unpermitted confined animal facilities or their location in the Santa Monica Mountains. This type of analysis is required in order to assess the potential adverse cumulative water quality and habitat impacts that could result from the authorization of these facilities through such a policy.

The County argues that the Coastal Commission and the County simply do not have the staff resources to address the large number of unpermitted equestrian confined animal facilities in the Santa Monica Mountains. The County asserts that implementation of water quality measures and best management practices for these unpermitted equestrian facilities will at least provide for some minimal water quality and habitat protections where none exist today. Of the Commission's approximately 500 current open enforcement cases in the plan area, approximately 75 of those open enforcement cases involve unpermitted equestrian-related facilities in the plan area. Unpermitted equestrian-related facilities represent a large number of cases, which presents a significant challenge to Commission staff, especially without additional resources.

The County's proposed approach from a policy and legal perspective is simply not supportable for multiple reasons. First and foremost, the County's comparison of its proposal to the possibility of continuing, unmitigated unpermitted development treats that development as the baseline, even though it was never permitted. The Commission has historically taken the opposite approach, and the courts have upheld this approach. See, e.g., *LT-WR, L.L.C. v. California Coastal Comm'n* (2007) 152 Cal.App.4th 770, 797 ("to enable the Commission to protect coastal resources, and to avoid condoning unpermitted development, the Commission properly reviewed the application as though the unpermitted development had not occurred"). Since we must treat the unpermitted development as if it were not there, the appropriate assessment of the impact of the County's proposal is that it will result in on-going long term adverse impacts to the water quality of stream/coastal waters and riparian habitats, which is clearly not consistent with water quality and habitat protection policies of the Coastal Act. While a grandfathering, or amnesty, provision may be appropriate in some limited cases where these provisions do not result in significant on-going adverse impacts to coastal resources, this is not the case with County's proposed policy to deal with unpermitted confined animal facilities.

Second, from a policy perspective, the County's proposal would effectively sanction illegal development, which the Commission cannot condone. In addition, the argument that the problem of unpermitted development in the Santa Monica Mountains is so significant that it is simply impossible to enforce the law is again problematic from a legal and policy standpoint. Under this logic, where would one draw the line for grandfathering other types of unpermitted development that would also result in adverse impacts to coastal resources?

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 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).

However, a programmatic approach through the LCP that encourages a path towards compliance for unpermitted confined animal facilities can be framed in a way that does not violate the Coastal Act. Policy measures could include provisions to: encourage compliance through education, public outreach and technical assistance; reductions in permitting fees; reducing or eliminating fines for a limited period of time; allowing limited retention of the unpermitted development that may include some reduced setback/buffer and slope requirements in order to allow the landowner time to bring the facility into compliance; and grant programs that assist landowners to bring the facility into compliance. These are just a few of the possible compliance measures that could be incorporated into the LUP as a means to bring unpermitted confined animal facilities into compliance with the LUP.

Therefore, for the reasons stated above, the Commission finds that **Suggested Modification 3** is necessary to delete the provision from Policy CO-12 that would allow for the retention of unpermitted confined animal facilities that cannot be brought into conformance with the requirements of the LUP.

In conclusion, the Commission finds that the agriculture and confined animal facility policies of the LUP, if modified as suggested, meet the requirements of, and are in conformity with, the land and marine resource policies of Chapter 3 of the Coastal Act.

## **12. Habitat Impact Mitigation and the Resource Conservation Program (RCP)**

The proposed LUP prohibits development within H1 habitats, except for resource dependent uses and certain other limited uses discussed previously. Policy CO-87 requires habitat mitigation for unavoidable permanent impacts to H1 habitat for one of the non-resource-dependent uses allowed by Policy CO-41 within H1 habitat by, at a minimum, restoration and/or enhancement of like habitat type, at the ratio of 4:1 (acres of restored habitat to each acre of impacted H1 habitat) for wetland habitat, or the ratio of 3:1 (acres of restored habitat to each acre of impacted H1 habitat) for all other H1 habitat types. The policy requires that priority be given to onsite restoration or enhancement, unless there is not sufficient area of disturbed habitat on the project site, in which case off-site mitigation may be allowed. In past permit actions in the Santa Monica Mountains, the Commission has required this type and ratio of habitat impact mitigation for unavoidable impacts to H1 type habitats such as wetland, stream, woodland, and riparian habitats. Due to interim losses in habitat acreage and functional capacity, and because the success and resulting value of compensatory mitigation projects are uncertain, the mitigation ratios proposed are necessary to compensate for the habitats lost through development. The Commission finds that the requirements of Policy CO-87 will ensure that unavoidable adverse impacts to H1 habitat from one of the limited allowed non-resource dependent uses in H1 habitat will be fully mitigated.

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

In past permit actions in the Santa Monica Mountains, the Commission has required the option of three methods for providing mitigation of unavoidable impacts to chaparral and coastal sage scrub-type ESHA. The first method is to provide mitigation through the restoration of an area of degraded habitat that is equivalent in size to the area of habitat impacted by the development. The restored habitat must be permanently preserved through the recordation of an open space easement. The second habitat impact mitigation method is habitat conservation. This includes the conservation of an area of intact habitat equivalent to the area of the impacted habitat. The parcel containing the habitat conservation area must be restricted from future development and permanently preserved. The third habitat impact mitigation option is an in-lieu fee for habitat conservation. The fees required through permits are used to acquire or preserve habitat as mitigation. The payment is based on the cost per acre to restore or create comparable habitat types, and the acreage of habitat affected by the project. The Commission has, in past permit decisions, determined that the appropriate mitigation for loss of coastal sage scrub

or chaparral ESHA be based on the actual installation of replacement plantings on a disturbed site, including the cost of acquiring the plants (seed mix and container stock) and installing them on the site (hydroseeding and planting). The payment amount previously found by the Commission to be appropriate to provide mitigation for the habitat impacts to ESHA areas where all native vegetation will be removed (building site, the “A” zone required for fuel modification, and off-site brush clearance areas), and where vegetation will be significantly removed and any remaining vegetation will be subjected to supplemental irrigation (the “B” zone or any other irrigated zone required for fuel modification) is \$12,000 per acre. Further, the Commission has required a payment of \$3,000 per acre for areas where the vegetation will be thinned, but not irrigated (“C” zone or other non-irrigated fuel modification zone).

The County proposes a different approach in the subject LUP. In order to mitigate any unavoidable adverse impacts to H2 habitat, or to H1 habitat from the provision of less than a 100-foot H1 habitat buffer, from permitted development, LUP Policy CO-86 states that a Resource Conservation Program (RCP) will be implemented by the County. The program consists of the expenditure of funds by the County (no less than \$2,000,000) over a ten-year period for the acquisition of land containing substantial areas of habitat identified on the LUP Biological Resources Map as H1 or H2 habitats, or other properties in the coastal zone of the Santa Monica Mountains that contain critical habitat and/or wildlife linkages or other significant habitat values, as determined by the County. The policy states that the County will prepare annual reports summarizing habitat acquisitions made, coastal development permits issued, including the number of acres of H1 and H2 habitats impacted by development approved in issued coastal development permits, and the amount of habitat impact mitigation fees that would otherwise be required in order to approximate the value of the habitats impacted for purposes of analyzing the progress and success of the program. The LUP policy states that the County will conduct a habitat impact mitigation in-lieu fee study. The purpose of the fee study is to determine the appropriate habitat impact mitigation fee that is proportional to development impacts upon H2 habitat, and H1 habitat from the provision of less than a 100-foot H1 habitat buffer, and the estimated reasonable costs of land/habitat acquisition that the fees would be used for.

The Mitigation Fee Act (MFA), contained in California Government Code Sections 66000 *et seq.*, guides the adoption and collection of development impact fees by local agencies. The MFA requires local agencies adopting impact fees to show that there is a reasonable relationship (“nexus”) between the type of impacts, the use of fee revenue, and the development projects upon which the fee is imposed. The MFA also requires local agencies to show that the amount of the fee is roughly proportional to the impact of development projects and the estimated reasonable cost of plan activities that would be required to mitigate those impacts. The fee that is determined to be appropriate pursuant to the fee study would require an amendment to the LCP, which must be certified by the Coastal Commission.

In this case, the fee that is determined to be appropriate pursuant to the fee study would be used for several purposes:

- (1) to analyze the progress and success of the RCP by comparing the County’s habitat acquisitions with the habitat mitigation fee (valuation of off-site compensatory mitigation for habitat impacts) that would otherwise apply to mitigate habitat impacts from approved development in the absence of the RCP;

- (2) to apply to coastal development permits approved by the County, as a condition of approval, to mitigate habitat impacts from approved development, in the event the RCP is discontinued;
- (3) to apply to coastal development permits approved by the County, as a condition of approval, to mitigate habitat impacts from approved confined animal facilities that involve:
  - a) expansion of fuel modification requirements for the principal permitted use from confined animal facility structures, and/or b) equestrian pasture sited outside of the fuel modification area of a principal permitted use. The County has determined that neither of these uses would be covered in the RCP, and that the in-lieu fee must be determined pursuant to the fee study prior to issuance of any coastal development permits for these two uses.

Policy CO-86 indicates that for the purposes of the RCP, the County will use the Coastal Commission's current habitat impact mitigation in-lieu fee for the first five years following certification of the LCP, during which time they will conduct their own in-lieu fee study. After the initial five year period and completion of a fee study, the County would then use the new fee that is approved pursuant to an LCP amendment for purposes of tracking progress and success of the RCP, and to require by special condition of individual coastal development permits that permit certain confined animal facility uses that are not covered in the RCP.

Policy CO-86 states that at the close of the initial five year period, and again at the close of the ten year term of the RCP, the County and the Coastal Commission shall meet to cooperatively consider the information contained in the annual monitoring reports for the RCP. The results of these discussions shall be reported to the Coastal Commission with a recommendation from Coastal Commission staff as to whether the RCP has provided over the first five years of its operation at least an equivalent means of protecting sensitive habitat than the in-lieu fee acting alone would have provided. If these discussions and recommendations provided by the Coastal Commission staff, if any, demonstrate that changes to the RCP are needed to ensure that the RCP provides at least an equivalent means of protecting sensitive habitat than would the in-lieu fee alone, the County shall prepare an LCP amendment to modify the RCP. If the County implements an extension of the RCP, or a similar program, the terms of such program shall be incorporated into the LCP as an LCP amendment certified by the Coastal Commission. Any expenditure exceeding the allocated \$2,000,000 for the RCP may be credited proportionately to the new term.

Further, Policy CO-86 states that when one of the following events occurs: 1) the ten year RCP period ends; or 2) the LCP amendment required to change or extend the RCP results in termination of the program; or 3) the County elects to discontinue the RCP, individual coastal development permits processed that involve adverse impacts to SERA will be conditioned to include the imposition of the required in-lieu habitat impact mitigation fee. Fees required will go into a "Habitat Impact Mitigation Fund" that would be administered by the County and used to purchase properties that contain substantial areas of habitat identified on the Biological Resources Map as H1 habitat or other properties that contain critical habitat and/or wildlife linkages or other significant habitat values for the Santa Monica Mountains as determined by the County.

The program outlined in Policy CO-86 would provide in-kind, off-site compensatory mitigation for unavoidable adverse impacts to H2 habitat, and to H1 habitat from the provision of less than a 100 foot buffer, from permitted development. The intent of the program is to provide an effective mitigation

program where the County commits funds over a ten year period to acquire and conserve intact areas of sensitive habitats. The County would track the progress of the program annually, by comparing the type, acreage, and value of habitats impacted through individual permit actions with the type, acreage, and value of habitats preserved by County acquisition of properties. The in-lieu fee that is determined to be appropriate pursuant to the fee study required by Policy CO-86 will serve as an important metric to ensure adequate compensatory funds are allocated for the RCP, and in case the RCP is discontinued for any reason, the in-lieu mitigation fee would be assessed to individual permit applicants on a project-by-project basis where there are impacts to SERA. The policy states that the RCP would be reviewed by the County, in coordination with Coastal Commission staff, after the first five years, and at the close of the ten year RCP commitment period, to ensure the program is adequately compensating for habitat impacts permitted through permit actions.

The RCP will represent a regionally significant opportunity for larger scale conservation of habitat. The program makes funding immediately available for mitigation, rather than the incremental and unpredictable generation of mitigation funds by fee assessment through individual permit actions, which will enhance the scale and timeliness of habitat acquisitions for compensatory mitigation. The program is intended to focus conservation efforts on large, intact, and strategically-located mitigation sites that are of at least equal resource value to the affected habitats, and which have the advantage of economy of scale. This approach has the potential to function more efficiently and effectively than the Coastal Commission's current habitat impact mitigation in-lieu fee program.

In prior permit actions by the Commission in the Santa Monica Mountains, in-lieu fees required for habitat impact mitigation for individual projects have gone into the Coastal Habitat Impact Mitigation Fund (managed by the Mountains Recreation and Conservation Authority) for the acquisition and permanent preservation of habitat areas and properties adjacent to public parklands. Within the last twelve years since the in-lieu fee requirement has been instituted in Commission permit actions to mitigate for ESHA impacts in the Santa Monica Mountains, the Fund has collected approximately \$850,000 from roughly 50 approved coastal development permits where the applicants have satisfied the habitat impact mitigation condition of the permit. To date, almost \$600,000 of that amount has been spent toward acquisition of habitat. The in-lieu fee amounts required in past permit actions by the Commission warrant reevaluation to ensure that the true cost of habitat acquisition for compensatory impact mitigation is provided. Further, the fee has not been adjusted for inflation since it was instituted in 2002. The County proposes to reevaluate the habitat impact mitigation in-lieu fee through a fee study within five years of LCP certification. In order to allow the County time to conduct a fee study, the Commission finds it appropriate for the County to use the Commission's current habitat impact mitigation in-lieu fee amounts for a limited, transitional period of time (five years), if adjusted for inflation. **Suggested Modification 22** reflects the Commission's current habitat impact in-lieu fee requirements, as adjusted for inflation.

Although the concept and general intent of the proposed RCP contained in Policy CO-86 may be an appropriate habitat impact mitigation program for the plan area, Policy CO-86 lacks clarity and adequate triggers for implementation of the various components of the RCP. This requires adding more specificity and re-organizing the policy to provide the clarity that is necessary for successful implementation. As such, **Suggested Modification 22** is required to clarify that the RCP is an in-kind, off-site compensatory habitat impact mitigation program that will not just acquire habitat properties, but provide permanent preservation of those areas as well. Suggested Modification 22 provides that the properties acquired should contain substantial areas of actual H1 and/or H2 habitats. The County's proposed version of the policy indicates that the properties must contain land identified on the

Biological Resources Map as H1 or H2 habitats, or other properties that contain critical habitat, wildlife linkages, or other significant habitat values. However, if the program is going to compensate for adverse impacts to H2 and H1 habitats, the land acquired for off-site mitigation must contain lands that are confirmed to contain substantial areas of H1 and/or H2 habitats. Further, the RCP must demonstrate that lands preserved are proportional to the habitats impacted in area and habitat value and function. This is a critical component of any off-site compensatory mitigation program and requires close tracking of the area and classification of habitats acquired and preserved, as well as the area and classification of habitats impacted by permitted actions and the in-lieu fee that would otherwise be required.

Suggested Modification 22 also clarifies that the in-lieu fee derived from the fee study that is to be prepared within five years is submitted to, and considered by, the Coastal Commission through an LCP amendment, and that no CDPs that involve habitat impacts subject to the program after the five year period shall be processed until the amount of the fee is incorporated into the LCP through a certified LCP amendment. Suggested Modification 22 clarifies the necessary components of the RCP annual monitoring report to ensure successful monitoring, including the applicable habitat impact mitigation fee needed to analyze progress achieved in relation to habitat impacts approved through CDPs.

Further, it must be clarified that the County should initiate an LCP amendment to modify the RCP policy, in coordination with Coastal Commission staff, if program monitoring reveals that the RCP is not meeting its goals of providing adequate and proportional mitigation, or if the program is discontinued for any reason. In addition, Suggested Modification 22 provides clarification regarding the circumstances in which an in-lieu fee would be required as a condition of approval of individual projects: (1) when the earliest of the following events occurs: a) the ten year period of the RCP ends; or b) the cumulative amount of the Habitat Impact Mitigation Fee required for issued CDPs exceeds the minimum \$2,000,000; or c) at such time as the County elects to discontinue the RCP; and (2) when confined animal facilities and/or equestrian pasture are approved outside the required fuel modification area of the principal permitted use on a property pursuant to Policy CO-57, CO-103 or CO-104. As a condition of approval on each coastal development permit for development subject to the provisions of this policy the County must require the payment of the in-lieu fee into the "Habitat Impact Fund" administered by the County. The proceeds of the "Habitat Impact Fund" shall be used by the County to purchase and permanently preserve properties that contain substantial areas of H1 and/or H2 habitat in the coastal zone of the Santa Monica Mountains.

If modified as suggested, the Commission finds that the habitat impact mitigation program policies of the LUP meet the requirements of, and are in conformity with, the land and marine resource policies of Chapter 3 of the Coastal Act.

### **13. New Development**

New development can adversely impact environmentally sensitive habitat areas (H1 and H2 habitats) through many means including, but not limited to, grading, landform alteration, vegetation clearance, erosion, sedimentation runoff, stream siltation, and reduced water percolation. Additionally, wildlife can be impacted by fencing that blocks migration and by artificial night lighting. In order to protect habitat values as required by Section 30240 of the Coastal Act, the Commission finds that it is necessary to consider alternatives for siting and designing development in order to ensure that the alternative chosen is the one that avoids adverse impacts to H1 habitat ESHA and avoids – or at least minimizes (when allowance of some impacts is necessary to avoid a constitutional taking of private

property) – impacts to H2 habitat ESHA. As discussed previously, the biological resource protection approach of the LUP consists of (1) the preservation of the habitats of highest biological significance and sensitivity (H1 habitat, which is ESHA) by a policy that prohibits most new development, and (2) the protection of habitats of high biological significance and sensitivity (H2 habitat, which is ESHA) that are critical to the ecological vitality and diversity of the Santa Monica Mountains by strict development regulations to avoid, or minimize and fully mitigate, impacts to the habitat by new development to protect the habitat from significant disruption of habitat values.

LUP Policy CO-44 establishes the order of prioritization for siting new development in consideration of the LUP's habitat categories. New development is required to be sited in a manner that avoids the most biologically-sensitive habitat onsite where feasible, while not conflicting with other LCP policies, in the following order of priority: H1, H2 High Scrutiny, H2, H3. Priority shall be given to siting development in H3 habitat, but outside areas that contain undisturbed native vegetation that is not part of a larger contiguous habitat area. If infeasible, priority shall be given to siting new development in such H3 habitat. If it is infeasible to site development in H3 habitat areas, development may be sited in H2 habitat if it is necessary to give property owners economically viable uses of their property or uses consistent with reasonable investment-backed expectations and the development is consistent with the specific limitations and standards for development in H2 habitat and all other provisions of the LCP. New development is prohibited in H1 habitat except in very limited circumstances for a use that is specifically provided for pursuant to Policy CO-41.

#### *Siting and Design Alternatives to Minimize Significant Disruption of Habitat Values*

Alternative locations must be considered for siting proposed development on a project site. The alternative location that must be chosen for new development is the one that minimizes grading and landform alteration, limits the removal of natural vegetation, and minimizes the length of the approved access road or driveway. These siting and design measures will ensure that impacts from soil erosion, stream siltation, reduced water percolation, increased runoff on sensitive resources will be avoided and minimized, as required by the land and marine policies of the Coastal Act. New development can be sited and designed to minimize ESHA impacts by measures that include but are not limited to: limiting the size of structures, limiting the number of accessory structures and uses, clustering structures, siting development in any existing disturbed habitat areas rather than undisturbed habitat areas, locating development as close to existing roads and public services as feasible, and locating structures near other residences in order to minimize additional fuel modification.

Where all feasible building sites and any required fuel modification on a parcel would be located in H2 habitat, LUP Policy CO-51 establishes the maximum "building site" area that would be allowed. The building site area in such cases may not exceed 10,000 square feet, or 25 percent of the parcel size, whichever is less. Policy CO-51 also extends this building site limitation to development in H3 habitat, which does not constitute ESHA, but have been determined by the County to contain some habitat value and function that warrants development limitations. As discussed previously, **Suggested Modification 13** is required to clarify that the building site area limitation shall apply to all new development in H2 habitat (a habitat that constitutes ESHA), not just new residential development. Further, Policy CO-74 requires new development to be clustered to the maximum extent feasible and located as close as possible to existing roadways, services and other developments to minimize impacts to biological resources.

### *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. The Commission 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. Therefore, the open space easement requirements of the LUP employ the most effective 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.

### *Fuel Modification for Fire Protection*

While impacts resulting from development within H2 habitat can be reduced through siting and design alternatives for new development, they cannot be completely avoided, given the high fire risk in the Santa Monica Mountains and the resulting need to modify fuel sources around the development to protect life and property from wildfire. Fuel modification is the removal or modification of

combustible native or ornamental vegetation. It may include replacement with drought tolerant, fire resistant plants. The amount and location of required fuel modification will vary according to the fire history of the area, the amount and type of plant species on the site, topography, weather patterns, construction design, and siting of structures. There are typically three fuel modification zones applied by the Los Angeles County Fire Department, which include a setback zone immediately adjacent to the structure (Zone A) where all native vegetation must be removed, an irrigated zone adjacent to Zone A (Zone B) where most native vegetation must be removed or widely spaced, and a thinning zone (Zone C) where native vegetation may be retained if thinned or widely spaced although particular high-fuel plant species must be removed. The combined required fuel modification area around structures can extend up to a maximum of 200 feet. If there is not adequate area on the project site to provide the required fuel modification for structures, then brush clearance may also be required on adjacent parcels. In this way, for a large area around any permitted structures, native vegetation will be cleared, selectively removed to provide wider spacing, and thinned. The Commission has found in past permit actions, that a new residential development (with a 10,000 sq. ft. development area) within ESHA with a full 200 foot fuel modification radius will result in impact (either complete removal, irrigation, or thinning) to surrounding habitat of four to five acres.

The LUP policies acknowledge that vegetation will be required by the Fire Department to be removed, thinned or otherwise modified around new buildings in order to minimize the risk of fire hazard. Fuel modification on the project site and brush clearance, if required, on adjacent vacant sites reduces the fire risk for new or existing structures. The LUP allows for required fuel modification to minimize the risk of fire. However, native vegetation that is cleared and replaced with ornamental species or substantially removed and widely spaced will be lost as habitat and watershed cover. As discussed in the Dr. Dixon Memorandum (*supra* at page 65), the cumulative loss of habitat cover also reduces the value of the sensitive resource areas as a refuge for birds and animals, for example by making them—or their nests and burrows—more readily apparent to predators. Further, fuel modification can result in changes to the composition of native plant and wildlife communities, thereby reducing their habitat value.

LUP policies require new development be sited and designed to minimize required fuel modification and brushing to the maximum extent feasible in order to minimize habitat disturbance or destruction, removal or modification of natural vegetation, and irrigation of natural areas, while providing for fire safety. Where clearance to mineral soil is not required by the Fire Department, fuel load shall be reduced through thinning or mowing, rather than complete removal of vegetation. All vegetation removal, thinning and mowing required for new development must avoid disturbance of wildlife and special-status species, including nesting birds. Development shall utilize fire-resistant materials and alternative fuel modification measures, including but not limited to landscaping techniques to preserve and protect habitat areas, buffers, designated open space, or public parkland areas, may be approved by the Fire Department only where such measures are necessary to protect public safety. Policy SN-22 requires that new development minimize risks to life and property from fire hazard by avoiding hazardous topographic locations, such as ridgelines, chimneys, steep draws, and saddles. These measures will help to minimize the amount of fuel modification that is required as well.

LUP policies require that applications for new development shall include a fuel modification plan for the project site, approved by the County Fire Department. New development applications shall include the total acreage of natural vegetation that would be removed or made subject to thinning, irrigation, or other modification by the proposed project, including building pad and road/driveway areas, as well as required fuel modification on the project site and brush clearance on adjoining properties. This

information will be used by the decision-maker to assess the adverse impacts of the project and to identify potential project alternatives that can minimize such impacts. Further, LUP policies require that impacts to ESHA from the removal, conversion, or modification of natural habitat for new development including fuel modification and brush clearance must be mitigated.

The Commission finds that the fuel modification policies of the LUP, by requiring that development is sited and designed to minimize required fuel modification to the extent feasible, and requiring mitigation of impacts to ESHA that cannot be avoided, will minimize impacts to ESHA and therefore meet the requirements of and are in conformity with the land and marine resource policies of Chapter 3 of the Coastal Act.

#### *Minimization of Grading and Vegetation Removal*

Grading for new development in areas that are near H1 (particularly riparian and stream areas), within H2 habitat, on steep slopes, or in large areas or volumes, greatly increases the potential for erosion and sedimentation, especially if conducted during the rainy season. The LUP requires that new development be sited and designed to minimize grading. Non-emergency grading operations during the rainy season (extending from October 15 to April 15) are prohibited. The LUP requires that land disturbance activities of construction (e.g., clearing, grading, and cut-and-fill), especially in erosive areas (including steep slopes, unstable areas, and erosive soils), be minimized to avoid detrimental water quality impacts caused by increased erosion or sedimentation. The use of erosion control Best Management Practices are required, and all graded and other disturbed areas must be landscaped or revegetated with primarily locally-indigenous plants at the completion of grading. Invasive plant species may not be used as they will supplant native plants and lead to the degradation of natural habitats. Policy CO-54 requires the use of primarily locally-indigenous plant species in landscape areas within Fuel Modification Zones A and B of structures requiring fuel modification. Non-locally-indigenous plants and gardens that are not invasive may be allowed within the building site area and in Fuel Modification Zones A and B, with associated irrigation, provided that the species are consistent with Fire Department requirements. Although non-invasive non-native plants and gardens may be permitted within the approved building site area and the irrigated fuel modification zones (Zones A and B), landscaping shall still consist of primarily locally-indigenous plant species in order to minimize adverse effects to the indigenous plant communities of the Malibu/Santa Monica Mountains area and to minimize the need for irrigation. Further, the removal or trimming, thinning or other reduction of natural vegetation, including locally-indigenous vegetation, is prohibited except when required for construction of an approved development and/or for compliance with fuel modification requirements for approved or lawfully-existing development. This limitation avoids loss of natural vegetative cover resulting in unnecessary erosion in the absence of adequately constructed drainage and run-off control devices and implementation of required landscape and interim erosion control plans.

In addition, LUP policies require grading, landform alteration, and vegetation removal for access roads and driveways be minimized to the greatest extent feasible. The length, width, and grade of all access roads and driveways, including hammerhead turnarounds, shall be the minimum necessary required by the Fire Department to provide access to the one approved building site area on a legal parcel. In no case shall new on-site or off-site access roads, or driveways as measured from the nearest public road, exceed a maximum of 300 feet or one-third the parcel depth, whichever is less, unless the County finds, based on substantial evidence, that a variance of this standard is warranted. Access for geologic testing (or percolation or well testing) shall use existing roads or track-mounted drill rigs where

feasible. Where there is no feasible access, a temporary access road may be permitted when it is designed to minimize length, width and total grading to that necessary to accommodate required equipment. All such temporary roads shall be restored to the maximum extent feasible through grading to original contours, re-vegetating with native plant species indigenous to the project site, and monitoring to ensure successful restoration.

Further, Policy LU-12 requires that the extension of water, sewer, and utility infrastructure for new development be located within existing roads and road rights-of-way, and that environmental review be required where such infrastructure could result in potential growth-inducing impacts. However, the policy requires greater specificity to provide a clear standard and intent that is protective of resources and avoids growth-inducing impacts. **Suggested Modification 48** to Policy LU-12 is necessary to clarify that such infrastructure shall be sited within legally existing roads and road rights-of-way in a manner that avoids adverse impacts to coastal resources to the maximum extent feasible. Such infrastructure shall also be sized to provide only for the approved development to avoid growth-inducing impacts.

These measures will ensure that new development is sited and designed to minimize grading, landform alteration, runoff, erosion, and sedimentation, which will minimize impacts to ESHA and marine resources.

### *Fencing*

Fencing can adversely impact the movement of wildlife. Policies CO-81 and CO-82 prohibit fencing or walls within H1 habitats, including riparian, bluff, or dune habitat, or within 100 feet of H1 habitat, except where necessary for public safety, habitat protection, or restoration, and limited to wildlife permeable fencing. However, temporary fencing that is not wildlife permeable may be allowed if it is specifically required to temporarily keep wildlife from habitat restoration areas. Policy CO-82 limits fencing in H2 habitat to that necessary for safety and designed to allow wildlife to pass through, where limited to the immediate building site area, and extending no further than the outer extent of Fuel Modification Zone B (100 feet from structures that require fuel modification). Perimeter, barbed-wire, and chainlink fencing are prohibited. These policies will allow for the free passage of wildlife within the plan area.

Fencing for confined animal facilities, including equestrian pasture, is allowed pursuant to Policies CO-83, CO-103, and CO-104. Fencing may be wildlife permeable or non-wildlife permeable, as provided in Policy CO-83. The County has indicated that non-wildlife permeable fencing for animal containment facilities will be allowed to prevent animal injury and escape. However, non-wildlife permeable fencing can impede the free movement of wildlife through an area. Depending on the fencing configuration and maximum confined animal area allowed on any given site, which can include all areas within the fuel modification area (4-5 acres) that contains slopes that are 3:1 or less and up to a maximum of two additional acres outside the fuel modification area, and any fencing or obstacles on adjacent properties, the movement of wildlife species among and between habitats can be significantly impacted. To allow limited non-wildlife permeable fencing for animal containment facilities while ensuring that adequate wildlife corridors are maintained, **Suggested Modification 21** to Policy CO-83 is required to clarify that non-wildlife-permeable fencing for animal containment facilities may be allowed only where it is demonstrated, pursuant to a site-specific biological evaluation, that the layout and extent of the fencing will not significantly impede wildlife movement through a property or through the surrounding area.

### *Solar and Wind Energy Systems*

To avoid removal or modification of native vegetation and H2 habitat for ground-mounted solar energy devices, Policies CO-145 and LU-50 require that solar energy devices/panels be located on the rooftops of permitted structures, where feasible. If roof-mounted systems are infeasible, ground-mounted systems may be allowed only if sited within the building site area of permitted development. Wind energy systems are prohibited.

### *Herbicides, Insecticides and Rodenticides*

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

### *Public Road Repair Projects*

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

determined to be infeasible to avoid habitat areas, removal of habitat shall be minimized to the extent feasible and all feasible mitigation measures shall be provided. Habitat areas temporarily disturbed by grading and/or construction activities shall be revegetated with native plant species appropriate for the type of habitat impacted, pursuant to a restoration plan. Detailed restoration plan requirements are outlined in Policy CO-101. Policy CO-87 requires that mitigation for habitat areas that are permanently removed or impacted be provided by either on-site or off-site restoration as a condition of approval. However, given the mitigation options that are provided in proposed LUP policies CO-86 and CO-87, greater clarity is required to ensure permanent impacts to H1 and H2 habitats are adequately mitigated. As detailed in Policy CO-87, permanent impacts to H1 habitat from permitted development are to be provided by restoration and/or enhancement of like habitat type, at the ratio of 4:1 (acres of restored habitat to each acre of impacted H1 habitat) for wetland habitat, or the ratio of 3:1 (acres of restored habitat to each acre of impacted H1 habitat) for all other H1 habitat types. Priority shall be given to onsite restoration or enhancement, unless there is not sufficient area of disturbed habitat on the project site, in which case off-site mitigation may be allowed. Adverse impacts to H2 habitat may be mitigated by the provisions of Policy CO-86, which is the Resource Conservation Program. Therefore, **Suggested Modification 25** to Policy CO-95 is required to clarify that permanent adverse impacts to H1 habitat areas from public works projects shall be mitigated through either on-site or off-site restoration as a condition of approval, and permanent adverse impacts to H2 habitat areas from public works projects shall be mitigated through either the RCP, or on-site or off-site restoration as a condition of approval.

#### *Public Accessways, Trails, and Low-Impact Campgrounds*

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

To protect seabird-nesting areas, Policy CO-89 prohibits new structures on bluff faces except for stairs or accessways to provide public beach access. Pedestrian access shall also be prohibited on bluff faces except along existing, formal trails or stairways. Further, Policy CO-90 requires that new recreational facilities or structures on beaches shall be designed and located to minimize impacts to H1 habitat and marine resources. However, to ensure consistency with Coastal Act Section 30240, **Suggested Modification 23** is required to clarify new recreational facilities and structures on beaches must be sited and designed to *avoid* impacts to H1 habitat and marine resources.

The Commission finds that the LUP policies discussed above, as suggested to be modified, meet the requirements of and are in conformity with the land and marine resource policies of Chapter 3 of the Coastal Act.

#### **14. Land Divisions**

As discussed in greater detail in Section G.9, all land divisions constitute development and must be authorized in a coastal development permit. The LUP defines “land division” to include: “division of improved or unimproved land, including subdivisions (through parcel map or tract map), and any other divisions of land including lot splits, lot line adjustments, redivisions, mergers, and legalization of lots created unlawfully through the approval of a certificate of compliance or other means.”

Policies CO-52 and CO-75 address land divisions (including lot line adjustments) with regard to biological resources. Policy CO-52 states that subdivisions shall be subject to other policies (LU-9 and LU-17) found in the Land Use Element. This policy is duplicative since it merely refers to two other policies in the LUP. Additionally, this policy could be confusing since new development is subject to all applicable LUP policies. In order to avoid confusion, **Suggested Modification 14** requires the deletion of Policy CO-52.

Policy CO-75 provides that land divisions shall only be permitted where each new parcel contains a building site, access road and required fuel modification area for structures within the building site that are all located outside of H1 habitat, H1 buffer, and H2 “High Scrutiny” habitat. This policy further contains the same restrictions with regard to H2 habitat, but with the caveat that land divisions can only be approved where each new parcel contains a building site, road, and required fuel modification area that are all located outside of H2 habitat “to the maximum extent feasible”. Finally, CO-75 allows for the creation of a new open space parcel in any habitat category as long as it dedicated only to open space in perpetuity.

Policy LU-9 contains provisions similar to CO-75, although it states that land divisions shall only be permitted where each new parcel contains a building site, access road and required fuel modification area that are all located outside of H1 habitat. This policy does not address land divisions that involve H1 buffer, H2 or H2 “High Scrutiny” habitat areas. Policy LU-9 states that lots created entirely as dedicated open space are exempt from these provisions.

The Commission, through past permit actions in the Santa Monica Mountains, has not allowed land divisions in H2 habitat (coastal sage scrub & chaparral ESHA) as these land divisions are not considered resource dependent uses and result in the creation of new developable parcels and building sites that result in the direct removal and disturbance of ESHA. Land divisions in the Santa Monica Mountains are most commonly proposed to facilitate the future construction of residential development. The creation of additional legal parcels within H2 habitat would result in additional significant impacts to ESHA. The additional impacts result from the future development of an additional building site area (maximum 10,000 sq. ft.), driveway, turnaround, structures, uses, and required fuel modification area for structures on each additional lot created. The additional impact resulting from the creation of an additional parcel through a land division would vary (with clustering of building site areas to the extent feasible, consistent with other LUP policies) from approximately 3 acres to a maximum of 5 acres of H2 habitat removal on every new parcel created (an approximately 100% increase over the existing parcel). The removal of ESHA for a building site on a newly created parcel is clearly inconsistent with Section 30240 of the Coastal Act, as this use is not a resource

dependent use. However, this inconsistency with the Coastal Act may still be approvable if there is a conflict between Chapter 3 policies that must be resolved. Section 30007.5 of the Coastal Act states:

*The Legislature further finds and recognizes that conflicts may occur between one or more policies of the division. The Legislature therefore declares that in carrying out the provisions of this division such conflicts be resolved in a manner which on balance is the most protective of significant coastal resources. In this context, the Legislature declares that broader policies which, for example, serve to concentrate development in close proximity to urban and employment centers may be more protective, overall, than specific wildlife habitat and other similar resource policies.*

And Coastal Act Section 30200(b) (in Chapter 3) states:

*Where the commission or any local government in implementing the provisions of this division identifies a conflict between the policies of this chapter, 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.*

To be certified by the Commission, the proposed LUP must fulfill the requirements of, and be in conformity with the policies of Coastal Act Chapter 3 (Sections 30200 through 30265.5). In general, an LCP amendment must be consistent with all relevant Coastal Act policies in order to be approved. Thus, if a proposal is inconsistent with one or more Coastal Act policies, it must normally be denied, or suggested modifications must be included to make it consistent with all relevant policies.

However, the Legislature also recognized that conflicts can occur among applicable Coastal Act policies. It therefore declared that when the Commission identifies a conflict between one or more policies in Chapter 3, such conflicts are to be resolved “in a manner which on balance is the most protective of significant coastal resources” (Sections 30007.5 and 30200(b)). The Legislature also recognized that when a conflict exists, broader policies such as the policy to concentrate development in close proximity to urban and employment centers may be more protective, overall, than specific wildlife habitat and other similar resource policies (Section 30007.5). The first step is to establish that the proposal presents a conflict between one or more statutory directives contained in Chapter 3 of the Coastal Act. The fact that a proposal is consistent with one directive of Chapter 3 and inconsistent with another directive does not necessarily result in a conflict. Rather, the Commission must find that to deny the proposal based on the inconsistency with one directive will result in coastal zone effects that are themselves inconsistent with another Chapter 3 directive.

As previously noted above, the creation of new parcels and building sites in H2 habitat that will result in the removal H2 habitat (ESHA) is not consistent with Section 30240. However, Section 30250 of the Coastal Act provides that:

*“New residential . . . development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.”*

The existing configuration of parcels in the Santa Monica Mountains includes many isolated and remote parcels. If each of these parcels were to be developed, it could result in a sprawling patchwork

of isolated development sites. If a program could allow some of the less isolated sites to be divided in exchange for removing other sites so as to reduce the dispersed development pattern, rejecting such an option would be in conflict with the concentration of development mandate of section 30250. Thus, since both approval and denial of this proposal would have coastal zone effects inconsistent with some Chapter 3 Coastal Act policy, there is a conflict that the Commission must resolve in a manner that, on balance, is most protective of significant coastal resources. For the reasons explained more fully below, the Commission finds that the authorization of land divisions in H2 habitat pursuant to a program that would result in the transfer and concentration of existing development rights to locations that would preserve greater areas of H2 habitat in a manner that is superior to the existing pre-land division configuration would be overall more protective of coastal resources.

As proposed, Policy CO-75 allows for land divisions in H2 habitat in some cases and it contains no provisions that ensure the concentration of development in a manner that would preserve large, contiguous areas of H2 habitat. Therefore, as currently proposed, Policy CO-75 would result in a net loss of H2 (ESHA) habitat and therefore would not be more protective of coastal resources, inconsistent with either Sections 30240 or Section 30250 of the Coastal Act. **Suggested Modification 19** identifies specific provisions that would allow for land divisions in H2 in a manner that would cluster and concentrate development in areas better able to accommodate development and would result in a lot pattern that would preserve more H2 habitat than the existing lot pattern. In combination with a Transfer of Development Credit program outlined under **Suggested Modifications 19 and 49**, there will be a net gain in H2 habitat protection under this program. Suggested Modifications 19 and 49 reflect that land divisions in H2 habitat shall only be permitted in accordance with all applicable policies of the LCP, and where substantial evidence demonstrates that each new parcel being created through subdivision or being reconfigured through a lot line adjustment contains an identified, feasible building site, and any necessary access road thereto that will cluster and concentrate development in areas able to accommodate the development consistent with all other policies of the LCP and in compliance with the following:

- The proposed parcels are configured and building sites are sited and designed to ensure that future structures will have overlapping fuel modification zones and in no case shall the proposed building sites be located more than 100 feet apart.
- The building site on each newly created parcel is located no more than 200 feet from an existing public roadway and is capable of being served by existing power and water service.
- Each building site is located only on slopes of 3:1 or less.
- The proposed newly created parcels shall be within 1/4 mile of existing developed parcels.
- Land divisions on parcels adjacent to public parklands or parcels restricted as permanent open space are prohibited.
- A Transfer of Development Credit shall be required for the creation of any new parcel in H2 habitat. Lawfully created parcels that contain H2 (including H2 High Scrutiny) habitat and exceed seven acres in size can be retired for transfer of development credits under this program.
- The County shall make a finding that the land division and associated TDC will result in the transfer and concentration of existing development rights to a location that results in a preservation of H-2 habitat in a manner that is superior to the pre-land division lot configuration if developed.

The Commission finds that this approach would be, on balance, most protective of significant coastal resources, in that a suggested modification to simply prohibit land divisions in H2 habitat, or outright denial of the LUP, would result in an outcome that would be less protective of coastal resources than the program outlined in **Suggested Modification 19 and Suggested Modification 49**. The policies and provisions outlined in the above referenced suggested modifications will result in the concentration of development and a net gain in H2 habitat (ESHA) that will be permanently preserved, which is clearly more protective of the ESHA and sensitive coastal resources than the current status quo under the Coastal Commission's permit authority.

Therefore, the LUP policies, as modified, appropriately concentrates development in areas better able to accommodate development, while preserving larger contiguous areas H2 habitats (ESHA). As a whole, the LUP is, on balance, more protective of coastal resources, as required by Coastal Act Sections 30240 and 30250. This conclusion is supported by the language of Section 30007.5, in which the legislature recognized that a plan to concentrate development in areas better able to accommodate such development would likely be more protective of coastal resources overall.

Additionally, **Suggested Modification 20** adds a new policy to address lot line adjustments (one form of land division) more specifically. The suggested policy provides that lot line adjustments involving one or more parcels that would require the removal of H2 habitat for the building site, access road, and/or fuel modification area may be approved only where substantial evidence demonstrates that each of the reconfigured parcels meet all of the three following criteria: (1) can accommodate development that more closely conforms to LCP policies than development on the existing parcels; (2) will not increase the amount of H2 habitat that would be removed or modified by development on each of the existing parcels (including necessary roads and fuel modification); and (3) will not increase the amount of landform alteration or have greater adverse impacts to scenic and visual resources than would have occurred from development on the existing parcels. It is appropriate to allow for the reconfiguration of existing legal parcels within H2 habitat if the reconfigured lots can allow for clustering and/or re-siting of building sites such that the impacts of future development are reduced.

Therefore, the Commission finds that these policies of the LUP, if modified as suggested, meet the requirements of and are in conformity with the land and marine resource policies of Chapter 3 of the Coastal Act.

## **15. Stream Protection**

In addition to protection as ESHA under Section 30240 of the Coastal Act, streams and associated riparian habitat are protected under additional Coastal Act policies in order to preserve stream function and to maintain the biological productivity and quality of coastal waters. Section 30231 requires that natural vegetation buffer areas that protect riparian habitats be maintained, and that the alteration of natural streams be minimized. Additionally, Section 30236 of the Coastal Act limits the alteration of streams in order to maintain hydrological function, flood control, and minimize erosion and sedimentation. Channelizations, dams, or other substantial alterations of rivers and streams must include the best mitigation measures feasible and are limited to only three purposes: necessary water supply projects; flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development; or improvement of fish and wildlife habitat.

New development results in an increase in impervious surface, which in turn decreases the infiltrative function and capacity of land on project sites. The reduction in permeable surface therefore leads to an increase in the volume and velocity of stormwater runoff that can be expected to leave the site. One cumulative effect of increased impervious surface is that the peak stream discharge is increased and the peak occurs much sooner after precipitation events. Changes in the stream flow result in modification to stream morphology. Additionally, runoff from impervious surfaces flows more rapidly, increasing its ability to erode sediment from the undeveloped areas of a site, resulting in increased erosion and sedimentation.

As previously described, siting and designing new development such that an adequate buffer is provided between the outer edge of the canopy of riparian vegetation and development avoids direct impacts to the habitat area. Natural vegetation buffers also protect riparian habitats by providing area for infiltration of runoff, which filters impurities before the water is introduced to the stream course. Additionally, the infiltration of runoff extends the time between the precipitation event and the peak stream flow, as well as avoiding increases to the amount of peak flow. Therefore, adequate stream buffers minimize cumulative impacts to stream morphology. Further, protecting natural vegetation buffers where runoff can infiltrate reduces the potential for erosion and sedimentation.

#### *Land Use Plan Policies*

The LUP Biological Resource Map, as suggested to be modified to incorporate the U.S. Fish and Wildlife Service National Wetland Inventory (2013) data, generally shows the streams in the LCP area. Additionally, any watercourse that meets the definition of stream provided in the LUP shall be accorded all protection provided by the LUP stream policies. As described previously, streams are designated as H1 habitat, whether or not there is riparian vegetation present. In addition to the H1 protection policies, the LUP contains policies that relate specifically to the protection of streams.

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

LUP Policies CO-31 and CO-68 prohibit the channelization or alteration of streams, except for: 1) necessary water supply projects; 2) protection of existing structures in the floodplain where there is no other feasible alternative; or 3) improvement of fish and wildlife habitat. Any alteration approved for one of these three purposes must minimize impacts to coastal resources, and include maximum feasible mitigation measures to mitigate for any unavoidable impacts. In the case of flood protection for existing development, bioengineering alternatives shall be preferred over concrete, riprap, or other hard structures.

LUP Policies CO-32 (in Section C. Water Quality) and CO-69 (in Section D. Biological Resources) both address stream road crossings. CO-69 states that the alteration of streams for road crossings is prohibited, except where there is no other feasible alternative to provide access to public recreation areas or lawfully established private development, and where the stream crossing is accomplished by the installation of a bridge with the columns located outside the stream bed and bank in order to avoid

any alteration. Shared bridges for multiple developments must be utilized where possible. The use of a culvert may be permissible for the crossing of a minor drainage that lacks bed, banks, and riparian vegetation. In such cases, the culvert must be sized and designed to avoid any restriction on the movement of fish or aquatic wildlife. Finally, Policy CO-32 requires that when in-stream road crossings (such as dip crossings or “Arizona” type crossings) need major maintenance or repair, they shall be upgraded to a soft-bottomed box culvert or bridge in order to remove impediments to fish passage and to enhance habitat value and water quality.

However, Policy CO-32 would allow stream alteration for a road crossing where there is no other feasible alternative and the alteration does not restrict the movement of fish or other aquatic wildlife. As proposed, this policy is not consistent with Coastal Act Section 30236 of the Coastal Act as it would allow the alteration of a stream for a use that is not allowed by the Coastal Act. **Suggested Modification 7** includes several changes that would bring Policy CO-32 into conformity with Coastal Act Section 30236.

Habitat linkages will be preserved, protected, and enhanced, through the implementation of Policy CO-44, which requires that the type and intensity of development be limited to preserve riparian corridors.

There are several policies in the Safety and Noise Element of the LUP that, while primarily focused on protecting life and property from flood hazard, serve to protect streams. LUP policies SN-12 and SN-13 prohibit construction that could impede storm flows in floodways or floodplains, as well as development within flood hazard areas. Policy SN-14 requires protection of drainage courses in their natural state and for development to maintain natural flow. Policy SN-15 provides that new development include adequate drainage and erosion control facilities in order to minimize runoff, erosion, and other hydrologic impacts to streams. Policy SN-16 requires that development does not increase peak stormwater flows. These policies will ensure that new development is sited and designed in a way that will not contribute to a future need to alter streams for flood protection. Further, these policies require that new development incorporates measures to avoid impacts to streams.

The Commission finds that the stream protection policies of the LUP noted above, as suggested to be modified, will protect streams by limiting channelization or alteration of streams, requiring buffers and preservation of riparian habitat, and by establishing a preference for bioengineering solutions,. Therefore, the Commission finds that the stream protection policies of the LUP, if modified as suggested, meet the requirements of and are in conformity with the land and marine resource policies of Chapter 3 of the Coastal Act.

## **16. Wetlands**

In addition to protection as ESHA, other policies of the Coastal Act require the protection of wetlands. Section 30231 provides that the biological productivity and the quality of wetlands and estuaries shall be maintained, and where feasible restored to maintain optimum populations of marine organisms. Section 30233 provides that the diking, filling, or dredging of open coastal waters, wetlands, or estuaries may only be permitted where there is no less environmentally damaging alternative, where feasible mitigation measures have been provided to minimize adverse environmental effects, and where restricted to a limited number of allowable uses.

There are two lagoons that form at the mouth of two creeks within the LCP area: 1) Topanga Creek, within Topanga County Beach; and 2) Arroyo Sequit, within Leo Carrillo State Park. Year-round flows

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

### *Land Use Plan Policies*

As previously described, no method was used to map wetland habitat, apart from the mapping of H1 habitat, for the LUP area; and the Biological Resources map, as proposed, does not specifically depict known or potential wetlands. The LUP Biological Resource Map, as suggested to be modified to incorporate the U.S. Fish and Wildlife Service National Wetland Inventory (2013) data, generally shows the streams, wetlands, lakes, and coastal waters in the LCP area. Additionally, any area that meets the definition of wetland provided in the LUP shall be accorded all protection provided by the LUP wetland policies. As described previously, wetlands are designated as H1 habitat. In addition to the H1 protection policies, the LUP contains policies that relate specifically to the protection of wetlands. Policy CO-183 requires the protection of wetlands, the restoration of biological productivity where possible, and maintaining adaptive capacity to address rising sea level.

Policy CO-50 states that new development shall be prohibited in wetlands with the exception of the following limited circumstances (where there is no feasible less environmentally damaging alternative and feasible mitigation measures have been provided): (1) wetlands-related scientific research and wetlands-related educational uses, (2) incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines, and (3) wetland restoration projects where the primary purpose is restoration of the habitat. These uses are consistent with the limited uses allowed in wetlands in Section 30233 of the Coastal Act. However, Policy CO-50 also allows for access roads to public or private lands within wetlands where there is no feasible alternative to the wetland encroachment, and where mitigation is provided. This use is not consistent with the Coastal Act Section 30233 uses allowed in wetlands. **Suggested Modification 12** is required to limit the uses allowed in wetlands to assure consistency with the Coastal Act.

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

Policy CO-188 sets forth the limited instances in which the diking, filling or dredging not only of wetlands, but also of open coastal waters, and estuaries could be allowed, where there is no feasible

less environmentally damaging alternative and where all feasible mitigation measures have been provided. Such diking, filling or dredging is limited to incidental public service purposes, habitat restoration, or nature study, aquaculture, or similar resource dependent activities. The Coastal Act allows for additional uses in wetland or open coastal waters, including port, energy, coastal dependent industrial uses, maintaining existing dredged channels, entrance channels for boating facilities, and structural pilings for public recreational piers. However, the LUP policies do not provide for these uses within wetlands or open coastal waters in the plan area. There are no proposals for such uses and no suitable areas to develop these types of uses have been identified. No LUP land use designation allows port, energy, or boating uses. Any future proposal for any of these uses would require an LUP amendment. However, Policy CO-188 allows for bridge construction or repair, and the maintenance of existing drainage structures in wetlands, open coastal waters, and estuaries. As proposed, this policy is not consistent with Section 30233 of the Coastal Act. In order to assure consistency, **Suggested Modification 41** is required to delete bridge construction and maintenance of drainage structures from the list of allowable uses.

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

The Commission finds that the wetland policies, if modified as suggested, meet the requirements of and are in conformity with the land and marine resource policies of Chapter 3 of the Coastal Act.

## **17. Native Trees**

Native trees (including, but not limited to oak, walnut, sycamore, and bay trees) are an important coastal resource, especially where they are part of a larger woodland, savannah, or other habitat area that is ESHA. Section 30240 requires that ESHA is protected against any significant disruption of habitat values and that only resource dependent uses can be allowed in ESHA. Section 30250 of the Coastal Act requires that new development can be approved only where it will not have significant adverse impacts on coastal resources. Additionally, native trees are an important component of the visual character of the area and must be protected in order to ensure that new development is visually compatible with this character, as required by Section 30251 of the Coastal Act.

Native trees prevent the erosion of hillsides and stream banks, moderate water temperatures in streams through shading, and provide food and habitat, including nesting, roosting, and burrowing to a wide variety of wildlife. Individual native trees still provide habitat for a wide variety of wildlife species and are considered to be an important part of the character and scenic quality of the area. Native trees that are not part of a larger, intact habitat may nonetheless provide nesting or roosting habitat for raptors and other birds that are rare, threatened, endangered, fully protected, or species of special concern. It is critical to such species that the tree habitat be protected.

Native trees are easily damaged. For instance, oaks are shallow-rooted and require air and water exchange near the surface. The oak tree root system is extensive, extending as much as 50 feet beyond the spread of the canopy, although the area within the “protected zone” (the area around an oak tree that is five feet outside the dripline or fifteen feet from the trunk, whichever is greater) is the most important. Oaks are therefore sensitive to surrounding land uses, grading or excavation at or near the roots and irrigation of the root area particularly during the summer dormancy. Native trees are usually located in areas that have more surface or ground water flow than surrounding areas. However,

artificial irrigation that exceeds the natural amount of water available, or that is introduced during the dry season, can result in adverse impacts to tree health, including early death.

Obviously, the removal of a native tree results in the total loss of the habitat and visual resource value of the tree. Encroachments into the protected zone of a native tree can also result in significant adverse impacts. Changes in the level of soil around a tree can affect its health. Excavation can cut or severely damage roots and the addition of material affects the ability of the roots to obtain air or water. Soil compaction and/or pavement of areas within the protected zone will block the exchange of air and water through the soil to the roots and can have serious long term negative effects on the tree.

### *Land Use Plan Policies*

As stated in Policy CO-33, oak, sycamore, walnut, and bay woodlands and savannahs are all designated as H1 habitat. Policy CO-35 specifies that in areas subject to the minimal fuel modification that is required by the fire department (such as the removal of deadwood) in riparian or woodland habitats, the habitat retains its biological significance, rarity, and sensitivity. As such, as stated in Policy CO-35, riparian or other woodland subject to fuel modification for existing development is still designated as H1 habitat. Individual or scattered groups of these native trees can also occur within other habitat types that are H1, H2 High Scrutiny, or H2 habitat. Further, oak woodlands located within Rural Village areas that do not constitute H1 habitat are designated as H3 habitat. Policy CO-34 states that isolated and/or disturbed stands of native tree species that do not form a larger woodland or savannah habitat are designated as H3 habitat. Finally, individual trees can occur in developed or disturbed areas that are designated H3.

As previously described, new non-resource-dependent development is prohibited in all H1 habitat (including native tree woodlands and savannahs), with two very limited exceptions: 1) repairs or protection of existing public roads; or 2) construction of an access road to a lawfully permitted use outside H1 habitat, in both cases only where there is no feasible alternative. In order to ensure that individual native trees are protected to the maximum extent feasible, even in one of these two circumstances within woodland or savannah habitat, **Suggested Modification 10** is required.

Policies CO-56 and CO-57 require a 100-foot buffer and an additional 100-foot quiet zone between all H1 habitat areas and any new development. The outer boundary of a riparian or native tree woodland, or native tree savannah is the outer edge of the canopy of the trees making up that habitat. So, the H1 buffer and quiet zone will serve to ensure that development will not encroach into the protected zone of individual trees.

As previously described, Policy CO-53 addresses the protection of oak woodlands within higher density areas designated as Rural Villages. Policy CO-53 states that new development in Rural Villages shall be sited and designed to avoid adverse impacts to all oak woodland habitat (either disturbed or undisturbed), while conforming to all other policies of the LCP. Where there is no feasible alternative to avoid oak woodland habitat in order to provide a reasonable economic use of a property, ensure public health and safety, or fulfill requirements under the Americans with Disabilities Act for reasonable accommodation, removal of oak woodland habitat within Rural Villages may be allowed if limited to the minimum area necessary to achieve the purpose allowed. In no case shall the removal of oak woodland habitat exceed 10 percent of the total oak woodland area on the subject property. Where removal of oak woodland is allowed, oak tree mitigation is required. However, in order to clarify that

Policy CO-53 applies to oak woodlands in Rural Villages that are not designated H1 habitat, **Suggested Modification 15** is required.

The LUP policies recognize the important functions of individual native trees and require the protection of native trees, including oak, walnut, sycamore, bay or other native trees. Policy CO-99 requires that new development be sited and designed to preserve native trees to the maximum extent feasible. Removal of individual native trees is prohibited except where no feasible alternative exists. Development must be sited to prevent any encroachment into the protected zone of each tree, unless there is no other feasible alternative. If there is no feasible alternative that can prevent tree removal or encroachment, then the alternative that would result in the fewest or least-significant impacts shall be selected. Any impacts to native trees must be fully mitigated with priority given to on-site mitigation. Mitigation cannot be allowed to substitute for implementation of the project alternative that would avoid impacts to native trees and/or woodland habitat. **Suggested Modification 26** is necessary to clarify that tree removal or protected zone encroachment is prohibited for accessory uses or structures.

The mitigation must include, at a minimum, the planting of replacement trees. Policy CO-99 includes mitigation ratios for different kinds of impacts to individual native trees that are found to be unavoidable. For each tree that is removed, the habitat and scenic value of the tree is obviously lost and the mitigation required is the planting of ten replacement trees for every one tree removed. If a native tree suffers encroachment that occupies over 30% of the protected zone or extends within three feet of one or more of the tree trunks, the encroachment(s) is substantial and it is likely that the tree will experience lessened health and possible death as a result. The mitigation ratio required for such substantial encroachments is also ten replacement trees for each tree subject to such encroachment. Policy CO-99 provides that trees suffering an encroachment into 10% to 30% of the protected zone or the trimming of a branch(es) of a native tree that is over 11 inches in diameter must be mitigated at a ratio of five replacement trees for each tree so impacted. If there is suitable area on the project site, replacement trees should be provided on-site. In addition, where development encroaches into less than 10% of the protected zone of individual native trees, such trees must be monitored for reduced health or vigor and replacement trees provided if such ill effects occur. Replacement trees, particularly oak trees, are most successfully established when the trees are seedlings or acorns. Many factors, over the life of the restoration, can result in the death of the replacement trees. In order to ensure that adequate replacement is eventually reached, it is necessary to provide a replacement ratio of more than 1:1 for moderate encroachments and at least ten replacement trees for every tree removal or significant encroachment to account for the mortality of some of the replacement trees. In order to provide greater specificity in Policies CO-41 and CO-53, **Suggested Modification 10 and 15** are required to reference the native tree mitigation requirements of Policy CO-99.

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

The Commission finds that the native tree policies of the LUP, if modified as suggested, meet the requirements of and are in conformity with the land and marine resource policies of Chapter 3 of the Coastal Act.

## **18. Marine Resources**

Section 30230 of the Coastal Act requires that marine resources are maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Finally, uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms. After certification of the LCP, any development proposed within tidelands or submerged lands will remain under the permit jurisdiction of the Coastal Commission. Nonetheless, the LUP provides guidance on the protection of marine resources in these areas as well as policies regarding development on inland areas that could impact marine resources.

### *Land Use Plan Policies*

There are many LUP policies regarding development in inland areas that could impact marine resources. As described above, the LUP policies require the minimization of grading and landform alteration, the limitation or prohibition of earthmoving during the rainy season, and the landscaping or revegetation of cut and fill slopes and other areas disturbed by construction to ensure that erosion and sedimentation will be minimized. Marine resources are very sensitive to sedimentation. Policy CO-195 requires the minimization of human-induced erosion by reducing concentrated surface runoff from use areas and elevated groundwater from urbanization and irrigation. Further, the LUP water quality policies require new development to be sited and designed, and to incorporate best management practices to prevent or reduce non-point source pollution, to protect water quality and maintain marine resources.

Additionally, the LUP policies provide guidance on the protection of marine resources. Policy CO-42 provides that accessways to and along the shoreline must be sited, designed and managed to avoid and/or protect marine mammal haul-outs, seabird nesting/roosting sites, sensitive rocky points, intertidal areas, and dunes. Additionally, Policy CO-90 requires new recreational facilities or structures on the beach to be designed and located to minimize impacts to marine resources. However, to ensure consistency with Coastal Act Section 30240, **Suggested Modification 23** is required to clarify new recreational facilities and structures on beaches must be sited and designed to *avoid* impacts to H1 habitat and marine resources. Development in areas adjacent to marine and beach habitats is required by Policy CO-182 to be sited and designed to prevent impacts that could significantly degrade these areas. Further, Policy CO-184 prohibits the alteration or disturbance of marine mammal habitats and other sensitive resources, including haul-out areas. Policy CO-186 states that near shore shallow fish habitats must be preserved and where feasible enhanced. Finally, Policy CO-192 requires that any beach sand replenishment program be designed to minimize adverse impacts to beach, inter-tidal, and offshore resources and to incorporate appropriate mitigation measures.

The Commission finds that the marine resource policies of the Malibu LUP meet the requirements of and are in conformity with the land and marine resource policies of Chapter 3 of the Coastal Act.

## **19. Water Quality**

The Plan area is characterized by dramatic and varied topography, with numerous deep, parallel canyons that drain south into Santa Monica Bay. An extraordinary feature of this section of coast is the large number of watersheds. Each of the major north-south canyons has a stream lined with associated

riparian vegetation and a network of east-west-trending drainages. Drainage basins within the plan area that flow into the Pacific Ocean and Santa Monica Bay include the following:

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

The largest watershed in the area is the Malibu Creek watershed, which has an area of 105 square miles and contains a total of 225 stream segments within six major drainages: Medea Creek, Triunfo Creek, Cold Creek, Malibu Creek, Las Virgenes Canyon, and Potrero Valley. Malibu Creek drains the north slopes of the Santa Monica Mountains, the south slopes of the Simi Hills, the interior valleys between the two ranges, and Malibu Canyon. The larger watersheds such as Arroyo Sequit, Topanga, and Malibu Canyons are accessible to federally-endangered southern steelhead trout, and isolated pools provide refuge for juvenile steelhead until fall and winter rain events fill the channels, allowing an opportunity for the fish to migrate to the ocean. Malibu and Topanga Creeks are particularly valuable habitat for breeding adult trout. The arroyo chub and tidewater goby are also found in Malibu Creek and Topanga Creek. The ecology of the Santa Monica Mountains exhibits diverse ecosystems due to the interaction of such factors as a Mediterranean climate, rugged topography, gusty and warm Santa Ana winds, and varied soils that support a rich mosaic of plant communities. A high diversity of wildlife and plant species is associated, in particular, with the streams of the Santa Monica Mountains. In addition to the amphibians and fish discussed above, the freshwater springs, seeps, and surface waters support a diverse array of aquatic insects, reptiles, birds, rodents, and large mammals. These include the southwestern pond turtle, California slender salamander, California newt, Monterey ensatina, arboreal salamander, California toad, and Pacific tree frog. The mammalian wildlife, which requires fresh water for drinking, includes carnivores such as mountain lions, coyotes, and bobcats, as well as herbivores such as deer.

The Commission recognizes that new development in the Santa Monica Mountains has the potential to adversely impact coastal water quality through the removal of native vegetation, increase of impervious surfaces, increase of runoff, erosion, and sedimentation, introduction of pollutants such as petroleum, cleaning products, pesticides, and other pollutant sources, as well as effluent from septic systems. Section 30231 of the Coastal Act states that:

*The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

New development often results in an increase in impervious surface, which in turn decreases the infiltrative function and capacity of existing permeable land on project sites. The reduction in permeable surface therefore leads to an increase in the volume and velocity of stormwater runoff that can be expected to leave the site. The cumulative effect of increased impervious surface is that the peak stream discharge is increased and the peak occurs much sooner after precipitation events. Changes in the stream flow result in modification to stream morphology. Additionally, runoff from impervious surfaces results in increased erosion and sedimentation. Further, pollutants commonly found in runoff associated with new development include:

- petroleum hydrocarbons such as oil and grease from vehicles;
- heavy metals;
- synthetic organic chemicals including paint and household cleaners;
- soap and dirt from washing vehicles;
- dirt and vegetation from yard maintenance;
- litter and organic matter;
- fertilizers, herbicides, and pesticides from household gardening or more intensive agricultural land use;
- nutrients from wastewater discharge, animal waste and crop residue; and
- bacteria and pathogens from wastewater discharge and animal waste.

The discharge of these pollutants to coastal waters can cause cumulative impacts such as:

- eutrophication and anoxic conditions resulting in fish kills and diseases and the alteration of aquatic habitat, including adverse changes to species composition and size;
- excess nutrients causing algae blooms and sedimentation increasing turbidity, which both reduce the penetration of sunlight needed by aquatic vegetation that provide food and cover for aquatic species;
- disruptions to the reproductive cycle of aquatic species;
- acute and sublethal toxicity in marine organisms leading to adverse changes in reproduction and feeding behavior; and
- human diseases such as hepatitis and dysentery.

These impacts reduce the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes, reduce optimum populations of marine organisms and have adverse impacts on human health.

The Coastal Commission and the Los Angeles Regional Water Quality Control Board (LARWQCB) are both working to protect water quality in the Malibu area, although each has different authorities and responsibilities in that effort. The Coastal Commission has primary responsibility for protecting many coastal resources, including water quality, from the impacts of development in the coastal zone. The State Water Resources Control Board (SWRCB) and the coastal Regional Water Quality Control Boards (RWQCBs) have primary responsibility for regulating discharges that may impact waters of the state through writing discharge permits, investigating water quality impacts, monitoring discharges, setting water quality standards and taking enforcement actions where standards are violated. Given the common goal of clean coastal water quality, there is a gray zone where the authorities of these agencies overlap. For example, based on the need to regulate land use in order to protect water quality, the LARWQCB has provided guidance and requirements in its model Standard Urban Storm Water Mitigation Plan (SUSMP) for land use development that may impact water quality. Regulations

regarding stormwater mitigation adopted by RWQCB for the Los Angeles region establish very rigorous standards to be implemented and enforced by each local jurisdiction. The requirements provide water quality protections that address limiting grading, using locally-indigenous vegetation, clustering development, preventing erosion, and constructing retention basins. These regulations require that stormwater pollution mitigation measures, known as “Best Management Practices” (BMPs), be employed to the maximum extent practicable to minimize polluted runoff. The proposed LUP reflects the RWQCB guidance and requirements with some modifications due to the site-specific conditions in the plan area, and the additional requirements of the Coastal Act.

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

New development is required to minimize impervious surfaces, convey drainage in a non-erosive manner, and infiltrate runoff on-site, where feasible, to preserve or restore the natural hydrologic cycle and minimize increases in stormwater or dry weather flows (CO-4 and CO-5). Land disturbance activities of construction (e.g., clearing, grading, and the removal of vegetation), especially in erosive areas, are required to be minimized to prevent erosion or sedimentation. All disturbed areas are required to be revegetated prior to the beginning of the rainy season, using locally-indigenous plant species. Non-emergency earthmoving operations are prohibited during the rainy season (extending from October 15 to April 15). Approved grading shall not be commenced unless there is sufficient time to complete grading operations before the rainy season. If grading operations are not completed before the rainy season begins, grading shall be halted and temporary erosion control measures shall be put into place to minimize erosion until grading resumes after April 15, unless the County determines that completion of grading would be more protective of sensitive environmental resources and would minimize erosion and sedimentation. Erosion control measures shall be required for any ongoing grading project or any completed grading project that is still undeveloped. Further, agricultural operations and confined animal facilities are required to use the most effective BMPs to prevent erosion, sedimentation, and pollution impacts. Natural vegetation buffer areas that protect riparian habitats shall be maintained.

Buffers are required to serve as transitional habitat and provide a separation from developed areas to minimize adverse impacts on water quality and sensitive habitat. Policies CO-21 and CO-55 require that buffers from streams and riparian habitat (in addition to other H1 habitats) shall be no less than 100 feet, except when it is infeasible to provide the 100 foot buffer in only one of the following circumstances: (1) to provide access to development approved in a coastal development permit on a legal parcel where no other alternative is feasible; (2) for public works projects required to repair or protect existing public roads when there is no feasible alternative; (3) for a development on a legal

parcel that is the minimum development necessary to provide a reasonable economic use of the property and where there is no feasible alternative. Policy CO-21 provides an exception for water quality improvements, which are required to be located outside the 100-foot buffer to the maximum extent feasible. However, because it is unclear what is meant by water quality improvements and no distinction is being made between improvements necessary for new development or existing development, **Suggested Modification 6** to Policy CO-21 is necessary. Suggested Modification 6 clarifies that water quality BMPs required for new development shall be located outside of the 100 foot riparian buffer except for non-structural BMPs such as vegetated swales and bioengineered velocity reducers. Water quality BMPs proposed for existing development that does not have adequate BMPs shall be located outside of the 100 foot riparian buffer to the maximum extent feasible.

Recognizing that existing roads and highways are a source of non-point source pollution, Policy CO-8 requires that the County cooperate with local and State transportation agencies to implement BMPs that promote infiltration of runoff from roads and highways and minimize urban runoff flows into streams and creeks.

Much of the Santa Monica Mountains is served by onsite wastewater treatment systems (OWTS). Some developments are served by approved small package treatment plants. Many of the private systems employ state-of-the-art technology, but some failures have been reported in older systems. Failures of OWTS can adversely impair water quality, human health, biological communities in the surrounding watershed, and other coastal resources.

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

Policy CO-92 states that the County shall ensure that new leachfields and seepage pits permitted by the County comply with all applicable Water Resources Control Board requirements, and that the LCP is updated to ensure consistency between the policies contained within the LCP and such Water Resources Control Board requirements. However, any updates to the LCP that are required to address new SWRCB and RWQCB water quality regulations that are in conflict with LCP policies, an LCP

amendment that is certified by the Coastal Commission would be required. Therefore, **Suggested Modification 24** is required to clarify that requirement.

The policies contained in the LUP, as suggested to be modified, provide for the protection and enhancement of water quality and the beneficial uses of local coastal waters and ground waters from adverse impacts related to land development. Therefore, the Commission finds that the LUP meets the requirements of and is in conformity with Section 30231 of the Coastal Act.

## **20. Conclusion**

As described in detail above, the Marine and Land Resource Policies and the Biological Resource Map of the LUP, as suggested to be modified provide for the protection of sensitive land and marine resources. The Commission finds that the Land Use Plan, if modified as suggested, meets the requirements of and is in conformity with the provisions of Sections 30230, 30231, 30233, 30236, 30240, 30241, 30241.5, 30242, and 30250 of the Coastal Act.

## **F. PUBLIC ACCESS AND RECREATION**

### **1. Coastal Act Provisions**

A broad policy goal of California's Coastal Management Program is to maximize the provision of coastal access and recreation consistent with the protection of public rights, private property rights, and coastal resources as required by the California Constitution and provided in Section 30210 of the Coastal Act. Several additional policies contained in the Coastal Act also work to meet this objective. The Coastal Act requires that development not interfere with the public right of access to the sea (Section 30211); provides for public access in new development projects with limited exceptions (Section 30212); encourages the provision of lower cost visitor and recreational facilities (Section 30213); addresses the need to regulate the time, place, and manner of public access (30214); requires coastal areas suited for water-oriented recreational activities shall be protected (30220); specifies the need to protect ocean front land suitable for recreational use (Section 30221); gives priority to the use of land suitable for visitor-serving recreational facilities over certain other uses (Section 30222); requires the protection of upland areas to support coastal recreation, where feasible (Section 30223); and provides the location and amount of new development should maintain and enhance public access to the coast through various means (Section 30252).

### **2. Coastal Act Policies**

Section **30210** of the Coastal Act states that:

*In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

The Coastal Act also requires that development not interfere with the public right of access to the sea in Section **30211**:

*Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.*

Section **30212** of the Coastal Act provides for public access in new development projects with limited exceptions:

*(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:*

*(1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or, (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.*

*(b) For purposes of this section, "new development" does not include:*

*(1) Replacement of any structure pursuant to the provisions of subdivision (g) of Section 30610.*

*(2) The demolition and reconstruction of a single-family residence; provided, that the reconstructed residence shall not exceed either the floor area, height or bulk of the former structure by more than 10 percent, and that the reconstructed residence shall be sited in the same location on the affected property as the former structure.*

*(3) Improvements to any structure which do not change the intensity of its use, which do not increase either the floor area, height, or bulk of the structure by more than 10 percent, which do not block or impede public access, and which do not result in a seaward encroachment by the structure.*

*(4) The reconstruction or repair of any seawall; provided, however, that the reconstructed or repaired seawall is not seaward of the location of the former structure.*

*(5) Any repair or maintenance activity for which the commission has determined, pursuant to Section 30610, that a coastal development permit will be required unless the commission determines that the activity will have an adverse impact on lateral public access along the beach.*

*As used in this subdivision "bulk" means total interior cubic volume as measured from the exterior surface of the structure.*

*(c) Nothing in this division shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by Sections 66478.1 to 66478.14, inclusive, of the Government Code and by Section 4 of Article X of the California Constitution.*

Section **30212.5** provides for the distribution of parking over a wide area

*Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.*

In addition, the Coastal Act encourages the provision of lower cost visitor and recreational facilities in Section **30213**:

*Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.*

*The Commission shall not: (1) require that overnight room rentals be fixed at an amount certain for any privately owned and operated hotel, motel, or other similar visitor-serving facility located on either public or private lands; or (2) establish or approve any method for the identification of low or moderate income persons for the purpose of determining eligibility for overnight room rentals in any such facilities.*

Section **30214** of the Coastal Act addresses the need to regulate the time, place, and manner of public access:

*(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:*

*(1) Topographic and geologic site characteristics.*

*(2) The capacity of the site to sustain use and at what level of intensity.*

*(3) 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 and the proximity of the access area to adjacent residential uses.*

*(4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.*

*(b) It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution. Nothing in this section or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution.*

*(c) In carrying out the public access policies of this article, the commission and any other responsible public agency shall consider and encourage the utilization of innovative access management techniques, including, but not limited to, agreements with private organizations which would minimize management costs and encourage the use of volunteer programs.*

The Coastal Act specifies the need to protect ocean front land suitable for recreational use in Section **30220**:

*Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.*

Section **30221** also requires the protection of oceanfront land for recreational use:

*Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.*

The Coastal Act also gives priority to the use of land suitable for visitor-serving recreational facilities over certain other uses in Section **30222**:

*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 agriculture or coastal-dependent industry.*

Section **30223** requires the protection of upland areas to support coastal recreation, where feasible:

*Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.*

Finally, the Coastal Act also facilitates public access by providing for public transit, alternative means of circulation and adequate parking in new development in Section **30252**:

*The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing non-automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.*

### **3. Introduction**

The Santa Monica Mountains are a rugged and beautiful natural landscape surrounded by a large urban megalopolis. The Santa Monica Mountains are a valuable low cost recreational resource for not only those who live in the region but also for visitors from other areas of the state and nation. The Santa Monica Mountains were designated as a National Recreation Area in 1978. In the Act creating the Santa Monica Mountains National Recreation Area, Congress found; “that there are significant scenic, recreational, educational, scientific, natural, archeological, and public health benefits provide by the

*Santa Monica Mountains and adjacent coastline area."* The Coastal Zone in the Santa Monica Mountains extends five miles inland encompassing approximately 50,000 acres of land. The Coastal Zone boundary in this area was specifically located to capture the critical watersheds and sensitive coastal resources of the Santa Monica Mountains.

Approximately 52 percent of the area within the coastal zone is designated public parkland or open space managed by the County, the National Park Service, the California Department of Recreation, the Santa Monica Mountains Conservancy, the Mountains Recreation and Conservation Authority, and the Mountains Restoration Trust. The parklands are interspersed and fragmented by private properties. Over the years the various State and Federal park agencies, Los Angeles County and the Mountains Restoration Trust have worked cooperatively to strategically purchase private properties that to provide continuous habitat linkages and public trail connections between these park lands. In addition, the Coastal Commission has required a number of open space and trail easements through coastal development permit actions in the mountains which have contributed to these critical habitat and public trail linkages. To date approximately 1,700 acres of open space easements and 137 trail easements on private parcels have been secured through coastal development permit actions. These numbers only reflect the easements that have been recorded or accepted through a direct dedication of an easement. The majority of these easements are held and managed by the Santa Monica Mountains Conservation and Recreation Authority.

The public parklands in the Santa Monica Mountains provide for a wide variety of primarily passive recreational opportunities including hiking, biking, horseback riding, camping, fishing, picnicking, nature study, surfing, diving, and swimming. There is also an extensive planned network of public trails connecting these parklands (**Exhibit 2**). In addition, there is a system of existing historic trails on private land connecting into these trails on public park lands. Although there are still gaps in these trail connections the various Park agencies are working diligently to close these gaps on the major trail routes and connector trail routes.

There are also several private camps and resorts that provide recreational and outdoor educational opportunities for various age groups such as, the Salvation Army Camp, Camp Shalom, and Camp Bloomfield (Foundation for the Junior Blind).

The City of Malibu municipal boundary separates the Los Angeles County Santa Monica Mountains LCP planning segment from the coastline with the exception of two relative small geographic areas bracketing the western and eastern ends of the City of Malibu. Leo Carrillo State Park occupies the area on the western end of the County's jurisdiction and Topanga State Beach/Park occupies the eastern portion of the County's jurisdiction with the exception of one small private beachfront parcel occupied by the restaurant use.

Public access to and along the shoreline including public access on inland trails, and the provision of public recreational opportunities and low cost visitor-serving facilities such as campgrounds, picnic areas, low cost hotels and other services supporting visitors has historically been a critical and controversial issue in the region. In the Santa Monica Mountains the primary and most controversial public access issue relates to preserving and protecting historical and planned public trail routes that traverse private properties which provide critical trail linkages to the public parklands interspersed throughout the mountains. Since implementation of the Coastal Act in 1977 the Coastal Commission has been diligent and successful in protecting historic trails in the Santa Monica Mountains through individual coastal development permit actions for development projects by either requiring trail

easements as a condition of a permit or through negotiations with property owners who have offered these trail easements as part of their project.

While the physical supply of access is a primary factor in assuring access opportunities, the LUP cannot view the issue of supply in isolation of a number of other factors. These variables include the availability of transit to beaches and park lands, parking availability, provision of other support facilities such as restrooms and picnic areas, provision of lower cost visitor serving uses, including low cost overnight accommodations, addressing user demands and conflicts, and maintenance of a diversity of coastal and mountain recreational experiences. Impacts to any one of these variables may ultimately affect the availability and use of the physical supply of access. For example, without adequate parking or alternate transportation, users will have difficulty reaching the shoreline or trailheads. Therefore, managing and increasing public access and ensuring that growth and development does not cumulatively impact the ability of the public to access the shoreline, parklands and trails, involves improving not only the physical supply of access, but all of the other variables that contribute to ensuring maximum coastal access.

Coastal and Inland Public Access and Recreation are addressed in Section H - Recreation and Trails of the Conservation and Open Space Element of the LUP. The LUP outlines an overarching goal in this section which is to: *Provide maximum public access and recreational opportunities for all people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resources from overuse.* In addition LUP Policies CO-155 & CO-156 provide for the broad objectives of the access and recreation policies of Chapter 3 of the Coastal Act - to protect, enhance and expand coastal access and recreation opportunities as a resource of regional, state and national importance in the Santa Monica Mountains, as well as, encourage a full range of recreational experiences to serve visitors with diverse backgrounds, interests and abilities.

#### **4. Inland Recreational Trails**

The Santa Monica Mountains has an extensive network of public hiking and equestrian trails that traverse and connect Federal, State, and County parklands, and a system of heavily used historic trails on private lands. These trails also serve as alternative means of access to beach and mountain parklands. The existing Santa Monica Mountains trail system is comprised primarily of regional and local trails operated by public and private agencies within parkland, as well as, trails that extend onto private lands.

A coordinated approach for the planning of trail routes and trail improvements began in the 1990's through the Santa Monica Mountains Area Recreational Trails (SMMART) Coordination Project, which was a consortium of public agencies and private concerns including the National Park Service (NPS), California Department of Parks and Recreation (CDPR), the Santa Monica Mountains Conservancy (SMMC), and the Santa Monica Mountains Trails Council. This plan proposed additions to the County's existing trails plan as well as new trail amenities such as trail camps.

In response to the information developed by the SMMART project, the NPS, CDPR, and the SMMC have composed the Interagency Trail Management Plan, an integrated trail system for the Santa Monica Mountains National Recreation Area that aims to balance recreational access with resource protection. This system is intended to link area recreation facilities, to connect other local and regional trail networks, and to provide trail access between the Mountains, the coast, and other

open space and parklands. The Trail Management Plan will serve as a "blueprint" establishing the overall direction of future development and management of the trail network.

The system will include trails of varying lengths and degrees of difficulty to accommodate people with a variety of skills and abilities, including the physically challenged, senior citizens, and families. Plans are underway to complete the Backbone Trail, which crosses the Santa Monica Mountains from Ventura County to the City of Los Angeles. A series of loop trails is planned for bicyclists, equestrians, and hikers. Overnight camps will be encouraged and established along longer trails to allow uninterrupted backpacking trips of several days' duration. The trail system should eventually connect with other major trails in the greater region, such as the Rim of the Valley Trail and the Pacific Crest Trail.

The notice of preparation for a joint EIS/EIR for the Interagency Trail Management Plan is currently out for public comment and closes on April 1, 2014. The County of Los Angeles is an active partner and stakeholder in this on-going regional trail planning effort. The LUP includes several policies to protect and enhance the extensive system of existing and proposed public trails in the Santa Monica Mountains that cross both public parklands and private properties as shown on Map 4 – Recreation. The County recognizes that some trail routes identified on LCP Map 4 - Recreation may have to be modified and new trail routes may be identified as a result of the Interagency Trail Management Planning effort that is current in the environmental review stage.

#### *Land Use Plan Policies*

Section 30213 of the Coastal Act requires that lower cost visitor serving recreational facilities shall be protected, encouraged, and, where feasible provided. In addition, Section 30223 of the Act requires that upland areas necessary to support coastal recreational uses be reserved for such uses. The LUP includes several policies to carry out these Coastal Act policies relative to the protection and enhancement of upland recreation and public trails. LUP Policy CO-155 requires that trails located within the Coastal Zone provide a wide range of recreational opportunities in natural settings which include hiking, equestrian activities, bicycling, camping, picnicking and coastal access. This policy further requires that these opportunities shall be protected, and where, feasible expanded or enhanced as a resource of regional, State and national importance. LUP Policy CO-156 encourages a full range of recreational experiences to serve local, regional and national visitors with diverse backgrounds, interests, ages and abilities including transit dependent and the physically challenged. Policy 167 requires that upland areas necessary to support coastal recreation uses shall be reserved for such uses where feasible. Policy CO-181 requires the protection and enhancement of the existing and proposed planned trails as shown on Map 4- Recreation. Policy CO-181 includes a number of specific measures, provisions and requirements to preserve existing public trails and to secure trail easements across private property consistent with constitutional principles and law. Finally, Policy CO-176 prohibits the gates, guardhouses, barriers or other structures that have the potential to limit, deter or prevent public access to the shoreline, inland trails or parklands where there is substantial evidence that prescriptive rights exist.

Although the LUP includes a number of policies to protect trails and ensure that new development does not adversely impact existing and planned trails in the Santa Monica Mountains, the introductory section of Section H – Recreation and Trails in the Conservation and Open Space Element of the LUP includes a statement that indicates only trails within parklands or along dedicated easements are publicly protected. This statement is simply not correct. The Coastal Commission through coastal

development permit and enforcement actions in the Santa Monica Mountains have protected historic trails on private properties by ensuring development, including unauthorized fencing or other barriers, do not block or interfere with historic trail use on existing trails through private property. In addition, through coastal development permit actions the Commission has required the dedication of trail easements over historic or existing trail routes, where appropriate, to ensure these trail routes are accessible to the public. Therefore, the Commission finds **Suggested Modification 36** is required to delete this statement from the introduction of Section H.

The Interagency Trail Management Plan currently under environmental review will likely result in changes to the existing planned trail routes in the Santa Monica Mountains and may identify new trail routes. The LUP as proposed does not include a provision requiring that the LUP Map 4 – Recreation, which identifies the existing and planned public trails, be updated periodically to reflect any changes resulting from the final approved Trail Management Plan or other modifications to trail routes that may occur over time. The up-to-date and accurate depiction of all historic and planned trail routes will protect these trails from any adverse impacts that may result from new development. Map 4 – Recreation should be periodically updated to ensure that any new trail routes or any changes to existing trail routes are reflected in the LUP. Therefore, the Commission finds that **Suggested Modification 40** is necessary to incorporate a new LUP policy requiring the County to consult in the preparation of the Interagency Trail Management Plan and update Map 4 – Recreation, as necessary, to reflect the new or revised trail routes, new camping areas or other amenities outlined in the final Trail Management Plan. The Commission further finds **Suggested Modification 40** is necessary to include a new LUP policy directing the County to periodically review and update Map 4 – Recreation to reflect new information regarding existing and proposed trail alignments, parklands, and public campgrounds that will occur over time. This new policy also requires the County to process any changes to the LCP Map 4 - Recreation pursuant to an LCP amendment subject to the review and approval of the Commission.

In permitting residential development in the Santa Monica Mountains, the Coastal Commission has found that in order to ensure that the public would continue to be able to use existing hiking and equestrian trails, adverse effects to those trails arising from such development would need to be minimized and, if necessary, mitigated. In its permit actions in the Santa Monica Mountains, the Commission has frequently required an offer-to-dedicate (OTD) an easement for public trail use when proposed development would adversely affect the public's ability to use one of the trails identified on the County's existing Trails Plan Map or a trail known to have been historically used by the public. The Los Angeles County Land Use Plan, certified by the Commission in 1986, incorporated the 1982 Trails Plan and included policies which called for mapped trails to be dedicated as a condition of property development. The LUP also contained numerous other policies supporting the development of a regional system of trails to provide access to and between the beach and mountain parks.

The proposed Land Use Plan contains several proposed policies to protect existing trails and to provide for the requirement, acceptance and opening of trail OTDs where applicable. Policy CO-181 in particular provides that a public trail system be maintained throughout the mountains and along the shoreline that achieves several objectives. Objectives include providing links between trails, parks and major recreational facilities; allowing for flexible design and routing to minimize impacts on adjacent development and fragile habitat; designing trails to accommodate multiple uses, where appropriate, such as hiking, biking and equestrian use; providing public parking at trailheads; providing for safe maintenance; and protecting private property rights. In addition, this policy specifies that trails are an allowed use in all land use designations and are considered a resource dependent use and shall be allowed in all habitat categories.

Pursuant to Policy CO-181, new development shall be reviewed to determine the most appropriate means to protect a trail on private property and further requires the exaction of a trail easement if public historic access rights are adversely impacted by the development or where a planned trail is depicted on Map-4 Recreation. The policy further provides that any trail easement required pursuant to a coastal development permit shall be dedicated to a public agency or land conservation organization operating recreational facilities in the Santa Monica Mountains. In addition, Policy CO-177 requires the County to coordinate with federal and state park agencies and with non-profit land trusts and organizations to insure that private land donations and/or public access dedications are accepted, developed, and managed for their intended use.

The LUP also acknowledges trail and road biking are also a popular recreational activity in the Santa Monica Mountains. Policy CO-176 provides for a system of safe bikeways and support facilities. In addition, Policy CO-181 calls for identifying trails appropriate for bike use to avoid conflicts with hikers and equestrians.

## **5. California Coastal Trail**

The California Coastal Trail (CCT) which has been designated a Millennium Trail by the Governor of California was officially established by Senate Bill 908. This bill provides for the construction of the CCT along the state's coastline from the Oregon Border to the border with Mexico, to the extent feasible. This bill requires the State Coastal Conservancy, in consultation with the Coastal Commission and the Department of Parks and Recreation, to coordinate in the planning and development of the CCT. SB 908 also requires other agencies, boards, departments etc. with property interests or regulatory authority in coastal areas to cooperate with the Conservancy, to the extent feasible, in planning and making land available for the trail. This bill also requires the CCT to be developed in a manner that respects property rights, privacy of adjacent property owners and the protection of coastal resources.

The CCT is not limited to a single trail and may be comprised of several distinct trail segments through a coastal jurisdiction. Planned routes for the CCT in the City of Malibu provide routes in close proximity to the shoreline. In the Santa Monica Mountains there are opportunities for inland branches of the CCT which will provide for spectacular views of the ocean and the rugged and scenic landscape of the Santa Monica Mountains. For example, the Coastal Slope Trail and/or the Backbone trail routes that run parallel to the coast through the Santa Monica Mountains are good candidate trails for the CCT. Policy CO-162 requires that the CCT be identified and Policy CO-163 provides the design objectives for the CCT. The CCT route(s) will be addressed in the Interagency Trail Management Plan in consultation and coordination with Federal, State, and County Park agencies, the Coastal Conservancy, the Coastal Commission, the Santa Monica Mountains Conservancy, Los Angeles and Ventura Counties and other appropriate public and private entities and interested parties in implementing all essential components of the trail.

Therefore, subject to the Suggested Modifications noted above, the Commission finds that policies contained in the Santa Monica Mountains Land Use Plan relative to the protection and provision of inland recreational trails meet the requirements of and are in conformity with the Public Access and Recreation policies of Chapter 3 of the Coastal Act.

## **6. Lateral & Vertical Beach Access**

As previously noted above, the shoreline area of the Santa Monica Mountains LCP segment is limited to two relatively small geographic areas bracketing the eastern and western City of Malibu jurisdictional boundaries. With the exception of the one private beach front visitor serving parcel containing an existing restaurant use, these beachfront areas are owned and operated by the California Department of Parks and Recreation and a small section of sandy beach on the seaward side of Pacific Coast Highway is under the ownership of Los Angeles County and the California Department of Transportation.

The entire shoreline and inland area at the western end of the Santa Monica Mountains LCP segment is occupied by Leo Carrillo State Park. The beach at Leo Carrillo has readily accessible public access to and along sandy and rocky beach areas with an ample amount of day use beach front parking in the park. In addition, free parking is available along Pacific Coast Highway. This park also has restroom facilities and 135 family camp sites as well as disabled accessible camp sites.

On the eastern end of the SMM's LCP planning segment Topanga County Beach which is managed by the Los Angeles County Department of Beaches and Harbors, occupies the majority of this area. This beach park includes a wide sandy beach separated by the mouth of Topanga Creek. This park includes restrooms, showers, and food service. This beach is also a well-known historic surfing spot. There are public parking lots on the seaward side of Pacific Coast Highway as well as free parking along the highway.

Across Pacific Coast Highway is Topanga State Park which is linked to the beach via a pedestrian underpass beneath the highway. The California Department of Parks and Recreation has plans for future habitat restoration, new trails and other recreational improvements, including the possible restoration of the historic Topanga Ranch Motel which will provide for needed low cost overnight accommodations.

To the south of the County Beach is a small parcel occupied by a restaurant use. This is the only private beach front parcel in Santa Monica Mountains LCP planning segment. To the west of the restaurant is sandy beach that can be accessed from a small ramp adjacent to Pacific Coast Highway. The restaurant and restaurant parking lot are protected by a large rock revetment. To the east of the restaurant the highway hugs the coastline and a large rock revetment protects the highway for about 1/3 of a mile. There is no beach seaward of the revetment here because the revetment occupies the historic beach area. To the south of the revetment is a sandy beach that extends about a 1/4 mile to the boundary between the County and the City of Los Angeles. This beach is owned and operated by Los Angeles County. There is free public parking along the highway and the beach can be easily accessed from the highway road shoulder. In addition, there is a new County public beach parking lot, disabled accessible beach deck/scenic overlook and beach access ramp currently under construction on the seaward side of Pacific Coast Highway at the Los Angeles County/ Los Angeles City boundary line.

Coastal Act sections 30210, 30211, 30212, 30214 require protection of both vertical and lateral public access along the shoreline; require that new development not interfere with the public's right of access to the sea; and require that new development shall include public access to the from the nearest public roadway to the shoreline and along the coast line in consideration of public safety needs, private property rights, and the protection of natural resources, where applicable.

Although the majority of the shoreline areas within the Santa Monica Mountains LCP segment are owned and operated by State Parks and Los Angeles County and provide for unrestricted public access to and along the shoreline there are potential development projects that could occur within or along the shoreline and Pacific Coast Highway that could adversely impact public access to and along the shoreline. For example, a new shoreline protective work or expansion of existing shoreline protective structures, such as rock revetment or seawall to protect Pacific Coast Highway would likely result in adverse impact to both vertical and lateral access to and along the shoreline. These impacts would result from both the physical occupation of the beach by the shoreline protective structure and/or by the erosive effects of such a structure on sandy beach. Other development that could affect coastal access are highway and safety improvements such guard rails or fencing that could block public access to the shoreline. In addition, this type of development could adversely impact coastal areas suited for water-oriented recreation by eliminating the beach use by swimmers, surfers, walkers, divers, kayakers, stand-up paddle boards and other water oriented users. The most likely area where this type of shoreline development could occur and result in adverse impacts to public access and recreation would be the ¼ mile of sandy beach area near the County boundary with the City of Los Angeles.

The LUP is lacking policies to carry out three critical Coastal Act access policies related to the protection of existing coastal access to the shoreline (CA Section 32011), ensuring new development projects not interfere with public access to the shoreline (CA Section 30212); and safeguarding coastal areas for water-oriented recreational activities (CA Section 30220). Without these critical public access policies in the LUP the County would not have a policy basis to protect public access to and along the shoreline; require new development to provide public access or mitigate for the loss of existing public access associated with new development; and ensure development will not adversely impact shoreline areas suited for water recreation. As noted above, although the shoreline areas in the Santa Monica Mountains LCP segment are owned and operated by California Department of Parks and Recreation and Los Angeles County there are public works/highway projects that could result in adverse impacts to coastal access and recreation and therefore it is important that these Coastal Act policies are included in the LUP.

Therefore, the Commission finds that **Suggested Modification 37**, adding three additional LUP policies, is necessary to ensure existing public access to and along the shoreline the shoreline is protected, public access is provided for in new development and coastal areas suited for water-oriented recreational activities are protected:

Suggested Modification 37

CO-X: Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Co-X: Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or, (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

CO-X: Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses

Therefore, the Commission finds that the policies contained in the Santa Monica Mountains Land Use Plan relative to the protection and provision of shoreline access and recreation, if modified as suggested, meet the requirements of and are in conformity with the Public Access and Recreation policies of Chapter 3 of the Coastal Act.

## **7. Parking / Transit / Signage**

While the physical supply of access is a primary factor in assuring access to and along the shoreline and coastal trails, there are a number of other factors which are important components of any access program. These factors include the availability of transit to beaches and parks, the availability of public parking facilities, adequate support facilities such as restrooms, and adequate signage. Impacts to any one of these variables may affect the availability or use of the physical supply of access. For example, without adequate parking or alternative transportation, beach and trail users will experience difficulty getting to the access site. Similarly, a lack of adequate support facilities on a site that is perceived by the public as overcrowded may make a particular beach or trail less desirable for use. In other situations, it may be necessary to balance the provision of support facilities with the need to protect sensitive resources. Therefore, managing coastal access involves managing not only the physical supply of access, but all of the other factors that contribute to ensuring maximum public access to the beach and inland trails.

The Commission has found in past actions that the availability of parking is a critical component of public access in the coastal areas of the County, the City of Malibu and in the Santa Monica Mountains. In the Santa Monica Mountains and coastal areas of the County, beach and trail access parking may be located in public parking lots or along public roadways. In particular, in areas where there are no public parking lots, on-street parking may be the only parking alternative. This is particularly true of Pacific Coast Highway. In the planning area, Pacific Coast Highway supplements existing public parking lots. On-street parking provides a large pool of free parking adjacent to the public beaches. Parking fees, even in the public parking lots, can run as high as ten dollars per day. Often, on-street parking is the only alternative at inland trailheads in the Santa Monica Mountains. Frequently, increased development along the shoreline and public roads leads to increased competition for spaces and the proliferation of “No Parking” signs and zones. It is often difficult to identify and quantify new “No Parking” or other signs that restrict parking on public roadways as many of these signs are not official signs and have been placed by private property owners without authorization from Caltrans or the County (as applicable) and without a coastal development permit. This type of barrier to public parking has occurred in several areas along Pacific Coast Highway.

In order to minimize impacts to public parking the Coastal Commission has required that new development provide adequate off-street parking. If residential, commercial and other uses do not provide adequate off-street parking, people will utilize on-street public parking which reduces the potential on-street parking normally available for trail and beach users. The availability of low cost or free parking in public parking lots or on public streets near beaches, trailheads, or parks is a critical component of public access to public recreation areas. The provisions to ensure sufficient off-street parking and protect existing on-street parking were included in the Malibu/Santa Monica Mountains LUP certified in 1986. In addition, locating trailheads, coastal accessways to the beach and to the various parklands can be a challenge unless there is adequate signage to direct the public to these

locations. In addition, good signage can reduce conflicts between the public and private property owners near trailheads and parklands.

### *Land Use Plan Policies*

Coastal Act Section 30252 stipulates that the location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

The proposed Land Use Plan contains policies which protect and provide for adequate public parking to access the shoreline, inland recreational areas and trails; restricts use fees for public parking; encourages public transit to these recreational areas; and outlines a strategy for a comprehensive signage program to identify public recreation areas, trails and accessways.

The LUP includes several policies to protect existing parking and ensure that new development provides adequate parking to ensure the public can easily access beach, inland parklands, and public trails. Policy CO-173 requires that new development shall provide off-street parking sufficient to serve the approved use in order to minimize impacts to public street parking available for coastal access and recreation. Policy CO-174 prohibits parking restrictions, such as the posting of no parking signs, red curbing, physical barriers, imposition of time limited parking, and preferential parking programs, which would impede or restrict public access to beaches, trails or parklands, except where such restrictions are necessary for public safety and where no other feasible alternative exists. If parking restrictions are permitted, this policy requires that an equivalent number of public parking spaces shall be required nearby to mitigate for the loss of the parking. Policy CO-179 requires public beaches and parks to maintain lower-cost user fees and parking fees, and maximize affordable public access and recreation opportunities to the extent feasible. In addition, this policy makes it clear that any limitations on of use, or increases in use fees or parking fees, shall require a coastal development permit. Finally, Policy CO-181(e) provides for locating and siting public parking to minimize adverse impacts to sensitive environmental and visual resources.

The LUP also includes policies to encourage public transit and informational signage throughout the planning area to assist the public in locating beachfront and inland recreational resources. Policy CO-180 encourages where feasible the extension of transit services, including shuttle, programs, to maximize public access and recreation. Policy CO -178 requires the County to coordinate with the various federal and State park agencies and the City of Malibu to provide for a comprehensive signage program to identify public parks, trails and accessways. The policy also indicates the signage program should be designed to minimize conflicts between public and private property uses.

Therefore, the Commission finds that policies contained in the Santa Monica Mountains Land Use Plan relative to the protection and provision of public parking, transit and informational signage are in conformity with the Public Access and Recreation policies of Chapter 3 of the Coastal Act.

## **8. Visitor and Recreation Serving Uses**

As stated previously, the public parklands, campgrounds, trails, and public beaches in the Santa Monica Mountains planning segment serve visitors not only from the immediate region and State but from all over the country and world. Overall, a wide variety of recreational opportunities exist within the Santa Monica Mountains and the adjacent City of Malibu such as swimming, surfing, diving, boating, camping, biking, hiking and equestrian use. As previously noted, over half of the planning area is occupied by national, state or local parklands that provide for a variety of low cost visitor serving and recreation activities. Given the rugged topography, sensitive habitats, and limited infrastructure in the Santa Monica Mountains, the typical types of commercial/retail visitor serving uses found in coastal beach communities such as hotels, motels, retail uses and restaurants are simply not compatible uses in this type of mountainous landscape. A relatively small existing commercial retail center in the Topanga village area is the only commercial/retail node designated in the LUP planning area. However, there are a few individual commercially designated parcels for longstanding businesses such as the Saddle Peak Lodge restaurant located in the community of Monte Nido. The Topanga commercial area has a variety of retail and commercial uses to serve both the local community and visitors to the area. There are also a very limited number of existing private visitor-serving commercial recreational uses designated in the LUP. These uses include several existing private campgrounds, a golf course, a small convention/conference facility and an equestrian facility. The more intensive commercial and visitor serving uses are located in the nearby City of Malibu and along the Highway 101 corridor located a short distance north of the Santa Monica Mountains plan area.

In other coastal jurisdictions in southern California the protection of existing low cost overnight accommodations and the provision of new low cost overnight accommodations is a significant issue in the review of development proposals involving overnight accommodations and as a policy matter in LCP updates. The popularity of hotels and motels in close proximity to the coast has only grown over the years resulting in very high hotel rates for existing hotels and motels. In addition, in southern California coastal areas the trend is for new very expensive high end hotels some of which are replacing older more affordable hotel and motels. Through Commission permit actions and LCP updates, the Commission has addressed this issue by requiring an in-lieu fee mitigation requirement that is directed toward construction of low cost overnight accommodations such as hostels and, where possible, expanded or new camping, or other affordable accommodations on public parklands. In the Santa Monica Mountains, given the rugged landscape, lack of infrastructure, and sensitive habitats, the primary supply of overnight accommodations for visitors to the area are campgrounds within National or State Parks. These campgrounds provide visitors with the opportunity to enjoy the beauty and recreational opportunities of the Santa Monica Mountains at a relatively low cost (for instance, \$45.00 for a standard camp site in Malibu Creek State Park).

Within the coastal zone, Leo Carrillo State Park, Malibu Creek State Park, Musch Trail Camp within Topanga State Park and Decker Canyon Group Campground provide camping opportunities. In total, these camping locations offer 209 campsites and additional group camping opportunities for up to 260 people. Within approximately five miles of the coastal zone, there are additional camping locations at Point Mugu State Park, Topanga State Park, Thornhill Broome Beach, La Jolla Valley Camp, Danielson Multi-Use Area, and Sycamore Multi-Use Area. These camping locations offer an additional 144 campsites and group camping opportunities for up to 333 people. In total, there are 353 campsites and additional group camping opportunities for approximately 600 people.

In addition, it is anticipated that the area's public land management agencies will enhance camping and other recreational opportunities within the Santa Monica Mountains in the near future. The Santa Monica Mountains Conservancy plans to add up to 63 campsites within Corral Canyon, Ramirez Canyon, and either Malibu Bluffs Park or Charmlee Park. The National Park Service plans to add eight new low impact trail camps camping stops along the Backbone Trail, with approximately 40 new campsites. In addition, the California Department of Parks and Recreation has plans to rehabilitate the historic Topanga Ranch Motel at Topanga Beach as a low cost overnight accommodation. While there are few existing low-cost visitor serving overnight accommodations other than campgrounds within the Santa Monica Mountains plan area, there are more than 1,500 low- and moderate-cost hotel rooms within five miles primarily located along the Highway 101 corridor which provides quick and easy access to the Santa Monica Mountains. In addition, the County provided a survey of hotel rooms that shows that there are more than 4,000 low-and moderate- cost hotel rooms currently available within eight miles of the Santa Monica Mountains coastal zone area (A chart showing the result of this survey is attached as **Exhibit 3**). Therefore, based on this information, there is an adequate supply of low and moderate cost overnight accommodations within close proximity to the Santa Monica Mountains plan area to serve current and future visitors to this area.

Furthermore, the LUP allows for limited or small scale rural inns, bed and breakfast accommodations, cabins and private campgrounds within residential and several other land use designations. Allowing these uses within the majority of land use designation in the Santa Monica Mountains plan area will allow for additional facilities that are consistent with the resource protection policies of the LUP to be added to the stock of visitor serving overnight accommodations.

#### *Land Use Plan Policies*

Coastal Act Section 30213 requires that lower cost visitor serving recreational facilities shall be protected, encouraged and where feasible provided. In addition, Coastal Act Section 30222 stipulates 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 agriculture or coastal-dependent industry. Furthermore, Coastal Act Section 30222 requires 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 agriculture or coastal-dependent industry. Finally, Section Coastal Act 30223 requires upland areas necessary to support coastal recreation uses shall be reserved for such uses, where feasible.

The Recreation and Trails Section of the LUP (Section H of the Conservation and Open Space Element) contains policies addressing the provision of lower cost visitor-serving facilities, prioritizing visitor serving uses over other non-priority uses, and ensuring upland areas necessary to support coastal recreation uses shall be reserved for such uses. The subsection addressing Visitor Serving Accommodations in the introduction to Section H -Recreation and Trails does not adequately describe the existing supply of low cost overnight accommodations in and surrounding the Santa Monica Mountains plan area, including the supply of existing public campgrounds and low and moderate cost hotel and motel accommodations in the surrounding area. In order to better describe and characterize the supply of existing low and moderate cost overnight accommodations within and in close proximity

to the Santa Monica Mountains plan area in the introduction to this section the Commission finds that **Suggested Modification 35** is required.

Through Policy CO-156, the LUP encourages a full range of recreational experiences to serve local, regional and national visitors with diverse backgrounds, interests, ages and abilities, including transit-dependent and the physically challenged. Policy CO-159 requires that lower-cost visitor serving and recreational facilities shall be protected, encouraged, and, where feasible provided. This policy also further requires that priority shall be given to development of visitor serving commercial and/or recreational uses that complement public recreation areas or supply recreational opportunities not currently available in public parks or beaches. One form of lower cost visitor serving use that is likely to increase in demand in the future is low cost overnight accommodation. It is important that this particular low cost visitor serving use is not only protected in the Santa Monica Mountains but also encouraged. Policy CO-159 does not specifically call out low cost overnight accommodations as a visitor serving use that should be protected and encouraged. Therefore, the Commission finds that **Suggested Modification 38** is required to specify that low cost overnight accommodation are a visitor serving use that should be protected and encouraged in the Santa Monica Mountains plan area.

Policy CO-164(e) will compliment Policy CO-159, as modified, as this policy specifies that overnight campgrounds including “low-impact” campgrounds, are permitted uses in parklands and are encouraged within park boundaries for public use to provide a wider range of recreational opportunities and low-cost visitor-serving opportunities for visitors of diverse abilities. Policy CO-167 mirrors the language of Coastal Act Policy 30223 which requires that upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible. Policy CO-170 requires that new visitor serving commercial recreational facilities be located where they provide convenient public access, adequate infrastructure, sufficient and safe parking, and that are designed to enhance public opportunities for recreation which enhance public opportunities for coastal recreation. In order to ensure visitor serving commercial recreational facilities do not overload nearby public parklands and recreation areas, Policy CO-171 requires that these uses be of a scale and intensity that is compatible with the nearby parkland or recreation area. Policy CO-169 is intended to carry out Coastal Act Policy 30222 which requires 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 agriculture or coastal-dependent industry. However, in Policy CO-169, the County added educational facilities as a priority use equivalent to the visitor-serving commercial recreational facilities. Educational facilities are not recognized as a priority use under the Coastal Act Policy 30222, therefore, the Commission finds **Suggested Modification 39** is required to delete the reference to educational facilities from Policy CO-169. In addition, this Suggested Modification makes a correction to the last sentence of Policy CO-169 to accurately describe that low cost visitor serving commercial recreational facilities constitute a priority use that should not be displaced unless a comparable replacement low cost visitor serving recreation use is provided, as indicated below.

#### Suggested Modification 39

CO-169 The use of private lands suitable for visitor-serving commercial recreational, ~~including educational~~, facilities designed to enhance public opportunities for coastal recreation shall be given priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry. New visitor-serving commercial uses shall not displace existing low-cost visitor-serving commercial recreational uses unless a comparable replacement low-cost visitor-serving commercial recreational use ~~area~~ is provided.

The proposed LUP policies related to the protection of low cost visitor serving recreational uses, including low cost overnight accommodations, if modified as suggested, are consistent with Coastal Act Sections 30213, 30222 and 30223 of the Coastal Act. Therefore, based on the above findings, the Commission finds that the policies contained in the Santa Monica Mountains Land Use Plan, if modified as suggested, meet the requirements of and are in conformity with the Public Access and Recreation policies of Chapter 3 of the Coastal Act.

## **G. NEW DEVELOPMENT**

### **1. Coastal Act Provisions**

The Coastal Act requires the protection of coastal resources, including public access, land and marine habitat, and scenic and visual quality. Focusing new development to areas in close proximity to existing development with available public services serves to minimize the impacts of remote “leap-frog” development that would require the construction of roads, utilities, and other services. Section 30250 of the Coastal Act requires that new residential, commercial, or industrial development is located near existing developed areas, and where it will not have significant adverse impacts, either individually or cumulatively on coastal resources. Additionally, Section 30250 establishes that land divisions outside existing developed areas can only be permitted where fifty percent of existing parcels have already been developed and that the new parcels are no smaller than the average size of existing parcels. Section 30244 requires the protection of archaeological and paleontological resources and the implementation of mitigation measures to avoid or minimize any impacts.

### **2. Coastal Act Policies**

Section **30250** of the Coastal Act states that:

*New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.*

Section **30244** of the Coastal Act states that:

*Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.*

Section **30254** of the Coastal Act states that:

*New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division; provided, however, that it is the intent of the Legislature that State Highway Route 1 in rural*

*areas of the coastal zone remain a scenic two-lane road. Special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce new development inconsistent with this division. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.*

### **3. Introduction**

In order to ensure that new development is located in areas able to accommodate it and where it will not have significant cumulative impacts on coastal resources, as required by Section 30250 of the Coastal Act, it is necessary for the LUP to designate the appropriate location, density, and intensity for different kinds of development. Such designations must also take into account the requirements of other applicable policies of Chapter 3 of the Coastal Act, including public access, recreation, land and marine resources, and scenic and visual quality. The Land Use Plan (LUP) provides parameters for new development within the Santa Monica Mountains area of Los Angeles County. The LUP Land Use Map shows the land use designation for each property. The land use designation denotes the type, density and intensity of new development that may be permitted for each property, consistent with all applicable LCP policies.

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

Existing land uses vary throughout the Santa Monica Mountains. Approximately 52 percent of the Coastal Zone is publicly-owned parkland and includes part of the Santa Monica Mountains National Recreation Area, Topanga State Park, Malibu Creek State Park, and Leo Carrillo State Park. There is limited commercial development on Pacific Coast Highway in the LUP area and on the central portion of Topanga Canyon Boulevard. The remainder of the Coastal Zone is generally composed of scattered rural residences, rural communities, and some higher-density residential subdivisions. Rural residential uses include single-family detached homes developed at low densities (less than one unit per acre), while Rural Villages have a density of up to seven units per acre. A small amount of multi-family housing exists in the southeast portion of the LUP area north of Pacific Coast Highway, with densities in excess of 20 units per acre.

### **4. Density, Types, and Intensity of Use**

In order to ensure that new development is located in areas able to accommodate it and where it will not have significant adverse cumulative impacts on coastal resources, as required by Section 30250 of the Coastal Act, it is necessary for the LUP to designate the appropriate location, density, and intensity for different kinds of development. Such designations must also take into account the requirements of other applicable policies of Chapter 3 of the Coastal Act, including public access, recreation, land and marine resources, and scenic and visual quality.

The LUP establishes the basic categories and intensity of use for all new development in the Santa Monica Mountains. The allowable categories of use include *Open Space*, *Rural Lands*, *Rural Residential*, *Rural Villages*, *Residential*, *Commercial*, and *Public and Semi-public Facilities*. Aside from open space (which includes public park land, recreational areas, and land preservation areas) residences and their accessory uses represent the predominant land use in the Santa Monica Mountains. The County has applied one land use designation to each parcel. The designations are shown on the LUP Land Use Policy Map (Map 8). Based on public comments they received, County staff has identified two parcels in the Trancas Canyon area that were erroneously designated as “Open Space-Parks” on Map 8 even though the parcels are privately owned. The County has requested that Commission staff add a suggested modification to re-designate these two parcels as “Rural Land” (Mountain Land), with a density of 1 dwelling unit per 20 acres. **Suggested Modification 60 (part D)** suggests this change to ensure that the two properties in question have an appropriate land use designation.

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

### ***Residential Categories***

There are four (4) primary categories of residential use which include '*Rural Lands*', '*Rural Residential*', '*Rural Villages*', and '*Residential*'. The principle permitted use in each of these categories is a single family residence, with the exception of the '*Residential*' designation which includes both single family residences and townhouses. In addition, each of these four primary categories are broken down into the following sub-categories which allow for a range in the density of new residential development:

#### **Rural Lands and Rural Residential**

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

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

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

**RL2** One dwelling unit per 2 acres

**RL1** One dwelling unit per acre

The principal permitted use in areas that are designated either 'Rural Lands' or 'Rural Residential' is a single-family home. Other allowable uses under both the 'Rural Lands' and 'Rural Residential' designations may include limited agriculture (including equestrian) uses, retreats, monasteries, public recreation areas and facilities, trails, campgrounds, tent camps, bed-and-breakfast facilities, public and local-serving private schools, water tanks, and telecommunications facilities. In addition, regardless of the residential designation of these areas, as proposed, the LUP would also allow for "low-intensity" conference centers and local-serving commercial, institutional, and public facilities in each of these residentially designated areas.

### Rural Villages

The '*Rural Villages*' designation reflects those areas in the Santa Monica Mountains that have been previously subdivided and developed into small communities. Typically these areas were subdivided into very small urban-scale parcels, with parcels often less than 4,000 to 5,000 square feet in size, prior to both the effective date of the Coastal Act and modern subdivision requirements, and have experienced a relatively high level of development. The principal permitted use in the Rural Villages category is a single-family residence. Other permitted uses, which must be consistent with all development standards, include: equestrian uses, bed-and-breakfast facilities, public recreation areas and facilities, trails, water tanks, public and local-serving private schools, telecommunications facilities, and other local-serving commercial and institutional public facilities.

Due to the unique, existing development pattern of residential villages, the LUP does not provide for a minimum parcel size; however, parcels in all Rural Villages are subject to various policies and standards in order to limit the potential effects of continued urban-scale development and to discourage buildout. In addition, pursuant to the LUP, land divisions, except for mergers and lot line adjustments, are not permitted in Rural Villages. Lots in Rural Villages are often difficult to develop due to steep slopes, unfavorable geologic conditions, onsite wastewater treatment system limitations, limited access, the costs of development, and other constraints. If the theoretical buildout of these lots were to occur, it would necessitate implementation of costly infrastructure (such as sewers or other technology, and roads) and significantly alter the existing density characteristics of these areas. Thus, although not the subject of this staff report, the Implementation Plan includes specific provisions to limit the sizes of new residences within rural villages by application of Gross Structural Allowance (GSA) Formula while also providing for an incentives program that allows for construction of larger residences in exchange for the permanent retirement of all development potential of one or more undeveloped lots in a rural village.

### Residential

The '*Residential*' category allows for urban residential development patterns on parcel sizes of less than one acre. Development appearance is typical of urban areas, where standards include full street paving, curbs, gutters, sidewalks, and minimum setbacks. Only the Sunset Mesa area in the southeastern corner of the Coastal Zone possesses these attributes. The principal permitted use in the Residential categories is a single-family detached or attached home. Such residences may include suburban tracts, small-lot single-family residences, and townhouses as appropriate to the designated maximum density. High-density residential uses such as apartments and condominiums may also be allowed in these areas. Other permitted uses include public recreation areas and facilities, and trails. The following Residential categories are designated on the Land Use Map:

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

### ***Open Space***

The primary purpose of '*Open Space*' lands is to provide areas for recreation and the preservation of biological, scenic, historical, or cultural resources. Pursuant to the LUP, there are three separate categories of 'Open Space'. The principal permitted uses in these areas include habitat preservation and recreation. Other permitted uses include resource conservation areas, picnic grounds, facilities appurtenant to public recreation areas, low-intensity sanctuaries, deed-restricted private open space, open drainage easements, trails, equestrian activities, rural campgrounds, and historical sites. There are three (3) categories of open space lands:

#### **OS Open Space**

Lands acquired and managed by private, non-profit organizations for habitat preservation and recreation uses. These lands include private conservancy lands, private parks, nature preserves, wildlife habitats, and drainage easements. The principal permitted use is passive, resource-dependent recreation.

#### **OS-P Open Space - Parks**

Public parks, including federal, State, and County parks, and beaches acquired by public agencies for habitat preservation and public recreation. The principal permitted use is resource-dependent recreation.

#### **OS-DR Open Space – Deed Restricted**

Lands subject to recorded easements or deed restrictions for open space purposes, including, but not limited to, habitat preservation, scenic protection, trails and walkways, or flood hazard protection. Private lands deed restricted for habitat preservation and scenic protection generally do not allow public use. The principal permitted use is habitat preservation or passive, resource-dependent recreation consistent with the limitations established for the site by the terms of the applicable easement or deed restriction.

### ***Commercial***

The Commercial categories provide areas for residents and visitors to obtain goods and services. These categories generally are located where such uses have existed historically or in locations that would be available to meet the needs of residents and visitors. There are two categories of commercial use:

## **C - Commercial**

The '*Commercial*' designation allows for the general shopping and commercial service needs of local residents, workers, and visitors. The principal permitted use is general commercial activities, including retail and personal services. Other permitted uses include offices, specialty stores, financial institutions, art and studio facilities, public recreation areas and facilities, and trails. Quiet, non-polluting rural uses and scientific research and development facilities may also be located in Commercial areas.

## **CR - Commercial Recreation - Limited Intensity**

The '*Commercial Recreation*' designation allows for visitor-serving, resource-based commercial recreation uses characterized by large open space areas. The principal permitted use is low-intensity commercial establishments offering a variety of goods and services to visitors. Other permitted uses, consistent with all development standards, include restaurants, general stores, visitor-serving overnight accommodations, bed-and-breakfast facilities, hostels, public recreation areas and facilities, trails, low-intensity conference centers, and private commercial recreation including fish ponds, equestrian facilities, and club houses.

## ***Public and Semi-Public Facilities***

Public and Semi-Public Facilities areas provide appropriate locations for activities conducted by public and quasi-public agencies. The principal permitted use is government offices and services. Other permitted uses include educational institutions, probation camps, public service facilities, public recreation areas and facilities, and trails.

## ***Resource Protection and Special Management Overlays***

In addition to the base land use designations, two overlay categories regulate development in the Coastal Zone. These categories are: (1) Biological Resources and (2) Scenic Resources. In those areas where one or both of these overlays apply, new development shall be consistent with the applicable land use category and additionally shall adhere to the policies and provisions of the applicable overlay category.

### **Biological Resources**

Sensitive Environmental Resource Areas (SERAs), contain resources that, because of their characteristics and/or vulnerability, require special protection. These areas are discussed in detail in the Land and Marine Resources section, and include areas designated as H1 habitat, and H2 habitat (including H2 High Scrutiny habitat), which constitute environmentally sensitive habitat area (ESHA). New development within SERAs must adhere to the land and marine resource protection policies and standards of the LUP.

### **Scenic Resources**

The Santa Monica Mountains are a highly scenic area of national and regional importance. Within the Mountains are particularly significant visual resources that warrant special standards to maintain their unique character and quality. New development within this overlay category must adhere to the scenic resource protection policies and standards of this LUP. However, the scenic resource protection policies and standards shall also apply to all other areas that are on,

along, within, or visible from scenic routes, public parklands, trails, beaches, and state waters that offer scenic vistas of the mountains, canyons, coastline and other unique natural features.

## **5. General Land Use Provisions**

Section 30250 of the Coastal Act provides that new residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

The LUP provides general policies that are applicable to all new development projects. Approval of any coastal development permit must include written findings that the approved project is consistent with all Land Use Plan policies and Implementation Plan provisions of the County's certified LCP. The Environmental Review Board will review and make written recommendations regarding projects within or adjacent to environmentally sensitive habitat areas (H1 or H2 Habitat Areas) to ensure that such projects are consistent with the policies of the LUP. The coastal development permit for development reviewed by the ERB shall include written findings relative to the project's conformance to the ERB's recommendations.

As part of all applications for new development on a vacant site, evidence must be provided that the parcel was legally created. Such evidence would include the date and method by which the parcel was created. If the parcel was not legally created or was created after the effective date of the Coastal Act without the approval of a coastal development permit (CDP), then a CDP authorizing the land division that created the parcel must be approved prior to the approval of any further development of the site.

Consistent with Section 30250 of the Coastal Act, Policy LU-1 of the County's LUP specifically requires that new residential, commercial, or industrial development shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it, or where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

Further, as proposed, Policy LU-12 requires that the extension of water, sewer, or utility infrastructure to serve development be located within existing roadways and road rights-of-way in order to minimize adverse impacts to coastal resources and that if the extension of such infrastructure could potentially result in growth-inducing impacts, then appropriate environmental review, and a discretionary approval for the development if appropriate, would be required. **Suggested Modification 48** is necessary to revise Policy LU-12 to clarify that the extension of water, sewer, or utility infrastructure to serve new development be located within legally existing roadways and road rights-of-way only in a manner that avoids adverse impacts to coastal resources to the maximum extent feasible. Moreover, **Suggested Modification 48** clarifies that such infrastructure shall be sized to provide only for the approved development to avoid growth-inducing impacts.

Several policies in the Circulation Element address the expansion or extension of roadways with regard to new development. Policy CI-19 requires that the density and intensity of development in rural and

mountainous areas be limited to a level that can be accommodated by existing road capacity and without creating significant adverse impacts. Policy CI-13 states that the County may allow road and driveway improvements only where they provide legal access to: 1) existing, lawfully-developed parcels; or 2) legal parcels with an approved coastal development permit and all other required permits. The circulation policies also establish that the capacity and efficiency of roads through the LCP area may be increased, but the roadways cannot be widened. Policy CI-1 states that the capacity and operational efficiency of highways should be maximized, consistent with environmental protection and neighborhood preservation, without widening roadways to achieve any additional capacity. Policy CI-3 further provides that roadway system capacity may be expanded only where environmental resources (habitats/linkages, viewsheds, SERAs, trails, etc.), residential neighborhoods, and rural communities are adequately protected.

With regard to water availability for new development, Policy PF-2 requires the County to coordinate the land development review process with water purveyors to assure that adequate long-term water supplies and adequate water and sewer infrastructure are available to serve existing and planned development, without negatively impacting supplies and services for existing development. Additionally, Policy PF-11 prohibits the use of hauled water as a source of potable water for new development.

The LUP further provides that if there is a conflict between the policies contained in this LUP and those contained in any element of the County's General Plan, zoning, or any other ordinance and it is not possible for development to comply with both the LCP and other such plan, then the policies of this LUP shall take precedence.

Moreover, as discussed in detail above in Section C (Land and Marine Resources) both H1 and H2 habitat constitute ESHA. The proposed LUP would prohibit new development, with only a few exceptions, in all H1 habitat areas, which is reflected in the Biological Resources Overlay. The LUP would allow limited development in H2 habitat, where it is necessary to avoid a taking of private property. Where all feasible building sites and any required fuel modification on a parcel would be located in H2 habitat, LUP Policy CO-51 establishes the maximum "building site" area that would be allowed. The building site area in such cases may not exceed 10,000 square feet, or 25 percent of the parcel size, whichever is less. Policy CO-51 also extends this building site limitation to development in H3 habitat, which does not constitute ESHA, but have been determined by the County to contain some habitat value and function that warrants development limitations.

The building site area is defined in the LUP as the approved area of a project site that is or will be developed, including the building pad and all graded slopes, all structures, decks, patios, impervious surfaces, and parking areas. However, the area of one access driveway and one hammerhead safety turnaround required by the County Fire Department that are the minimum design necessary may be excluded from the total building site area. Fuel modification area required by the County Fire Department for approved structures and limited confined animal facilities may extend beyond the limits of the approved building site area. The restriction of the building site area to less than the maximum may be required if the native tree protection policies of the LUP require a smaller area or if it is determined that a smaller building site area would serve to avoid impacts to H1 habitat areas or required buffers, substantially minimize grading associated with the project, reduce the need for manufactured slopes, or reduce the need for retaining features visible from scenic areas, public trails, and public lands.

However, the building site area restriction that is included in Policy CO-51 for development in H2 habitat is limited to single-family residential development. While single-family residential development is the principally permitted use in many of the land use designations proposed in the LUP, and is historically the most common type of development proposed in the plan area, there are many other permitted uses allowed by the proposed plan. The LUP policies do not contain a building site restriction for those other types of development that are permitted in all of the proposed land use designations. In order to determine that development permitted in H2 habitat ESHA is limited to that necessary to provide a reasonable economic use of property, regardless of which land use plan designation is applicable, the Commission finds that **Suggested Modification 13** is necessary to expand the building site limitation included in Policy CO-51 to *all* new development in H2 habitat. Further, **Suggested Modification 13** clarifies that the proposed building site limitation for new development in H3 habitat (which does not constitute ESHA) would only apply to residential development, and not to other permitted uses that may be allowed.

The Commission finds that the building site area limitation of Policy CO-51, if modified as suggested, will provide private owners of parcels that contain H2 habitat ESHA an economically viable use of the property. Further, the definition of building site and the building site limitation of 10,000 sq. ft., or 25 percent of the parcel size, whichever is less, that is contained in the proposed LUP is consistent with what the Commission has consistently required in past permit actions to provide an economically viable use of properties containing ESHA.

Policy CO-51 states that the allowable building site area may be increased for projects that comprise two adjoining legal lots, if the existing lots are merged into one lot and one consolidated building site is provided with one access road or driveway. The allowable building site area shall not exceed the total of the building site areas allowed for each individual parcel. Policy CO-51 states that the allowable building site area may also be increased for projects that qualify for participation in an incentive program pursuant to Policy LU-28. However, Policy LU-28 does not specify how much the building site may be increased or the qualifications or components of the referenced incentive program. As such, it is unclear whether the program is consistent with the policies of the Coastal Act. The submitted LUP portion of the LCP, that is not a subject of this staff report, indicates that the County would allow the building site area to increase from 10,000 sq. ft. to 15,000 sq. ft. in H2 habitat if an applicant either (1) retires all development rights on one or more lawfully-created parcel(s) that total at least five acres in size and contain habitat designated H2.

However, the additional habitat impacts that would result from the incentive of increasing the maximum building site area in H2 habitat (additional area of habitat removal and modification from development and associated fuel modification) in excess of the LUP standard would not be commensurate with two of the proposed voluntary actions – dedication of an access easement and dedication of a public trail. As such, **Suggested Modification 56** is required to reflect the terms of the incentive program in regards to the building site area in a manner that ensures no net loss of H2 habitat and provides an incentive that is commensurate with the voluntary action. As suggested to be modified, the provisions in the LUP that allow an increase in the allowable building site area to encourage the clustering of future structures within the larger building site area and associated fuel modification requirements in order to minimize adverse impacts to the surrounding sensitive H2 habitat.

An LCP, and the coastal development permits issued pursuant to it, are the principal mechanisms by which state coastal policies are applied at the local level. There are currently many older existing

structures in the County that were constructed prior to the adoption of the Coastal Act policies. These structures may have been sited and designed in a manner contradictory to coastal management policy and standards. In this case, numerous structures were permitted and/or built prior to the development of this LCP. In past actions on LCPs, the Commission has typically required policies to assure that if these legal nonconforming structures are substantially rebuilt that they will be brought into compliance with LCP standards. For instance, in its adoption of the City of Malibu LCP, the Commission required the inclusion of Policy 4.15 that required that existing, lawfully established structures, which do not conform to the provisions of the LCP, may be maintained and/or repaired provided that such repair and maintenance do not increase the extent of nonconformity of the structure. The Malibu LCP also includes Policy 5.53 that provides that existing, lawfully established structures built prior to the effective date of the Coastal Act that do not conform to the provisions of the LCP may be maintained and repaired and that additions or improvements may be made to such structures provided that such additions or improvements themselves conform to the LCP. Finally, both policies state that demolition and site redevelopment cannot be permitted unless all structures are brought into conformance with the policies and standards of the LCP.

In this case, the LUP also includes provisions to guide review of coastal permits for legal non-conforming uses or structures. Policy LU-24, as proposed, provides that existing, lawfully-established structures built prior to the effective date of the Coastal Act or pursuant to a validly issued coastal development permit that do not conform to the provisions of the LCP may be maintained and repaired. In addition, Policy LU-24 includes a provision that, with the exception of the reconstruction of an existing lawfully-established structure following a natural disaster, demolition, removal, and or reconstruction that results in the demolition of more than 50 percent of the structure or foundation system of a non-conforming structure is not permitted unless the entire structure is brought into conformance with the policies and standards of the LCP.

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 delete the provision that would treat existing, legal non-conforming structures as “conforming” structures for the purpose of the review of new CDPs. 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.

The Commission finds that the general land use policies included in the LUP, if modified as suggested, meet the requirements of, and are in conformity with, Section 30250 and all other applicable Chapter 3 policies of the Coastal Act and will not have individual or cumulative impacts on coastal resources, including public access, recreation, land and marine resources, and scenic and visual quality.

## **6. Residential Development**

Pursuant to Coastal Act Sections 30250 and 30252 cited above, new development raises issues relative to cumulative impacts on coastal resources. It is necessary to establish the maximum density and intensity of development to ensure that impacts on coastal resources are minimized. In addition to the designation of residential density standards, it is necessary to also consider other ancillary development that may be developed in residential areas. Construction of accessory structures, particularly a second residential unit, on a site where a primary residence exists intensifies the use of the subject parcel. The intensified use creates additional demands on public services, such as water, sewage, electricity, and roads. Thus, additional structures pose potential cumulative impacts in addition to the impacts otherwise caused by the primary residential development.

With regard to the maximum size of secondary structures, the Commission has consistently limited the size of second residential units (including guest houses) on residential parcels in the Santa Monica Mountains area to no more than 750 sq. ft. in area. In this case, Policy LU-23 also contains provisions that would limit the size of all second residential units to no more than 750 sq. in size, consistent with past Commission action. The Commission has found that placing an upper limit on the size of second residential units was necessary given the traffic and infrastructure constraints which exist in Malibu/Santa Monica Mountains area and given the abundance of existing vacant residential lots. Furthermore, in allowing these small units, the Commission found that the small size of units would ensure that they are likely to be occupied by one, or at most two people, serving to minimize any adverse impact on the limited capacity of mountain roads (as well as infrastructure constraints such as water, sewage, and electricity), as compared to the development of the equivalent of a second single family residence. A size limitation encourages the units to be used for their intended purpose, as a guest unit, or “granny unit”, rather than as a second residence or rental unit, which would have greatly intensified demands on coastal resources and community infrastructure. Further, Policy LU-14 requires the retirement of a transfer of development credit (TDC) as a condition of approving second residential units as a means to mitigate for the cumulative impacts of an additional residential unit on a parcel already developed with a single family residence.

Further, the LUP policies address new residential development. The residential density indicates the maximum number of units that could be allowed. It is not a guarantee. In order to ensure compliance with other applicable LCP policies or standards, the permitted density may be less than the maximum density indicated by the land use designation. Pursuant to Policy LU-23, the maximum number of structures permitted in a residential development shall be limited to one main residence, one second residential structure, and accessory structures such as detached garage, stable, workshop, gym, studio, pool cabana, office, or tennis court provided that all such structures are located within the approved building site area and structures are clustered to minimize required fuel modification. Certain confined animal facilities may be allowed outside of the building site area consistent with Policy CO-103. Second residential units (guesthouses, granny units, etc.) shall be limited in size to a maximum of 750 square feet. The maximum square footage shall include the total floor area of all enclosed space,

including lofts, mezzanines, and storage areas. Garages provided as part of a second residential unit shall not exceed an additional 750 square feet (3-car) maximum.

As described by the LUP, lands designated '*Rural Lands*' consist of relatively remote mountain lands typically characterized by steep slopes and 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. The LUP further describes parcels designated as '*Rural Lands*' as 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. '*Rural Residential*' lands are described by the LUP as areas where residential development is typically located in scattered clusters of estate-sized lots that exist throughout the Mountains. Both '*Rural Lands*' and '*Rural Residential*' designated lands commonly contain ESHA 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 cause significant adverse impacts in the form of increased erosion and introduction of pollutants into watersheds. Based on the LUP resource maps, the majority of lands designated as '*Rural Lands*' and '*Rural Residential*' are also designated as ESHA (H1 or H2 Habitat areas).

The principal permitted use in areas that are designated either '*Rural Lands*' or '*Rural Residential*' is a single-family home (with a range of maximum densities from one dwelling unit per 1 acre to one dwelling unit per 40 acres). Other allowable uses under both the '*Rural Lands*' and '*Rural Residential*' designations may include equestrian uses, retreats, monasteries, public recreation areas and facilities, trails, campgrounds, tent camps, bed-and-breakfast facilities, public and local-serving private schools, water tanks, and telecommunications facilities. In addition, regardless of the residential designation of these areas, as proposed, the LUP would also allow for "low-intensity" conference centers and local-serving commercial, institutional, and public facilities in each of these residentially designated areas may result in substantially greater adverse cumulative impacts to environmentally sensitive habitat areas (H1 or H2) and to other coastal resources than low-density residential development due to increased intensity of land use, traffic, parking, impermeable surfaces, runoff, erosion, septic effluent, etc. These uses are not appropriate in rural residential areas. Rather, such uses should be provided for in the appropriate land use category in areas designated on the basis of the specific characteristics present that would allow the uses to be developed consistent with all other LUP policies. Therefore, **Suggested Modification 54** is required to ensure that "low-intensity" conference centers and local-serving commercial, institutional, and public facilities are deleted from the allowable uses in both '*Rural Lands*' and '*Rural Residential*' designated areas. Moreover, although these commercial and institutional uses are inappropriate in residentially designated areas they remain as allowable uses pursuant to other land use designations in the LUP, including '*Commercial*', '*Commercial Recreation*', and '*Institutional*'.

The Commission finds that the residential land use designations included in the LUP, if modified as suggested, meet the requirements of, and are in conformity with, Section 30250 and all other applicable Chapter 3 policies of the Coastal Act and will not have individual or cumulative impacts on coastal resources, including public access, recreation, land and marine resources, and scenic and visual quality.

## **7. Commercial Development**

The Commercial categories provide areas for residents and visitors to obtain goods and services. These categories generally are located where such uses have existed historically or where they would be positioned to meet the needs of residents and visitors. There are two categories of commercial use which include '*Commercial*' and '*Commercial-Recreation*'.

There are relatively few existing areas with existing commercial development in the Santa Monica Mountains. The LUP designates existing commercially developed areas as '*Commercial*'. The three primary locations where existing commercial development is located and which will be designated as commercial are located in the Topanga area near the intersection of Topanga Canyon Boulevard and Old Topanga Road, at the intersection of Topanga Canyon Boulevard and Pacific Coast Highway, and a small area along Malibu Canyon Road adjacent to Pepperdine University and the City of Malibu Civic Center, as shown on the LUP Land Use Policy Map (Map 8). In addition, there are several larger tracts of land which are proposed to be designated as '*Commercial-Recreation*' as shown on Map 8 of the LUP.

The '*Commercial*' designation is intended to allow for the general shopping and commercial service needs of local residents, workers, and visitors. The principal permitted use is general commercial activities, including retail and personal services. Other permitted uses include offices, specialty stores, financial institutions, art and studio facilities, public recreation areas and facilities, and trails. Quiet, non-polluting rural uses and scientific research and development facilities may also be located in Commercial areas.

The '*Commercial Recreation*' designation allows for visitor-serving, resource-based commercial recreation uses characterized by large open space areas. The principal permitted use is low-intensity commercial establishments offering a variety of goods and services to visitors. Other permitted uses, consistent with all development standards, include restaurants, general stores, visitor-serving overnight accommodations, bed-and-breakfast facilities, hostels, public recreation areas and facilities, trails, low-intensity conference centers, and private commercial recreation including fish ponds, equestrian facilities, and club houses.

The LUP contains policies addressing new commercial development, including Policy LU-44 which provides that new commercial, office, and other higher-intensity development should be concentrated along major streets and ensure that such development would have adequate access, can accommodate the traffic, is accessible to essential services, and contains appropriate site design features to enhance community character. In addition, Policy LU-45 requires that commercial uses be designed to be compatible in scale and appearance with the existing community and surrounding natural environment. However, regardless of whether new development would be located within environmentally sensitive habitat areas (ESHAs) the LUP, as proposed, fails to provide any limit on the size of new commercial development but instead only relies on the implementation of a maximum land use intensity of 0.5 floor-area ratio (FAR) in '*Commercial*' designated areas and a 0.3 floor-area ratio (FAR) in '*Commercial-Recreation*' designated areas. In past actions on commercial development, the Commission has found that new commercial development must be implemented in a manner that takes into account environmental constraints, including potential impacts to ESHA.

As proposed, the LUP would allow for commercial development in areas designated as H2 habitat, which constitutes ESHA. The proposed LUP allows limited development in H2 habitat (ESHA) in order to avoid a taking of private property. Where all feasible building sites and any required fuel modification on a parcel would be located in H2 habitat, LUP Policy CO-51 establishes the maximum “building site” area that would be allowed. The building site area in such cases may not exceed 10,000 square feet, or 25 percent of the parcel size, whichever is less. Policy CO-51 also extends this building site limitation to development in H3 habitat, which does not constitute ESHA, but have been determined by the County to contain some habitat value and function that warrants development limitations.

However, the building site area restriction that is included in Policy CO-51 for development in H2 habitat is limited to single-family residential development and would not apply to other types of development, including commercial development. The LUP policies do not contain a building site restriction for those other types of development, including commercial development, that are permitted in all of the proposed land use designations, other than the use of the above referenced floor area ratio (FAR) which would not, by itself, be adequate to minimize potential impacts to ESHA. In order to determine that development permitted in H2 habitat ESHA is limited to that necessary to provide a reasonable economic use of property, the Commission finds **Suggested Modification 13** necessary to expand the building site limitation included in Policy CO-51 to *all* new development in H2 habitat. Further, **Suggested Modification 13** clarifies that the proposed building site limitation for new development in H3 habitat (which does not constitute ESHA) would apply to residential development only, and not to other types of permitted uses, including commercial development that may be allowed. Thus, within H3 habitat areas, there would be no limitation on the size of new commercial development other than the application of FAR provisions.

The Commission finds that the commercial land use policies included in the LUP, if modified as suggested, meet the requirements of, and are in conformity with, Section 30250 and all other applicable Chapter 3 policies of the Coastal Act.

## **8. Rural Villages**

Throughout the Malibu/Santa Monica Mountains coastal zone there are a number of areas that were subdivided in the 1920’s and 30’s into very small “urban” scale lots. These subdivisions, known as “small-lot subdivisions” or “rural villages” are comprised of parcels of less than one acre but generally range in size from 2,000 to 15,000 square feet. The 1978 “Build-out” report prepared for the Santa Monica Mountains Comprehensive Planning Commission and for the Coastal Commission, found that of the total existing undeveloped parcels identified in the Malibu/Santa Monica Mountains area, 60 percent were located within the small lot subdivisions.<sup>84</sup>

The cumulative development constraints common to small-lot subdivisions were documented by the Coastal Commission and the Santa Monica Mountains Comprehensive Planning Commission in the January 1979 study entitled: “Cumulative Impacts of Small Lot Subdivision Development In the Santa Monica Mountains Coastal Zone”. The study acknowledged that the existing small-lot subdivisions can only accommodate a limited amount of additional new development due to major constraints to buildout of these areas that include: geologic problems, road access problems, water quality problems,

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<sup>84</sup>Cumulative Impacts of Potential Development in the Santa Monica Mountains Coastal Zone, prepared by Curtis S. Williams and Dale Briker, 1978.

disruption of rural community character, creation of unreasonable fire hazards and others. With steep slopes and smaller average lot sizes, the ability to site development within the small lot subdivisions to avoid impacts to resources is limited. Further, if fully developed, the densities in these small lot subdivisions would exceed the capacity of the narrow winding access roads and the local watershed's ability to assimilate the septic system effluents. The report concluded that the large number of existing undeveloped small lots, if developed, would have a significant adverse impact on coastal resources.

In order to minimize the cumulative impacts associated with developing these parcels, Policy 271(b)(2) of the previously certified Malibu/Santa Monica Mountains LUP, which has been used as guidance by the Commission in past permit actions, requires that new development in small-lot subdivisions/rural villages comply with the Slope Intensity Formula for calculating the allowable Gross Structural Area (GSA) of a residential unit. Past Commission action certifying the 1986 LUP indicates that the Commission considers the use of the Slope Intensity Formula appropriate for determining the maximum level of development that may be permitted in small lot subdivision areas, to minimize the cumulative impacts of such development, consistent with the policies of the Coastal Act. Additionally, the Commission has, through coastal development permit actions, consistently applied the Slope Intensity Formula to new development in small lot subdivisions. The basic concept of the formula assumes the suitability of development of small hillside lots should be determined by the physical characteristics of the building site, recognizing that development on steep slopes has a high potential for adverse impacts on resources. Following is the formula and description of each factor used in its calculation:

#### **Slope Intensity Formula**

$$GSA = (A/5) \times ((50-S)/35) + 500$$

GSA = the allowable gross structural area of the permitted development in square feet. The GSA includes all substantially enclosed residential and storage areas, but does not include garages or carports designed for storage of autos.

A = the area of the building site in square feet. The building site is defined by the applicant and may consist of all or a designated portion of the one or more lots comprising the project location. All permitted structures must be located within the designated building site.

S = the average slope of the building site in percent as calculated by the formula:

$$S = I \times L/A \times 100$$

I = contour interval in feet, at not greater than 25-foot intervals, resulting in at least 5 contour lines

L = total accumulated length of all contours of interval "I" in feet

A = the area being considered in square feet

The proposed LUP contains policies intended to limit the build-out of rural village lots. Policy LU-30 states that within Rural Villages, new development shall be limited in mass, scale, and total square footage of structures in order to minimize grading, landform alteration, and protect environmental and scenic resources. Similarly, Policy LU-31 states that new development shall "[r]estrict the mass, scale, and total square footage of structures within Rural Villages to avoid the cumulative impacts of development of small constrained parcels on coastal resources". However, although both these policies provide general guidance that new development within rural villages should be limited, neither of these policies provides a clear provision on what those limitations are or how they would be carried

out. The pending Implementation Plan, which is not addressed by this staff report, includes more specific measures to implement essentially the same GSA/Slope Intensity Formula that was incorporated as part of the certified 1986 LUP for new development within rural villages. However, as proposed, the LUP itself does not include any provision or policy which requires the Slope Intensity Formula be utilized for all residential development in rural villages. It is important that the LUP provide a clear policy direction to guide all implementing actions in the IP. Therefore, **Suggested Modification 53** is necessary to revise Policy LU-31 to clarify that the mass, scale, and total square footage of structures within Rural Villages shall be restricted to avoid the cumulative impacts of development of small constrained parcels on coastal resources through the application of the Slope Intensity Formula to all residential development.

## 9. Land Divisions

The Coastal Act includes land divisions in the definition of development. Section 30106 states that “development” includes:

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

Because they constitute development, all land divisions must be authorized in a coastal development permit. Land divisions include subdivisions (through parcel map, tract map, grant deed or any other method), lot line adjustments, redivisions, and mergers. Lot line adjustments are “land divisions” that require a coastal development permit because they constitute “development” as defined in the Coastal Act. (*La Fe, Inc. v. County of Los Angeles* (1999) 73 Cal.App.4<sup>th</sup> 231; *see also Pacific Palisades Bowl Mobile Estates, LLC v. City of Los Angeles* (2012), 55 Cal. 4<sup>th</sup> 783, 795).

A land division also includes any certificates of compliance that grants legal recognition to a lot that was created through a land division that occurred previously but was illegal because it failed to comply with applicable state laws or local ordinances at the time. An owner of property may request that the local government determine whether a parcel was created in conformance with the requirements of the Subdivision Map Act. (*See* Government Code § 66499.35(a).) After review, the local government may issue a certificate of compliance with or without conditions. If the local agency determines that the lot was not created in compliance with the rules applicable to lot creation at the time, it must issue a “conditional certificate of compliance.” (*id.* at § 66.499.35(b).) Certificates of compliance recognize property as a separate legal parcel for purposes of conveyance, transfer or financing, but they do not grant any right to develop the parcel. The situations in which the issuance of a certificate of compliance may be requested can be divided into three categories as relevant to the Coastal Act:

1. The land division occurred prior to the effective date of the Coastal Act and the lot was created in compliance with laws in effect at the time.
2. The land division occurred prior to the effective date of the Coastal Act and the lot was not created in compliance with laws in effect at the time.
3. The land division occurred after the effective date of the Coastal Act without approval of a coastal development permit.

In the first case described above, the certificate of compliance confirms that creation of the parcel already occurred legally prior to the Coastal Act; therefore, issuing the certificate of compliance does not constitute “development” and does not require a coastal development permit. In the second and third instances, the action of issuing a certificate of compliance grants legal legitimacy to a parcel that was previously created illegally, through means that did not comply with the laws in effect at the time. This type of certificate, for the first time, authorizes the land division that created a new parcel. Therefore it constitutes development under the Coastal Act, and requires that the lot creation be considered by the decision maker through a coastal development permit. The coastal development permit can only be approved if the land division is consistent with all of the policies of the LUP. Compliance with the various LUP policies ensures that the land division is consistent with the various resource protection policies of Chapter 3 of the Coastal Act.

Numerous LUP policies require that land divisions minimize impacts to coastal resources and public access. Policies CO-52 and CO-75 address land divisions (including lot line adjustments) with regard to biological resources. Policy CO-52 states that subdivisions shall be subject to other policies (LU-9 and LU-17) found in the Land Use Element. This policy is duplicative since it merely refers to two other policies in the LUP. Additionally, this policy could be confusing since any new development is subject to all applicable LUP policies, and this policy could be read to suggest that this specific type of new development is only subject to certain enumerated policies. In order to avoid confusion, **Suggested Modification 14** requires the deletion of Policy CO-52.

Policy CO-75 provides that land divisions shall only be permitted where each new parcel contains a building site, access road and required fuel modification area for structures within the building site that are all located outside of H1 habitat, H1 buffer, and H2 “High Scrutiny” habitat. This policy further contains the same restrictions with regard to H2 habitat, but with the caveat that land divisions can only be approved where each new parcel contains a building site, road, and required fuel modification area that are all located outside of H2 habitat “to the maximum extent feasible”. Finally, CO-75 allows for the creation of a new open space parcel in any habitat category as long as it dedicated only to open space in perpetuity.

Policy LU-9 contains provisions similar to CO-75, although it states that land divisions shall only be permitted where each new parcel contains a building site, access road and required fuel modification area that are all located outside of H1 habitat. This policy does not address land divisions that involve H1 buffer, H2 or H2 “High Scrutiny” habitat areas. Policy LU-9 states that lots created entirely as dedicated open space are exempt from these provisions.

The Commission, through past permit actions in the Santa Monica Mountains, has not allowed land divisions in H2 habitat (coastal sage scrub & chaparral ESHA) as these land divisions are not considered resource dependent uses and result in the creation of new developable parcels and building sites that will result in the direct removal and disturbance of ESHA. Land divisions in the Santa Monica Mountains are most commonly proposed to facilitate the future construction of residential development. The creation of additional legal parcels within H2 habitat would result in additional significant impacts to ESHA. The additional impacts result from the future development of an additional building site area (maximum 10,000 sq. ft.), driveway, turnaround, structures, uses, and required fuel modification area for structures on each additional lot created. The additional impact resulting from the creation of an additional parcel through a land division would vary (with clustering of building site areas to the extent feasible, consistent with other LUP policies) from approximately 3 acres to a maximum of 5 acres of H2 habitat removal on every new parcel created (an approximately

100% increase over the existing parcel). The removal of ESHA for a building site on a newly created parcel is clearly inconsistent with Section 30240 of the Coastal Act, as this use is not a resource dependent use. However, this inconsistency with the Coastal Act may still be approvable if there is a conflict between Chapter 3 policies that must be resolved. Section 30007.5 of the Coastal Act states:

*The Legislature further finds and recognizes that conflicts may occur between one or more policies of the division. The Legislature therefore declares that in carrying out the provisions of this division such conflicts be resolved in a manner which on balance is the most protective of significant coastal resources. In this context, the Legislature declares that broader policies which, for example, serve to concentrate development in close proximity to urban and employment centers may be more protective, overall, than specific wildlife habitat and other similar resource policies.*

And Coastal Act Section 30200(b) (in Chapter 3) states:

*Where the commission or any local government in implementing the provisions of this division identifies a conflict between the policies of this chapter, 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.*

To be certified by the Commission, the proposed LUP must fulfill the requirements of, and be in conformity with the policies of Coastal Act Chapter 3 (Sections 30200 through 30265.5). In general, an LCP amendment must be consistent with all relevant Coastal Act policies in order to be approved. Thus, if a proposal is inconsistent with one or more Coastal Act policies, it must normally be denied, or suggested modifications must be included to make it consistent with all relevant policies.

However, the Legislature also recognized that conflicts can occur among applicable Coastal Act policies. It therefore declared that when the Commission identifies a conflict between one or more policies in Chapter 3, such conflicts are to be resolved “in a manner which on balance is the most protective of significant coastal resources” (Sections 30007.5 and 30200(b)). The Legislature also recognized that when a conflict exists, broader policies such as the policy to concentrate development in close proximity to urban and employment centers may be more protective, overall, than specific wildlife habitat and other similar resource policies (Section 30007.5). The first step is to establish that the proposal presents a conflict between one or more statutory directives contained in Chapter 3 of the Coastal Act. The fact that a proposal is consistent with one directive of Chapter 3 and inconsistent with another directive does not necessarily result in a conflict. Rather, the Commission must find that to deny the proposal based on the inconsistency with one directive will result in coastal zone effects that are themselves inconsistent with another Chapter 3 directive.

The creation of new parcels and building sites in H2 habitat that will result in the removal H2 habitat (ESHA) is not consistent with Section 30240. However, Section 30250 of the Coastal Act provides that:

*“New residential . . . development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.”*

The existing configuration of parcels in the Santa Monica Mountains includes many isolated and remote parcels. If each of these parcels were to be developed, it could result in a sprawling patchwork of isolated development sites. If a program could allow some of the less isolated sites to be divided in exchange for removing other sites so as to reduce the dispersed development pattern, rejecting such an option would be in conflict with the concentration of development mandate of section 30250. Thus, since both approval and denial of this proposal would have coastal zone effects inconsistent with some chapter 3 policy, there is a conflict that the Commission must resolve in a manner that, on balance, is most protective of significant coastal resources. For the reasons explained more fully below, the Commission finds that the authorization of land divisions in H2 habitat pursuant to a program that would result in the transfer and concentration of existing development rights to locations that would preserve greater areas of H2 habitat in a manner that is superior to the existing pre-land division configuration would be overall more protective of coastal resources. As proposed Policy CO-75 allows for land division in H2 without any requirements, or provisions that would result in the concentration of development through land divisions in a manner that would preserve larger contiguous areas of H2 habitat. Therefore, Policy 75 as currently proposed would result in a net loss of H2 habitat and therefore would not be more protective of coastal resources, which is not consistent with either Section 30240 or Section 30250 of the Coastal Act. **Suggested Modification 19** identifies specific provisions that would allow for land divisions in H2 in a manner that would cluster and concentrate development in areas better able to accommodate development and would result in a lot pattern that would preserve more H2 habitat than the existing lot pattern. In addition, in combination with a Transfer of Development Credit program outlined under **Suggested Modification 49** there will be a net gain in H2 habitat under this program than not allowing the land divisions pursuant to this policy.

The Commission finds that this approach would be, on balance, most protective of significant coastal resources, in that a suggested modification to simply prohibit land divisions in H2 habitat or denial of the LUP would result in an outcome that would be less protective of coastal resources than the program outlined in **Suggested Modification 19** and **Suggested Modification 49**. The policies and provisions outlined in the above referenced suggested modifications will result in the concentration of development and a net gain in H2 habitat (ESHA) that will be the permanently preserved is clearly more protective of the ESHA and sensitive coastal resources than the current status quo under the Coastal Commission's permit authority.

The LUP policies, as modified, appropriately concentrates development in areas better able to accommodate development, while preserving larger contiguous areas H2 habitats (ESHA). Therefore, as a whole, the LUP is, on balance, more protective of coastal resources, as required by Coastal Act Sections 30240 and 30250. This conclusion is supported by the language of Section 30007.5, in which the legislature recognized that a plan to concentrate development in areas better able to accommodate such development would likely be more protective of coastal resources overall.

**Suggested Modification 47** modifies LU-9 to require that land divisions can only be approved if future development on each newly created parcel (including approved building site area, access road/driveway, and future required fuel modification area for structures within the building site) can be constructed and maintained without removing H1 habitat, H1 buffer, H2 "High Scrutiny" habitat. This suggested modification also adds a provision regarding open space lots. As modified, the policies provide that where land divisions include the creation of a parcel that is dedicated or restricted to open space, there is no requirement to demonstrate that the open space lot contains a building site and access road outside of SERA (H1 and H2 High Scrutiny habitat).

Additionally, **Suggested Modification 20** adds a new policy to address lot line adjustments (one form of land division) more specifically. The suggested policy provides that lot line adjustments involving one or more parcels that would require the removal of H2 habitat for the building site, access road, and/or fuel modification area may be approved only where substantial evidence demonstrates that each of the reconfigured parcels meet all of the three following criteria: (1) can accommodate development that more closely conforms to LCP policies than development on the existing parcels; (2) will not increase the amount of H2 habitat that would be removed or modified by development on each of the existing parcels (including necessary roads and fuel modification); and (3) will not increase the amount of landform alteration or have greater adverse impacts to scenic and visual resources than would have occurred from development on the existing parcels. It is appropriate to allow for the reconfiguration of existing legal parcels within H2 habitat if the reconfigured lots can allow for clustering and/or re-siting of building sites such that the impacts of future development are reduced.

Accordingly, the proposed restrictions on new land divisions, with the above suggested modifications, will ensure that the LUP conforms to the policies of Chapter 3 of the Coastal Act. Therefore, the Commission finds that the land division policies of the Land Use Plan, only if modified as suggested, are consistent with Section 30250 of the Coastal Act.

#### **10. Lot Retirement and Cumulative Impacts of Development**

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

Pursuant to the proposed LUP, the Transfer of Development Credit (TDC) Program is defined as the program used to mitigate the cumulative impacts from creating new lots, second residential units, or developing multi-family residential units in the coastal zone. For each new parcel or unit created, the development potential of one or more existing parcels must be extinguished through a recorded document. This process helps ensure that the overall development potential in an area does not increase and directs development to those areas more suitable for development.

In 1978, the report entitled "Cumulative Impacts of Potential Development in the Santa Monica Mountains Coastal Zone" was prepared for the Santa Monica Mountains Comprehensive Planning Commission and the Coastal Commission. The report identified some 5,200 undeveloped parcels in small-lot subdivisions and 3,400 other undeveloped parcels in the Los Angeles County portion of the Santa Monica Mountains area (the area considered in this report included the area now incorporated as

the City of Malibu, as well as the unincorporated area remaining under the jurisdiction of Los Angeles County), for total of approximately 8,600 undeveloped lots. Because of the large number of existing lots, greatly increased demands on coastal roads, services, recreational facilities, and beaches would result from development of these lots. The limited road network that provides access through the mountains already experiences extremely heavy traffic, particularly on weekends, and future development of existing, vacant lots will further increase this traffic. Additionally, an example of limited services is the absence of a, area-wide municipal sewer system, which requires that most new residential development must dispose of sewage onsite. Thus, the 1978 report recommended that land divisions should not be approved if they increased the total number of lots in the coastal zone portion of the Santa Monica Mountains. In other words, the study recommended that a means should be found to combine existing lots or otherwise retire existing lots so that new land divisions would not result in a net increase in the amount of development that could occur.

At the same time, the Coastal Commission was faced with applications for land divisions which raised at least one, and sometimes a second, major issue of conformance with the policies of the Coastal Act. The major issue raised by all proposed land divisions both inside and outside the existing developed areas in the region was the significant cumulative impacts that would result from development of the large number of existing undeveloped lots mentioned above. The second issue, raised by some land divisions, was the technical requirement of Section 30250(a) of the Coastal Act regarding new land divisions outside existing developed areas. That section requires that such land divisions shall be permitted only where 50 percent of the usable parcels in the area have been developed and where other criteria are met. The Commission found that “existing developed area” applied only to the urbanized strip, or coastal terrace, along Pacific Coast Highway and did not apply to the interior of the Santa Monica Mountains. The Commission further found that because cumulative impacts would result from development of existing lots throughout the region as a whole, in order to assess whether new lots should be created through new land divisions, the area addressed by the 50 percent criterion should be the entire market area, amounting to the entire Malibu/Santa Monica Mountains (including both the area that is now within the City Malibu boundary and the unincorporated areas) coastal zone because development would impact coastal resources and public access routes and because of comparable proximity to employment centers, recreational resources, and use of the same water supply, roads or other public services.

Based on these concerns, the Commission found no alternative to denial of a number of land divisions requested in the area (#507-77, Bel Mar Estates; #527-77, Schiff; #28-78, Brown). Faced with continuing applications, the Commission adopted conditions to implement the TDC program through a series of permit decisions (#155-78, Zal; #158-78 Eide). The program was designed to address both the cumulative impact problem represented by the large number of existing lots and the technical criteria of Section 30250(a) regarding proposed land divisions outside the coastal terrace.

The TDC program ensures that no net increase in development occurs, even if land divisions are approved. The developability of existing parcels is extinguished at the same time new parcels are created, in order to accomplish this end. Because under this program land divisions do not add to the stock of parcels eligible for future potential development and, in fact, “transfer” development (parcels) to more appropriate areas, the potential cumulative impacts are mitigated. Similarly, because land divisions coupled with lot retirement do not increase the number of potentially usable parcels, the technical criterion of 30250(a) concerning 50% of the usable parcels in the area is, in effect, met.

In addition to assuring conformance with Section 30250(a), the TDC program implements the objectives articulated in the following Coastal Act sections: Sections 30210 and 30211, which state in part, that maximum public access and recreational opportunities shall be provided to all people, consistent with private property rights and new development shall not interfere with the public's right of access to the sea; Section 30251, which requires that scenic and visual qualities of coastal areas be considered and protected as a resource of importance; Section 30231, which requires maintaining the biological productivity and quality of streams and other water bodies;; Section 30253, which requires that new development minimize risks to life and property in areas of high hazard and that such development neither create nor contribute to erosion, geologic instability or destruction of the site or surrounding area; and, Section 30254 which requires that limited capacity in existing public facilities be reserved for priority uses

The program was seen, in connection with these first permit actions, as a pilot program. Later, as applications for land divisions continued to be filed, the program was extended (#346-78; Flood and #119-78, Markham). The program was later applied to construction of multi-family projects, not involving land divisions, and the sliding scale TDC requirement for multi-family projects with relatively small units was also instituted (#182-81; Malibu Deville and #196-81, Malibu Pacifica). The program was fully described in the Interpretive Guidelines for the Malibu/Santa Monica Mountains Coastal Zone which were adopted by the Commission on July 16, 1979 and later revised on June 17, 1981.

In these actions the Commission reaffirmed the appropriateness of the TDC program to mitigate cumulative impacts from creation of new developable lots throughout the Malibu/Santa Monica Mountains area. For example, in the Malibu Deville permit and Malibu Pacifica permits noted above the Commission reaffirmed the direct mitigation embodied in the TDC program and found it to be necessary throughout the Malibu coastal zone, including existing developed areas. Later Commission permit decisions also reaffirmed the use of the program (#5-83-43, Heathercliff).

In 1985, the Commission certified the Malibu/Santa Monica Mountains Land Use Plan (LUP) with suggested modifications. One suggested modification the Commission made was that the TDC program be added to the LUP to address the mitigation of the cumulative impacts of development. When the County submitted their revised LUP in 1986, it did not include a TDC program. However, the LUP did include (Policy P272) six alternative techniques to reduce the potential buildout of existing non-conforming lots. The LUP was certified with these six provisions and no TDC program; however, the County never adopted an implementation plan or otherwise implemented any of its proposals for reducing the potential buildout of existing lots.

In several permit actions after the LUP certification [5-86-592 (Central Diagnostic Labs), 5-86-951 (Ehrman and Coombs), 5-85-459A2 (Ohanian), and 5-86-299A2 and A3 (Young and Golling)], the Commission found that until such time as the County did have the means to implement these programs, it was necessary to continue to require permittees to participate in the TDC program as a way to mitigate the cumulative impacts of new subdivisions and multi-family project. Without this means of mitigation, the Commission found that it would have no alternative but to deny the proposed subdivisions.

The Commission's evaluation of the TDC program completed in June 1999 as part of the *Regional Cumulative Assessment Project, Findings and Recommendations, Santa Monica Mountains/Malibu Area (ReCAP)*, confirmed the effectiveness of the TDC program in mitigating cumulative impacts of

development in the Malibu/Santa Monica Mountains area. The ReCAP report evaluated potential maximum buildout scenarios under land use plan densities current at the time and identified potential impacts from the development in the region including, in part, that<sup>85</sup>:

- The number of residential units could increase from the buildout of existing vacant lots. The ReCAP project scenarios estimated that if existing vacant lots were to be developed, even without additional subdivisions, the number of residential units in the overall region could increase by 60%;
- The overall number of parcels could increase through potential subdivision of existing vacant lots. If not offset by TDCs this could greatly increase current levels of development in the region;
- Hundreds of additional residential units could be added through second units and legalization of previously created but unrecorded lots;
- Impacts could increase because in general, parcels available for future development have significantly greater constraints -- such as steep slopes and sensitive resources -- than do the parcels where the Commission has previously approved development.

The report concluded that the amount of potential future development coupled with the topographic, infrastructure and resource constraints of the area suggest a potential for significant cumulative impacts from new development in the Malibu/Santa Monica Mountains area. The report noted that some regulatory tools, for example denying proposals to extend infrastructure into undeveloped areas, adopting mitigating conditions on permits, and reducing hillside densities, could help mitigate the impacts. But the Commission found:

“Developing to the maximum densities designated through the various plans for the region would result in the same significant cumulative impacts documented in the late 1970s. The use of the various regulatory tools discussed above can reduce the levels of impacts. However, because of the total number of parcels that could be developed, these regulatory tools alone will not decrease the level of development enough to adequately address the impacts. While development of the existing parcels will lead to additional impacts, any further increase in the potential density of the region, created through additional subdivisions, will lead to further impacts. Therefore, an objective in addressing cumulative impacts of growth and development in the ReCAP region is to prevent a further increase in the overall number of lots that can be developed.”<sup>86</sup>

The ReCAP report went on to note that the TDC program implemented by the Commission effectively mitigated impacts of proposed new subdivisions by retiring development potential on approximately 1,051 existing residential lots covering about 1,673 acres of land in the Santa Monica Mountains/Malibu region while allowing subdivisions to create about 700 new lots. Most retired lots were located in the small lots subdivisions and without these lots being retired ReCAP estimated that about 1,145 new residential units could have been developed. The result of this program has been to not only reduce the overall density of development in the region, but also to direct development to

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<sup>85</sup> California Coastal Commission, *Regional Cumulative Assessment Project, Findings and Recommendations, Santa Monica Mountains/Malibu Area*, June 1999, pp. 17-20.

<sup>86</sup> California Coastal Commission, 1999, pp. 19-20.

more appropriate locations. For example, density in the small lots subdivisions has been reduced and lots containing significant sensitive resources have been retired.

In addition, the TDC Program was incorporated into the City of Malibu Local Coastal Program which was adopted by the Commission in September 13, 2002. In this case, as proposed, the County's LUP not only incorporates a TDC Program but fully integrates its program with the City of Malibu's TDC Program currently implemented pursuant to the adopted City of Malibu LCP. Policy, LU-16, of the LUP states:

There is one TDC Program implemented on a region-wide basis for the Santa Monica Mountains Coastal Zone, including the City of Malibu and the County of Los Angeles. Credits to mitigate development approved in either the County or City may be generated from qualifying lots within the unincorporated portion of the Santa Monica Mountains Coastal Zone. However, credits to mitigate development approved in the unincorporated portion of the Santa Monica Mountains Coastal Zone may not be generated from qualifying lots within the City of Malibu.

The LUP provides for a lot retirement program designed to minimize the individual and cumulative impacts of subdivisions and multifamily development and of the potential buildout of existing parcels that are located in ESHA or other constrained areas while still allowing for creation of parcels in areas with fewer constraints. In addition to Policy LU-16, LUP Policies LU-13 through LU-15 also recognize that the cumulative impact of buildout throughout the region affects coastal resources and public access and as such require that the TDC program be implemented on a region-wide basis, including the City as well as the unincorporated area of the Santa Monica Mountains Area.

- LU-13 Minimize the individual and cumulative impacts to coastal resources incurred by the buildout of existing parcels in sensitive and constrained areas and allow for new development in less-constrained areas. This shall be achieved by using one or more of the following strategies:
- Slope intensity formula;
  - Using tax defaulted properties for public purposes;
  - Offering certain tax defaulted properties for sale to contiguous owners with requirement that the parcel be deed restricted to open space and combined into one parcel with the contiguous parcel(s);
  - Lot merger program;
  - Expedited reversion to acreage process;
  - Surplus public land reporting process; and
  - Transfer of Development Credit program.
- LU-14 The Transfer of Development Credit (TDC) Program shall be implemented in order to ensure that the individual and cumulative impacts of creating new lots, second residential units, or developing multi-family residential units are minimized and mitigated through the retirement of an equivalent number of development credits from existing lots that meet the qualification criteria of the program. Lots that contain H1 habitat areas, are located in Rural Villages, or are located adjacent to H1 habitat areas or parklands can be retired for transfer of development credits.
- LU-15 Lots retired through the TDC program shall be restricted from development, combined/merged with other TDC parcels where they adjoin, and such actions shall be accurately reflected in the records of the County Tax Assessor.

These policies address Section 30250 of the Coastal Act. This section requires that development occur in existing developed areas able to accommodate it. Existing developed areas, as well as areas outside of existing developed areas, must not only have adequate public services to serve the needs of the development, but also must have enough services to accommodate other priority coastal uses such as public recreation and visitor serving uses, consistent with Section 30254.

The primary purpose of the TDC Program is to allow for the retirement of development potential of developable lots in order to minimize adverse cumulative impacts from new development. The LUP includes the requirement that any land division resulting in the creation of additional lots must be conditioned upon the retirement of one development credit (TDC) for every new lot created. The TDC program requires that there is no net increase in the total number of lots existing in the coastal zone area of the Santa Monica Mountains. This ensures that the cumulative impacts of traffic, septic effluent, runoff, and vegetation removal are not increased by increasing the number of lots that could be developed.

The TDC program in the LUP also includes the retirement of small parcels within Rural Villages (according to a formula that equates to approximately 3 rural village lots retired for every new parcel created through land division), even if such lots do not contain H2 habitat. As previously described, the LUP does not designate H2 habitat within Rural Villages, although areas of riparian habitat and some oak woodlands within rural villages are designated H1 habitat. As discussed in more detail in Section E.8 (Rural Villages) the Commission has consistently found that it is very important to retire development rights on parcels within Rural Villages, given the serious constraints of developing many of these lots, particularly at the density of the existing parcels. These constraints include steep slopes, small lot size, limited road access, use of septic systems. The retirement of rural village parcels for transfer of development credits (and through the GSA provisions, discussed in Section E.8 (Rural Villages) does reduce the cumulative impacts of developing a residential structure on each parcel.

In addition, Policy LU 14 provides that the TDC Program shall be implemented in order to ensure that the individual and cumulative impacts of creating new lots, second residential units, or developing multi-family residential units are minimized and mitigated through the retirement of an equivalent number of development credits from existing lots that meet the qualification criteria of the program. However, Policy LU-14, as proposed, would also incorrectly allow for lots that contain H1 habitat areas to be retired for TDCs while not allowing for lots that contain H2 habitat areas to be used for TDCs. The primary purpose of the TDC Program is to allow for the retirement of development potential of developable lots in order to minimize adverse cumulative impacts from new development. However, as proposed, Policy LU-14 would not adequately carry out the goals of the TDC Program because retirement of lots that only contain H1 habitat would not qualify for TDC credit because such lands are not potentially developable. As discussed previously, new development (with limited exceptions for resource dependent uses, public trails, maintaining existing public roads, etc.) would be prohibited in H1 habitat pursuant to the other proposed policies of the LUP. As such, lots that contain only H1 habitat have no development potential to retire and cannot offset an increase in development potential elsewhere. Conversely, lots that contain primarily H2 habitat would be appropriate for use as TDCs because such lots both constitute ESHA and are potentially developable pursuant to the other policies of the LUP. Therefore, **Suggested Modification 49** is necessary to revise Policy LU-14 to clarify that lots that contain only H1 habitat would not qualify as TDCs and that lots that contain H2 habitat areas (may also contain H1 habitat but shall primarily contain H2 habitat) can be retired for transfer of development credits.

Additionally, as previously described, Policy CO-75, as suggested to be modified, allows for land divisions within H2 habitat in very limited circumstances. In order to mitigate the significant adverse impacts to H2 habitat resulting from the creation of each new parcel in H2 habitat, the retirement of one existing lot that (1) is comprised of H2 habitat (including H2 High Scrutiny) and (2) is in excess of seven acres in size must be required through the TDC program. **Suggested Modification 49** requires the addition of a new Policy (LU-#) to establish this TDC qualification criteria for lots that are retired to mitigate for the impacts of land divisions in H2 habitat.

It is important that the mechanism by which TDC lots are retired ensures that the lots remain restricted in perpetuity. Development rights are retired through the recordation of a permanent open space easement dedication, and the combination of the TDC lot with one or more adjacent unrestricted lots through a recorded deed restriction or through a voluntary merger. These recordations are to be reflected in Los Angeles County Tax Assessor records. This is intended to assure that once development potential on a lot is retired that this information is considered in future land assessments. It will also ensure that through recombination the mitigation on these retired lots will remain in effect and enforced. Potential tax defaults and involuntary, unplanned transfer (through tax lien foreclosure sales) of these lots will be minimized by combining retired TDC parcels with at least one buildable parcel. However, as noted above, Policy LU-13 only provides that lots retired through the TDC program be combined/merged with other TDC parcels where they adjoin. Such combination will not ensure that the TDC restrictions will apply in perpetuity. **Suggested Modification 49** requires that lots retired for TDC credit have all development potential extinguished and that they are combined or merged with adjoining developable parcels.

Finally, LU-22 requires that any coastal development permit for a land division be conditioned upon the retirement of development credits. **Suggested Modification 50** adds language to ensure that the same requirement applies to the development of a second residential unit or multi-family residential units, as required by other policies of the LUP.

The Land Use Plan provides the means to mitigate the cumulative impacts to coastal resources and coastal access resulting from authorization of any new subdivision or new multifamily units through a transfer of development credit program. The Commission finds that the Lot Retirement Policies of the Land Use Plan, if modified as suggested, meet the requirements of and are in conformity with the applicable policies of Chapter 3 of the Coastal Act.

## **11. Telecommunication Facility Policies**

Pursuant to the proposed LUP, telecommunication facilities would only be provided for as a conditional use in Rural Lands, Rural Residential, and Rural Villages designations. Thus, as proposed, these facilities would be effectively prohibited in other areas, including '*Commercial*', '*Commercial-Recreation*', '*Open Space*', '*Open Space-Parks*', '*Residential*', and '*Public and Semi-Public Facilities*' areas. County staff has informed Commission staff that this is an unintentional error and that telecommunications facilities are a matter of public safety and should be allowed in all LUP designation areas. Therefore, in order to correct this unintentional oversight, **Suggested Modification 55** would add telecommunication facilities as a conditional use in all land use designations. Policy CO-152 requires that all facilities and related support structures shall be sited and designed to avoid or minimize impacts to all coastal resources, consistent with all applicable provisions of the LCP. Pursuant to Policy LU-51, new transmission lines and support structures will be placed underground where feasible.

The Commission finds that the Communications Facilities policies of the Land Use Plan, if modified as suggested, meet the requirements of and conform with Section 30250 of the Coastal Act.

## **12. Archaeological/Paleontological/Historic Resources**

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

New development on natural sites or additional development on natural areas of developed sites can damage or destroy archaeological resources. Site preparation can disturb and/or obliterate archaeological materials to such an extent that the information that could have been derived would be lost. If a project is not properly monitored and managed during construction activities, archaeological resources can be degraded or destroyed. Section 30244 of the Coastal Act requires the protection of archaeological and paleontological resources and the implementation of mitigation measures to avoid or minimize any impacts.

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

The Commission finds that the archaeological and paleontological policies of the Land Use Plan, as proposed, meet the requirements of and conform with Section 30244 of the Coastal Act.

## **13. Conclusion**

The Coastal Act requires the protection of coastal resources, including public access, land and marine habitat, and scenic and visual quality. Section 30250 of the Coastal Act requires that new residential, commercial, or industrial development is located near existing developed areas, and where it will not have significant adverse impacts, either individually or cumulatively on coastal resources. Section 30244 requires the protection of archaeological and paleontological resources and the implementation of mitigation measures to avoid or minimize any impacts.

As described in detail above, the Land Use Plan, including the LUP Land Use Map (Map 8), provides for the location and design of new development to minimize impacts, both individual and cumulative,

on coastal resources, including cultural resources. In order to ensure that new development is located in areas able to accommodate it, as required by Section 30250 of the Coastal Act, the LUP designates the appropriate location, density, and intensity for different kinds of development. Such designations take into account the requirements of other applicable policies of Chapter 3 of the Coastal Act, including public access, recreation, land and marine resources, and scenic and visual quality. The LUP policies ensure that land divisions will be sited and designed to minimize impacts to coastal resources. The LUP requires that the cumulative impacts of land divisions or multi-family development will be mitigated by retiring the development rights to existing lots, as required by the lot retirement policies. The cultural resource policies of the LUP provide for the protection of archaeological and paleontological resources and the implementation of mitigation measures to avoid or minimize any impacts. The Commission finds that the Land Use Plan, if modified as suggested, meets the requirements of and conforms to the provisions of Sections 30250, 30244 and all other applicable Chapter 3 policies of the Coastal Act.

## **H. SCENIC AND VISUAL RESOURCES**

### **1. Coastal Act Provisions**

One of the primary objectives of the Coastal Act is the protection of scenic and visual resources, particularly as viewed from public places. Section 30251 requires that development be sited and designed to protect views to and along the ocean and other scenic coastal areas. New development must minimize the alteration of natural landforms. This policy also requires that development is sited and designed to be visually compatible with the character of surrounding areas. Where feasible, development shall include measures to restore and enhance visual quality in visually degraded areas.

### **2. Coastal Act Policies**

Section **30251** of the Coastal Act states that:

*The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

### **3. Introduction**

The Santa Monica Mountains region is an area of incredible scenic beauty. This is due in large part to the dramatic topography. The Santa Monica Mountains, an east-west trending mountain range, is geologically complex and characterized by generally steep, rugged terrain of mountain slopes and canyons, with elevations ranging from sea level to over 3,000 feet. In addition to the topography, the scenic beauty of the area is inextricably linked to the native vegetation communities that typify the California Mediterranean landscape. Different vegetation communities have different visual textures and colors. South facing drier slopes support low growing coastal sage scrub species, while north facing or wetter slopes support denser chaparral vegetation. The textures of these areas contrast with

the taller trees and shrubs growing in the riparian corridors that form linear features along streams and canyons. Dramatic topographic features, native habitats, and the rural and semi-rural character of the mountains make the area's scenic resources very special for residents and visitors alike.

There are two portions of the plan area that extend to the coastline and flank the coastal City of Malibu – the area of Leo Carrillo State Park at the east end of the plan area between Ventura County and the City of Malibu, and the Topanga coastal area at the east end between the City of Los Angeles and the City of Malibu. These areas encompass nearly two miles of coastline and include Topanga County Beach, Topanga State Park, and Leo Carrillo State Park. Coastal views are possible from these areas and Pacific Coast Highway. There are also sweeping and alternating views of the canyons and ocean from many of the mountain roads, each of which follows a canyon. There are a number of local and regional recreation trails and scenic driving routes that meander through the mountains, including two State-designated County Scenic Highways: Mulholland Highway and Malibu Canyon-Las Virgenes Road.

#### **4. Scenic and Visual Resource Identification**

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

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

- Mulholland Scenic Corridor / Hwy;
- Malibu Canyon/Las Virgenes Scenic Hwy;
- Topanga Canyon Boulevard (SR-27);
- Saddle Peak Road/Schueren Road;
- Encinal Canyon Road;
- Rambla Pacifico Road;
- Corral Canyon Road;
- Little Sycamore Canyon Road
- Pacific Coast Highway (SR-1);
- Kanan Dume Road;
- Old Topanga Canyon Road;
- Piuma Road;
- Tuna Canyon Road;
- Las Flores Canyon Road; and
- Latigo Canyon Road

## **5. New Development**

The policies of the LUP require that new development be sited and designed to protect the scenic resource areas identified above. New development must be subordinate to the character of its setting (Policy CO-128). Policy CO-130 requires that large areas of natural open space of high scenic value must be preserved by siting development in existing developed areas. Policy CO-135 requires the preservation of topographic features of high scenic value in their natural state. Such features include, but are not limited to, canyon walls, geologic formations, creeks, ridgelines, and waterfalls.

Policy CO-131 requires that new development be sited and designed to minimize adverse impacts on scenic resources to the maximum extent feasible. If there is no feasible building site location on the proposed project site where development would not be visible, then the development shall be sited and designed to minimize impacts on scenic areas through measures that may include, but not be limited to, siting development in the least visible portion of the site, breaking up the mass of new structures, designing structures to blend into the natural hillside setting, restricting the maximum building size, reducing maximum height, clustering development, minimizing grading, incorporating landscape and building material screening elements, and where appropriate, using earth berms planted with primarily native vegetation. Further, LUP policies require that new development be clustered, minimize the removal of native vegetation, and be sited near existing developed areas in order to preserve large, existing areas of open space and native habitats. Development is required to be clustered and concentrated in one building site area to minimize impacts to coastal resources. Policy CO-132 states that avoidance of impacts to scenic resources through site selection and design alternatives is the preferred method over landscape or building material screening. Landscape or building material screening shall not substitute for project alternatives including re-siting or reducing the height or bulk of structures. Policies CO-45, CO-117, LU-28, and LU-35 require that the remaining area of a property surrounding new development be dedicated as open space in perpetuity.

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

The LUP policies protect the scenic qualities of natural landforms, topographic features, and hillsides. To minimize alteration of natural landforms, Policy CO-133 requires that new development be sited and designed to conform to the natural topography, minimize grading, blend with the existing terrain, minimize the length of roads and driveways, and prevent flat building pads on slopes. The creation of large building pads on sloping terrain requires a great amount of landform alteration. Notching the building into the slope serves to reduce landform alteration and the overall footprint of development. Policy CO-133 requires that where building pads on slopes cannot be avoided, the policies require development to utilize split-level or stepped-pad designs if cantilevers and understories are minimized. Graded slopes are required to blend with the existing terrain of the site. The height and length of graded slopes and retaining walls are required to be minimized. Cut and fill operations may be

balanced on-site where the grading blends with the surrounding terrain and does not substantially alter the existing topography. Export of cut material may be required to preserve the natural topography.

Policy CO-139 requires that cut and fill slopes, and other areas disturbed by construction activities, be landscaped or revegetated using native, drought-tolerant plant species that blend with the existing natural vegetation. For landscaping areas within Fuel Modification Zones A and B of new structures, Policy CO-54 requires the use of primarily locally-indigenous plant species and prohibits the use of invasive plant species. Further, the removal or modification of natural vegetation is prohibited except when required for construction of an approved development and/or for compliance with fuel modification requirements for approved or lawfully-existing development. These policies require that the adverse impacts resulting from grading and disturbance from new development, including erosion from the project site and sedimentation of downstream areas, are minimized, as discussed previously. Graded or disturbed areas also have significant adverse impacts on visual resources. These areas have a different appearance from the surrounding natural habitat and can be seen from long distances. The landscaping of graded or disturbed areas serves to blend them with natural areas and minimize the adverse visual impacts.

Policy CO-144 requires that new development incorporate colors and exterior materials that are compatible with the surrounding landscape. The use of highly-reflective materials is prohibited, with the exception of solar panels. The use of light colors or reflective materials on new structures causes them to be highly visible from long distances. Darker, earth-tone colors help structures blend in more with the surrounding topography and vegetation, minimizing adverse visual impacts. Policies CO-145 and LU-50 require that solar energy devices/panels be sited on the rooftops of permitted structures, where feasible, to minimize site disturbance, the removal of native vegetation, and the visibility of the panels. If roof-mounted systems are infeasible, ground-mounted systems may be allowed only if sited within the building site area of permitted development. Wind energy systems are prohibited in order to avoid the visual impacts of such structures.

Policy CO-153 requires public works projects along scenic routes that include hardscape elements such as retaining walls, cut-off walls, abutments, bridges, and culverts to incorporate veneers, texturing, and colors that blend with the surrounding landscape. The design of new bridges on scenic routes are required to be compatible with the rural character of the Santa Monica Mountains and designed to protect scenic views.

Policies CO-147 and LU-37 require the height of structures to be limited to minimize impacts to scenic resources and ensure compatibility with the surrounding area. Within scenic areas, the maximum allowable structure height is 18 feet above existing or finished grade, whichever is lower. Chimneys, rooftop solar equipment and non-visually-obstructing rooftop antennas may be permitted to extend above the allowable height of the structure, but shall not extend more than six feet above the maximum allowable height. Policy CO-149 requires that fences, gates, and walls minimize impacts to public views of scenic areas, and be compatible with the character of the area. Fences, gates, and walls are required to incorporate veneers, texturing, and/or colors that blend in with the surrounding natural landscape. LUP policies require that new signs be sited and designed to minimize impacts to visual resources. Signs (except traffic control signs), utilities, and accessory equipment shall avoid adverse impacts to public views of the ocean, parks, and scenic resources, where feasible. Policy CO-152 requires wireless telecommunication facilities to be designed and sited in such a manner that they minimize impacts to visual resources and blend into the landscape. Such facilities shall be co-located where feasible. New facilities may be disguised as trees of a species that would likely be found in the

surrounding area. Communication processing, storage and transmission facilities and lines shall be sited, designed, and operated to avoid or minimize impacts scenic resources, consistent with all provisions of the LCP. If there is no feasible alternative that can eliminate all impacts, then the alternative that would result in the fewest or least-significant impacts shall be selected.

Several LUP policies require that new development be visually compatible with the area's natural setting and the rural/semi-rural character of the surrounding area. Policy LU-28 mandates low development densities within the Rural Lands and Rural Residential land use designations to maintain a natural physical setting comprised of large areas of undisturbed hillsides, canyons, and habitat areas.

Further, the LUP policies set forth restrictions regarding the design of land divisions, including lot line adjustments, to ensure that building sites are clustered, that the length of roads and driveways are minimized, that building sites are not located on ridgelines, that shared driveways are provided, that grading is minimized, and that steep slopes and visually sensitive areas are avoided.

### ***Night Lighting***

The Santa Monica Mountains coastal zone is an area that is relatively unaffected by concentrated urban sources of light pollution. The night sky is generally dark except for the light of distant stars. The relatively dark and expansive natural environment of the mountains is particularly special given the dense urban development that surrounds the area. Night lighting has the potential to impact the area's existing dark skies and contribute to light pollution which can detract from the scenic and rural/semi-rural character of an area. In past permit actions in the Santa Monica Mountains, the Commission has limited night lighting for new development to low intensity security lighting within approved development areas to minimize disruption to wildlife and protect the nighttime rural character of the area. The Commission has also prohibited night lighting for private sports courts or private recreational facilities.

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

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

Night lighting has the potential for significant individual and cumulative adverse impacts to the scenic, rural dark-sky character of the area. Even when night lighting is directed downward to minimize light

spill onto adjacent areas, light reflects off particles in the atmosphere to create a “sky glow” effect that can diffuse light over a wider area. The potential increase in sky glow from night lighting can result in adverse impacts to night-time views available from nearby beaches, parks, trails, and other public viewing areas. An important part of public coastal access and recreation is the opportunity for coastal visitors to the area’s beaches, mountains, and parklands to enjoy peaceful experiences within natural settings. Night hiking, night photography, and stargazing are popular past-times in the Santa Monica Mountains. Urban visitors particularly enjoy the dark-sky night views of the Santa Monica Mountains, because artificial light pollution obscures such views in most cities.

To ensure that night lighting within the plan area protects public scenic views and is visually compatible with the dark skies community character of this rural and semi-rural area, it is appropriate to limit night lighting to the minimum necessary for safety within the development area of the principal permitted use, limit night lighting for confined animal facilities, and prohibit night lighting for private sports and recreational facilities. The LUP policies limit night lighting for new development to the minimum necessary, and prohibit night lighting for sports courts and other private recreational facilities. However, as described previously, minimal night lighting is allowed for confined animal facilities pursuant to Policy CO-103 in order to allow limited night riding in equestrian arenas and round pens. Such facilities may only be permitted on slopes 3:1 or less steep. With over half of the plan area in public ownership for parkland and open space purposes, there is limited private land available that contains adequate area for confined animal facilities that meet the slope requirements, is set back from H1 habitat, and that meet all other requirements of the LCP. According to County staff calculations, of the approximately 52,000 acres in the plan area, only approximately 3,200 acres of private land in mapped H2 habitat have slopes of 3:1 or less steep. Additional area may be available in H3 habitat, although most mapped H3 habitats are existing developed areas. As such, given the limited availability of areas that would be suitable for confined animal facilities, limited lighting of such facilities would not result in significant individual or cumulative impacts on scenic resources and the dark skies, rural character of the area, if restricted.

The International Dark-Sky Association (IDA) is an educational, environmental 501(c)(3) nonprofit dedicated to protecting and preserving the nighttime environment and our heritage of dark skies through quality outdoor lighting. IDA is the leading authority concerning the problems and solutions related to light pollution. The IDA works directly with lighting companies to explore new avenues of technology and create products that are energy efficient and fully shielded -- that direct the light downward, where it is needed, rather than upward, where it contributes to sky glow and other forms of light pollution. The IDA has developed a Fixture Seal of Approval (FSA) program for dark sky friendly fixtures. The Fixture Seal of Approval provides objective, third-party certification for luminaires that minimize glare, reduce light trespass, and don’t pollute the night sky. The Illuminating Engineering Society of North America (IESNA) is a community dedicated to improving the lighted environment, composed of a diverse membership of lighting designers and architects, manufacturers, consultants, electrical and building contractors, distributors, individuals working in affiliated lighting fields, and people in government and education. The IESNA have committees that develop standards, design guides, technical memoranda, lighting energy management materials, guidelines and lighting measurement, and testing and calculation guides.

The IDA and the IESNA have developed a Model Lighting Ordinance (MLO) to address the need for strong, consistent outdoor lighting regulation<sup>87</sup>. The MLO outdoor lighting template is designed to help

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<sup>87</sup> <http://www.darksky.org/lighting-codes/ida-iesna-model-lighting-ordinance>

municipalities develop outdoor lighting standards that reduce glare, light trespass, and skyglow. The MLO offers several innovations to outdoor lighting regulation, including the use of five lighting zones to classify land use with appropriate lighting levels for each. Zones range from LZ0, designed for pristine natural environments and limited outdoor lighting, to LZ4, for limited application in areas of extensive development in the largest cities. The MLO uses the IESNA's new TM-15-11 "BUG" (Backlight, Uplight and Glare) classification of outdoor lighting fixtures to ensure that only well-shielded fixtures are used. No uplight for area and street lighting is allowed in any zone. The MLO will be revised on a regular basis to include new information, feedback from municipalities using it and changes to IES standards.

Given these resources, there is a wealth of information available for municipalities to utilize in the regulation of lighting to preserve dark sky environments. Lighting that is sited and designed using best available Dark Skies lighting technology can keep lighting levels low for their intended uses while minimizing sky glow, light trespass, and glare in the area.

In order to ensure that new development minimizes impacts from lighting to the maximum extent possible, **Suggested Modification 57** to Policy LU-42 and **Suggested Modification 34** to Policy CO-142 are required to clarify that new exterior lighting installations shall use best available Dark Skies technology in order to minimize sky glow and light trespass. Additionally, **Suggested Modification 30** to Policy CO-103 is required to add that the four foot high, downward-directed arena and round pen lighting permitted must also be shielded and use best available Dark Skies technology, and that such lighting may only be allowed where it is demonstrated pursuant to a site-specific evaluation that the lighting will avoid adverse impacts to SERA, including, but not limited to the illumination of any surrounding H1 and H2 habitat areas, including the H1 habitat buffer, and will avoid adverse impacts to scenic resources. Thus, as suggested to be modified, the LUP lighting policies will attenuate the impacts of unnatural light sources and minimize impacts to scenic resources.

In addition, Policy CO-141 acknowledges that the effects of night lighting and night lighting technology is an evolving science. Policy CO-141 states that light pollution is a quickly evolving field where today's best practices are not necessarily consistent with those of only a decade ago. The policy further states that Los Angeles County will revisit the Dark Skies requirements of the Local Implementation Plan portion of its LCP, five years after LCP certification, to ensure that they are consistent with the best practices in the field. However, there is a lot of narrative language within the policy that does not serve as an appropriate standard from which to base specific implementation actions on for the protection of scenic resources. Therefore, **Suggested Modification 34** to Policy CO-141 is necessary to simplify the policy and provide clear direction that the LIP's Dark Skies requirements will be periodically updated by the County to ensure that they are consistent with the most current Dark Skies science, technology and best practices in the field, beginning five years after LCP certification. Any update to LCP provisions would require an amendment to the LCP that must be certified by the Coastal Commission.

### ***Native Trees***

Native trees (including, but not limited to, oak, walnut, sycamore, and bay trees) are an important component of the visual character and scenic quality of the area. Furthermore, native trees prevent the erosion of hillsides and stream banks, moderate water temperatures in streams through shading, provide food and habitat, including nesting, roosting, and burrowing to a wide variety of wildlife. Policy CO-137 requires that individual native trees and native tree communities – especially oak,

walnut, and sycamore woodlands and savannas – be preserved and, where feasible, restored and enhanced as important elements of the area’s scenic character.

Policy CO-99 requires that new development be sited and designed to preserve native trees to the maximum extent feasible. Removal of individual native trees is prohibited except where no feasible alternative exists. Development must be sited to prevent any encroachment into the protected zone of each tree, unless there is no other feasible alternative. If there is no feasible alternative that can prevent tree removal or encroachment, then the alternative that would result in the fewest or least-significant impacts shall be selected. Any impacts to native trees must be fully mitigated with priority given to on-site mitigation. Mitigation cannot be allowed to substitute for implementation of the project alternative that would avoid impacts to native trees and/or woodland habitat. **Suggested Modification 26** is necessary to clarify that tree removal or protected zone encroachment is prohibited for accessory uses or structures.

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

Based on the provisions above, the Commission finds that the Scenic and Visual Resource protection policies contained in the proposed LUP, and as suggested to be modified, meet the requirements of and are in conformity with Section 30251 of Chapter 3 of the Coastal Act.

## **I. HAZARDS AND SHORELINE DEVELOPMENT**

### **1. Coastal Act Provisions**

Under the Coastal Act, development is required to be sited and designed to minimize risks, assure stability and structural integrity, and neither create nor contribute significantly to erosion or require the construction of protective devices that would substantially alter the natural landforms along bluffs and cliffs (Section 30253). Section 30235 of the Coastal Act allows the construction of shoreline protective devices where existing development is threatened from erosion and when designed to

eliminate or mitigate impacts on shoreline sand supply. The Coastal Act also provides that development damaged or destroyed by natural disasters can be rebuilt in the same location, exempt from a coastal development permit, under certain conditions. Certain emergency actions are also exempt from permit requirements.

## **2. Coastal Act Policies**

Section **30253** of the Coastal Act states that:

*New development shall:*

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*
- (3) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development.*
- (4) Minimize energy consumption and vehicle miles traveled.*
- (5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.*

Section 30235 of the Coastal Act allows the construction of shoreline protective devices where existing development is threatened from erosion and when designed to eliminate or mitigate impacts on shoreline sand supply.

Section **30235** of the Coastal Act states:

*Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded where feasible.*

## **3. Introduction**

The Santa Monica Mountains extend steeply upward from the Pacific Ocean. The plan area contains primarily mountain areas, but also extends to the ocean in two areas at the north and the south of the City of Malibu. Development within the Santa Monica Mountains, including roads and other infrastructure is highly vulnerable to a variety of natural hazards including threats from landslides, wild fires, earthquakes, storm waves, and flooding. Bluffs, beaches, and steep hillsides are subject to natural erosional forces, often accelerated by the effects of fires, torrential rains, and winter storms.

Fire is a serious potential threat every year due to dense vegetation, steep slopes, the typically long summer dry season characteristic of the Mediterranean climate, and weather conditions that can include “Santa Ana” winds in the fall and winter. Periodic “El Nino” winter storm seasons can cause considerable destruction or severe damage to beachfront development, widespread erosion along the shoreline and bluffs, and landslides that destroy or damage homes, septic systems and roads, including Pacific Coast Highway. Occasionally, a severe fire season is followed by a winter of high rainfall, leading to extraordinary erosion and landslides on hillside property which had been denuded of vegetation by the fire. The dependence on septic systems for waste disposal creates additional hazards due to the effect of poorly maintained or located systems on small lots, steep slopes, and areas with a high water table.

To ensure consistency with policies 30235 and 30253 of the Coastal Act, the policies contained in the Land Use Plan are intended to ensure that new development minimizes impacts from hazards as well as impacts to coastal resources, including public access and recreation.

#### **4. General Development**

The proposed Land Use Plan contains a number of general policies which provide for the siting, design and construction of new development in a manner and/or location which minimizes risks from hazards. Policy LU-39 requires that development be sited and designed so as to protect life and property. Several policies (SN-1, SN-11 and SN-19) require that new development be sited, sized and designed to minimize risks to life and property from different kinds of hazards. However, there is no policy that directly addresses stability or structural integrity. **Suggested Modification 43** is required to incorporate the following additional policy to the Safety and Noise Element:

SN-# New development shall assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

The addition of this policy will ensure that new development will be stable and not adversely affect the surrounding area, as required by Section 30253 of the Coastal Act. Further, Policy SN-10 prohibits land divisions, including lot line adjustments, unless all proposed parcels can be demonstrated to be safe from flooding, erosion, and geologic hazards and will provide a safe, legal, all-weather access road(s), which can be constructed consistent with all policies of the LCP.

In the Santa Monica Mountains, there are remote areas and areas with inadequate or limited road access that are very difficult for emergency personnel to reach. LUP Policy SN-48 prohibits private helicopter pads and stops except where needed for emergency services. **Suggested Modification 45** is necessary to clarify that publicly owned and operated helicopter pad/stops can be permitted on public or private land where they: are needed for emergency services; are consistent with all applicable policies of the LUP; and are sited to limit noise impacts on residential areas and public parkland.

The LUP policies, as suggested to be modified, will ensure risks to life and property from hazards will be minimized, in conformity with Section 30253 of the Coastal Act.

#### **5. Geologic Hazards**

Geologic hazards in the Santa Monica Mountains present significant risks to life and property. The effect of both seismic and non-seismic events in the Santa Monica Mountains is magnified by the region's geology and topography. The common rock types underlying the surface soil are poorly-cemented sedimentary rock, and fine-grained or indurated (cemented) soil and bedrock formations. These common rock units are unstable, particularly in earthquakes and under wet conditions. Clay-rich soils found throughout the mountains are subject to shrink-swell behavior, which has implications for the structural integrity of slopes, buildings, and foundations. In addition, a vast majority of slopes in the Santa Monica Mountains are quite steep (exceeding 25 percent). This steep topography exacerbates the instability of the underlying geology.

Earthquakes pose a significant risk within the Santa Monica Mountains. Several fault systems border the LUP area, including the active Malibu Coast Fault to the south, the Malibu Coast-Santa Monica-Raymond Hill fault system to the southeast, and the Simi-Northridge-Verdugo fault system to the north. The San Andreas Fault, though some distance away, has the potential - as it does in any part of the region - to cause significant damage in the Santa Monica Mountains. Primary hazards in the LUP area associated with earthquakes include: surface rupturing along fault lines; damage to structures due to ground-shaking; landslides; and soil consolidation, settlement, or liquefaction.

The major non-seismic geologic hazards in the Santa Monica Mountains are mass wasting events (including rockfalls, landslides, slumps, debris flows, and mudflows), and liquefaction. The mountains are naturally prone to mass wasting due to a combination of steep slopes and unstable geology. Human action can contribute directly to slope instability through such activities as grading, vegetation removal, increased soil saturation, and increased amounts of runoff from developed areas. Unusually high levels of water in the soil can trigger liquefaction and slumping. The LUP Hazards – Seismicity Map (Map 6) shows the areas (based on the mapping prepared by the California Division of Mines and Geology) in the Santa Monica Mountains coastal zone that are at increased risk from earthquake-induced landsliding and from earthquake-induced liquefaction.

### *Land Use Plan Policies*

The LUP contains policies designed to ensure that new development minimizes risks to life and property in areas of high geologic hazard. Policy SN-1 requires that all new development shall be sized, designed and sited to minimize risks to life and property from geologic hazard. Policy SN-2 restricts development that would be located on ancient landslides, unstable slopes or other geologic hazard areas, to only be permitted where there is substantial evidence, provided by the applicant and confirmed by the Los Angeles County Department of Public Works, that the project provides an adequate factor of safety.

The LUP policies emphasize the avoidance of geologic hazards as the most important way to minimize the risks to life and property. For instance, Policy SN-3 prohibits new development in areas where it presents an extraordinary risk to life and property due to an existing or demonstrated potential public health and safety hazard. Policy SN-4 requires that in the placement of new development, areas susceptible to seismic and non-seismic geologic hazards must be avoided, even when engineering solutions are available. Policy SN-6 prohibits the construction of new structures for human occupation in unstable geologic areas.

The LUP policies also recognize that grading, particularly on steep slopes or in areas that are unstable, can create or contribute significantly to erosion, geologic instability, or destruction of the site or

surrounding area. Policy SN-5 prohibits grading and brushing in areas that have a slope of 50 percent or greater and limits grading in areas with a slope of over 25 percent. Policy SN-7 limits the discretion and authority of County inspectors to modify approved grading plans at project sites to that which is necessary to address unanticipated conditions and to protect public health and safety. Further, Policy SN-8 requires that any in-field grading modifications shall be subject to a coastal development permit amendment to ensure that modifications will not create adverse impacts that were not considered during a project's environmental review. Further, the LUP prohibits non-emergency grading operations during the rainy season (Policy CO-17). As discussed previously, this prohibition serves to reduce the potential for erosion and sedimentation from the construction site and thereby minimize impacts to quality of coastal waters. This prohibition also serves to reduce the potential for such construction to result in slope failure, either through grading on steep slopes or re-activating existing landslides. Policy CO-18 allows grading during the rainy season only to remediate hazardous geologic conditions that endanger public health or safety.

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

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

The LUP policies, as suggested to be modified, will ensure risks to life and property in areas of geologic hazard will be minimized, in conformity with Section 30253 of the Coastal Act.

## **6. Fire Hazards**

Section 30253 of the Coastal Act also requires that new development minimize the risk to life and property in areas of high fire hazard. As previously noted, fire is an inherent threat to development and

residents in the Santa Monica Mountains. The long, dry summer season in combination with frequent “Santa Ana” winds, dense vegetation that provides fuel for fire, steep canyon and hillside terrain, inappropriate development siting and design, and often inadequate road access combine to provide extreme fire hazards every year.

Vegetation in the coastal areas of the Santa Monica Mountains consists largely of native coastal sage scrub and chaparral. Many plant species common to these communities produce and store terpenes, which are highly flammable substances. Chaparral and coastal sage scrub communities have evolved in concert with, and are adapted to wild fires. However, since 1925, all the major fires in the Santa Monica Mountains have been caused by human activities<sup>88</sup>. Increased fire frequency alters plant communities by creating conditions that select for some species over others. Strong resprouting plant species such as laurel sumac, are favored while non-sprouters like bigpod ceanothus, are at a disadvantage. Frequent fire recurrence before the non-sprouters can develop and reestablish a seed bank is detrimental, so that with each fire their chances for propagation are further reduced. Resprouters can be sending up new shoots quickly, and so they are favored in an increased fire frequency regime. Also favored are weedy and invasive species. Dr. Steven Davis in his abstract for a Coastal Commission Workshop stated<sup>89</sup> “*We have evidence that recent increases in fire frequency has eliminated drought-hardy non-sprouters from chaparral communities near Malibu, facilitating the invasion of exotic grasses and forbs that further exacerbate fire frequency.*” Thus, simply increasing fire frequency from about once every 22 years (the historical frequency) to about once every 12 years (the current frequency) can completely change the vegetation community. This has cascading effects throughout the ecosystem. This not only adversely affects sensitive habitat, but promotes fire risk.

Fire hazard is a measure of the potential wildfire burning characteristics (i.e. intensity, rate of spread, flame length) produced from a specific set of environmental conditions. As part of a statewide approach to fire hazard severity, CAL FIRE identified “fire hazard severity zones” throughout the State for the purpose of establishing and requiring adherence to wildland urban interface building codes and reducing structure loss from wildfire. These fire hazard severity zones are areas that have similar burn probabilities and fire behavior characteristics. Under this analysis, the entire Santa Monica Mountains coastal zone is classified by CAL FIRE and the Los Angeles County Fire Department as a “Very High Fire Hazard Severity Zone”. This area is shown on the LUP Hazards—Fire and Flood Map (Map 5).

### *Land Use Plan Policies*

As described above, the conditions in the Santa Monica Mountains pose a risk of wild fire damage to development that cannot be completely avoided or mitigated. The policies of the LUP address measures that will ensure that new development will minimize risks from fire hazard. These measures generally include: siting development in topographic areas that are less in danger from fire; siting development where adequate access for fire and other emergency vehicles can be provided; designing development to incorporate fire-safe features and materials; providing adequate water supplies for fire-fighting; and creating defensible space around new development through fuel modification.

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<sup>88</sup> NPS, 2002, op. cit.

<sup>89</sup> Davis, Steven. Effects of fire and other factors on patterns of chaparral in the Santa Monica Mountains, Coastal Commission Workshop on the Significance of Native Habitats in the Santa Monica Mountains. CCC Hearing, June 13, 2002, Queen Mary Hotel.

Policy SN-19 requires that all new development is sized, designed and sited to minimize risks to life and property from fire hazard. Policy SN-20 requires that new development is sited and designed in a manner that minimizes the threat of loss from wildland fires while avoiding the need for excessive vegetation clearance. Policy PF-20 encourages the clustering of residential structures both on individual lots and on multiple adjacent lots to provide for more localized and effective fire protection measures such as consolidation of required fuel modification and brush clearance, fire break maintenance, firefighting equipment access, and water service. Policy SN-22 requires that development sites and structures: be located off ridgelines and other dangerous topographic features such as chimneys, steep draws, and saddles. In addition to having significant adverse impacts visual resources (as previously discussed), new development on ridgelines and these other topographic features are at particular risk from fire. It has been shown that the heat and flame lengths of wildfires pulls fire uphill, destroying ridgetop structures even where other structures nearby are spared. Policy SN-22 also requires that development sites and structures must be adjacent to existing development perimeters, be located close to public roads and avoid over-long driveways. In order to ensure that there is adequate, safe access to new development for fire and emergency personnel, Policy SN-32 requires that structures be located along a certified all-weather accessible road, which in some cases may consist of permeable surfaces, in a manner that provides firefighters adequate vehicle turnaround space on private properties. Where feasible, new development must be accessed from existing roads.

Policy PF-19 requires the County to reduce fire hazards by: reviewing new development for adequate water supply and pressure, fire hydrants, and access to structures by firefighting equipment and personnel; requiring, where appropriate, on-site fire suppression systems for all new residential and commercial development to reduce the dependence on Fire Department equipment and personnel; limiting the length of private access roads to reduce the amount of time necessary for the Fire Department to reach residences and to minimize risk to firefighters; requiring project design to provide clearly visible (during the day and night) address signs for easy identification during emergencies; and cooperating with the Fire Department to ensure compliance with the Fire Code. This policy also calls for the County to facilitate the formation of volunteer Fire Departments and volunteer EMS providers such as the Malibu Search and Rescue Team.

The LUP policies acknowledge that while impacts to habitat can be reduced through siting and design alternatives for new development, they cannot be completely avoided, given the high fire risk in the Santa Monica Mountains and the need to modify fuel sources to protect life and property from wildfire. Fuel modification is the removal or modification of combustible native or ornamental vegetation. It may include replacement with drought tolerant, fire resistant plants. The amount and location of required fuel modification will vary according to the fire history of the area, the amount and type of plant species on the site, topography, weather patterns, construction design, and siting of structures. There are typically three fuel modification zones applied by the Los Angeles County Fire Department, which include a setback zone immediately adjacent to the structure (Zone A) where all native vegetation must be removed, an irrigated zone adjacent to Zone A (Zone B) where most native vegetation must be removed or widely spaced, and a thinning zone (Zone C) where native vegetation may be retained if thinned or widely spaced although particular high-fuel plant species must be removed. Non-locally-indigenous plants and gardens that are not invasive may be allowed within the building site area and in Fuel Modification Zones A and B, with associated irrigation, provided that the species are consistent with Fire Department requirements. The combined required fuel modification area around structures can extend up to a maximum of 200 feet. If there is not adequate area on the project site to provide the required fuel modification for structures, then brush clearance may also be

required on adjacent parcels. In this way, for a large area around any permitted structures, native vegetation will be cleared, selectively removed to provide wider spacing, and thinned.

The LUP policies require development to be sited such that it can avoid impacts to sensitive resources. Policy SN-27 requires the County to avoid development where fuel modification or brush clearance requirements would affect SERA. Additionally, the County must limit fuel modification to the minimum area necessary and utilize those programs that are most appropriate to the development site, including such strategies as preserving fire-resistant locally-indigenous species instead of completely removing vegetation, as set forth by Policy SN-28.

Further, Policy SN-26 prohibits vegetation clearance where fuel modification or brush clearance has not been required by the County to minimize the risk of fire hazard on (1) existing development, or (2) new development with an approved coastal development permit and all other applicable permits. Vegetation shall not be removed or thinned for required fuel modification until all permits have been obtained and construction commences. This will ensure that vegetation will not be removed prematurely, leaving a project site vulnerable to erosion.

The LUP also has policies that require that new development is sited to minimize the impacts of brush clearance on land adjacent to a project site. If the full 200 foot required fuel modification radius from new structures cannot be accommodated on a project site, then brush clearance will be required off-site to complete the 200 foot radius. Policy SN-24 states that structures that require fuel modification shall be set back from adjoining vacant lands to the maximum extent possible to minimize brush clearance. Most importantly, the LUP requires that new development adjacent to public parkland shall be sited and designed to ensure that all required fuel modification is located within the project site boundaries and no brush clearance is required within the public parkland. Unavoidable brush clearance in parklands must be minimized and all resource impacts shall be fully mitigated. However, these policies lack specificity with regard to the distance that must be provided to ensure that brush clearance is not required off-site. Additionally, these two policies, as written, do not address the process by which the decision maker will determine if it is not feasible to avoid brush clearance off-site for new structures. **Suggested Modification 44** is necessary to modify Policy SN-24 to require structures to be sited 200 feet from adjoining vacant lands where feasible. As suggested to be modified this policy will allow a lesser setback where this would allow for clustered development, minimize fire hazards or minimize impacts to coastal resources. **Suggested Modification 44** is also necessary to revise Policy SN-25 to require new development to be sited at least 200 feet from all parkland where feasible. This policy, as suggested to be modified, also clarifies that new development that cannot be sited or designed to avoid brush clearance in parklands shall only be approved to allow a reasonable economic use of the property, and where the brush clearance is minimized to the maximum extent feasible, and where all impacts are fully mitigated.

Finally, Policy SN-21 provides that landscaping shall not extend into utility lines to ensure that it does not become a source of ignition. Additionally, this policy requires that landscaping be maintained such that it does not block access to roads, water supplies or other emergency facilities.

In addition to siting development appropriately and creating a defensible space through appropriate fuel modification, it is important that new structures be designed to resist fire. Policy SN-23 requires that structures shall be constructed with appropriate features and building materials, including but not limited to: fire-resistant exterior materials, windows and roofing; and eaves and vents that resist the intrusion of flame and burning embers.

Finally, it is important that there be sufficient water available to fight both structure fires as well as wildfires. Allowing new development in areas without sufficient water will not minimize risks to life or property. Policy SN-30 prohibits development in areas with insufficient access, water pressure, fire flows, or other accepted means for adequate fire protection. Policy SN-31 requires that new development must maintain onsite, where feasible, alternative water resources for fire-fighting purposes. Water tanks shall be sized consistent with County minimum requirements, clustered with approved structures, and sited to minimize impacts to coastal resources.

The LUP policies, as suggested to be modified, will ensure risks to life and property in areas of fire hazard will be minimized, in conformity with Section 30253 of the Coastal Act.

## **7. Flood Hazards**

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

The proposed Land Use Plan contains a number of policies that provide for the siting, design and construction of new development in a manner that minimizes risks from flood hazard. Policy SN-11 requires that new development be sited, design and sized to minimize risks to life and property from flood hazard, considering changes to inundation and flood zones caused by rising sea level. Policy SN-13 prohibits development within flood hazard areas, in consideration of rising sea level, unless no alternative building site exists on the property and proper mitigation measures are provided to minimize or eliminate risks to life and property from flood hazard.

Policies CO-2, CO-3, and LU-46 require that new development implement Low Impact Development (LID) measures in project design to preserve the natural hydrologic cycle and minimize increases in storm water or dry weather flows. LID is an alternative method of land development that seeks to maintain the natural hydrologic character of the site or region. The natural hydrology of a watershed is shaped over centuries under location-specific conditions to form a balanced and efficient system. When hardened surfaces such as roads, parking lots, and rooftops are constructed, the movement of

water is altered; in particular, the amount of runoff increases and infiltration decreases. This results in increased peak flow rate and volume in stormwater runoff, which can lead to flooding. LID employs source control principles to maximize stormwater infiltration and natural hydrology, such as minimizing impervious surfaces by the use of bioretention facilities, rain gardens, vegetated rooftops, rain barrels, and permeable pavements. LID design requirements reduce the volume and speed of stormwater runoff and thereby reduce the frequency and severity of flooding, erosion, and impacts to aquatic habitats. In order to provide greater specificity and clarity in Policy LU-46 regarding the rationale behind LID measures, **Suggested Modification 58** is necessary. Suggested Modification 58 clarifies that LID strategies emphasize an integrated system of decentralized, small-scale control measures to minimize alteration of the site's natural hydrologic conditions through infiltration, evapotranspiration, filtration, detention, and retention of runoff close to its source and that all development shall incorporate LID strategies to the maximum extent feasible.

Policy SN-15 of the LUP provides that new development shall provide adequate drainage and erosion control facilities that convey site drainage in a non-erosive manner in order to minimize hazards resulting from increased runoff, erosion and other hydrologic impacts to streams. Policies SN-12 and SN-14 require protection of drainage courses in their natural state and development designs that maintain natural flow. However, consistent with Coastal Act Section 30236, Policy CO-31 allows channelizations or other substantial alterations of streams for flood protection for existing development where there is no other feasible alternative, as long as impacts to coastal resources are minimized and the best mitigation measures feasible are utilized. Bioengineering alternatives shall be preferred for flood protection over "hard" solutions such as concrete or riprap channels. The LUP policies also call for inter-jurisdictional planning of storm drain improvements management of floodwaters on a watershed basis, consistent with best management practices (BMPs) designed by the County Department of Public Works. In addition, the LUP also prohibits land divisions, including lot line adjustments, unless all proposed parcels can be demonstrated to be safe from flooding, erosion, and geologic hazards and will provide a safe, legal, all-weather access road(s), which can be constructed consistent with all policies of the LCP.

The LUP policies, as suggested to be modified, will ensure risks to life and property in areas of flood hazard will be minimized, in conformity with Section 30253 of the Coastal Act.

## **8. Shoreline and Bluff Development**

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

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

The Coastal Act requires that new development be sited and designed to minimize risks, assure stability and structural integrity, and neither create nor contribute significantly to erosion or require the construction of protective devices that would substantially alter the natural landforms along bluffs and cliffs (Section 30253). Section 30235 of the Coastal Act allows the construction of shoreline protective devices where existing development is threatened from erosion and when designed to eliminate or mitigate impacts on shoreline sand supply.

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

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

There are numerous threats to the coastline and beach habitats, public health, infrastructure, and recreational resources, including beach sand erosion, pollution, and sea level rise. Sea level rise is expected to lead to increased erosion, loss of coastal wetlands, permanent or periodic inundation of low-lying areas, increase in coastal flooding, and salt water intrusion into water systems. Structures located along bluffs susceptible to erosion and in areas that already flood during high tides will likely experience an increase in these hazards from accelerated sea level rise. Sea level rise also threatens the integrity of roads and other infrastructure. The coast within the Malibu-Santa Monica Mountains area has historically been subject to substantial damage from storm wave and flood impacts. Substantial

evidence exists that all beachfront development in this area is subject to an unusually high degree of risk due to storm waves and surges, high surf conditions, erosion and flooding. The 1998 El Nino storms, in particular, resulted in widespread damage to residences, public facilities and infrastructure along the Malibu coast.

Shoreline development on private property, if not properly designed to minimize such adverse effects, may result in encroachment on lands subject to the public trust (thus physically excluding the public); interference with the natural shoreline processes necessary to maintain publicly-owned tidelands and other public beach areas; overcrowding or congestion of such tideland or beach areas; and visual or psychological interference with public access to and the ability to use public tideland areas. In order to accurately determine the adverse effects to coastal processes and public access which may result from proposed private development, it is necessary to analyze the development in relation to characteristics of the project site shoreline, location of the development on the beach, and wave action. Even with regard to public property, such as the beach parks located in the plan area, shoreline development has the potential to result in the loss of beach.

One of the main functions of a shoreline protective device such as a seawall or revetment is the protection of the property or structures landward of the protective device. While they are often effective in protecting the landward development, however, they do nothing to protect the beach seaward of the revetment or seawall and can often have adverse effects on the nearby beach. These adverse effects ultimately cause additional adverse effects on the availability of public access to a beach. Scouring and beach erosion resulting from construction of a seawall or rock revetment will translate into a loss of beach sand at an accelerated rate. The resultant sand loss will be greater during high tide and winter season conditions than would otherwise occur if the beach were unaltered. In addition, as wave run-up strikes the face of the protective device and is deflected seaward, wave energy is concentrated at the face of the wall and ocean conditions along the beach will become more turbulent than would otherwise occur along an unarmored beach. The increase in turbulent ocean conditions along the beach will accelerate displacement of beach sand where the seawall is constructed over time.

The effects of shoreline protective devices on a beach has been documented in numerous past permit decisions by the Commission in Malibu, unincorporated areas adjacent to Malibu, and elsewhere along the California shoreline. The Commission has found that one of the most critical factors controlling the impact of a shoreline protective device on the beach is its position relative to the surf zone. All other things being equal, the further seaward the wall is, the more often and more vigorously waves interact with it. The best place for a seawall or revetment, if one is necessary, is at the back of the beach where it provides protection against the largest of storms. By contrast, a seawall constructed too near to the mean high tide line may constantly create problems related to frontal and end scour, as well as upcoast sand impoundment. Even though the precise impact of a structure on the beach is a persistent subject of debate within the discipline of coastal engineering, it is generally agreed that a shoreline protective device will affect the configuration of the shoreline and beach profile whether it is a vertical seawall or a rock revetment. It has been well documented by coastal engineers and coastal geologists that shoreline protective devices will adversely impact the shoreline as a result of beach scour, end scour (the beach area at either end of the structure), the retention of potential beach material behind the wall, the fixing of the back beach, and the interruption of longshore processes. An additional concern relative to shoreline erosion is the phenomenon of sea level rise. There is a growing body of evidence that there has been a slight increase in global temperature and that an accelerated rate of sea level rise can be expected to accompany this increase in temperature. Mean water level affects shoreline erosion

in several ways and an increase in the average sea level will exacerbate shoreline erosion. For fixed structures on the shoreline, such as residences or protective devices, an increase in sea level will increase the extent and frequency of wave action and future inundation of the structure.

Accompanying this rise in sea level will be increased wave heights and wave energy. Along much of the California coast, ocean bottom depth controls nearshore wave heights, with bigger waves occurring in deeper water. A small increase in wave height can cause a significant increase in wave energy and wave damage. Combined with a physical increase in water elevation, a small rise in sea level can expose previously protected back-shore development to both inundation and wave attack, and those areas that are already exposed to wave attack will be exposed to more frequent wave attack with higher wave forces. An additional concern is that climatic changes associated with global warming and sea level rise could cause changes to storm patterns and wave activity for the entire coast. It is quite possible that some portions of the coast will experience more frequent storms. For these additional reasons to minimize future storm damage and to protect public access, it is important that new development along the shoreline, including shoreline protective devices, be located as far landward as feasible in order to minimize wave attack with higher wave forces as sea level rises over time.

In past permit actions in Malibu the Commission has found the protective devices can be permitted to protect existing structures or new structures which constitute infill development only when designed and engineered to eliminate or mitigate adverse impacts on the shoreline. Given the limited coastal areas within the plan area and the fact that most of them are in public ownership as public parkland, the entire suite of shoreline development policies related to private development, including residential development, are not appropriate in this plan. Therefore, the policies of the LUP have been tailored to the specific conditions and circumstances of the plan area.

Shoreline development is subject to all of the applicable hazard-related policies of the LUP, including storm waves and flooding which may be applicable. In addition, Policy CO-194 requires that new development that is in proximity to the shoreline and beaches shall be sited and designed in ways that minimize risks to life and property; impacts to public access and recreation; impacts to scenic resources; impacts to the quality or quantity of the natural supply of sediment to the coastline; and accounts for sea level rise and coastal storm surge projections. Policy CO-190 prohibits shoreline structures, including piers, groins, revetments, breakwaters, drainages, seawalls, pipelines, and other such construction that alters natural shoreline processes, except where there is no less-environmentally-damaging alternative for the protection of coastal-dependent uses, existing development, or public beaches in danger from erosion. Any such structures shall be sited to avoid sensitive resources and designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Where feasible, the use of soft structures and living shorelines are required. Policy CO-189 also requires that any such permitted shoreline protection structures shall be sited to avoid impacting sensitive resources. In addition, Policy CO-30 requires the siting and design of new on-site wastewater treatment systems (OWTS) to provide adequate setbacks and/or buffers from H1 habitats and surface waters to prevent the lateral seepage of sewage effluent dispersal systems and to preclude the need for shoreline protective devices to protect OWTS from coastal erosion, flooding and inundation, initially or as a result of sea level rise.

In order to adequately carry out Coastal Act Section 30253, the Commission finds it necessary to require **Suggested Modification 43**, to ensure that new development is sited and design to assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic

instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

Lagoon breaching may be required where man-made alterations have interrupted the natural breaching cycle. However, it should only be allowed where the breaching would mimic natural breaching to the extent feasible, and is carried out in a manner that is the most protective of wetland resources and other environmental resources particular to the site. Policy CO-187 prohibits lagoon breaching or water level modification, unless it can be demonstrated that there is a health or safety emergency, there is no feasible less environmentally damaging alternative, and all feasible mitigation measures will be implemented to minimize adverse environmental effects.

In addition to the policies discussed above relative to shoreline development, the LUP contains a number of policies that specifically address the problems and issues associated with shoreline erosion and the construction of protective devices on a beach. Some of the policies are recommendations for future actions and not mandatory requirements. Regardless, they represent recognized and/or effective measures or policy approaches to address particular issues or problems. Policy CO-191 recommends coordination with the County's Department of Public Works-Division of Beaches and Harbors and the California Department of Transportation (Caltrans) to establish a program for beach nourishment efforts and develop future strategies to protect against beach erosion and to protect Pacific Coast Highway. Further, Policy CO-192 recommends supporting regional sediment management and allowing the placement of sediments removed through erosion or flood control facilities, at appropriate points on the shoreline, for the purpose of beach sand replenishment, where adverse impacts to beach, inter-tidal, and offshore resources are minimized and appropriate mitigation measures are incorporated.

The LUP policies regarding shoreline and bluff development, as suggested to be modified, will ensure conformity with Sections 30253 and 30235 of the Coastal Act.

## **9. Sea Level Rise**

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

The LUP policies also incorporate consideration of future sea level rise in ongoing planning efforts. Policy CO-197 calls for the County to initiate, or participate in, aerial and regional studies of sea level rise vulnerability, and adaptation, and in shoreline monitoring to identify sea level rise concerns and possible erosion or sea level "hot spots". Further, Policy CO-198 outlines measures necessary in order

to further research and respond to sea level rise, such as continuing to gather information on the effects of sea level rise on the shoreline, including identifying the most vulnerable areas, structures, facilities, and resources; specifically areas with priority uses such as beaches, public access and recreation resources, including the California Coastal Trail, Pacific Coast Highway, significant H1 habitat such as wetlands or wetland restoration areas and riverine areas, open space areas where future wetland migration would be possible, and existing and planned sites for critical infrastructure. Policy CO-198 also states that the County will participate, as possible, in regional assessments of sea level rise vulnerability, risk and adaption planning efforts, to ensure compatible treatment for sea level rise across jurisdictional boundaries. Any vulnerability assessment shall use best available science and multiple scenarios including best available scientific estimates of expected sea level rise, such as by the Ocean Protection Council (OPC) [e.g. 2011 OPC Guidance on Sea Level Rise], National Research Council, Intergovernmental Panel on Climate Change, and the West Coast Governors Alliance. Based on information gathered over time, the County will propose additional policies and other actions for inclusion in the LCP in order to address the impacts of sea level rise. However, it is important that the County either prepare, or cooperate in, a sea level rise vulnerability and risk assessment, with special attention to the vulnerable areas and coastal resources, in order to identify specific actions needed to minimize risks to coastal resources and development due to sea level rise, including land use designations, new policies, or increased setbacks or design changes. Given the evolving science of sea level rise, the best available science should be used in any future assessment and planning actions, including using the best available sea-level rise projections in order to establish a range of locally-relevant future water levels and shoreline change, and to assess vulnerability and risks from sea level rise. Further, best available science shall be updated, in keeping with regional policy efforts, as new, peer-reviewed studies on sea level rise become available and as agencies such as the OPC or the California Coastal Commission issue updates to their guidance reports. Therefore, **Suggested Modification 42** is required to include the requirements to prepare or cooperate in a sea level rise vulnerability and risk assessment and to remain updated on best available science in order to more fully integrate the impacts of sea level rise in future planning, as required in Policy CO-198.

Based on the findings above, the Commission finds that the policies of the proposed Land Use Plan relative to shoreline development and flood hazards, as suggested to be modified, meet the requirements of and are in conformity with Sections 30235 and 30253 of the Coastal Act.

## **J. GENERAL LUP ADMINISTRATION**

### **1. LUP Introduction**

The introductory chapter of the proposed LUP provides an overview of the plan and describes the environmental setting, background, and general administration of the plan, among other things. The subsection entitled, “How to Use the LUP”, in particular, contains general guidance information as to how the LUP will be administered. However, **Suggested Modification 1** is required to provide greater specificity and accuracy to the guidance information included in a portion of the “How to Use the LUP” subsection of the introduction. The changes of Suggested Modification 1 are as follows:

#### **D. How to Use the LUP**

The Santa Monica Mountains LUP is a component of the Los Angeles County General Plan. However, where conflicts occur between the policies contained in this LUP and ~~those~~ anything contained in any ~~element~~ other part of the County’s General Plan, in any Specific Plan or other

plan, in County zoning, or in any other ordinance not included in the LCP, the policies of this LUP shall take precedence. Users should be guided by the following:

- ~~• Should any LUP policies conflict, unless specifically noted, the policy that is most protective of coastal resources, including Protection of SERA's (H1 and H2 habitats) and public access shall take priority over other LUP development standards. , shall take precedence. Two policies will only be treated as conflicting if applying one would necessarily result in a violation of the other, so there is no way to apply both. If development can be made to comply with two different policies, the policies shall not be construed to be in conflict.~~
- Certain policies of Chapter 3 of the Coastal Act (Public Resources Code Sections 30200 through 30265) are included in the LUP for illustrative purposes only, and are not adopted by the County. While the County has not incorporated Chapter 3 policies directly into this LUP as individually enforceable policies, the County recognizes that Chapter 3 policies provide the authority for the policies of this LUP, and the policies in this LUP must be interpreted in a manner consistent with the Coastal Act. Therefore, the provisions of this LUP should be construed to be at least as protective of Coastal Resources as corresponding policies of the Coastal Act.
- ~~• If a conflict is identified between policies of Chapter 3 of the Coastal Act, Public Resources Code Section 30007.5 shall be utilized to resolve the conflict.~~
- The County shall not issue a coastal development permit unless, Prior to issuing a coastal development permit, the County shall determines that it can make, and does make, the finding that the proposed development is consistent with the policies set forth in this LUP.
- Nothing in this LUP shall be construed to prevent construction of a single-family residence on an existing, lawfully-established lot that allows such use, due to the size of the lot. Lot size may, however, play a role in a determination that location of a building pad on a lot is infeasible because necessary health and safety facilities cannot be accommodated.
- While this LUP is meant to be a guide for the public in determining allowable uses of private property, nothing in this LUP provides an entitlement to any specific form of development, and the public is strongly encouraged to consult with County planning staff prior to making any substantial investment in reliance on the belief that any specific development is possible, including prior to investing in the preparation of development plans that might later prove to be inconsistent with the LUP.
- All uses lawfully-established prior to the certification of this LCP that are not consistent with all LCP policies and provisions may continue in a legal non-conforming status subject to Zoning Ordinance provisions. Such uses may not be expanded in any manner inconsistent with the certified local coastal program (LCP). Where feasible, such lawfully established uses will be brought into conformity with the certified LCP.
- Development on Pepperdine University's 830-acre Malibu-area campus is subject to the Coastal Commission's review authority pursuant to Pepperdine's long range development plan (LRDP), which was certified by the Coastal Commission on January 11-April 12, 1990. The policies in this LUP shall not replace the Chapter 3 policies of the Coastal Act for the purposes of reviewing future amendments to the LRDP by the County and Coastal Commission. Similarly, pProposed new development on the Pepperdine University campus will continue to be reviewed by the Coastal Commission for consistency with the policies contained in the certified LRDP, rather than the LUP

policies of this LCP. The standard of review for any proposed amendments to the certified LRDP would continue to be the Chapter 3 policies of the Coastal Act, rather than the policies of this LCP.

The first edits (prior to the bullet points) are necessary because the language proposed by the County could be interpreted to suggest that while the LUP provisions take precedence when they are in conflict with policies in another element of the County's General Plan, there could be other aspects of the General Plan (other than policies or outside of the "elements") over which the LUP provisions would not take precedence. The modification clarifies that the LUP provisions take precedence over any other County rules or regulations. Without such an assurance, and without a comprehensive familiarity with the County rules and regulations, it would be impossible for the Commission to ensure that the LUP provisions will be effective in any given instance.

The first three bullet points above address the relationship among policies within the LUP, and the relationship between those policies and Chapter 3 policies of the Coastal Act. The second bullet point states that certain Chapter 3 policies of the Coastal Act are included in the LUP for illustrative purposes only, but are not adopted by the County as policies. However, it is important to clarify the LUP policies' relationship to the Chapter 3 policies of the Coastal Act. As such, **Suggested Modification 1** is necessary to add additional text to that bullet point, in order to clarify that while the County has not incorporated Chapter 3 policies directly into this LUP as individually enforceable policies, the County recognizes that Chapter 3 policies provide the authority for the policies of this LUP, and the policies in this LUP must be interpreted in a manner consistent with the Coastal Act and that the provisions of the LUP should be construed to be at least as protective of coastal resources as corresponding policies of the Coastal Act. This clarifying language will ensure proper interpretation of the County's proposed LUP policies.

Although the County has not incorporated Chapter 3 policies directly into this LUP as individually enforceable policies, the third bullet point addressed in Suggested Modification 1 above states that if a conflict is identified between policies of Chapter 3 of the Coastal Act, Public Resources Code Section 30007.5 shall be utilized to resolve the conflict. This bullet point must be deleted, pursuant to **Suggested Modification 1**, for two reasons: (1) the Chapter 3 policies of the Coastal Act are not included in the LUP as individually enforceable policies, and (2) the Coastal Act only authorizes the resolution of conflicts between the application of Chapter 3 policies and does not provide for the delegation of the Commission's policy conflict resolution authority to a local government after certification of its LCP, as explained in detail below. Similarly, the first bullet point addressed in Suggested Modification 1 above would allow the County to resolve potential conflicts between one or more LUP policies through a subjective conflict-resolution approach. As discussed below, this proposed provision is not consistent with the Coastal Act and must be deleted.

A fundamental purpose of the Coastal Act is to assure that new development in the coastal zone is consistent with the Chapter 3 resource protection policies of the Act. One of the primary Coastal Act mechanisms for achieving this is the implementation of Local Coastal Programs (LCPs), which local governments must submit to the Commission for certification pursuant to Chapter 6 of the Coastal Act. Coastal Act section 30510 requires that local governments make a specific finding that an LCP submitted to the Commission "is intended to be carried out in a manner fully in conformity with [the Coastal Act]. Importantly, Coastal Act section 30512(c) further requires that the provisions of an LUP certified by the Commission be in conformity with the policies of Chapter 3:

*The commission shall certify a land use plan, or any amendments thereto, if it finds that a land use plan meets the requirements of, and is in conformity with, the policies of Chapter 3 (commencing with Section 30200).*

Coastal Act Section 30200(a) also specifies that unless specifically provided elsewhere, “the policies of [Chapter 3] shall constitute the standards by which the adequacy of local coastal programs, as provided in Chapter 6 (commencing with Section 30500), . . . are determined.” Pursuant to Coastal Act Section 30513, an LCP’s zoning ordinances, maps, and other implementing actions (the IP) must conform with, and be in conformity with, the land use plan and thus, by extension, Chapter 3.

Once certified, the authority to approve coastal development permits is delegated to local governments for those areas of the coastal zone outside of the Commission’s retained jurisdiction<sup>90</sup>. A local government may then approve a coastal development permit if it finds that a proposed development is in conformity with the certified local coastal program<sup>91</sup>. Because an LUP must be in conformity with Chapter 3 of the Coastal Act, and an IP must conform with the LUP, a locally-approved development that is conformity with the LCP should be consistent with the broad resource protection policies of Chapter 3<sup>92</sup>.

As summarized above, the proposed LUP language would allow the County to resolve any potential conflicts between LUP policies in a manner that is most protective of coastal resources. This policy, though, is not consistent with Coastal Act for several reasons. First, Coastal Act Sections 30512 and 30513 clearly establish that the resource protection and other policies of Chapter 3 of the Act are the only basis for evaluating and certifying LUP policies. Thus, the proposed conflict resolution provision must have a basis in Chapter 3 to be found consistent with the Coastal Act. Significantly, although Section 30200(b), contained within Chapter 3, expressly references resolution of conflicts between the policies of Chapter 3, there is no general conflict resolution or balancing standard in Chapter 3 that would require or otherwise allow the incorporation of such conflict resolution in an LCP. Further, to the extent that Chapter 3 may contemplate potential conflicts between the policy objectives of Chapter 3, such conflicts are limited to policies that contain specific statutory directives or affirmative mandates.

More fundamentally, the proposed policy also is not consistent with the Coastal Act because it does not conform to the Act’s specific elaboration of when conflict resolution is appropriate. Chapter 3 does contemplate that conflicts between Chapter 3 policies may occur. Section 30200(b) provides:

*(b) Where the commission or any local government in implementing the provisions of this division identifies a conflict between the policies of this chapter, 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.*

Coastal Act section 30007.5 states, in relevant part:

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<sup>90</sup> PRC 30519(a). The Commission retains permitting jurisdiction on tidelands, submerged lands, and public trust lands, whether filled or unfilled, lying within the coastal zone (PRC 30519(b); 30600(b)(2)).

<sup>91</sup> PRC 30604(b).

<sup>92</sup> There may be particular circumstances where subsequent Coastal Act amendments, case law, or other changed circumstances result in an inconsistency between certain provisions of an LCP or their application to specific facts, and Chapter 3.

*The Legislature further finds and recognizes that conflicts may occur between one or more policies of the division. The Legislature therefore declares that in carrying out the provisions of this division such conflicts be resolved in a manner which on balance is the most protective of significant coastal resources.....*

These sections recognize that conflicts may occur between one or more policies of the Coastal Act (Division 20 of the Public Resources Code) and more specifically, between the policies of Chapter 3. The first important requirement of this allowance for conflict resolution to recognize, though, is that it is specifically limited to conflicts between Coastal Act Chapter 3 policies<sup>93</sup>. There is no authorization for conflict resolution between the certified policies of an LCP. Indeed, by design, LCPs are required to be certified as consistent with Chapter 3, and thus they should not contain internal inconsistencies or conflicts that would undermine their ability to adequately carry out Chapter 3<sup>94</sup>.

In addition, local governments typically do not directly implement Division 20 and the policies of Chapter 3. Thus, the primary mode of conflict resolution contemplated by the Coastal Act is that the Coastal Commission itself may be required to resolve policy conflicts in a manner that is most protective of coastal resources when it is implementing the various provisions of the Coastal Act. That said, section 30200(b) does clearly indicate that local governments may invoke section 30007.5 also, but only when implementing the policies of the Coastal Act such that a conflict between Chapter 3 policies is identified. This allowance is provided for those circumstances where a local government may be implementing the policies of Chapter 3 directly; for example, prior to LCP certification and pursuant to section 30601(b) and 30620.5; or pursuant to 30520(a), which addresses circumstances where a court may stay the implementation of an LCP but coastal development permits may still be issued by a local government. In such cases, the local government is issuing coastal development permits, but the standard of review is Chapter 3, not the provisions of an LCP.

In addition to the fact that the Coastal Act does not authorize the use of conflict resolution between LCP policies, the Commission also observes that Section 30007.5 strictly limits the invocation of conflict resolution through balancing to cases where there is an actual “conflict” between policies of the Coastal Act. Thus, this section may only be invoked in those relatively infrequent cases when there is a specific conflict entailed by the application of two Chapter 3 policies to the facts of a case. This means that requiring a development to be consistent with one Chapter 3 policy would result in an unavoidable inconsistency with another Chapter 3 policy. The clear intent of section 30007.5 thus is to carefully limit the use of discretionary “balancing” -an intent that would be undermined by the unrestricted application of conflict resolution to LCP policies that is contemplated by the proposed LUP<sup>95</sup>.

Finally, the Commission understands that from time to time local governments may encounter situations where certified LCP policies are in conflict, or do not provide for development that may not have been anticipated by the LCP as first certified. In such situations, the conflict or other

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<sup>93</sup> The Commission interprets section 30007.5 as applying to conflicts that may arise when applying the substantive development policies of Chapter 3 of Division 20, as specified in section 30200(b).

<sup>94</sup> It is important, therefore, that the policies of an LCP are well crafted and anticipate, to the extent possible, potential conflicts between Chapter 3 policies as applied in the local jurisdiction, at the time of certification of the policies.

<sup>95</sup> Consistent with this intent, the Commission has a long history of strictly limiting its use of 30007.5 to clear cases where one Chapter 3 policy cannot be achieved if another is met.

unanticipated issue must be resolved by the Commission through an LCP amendment. Once the Commission reviews the proposed LCP amendment against the Chapter 3 policies of the Coastal Act and provides within the LCP the specific resolution of any conflict between application of the Chapter 3 policies of the Coastal Act to proposed development through the LCP amendment process, the local government can then implement the Commission's specific resolution of the conflict when acting on a local coastal development permit application.

In conclusion, because the Coastal Act only authorizes the resolution of conflicts between the application of Chapter 3 policies and does not provide for the delegation of the Commission's policy conflict resolution authority to a local government after certification of its LCP, Suggested Modification 1 is necessary.

## **2. LUP Maps and the Coastal Zone Boundary**

The proposed LUP maps (Maps 1-9) show the coastal zone boundary to illustrate the 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 boundary, and is therefore only used to indicate the general location of the line. The accurate 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."

## **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 in which local government coastal development permit actions may be appealed to the Coastal Commission after LCP certification. One of those types of development that is appealable to the Coastal Commission is any development approved by a coastal county that is not designated as the principal permitted use. The Commission recommends adding definitions for the terms "Principally-Permitted Use" and "Appealable Coastal Development Permit" within the LUP glossary, as set forth in **Suggested Modification 59**.

## **K. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

Section 21080.9 of the Public Resources Code (CEQA) exempts local governments from the requirement of preparing an environmental impact report (EIR) in connection with the adoption of a Local Coastal Program (LCP). Instead, certification of an LCP by the Coastal Commission is subject to the requirements of CEQA. The Coastal Commission's regulatory program involving the preparation, approval and certification of local coastal programs has been certified by the Natural Resources Agency under Public Resources Code Section 21080.5 as the functional equivalent of CEQA review. As a result of this certification, the Coastal Commission is exempt from the requirement of preparing an EIR in connection with a local coastal program. As set forth above, the

Commission finds that Los Angeles County's proposed Santa Monica Mountains LUP amendment, if modified pursuant to the Commission's suggested modifications, will conform with the policies in Chapter 3 of the Coastal Act. The Commission also finds that approval of the LUP with the suggested modifications will not result in significant adverse environmental impacts within the meaning of CEQA. The Commission further finds that there are no feasible alternatives or additional mitigation measures that would substantially lessen any significant adverse impact on the environment from approval of the LUP with suggested modifications.

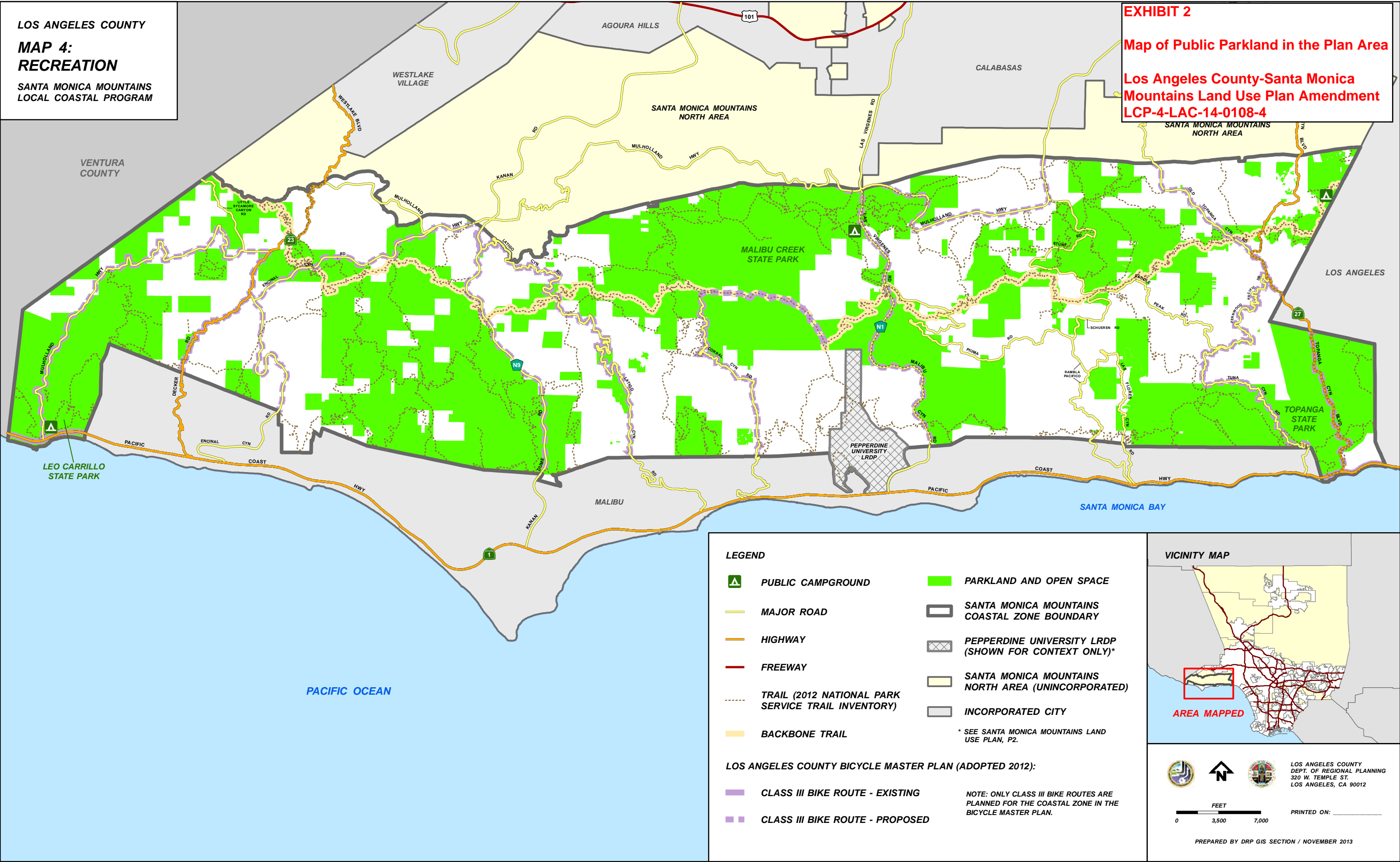
LOS ANGELES COUNTY  
COASTAL ZONE  
AND VICINITY  
SANTA MONICA MOUNTAINS  
LOCAL COASTAL PROGRAM

EXHIBIT 1  
Vicinity Map of the Plan Area  
Los Angeles County-Santa Monica  
Mountains Land Use Plan Amendment  
LCP-4-LAC-14-0108-4



LOS ANGELES COUNTY  
MAP 4:  
RECREATION  
SANTA MONICA MOUNTAINS  
LOCAL COASTAL PROGRAM

EXHIBIT 2  
Map of Public Parkland in the Plan Area  
Los Angeles County-Santa Monica  
Mountains Land Use Plan Amendment  
LCP-4-LAC-14-0108-4



| Hotel/Motel              | Address                       | City          | Rate  | Rooms | Dist. from CZ<br>(in miles) |
|--------------------------|-------------------------------|---------------|-------|-------|-----------------------------|
| Malibu Motel             | 22541 Pacific Coastal Highway | Malibu        | \$125 | 18    | 0.53                        |
| Malibu Riviera Motel     | 28920 Pacific Coastal Highway | Malibu        | \$130 | 13    | 1.12                        |
| Good Nite Inn            | 26557 Agoura                  | Calabasas     | \$53  | 168   | 2.48                        |
| Hilton Garden Inn        | 24150 Park Sorrento           | Calabasas     | \$129 | 142   | 2.78                        |
| Homewood Suites          | 28901 Canwood St              | Agoura Hills  | \$111 | 125   | 2.87                        |
| Sheraton Agoura Hills    | 30100 Agoura Rd               | Agoura Hills  | \$139 | 280   | 3.07                        |
| Anza Hotel               | 23627 Calabasas Rd            | Calabasas     | \$124 | 122   | 3.18                        |
| Hampton Inn              | 30255 Agoura Rd               | Agoura Hills  | \$126 | 94    | 3.20                        |
| Knights Inn              | 21706 Ventura Blvd            | Los Angeles   | \$64  | 39    | 3.83                        |
| Best Western             | 21830 Ventura Blvd            | Los Angeles   | \$132 | 68    | 3.85                        |
| Extended Stay America    | 20205 Ventura Blvd            | Los Angeles   | \$95  | 146   | 3.86                        |
| Comfort Inn              | 20157 Ventura Blvd            | Los Angeles   | \$85  | 100   | 3.86                        |
| Holiday Inn Express      | 22617 Ventura Blvd            | Los Angeles   | \$120 | 86    | 3.89                        |
| Hostelling International | 1436 2nd Street               | Santa Monica  | \$42  | 260   | 4.48                        |
| Seaview Hotel            | 1760 Ocean Ave                | Santa Monica  | \$88  | 16    | 4.90                        |
| Best Western             | 75 W Thousand Oaks Blvd       | Thousand Oaks | \$113 | 106   | 5.00                        |
| Quality Inn              | 12 Conejo Blvd                | Thousand Oaks | \$67  | 74    | 5.08                        |
| Hilton Woodland Hills    | 6360 Canoga Ave               | Los Angeles   | \$109 | 326   | 5.08                        |
| Santa Monica Motel       | 2102 Lincoln Blvd             | Santa Monica  | \$107 | 30    | 5.36                        |
| La Quinta Inn            | 1320 Newbury Rd               | Thousand Oaks | \$85  | 124   | 5.39                        |
| Motel 6 Thousand Oaks    | 1516 Newbury Rd               | Thousand Oaks | \$54  | 175   | 5.43                        |
| Best Western             | 20122 Vanowen St              | Los Angeles   | \$99  | 46    | 5.43                        |
| Comfort inn Santa Monica | 2815 Santa Monica Blvd        | Santa Monica  | \$109 | 108   | 5.45                        |
| Courtyard by Marriott    | 1710 Newbury Rd               | Thousand Oaks | \$99  | 120   | 5.50                        |
| Sea Shore Motel          | 2637 Main Street              | Santa Monica  | \$110 | 19    | 5.54                        |
| Days Inn                 | 3007 Santa Monica Blvd        | Santa Monica  | \$129 | 68    | 5.55                        |
| Hampton Inn              | 510 N Ventu Park Rd           | Thousand Oaks | \$139 | 125   | 5.56                        |
| Ocean Park Inn           | 2452 Lincoln Blvd             | Santa Monica  | \$95  | 29    | 5.60                        |
| Palm Garden Hotel        | 495 N Ventu Park Rd           | Thousand Oaks | \$112 | 150   | 5.62                        |
| Premier Inns             | 2434 West Hillcrest Dr        | Thousand Oaks | \$39  | 128   | 5.93                        |
| Canoga Hotel             | 7126 De Soto Ave              | Los Angeles   | \$85  | 40    | 5.93                        |
| Motel 6 Canoga Park      | 7132 De Soto Ave              | Los Angeles   | \$60  | 64    | 5.97                        |
| America's Best Value Inn | 2850 Camino Dos Rios          | Thousand Oaks | \$55  | 75    | 6.36                        |
| Star Hotel Inn           | 15485 Ventura Blvd            | Los Angeles   | \$80  | 66    | 6.54                        |
| Super 8 Canoga Park      | 7631 Topanga Canyon Blvd      | Los Angeles   | \$78  | 52    | 6.67                        |
| Howard Johnson Inn       | 7432 Reseda Blvd              | Los Angeles   | \$84  | 74    | 6.68                        |
| Airtel Plaza Hotel       | 7277 Valjean                  | Los Angeles   | \$134 | 267   | 7.87                        |
| Motel 6                  | 6909 Sepulveda Blvd           | Los Angeles   | \$69  | 74    | 8.37                        |

Source: Los Angeles County Department of Regional Planning - Inventory of Low-Cost Overnight Accommodations Serving the Santa Monica Mountains Coastal Zone (2014)

### EXHIBIT 3

**Inventory of Low-Cost Overnight Accommodations in the Vicinity of the Plan Area**

**Los Angeles County-Santa Monica Mountains Land Use Plan Amendment  
LCP-4-LAC-14-0108-4**

Proposed 2014

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# Santa Monica Mountains Land Use Plan

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A Component of The Santa Monica Mountains Local Coastal Program  
County of Los Angeles Department of Regional Planning



## **EXHIBIT 4**

**Proposed Santa Monica Mountains  
Land Use Plan**

**Los Angeles County-Santa Monica Mountains  
Land Use Plan Amendment  
LCP-4-LAC-14-0108-4**

General Plan Amendment  
No. 200600008  
Actions:  
Adopt Santa Monica Mountains Land Use Plan  
Repeal Malibu Land Use Plan

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## TABLE OF CONTENTS

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|   | <u>Page</u> |
|---|-------------|
| List of Maps  | iv          |
| List of Tables  | iv          |
| Acknowledgments   | v           |
| <b>I. Introduction</b>  |             |
| A. Purpose of the Santa Monica Mountains Land Use Plan              | 1           |
| B. Setting  | 2           |
| C. Organization of the LUP  | 3           |
| D. How to Use the LUP   | 3           |
| E. Area Development   | 5           |
| F. Previous Planning Efforts  | 5           |
| G. Region-wide Planning Coordination                                | 7           |
| H. Public Participation   | 8           |
| I. Native American Heritage Commission                              | 9           |
| J. California Environmental Quality Act                             | 10          |
| K. Relationship to the Santa Monica Mountains North Area Plan       | 10          |
| <b>II. Conservation and Open Space Element</b>                      |             |
| A. Introduction   | 12          |
| B. Guiding Principle  | 12          |
| C. Water Quality  | 13          |
| D. Biological Resources   | 20          |
| E. Hillside Management  | 43          |
| F. Open Space   | 44          |
| G. Scenic Resources   | 46          |
| H. Recreation and Trails  | 51          |
| I. Shoreline and Beaches  | 59          |
| J. Archaeological, Paleontological, and Historic Cultural Resources | 63          |
| K. Coastal Act Sections and Corresponding Element Policies          | 66          |
| <b>III. Safety and Noise Element</b>                                |             |
| A. Introduction   | 75          |
| B. Guiding Principle  | 75          |
| C. Seismic and Non-Seismic Geologic Hazards                         | 75          |
| D. Flood Hazards  | 77          |
| E. Fire Hazards   | 79          |
| F. Hazardous and Toxic Materials                                    | 82          |
| G. Noise Hazards  | 84          |
| H. Coastal Act Sections and Corresponding Element Policies          | 86          |

|  | <u>Page</u> |
|--|-------------|
| <b>IV. Land Use and Housing Element</b>                    |             |
| A. Introduction  | 90          |
| B. Guiding Principle                                       | 91          |
| C. Development and Environmental Resources                 | 92          |
| D. Pattern and Character of Development                    | 95          |
| E. Coastal Act Sections and Corresponding Element Policies | 105         |
| <b>V. Circulation Element</b>                              |             |
| A. Introduction  | 110         |
| B. Guiding Principle                                       | 112         |
| C. Balancing Roadway Capacity and Environmental Protection | 113         |
| D. Managing Roadway Demand                                 | 115         |
| E. Encouraging Transportation Alternatives                 | 116         |
| F. Coastal Act Sections and Corresponding Element Policies | 117         |
| <b>VI. Public Facilities Element</b>                       |             |
| A. Introduction  | 120         |
| B. Guiding Principle                                       | 120         |
| C. Water and Sewer Services                                | 121         |
| D. Public Schools  | 122         |
| E. Fire and Paramedic Services                             | 123         |
| F. Police Services   | 126         |
| G. Solid Waste Services                                    | 127         |
| H. Coastal Act Sections and Corresponding Element Policies | 128         |
| <b>Glossary</b>  | 130         |

|   | <u>Page</u> |
|---|-------------|
| <b>List of Maps</b>   |             |
| 1. Santa Monica Mountains Coastal Zone Planning Area  | 11          |
| 2. Biological Resources   |             |
| Eastern Portion   | 70          |
| Western Portion   | 71          |
| 3. Scenic Resources   |             |
| Eastern Portion   | 72          |
| Western Portion   | 73          |
| 4. Recreation   | 74          |
| 5. Hazards – Fire and Flood   | 88          |
| 6. Hazards – Seismicity   | 89          |
| 7. Rural Villages   | 107         |
| 8. Land Use Policy Map  |             |
| Eastern Portion   | 108         |
| Western Portion   | 109         |
| 9. Highway Plan   | 119         |
| <b>List of Tables</b>   |             |
| 1. Native Tree Mitigation   | 40          |
| 2. Santa Monica Mountains Wildfires   | 80          |
| 3. Los Angeles County Exterior Noise Standards  | 85          |
| 4. Locations of Year 2005 Traffic Congestion within the Santa Monica Mountains Coastal Zone           | 110         |
| 5. Locations of Projected Year 2030 Traffic Congestion within the Santa Monica Mountains Coastal Zone | 111         |

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## ACKNOWLEDGMENTS

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The following persons are acknowledged for their contribution to the preparation of the Santa Monica Mountains Coastal Zone Plan. Without their dedication and hard work, the preparation of this Coastal Zone Plan – and the implementation program – would not have been possible. Los Angeles County is grateful for their many hours of service and contribution to this planning effort.

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## **I. INTRODUCTION**

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### **A. Purpose of the Santa Monica Mountains Land Use Plan**

Land use planning and development standards in the Santa Monica Mountains Coastal Zone (Coastal Zone) are governed by the California Coastal Act of 1976 as amended and contained in the California Public Resources Code (Section 30000 et seq.). The Coastal Act created a zone along the State's coastline that must be protected to preserve the state's coastal resources. The Coastal Act directs "[each] local government lying, in whole or in part, within the coastal zone" to prepare a local coastal program (LCP) for its portion of the California coastal zone (Section 30500). The coastal zone in the Santa Monica Mountains extends approximately five miles inland from the coast. (See Map 1 Planning Area, page 11.)

In order to provide a local coastal program which conforms to the intent of the California Coastal Act of 1976 (PRC Section 30001.5), the overriding goals of this Santa Monica Mountains Land Use Plan (LUP) shall be to:

- (a) Protect, maintain, and where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and manmade resources.
- (b) Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the County and the State.
- (c) Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners.
- (d) Assure priority for coastal-dependent and coastal-related development over other development on the coast.
- (e) Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone.

The Coastal Act allows the County to segment the planning area within its coastal zone (Section 30511). The County has segmented its coastal zone into three areas: Marina del Rey, Santa Catalina Island, and the Santa Monica Mountains. Due to their very unique characteristics, the County has chosen to create a separate LCP for each coastal zone area. Marina del Rey and Santa Catalina Island each have their own certified LCP.

An LCP consists of two parts: 1) a land use plan, and 2) implementing measures. This LUP serves as the land use plan for the LCP, replacing in its entirety the Malibu Land Use Plan that was approved by the Board of Supervisors and certified by the California Coastal Commission (Coastal Commission) in 1986, and which served as the basic planning tool for the Coastal Zone. Implementing measures for this LCP are contained in the Santa Monica Mountains Local Implementation Program (LIP), a segment of Los Angeles County Code Title 22 (Planning and Zoning Ordinance). The LUP's primary role is to provide more focused policy for the regulation of development within the planning area as part of the overall County General Plan. The LUP refines Countywide General Plan policies as they apply to this planning area.

The LUP serves to:

- Identify the community's environmental, social, and economic goals.

- Provide a forum for residents to mold a vision for the future of the Coastal Zone and to resolve local land use and planning conflicts.
- Set forth the County's policies on existing and future development intended to achieve community goals.
- Establish the ability for government to respond to challenges and opportunities concerning community development in a way consistent with local, regional, and state goals and policies.
- Inform residents about the community and provide opportunities to participate in the planning and decision-making process of local government.
- Identify the need for and methods of improving coordination of community development activities among all local government units.
- Create a policy basis for preparation of ordinances and programs that will implement the LUP.

## **B. Setting**

The Coastal Zone is the unincorporated area west of the City of Los Angeles, east of Ventura County, and south of the Santa Monica Mountains North Area, excluding the City of Malibu and Pepperdine University (see Map 1 Planning Area, page 11). The Coastal Zone extends inland from the shoreline approximately five miles and encompasses approximately 80 square miles.

The LUP area is distinctive due to widespread variations in topography. The major canyon systems that intersect the Coastal Zone generally trend north-south. The canyons constitute the natural drainage areas that run from the mountain peaks to North Santa Monica Bay and the Pacific Ocean. The principal exception to this is the Malibu Creek watershed, which extends inland beyond five miles to the Simi Hills and drains a watershed of approximately 67,000 acres into Malibu Lagoon. Due to the relatively sparse human population and limited development in the area, as well as the area's diverse topography and fairly healthy watershed systems, major wildlife networks exist to sustain many of the scenic and natural resource values of the LUP area.

As a result of the incorporation of the City of Malibu in 1991, only a remnant of the Coastal Zone coastline remains unincorporated. Broad sandy beaches at Leo Carrillo State Park and Topanga Beach provide public recreation and swimming opportunities. Pacific Coast Highway and several cross-mountain roads provide access to these beaches and to the entire Malibu coast. Highway capacity is exceeded regularly on summer weekends as coastal visitors and residents attempt to reach the beach or enjoy a drive along the coast.

The marine environment from Malibu Point westward to the Ventura-Los Angeles County line is in a relatively undisturbed state. Kelp beds are found in this area, providing habitat for many species of sea life. The marine environment from Malibu Point eastward to Topanga has suffered some biological degradation; kelp beds have been severely damaged, but reef and rock zones still provide habitat for many fish species.

Similarly, the onshore Coastal Zone environment contains habitat areas that are relatively undisturbed, as well as areas of significant disturbance. As such, this LCP divides the Coastal Zone into three habitat categories: H1, H2, and H3. H1 habitat and H2 habitat are defined as Sensitive Environmental Resource Areas (SERAs). H3 habitat consists of disturbed or isolated habitat areas that provide some important biological functions, but do not rise to a level of a SERA. All three

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habitat categories are defined and discussed thoroughly in the Biological Resources section of the Conservation and Open Space Element.

The Coastal Zone is subject to considerable natural hazards that can affect people and property. Over 80 percent of the land in the Coastal Zone contains slopes of 25 percent grade or steeper. Consistent with sloping land, the area is subject to widespread slope instability and is entirely within the Very High Fire Hazard Severity Zone, the most dangerous classification for wildfire safety purposes. These and other factors have resulted in land use patterns remaining stable with limited growth and development throughout the Coastal Zone. Park lands cover approximately 53 percent of the planning area, and include parts of the Santa Monica Mountains National Recreational Area, Topanga State Park, Malibu Creek State Park, and Charmlee Wilderness Park. There is limited commercial development in the unincorporated portion of Pacific Coast Highway and inland along Topanga Canyon Boulevard. With a certified long-range development plan, Pepperdine University on Malibu Canyon Road is a major focal point for educational and cultural activities. The remainder of the Coastal Zone is composed primarily of residential lots ranging from smaller parcels of less than 10,000 square feet to parcels of 80 acres or more. Of the nearly 8,000 parcels in the Coastal Zone, about 3,300 smaller parcels are located in Rural Villages, such as El Nido, Malibu Bowl, Monte Nido, Fernwood, Topanga, and Malibu Lake, which make up rural enclaves in the Mountains. Rural Villages are areas that were subdivided prior to modern State requirements for minimum lot size, access, and other standards, into very small “urban” scale lots. The parcels generally range in size from 2,000 to 15,000 square feet.

## **C. Organization of the LUP**

The LUP consists of two components, described as follows:

### **1. Elements of the LUP**

The following five elements provide the policy framework for the LUP:

- Conservation and Open Space Element;
- Safety and Noise Element;
- Land Use and Housing Element;
- Circulation Element; and
- Public Facilities Element.

### **2. Glossary**

Key terms used in this LUP are defined in the glossary.

## **D. How to Use the LUP**

The Santa Monica Mountains LUP is a component of the Los Angeles County General Plan. However, where conflicts occur between the policies contained in this LUP and those contained in any element of the County’s General Plan, zoning, or any other ordinance not included in the LCP, the policies of this LUP shall take precedence. Users should be guided by the following:

- Should any LUP policies conflict, unless specifically noted, the policy that is most protective of coastal resources, including SERA’s (H1 and H2 habitats), shall take precedence. Two

policies will only be treated as conflicting if applying one would necessarily result in a violation of the other, so there is no way to apply both. If development can be made to comply with two different policies, the policies shall not be construed to be in conflict.

- Certain policies of Chapter 3 of the Coastal Act (Public Resources Code Sections 30200 through 30265) are included in the LUP for illustrative purposes only, and are not adopted by the County.
- If a conflict is identified between policies of Chapter 3 of the Coastal Act, Public Resources Code Section 30007.5 shall be utilized to resolve the conflict.
- Prior to issuing a coastal development permit, the County shall make the finding that the proposed development is consistent with the policies set forth in this LUP.
- Nothing in this LUP shall be construed to prevent construction of a single-family residence on an existing, lawfully-established lot that allows such use, due to the size of the lot. Lot size may, however, play a role in a determination that location of a building pad on a lot is infeasible because necessary health and safety facilities cannot be accommodated.
- While this LUP is meant to be a guide for the public in determining allowable uses of private property, the public is strongly encouraged to consult with County planning staff prior to investing in the preparation of development plans that might later prove to be inconsistent with the LUP.
- All uses lawfully-established prior to the certification of this LCP that are not consistent with all LCP policies and provisions may continue in a legal non-conforming status subject to Zoning Ordinance provisions. Such uses may not be expanded in any manner inconsistent with the certified local coastal program (LCP). Where feasible, such lawfully established uses will be brought into conformity with the certified LCP.
- Pepperdine University is subject to a long range development plan (LRDP), which was certified by the Coastal Commission on January 11, 1990. The policies in this LUP shall not replace the Chapter 3 policies of the Coastal Act for the purposes of reviewing future amendments to the LRDP by the County and Coastal Commission. Similarly, proposed new development on the Pepperdine University campus will continue to be reviewed for consistency with the policies contained in the LRDP, rather than the LUP policies of this LCP.

New development and land use activities are regulated by many agencies in addition to the Department of Regional Planning. Obtaining approval for certain types of actions may require proof of the availability of public services, including water/sewer, power, Sheriff, Fire, and schools, and may require providing fair-share improvements or in-lieu funding for public uses such as libraries, parks and other recreational facilities, and streets.

Along with the LCP requirements that apply to this segment of the County's coastal zone, developments in mountainous areas often require additional review and permitting from local, State, and federal agencies. These controls are often intended to ensure compatibility with off-site resources, such as downstream water quality and coastal areas, in addition to regulating on-site impacts. For example, onsite wastewater treatment systems may require approvals from several agencies due to grading, soil conditions, water table, etc. These other agencies that may require review and permitting include the County Departments of Public Works and Public Health, and the California Regional Water Quality Control Board. Proposed streambed alterations would require permits from the California Department of Fish and Wildlife as well as the U.S. Army Corps of

Engineers, in addition to compliance with County site design regulations. Other agencies may be involved, depending on the development proposed.

## **E. Area Development**

Beauty is one of the greatest assets of the Santa Monica Mountains and surrounding region, yet the appreciation of this beauty has at times been the source of great problems. The Coastal Zone is a tranquil setting adjacent to urbanized Los Angeles. Located near the San Fernando Valley and West Los Angeles and boasting excellent school systems, the area is a highly desirable destination for individuals and families escaping the congestion and sometimes hectic pace of the Los Angeles metropolitan area.

Today, the Coastal Zone and adjacent City of Malibu comprise a collage of individual rural and suburban communities, each retaining its own unique identity. According to the 2010 Census, the unincorporated Coastal Zone is home to approximately 11,300 residents. The City of Malibu has a population of about 12,700 residents.

## **F. Previous Planning Efforts**

The Santa Monica Mountains have benefited from a number of planning efforts over the past 30 years. These comprehensive planning projects, described below, were prepared by federal, State, County, city, and municipal service agencies. The projects resulted in focused park and resource management plans, municipal service master plans, and community and coastal land use plans designed to serve the local population while preserving the area's natural and historic resources.

### **Santa Monica Mountains Comprehensive Plan (State, 1978)**

Following adoption of Proposition 20 in 1972, the coastal initiative imposing State land use control over coastal areas, public officials such as then-Assemblyman Howard Berman sought to protect vital natural resources by replicating the coastal model in the Santa Monica Mountains. As a result, the State formed the Santa Monica Mountains Comprehensive Planning Commission and gave that body the power to plan for the future of the Mountains, but not the regulatory authority to ensure that its plans would be implemented.

In 1978 the Commission produced the Santa Monica Mountains Comprehensive Plan with the active involvement of the local governments then existing within Los Angeles County west of the City of Los Angeles. The Plan proposed a regulatory approach toward preserving open space lands and emphasized low-density, large-lot rural residential development in the Mountains. Many of the components of this plan were later incorporated into Los Angeles County's Interim Area Plan for the Santa Monica Mountains, as well as into the general plans of cities in the region. The Santa Monica Mountains Comprehensive Planning Commission was dissolved upon establishment of the Santa Monica Mountains National Recreation Area, and was replaced by the Santa Monica Mountains Conservancy, a State agency whose mission is to acquire lands within the Santa Monica Mountains for open space and environmental preservation purposes.

### **Malibu/Santa Monica Mountains Interim Area Plan (Los Angeles County, 1981)**

Los Angeles County adopted the Malibu/Santa Monica Mountains Interim Area Plan in 1981 as the first step in what was envisioned to be an ongoing comprehensive planning process for this vast

coastal and mountainous area. The Interim Area Plan recognized both the opportunities and the problems facing the Santa Monica Mountains and the cities that now occupy the Ventura Freeway corridor.

At the time of adoption, the Interim Area Plan covered the entire twenty-seven mile Malibu coastline, the whole of the central Santa Monica Mountains west of the City of Los Angeles, and the interior valleys north to Ventura County. Within the planning area, only the City of Hidden Hills was incorporated before the Interim Area Plan was adopted. Westlake Village incorporated in 1981, followed by Agoura Hills in 1982. The Interim Area Plan derives its name from the original intent that the Plan remain valid for one year, with a revised plan to follow. However, in 1982 the Board of Supervisors chose to extend the Interim Plan for two more years. By 1984, Department of Regional Planning staff began to be fully involved in preparing the Malibu Land Use Plan for the Coastal Zone, and the Board then extended the Interim Area Plan indefinitely. The Interim Area Plan was superseded in the Coastal Zone in 1986 by the Malibu Land Use Plan, and in the Santa Monica Mountains North Area in 2000 by the North Area Plan.

### **Santa Monica Mountains National Recreation Area General Management Plan (Federal: 1982; 2002)**

Congress established the Santa Monica Mountains National Recreation Area (NRA), a unit of the National Park Service, in 1978 to “manage the recreation area in a manner that will preserve and enhance its scenic, natural, and historical setting and its public health value as an airshed for the Southern California metropolitan area, while providing for the recreational and educational needs of the visiting public” [P.L. 95-625, 92 Stat. 3467]. The law creating the NRA authorized formulation of a comprehensive plan.

The National Park Service completed their General Management Plan in 1982, and finalized an update in July 2002. The plan “embodies a commitment to... [its] neighbors, both landowners and agencies, to work together to create a system of land use, recreational opportunities, and resources conservation.” The other key plan that guides actions within the NRA is the Land Protection Plan (1984, as revised). This plan identifies the lands critical to protecting significant natural, cultural, and scenic resources, and establishes priorities for protection. The Land Protection Plan presents a broad range of methods for protecting resource values in the Santa Monica Mountains, from direct purchase to cooperative programs with landowners and local agencies for managing those resources in private ownership.

### **Service Agency Master Planning (Early 1980s)**

To cope with the area's rapid growth, the Las Virgenes Municipal Water District, Los Angeles County Waterworks District, and the Las Virgenes Unified School District undertook master planning efforts in the early 1980s, with the intent to define long-term capital improvement needs.

In 2007 the Las Virgenes Municipal Water District (LVMWD) released its latest Integrated Water System Master Plan that incorporated current planning and demographic information, including population projections. LVMWD also adopted an ordinance several years ago requiring that projects developed at densities greater than allowed by the Malibu/Santa Monica Mountains Interim Plan - as initially adopted by the Board of Supervisors and used by LVMWD as the basis for previous Master Plans - compensate the District for the costs of revising its Master Plan to ensure the availability of adequate facilities.

### **Malibu Land Use Plan (Los Angeles County, 1986)**

To meet the rigorous legal requirements of the California Coastal Act, a separate planning process was initiated to prepare a land use plan for the southern portion of the Santa Monica Mountains that lies within the State-designated Coastal Zone. Workshops were conducted with area residents and workers, and public hearings were held before the Regional Planning Commission and Board of Supervisors. After additional public hearings, the Coastal Commission certified the Malibu Land Use Plan in 1986. The Land Use Plan superseded the Interim Area Plan in the Coastal Zone and effectively divided the Santa Monica Mountains into two planning units, the North Area and the Coastal Zone. The Land Use Plan is superseded by this LUP.

### **City of Malibu Plans (1995; 2002)**

The City of Malibu incorporated in 1991, and adopted its general plan and an interim zoning ordinance in 1995. On September 13, 2002, pursuant to Section 30166.5 of the State Public Resources Code, the Coastal Commission adopted an LCP for the City of Malibu, which lies entirely within the State-designated Coastal Zone.

### **Ventura Freeway Corridor Areawide Plan (Joint, 1996)**

When Calabasas incorporated in 1991, the County initiated a new planning process to update the Interim Area Plan north of the Coastal Zone. This time the emphasis was placed on a coordinated and joint planning process among all principal governmental agencies in the Ventura Freeway Corridor planning area. In 1993, the County, the cities of Agoura Hills, Calabasas, Hidden Hills, and Westlake Village, two municipal service agencies, and the National Park Service formed a coalition to fund the preparation of comprehensive revisions to the region's land use plans. The intent of the Areawide Plan was to provide coordinated direction for the update of each jurisdiction's general plan. A draft of the Areawide Plan was completed in 1996. The Areawide Plan was superseded by the Santa Monica Mountains North Area Plan in 2000.

### **Santa Monica Mountains North Area Plan (Los Angeles County, 2000)**

In 2000, Los Angeles County adopted the Santa Monica Mountains North Area Plan, which was an outgrowth of the unique cooperative effort that produced the Ventura Freeway Corridor Areawide Plan. The North Area Plan fulfilled the County's obligation to prepare an updated plan for the unincorporated portions of the Corridor planning area, as well as to reflect a regional perspective for planning in the Santa Monica Mountains. The North Area Plan governs land use in the area of the Santa Monica Mountains north of the Coastal Zone.

## **G. Region-wide Planning Coordination**

The County of Los Angeles recognizes that planning in the Santa Monica Mountains calls for an interagency joint planning and consensus-building process involving negotiations, compromises, and resolutions between individual agencies with differing missions that provide essential services and facilities in the area. An integral part of the LCP is the recognition that when agencies provide essential services and facilities alongside other agencies, interagency negotiations must occur on how best to fulfill their different mandates.

For example, the Santa Monica Mountains and surrounding region are widely recognized for their natural resources and outdoor recreational opportunities. Human activity, such as development, occupation, and use, can and often does impact natural resources. Continued open communication

between the County and the National Park Service, as well as other park, land conservation and recreation-related agencies, including the California Department of Parks and Recreation, the Santa Monica Mountains Conservancy, and the Mountains Recreation and Conservation Authority, should enable planning officials to strike mutually acceptable balances between natural resource preservation and human occupation/use.

As part of a program to coordinate planning efforts, the Department of Regional Planning formed a Technical Advisory Committee (TAC) in Fall 2003 to assist in the preparation of a local coastal program. The TAC was comprised of representatives from the following public agencies involved in providing services and making land use decisions in the Coastal Zone:

County Agencies: Departments of Beaches and Harbors, Forester and Fire Warden, Public Health, Parks and Recreation, Public Works, Sheriff

Special Districts: Las Virgenes Municipal Water District, Las Virgenes Unified School District

State Agencies: Coastal Commission, Department of Fish and Wildlife, Department of Parks and Recreation, Santa Monica Mountains Conservancy, California Highway Patrol, Santa Monica Mountains Resource Conservation District

Federal Agencies: Fish and Wildlife Service, National Park Service

TAC members provided technical information and background related to their organizations or areas of specialization. They assisted staff in identifying important issues, and provide comments and feedback on items related to their organizations.

## **H. Public Participation**

The major goal of public participation is to involve the public in defining the desired future of the Coastal Zone. Community participation and values-based planning can help establish objective measures with which to evaluate land use proposals, thereby reducing the need for single-project amendments to adopted local plans.

In the fall of 2003 the Department of Regional Planning formed a Public Advisory Committee (PAC) to assist in the preparation of the LUP. The PAC was an eight-member committee of individuals who live and work in the area. The PAC reviewed a preliminary draft of the LUP prepared by staff and provided valuable input.

In the fall of 2005 the Department contacted 25 groups and invited them to individual sessions where they could speak to staff about the land use issues of primary concern to them in the Santa Monica Mountains. The groups contacted ranged from equestrian, Native American and building industry representatives to chambers of commerce, town councils, and environmentalists, all of which are either headquartered, have interests, or conduct activities in the Santa Monica Mountains. Five groups responded to the invitations: three groups were interested in scheduling sessions, but scheduling conflicts resulted in staff meeting with only two of the groups. Both “listening sessions,” as staff termed the meetings, provided input helpful in drafting the LCP.

In late 2005, staff conducted two community workshops to gather further broad-based input for the LCP. Flyers advertising the two workshops were mailed to every property owner in the Coastal Zone and to groups with interest in the region. Staff discussed some of the primary land use issues, and attendees provided many meaningful comments.

In the late summer of 2006, a community review draft of the LCP was circulated to the public and their input was solicited. Comments received during the review period were considered and, where appropriate, modifications suggested by the public were incorporated into the draft LCP. The revised draft was then formally presented for public review in early September.

The Regional Planning Commission (RPC) opened their public hearing on the LCP on October 25<sup>th</sup>, 2006, and took testimony. The RPC continued the hearing to a November 6<sup>th</sup> meeting held in the community in order to give residents and other interested parties an opportunity to testify. At the November meeting, the RPC requested that staff address six issues raised during testimony. The hearing was continued again, to January 24, 2007, in order to give staff an opportunity to research and address the issues, and to allow time for the public to review staff's responses. On January 24<sup>th</sup>, the RPC directed staff to make final changes, and on March 7<sup>th</sup> approved the draft LCP and directed it be transmitted to the Board of Supervisors for their consideration.

The Board of Supervisors opened their public hearing on the LCP on October 23, 2007, and took testimony. Due to the Malibu Canyon Fire in the Santa Monica Mountains, the Board continued the hearing to October 30, 2007 in order to provide time for the fire to be extinguished and for residents to feel comfortable leaving their homes to attend a Downtown hearing. On the October 30, 2007, the Board took testimony from an additional 35 individuals, directed staff to make several changes, and then unanimously stated their intent to approve the draft LCP.

However, due to concerns raised by Coastal Commission staff, the LCP was not submitted to the Coastal Commission at that time. Subsequently, in 2012 and 2013, the Coastal Commission and the County proactively engaged in conversations to formulate the County's 2007 document into a document that is believed to be more consistent with current Coastal Commission approaches. Following significant interagency cooperation, the County made extensive public outreach to encourage public participation. Among the steps the County took were publishing notices in the Malibu Times and the Los Angeles Daily News, distribution of approximately 6,000 notices, posting all documents on the County's website for free public review, placing hard copies in eight local libraries, the Coastal Commission office in Ventura, and the regional County office, meeting with representatives of more than 35 homeowners organizations, community groups, and recreational, equestrian, and environmental organizations, as well as answering questions from the public as they arose.

This interagency partnership furthers the Coastal Commission's announced priority to encourage certification of previously uncertified portions of the State, as well as to work with local agencies to update existing certified plans. The 2013/2014 budget of the Coastal Commission was augmented substantially for this very purpose. The LCP was revised and returned to the Board for final action in 2014, after public hearing.

## **I. Native American Heritage Commission**

In compliance with State law (Government Code §65352.3), the County contacted the Native American Heritage Commission in order to contact, provide notice to, refer plans to, and consult with tribes that have traditional lands located within the Coastal Zone, and to allow those tribes the opportunity to conduct consultations with the County for the purpose of preserving, or mitigating impacts to, cultural places located on land in the unincorporated territory that may be affected by the LCP. The Commission provided the names of several tribes. These tribes were included in the outreach efforts for this LCP. None of the contacted tribes provided comments on the draft LCP.

## **J. California Environmental Quality Act**

The LCP certification process has a special status under the California Environmental Quality Act (CEQA). The LCP certification process is considered to be a program that is “functionally equivalent” to an environmental impact report and is exempt from certain CEQA provisions relating to the preparation of an environmental impact report and other procedural requirements (Section 21080.9 of the Public Resources Code). CEQA does not apply to local government activities and approvals necessary for the preparation and adoption of an LCP. Pursuant to Section 21080.9 of the Public Resources Code (CEQA), the Coastal Commission is the lead agency responsible for reviewing Local Coastal Programs for compliance with CEQA. The Secretary of Resources Agency has determined that the Commission’s program of reviewing and certifying LCPs qualifies for certification under Section 21080.5 of CEQA. In addition to making the finding that the LCP is in full compliance with CEQA, the Commission must make a finding that no less-environmentally-damaging feasible alternative exists. Section 21080.5(d)(2)(A) of CEQA and Section 13540(f) of the California Code of Regulations require that the Commission not approve or adopt a LCP, “...if there are feasible alternative or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.”

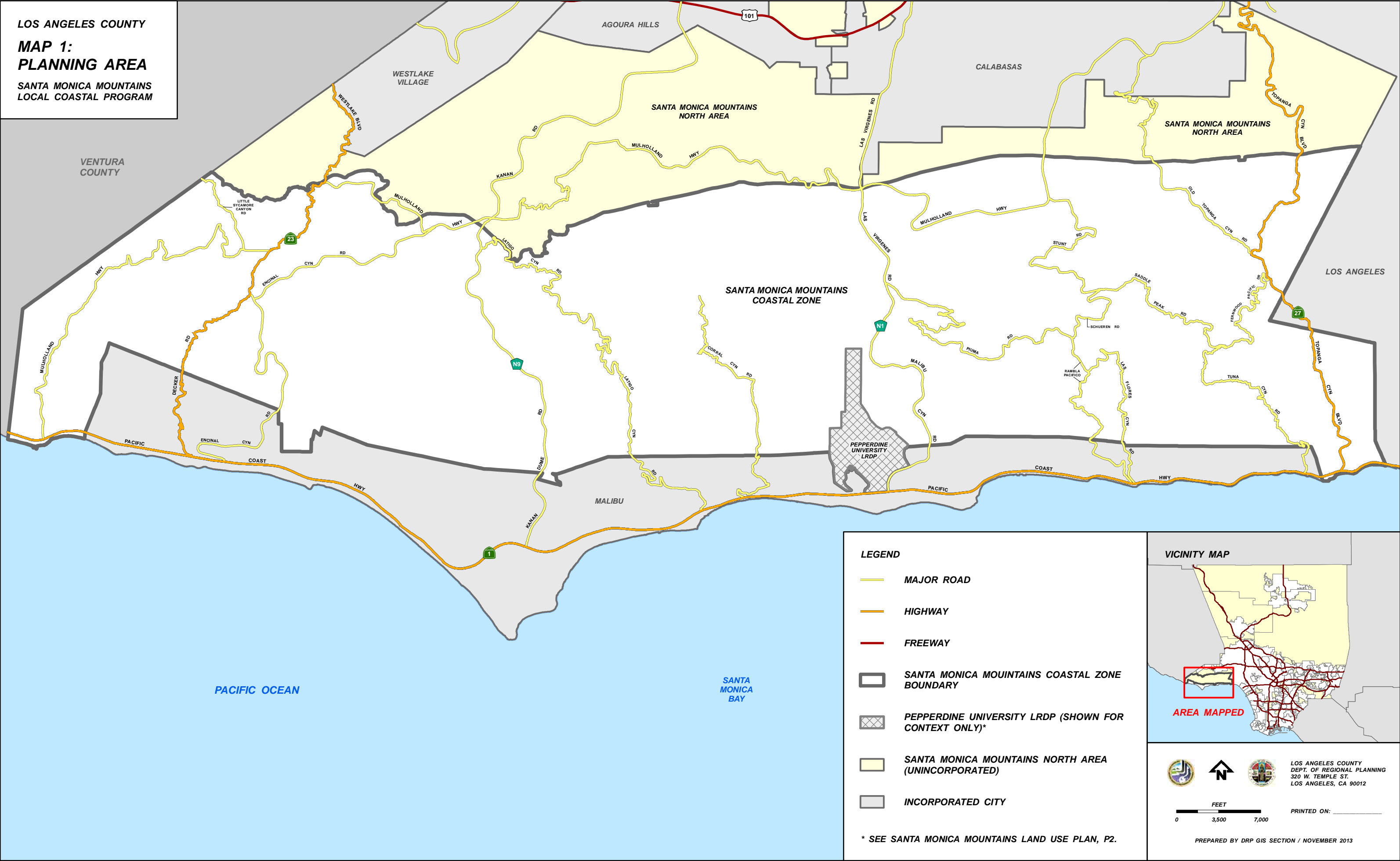
## **K. Relationship to the Santa Monica Mountains North Area Plan**

The Coastal Act, in designating the coastal zone, divided the Santa Monica Mountains area into two geographic components: one part within the Coastal Zone, and the other part north of the Zone. By necessity, because the Coastal Act requires a State-certified land use regulation program for the Coastal Zone and the Coastal Act does not apply in the North Area, two separate plans must be prepared for the Santa Monica Mountains area. Notwithstanding this 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 the North Area Plan together will serve as a comprehensive statement of regional policy for the regulation of uses within the Santa Monica Mountains, thereby creating continuity for planning within the greater Santa Monica Mountains region.

LOS ANGELES COUNTY  
**MAP 1:  
PLANNING AREA**  
SANTA MONICA MOUNTAINS  
LOCAL COASTAL PROGRAM



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## **II. CONSERVATION AND OPEN SPACE ELEMENT**

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### **A. Introduction**

The Santa Monica Mountains contain extensive significant natural resources valued by both residents and visitors of Los Angeles County. The Mountains are within a National Recreation Area, provide popular open space and recreation areas, and are unique as the only range in the country to bisect a major urban area. Human activities in the Mountains should be subordinate to and complement these resources, respecting and conforming to the natural environment. These complementary activities include equestrian uses, low-density residential uses, nature studies, hiking, camping, restoration activities and picnicking. By focusing on this relationship between resources and uses, this element establishes a framework for both the preservation and management of public health, as well as the protection of open space, scenic, natural, and archaeological and paleontological resources of the Santa Monica Mountains, and the use and enjoyment of the area's wide range of recreational opportunities.

To minimize the impacts that future development may have on public health, the region's environmental resources, and recreation opportunities, this element establishes policy for the following resources:

- Water Quality;
- Biological Resources and Habitat Linkages;
- Hillside Management;
- Open Space;
- Scenic Resources;
- Recreation and Trails;
- Shoreline and Beaches; and
- Archaeological, Paleontological and Historic Cultural Resources.

Each section provides goals and policies to guide applicants. The policies, along with the implementation measures of the LCP, are the standard of review to be used by decision-makers for new development. To ensure compliance with the Coastal Act, these goals and policies address many key components, including, but not limited to, the following:

- Protection of H1 habitat areas against significant disruptions of habitat values;
- Protection of the scenic and visual qualities of coastal areas;
- Protection and expansion of public access to the shoreline and recreational opportunities and resources, including lower-cost visitor-serving and recreational facilities; and
- Protection of paleontological and archaeological resources.

Additional Conservation and Open Space issues addressed by the Elements of the LUP include natural processes and hazards (Safety and Noise Element), water and sewer services (Public Facilities Element), land use (Land Use and Housing Element), and roadways and transportation (Circulation Element.)

### **B. Guiding Principle**

The guiding principle for managing development and protecting the natural environment is:

**Resource protection has priority over development.**

The Coastal Zone is a complex and naturally dynamic landscape. The scenic beauty and ecological diversity of the area, in close proximity to the second-largest urban population in the United States, require responsible policies and action programs to effectively manage development such that coastal resources are protected. Much of the Coastal Zone's remaining undeveloped land consists of steep slopes, which are generally covered with a variety of native undisturbed vegetation. As such, future development likely will require extensive grading to provide a building site and fuel modification to minimize risks associated with fire, resulting in the removal of substantial habitat areas.

This guiding principle acknowledges that the Santa Monica Mountains possess irreplaceable resources and that every user of the land is a trustee of the area's heritage for future generations. Given this perspective, sensible resource management works to balance the many demands of the land. The area's positive contributions to the Los Angeles region, including the scenic, recreational, and educational benefits it offers, rely upon sustaining the area's natural setting.

Development on any scale has the potential to disrupt the character of the underlying natural setting, both in the immediate area and offsite. Development must be sensitive to a full range of environmental factors to ensure compatibility with the natural and built environments. In scenic and environmentally sensitive areas, development must be guided by and integrated with the natural setting.

The provisions of this element provide detailed guidance for locating new development so that it conforms to the constraints of the mountain topography, does not detract from the area's character, and protects natural resources.

## **C. Water Quality**

Public health and the quality of coastal resources rely heavily upon the quality of water that flows from the watersheds within the Santa Monica Mountains. The healthy functioning of these watersheds is in turn dependent upon the development patterns and types of uses occurring within them.

The drainage area for the Santa Monica Mountains extends beyond the boundaries of the Coastal Zone. The largest watershed in the area is the Malibu Creek Watershed, which has an area of 105 square miles and contains a total of 225 stream segments within six major drainages: Medea Creek, Triunfo Creek, Cold Creek, Malibu Creek, Las Virgenes Canyon, and Potrero Valley. Malibu Creek drains the north slopes of the Santa Monica Mountains, the south slopes of the Simi Hills, the interior valleys between the two ranges, and Malibu Canyon. The rest of the Santa Monica Mountains watersheds are a series of parallel, north-south canyons that drain the slopes of the Mountains. Each of the major north-south canyons has a stream lined with associated riparian vegetation and a network of east-west-trending drainages. Coastal Zone drainage basins flow into the Pacific Ocean and Santa Monica Bay and include the following:

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

Among these watersheds, Arroyo Sequit is considered to be one of the least affected by urban pollutants. Much of the watershed is undeveloped open space managed by the National Park Service and California State Parks. The North Santa Monica Bay Beaches Bacteria TMDL (Total Maximum Daily Load) Implementation Plan (2005) uses the beach at Arroyo Sequit as its reference to establish background bacteria levels. The Implementation Plan goal is to lower bacterial contamination to similar levels to protect the public recreational uses of all Santa Monica Bay beaches.

Most streams in the Santa Monica Mountains are intermittent (seasonally flowing). Runoff in winter and spring is typically supplied by precipitation. The smaller watersheds on the south-facing slopes of the Santa Monica Mountains carry flows directly into coastal waters in steep canyons. Perennial flows (year-round) occur in Topanga Creek, Malibu Creek and in Solstice Creek, which are perennial due to base flows that supply water during the summer and fall. The steep gradient canyons may contain discontinuous pools and wet segments even in drought years where the stream channel meets bedrock and water rises to the surface. These areas are ideal places for amphibians and other aquatic species, and many semi-aquatic animals breed in these habitats.

The larger watersheds such as Arroyo Sequit, Topanga, and Malibu Canyons are accessible to federally-endangered southern steelhead trout, and isolated pools provide refuge for juvenile steelhead until fall and winter rain events fill the channels, allowing an opportunity for the fish to migrate to the ocean. Malibu and Topanga Creeks are particularly valuable habitat for breeding adult trout. The arroyo chub and tidewater goby are also found in Malibu Creek and Topanga Creek.

The ecology of the Santa Monica Mountains exhibits diverse ecosystems due to the interaction of such factors as a Mediterranean climate, rugged topography, gusty and warm Santa Ana winds, and varied soils that support a rich mosaic of plant communities. A high diversity of wildlife and plant species is associated, in particular, with the streams of the Santa Monica Mountains. In addition to the amphibians and fish discussed above, the freshwater springs, seeps, and surface waters support a diverse array of aquatic insects, reptiles, birds, rodents, and large mammals. These include the southwestern pond turtle, California slender salamander, California newt, Monterey ensatina, arboreal salamander, California toad, and Pacific tree frog. The mammalian wildlife, which requires fresh water for drinking, includes carnivores such as mountain lions, coyotes, and bobcats, as well as herbivores such as deer.

Given their distinctive location adjacent to the dense urban areas of Los Angeles County, the Santa Monica Mountains offer a variety of resources to the region. They provide scenic vistas and rural experiences to hikers, equestrians, and motorists; they are also considered by some to be a desirable place to build homes and ranches. However, anthropogenic activity may have deleterious effects on water quality. A recent report by the California Regional Water Quality Control Board (RWQCB)

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finds that beneficial uses of water in various locations and at different times of year in the Santa Monica Mountains are impacted by nutrients, pathogens, toxics, trash, and sediment. Beaches, which are popular for recreation, are similarly impaired.

Much of the Santa Monica Mountains is served by onsite wastewater treatment systems (OWTS). Some developments are served by approved small package treatment plants. Many of the private systems employ state-of-the-art technology, but some failures have been reported in older systems. Failures of OWTS can adversely impair water quality, human health, biological communities in the surrounding watershed, and other coastal resources.

The area's recreational opportunities encourage millions of people each year to visit the Mountains and beaches. Most visitors drive along the canyon roads either to access State and National Parks and beaches or as a form of recreation in itself. These recreational pursuits, in addition to the growing number of residents in the region, have increased road use. The canyon roads provide corridors for travel between the valleys and the coast, but roads and highways are associated with pollutants that typically include sediment, petroleum products, metals, and trash. Non-point source pollution from roads is a significant threat to water quality in Santa Monica Bay. Protecting and improving water quality in the region while providing safe public roads is a delicate balancing act.

Frequent wildfires may also impact water quality. Loss of vegetative cover results in higher rates of erosion, increasing the amount of fine sediment and turbidity in streams channels, particularly where intense fires are followed by severe storms. Along with excessive sedimentation, the burn area can experience warmer water temperatures and changes in water chemistry, impacting plant and animal communities, particularly amphibian microhabitats and steelhead trout populations. While there are no extensive groundwater basins in the Coastal Zone, the existing open space allows rainfall to infiltrate and recharge groundwater. Wells are used locally to provide water for domestic and agricultural use. Future development projects permitted by this LUP will result in an increase in impervious surface coverage and thus potentially could inhibit groundwater recharge.

The majority of new development is expected to either occur in concentrated locations or in very low-density settings. The Los Angeles Region RWQCB recognizes the potentially serious impacts of development on water quality. Mitigation requirements in the National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System Discharge permit provides measures for reducing polluted runoff. These regulations regarding stormwater mitigation adopted by RWQCB for the coastal watersheds of Los Angeles County establish rigorous requirements, implemented and enforced, with oversight from the RWQCB, by each city or by the Los Angeles County Flood Control District in the unincorporated areas.

The RWQCB requirements apply to much of the Santa Monica Mountains and provide water quality protections that address grading activities, use of locally-indigenous vegetation, clustering development, preventing erosion, and constructing retention basins. These regulations require that stormwater runoff mitigation measures, known as "Best Management Practices" (BMPs), be employed to the maximum extent practicable to minimize water quality impacts.

Because the Santa Monica Mountains are an especially sensitive resource, impairment of water quality may have serious consequences and should be properly managed. The following policies are intended to provide area-sensitive measures that supplement the waste discharge requirements established by the Los Angeles Region RWQCB.

## Water Quality Goals and Policies

***Goal CO-1: Maintain and restore biological productivity and coastal water quality appropriate to maintain optimum populations of marine and freshwater organisms and to protect human health.***

### Policies:

- CO-1 Support and participate in watershed-based planning efforts with the Regional Water Quality Control Board and upstream and downstream cities.
- CO-2 Site, design, and manage new development and improvements, including – but not limited to – landscaping, to protect coastal waters from non-point source pollution by minimizing the introduction of pollutants in runoff and minimizing increases in runoff rate and volume. Review new development and improvements for potential degradation of water quality, and ensure that they meet the requirements of the NPDES Municipal Stormwater Permit's Low Impact Development (LID) Requirement, included as part of the Local Implementation Program.
- CO-3 To reduce runoff and erosion and provide long-term, post-construction water quality protection in all physical development, prioritize the use of Best Management Practices (BMPs) in the following order: 1) site design BMPs, 2) source control BMPs, 3) treatment control BMPs. When the combination of site design and source control BMPs is not sufficient to protect water quality, require treatment control BMPs, in addition to site design and source control measures. Design, construct, and maintain any required treatment control BMPs (or suites of BMPs) so that they treat, infiltrate, or filter the amount of storm water runoff produced by all storms up to and including the 85<sup>th</sup> percentile, 24-hour storm event for volume-based BMPs, and/or the 85<sup>th</sup> percentile, 1-hour storm event (with an appropriate safety factor of 2 or greater) for flow-based BMPs. Prioritize the use of Low Impact Development in project design to preserve the natural hydrologic cycle and minimize increases in storm water or dry weather flows.
- CO-4 Minimize impervious surfaces in new development, especially directly-connected impervious areas. Require redevelopment projects to increase the area of pervious surfaces, where feasible.
- CO-5 Infiltrate development runoff on-site, where feasible, to preserve or restore the natural hydrologic cycle and minimize increases in stormwater or dry weather flows.
- CO-6 Require development to protect the absorption, purification, and retention functions of natural drainage systems that exist on the site. Where feasible, site and design development, including drainage, to complement and utilize existing drainage patterns and systems, conveying drainage from the developed area of the site in a non-erosive manner. Disturbed or degraded natural drainage systems should be restored where feasible.
- CO-7 Protect water quality by limiting maximum potential buildout in sensitive watersheds, including:
- Arroyo Sequit;
  - Corral Canyon;
  - Nicholas Canyon;
  - Malibu Creek;

- Trancas Canyon;
- Zuma Canyon;
- Ramirez Canyon;
- Latigo Canyon;
- Solstice Canyon;
- Dark Canyon;
- Cold Creek;
- Peña Canyon;
- Tuna Canyon; and
- Lower Topanga Canyon.

- CO-8 Cooperate with local and State transportation agencies to implement BMPs that promote infiltration of runoff from roads and highways and minimize urban runoff flows into streams and creeks.
- CO-9 Manage the temporary storage of construction materials for public projects or landslide material on road shoulders using the most current Best Management Practices to eliminate erosion into adjacent drainage courses, to protect air and water quality, and to minimize the spread of invasive plant species. Ensure that landslide material is deposited in permitted landfills or sites with valid permits to accept fill.
- CO-10 Limit grading, soil compaction and removal of locally-indigenous vegetation to the minimum footprint needed to create a building site, allow access, and provide fire protection for the proposed development. Monitor grading projects to ensure that grading conforms to approved plans.
- CO-11 Revegetate prior to the rainy season areas disturbed by development activity. Use locally-indigenous plant species outside of Fuel Modification Zone A and avoid non-native invasive species, balancing long-term slope stability and habitat restoration with reduced fuel loads for fire protection.
- CO-12 Prevent the disposal of animal waste, wastewater, and any other byproducts of human, crop-based-agricultural or equestrian activities in or near any drainage course, or H1 habitat area. To more fully carry out this policy for existing confined animal facilities where the issue of legal establishment is in question, establish a program which invites such facilities to conform to the LCP policies and regulations to the extent feasible given parcel size and on-site resources, in lieu of enforcement. This program shall be extended to such facilities that lack Coastal Development Permit, are located on parcels larger than 15,000 square feet, and where it can be documented that the facility existed prior to 2001 and after the effective date of the Coastal Act. All such facilities shall conform to the livestock management requirements of the LCP for water quality improvement. If the facility can be brought into full conformity with the LCP, the facility shall be extended legal status. If it is not feasible to bring the facility into full conformity, but the facility conforms to all water quality measures for livestock management, the facility shall be extended legal non-conforming status. This provision shall be subject to all due process rights, notices, correction periods, and opportunities to contest staff's initial determination otherwise provided by the LCP.
- CO-13 Require agricultural activities to utilize BMPs to minimize erosion and avoid sediment and pollutant impacts. For all development, require the ongoing maintenance of all design features used to mitigate stormwater runoff.
- CO-14 The use of reclaimed water for any approved agricultural use is required where feasible.

- CO-15 Limit the siting of confined animal facilities and maximum number of livestock permitted on a site to that appropriate to the parcel size, slope, proximity to H1 habitat areas, and other unique site characteristics and constraints.
- CO-16 Ensure that animal containment facilities are sited and designed to manage, contain, and dispose of animal waste using the most effective BMPs to minimize waste introduced to surface runoff or groundwater.
- CO-17 Prohibit non-emergency earthmoving operations during the rainy season (extending from October 15 to April 15). Approved grading shall not be commenced unless there is sufficient time to complete grading operations before the rainy season. If grading operations are not completed before the rainy season begins, grading shall be halted and temporary erosion control measures shall be put into place to minimize erosion until grading resumes after April 15, unless the County determines that completion of grading would be more protective of sensitive environmental resources and would minimize erosion and sedimentation. Erosion control measures shall be required for any ongoing grading project or any completed grading project that is still undeveloped.
- CO-18 Grading during the rainy season may be permitted to remediate hazardous geologic conditions that endanger public health and safety.
- CO-19 Minimize the land disturbance activities of construction (e.g., clearing, grading, and cut-and-fill), especially in erosive areas (including steep slopes, unstable areas, and erosive soils), to avoid detrimental water quality impacts caused by increased erosion or sedimentation. Use soil stabilization BMPs on disturbed areas.
- CO-20 Require that public agencies use the most effective BMPs to protect natural resources at project sites and maintenance yards when the maintenance and modification of public infrastructure involves the removal of vegetation and/or earth.
- CO-21 Natural vegetation buffer areas that protect riparian habitats shall be maintained. Buffers shall function as transitional habitat and provide a separation from developed areas to minimize adverse impacts. Buffers shall be of a sufficient size to ensure the biological integrity and preservation of the riparian habitat, but in no case shall the buffer be less than 100 feet, except when it is infeasible to provide the 100 foot buffer in one of the following circumstances: (1) to provide access to development approved in a coastal development permit on a legal parcel where no other alternative is feasible; (2) for public works projects required to repair or protect existing public roads when there is no feasible alternative; (3) for a development on a legal parcel that is the minimum development necessary to provide a reasonable economic use of the property and where there is no feasible alternative. Water quality improvements shall be located outside the 100-foot buffer to the maximum extent feasible. The County encourages the daylighting of streams that had previously been channelized or otherwise significantly altered. Therefore, such a newly daylighted streams shall be exempt from the buffer requirement.
- CO-22 Minimize the spread of aquatic invasive species through education, outreach, and signage for recreational users, as well as residents, parks and business operators. Los Angeles

County will work with organizations, homeowners, and park agencies on educational programs to reduce the spread of aquatic invasive species within the Coastal Zone.

- CO-23 Permit construction of new water wells only where they will not have significant adverse individual or cumulative impacts on groundwater, streams, or natural resources. For a well location in close proximity of a stream, drainage courses, and similar surface water conveyance, a groundwater assessment must be performed by a qualified professional to ensure surface water will not adversely impact groundwater quality.
- CO-24 Access for geologic testing (or percolation or well testing) shall use existing roads or track-mounted drill rigs where feasible. Where there is no feasible access, a temporary access road may be permitted when it is designed to minimize length, width and total grading to only that necessary to accommodate required equipment. All such temporary roads shall be restored to the maximum extent feasible, through grading to original contours, revegetating with native plant species indigenous to the project site, and monitoring to ensure successful restoration. All percolation testing shall take place out of any future planned road access.

#### OWTS Policies

- CO-25 Participate in the development and implementation of solutions to problems associated with OWTS and their impact on water quality.
- CO-26 Prohibit construction of new small "package" wastewater treatment plants, except in areas where this is the desired long-term wastewater management solution and only if the "package" plants can be sited in locations that will be safe from coastal erosion, flooding and inundation, initially or as a result of sea level rise.
- CO-27 Prohibit development of rural areas where established standards by the County and RWQCB cannot be met, such that the cumulative effect of OWTS will negatively impact the environment, either by stream pollution or by contributing to the potential failure of unstable soils.
- CO-28 In areas with constraints to OWTS, including but not limited to, substandard, Rural Villages and geologic hazard areas, the County Departments of Public Health and Public Works may permit innovative and alternative methods of wastewater treatment and disposal provided that installation, operation, and maintenance of such systems minimize impacts to public health, water quality and natural resources, and are acceptable to the County and to the Regional Water Quality Control Board.
- CO-29 Require applications for land divisions (except lot mergers or lot line adjustments involving already-developed lots) or for any developments requiring grading of the building site, where sewers will not be provided, to include a report prepared by a California Professional Geologist, a California Certified Engineering Geologist, a California Registered Engineer, California Certified Hydrogeologist, or a California Registered Environmental Health Specialist that addresses the ability of each proposed building site to accommodate an OWTS after the site has been graded.

- CO-30 Site new OWTS and require them to be designed so that impacts to sensitive environmental resources are minimized, including grading, site disturbance, and the introduction of increased amounts of water. Adequate setbacks and/or buffers shall be required to protect H1 habitat area and surface waters from lateral seepage from the sewage effluent dispersal systems and, on or adjacent to beaches, to preclude the need for bulkheads, seawalls or revetments to protect the OWTS from coastal erosion, flooding and inundation, initially or as a result of sea level rise.

#### Stream Policies

- CO-31 Channelizations or other substantial alterations of streams shall be prohibited except for: (1) necessary water supply projects where no feasible alternative exists; (2) flood protection for existing development where there is no other feasible alternative, or (3) the improvement of fish and wildlife habitat. Any channelization or stream alteration permitted for one of these three purposes shall minimize impacts to coastal resources, including the depletion of groundwater, and shall include maximum feasible mitigation measures to mitigate unavoidable impacts. Bioengineering alternatives shall be preferred for flood protection over "hard" solutions such as concrete or riprap channels.
- CO-32 Alteration of natural streams for the purpose of creating stream road crossings shall be prohibited unless there is no other feasible alternative to provide access to public recreation areas or development approved in a coastal development permit on legal parcels, and the alteration does not restrict movement of fish or other aquatic wildlife. In all other cases, stream crossings shall be accomplished by bridging. Where feasible, bridge columns shall be located outside streambeds and banks. Wherever possible, shared bridges shall be used for providing access to multiple home sites. Culverts may be utilized for the crossing of minor drainages lacking beds and banks and riparian vegetation. When it is determined by the Fire Department that doing so would not result in diminished access and a threat to public safety, an in-stream road crossing, such as an "Arizona crossing", shall be modified when feasible to a soft-bottom crossing or replaced by a bridge when major maintenance or repair activities on the crossing are undertaken.

#### **D. Biological Resources**

The Santa Monica Mountains are home to rich and diverse biological resources, including several significant plant communities, habitats and a variety of wildlife species. Plant communities and habitats found within the Coastal Zone include:

- Chaparral;
- Redshank Chaparral;
- Coastal sage scrub;
- Native grassland;
- Coast live oak woodland;
- Valley oak woodland;
- Walnut woodland;
- Oak savanna;
- Southern willow scrub;
- Cottonwood-willow riparian forest;
- Sycamore-alder riparian woodland;
- Oak riparian forest;
- Freshwater marsh;
- Rock outcrop; and
- Disturbed or barren.

Wildlife species calling the Santa Monica Mountains home include birds (e.g. great blue heron and great horned owls), amphibians (e.g. Pacific slender salamander and the arroyo toad), reptiles (e.g. horned lizards and the western pond turtle), mammals (e.g. mountain lions and bobcats), and fish (e.g. steelhead trout and Pacific lamprey). Species may occur in a given area because of the plant community present, the availability of food and water, or because of seasonal requirements.

Several of the sensitive plant and animal communities that exist in the Santa Monica Mountains are tracked by the California Natural Diversity Database (CNDDDB), which is maintained by the Habitat Conservation Division of the California Department of Fish and Wildlife. The CNDDDB is a program that inventories the status and locations of rare and endangered plants, animals and vegetation types in California. Many of the species are also federal and/or State-listed species. The federally-listed species are designated as endangered, threatened, species of concern, or proposed endangered. The State-listed species are designated as endangered, threatened, rare, or candidate endangered. Identified species and communities in the Coastal Zone shall be recognized and considered a priority for protection under this Plan.

A biological issue of special concern in southern California and particularly the Santa Monica Mountains is the preservation of habitat connectivity through habitat linkages. The National Park Service, California Department of Fish and Wildlife, and the Santa Monica Mountains Conservancy have expressed concerns about the adverse effects of urbanization on wildlife, particularly the fragmentation of habitat areas, which prevents the freedom of movement that species need and once enjoyed and restricts reestablishment in other similar habitat areas. Urbanization impacts wildlife not only through physical development, but the excessive artificial light that accompanies it. Studies have shown that some animals are extremely sensitive to artificial light, often causing disruption to their natural behaviors that hampers the ability of animals to maintain viable population levels.

This Plan takes an approach to habitat protection tailored to the sensitivity of the various habitat types. The LCP protects coastal habitat resources through a system of resource-based categories, with development standards for each category. SERAs are areas containing habitats of the highest biological significance, rarity, and sensitivity. SERAs were established to protect a special or unique collection of habitats and species from loss due to encroachment and human disturbances. However, SERAs are not intended to function as isolated preservation areas, but rather as areas that are subject to strict land use protections and regulations. SERAs are separated into two categories: H1 habitat and H2 habitat. A third category, H3 habitat, is established for disturbed or isolated habitat areas that provide some important biological functions, but do not rise to a level of significance commensurate with H1 or H2 and is therefore not a SERA. Standards for development within or adjacent to certain SERAs require an additional level of review (Environmental Review Board (ERB) evaluation) and a higher level of resource protection than the standards for development outside SERAs.

The SERA habitat categories are described as follows:

H1 habitat consists of areas of highest biological significance, rarity, and sensitivity. H1 habitats include: alluvial scrub; coastal bluff scrub; coast live oak, valley oak, sycamore, walnut, and bay woodlands; native grassland; scrub with a strong component of native grasses or forbs, riparian, native oak, sycamore, walnut and bay woodlands; and rock outcrop habitat types. Wetlands,

including creeks, streams, marshes, seeps and springs, are also H1 habitat. Any species that are less sensitive than H1 but included in H1 habitat shall receive the more sensitive treatment of H1.

Development is prohibited in H1 habitat in order to protect these most sensitive environmental resource areas from disruption of habitat values. However, resource-dependent uses shall be allowed in H1 habitat, and certain other uses limited to the following: (1) for public works projects required to protect existing public roads when there is no feasible alternative, as long as impacts to H1 habitat are avoided to the maximum extent feasible, and unavoidable impacts are minimized and mitigated; and (2) for an access road to a lawfully-permitted new development when there is no other feasible alternative to provide access to public recreation areas or development on a legal parcel, as long as impacts to H1 habitat are avoided to the maximum extent feasible, and unavoidable impacts are minimized and mitigated. The County shall not approve the development of any use other than these two non-resource-dependent uses within H1 habitat, unless such use has first been considered in an LCP amendment that is certified by the Coastal Commission.

New development shall provide a buffer of no less than 100 feet from H1 habitat. No development shall be allowed within the required H1 habitat buffer except resource-dependent uses and the following uses in very limited circumstances: (1) public works projects required to protect existing public roads when there is no feasible alternative, as long as impacts to H1 habitat are avoided to the maximum extent feasible, and unavoidable impacts are minimized and mitigated; (2) an access road to a lawfully-permitted new development when there is no other feasible alternative to provide access to public recreation areas or development on a legal parcel, as long as impacts to H1 habitat are avoided to the maximum extent feasible, and unavoidable impacts are minimized and mitigated; (3) a development on a lawfully-created parcel that is the minimum development necessary to provide a reasonable economic use of the property and where there is no feasible alternative, as long as impacts to H1 habitat are avoided to the maximum extent feasible, and unavoidable impacts are minimized and mitigated, and (4) continued use and maintenance of an existing, lawfully-established road or driveway to an existing, lawfully-established use.

New development shall also provide an additional 100-foot “Quiet Zone” from H1 habitat where feasible (measured from the outer edge of the 100-foot H1 habitat buffer required above), except resource-dependent uses and non-irrigated fuel modification required by the Fire Department for lawfully-established structures, as well as those certain other uses that are allowed in the 100-foot H1 habitat buffer. Horse pasture is allowed on slopes no steeper than 4:1 in the Quiet Zone buffer if consistent with the requirements of the LCP and the development is sited and designed to ensure that no required fuel modification extends into H1 habitat or H1 buffer and it will not adversely affect H1 habitat or wildlife use/movement patterns of the local area or region. If an area designated as the Quiet Zone contains areas of other mapped habitat categories (e.g., H2, H3), the development standards, including the permitted uses, that are most restrictive shall regulate development of the area.

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 H2 habitat species/habitats containing California Department of Fish and Wildlife (“CDFW”)/California Natural Diversity Database (“CNDDB”)-identified rare species associated with H2 habitat, and California Native Plant Society (“CNPS”) categories 1B and 2 habitats. New development shall

HOA.1045115.1

avoid H2 habitat (including H2 High Scrutiny habitat), where feasible, in order to protect these sensitive environmental resource areas from disruption of habitat values. New development shall only be allowed in H2 habitat if it is consistent with the specific limitations and mitigation requirements for development permitted in H2 habitat. H2 High Scrutiny habitat is considered a rare H2 habitat subcategory that shall be given protection priority over other H2 habitat and shall be avoided to the maximum extent feasible.

The areas occupied by existing, legally-established structures, agricultural uses, and confined animal facilities do not constitute H1 or H2 habitat areas. Additionally, the fuel modification areas required by the Los Angeles County Fire Department for existing, lawfully-established structures do not meet the criteria of the H1 or H2 habitat categories, with the exception of the areas subject to the minimal fuel modification measures that are required in riparian or woodland habitats (e.g., removal of deadwood). In areas subject to the minimal fuel modification measures that are required in riparian or woodland habitats, the habitat maintains its biological significance, rarity, and sensitivity and shall be accorded all the protection provided for the H1 habitat category in the LCP.

In addition to the prohibition of development in H1 habitat – to preserve the areas of highest biological significance, rarity, and sensitivity – a Resource Conservation Program (RCP) will be implemented by the County to mitigate for permitted development that will result in unavoidable adverse impacts to H2 habitat, to H1 habitat from the provision of less than a 100-foot H1 habitat buffer, or for unavoidable impacts to H1 and H2 habitat for public works projects. The Program consists of the expenditure of funds by the County over a ten-year period for the acquisition of land containing substantial areas of habitat identified on the Biological Resource Map as H1 or H2 habitat or other properties in the coastal zone of the Santa Monica Mountains that contain critical habitat and/or wildlife linkages or other significant habitat values for the Santa Monica Mountains. The RCP will keep track of the acreage of habitat impacts from development approved through coastal development permits (CDP) and the land acquisition brought about by the RCP. For impacts to H2 habitat brought about by expanded fuel modification for confined animal facilities within the fuel modification area of the principal permitted use, or for pasturage in H2 habitat outside of the fuel modification for the principal permitted use as set forth in this LCP, the County shall conduct the necessary statutory studies to establish an in-lieu impact mitigation fee. Such fee shall be approved pursuant to an amendment to this LCP. If at the time of issuance of the first CDP which includes such impacts to H2 habitat, no amendment has been approved by the California Coastal Commission with full certification and jurisdiction returned, then the County shall collect the fee established in the in-lieu fee study approved by the Board of Supervisors. The fee proceeds will go into a “Habitat Impact Mitigation Fund” that will be used by the County to purchase properties that contain substantial areas of habitat. The County will include in the annual reporting for the RCP the amount of the annual fee imposed and collected, if any.

The biological resource protection approach of the LCP will serve to (1) preserve the habitats of highest biological significance and sensitivity (H1 habitat) by a policy that prohibits new non-resource-dependent development, (2) protect the other sensitive habitats (H2 habitat) that are critical to the ecological vitality and diversity of the Santa Monica Mountains by strict development regulations to avoid, or minimize and fully mitigate, impacts to the habitat by new development to protect the habitat from significant disruption of habitat values, and (3) acquire and preserve the most important and sensitive biological resources.

## Biological Resources Goals and Policies

***Goal CO-2: Sensitive Environmental Resource Areas shall be protected against any significant disruption of habitat values. Development in areas adjacent to Sensitive Environmental Resource Areas shall be sited and designed to prevent impacts which would significantly degrade these areas and shall be compatible with the continuance of the habitat.***

### Policies:

#### SERA and H3 Habitat Protection Policies

CO-33 Sensitive Environmental Resource Areas (SERAs) are areas containing habitats of the highest biological significance, rarity, and sensitivity. SERAs are divided into two habitat categories – H1 habitat and H2 habitat – that are subject to strict land use protections and regulations.

- 1) H1 habitat consists of areas of highest biological significance, rarity, and sensitivity--alluvial scrub, coastal bluff scrub, dune, native grassland and scrub with a strong component of native grasses or forbs, riparian, native oak, sycamore, walnut and bay woodlands, and rock outcrop habitat types. Wetlands, including creeks, streams, marshes, seeps and springs, are also H1 habitat. Coast live and valley oak, sycamore, walnut, and bay woodlands are all included in H1 habitat. Any species that are less sensitive than H1 but included in H1 habitat shall receive the more sensitive treatment of H1
- 2) 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 sensitive H2 habitat species/habitats that should be given avoidance priority over other H2 habitat. This habitat contains California Department of Fish and Wildlife (CDFW)/California Natural Diversity Database (CNDDDB)-identified rare species associated with H2 habitat, such as high-elevation and interior chaparral dominated by redshank (*Adenostoma sparsifolium*) and rarer species of Ceanothus, as well as rare and localized scrub types such as ashy buckwheat (*Eriogonum cinereum*) scrub, as treated in the Manual of California Vegetation, 2nd Ed. (categories G1-3/S1-3). Chamise (*Adenostoma fasciculatum*) chaparral is also included as H2 High Scrutiny, which while not considered rare statewide, is associated with several rare and declining species of plants and wildlife in the Santa Monica Mountains.

CO-34 H3 habitat consists of areas that would otherwise be designated as H2 habitat, but the native vegetation communities have been significantly disturbed or removed as part of lawfully-established development. This category also includes areas of native vegetation that are not significantly disturbed and would otherwise be categorized as H2 habitat, but have been substantially fragmented or isolated by existing, legal development and are no longer connected to large, contiguous areas of coastal sage scrub and/or chaparral-dominated habitats. This category includes lawfully-developed areas and lawfully-disturbed areas dominated by non-native plants such as disturbed roadside slopes, stands of non-native trees and grasses, and fuel modification areas around existing development

(unless established illegally in an H2 or H1 area). This category further includes isolated and/or disturbed stands of native tree species (oak, sycamore, walnut, and bay) that do not form a larger woodland or savannah habitat. While H3 habitat does not constitute a SERA, these habitats provide important biological functions that warrant specific development standards for the siting and design of new development.

- CO-35 The areas occupied by existing, legally-established structures, agricultural uses (including equestrian uses), access roads and driveways and confined animal facilities do not constitute H1 or H2 habitat areas. Additionally, the fuel modification areas required by the Los Angeles County Fire Department for existing, lawfully-established structures do not meet the criteria of the H1 or H2 habitat categories, with the exception of the areas subject to the minimal fuel modification measures that are required in riparian or woodland habitats (e.g., removal of deadwood). In areas subject to the minimal fuel modification measures that are required in riparian or woodland habitats, the habitat maintains its biological significance, rarity, and sensitivity and shall be accorded all the protection provided for the H1 habitat category in the LCP.
- CO-36 SERA habitat (H1 and H2) and H3 habitat categories are depicted on Map 2 Biological Resources of the Santa Monica Mountains LUP ("Biological Resources Map"). The precise boundaries of these habitat categories shall be determined on a site-specific basis, based on substantial evidence and a site-specific biological surveys inventory and/or assessment required by the LCP when a development proposal is submitted. This LCP contains a procedure, as enunciated in Policy CO-37, to both confirm the habitat types and locations depicted on the map and establish on the basis of substantial evidence the appropriate habitat category. Any area not designated as a habitat category on the Biological Resources Map that meets the criteria of a habitat category shall be accorded all the protection provided for that habitat category in the LCP.
- CO-37 The habitat categories as depicted on the Biological Resources Map may be adjusted based upon substantial biological evidence and independent review by the County Biologist and ERB as set forth in this Element. Based on substantial evidence, a resource on any site may be classified or reclassified from one category to a higher or lower category. Where the County finds that the physical extent of habitats on a project site are different than those indicated on the Biological Resources Map, the County shall make findings as part of the CDP regarding the physical extent of the habitat categories and detailed justification for any classification or reclassification of habitat categories at the project site based on substantial evidence. Where the County finds that the physical extent of habitats on a project site are different than those indicated on the Biological Resources Map, the Biological Resources Map shall be modified accordingly, as part of a map update indicated below, and such a modification shall be considered an LCP amendment and subject to approval by the Coastal Commission as set forth in Policy CO-38. The County may take action on the CDP, applying the appropriate LCP policies and standards for protection of the habitat categories present, even if the Biological Resources Map of the LUP has not yet been amended.
- CO-38 The Biological Resources Map shall be reviewed and updated every five years to reflect current information, including up-to-date information on rare, threatened, or endangered species or habitats, and the modifications made in CDP decisions pursuant to Policy CO-

37, and changes due to rising sea level. Areas acquired by the County or resource agencies for habitat protection, or areas subject to habitat restoration projects, shall also be considered for designation as H1 or H2 habitat. Any update to the map that is not brought about by a project-driven change shall be reviewed by the ERB. The map update shall be treated as an LCP amendment and shall be subject to the approval of the Coastal Commission.

- CO-39 Fire is a natural and essential part of the life cycle of the plant communities of the Santa Monica Mountains. The plant communities are highly diverse as a result of the shifting mosaic of habitats created by repeated fires. For example, chaparral habitat impacted by fire is still present in the form of root crowns that will re-sprout and a fire-adapted seed bank (a number of chaparral species drop seeds that require fire for germination) that will generate new growth following the rainy season. Therefore, areas burned by wildfire, where there is evidence that the areas consisted of a habitat meeting the definition of H1, H2, H2 High Scrutiny, or H3 habitat before the fire, shall be afforded the protections of the applicable habitat category.
- CO-40 Any area mapped as, or meeting the definition of, H1, H2, H2 High Scrutiny, or H3 habitat shall not be deprived of protection as that habitat category, as required by the policies and provisions of the LCP, on the basis that habitat has been damaged or eliminated by natural disaster (e.g. landslide, flooding, etc.), or impacted by illegal development or other illegal means, including removal, degradation, or elimination of species that are rare or especially valuable because of their nature or role in an ecosystem.
- CO-41 New non-resource-dependent development shall be prohibited in H1 habitat areas in order to protect these most sensitive environmental resource areas from disruption of habitat values. The only exception is that two uses may be approved in very limited circumstances, as follows: (1) public works projects required to repair or protect existing public roads when there is no feasible alternative, as long as impacts to H1 habitat are avoided to the maximum extent feasible, and unavoidable impacts are minimized and mitigated; and (2) an access road to a lawfully-permitted use outside H1 habitat when there is no other feasible alternative to provide access to public recreation areas or development on a legal parcel, as long as impacts to H1 habitat are avoided to the maximum extent feasible, and unavoidable impacts are minimized and mitigated.

The County shall not approve the development of any use other than these uses within H1 habitat, unless such use has first been considered in an LCP amendment that is certified by the Coastal Commission.

- CO-42 Low-impact campgrounds, public accessways, and trails are considered resource-dependent uses. Such uses shall be sited to avoid or minimize impacts to H1 and H2 habitat to the maximum extent feasible. Measures, including but not limited to, signage, placement of boardwalks, utilizing established trail corridors, following natural contours to minimize grading, and limited fencing shall be implemented as necessary to protect H1 and H2 habitat. Accessways to and along the shoreline shall be sited, designed, and managed to avoid and/or protect marine mammal hauling grounds, seabird nesting and roosting sites, sensitive rocky points and intertidal areas, and coastal dunes.

- CO-43 New development shall avoid H2 Habitat (including H2 High Scrutiny Habitat), where feasible, in order to protect these sensitive environmental resource areas from disruption of habitat values. H2 High Scrutiny Habitat is considered a rare and sensitive H2 Habitat subcategory that should be given protection priority over other H2 habitat and should be avoided to the maximum extent feasible. Where it is infeasible to avoid H2 habitat, new development shall be sited and designed to minimize impacts to H2 habitat. If there is no feasible alternative that can eliminate all impacts to H2 habitat, then the alternative that would result in the fewest or least significant impacts to H2 habitat shall be selected. Impacts to H2 habitat that cannot be avoided through the implementation of siting and design alternatives shall be fully mitigated.
- CO-44 New development shall be sited in a manner that avoids the most biologically-sensitive habitat onsite where feasible, while not conflicting with other LCP policies, in the following order of priority: H1, H2 High Scrutiny, H2, H3. Priority shall be given to siting development in H3 habitat, but outside of areas that contain undisturbed native vegetation that is not part of a larger contiguous habitat area. If infeasible, priority shall be given to siting new development in such H3 habitat. If it is infeasible to site development in H3 habitat areas, development may be sited in H2 habitat if it is consistent with the specific limitations and standards for development in H2 habitat and all other provisions of the LCP. New development is prohibited in H1 habitat unless otherwise provided in Policy CO-41.
- CO-45 Emphasize the protection of habitat:
- a) Preserve, protect, and enhance habitat linkages through limitations in the type and intensity of development and preservation of riparian corridors.
  - b) Place primary emphasis on preserving large, unbroken blocks of undisturbed natural open space and wildlife habitat areas. As part of this emphasis, all feasible strategies shall be explored to protect these areas from disturbance. Such strategies include, but are not limited to, purchasing open space lands, retiring development rights, clustering development to increase the amount of preserved open space, requiring the dedication of open space conservation easements in all CDPs that include approval of structures within H2 habitat, and minimizing grading and the removal of native vegetation.
- CO-46 Encourage the permanent preservation of steep lands (lands over 50 percent slope, as defined in this LCP) as open space, preferably through open space dedications to a public agency or a public land conservation agency which has the authority to manage, preserve, or enhance park and open space lands, or, secondarily, through effective easements.
- CO-47 Open space conservation easements and dedications shall be utilized, where required or offered, to ensure the preservation of habitats and habitat linkages. The receiving agency shall be a qualified public agency or land conservation agency with the ability to manage, preserve, or enhance park and open space lands. Financing for the long-term maintenance of such areas should be considered through endowments, assessments, or other public funding mechanisms.
- CO-48 New and replacement infrastructure may be permitted provided that it complies with applicable provisions of this plan and is designed to avoid and, if infeasible, minimize adverse impacts to environmental and scenic resources. New roads shall only be

constructed to provide access to lawfully-approved proposed new development, and shall comply with the road standards found in the LIP. New and replacement utilities shall only be developed to serve legally-established uses.

- CO-49 Require development to be sited and designed to protect and preserve important, viable habitat areas and habitat linkages in their natural condition.
- CO-50 New development shall be prohibited in wetlands with the exception of the following where it has been demonstrated that there is no feasible less-environmentally-damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects: (1) wetlands-related scientific research and wetlands-related educational uses, (2) incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines, (3) wetland restoration projects where the primary purpose is restoration of the habitat, and (4) access roads to public or private lands where there is no feasible alternative to the wetland encroachment, and where mitigation is provided
- CO-51 Where single-family residential development is permitted in H2 or H3 habitats pursuant to this LCP, the maximum allowable residential building site area on parcels shall be 10,000 square feet, or 25 percent of the parcel size, whichever is less. The restriction of the building site area to less than the maximum may be required if the native tree protection policies require a smaller area or if it is determined that a smaller building site area would serve to avoid impacts to priority habitat areas, substantially minimize grading associated with the project, reduce the need for manufactured slopes, or reduce the need for retaining features visible from scenic areas, public trails, and public lands. The allowable building site area may be increased for projects that qualify for participation in the incentive program of Policy LU-28 or for projects that comprise two adjoining legal lots, if the existing lots are merged into one lot and one consolidated building site is provided with one access road or driveway. The allowable building site area shall not exceed the total of the building site areas allowed for each individual parcel. Mitigation of adverse impacts to habitat that cannot be avoided through the implementation of siting and design alternatives shall be accommodated through the Resource Conservation Program where H2 habitat is impacted.
- CO-52 Subdivisions altering existing parcel configurations or creating additional lots shall be subject to Policies LU-9 and LU-17.
- CO-53 In Rural Villages, new development shall be sited and designed to avoid adverse impacts to all oak woodland habitat (either disturbed or undisturbed), while conforming to all other policies of the LCP. Where there is no feasible alternative to avoid oak woodland habitat in order to provide a reasonable economic use of the property, ensure public health and safety, or fulfill requirements under the Americans with Disabilities Act for reasonable accommodation, removal of oak woodland habitat within Rural Villages may be allowed if limited to the minimum area necessary to achieve the purpose allowed. In no case shall the removal of oak woodland habitat exceed 10 percent of the total oak woodland area on the subject property. Where removal of oak woodland is allowed, oak tree mitigation shall be required.

- CO-54 Use primarily locally-indigenous plant species in landscape areas within Fuel Modification Zones A and B of structure(s) requiring fuel modification. Non-locally-indigenous plants and gardens that are not invasive may be allowed within the building site area and in Fuel Modification Zones A and B, with associated irrigation, provided that the species are consistent with Fire Department requirements and all efforts are made to conserve water. Invasive plants are strictly prohibited. The removal or trimming, thinning or other reduction of natural vegetation, including locally-indigenous vegetation, is prohibited except when required for construction of an approved development and/or for compliance with fuel modification requirements for approved or lawfully-existing development. Los Angeles County will work with organizations, homeowners, and park agencies on educational programs to reduce the spread of invasive plant species within the Coastal Zone.
- CO-55 New development adjacent to H1 habitat shall provide native vegetation buffer areas to serve as transitional habitat and provide distance and physical barriers to human intrusion. Buffers shall be of a sufficient size to ensure the biological integrity and preservation of the H1 habitat areas they are designed to protect. New development shall provide a buffer of no less than 100 feet from H1 habitat. Variances or modifications to the required H1 habitat buffer width shall not be granted, except for a permitted use included in Policy CO-56 or in the event that to impose the buffer would affect a taking.
- CO-56 New development, including but not limited to vegetation removal, vegetation thinning, or planting of non-native or invasive vegetation, shall not be permitted within the H1 habitat buffer with the exception of resource-dependent uses and the following uses in very limited circumstances: (1) public works projects required to repair or protect existing public roads when there is no feasible alternative, as long as impacts to H1 habitat are avoided to the maximum extent feasible, and unavoidable impacts are minimized and mitigated; (2) an access road to a proposed use which could be found consistent with the LCP when there is no other feasible alternative to provide access to public recreation areas or development on a legal parcel, as long as impacts to H1 habitat are avoided to the maximum extent feasible, and unavoidable impacts are minimized and mitigated; (3) a development on a lawfully-created parcel that is the minimum development necessary to provide a reasonable economic use of the property and where there is no feasible alternative, as long as impacts to H1 habitat are avoided to the maximum extent feasible, and unavoidable impacts are minimized and mitigated, and (4) continued use and maintenance of an existing, lawfully-established road or driveway to an existing, lawfully-established use.
- CO-57 New non-resource-dependent development shall also provide an additional 100-foot "Quiet Zone" from H1 habitat where feasible (measured from the outer edge of the 100-foot H1 habitat buffer required above). New development is not permitted in the H1 habitat Quiet Zone except resource-dependent uses, non-irrigated fuel modification required by the Fire Department for lawfully-established structures, and the following other uses in very limited circumstances: (1) public works projects required to protect existing public roads when there is no feasible alternative, as long as impacts to H1 habitat and the H1 buffer are avoided to the maximum extent feasible, and unavoidable impacts are minimized and mitigated; (2) an access road to a lawfully-permitted use when there is no other feasible alternative to provide access to public recreation areas or development

on a legal parcel, as long as impacts to H1 habitat and H1 buffer are avoided to the maximum extent feasible, and unavoidable impacts are minimized and mitigated; (3) a development on a lawfully-created parcel that is the minimum development necessary to provide a reasonable economic use of the property and where there is no feasible alternative, as long as impacts to H1 habitat and H1 buffer are avoided to the maximum extent feasible, and unavoidable impacts are minimized and mitigated; (4) equestrian pasture outside of the fuel modification zone, consistent with the requirements of the LCP, where the development is sited and designed to ensure that no required fuel modification extends into H1 habitat or H1 buffer, it will not significantly degrade H1 habitat, and will not adversely affect wildlife usage, including movement patterns, of the local area or region and Zone C fuel modification. Additionally, if the Quiet Zone is within the fuel modification zone, confined animal facilities may be established on slopes of 3:1 or less and are subject to ERB review. Furthermore, public recreational resources may also be located within this quiet zone, if it is developed and/or disturbed by historic use (e.g., recreational).

- CO-58 The use of insecticides, herbicides, anti-coagulant rodenticides or any toxic chemical substance which has the potential to significantly degrade biological resources in the Santa Monica Mountains, shall be prohibited, except where necessary to protect or enhance the habitat itself, such as for eradication of invasive plant species or habitat restoration, and where there are no feasible alternatives that would result in fewer adverse effects to the habitat value of the site. Application of such chemical substances shall not take place during the winter season or when rain is predicted within a week of application. Herbicide application necessary to prevent regrowth of highly-invasive exotic vegetation such as giant reed/cane (*Arundo donax*) shall be restricted to the best available and least-toxic product and method in order to minimize adverse impacts to wildlife and the potential for introduction of herbicide into the aquatic environment or onto adjacent non-targeted vegetation. In no instance shall herbicide application occur if wind speeds on site are greater than five miles per hour or 48 hours prior to predicted rain. In the event that rain does occur, herbicide application shall not resume again until 72 hours after rain.
- CO-59 Work toward a poison free Santa Monica Mountains by exploring the feasibility of eliminating the use of all rodenticides at the soonest practicable date, and identify and promote rodent control methods that do not involve the use of poisons.
- CO-60 Mosquito abatement within or adjoining H1 habitat shall be limited to the implementation of the minimum measures necessary to protect human health, and shall minimize adverse impacts to H1 habitat. Larvacides shall be used that are specific to mosquito larvae and will not have any adverse impacts to non-target species, including fish, frogs, turtles, birds, or other insects or invertebrates. The use of mosquitofish shall be prohibited throughout the Coastal Zone.
- CO-61 Wildfire burn areas shall be allowed to revegetate naturally, except where re-seeding is necessary to minimize risks to public health or safety. Where necessary, re-seeding shall utilize a mix of locally-indigenous native plant seeds collected in a similar habitat within the Santa Monica Mountains. Wildfire burn areas that were previously subject to fuel modification or brush clearance for existing structures pursuant to the requirements of the Los Angeles County Fire Department may be revegetated to pre-fire conditions.

- CO-62 Interpretive signage may be used in H1 or H2 habitat accessible to the public to provide information about the value and need to protect sensitive resources.

*Policies Protecting Areas Adjoining H1 Habitat and Parkland*

- CO-63 New development adjoining parklands, where the purpose of the park is to protect the natural environment and SERAs, shall be sited and designed to minimize impacts to habitat and recreational opportunities to the maximum extent feasible. Natural vegetation buffer areas shall be provided around parklands. Buffers shall be of a sufficient size to prevent impacts to parkland resources, but in no case shall they be less than 100 feet in width. Variances or modifications to the required H1 habitat buffer width shall not be granted, except for a permitted use included in Policy CO-56. New development permitted adjacent to parklands shall include open space conservation easements over the habitat areas outside the approved development site to ensure that impacts to the H1 and H2 habitat, H1 habitat buffer, or parkland buffer are avoided.
- CO-64 Where there is any conflict between the standards that apply or uses that are permitted in the habitat categories or their required buffers, the development standards and permitted uses that are most restrictive and protective of the habitat resource shall regulate development.
- CO-65 Variances or modifications to required development standards that are not related to H1 and H2 protection (street setbacks, height limits, etc.) shall be permitted where necessary to avoid impacts to H1 habitat and to avoid or minimize impacts to H2 habitat.
- CO-66 Protection of H1 and H2 habitat and public access shall take priority over other development standards, and where there is any conflict between general/other development standards and the biological resource and/or public access protection provisions, the standards that are most protective of H1 and H2 habitat and public access shall have precedence.
- CO-67 Coastal development permits for the development of uses allowed within or adjoining H1 and H2 habitat shall include an open space conservation easement over the remaining H1 habitat, H1 habitat buffer, or H2 habitat, in order to avoid and minimize impacts to biological resources.

*Stream Protection*

- CO-68 Channelizations or other substantial alterations of streams shall be prohibited except for: (1) necessary water supply projects where no feasible alternative exists; (2) flood protection for existing development where there is no other feasible alternative; or (3) the improvement of fish and wildlife habitat. Any channelization or stream alteration permitted for one of these three purposes shall minimize impacts to coastal resources, including the depletion of groundwater, and shall include maximum feasible mitigation measures to mitigate unavoidable impacts. Bioengineering alternatives shall be preferred for flood protection over "hard" solutions such as concrete or riprap channels.

- CO-69 Alteration of natural streams for the purpose of stream road crossings shall be prohibited, except where there is no other feasible alternative to provide access to public recreation areas or lawfully-established development on legal parcels and the stream crossing is accomplished by bridging. Bridge columns shall be located outside streambeds and banks. Wherever possible, shared bridges shall be used for providing access to multiple home sites. Culverts may be utilized for the crossing of minor drainages lacking beds and banks and riparian vegetation, and where the culvert is sized and designed to not restrict movement of fish or other aquatic wildlife.

Environmental Review Policies

- CO-70 A site-specific Biological Inventory shall accompany each application for all new development. A detailed Biological Assessment report shall be required in applications for new development located in, or within 200 feet of, H1, H2, or H2 “High Scrutiny” habitat, as mapped on the Biological Resources Map, or where an initial Biological Inventory indicates the presence or potential for sensitive species or habitat. The County Biologist shall conduct preliminary review of all development, regardless of whether the proposal must be considered by the Environmental Review Board.
- CO-71 The Environmental Review Board (ERB) shall be comprised of qualified professionals with technical expertise in resource management and serve as an advisory body to the Director, Regional Planning Commission and the Board of Supervisors in the review of development proposals in the Santa Monica Mountains Coastal Zone and their effects on biological resources. The ERB shall provide recommendations to the decision-making body on the conformance or lack of conformance of the project to the policies of the LUP, and shall consider the individual and cumulative impact of each development proposal. Any recommendation of approval shall include mitigation measures designed to minimize adverse impacts to coastal resources.
- CO-72 The ERB shall review and analyze all proposals for development in the following areas unless exempted:
- a. H1 habitat;
  - b. Within 200 feet of designated H1 habitat;
  - c. H2 habitat including H2 “High Scrutiny”;
  - d. Within 200 feet of designated H2 habitat including H2 “High Scrutiny”; or
  - d. Any development within the Las Flores Heights, Malibu Mar Vista, Malibu Vista, and Vera Canyon Rural Villages.
- CO-73 The County staff biologist shall review and analyze all proposals for development in the following areas unless exempted:
- a. Proposed actions that would impact only habitat category H3, and which would not encroach within 200 feet of designated H1, H2 “High Scrutiny”, or H2 habitat, unless the Director determines that review by the ERB is warranted.
  - b. Developments within the Rural Villages of El Nido, Fernwood, Malibu Bowl, Malibu Lake, Monte Nido, Old Post Office, Old Topanga, Topanga Canyon, Topanga Oaks, Topanga Woods, and Upper Latigo, unless the Director determines that review by the ERB is warranted.

- c. Demolition of an existing structure and construction of a new structure within the existing building pad area where the building pad is not within 200 feet of H1 habitat and no additional fuel modification is required.
- d. New structures and landscaping proposed within the permitted graded pad or permitted building site area if there is no graded pad, authorized in a previously-approved coastal development permit or lawfully established prior to the effective date of the Coastal Act, where the pad or building site area is not within 200 feet of H1 habitat and no additional fuel modification is required.

*Policies Regarding New Development*

- CO-74 New development shall be clustered to the maximum extent feasible and located as close as possible to existing roadways, services and other developments to minimize impacts to biological resources. New development shall be sited and designed to minimize impacts to H2 and H3 habitat by: Limiting the maximum number of structures to one main residence, one second residential structure, and accessory structures such as stable, corral, pasture, workshop, gym, studio, pool cabana, office, or tennis court. Such accessory structures are to be located within the approved building site area except as set forth in Policies CO-103 to CO-105, and structures shall be clustered to minimize required fuel modification. The Director or Regional Planning Commission may determine that fewer structures are appropriate for a given site.
- CO-75 Land divisions, including but not limited to lot line adjustments, shall only be permitted in accordance with Policies LU-9 and LU-16, and where substantial evidence demonstrates that each new parcel being created through subdivision or being reconfigured through a lot line adjustment contains an identified, feasible building site, and any necessary access road thereto is located outside of H1 habitat, H1 habitat buffer, and H2 High Scrutiny habitat, and shall not require vegetation removal or thinning for fuel modification in H1 habitat, H1 habitat buffer, and H2 High Scrutiny habitat. Furthermore, a new parcel being created through subdivision or being reconfigured through a lot line adjustment shall contain an identified, feasible building site, any necessary access road thereto, and any required fuel modification that avoids H2 habitat to the maximum extent feasible, consistent with the requirements of this LCP. Creation of a new Open Space parcel could be allowed within any habitat category or buffer, as long as the entire parcel is used exclusively as Open Space in perpetuity and the construction rights over the entire parcel are dedicated to the County of Los Angeles.
- CO-76 All new development shall be sited and designed so as to minimize grading, alteration of physical features, and vegetation clearance in order to prevent soil erosion, stream siltation, reduced water percolation, increased runoff, and adverse impacts on plant and animal life and prevent net increases in baseline flows for any receiving water body.
- CO-77 New development in H2 and H3 habitat areas shall be sited and designed to minimize removal of native vegetation and required fuel modification and brushing to the maximum extent feasible in order to minimize habitat disturbance or destruction, removal or modification of natural vegetation, and irrigation of natural areas, while providing for fire safety. Where clearance to mineral soil is not required by the Fire Department, fuel load shall be reduced through thinning or mowing, rather than complete removal of vegetation.

All vegetation removal, thinning and mowing required for new development must avoid disturbance of wildlife and special-status species, including nesting birds.

- CO-78 Disturbed areas adjoining H1 habitats shall not be further degraded, and if feasible, restored.
- CO-79 Access roads that are wholly new, incorporate any portion of an existing access road, or require the widening, improvement or modification of an existing, lawfully-constructed road in order to comply with County Fire Department access development standards shall comply with the following:
- a. No more than one access road or driveway with one hammerhead-type turnaround area providing access to the one approved building site area may be permitted as part of a development permitted in H2 habitat or H2 High Scrutiny habitat, unless a secondary means of access is specifically required by the Fire Department to protect public safety.
  - b. An access road or driveway shall only be permitted concurrently with the use it is intended to serve, except for the approval of geologic testing roads.
  - c. Grading, landform alteration, and vegetation removal for access roads and driveways shall be minimized to the greatest extent feasible. The length of the one access road or driveway shall be the minimum necessary to provide access to the one approved building site area on a legal parcel. The alignment and design of the access road or driveway shall avoid impacts to H1 and H2 habitat, or if avoidance is not feasible, shall minimize such impacts. In no case shall new on-site or off-site access roads, or driveways as measured from the nearest public road, exceed a maximum of 300 feet or one-third the parcel depth, whichever is less, unless the County finds, based on substantial evidence, that a variance of this standard is warranted.
  - e. The width and grade of an access road or driveway and the size of the hammerhead turnaround approved shall be the minimum required by the Fire Department for that development project.
- CO-80 New development shall be sited and designed to minimize the amount of grading, consistent with the grading requirements of the LCP. Cut and fill slopes shall be minimized by the use of retaining walls, where consistent with all other provisions of the LCP.
- CO-81 Fencing or walls shall be prohibited within riparian, bluff, or dune habitat, except where necessary for public safety or habitat protection or restoration.
- CO-82 Fencing within H1 habitat, or within 100 feet of H1 habitat, is prohibited, except where necessary for public safety or habitat protection or restoration. Permitted fencing shall be wildlife-permeable, except where temporary fencing is required to keep wildlife from habitat restoration areas. Development permitted within H2 or H3 habitat may include fencing, if necessary for safety, limited to the immediate building site area, and extending no further than the outer extent of Fuel Modification Zone B (100 feet from structures that require fuel modification). Fencing shall be wildlife-permeable. Perimeter fencing of a parcel, or barbed-wire or chainlink fencing, is prohibited.

- CO-83 Where animal containment facilities are allowed pursuant to the LCP, fencing may be allowed for pasture, corrals, stables, and riding rings. Notwithstanding any other provision of the LUP, fencing for animal containment facilities shall not be required to be wildlife-permeable.
- CO-84 Wells, test pits, and other excavations and pipes must be covered during construction and permanently capped to prevent adverse impacts to wildlife.
- CO-85 The County shall coordinate with the California Department of Fish and Wildlife, U. S. Fish and Wildlife Service, National Marine Fisheries Service, and other resource management agencies, as applicable, in the review of development applications in order to ensure that impacts to SERAs, including rare, threatened, or endangered species, are avoided and minimized.
- CO-86 Unavoidable impacts to H1 habitat from the provision of less than a 100-foot H1 habitat buffer, and to H2 habitat from direct removal or modification, shall be mitigated by the following, at a minimum.
- a. The County will administer a Resource Conservation Program (“RCP”), which shall consist of the expenditure of funds to be used for the acquisition of land containing substantial areas of habitat identified on the Biological Resources Map as H1 or H2 habitat or other properties in the coastal zone of the Santa Monica Mountains that contain critical habitat and/or wildlife linkages or other significant habitat values for the Santa Monica Mountains as determined by the County. The County commits to expend no less than \$2,000,000 over a ten-year period. An annual report shall be prepared that tracks the operation of the RCP and shall include:
- An overview of each prospective year’s acquisition priorities and approach;
  - A statement of the prior year’s efforts in coordination with other agencies to enhance acquisition, preservation, protection, and connectivity of habitat and open space;
  - A summary of the acquisitions made for that year;
  - The number of CDPs issued: a) in the previous year, and b) cumulatively since the starting date of the RCP;
  - The number of acres of each sensitive habitat classification allowed to be developed or otherwise impacted from issued CDPs: a) in the previous year, and b) cumulatively since the starting date of the RCP;  
The amount of the Habitat Impact Mitigation fee as determined in section b below;
  - A table or tables depicting the cumulative acreage of impact from issued CDPs in relation to the acreage acquired pursuant to the RCP, the amount of the Habitat Impact Mitigation Fee calculated pursuant to section b below, and monies spent and monies remaining under the RCP. All acres of habitat shall be categorized by the number of acres of each sensitive habitat classification impacted/acquired; and
  - A summary of other restoration or enhancement efforts in the Santa Monica Mountains, such as TDCs, donation of other property, and grants for further funding of the RCP.

- b. For purposes of the annual monitoring report, the amount of the Habitat Impact Mitigation fee shall be calculated as follows:
  - i. Current In-Lieu Fee: Using the current practice of the Coastal Commission as a reasonable approximation of the value of habitat impacted, during the first five years following certification of this LCP, the amount of the Habitat Impact Mitigation fee shall be determined by multiplying the number of acres of sensitive habitat allowed to be impacted by issued CDPs by the current in-lieu fee set by the Coastal Commission, namely: \$12,000 per acre for the building site of the principal permitted use and \$3,000 per acre for the fuel modification areas.
  - ii. Updated In-Lieu Fee: For all annual monitoring reports submitted after this initial five-year period, the amount of the Habitat Impact Mitigation fee shall be determined by multiplying the number of acres of sensitive habitat allowed to be impacted by issued CDPs by the in-lieu fee approved pursuant to the LCP amendment set forth in section d below.

At the close of the five-year period commencing upon certification of this LCP, and at the conclusion of the ten-year period, the County will review progress achieved in relation to the impacts of projects approved by the County. At the close of the five-year period, the County and the Coastal Commission shall meet to cooperatively consider the information contained in the annual monitoring reports. The results of these discussions shall be reported to the Coastal Commission with a recommendation from Coastal Commission staff as to whether the RCP has provided over the first five years of its operation at least an equivalent means of protecting sensitive habitat than the Habitat Impact Mitigation fee acting alone would have provided. If these discussions and recommendations provided by the Coastal Commission staff, if any, demonstrate that changes to the RCP are needed to ensure that the RCP provides at least an equivalent means of protecting sensitive habitat than would the Habitat Impact Mitigation fee alone, the County shall prepare an LCP amendment to so modify the RCP. If the County implements an extension of the RCP, or a similar program, the terms of such program shall be incorporated into this section through an LCP amendment certified by the Coastal Commission. Any expenditures exceeding \$2 million over the prior ten years shall be credited proportionately to the new term.

- c. When the earliest of the following events occurs: 1) the ten year period ends; or 2) the LCP amendment provided above terminates the program; or 3) at such time as the County elects to discontinue the RCP, each CDP that includes development resulting in unavoidable impacts to H1 habitat from the provision of less than a 100-foot H1 habitat buffer, and/or to H2 habitat from direct removal or modification shall be conditioned to include the provision of the required in-lieu habitat impact mitigation fee, as detailed in Sections c, d, and e herein, unless the County, at the end of ten years, elects to continue the RCP.
- d. The amount of the habitat impact mitigation fee for H2 habitat, on a per-acre basis, will be determined by an in-lieu fee study conducted by the County following certification of the Santa Monica Mountains Local Coastal Program and before the issuance of the first CDP by the County requiring a fee to be paid by the applicant. Such fee shall be approved pursuant to an amendment to this LCP. If at the time of issuance no amendment has been approved by the Coastal Commission with full certification and jurisdiction returned, then the County shall collect the fee established in the in-lieu fee study approved by the Board of Supervisors.

- e. If the RCP is not in existence: The fee shall be applied to each acre of H1 habitat impacted by the provision of less than a 100-foot H1 habitat buffer. The fee shall also be applied to each acre of H2 habitat impacted by development through direct removal, or modification (including removal, thinning, and/or irrigation). A determination of the total number of acres of H1 and/or H2 habitat and the total fee amount required (based on the fee per acre multiplied by the total number of acres of habitat impacted) shall be included in the findings of every CDP approved for development.
- f. If the RCP is not in existence, a condition of approval on each CDP subject to the provisions of this section shall require the payment of the in-lieu fee into the Habitat Impact Mitigation Fund administered by the County.
- g. The proceeds of the Habitat Impact Mitigation Fund will be used by the County to purchase properties that contain substantial areas of habitat identified on the Biological Resources Map as H1 habitat or other properties that contain critical habitat and/or wildlife linkages or other significant habitat values for the Santa Monica Mountains as determined by the County.

- CO-87 Mitigation for unavoidable permanent impacts to H1 habitat for one of the non-resource-dependent uses allowed by Policy CO-41 shall be provided, at a minimum, through the restoration and/or enhancement of like habitat type, at the ratio of 4:1 (acres of restored habitat to each acre of impacted H1 habitat) for wetland habitat, or the ratio of 3:1 (acres of restored habitat to each acre of impacted H1 habitat) for all other H1 habitat types. Priority shall be given to onsite restoration or enhancement, unless there is not sufficient area of disturbed habitat on the project site, in which case off-site mitigation may be allowed. The area of off-site habitat to be restored shall be permanently preserved through the recordation of an open space deed restriction or conservation easement. The County shall coordinate with other public agencies and/or qualified non-profit land preservation organizations to establish priorities for offsite restoration and enhancement efforts, where appropriate, for proposed development projects lacking adequate onsite mitigation opportunities.
- CO-88 Support the removal of Rindge Dam from Malibu Creek and other passage barriers throughout the Coastal Zone to help restore steelhead trout habitat and facilitate sediment transfer to beaches downstream.
- CO-89 To protect seabird-nesting areas, no pedestrian access shall be provided on bluff faces except along existing, formal trails or stairways. New structures shall be prohibited on bluff faces, except for stairs or accessways to provide public beach access.
- CO-90 New recreational facilities or structures on beaches shall be designed and located to minimize impacts to H1 habitat and marine resources.
- CO-91 Access for geologic testing (or percolation or well testing) shall use existing roads or track-mounted drill rigs where feasible. Where there is no feasible access, a temporary access road may be permitted when it is designed to minimize length, width and total grading to that necessary to accommodate required equipment. All such temporary roads shall be restored to the maximum extent feasible through grading to original contours, revegetating

with native plant species indigenous to the project site, and monitoring to ensure successful restoration.

- CO-92 Leachfields shall be located at least 100 feet and seepage pits shall be located at least 150 feet from any stream, as measured from the outer edge of riparian canopy, or from the stream bank where no riparian vegetation is present, and at least 50 feet outside the dripline of existing oak, sycamore, walnut, bay, and other native trees. The County shall ensure that new leachfields and seepage pits permitted by the County comply with all applicable Water Resources Control Board requirements, and that the LCP is updated to ensure consistency between the policies contained within the LCP and such Water Resources Control Board requirements.
- CO-93 Public accessways, trails, and low-impact campgrounds shall be an allowed use in H1 and H2 habitat areas. Accessways to and along the shoreline shall be sited, designed, and managed to avoid and/or protect marine mammal hauling grounds, seabird nesting and roosting sites, sensitive rocky points and intertidal areas, and coastal dunes. Inland public trails and low-impact campgrounds shall be located, designed, and maintained to avoid or minimize impacts to H1 or H2 habitat areas and other coastal resources by utilizing established trail corridors, following natural contours to minimize grading, and avoiding naturally-vegetated areas with significant native plant species to the maximum extent feasible. Trails shall be constructed in a manner that minimizes grading and runoff.
- CO-94 Exterior lighting (except traffic lights, navigational lights, and other similar safety lighting) shall be minimized, restricted to low-intensity features, shielded, and cause no light to trespass into native habitat to minimize impacts on wildlife. Night lighting for development allowed in H2 or H3 habitat may be permitted when subject to the following standards.
- a. The minimum lighting necessary shall be used to light walkways used for entry and exit to the structures, including parking areas, on the site. This lighting shall be limited to fixtures that do not exceed two feet in height, that are directed downward, and use bulbs that do not exceed 60 watts, or the equivalent. All other lighting of driveways or access roads is prohibited.
  - b. Security lighting shall be attached to the residence or permitted accessory structures that is controlled by motion detectors, and is limited to 60 watts, or the equivalent.
  - c. Night lighting for sports courts or other private recreational facilities shall be prohibited except for minimal lighting for equestrian facilities as provided for in CO-103.
  - d. Lighting is prohibited around the perimeter of the parcel or for aesthetic purposes.
  - e. Prior to issuance of a CDP, the applicant shall be required to execute and record a deed restriction reflecting the above restrictions. Public agencies shall not be required to record a deed restriction, but may be required to submit a written statement agreeing to any applicable restrictions contained in this subsection.
- CO-95 Public works projects that involve necessary repair and/or maintenance of drainage devices and road-side slopes within and adjacent to streams, riparian habitat, or any H1 or H2 habitat in order to repair or protect existing public roads, shall comply with the following requirements in addition to all other requirements of the LCP.

- a. The development shall be the minimum design necessary to protect existing development in order to minimize adverse impacts to coastal resources.
- b. The development shall avoid encroachment into H1 habitat, H1 habitat buffers, and H2 habitat to the maximum extent feasible. Where it is determined to be infeasible to avoid habitat areas, removal of habitat shall be minimized to the extent feasible and all feasible mitigation measures shall be provided.
- c. Habitat areas temporarily disturbed by grading and/or construction activities shall be revegetated with native plant species appropriate for the type of habitat impacted, pursuant to a restoration plan.
- d. The adverse impacts to biological resources resulting from habitat areas that are permanently removed or impacted shall be mitigated through either on-site or off-site restoration as a condition of approval.

#### Fuel Modification Policies

- CO-96 All new development shall be sited and designed to minimize required fuel modification and brushing to the maximum extent feasible in order to minimize habitat disturbance or destruction, removal or modification of natural vegetation, and irrigation of natural areas, while providing for fire safety. Development shall utilize fire-resistant materials. Alternative fuel modification measures, including but not limited to landscaping techniques to preserve and protect habitat areas, buffers, designated open space, or public parkland areas, may be approved by the Fire Department only where such measures are necessary to protect public safety. All development shall be subject to applicable federal, State and County fire protection requirements.
- CO-97 As required by Policy SN-35, applications for new development shall include a fuel modification plan for the project site, approved by the County Fire Department. Additionally, applications shall include a site plan depicting the brush clearance, if any, that would be required on adjacent properties to provide fire safety for the proposed structures.
- CO-98 Applications for new development shall include the total acreage of natural vegetation that would be removed or made subject to thinning, irrigation, or other modification by the proposed project, including building pad and road/driveway areas, as well as required fuel modification on the project site and brush clearance on adjoining properties.

#### Native Tree Protection Policies

- CO-99 New development shall be sited and designed to preserve oak, walnut, sycamore, bay, or other native trees to the maximum extent feasible that are not otherwise protected as H1 habitat and that have at least one trunk measuring six inches or more in diameter, or a combination of any two trunks measuring a total of eight inches or more in diameter, measured at four and one-half feet above natural grade. Removal of native trees shall be prohibited except where no other feasible alternative exists. Development shall be sited to prevent any encroachment into the protected zone of individual native trees to the maximum extent feasible, as set forth below. Protected Zone means that area within the dripline of the tree and extending at least five feet beyond the dripline, or 15 feet from the trunk of the tree, whichever is greater. If there is no feasible alternative that can prevent tree removal or encroachment, then the alternative that would result in the fewest or least-

significant impacts shall be selected. Adverse impacts to native trees shall be fully mitigated, with priority given to on-site mitigation. Mitigation shall not substitute for implementation of the feasible project alternative that would avoid impacts to native trees and/or woodland habitat.

When unavoidable adverse impacts to native trees will result from permitted development, the impacts must be mitigated in accordance with the following standards and subject to a condition of approval requiring a native tree replacement planting program:

**Table 1. Native Tree Mitigation**

| <b>Impact</b>  | <b>Mitigation Ratio (no. of replacement trees required for every 1 tree impacted/removed)</b> |
|--|---|
| Removal  | 10:1  |
| > 30% encroachment into protected zone   | 10:1  |
| Encroachment that extends within 3 ft. of tree trunk                                       | 10:1  |
| Trimming branch with over 11 in. diameter without encroachment within 3 ft. of tree trunk  | 5:1   |
| 10-30% encroachment into protected zone without encroachment within 3 ft. of tree trunk    | 5:1   |
| < 10% encroachment into protected zone and without encroachment within 3 ft. of tree trunk | None. Monitoring required.  |

Where development encroaches into less than 30 percent of the protected zone of native trees, each affected tree shall be monitored annually for a period of not less than 10 years. An annual monitoring report shall be submitted for review by the County for each of the 10 years. Should any of these trees be lost or suffer worsened health or vigor as a result of the proposed development, the applicant shall mitigate the impacts at a 10:1 ratio with seedling-sized trees.

CO-100 New development on sites containing oak, walnut, sycamore, bay, or other native trees shall incorporate the following native tree protection measures:

- a. Protective fencing shall be used around the outermost limits of the protected zones of the native trees within or adjacent to the construction area that may be disturbed during construction or grading activities. Before the commencement of any clearing, grading, or other construction activities, protective fencing shall be placed around each applicable tree. Fencing shall be maintained in place for the duration of all construction. No construction, grading, staging, or materials storage shall be allowed within the fenced exclusion areas, or within the protected zones of any onsite native trees.
- b. Any approved development, including grading or excavation, that encroaches into the protected zone of a native tree shall be undertaken using only hand-held tools.
- c. The applicants shall retain the services of a qualified independent biological consultant or arborist, approved by the Director, to monitor native trees that are within or adjacent to the construction area. Public agencies may utilize their own staff who have the appropriate classification. If any breach in the protective fencing occurs, all work shall be suspended until the fence is repaired or replaced..

### Restoration

- CO-101 Any CDP for development that includes impacts to H1, H2 “High Scrutiny” or H2 habitat that are required to be reduced or mitigated through habitat restoration and/or enhancement shall include a condition requiring the preparation and implementation of a detailed habitat restoration/enhancement plan that, at a minimum, includes all of the following:
- a. A detailed restoration or enhancement plan. The habitat restoration area shall be delineated on a detailed site plan, to scale, that illustrates the parcel boundaries, topography, existing habitat types, species, size, and location of all native plant materials to be planted. The habitat restoration plan shall be prepared by a qualified resource specialist or biologist familiar with the ecology of the Santa Monica Mountains and shall be designed to restore the area in question for habitat function, species diversity and vegetation cover appropriate for the type of habitat impacted. The restoration plan shall include an evaluation of existing habitat quality, statement of goals and performance standards, revegetation and restoration methodology, and maintenance and monitoring provisions; and
  - b. The habitat restoration/enhancement plan shall specify that habitat restoration and/or enhancement shall be monitored for a period of no less than five years following completion. Specific restoration objectives and performance standards shall be designed to measure the success of the restoration and/or enhancement. Mid-course corrections shall be implemented if necessary. Monitoring reports shall be provided to the County annually and at the conclusion of the five-year monitoring period that document the success or failure of the restoration. If performance standards are not met by the end of five years, the monitoring period shall be extended until the standards are met. The restoration will be considered successful after the success criteria have been met for a period of at least two years without any maintenance or remedial activities other than exotic species control. At the County’s discretion, final performance monitoring will be conducted by an independent monitor or County staff with the appropriate classification, supervised by the staff biologist and paid for by the applicant. If success criteria are not met within 10 years, the applicant shall submit an amendment proposing alternative restoration.

### Agriculture and Confined Animal Facilities

- CO-102 New crop, orchard, vineyard, and other crop-based non-livestock agricultural uses are prohibited. Existing, legally-established agricultural uses shall be allowed to continue. Gardens located within the building site area of both residential and non-residential uses, or Fuel Modification Zones A and B, whichever is greater, may be allowed, consistent with Policy CO-54.
- CO-103 Development permitted within H2 or H3 habitat may include accessory confined animal facilities limited to stables, barns, shelters, tack rooms, corrals, turnout pens, hay storage structures, loafing sheds, non-irrigated arenas and pens, manure management facilities,

water troughs, horse trailer storage, covered equipment storage, non-irrigated pastures, wash rack, mounting blocks, tie racks, and fencing associated with any of the above. Night lighting for these facilities may be established as follows:

- a. Necessary security lighting attached to a barn or storage structure that is controlled by motion detectors and limited to 60 watts or equivalent;
- b. Arena and round pen lighting by bollard or fence-mounted fixtures that do not exceed four feet in height, and that are directed downward.

Within H3 habitat areas, accessory equestrian facilities identified above may be located within or outside of the fuel modification area required by the Fire Department for the principal permitted use, subject to all other policies of the LCP.

In areas of H2 habitat, accessory confined animal facilities identified above may be allowed within the fuel modification area that is required by the Los Angeles County Fire Department (Zones A, B, and/or C if required) for the principal permitted use structure(s) within the approved building site. Such uses may be located only on natural slopes of 3:1 (horizontal:vertical) or less steep, and may include the minimum grading necessary to establish such facilities. All such facilities must be constructed of non-flammable materials. Facilities shall be clustered to the maximum extent feasible to minimize the area disturbed and to avoid or minimize expansion of the required fuel modification area for the principal permitted use.

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

- CO-104 In areas of H2 habitat or H1 Quiet Zone, equestrian pasture comprised of only fenced areas for turnout, water troughs, and other minor improvements for which the Fire Department does not require fuel modification may be permitted outside of the fuel modification area required for the principal permitted use, only when located on slopes no steeper than 4:1 and habitat impact mitigation is required. Such pasture facilities shall not exceed an area more than 5 percent of the total parcel size, or two acres, whichever is less. Lighting and irrigation are not allowed in these areas. No locally-indigenous vegetation may be removed except as incidental and necessary to the setting of posts for fencing, fencing and gates.

The maximum area of impacts to H2 habitat outside of the fuel modification area required by the Fire Department for the approved structures comprising the principal permitted use for confined animal facilities shall be 5 percent of the total parcel size, or two acres, whichever is less, and this maximum shall be cumulative for facilities allowed by Policies CO-103 and CO-104.

- CO-105 Where confined animal facilities are approved as the only use of a parcel in H2 habitat, instead of a principal permitted use, said use and its required fuel modification, if any, shall not exceed three (3) contiguous acres, including graded areas, if any, and shall be restricted to slopes of 3:1 or less.

CO-106 Any approved agricultural or confined animal use shall include measures to minimize impacts to water quality, consistent with Policy CO-15 and all other policies of the LCP.

## **E. Hillside Management**

Along with vegetation, the bold open ridges, deep canyons, rolling hills, and interior valleys of the Santa Monica Mountains provide the foundation for the area's natural beauty. Most of the area's remaining vacant land consists of steep slopes in excess of 25 percent grade, with level topographic areas comprising only a small portion of the total land area. The natural hillsides remaining within the area are a significant biological and visual resource, and a key characteristic of the area's communities. Within the Coastal Zone, all properties with an average slope over 15 percent are considered to be within hillside management areas. Unless otherwise specified, the policies in this section apply to all hillsides, and not just to hillside management areas. These policies are meant to ensure that hillside development takes place only where appropriate, both in hillside management areas, and on other hillsides that do not meet the 15 percent average slope threshold.

Several significant topographical features characterize the region. The portion of Zuma/Trancas Canyon east and south of Mulholland Highway and north of Encinal Canyon Road provides one of the area's most visually prominent views of mountains, canyons, and valleys. Castro Peak, located east of Latigo Canyon Road in the north-central part of the study area, is a distinguishing feature that also marks the second-highest point in the Santa Monica Mountains. Saddle Peak, located west of scenic Schueren, Stunt, and Saddle Peak Roads, and Malibu Bowl, located adjacent to Malibu Creek State Park east of Corral Canyon Road, are also very striking.

While hillside areas are a notable asset of the region and worthy of sensitive treatment for their scenic and biotic values, they also require careful management in order to protect public safety and the quality of stream, ground, and coastal waters. Grading, development, landscaping, equestrian and other specific-use activities may change slope stability and the amount and quality of water runoff in these areas. Human activities in hillside areas that may directly or indirectly impact natural drainages and alter stormwater runoff must be evaluated and negative impacts addressed if necessary.

### **Hillside Management Goals and Policies**

***Goal CO-3: Retain the natural topographic character and vegetation of hillsides to the maximum extent possible and ensure that all development in such areas is sited and designed to provide maximum protection to public health and safety, coastal waters, public scenic views, and sensitive habitats.***

#### **Policies:**

CO-107 The maximum residential density allowed by the applicable land use category shall be restricted for land divisions within hillside management areas.

CO-108 Site and design new development to minimize the amount of grading and the alteration of natural landforms.

- CO-109 Site and design new development to protect natural features, and minimize removal of natural vegetation.
- CO-110 The height of structures shall be limited to minimize impacts to scenic resources.
- CO-111 Cut and fill grading may be balanced on-site where the grading does not substantially alter the existing topography and blends with the surrounding area. Exporting of excess soil may be required to preserve biotic, scenic, or other significant resources. Topsoil from graded areas shall be utilized for site landscaping where it does not substantially alter the existing topography and blends with the surrounding area.
- CO-112 Ensure that development conforms to the natural landform and blends with the natural landscape in site, design, shape, materials, and colors. Building pads on sloping sites shall utilize split-level or stepped-pad designs.
- CO-113 Restrict development on slopes of 50 percent or greater.
- CO-114 New development shall be sited and designed to minimize the height and length of manufactured cut and fill slopes, and minimize the height and length of retaining walls. Graded slopes shall blend with the natural contours of the land and shall utilize landform grading.
- CO-115 All structures on lots in hillside areas shall be clustered if clustering is shown to minimize site disturbance and grading. Development within a subdivision shall be clustered and utilize shared driveways.
- CO-116 Require all cut and fill slopes and other disturbed areas to be landscaped and revegetated prior to the beginning of the rainy season utilizing native, drought-tolerant plant species that blend with existing natural vegetation and natural habitats of the surrounding area.

## **F. Open Space**

About 27,000 acres within the Coastal Zone - about 53 percent of the area - have been preserved as public open space or land preservation areas. These lands are under the management of government agencies such as the National Park Service, the California Department of Parks and Recreation, and the Santa Monica Mountains Conservancy, and non-government organizations such as the Mountains Restoration Trust. Additional committed open space areas include permanent open space lands preserved as the result of various development approvals.

The area's recreational potential has been advanced through substantial investment of public funds in federal and State parks, and through the establishment of the Santa Monica Mountains National Recreation Area and agencies and organizations such as the Santa Monica Mountains Conservancy, the Mountains Recreation and Conservation Authority, and the Mountains Restoration Trust. Not all recreational opportunities and uses are limited to public parks, as other established open lands provide substantial passive recreation to County residents and visitors. This includes significant investment by private land trusts holding land for future transfer to public agencies, as well as entrepreneurial and family investments in private recreational facilities.

There are generally three types of open space in the Coastal Zone:

- Open Space for the Protection of Natural Resources. Most of the land acquired by the National Park Service, the California Department of Parks and Recreation, and the Santa Monica Mountains Conservancy falls into this category, as these lands contain significant biological resources. Much of the remaining open space within the region contains a variety of important locally-indigenous plant and wildlife habitats and habitat linkages. These habitats also represent a scenic resource of great value.
- Open Space for the Protection of Public Health and Safety. Many hillside areas have proven to be unstable. They are unsuitable for development and are more appropriately left as open space. Many steeply-sloping areas and areas subject to flooding have been committed to long-term open space, primarily as part of past development approvals.
- Open Space for Public Recreation. These open space areas include the public and private parks and beaches managed by Los Angeles County and property owners' associations, dedicated trail easements, and recreation areas owned and managed by agencies such as the National Park Service and the California Department of Parks and Recreation. Also included are areas of outstanding scenic beauty and historically- or culturally-significant sites.

Additionally, large blocks of privately-owned undeveloped lands that exist throughout the region function as open space when not fenced.

One of the major goals of this LUP is to assist in establishing a system of interconnected parks and regional trails.

## **Open Space Goals and Policies**

***Goal CO-4: An integrated open space system that preserves valuable natural resources and provides a variety of recreational opportunities, within a program coordinated among federal, State, local, and non-profit agencies.***

### Policies:

- CO-117 Require open space easements or deed restrictions as part of development projects on sites containing SERAs in order to ensure that approved building site areas are limited and impacts to coastal habitat are minimized.
- CO-118 When development conditions of approval set aside lands for open space, clearly define the land's intended open space functions and ensure that the management and use of such lands are consistent with those intended open space functions.
- CO-119 Depict as permanent deed-restricted open space on the Land Use Policy Map all public or private parcels set aside as open space through the recordation on title of conservation easements, open space easements and open space deed restrictions.
- CO-120 Require that any new development or improvement is sited and designed so required fuel modification or brush clearance does not encroach into dedicated open space or parkland where feasible.

- CO-121 Pursue a variety of methods to preserve open space, including fee-simple acquisition, purchase of development rights, land swaps, regulations, or development density and lot retirement incentives. For County, State, and federal funds that may be earmarked for open space, assign high priority to acquiring properties designated on the National Park Service's Land Protection Plan, and to parcels within H1 and H2 habitat areas.
- CO-122 Implement legal protections, such as deed restrictions and dedication of open space easements, to ensure designated open space lands are preserved in perpetuity.
- CO-123 When accepting open space dedications, prioritize acquisitions to those lands that contain unique ecological features; protect undeveloped streams, watersheds, woodlands, and grasslands; prevent vegetation clearance or grading of steep areas; help reduce development-induced runoff; and protect existing and approved recreation areas.

## **G. Scenic Resources**

The natural beauty of the Santa Monica Mountains is widely recognized as one of its most distinctive and valuable attributes, making it a primary attraction to residents and visitors. The environment is characterized by occasional morning fog draping over rolling hills, canyons, oak woodlands, and dramatic geologic features coexisting with distinctive communities, such as Topanga and Monte Nido. There are also a number of local and regional recreation trails and scenic driving routes that meander through the Mountains, including two State-designated County Scenic Highways: Mulholland Highway and Malibu Canyon-Las Virgenes Road.

Given the proximity of development to such abundant scenery, any form of physical alteration has immediate and noticeable effects. Activity in the area, whether it is residential development, recreation facilities, or agriculture, has greater visual impacts on the land than in many other parts of Los Angeles County. The visual impact of building, grading, or even vegetation removal can be just as dramatic as the natural features themselves. In some parts of the Santa Monica Mountains, natural features have been graded away or built upon, effectively obliterating any scenic qualities.

Dramatic topographic features and rural conditions make the area's scenic resources highly visible to residents and visitors. Views of natural features are the focus of scenic preservation and enhancement. The following policies are not intended to completely preclude development from scenic areas, but are a means to protect scenic qualities. Their intent is to require and achieve a sensitive balance between development and protecting the visual qualities of the Santa Monica Mountains.

The following significant scenic resource features are designated on the Scenic Resources map of the LUP:

- Scenic Elements;
- Significant Ridgelines; and
- Scenic Routes.

***Scenic Elements.*** Scenic Elements are designated areas that contain exceptionally-scenic features unique not only to the Santa Monica Mountains, but to the Los Angeles County region. These areas

are characterized by rare or unique geologic formations, such as large rock outcroppings and sheer canyon walls, as well as coastline viewsheds, undisturbed hillsides and/or riparian or woodland habitat with intact locally-indigenous vegetation and plant communities.

***Significant Ridgelines.*** Ridgelines are defined as the line formed by the meeting of the tops of sloping surfaces of land. In general, Significant Ridgelines are highly visible and dominate the landscape. Significant Ridgelines were selected based on one or more of the following criteria:

- a. Topographic complexity: Ridges that have a significant difference in elevation from the valley or canyon floor, such as in Malibu Canyon;
- b. Near/far contrast: Ridges that are a part of a scene that includes a prominent landform in the foreground and a major backdrop ridge with an unbroken skyline, such as in Las Flores Canyon;
- c. Cultural landmarks: Ridges that frame views of well-known locations, structures or other places which are considered points of interest in the Coastal Zone, such as Castro Peak and Turtle Rock;
- d. Uniqueness and character of a specific location: Peaks and their adjoining ridges, such as Saddle Peak;
- e. Existing community boundaries and gateways: Ridges and surrounding terrain that separate communities, and provide the first view of predominantly natural, undeveloped land as a traveler emerges from the urban landscape, such as the ridgelines surrounding the Monte Nido area; and
- f. Overall integrity: Ridges that comprise a significant component of a pristine, undeveloped mountain system and are viewable from a public place, such as those surrounding Arroyo Sequit.

***Scenic Routes.*** Scenic routes are selected for the unique natural aesthetic qualities that can be experienced as one drives along them. Scenic Routes also include County Scenic Highways. The selected routes pass along wide swaths of undisturbed habitat, offer views of dramatic geologic or coastal formations, pass by rolling hills studded with oaks, and wind past areas rich with riparian vegetation. County Scenic Highways are recognized by the State as possessing aesthetic qualities of Statewide importance, and are marked with the familiar poppy signs.

While only significant scenic resource features are identified on the Scenic Resources map, there are other scenic resources in the Santa Monica Mountains of regional and national importance that are to be protected. These include places on, along, within, or visible from scenic routes, public parklands, trails, beaches, and state waters that offer scenic vistas of the mountains, canyons, coastline, beach, and other unique natural features. The purpose of the following policies is to protect the scenic and visual qualities of all scenic resources.

## **Scenic Resources Goals and Policies**

***Goal CO-5: Retain the scenic beauty of the plan area by considering and protecting its scenic and visual qualities as a resource of public importance.***

### *Policies:*

- CO-124 The Santa Monica Mountains contain scenic resources of regional and national importance. The scenic and visual qualities of these resources shall be protected and, where feasible, enhanced.
- CO-125 Protect public views within Scenic Areas and throughout the Coastal Zone. Places on, along, within, or visible from Scenic Routes, public parklands, public trails, beaches, and state waters that offer scenic vistas of the mountains, canyons, coastline, beaches, and other unique natural features are considered Scenic Resource Areas. Scenic Resource Areas do not include areas that are largely developed such as existing, predominantly built-out residential subdivisions. Scenic Resource Areas also include the scenic resources identified on Map 3 and consist of Scenic Elements, Significant Ridgelines, and Scenic Routes. In addition to the resources identified on Map 3, the public parkland and recreation areas identified on Map 4 are also considered Scenic Resource Areas.
- CO-126 Maintain and enhance the quality of vistas along identified Scenic Routes. The following roadways are considered Scenic Routes:
- Mulholland Scenic Corridor and County Scenic Highway;
  - Pacific Coast Highway (SR-1);
  - Malibu Canyon/Las Virgenes Road County Scenic Highway;
  - Kanan Dume Road;
  - Topanga Canyon Boulevard (SR-27);
  - Old Topanga Canyon Road;
  - Saddle Peak Road/Schueren Road;
  - Piuma Road;
  - Encinal Canyon Road;
  - Tuna Canyon Road;
  - Rambla Pacifico Road;
  - Las Flores Canyon Road;
  - Corral Canyon Road;
  - Latigo Canyon Road; and
  - Little Sycamore Canyon Road.
- CO-127 Protect public views of designated Scenic Elements and Significant Ridgelines, the ocean, and beaches. The viewshed and line-of-sight to these scenic resources shall also be preserved and protected.
- CO-128 New development shall be subordinate to the character of its setting.
- CO-129 Development shall not encroach into regionally- or locally-significant skylines and significant ridgelines.
- CO-130 Preserve large areas of natural open space of high scenic value by siting development in existing developed areas.
- CO-131 Site and design new development to minimize adverse impacts on scenic resources to the maximum extent feasible. If there is no feasible building site location on the proposed

project site where development would not be visible, then the development shall be sited and designed to minimize impacts on scenic areas through measures that may include, but not be limited to, siting development in the least visible portion of the site, breaking up the mass of new structures, designing structures to blend into the natural hillside setting, restricting the building maximum size, reducing maximum height, clustering development, minimizing grading, incorporating landscape and building material screening elements, and where appropriate, berming.

CO-132 Avoidance of impacts to scenic resources through site selection and design alternatives is the preferred method over landscape or building material screening. Landscape or building material screening shall not substitute for project alternatives including re-siting or reducing the height or bulk of structures.

CO-133 New development shall be sited and designed to minimize alteration of natural landforms by:

- a. Conforming to the natural topography.
- b. Preventing substantial grading or reconfiguration of the project site.
- c. Eliminating flat building pads on slopes. Building pads on sloping sites shall utilize split-level or stepped-pad designs.
- d. Requiring that manufactured contours mimic the natural contours.
- e. Ensuring that graded slopes blend with the existing terrain of the site and surrounding area.
- f. Minimizing grading permitted outside of the building footprint.
- g. Clustering structures to minimize site disturbance and to minimize development area.
- h. Minimizing height and length of cut and fill slopes.
- i. Minimizing the height and length of retaining walls.
- j. Cut and fill operations may be balanced on site, where the grading does not substantially alter the existing topography and blends with the surrounding area. Export of cut material may be required to preserve the natural topography.

CO-134 The length of roads or driveways shall be minimized, except where a longer road or driveway would allow for an alternative building site location that would be more protective of scenic resources, H1 habitat areas, or other coastal resources. Driveway slopes shall be designed to follow the natural topography, unless otherwise required by the Fire Department. Driveways that are within or visible from a scenic resource shall be a neutral color that blends with the surrounding landforms and vegetation.

CO-135 Preserve topographic features of high scenic value in their natural state, including canyon walls, geological formations, creeks, ridgelines, and waterfalls.

CO-136 Prohibit development on designated Significant Ridgelines and require that structures be located sufficiently below such Ridgelines so as to preserve unobstructed views of a natural skyline. In addition, all ridgelines other than Significant Ridgelines that are visible from a Scenic Route, public parkland, public trails, or a beach shall be protecting by siting new development below the ridgeline to avoid intrusions into the skyline where feasible. Where there is no feasible alternative building site or where the only alternative building sites below the ridgeline would result in unavoidable impact to H1 habitat areas, structures shall

be limited to one story (18 feet maximum from existing or finished grade, whichever is lower) in height to minimize visual impacts and preserve the quality of the scenic area.

- CO-137 Preserve and, where feasible, restore and enhance individual native trees and native tree communities in areas containing suitable native tree habitat – especially oak, walnut, and sycamore woodlands and savannas – as important elements of the area’s scenic character.
- CO-138 New development shall minimize removal of native vegetation.
- CO-139 Cut and fill slopes and other areas disturbed by construction activities shall be landscaped or revegetated prior to the beginning of the rainy season, unless the County Biologist determines that another time would be more advantageous for the long-term success of the vegetation included in the landscaping/revegetation project. All such landscaping/vegetation shall include only native, drought-tolerant plant species that blend with the existing natural vegetation.
- CO-140 Prohibit placing new and phase out any existing offsite advertising signs and onsite pole signs upon change of use, along designated scenic routes. Prohibit the placement of signs (except traffic control signs), utilities, and accessory equipment that would adversely impact public views to the ocean, parks, and scenic resources wherever feasible.
- CO-141 Limit and design exterior lighting to preserve the visibility of the natural night sky and stars, to the extent feasible and consistent with public safety. Light pollution impacts the Coastal Zone’s native species, residents, and visitors in ways we are only beginning to understand. This is a quickly evolving field where today’s best practices are not necessarily consistent with those of only a decade ago. Therefore, Los Angeles County will revisit the LIP’s Dark Skies requirements, to ensure that they are consistent with the best practices in the field, five years after the LCP’s certification date.
- CO-142 Maintain dark skies in the Coastal Zone by reducing light pollution and requiring compliance with Dark Skies principals and best practices to the maximum extent feasible. Only very limited night lighting for equestrian facilities shall allowed and must be consistent with Policy CO-103. Night lighting for sport courts or other private recreational facility shall be prohibited.
- CO-143 All new structures shall avoid large cantilevers or understories. Cantilevers and understories shall be minimized and covered with materials that blend with the surrounding landscape.
- CO-144 New development shall incorporate colors and exterior materials that are compatible with the surrounding landscape. The use of highly-reflective materials shall be prohibited, with the exception of solar panels.
- CO-145 Solar energy devices/panels shall be sited on the rooftops of permitted structures, where feasible to minimize site disturbance and the removal of native vegetation. If roof-mounted systems are infeasible, ground-mounted systems may be allowed only if sited within the building site area of permitted development. Wind energy systems are prohibited.

- CO-146 Encourage the undergrounding of all existing and future utilities as funding is available.
- CO-147 Limit the height of structures above existing grade to minimize impacts to visual resources. Within scenic areas, the maximum allowable height shall be 18 feet above existing or finished grade, whichever is lower. Chimneys, rooftop solar equipment and non-visually-obstructing rooftop antennas may be permitted to extend above the allowable height of the structure, but shall not extend more than six feet above the maximum allowable height.
- CO-148 Design and locate signs to minimize impacts to visual resources. Signs approved as part of commercial development shall be part of a coordinated sign program incorporated into the design of the project and shall be subject to bulk, height, and width limitations.
- CO-149 Fences, gates, and walls shall be designed to incorporate veneers, texturing, and/or colors that blend in with the surrounding natural landscape, and shall not present the appearance of a bare wall.
- CO-150 Fences, gates, walls, and landscaping shall minimize impacts to public views of scenic areas, and shall be compatible with the character of the area.
- CO-151 Limit height of retaining walls by using stepped or terraced retaining walls, with plantings in-between. Where feasible, long continuous walls shall be broken into sections or shall include undulations to provide visual relief.
- CO-152 Require wireless telecommunication facilities to be designed and sited in such a manner that they minimize impacts to visual resources and blend into the landscape. Such facilities shall be co-located where feasible. This may include requiring one taller pole rather than allow multiple shorter poles. New wireless telecommunication facilities may be disguised as trees of a species that would likely be found in the surrounding area and that blend with the natural landscape when it is not feasible to co-locate on an existing pole.
- CO-153 Public works projects along scenic routes that include hardscape elements such as retaining walls, cut-off walls, abutments, bridges, and culverts shall incorporate veneers, texturing, and colors that blend with the surrounding landscape. The design of new bridges on scenic routes shall be compatible with the rural character of the Santa Monica Mountains and designed to protect scenic views.
- CO-154 Land divisions, including lot line adjustments, shall be designed to minimize impacts to visual resources by:
- a. Clustering the building sites to minimize site disturbance and maximize open space.
  - b. Prohibiting building sites on ridgelines.
  - c. Minimizing the length of access roads and driveways.
  - d. Using shared driveways to access development on adjacent lots where feasible.
  - e. Reducing the maximum allowable density in steeply sloping and visually sensitive areas.
  - f. Minimizing grading and alteration of natural landforms.

## **H. Recreation and Trails**

The Santa Monica Mountains offer the Los Angeles metropolitan area a wide range of public and private recreational opportunities. The Mountains are particularly well-suited for passive outdoor recreational experiences in a natural setting. The value of recreation close to the urban complex is immense. The Santa Monica Mountains area provides an opportunity to experience a recreation-oriented, outdoor lifestyle within the Los Angeles region. Several entities provide parks and recreational opportunities within the planning region, including the National Park Service, the California Department of Parks and Recreation, Santa Monica Mountains Conservancy, County of Los Angeles Department of Parks and Recreation, and area cities. Local organizations are also actively involved in the provision of regional recreation.

The cornerstones of the area's recreation opportunities are the existing federal and State parks, beaches, and trails. These areas and agencies' proposed acquisitions, linked by the scenic routes identified in this LUP and a network of multi-use trails (hiking, mountain biking, and equestrian) should be integrated and connect throughout the Santa Monica Mountains National Recreation Area. Public recreation areas may be supplemented by compatible commercial recreation uses such as lodging, camps, and equestrian facilities, maximizing the resource-based recreational opportunities available.

Public agencies are currently working to expand these facilities to accommodate these needs in the future. Many trails, established through years of use, traverse public and private property, and include designated bikeways along public roads. A formal, comprehensive public trail system for hikers, mountain bikers, and equestrians is being designed and managed by public agencies to address and incorporate these trails and roads and to link them to various recreational facilities. A recognized system of trails and bikeways in the Santa Monica Mountains will provide usable, safe access within and between recreation areas and parklands.

Expanding recreational amenities will increase the need for coordinated resource management necessary to protect sensitive habitats from overuse or degradation. Habitat protection in the Santa Monica Mountains should be ensured through an integrated recreation plan coordinated among responsible agencies and local organizations.

### **Visitor Serving Accommodations**

Visitor serving overnight accommodations in the Coastal area of the Santa Monica Mountains are to be provided through low impact facilities where infrastructure is available to serve these uses. They primarily will be public and private campgrounds. The land use designations, and development standards combined with the biological resources, topography and limited infrastructures in the Santa Monica Mountains significantly restricts new overnight accommodations with the exception of low impact facilities such as; bed and breakfast facilities, rural-inns, and accommodations for camping. Motels and more intensive commercial overnight accommodations are being provided in commercial areas adjacent to the 101 freeway, in nearby Santa Monica and in communities that have appropriate land use patterns, are easily accessible and have infrastructure.

### **Existing Public Parklands and Trail Facilities**

## **Parks**

There is vast public parkland within the Coastal Zone. Several entities provide parkland within the planning area, including the National Park Service, the California Department of Parks and Recreation, Santa Monica Mountains Conservancy, and area cities. The County of Los Angeles Department of Parks and Recreation does not currently operate any local or regional park facilities within the Coastal Zone (See Section I. Shoreline and Beaches).

## **Trails**

The existing Santa Monica Mountains trail system is comprised primarily of regional and local trails operated by public and private agencies, as well as trails that extend onto private lands. There are many trails throughout the Mountains, but only those within parklands, or along dedicated easements, are publicly protected. Maintenance and often basic construction of trails protected through public ownership, prescriptive use, or easements are primarily carried out by volunteers.

The Santa Monica Mountains Area Recreational Trails (SMMART) Coordination Project, a consortium of public agencies and private concerns which includes the National Park Service (NPS), California Department of Parks and Recreation (CDPR), the Santa Monica Mountains Conservancy (SMMC), and the Santa Monica Mountains Trails Council, has proposed additions to the County's trails plan as well as new trail amenities such as trail camps to be considered by the park agencies.

In response to the information developed by the SMMART Project, the NPS, CDPR, and the SMMC have composed the Interagency Trail Management Plan, an integrated trail system for the Santa Monica Mountains National Recreation Area that aims to balance recreational access with resource protection. This system is intended to link area recreation facilities, to connect other local and regional trail networks, and to provide trail access between the Mountains, the coast, and other open space and parklands. The system will include trails of varying lengths and degrees of difficulty to accommodate people with a variety of skills and abilities, including the physically challenged, senior citizens, and families. Plans are underway to complete the Backbone Trail, which crosses the Santa Monica Mountains from Ventura County to the City of Los Angeles. A series of loop trails is planned for bicyclists, equestrians, and hikers. Overnight camps will be encouraged and established along longer trails to allow uninterrupted backpacking trips of several days' duration. The trail system should eventually connect with other major trails in the greater region, such as the Rim of the Valley Trail and the Pacific Crest Trail.

The Rim of the Valley Trail is within the State-designated Rim of the Valley Trail Corridor, stretching from Sierra Madre to Moorpark, and will link parklands and mountain open spaces encircling the San Fernando, Crescenta, western San Gabriel, Simi, and Conejo Valleys. The Rim of the Valley Trail will link to the Pacific Crest Trail and the Santa Monica Mountains Backbone Trail.

The 2,550-mile-long Pacific Crest Trail - a National Scenic Trail - passes through northern Los Angeles County mostly in the San Gabriel Mountains, Sierra Pelona Range, and mountains northeast of Pyramid Lake in the Angeles National Forest. The trail passes through intervening private lands before it crosses the western Antelope Valley into Kern County. Trails within the Coastal Zone should provide links to this major trail.

## Future Regional Trails

The Juan Bautista De Anza National Historic Trail is now being developed. This trail is one of only seven national historic trails. The trail commemorates the 1,200-mile expedition of Juan Bautista de Anza in 1775-1776, when he led a contingent of colonists from Mexico across deserts and mountains to establish a colony for Spain at San Francisco. An approximately five-mile segment of the Juan Bautista De Anza National Historic Trail will cross parklands in the Simi Hills north of the Coastal Zone. A spur trail to the south should connect the Anza National Historic Trail with Malibu Creek State Park, the approximate location of one of the expedition's camping sites. The National Park Service is coordinating this interstate planning effort.

The Simi-to-the-Sea, or Zuma Ridge, Trail will link Simi Valley to the sea, providing a continuous trail from the Arroyo Simi Equestrian Center through the Simi Hills to Zuma Canyon. The County of Los Angeles and the Santa Monica Mountains Trails Council maintain portions of the regional trail.

The Coastal Slope Trail will connect all of Malibu from the east to the west, and continue west of the Coastal Zone. With established connector trails and neighborhood trails, this complete system will enable residents to walk, hike, or ride from one part of town to another, to reach the beach at varying intervals, such as at Leo Carrillo and Topanga, or connect up to greater regional trails. The California Coastal Trail is a State-legislated trail that is to be planned and implemented as a continuous lateral trail system traversing the length of the State's coastline and connecting with contiguous trail links in adjacent coastal jurisdictions. The NPS, CDPR, and the SMMC will work in cooperation with other State agencies, local governments, and non-profit organizations to accomplish trail signage, access, and promotion.

## Trails Acquisition Programs

Trail easements over and improvements to trails on private lands are often included in conditions of development approval; funding for ongoing construction and maintenance of such trails should also be sought as part of such development. Open space lands may contain existing trails or provide opportunities for new trails, although funding for construction and maintenance is not necessarily assured. As trail acquisition opportunities arise, regional coordination is essential to both ensure an integrated trails network and to dedicate specific trail segments to the agency best able to fund trail construction and ongoing maintenance. New and increased funding sources should be sought to provide additional riding and hiking trail opportunities.

## Recreation and Trails Goals and Policies

***Goal CO-6: Provide maximum public access and recreational opportunities for all people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resources from overuse.***

### Policies:

CO-155 The beaches, parklands and trails located within the Coastal Zone provide a wide range of recreational opportunities in natural settings which include hiking, equestrian activities, bicycling, camping, educational study, picnicking, and coastal access. These recreational

opportunities shall be protected, and where feasible, expanded or enhanced as a resource of regional, State and national importance, and allowed to migrate when feasible with rising sea level.

- CO-156 Encourage a full range of recreational experiences to serve local, regional and national visitors with diverse backgrounds, interests, ages, and abilities, including the transit-dependent and the physically challenged.
- CO-157 In carrying out the requirements of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.
- CO-158 Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.
- CO-159 Lower-cost visitor-serving and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. Priority shall be given to the development of visitor-serving commercial and/or recreational uses that complement public recreation areas or supply recreational opportunities not currently available in public parks or beaches. Visitor-serving commercial and/or recreational uses may be located near public park and recreation areas only if the scale and intensity of the visitor-serving commercial recreational uses is compatible with the character of the nearby parkland and all applicable provisions of the LCP.
- CO-160 These public access policies shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:
- (1) Topographic and geologic site characteristics.
  - (2) The capacity of the site to sustain use and at what level of intensity.
  - (3) 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 and the proximity of the access area to adjacent residential uses.
  - (4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic value of the area by providing for the collection of litter.

In carrying out the public access policies of this LUP, the County shall consider and encourage the utilization of innovative access management techniques, including, but not limited to, agreements with private organizations which would minimize management costs and encourage the use of volunteer programs.

- CO-161 Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and future foreseeable demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.
- CO-162 The California Coastal Trail (CCT) shall be identified and defined as a continuous trail system traversing the length of the State's coastline and designed and sited as a continuous lateral trail traversing the length of the coastal zone and connecting with contiguous trail links in adjacent coastal jurisdictions.
- CO-163 The CCT shall be designed and implemented to achieve the following objectives:
- a. Provide a continuous walking and hiking trail as close to the ocean as possible;
  - b. Provide maximum access for a variety of non-motorized uses by utilizing alternative trail segments where feasible;
  - c. Maximize connections to existing and proposed local trail systems;
  - d. Ensure that all segments of the trail have vertical access connections at reasonable intervals;
  - e. Maximize ocean views and scenic coastal vistas;
  - f. Plan to relocate or replace trail segments so that the CCT can adapt to rising sea level;
  - g. Provide an educational experience where feasible through interpretive facilities.
- CO-164 Encourage opportunities for recreation throughout the Plan area when consistent with environmental values and protection of natural resources.
- a. Park and recreation uses shall be consistent with the visitor carrying capacity of specific areas, taking into consideration available support facilities, opportunities to develop new support facilities, accessibility, protection of natural resources, public safety issues, and neighborhood compatibility.
  - b. Regulate use to preserve resource values within natural areas intended for the protection of vegetative, habitat, and scenic resources.
  - c. Establish the facilities necessary for information, first aid, orientation, recreation, interpretation, education, and recreation area maintenance and operations, where appropriate. Site and design these facilities to minimize impacts to coastal resources in harmony with the surrounding natural landscape.
  - d. At the periphery of areas devoted to recreation, provide sufficient staging and parking areas at trail access points, including space to accommodate horse trailers where needed and appropriate; to ensure adequate access to the trails system, campgrounds, roadside rest, and picnic areas where suitable; to provide visitor information; and to establish day-use facilities, where the facilities are developed and operated in a manner consistent with the policies of the LUP and compatible with surrounding land uses.
  - e. Overnight campgrounds, including "low-impact" campgrounds, are permitted uses in parklands and are encouraged within park boundaries for public use to provide a wider range of recreational opportunities and low-cost visitor-serving opportunities for visitors of diverse abilities, where impacts to coastal resources are minimized and where such sites can be designed within site constraints and to adequately address public safety issues. These campgrounds help provide recreational opportunities and low-cost visitor-serving opportunities for visitors. Low-impact campgrounds constitute a resource-dependent use. Access to low-impact campgrounds shall be supported by

parking areas and designated ADA drop-offs that may be located in H2 or H3 habitat areas, where it is infeasible to site such facilities in non-habitat areas.

- f. In selected areas where physical constraints of natural park areas limit access opportunities for people with disabilities, park support facilities and amenities shall be developed and maintained, where consistent with public safety needs and resource protection policies to provide access opportunities for people with disabilities, and thematically link nature study, education and recreation via specialized public programs and events.

- CO-165 Public land, including rights of way, easements, and dedications, shall be utilized for public recreation or access purposes, where appropriate and consistent with public safety and the protection of SERAs.
- CO-166 Establish procedures to acquire land or the use of land from willing owners for recreational and open space purposes.
- CO-167 Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.
- CO-168 Encourage the involvement of volunteers and use conservation or public service programs, where possible, to assist in the development, maintenance, and operation of recreational facilities.
- CO-169 The use of private lands suitable for visitor-serving commercial recreational, including educational, facilities designed to enhance public opportunities for coastal recreation shall be given priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry. New visitor-serving commercial uses shall not displace existing low-cost recreational uses unless a comparable replacement area is provided.
- CO-170 Locate development of visitor-serving commercial recreational facilities at sites which provide convenient public access, adequate infrastructure, sufficient and safe parking, and that are designed to enhance public opportunities for recreation.
- CO-171 Allow visitor-serving commercial recreational uses near public parklands and recreation areas only if the development does not overload nearby recreation areas. This shall be determined by the scale and intensity of the proposed use and the compatibility with the character of the nearby parkland and recreation area.
- CO-172 Provide adequate parking to serve recreation uses. Existing parking areas serving recreational uses shall not be displaced unless a comparable replacement area is provided.
- CO-173 New development shall provide off-street parking sufficient to serve the approved use in order to minimize impacts to public street parking available for coastal access and recreation. Off-street parking for private use shall be adequate for the use, but may be reasonably restricted to protect existing uses or public safety where it is demonstrated that the proximity to a public area with a parking fee is causing the private area to be used for parking instead of the public parking area.

- CO-174 The implementation of restrictions on public parking, which would impede or restrict public access to beaches, trails or parklands, (including, but not limited to, the posting of “no parking” signs, red curbing, physical barriers, imposition of maximum parking time periods, and preferential parking programs) shall be prohibited except where such restrictions are needed to protect public safety and where no other feasible alternative exists to provide public safety. Where feasible, an equivalent number of public parking spaces shall be provided nearby as mitigation for impacts to coastal access and recreation.
- CO-175 Gates, guardhouses, barriers or other structures designed to regulate or restrict access shall not be permitted within private street easements where they have the potential to limit, deter, or prevent public access to the shoreline, inland trails, or parklands where there is substantial evidence that prescriptive rights exist.
- CO-176 Provide safe and accessible bikeways on existing roadways (see Map 4 Recreation) and support related facilities, where feasible, through the implementation of the adopted Bikeways Plan in the County General Plan.
- CO-177 Coordinate with federal, State, and County park agencies, and other qualified public and private land conservation agencies to insure that private land donations and/or public access dedications are accepted, developed, and managed for their intended use.
- CO-178 Coordinate with the National Park Service, the California Department of Parks and Recreation, the State Coastal Conservancy, Caltrans, the City of Malibu, the Mountains Recreation and Conservation Authority, and the Santa Monica Mountains Conservancy to provide a comprehensive signage program to identify public parks, trails and accessways. Said signage program should be designed to minimize conflicts between public and private property uses.
- CO-179 Protect and, where possible, enhance recreation and access opportunities at existing public beaches and parks as an important coastal resource. Public beaches and parks shall maintain lower-cost user fees and parking fees and maximize affordable public access and recreation opportunities to the extent possible. Limitations on time of use or increases in use fees or parking fees, which affect the intensity of use, shall be subject to a coastal development permit.
- CO-180 The extension of public transit facilities and services, including shuttle programs, to maximize public access and recreation opportunities shall be encouraged, where feasible.
- CO-181 Protect and enhance the County’s existing and proposed trails as shown on Map 4 Recreation. An extensive public trail system has been developed across the Santa Monica Mountains that provides public coastal access and recreation opportunities. This system includes trails located within public parklands as well as those which cross private property.
- a. New development shall be reviewed to determine the most appropriate means to protect trails. Depending on the size, location, impacts, and intensity of the proposed development, one of the following may be imposed: a setback from the trail, a trail easement, or a trail dedication. If an easement or dedication is required, it shall

- preferably be made to a qualified public agency or land conservation organization operating outdoor recreation facilities in the Santa Monica Mountains.
- b. New development shall minimize and avoid whenever possible impacts to the use of or views from existing trails.
  - c. As funding becomes available, and consistent with constitutional principles regarding property rights, develop the proposed trails as shown on Map 4 Recreation.
  - d. Design a trail system to provide linkages between major regional trails and area recreational facilities. Proposed trail locations are not intended to be precise, and the best and most feasible route would be determined as a result of further study during any review of a coastal development permit (see Map 4 Recreation).
  - e. Locate trails and trail facilities, including parking areas, in a manner that preserves natural resources, including scenic values, wildlife habitats and corridors, and water quality and that ensures maximum adaptive capacity to address sea level rise.
  - f. Prohibit motorized off-road vehicle use on the area trails system; restrict mountain bike use to designated multi-use trails specifically designed and identified for bicycles and where conflict with equestrian and hiking uses would not occur.
  - g. Preserve public rights when development is proposed, by obtaining trail easements where the public has acquired these rights through use, or where the trail is depicted on Map 4 Recreation to the maximum extent allowed by constitutional principles. Conduct a review of each development proposal to determine whether there is a nexus between the development's impacts and obtaining a trail easement, and to determine whether obtaining a trail easement is proportional mitigation for the impacts of the proposed development. Trail easements shall be dedicated to a public agency or land conservation organization operating outdoor recreation facilities in the Santa Monica Mountains.
  - h. Public accessways and trails are resource-dependent and shall be an allowed use in all habitat categories. Where necessary (determined by consideration of supporting evidence), limited or controlled methods of access and/or mitigation designed to eliminate or minimize impacts to H1 and H2 habitat areas shall be utilized. Accessways to and along the shoreline shall be sited, designed, and managed to avoid and/or protect marine mammal hauling grounds, seabird nesting and roosting sites, sensitive rocky points and intertidal areas, and coastal dunes.
  - i. Public accessways and trails to the shoreline and public parklands shall be a permitted use in all land use and zoning designations. Where there is an existing, but unaccepted and/or unopened public access offer-to-dedicate (OTD), easement, or deed restriction for lateral, vertical or trail access or related support facilities (e.g., parking) construction of necessary access improvements shall be permitted to be constructed, opened and operated for its intended public use where it is consistent with all other provisions of the LCP.

## **I. Shoreline and Beaches**

The remaining North Santa Monica Bay/Pacific Ocean shoreline under the County's land use jurisdiction is a natural resource of extraordinary aesthetic, environmental, and recreational value. This shoreline includes Topanga County Beach, Topanga State Park, and Leo Carrillo State Park, comprising nearly two miles of coastline, all of which are readily accessible to the public and provide swimming, sunbathing, fishing, and other recreational opportunities. Notable coastal habitats include

coastal strand, wetlands, tidal rock formations, estuaries, and coastal lagoons. The preservation of these habitat communities is critical for the distribution of stream sediment to the coastline for beach sand replenishment and for the maintenance of estuarine habitats. Additionally, estuary and lagoon habitats are a critical component of restoration efforts for steelhead trout migration.

There are numerous threats to the coastline and beach habitats and to public health and recreational resources, including beach sand erosion, pollution, and sea level rise. While beach erosion along the California coast is a natural process, it has been exacerbated by human activities, such as construction along the shore, upstream urbanization, dams, and debris basins, which have altered the natural movement of sand as well as the volume and character of the natural supply of sediment to the coastline, the most significant mineral resource found in the Coastal Zone. Additionally, impaired water quality resulting from nutrients, pathogens, toxics, trash, and sediment has impaired the many beneficial uses of water, including public recreational opportunities and marine habitat. Further, in some cases, urbanization and over-irrigation have resulted in disturbance of estuarine habitats due to elevated levels of groundwater. Sea level rise is expected to lead to increased erosion, loss of coastal wetlands, permanent or periodic inundation of low-lying areas, increase in coastal flooding, and salt water intrusion into stormwater systems and aquifers. Structures located along bluffs susceptible to erosion and in areas that already flood during high tides will likely experience an increase in these hazards from accelerated sea level rise. Sea level rise also threatens the integrity of roads and other infrastructure.

Located adjacent to the ocean, Pacific Coast Highway (PCH) presents a special consideration since the road and several essential utility facilities within the right-of-way may be threatened by erosion, wave uprush, and flooding. To protect PCH from these processes, Caltrans has armored portions of the shoreline in the Malibu area with rock revetments.

These threats have brought about the need for the policy provisions included in this section to better protect public health and shoreline resources.

## **Shoreline and Beaches Goals and Policies**

***Goal CO-7: Shoreline and beaches that are accessible to the public and protected to the greatest extent possible from the impacts of beach sand erosion, development, conflicting uses, sea level rise, and other possible threats.***

### Policies:

CO-182 Development in areas adjacent to sensitive marine and beach habitats shall be sited and designed to prevent impacts that could significantly degrade the environmentally sensitive habitats. All proposed uses shall be compatible with maintaining the biological productivity and integrity of such habitats.

CO-183 Protect marsh-wetland habitats, restore biological productivity where possible, and ensure adaptive capacity to address rising sea level.

CO-184 Prohibit the alteration or disturbance of marine mammal habitats and other sensitive resources, including haul-out areas, by recreational or any other new land uses.

- CO-185 Protect and enhance dune H1 habitat areas and other beach habitats. With the exception of vehicles utilized for emergency or official purposes, traffic through dunes and on the beach shall be prohibited. Such vehicular uses shall avoid sensitive habitat areas. Pedestrian traffic through dunes, where specifically permitted, shall use well-defined footpaths or other directed means of circulation. Nesting and roosting areas for sensitive birds shall be protected by measures including, but not limited to, fencing, signage, or seasonal access restrictions.
- CO-186 Preserve and, where feasible, enhance nearshore shallow water fish habitats.
- CO-187 Lagoon breaching or water level modification shall not be permitted, unless it can be demonstrated that there is a health or safety emergency, there is no feasible less-environmentally-damaging alternative, and all feasible mitigation measures will be implemented to minimize adverse environmental effects.
- CO-188 Allow the diking, filling, or dredging of open coastal waters, wetlands, and estuaries only where there is no feasible less-environmentally-damaging alternative, and where mitigation measures have been provided to minimize adverse environmental effects. Uses of open coastal waters, wetlands, and estuaries shall be limited to the following:
- Incidental public service purposes including, but not limited to, burying cables and pipes, bridge construction or repair, and maintenance of existing drainage structures;
  - Restoration purposes; and
  - Nature study, aquaculture, or similar resource-dependent activities.
- CO-189 Limit the construction of seawalls, revetments, breakwaters, or other hard protection devices for coastal erosion control to emergency cases. Any such permitted structures shall be sited to avoid impacting sensitive resources.
- CO-190 Where feasible, require the use of soft structures and living shorelines if shore protection is needed. Prohibit shoreline structures, including piers, groins, revetments, breakwaters, drainages, seawalls, pipelines, and other such construction that alters natural shoreline processes, except where there is no less-environmentally-damaging alternative for the protection of coastal-dependent uses, existing development, or public beaches in danger from erosion. Any such structures shall be sited to avoid sensitive resources and designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation or contributing to pollution problems and fish kills should be phased out or upgraded where technically feasible.
- CO-191 Coordinate with the Department of Beaches and Harbors and Caltrans on beach nourishment efforts and future strategies to protect against beach erosion and to protect Pacific Coast Highway.
- CO-192 Support regional sediment management and allow the placement of sediments removed through erosion or flood control facilities, at appropriate points on the shoreline for the purpose of beach sand replenishment. Design such a program to minimize adverse impacts to beach, inter-tidal, and offshore resources, and to incorporate appropriate mitigation measures.

- CO-193 Support Department of Fish and Wildlife and Regional Water Quality Control Board efforts to increase monitoring to assess the conditions of the Coastal Zone near-shore species, water quality, and kelp beds, and support rehabilitation or enhancement of deficient areas.
- CO-194 New development that is in proximity to the shoreline and beaches shall be sited and designed in ways that minimize:
- Risks to life and property;
  - Impacts to public access and recreation;
  - Impacts to scenic resources;
  - Impacts to the quality or quantity of the natural supply of sediment to the coastline; and
  - Accounts for sea level rise and coastal storm surge projections.
- CO-195 Minimize human-induced erosion by reducing concentrated surface runoff from use areas and elevated groundwater levels from urbanization and irrigation.
- CO-196 Support efforts and funding to maintain clean beaches and improve the water quality of coastal waters, estuaries, and nearshore waters.
- CO-197 Initiate or participate in aerial and regional studies of sea level rise vulnerability, and adaptation, and in shoreline monitoring to identify sea level rise concerns and possible erosion or sea level “hot spots”.
- CO-198 Research and respond to the impacts of sea level rise on the Pacific Ocean/North Santa Monica Bay shoreline, with special attention to beach level septic and leachfield systems.
- a. Continue to gather information on the effects of sea level rise on the shoreline, including identifying the most vulnerable areas, structures, facilities, and resources; specifically areas with priority uses such as beaches, public access and recreation resources, including the California Coastal Trail, Highway 1, significant H1 habitat such as wetlands or wetland restoration areas and riverine areas, open space areas where future wetland migration would be possible, and existing and planned sites for critical infrastructure. Participate, as possible, in regional assessments of sea level rise vulnerability, risk and adaption planning efforts to ensure compatible treatment for sea level rise across jurisdictional boundaries. Any vulnerability assessment shall use best available science and multiple scenarios including best available scientific estimates of expected sea level rise, such as by the Ocean Protection Council [e.g. 2011 OPC Guidance on Sea Level Rise], National Research Council, Intergovernmental Panel on Climate Change, and the West Coast Governors Alliance.
  - b. Based on information gathered over time, propose additional policies and other actions for inclusion in the LCP in order to address the impacts of sea level rise. As applicable, recommendations may include such actions as:
    - relocation of existing or planned development to safer locations, working with entities that plan or operate infrastructure, such as Caltrans;
    - changes to LCP land uses, and siting and design standards for new development, to avoid and minimize risks;

- changes to standards for wetland, H1 habitat, and stream buffers and setbacks;
- modifications to the LCP to ensure long-term protection of the function and connectivity of existing public access and recreation resources; and
- modifications to the Regional Transportation Plan.

## **J. Archaeological, Paleontological, and Historic Cultural Resources**

The Santa Monica Mountains are rich in paleontological and historic cultural resources, including archaeological resources of Native Americans and cultural resources of early settlers. Many of these resources are found on lands under the management of the National Park Service, the California Department of Parks and Recreation, and the Santa Monica Mountains Conservancy. The stewardship and preservation of these resources in the Santa Monica Mountains are important for three main reasons:

- Increasing public use, growing pressures for development, and deterioration through age and exposure continue to place the Mountains' archaeological, paleontological and historic cultural resources at risk.
- It is in the public interest to preserve historic cultural resources because they are irreplaceable and offer cultural, educational, aesthetic, and inspirational benefits.
- The stewardship of paleontological and historic cultural resources is necessary to deepen cultural awareness as well as to increase the public's understanding of the existing environment.

County development review procedures include consideration and protection of archaeological, paleontological and historic cultural resources. Mitigation measures are required where development is determined to adversely impact any such resource. Other groups are also concerned with the preservation of these resources. The National Park Service conducts ongoing research on the history and cultural heritage of the Santa Monica Mountains.

### **Paleontological Resources**

Paleontological resources, or fossils, are the remains of ancient animals and plants, as well as trace fossils such as burrows, which can provide scientifically-significant information on the history of life on Earth. Paleontological resources in the Santa Monica Mountains include isolated fossil specimens, fossil sites, and fossil-bearing rock units. The oldest paleontological resources in the Mountains come from the Late Cretaceous Period and are found in the Chatsworth Formation. Ammonites, extinct mollusks related to the chambered nautilus, have been collected from this Formation, as well as marine foraminifera, clams, snails, bryozoans, and shark teeth.

The Santa Monica Mountains have been the site of marine deposition for much of the Cenozoic Period (the last 65 million years). There are a number of Tertiary rock units in the Santa Monicas known to yield scientifically-significant paleontologic resources, including the Modelo, Pico, and Topanga Formations. Abundant specimens of gastropods, valves of the giant pectinid, and about 50 species of mollusks have been found in the Topanga Formation, a shallow-water, marine sandstone unit within the Coastal Zone. Unlike marine sediments, terrestrial sediments often do not contain fossils. This is because they are normally deposited immediately adjacent to the surface of the earth, an environment not conducive to fossil preservation.

## Archaeological Resources

Archaeological resources refer to any material remains of past human life or activities that are of archaeological interest, including, but not be limited to: pottery, basketry, bottles, weapons, weapon projectiles, tools, structures or portions of structures, pit houses, rock paintings, rock carvings, intaglios, graves, and human skeletal materials.

An estimated 30 percent of the land throughout the Santa Monica Mountains (including areas outside of the County's jurisdiction) has been surveyed for archaeological sites. The area contains many geologic elements and major plant communities that indicate the presence of archaeological resources. According to the National Park Service, there are over 1,500 known archaeological sites in the Mountains, one of the highest densities of any mountain range in the world. Collectively, these sites represent roughly 9,000 years of human use by native peoples.

The indigenous Chumash and Gabrieliño/Tongva peoples, two of the most populous and sophisticated native cultures, have occupied land within the Mountains since prehistoric times. The Chumash people have inhabited the region for nearly 9,000 years, while the Gabrieliño/Tongva people moved into the eastern Santa Monicas approximately 2,000 years ago.

## Cultural Resources of Early Settlers

The area also contains many recent historical artifacts dating back to the 1500s. From the 1500s to the late 1700s, exploration of California was initiated by explorers from Spain, Portugal and Mexico. During the Spanish Colonial period from 1769 to 1822, Spain established a chain of Franciscan missions in California, including missions in San Gabriel, Ventura, Santa Barbara, and San Fernando. Around 1800, the Spanish Crown began granting land, including land in the Santa Monica Mountains, to retiring Spanish soldiers. Much of the land, known as a rancho, was used for cattle ranching and farming and was often worked by the Native Americans.

During the mid- to late-19th Century, the area was homesteaded by Americans looking for land, and large ranches were divided into smaller farms to open up opportunity for more families. With nearly 1,300 homestead claims in the Santa Monica Mountains, in addition to hundreds of structures in the Mountains and in the adjacent foothills, there are numerous features that are considered to be of local historical significance, including houses, ranches, and barns. Some are significant for events that occurred there, while others are significant for the individuals who lived there or are important in terms of architectural history. Throughout the 20th Century, significant areas of the Santa Monica Mountains were developed for recreational and commercial uses.

Unfortunately, many of the known archaeological, paleontological and historic cultural sites in the region have been disturbed to some extent by both human activity, such as development, occupation, and use, and natural occurrences, such as erosion that results from earthquakes, fire, and flood. In some instances, historic and prehistoric artifacts such as stone tools, antique nails, and equipment parts have been picked up or even destroyed by visitors or residents.

## Paleontological and Historic Cultural Resources Goals and Policies

***Goal CO-8: Preservation of the area's rich and diverse archaeological, paleontological and historic cultural resources.***

Policies:

- CO-199 Protect and preserve archaeological, historical, and paleontological resources from destruction, and avoid impacts to such resources where feasible. Where avoidance is not feasible, minimize impacts to resources to the maximum extent feasible.
- CO-200 Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required. Mitigation shall be designed to accord with guidelines of the State Office of Historic Preservation and the State of California Native American Heritage Commission.
- CO-201 Regulate landform alteration to ensure minimal disturbance of known archaeological and historic cultural sites. New development on sites identified as archaeologically sensitive shall include onsite monitoring of all grading, excavation, and site preparation that involve earthmoving operations by a qualified archaeologist(s) and appropriate Native American consultant(s).
- CO-202 The County should coordinate with appropriate agencies, such as the Southern California Indian Center (SCIC) and the UCLA Archaeological Center, to identify archaeologically-sensitive areas. Such information should be kept confidential to protect archaeological resources.
- CO-203 New development within archaeologically-sensitive areas shall implement appropriate mitigation measures, designed in accord with guidelines of the State Office of Historic Preservation and the State of California Native American Heritage Commission.
- CO-204 Preserve and protect cultural resources and traditions that are of importance to Native Americans, including the Chumash and Gabrieliño/Tongva peoples.
- CO-205 Prohibit the unauthorized collection of paleontological and historic cultural artifacts.
- CO-206 Notify all appropriate agencies, including Native American tribes, and the Department of Regional Planning of archaeological or paleontological resources discovered during any phase of development construction to ensure proper surface and site recordation and treatment.
- CO-207 Consistent with all resource protection policies of this LCP, preserve the opportunity for horsekeeping in support of the equestrian-oriented tradition of the Santa Monica Mountains. Encourage the establishment of equestrian-friendly trailhead parking and staging areas to promote low-cost public access to trails.
- CO-208 New development shall, where feasible, protect significant historical buildings, landmarks, and districts because of their unique characteristics and contribution to the cultural heritage of the area.

***Goal CO-9: Increased public awareness of the history and cultural heritage of the Santa Monica Mountains.***

Policies:

- CO-209 Support the development of resource-dependent uses designed to educate the public on the history and cultural heritage of the Santa Monica Mountains, where appropriate.
- CO-210 Provide to new residents and other persons seeking development approvals under this LUP, information on the history and cultural heritage of the Santa Monica Mountains.

**K. Coastal Act Sections and Corresponding Element Policies**

The Conservation and Open Space Element addresses the following selected provisions of the Coastal Act. Shown in *italic*, Coastal Act provisions are included for reference only and are not adopted by the County.

**Section 30210 Access; recreational opportunities**

*In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

- Corresponding Conservation and Open Space Element policies: CO-119, 121, 122, 123, 130, 155 to 158, 160, 180, 181.

**Section 30211 Development not to interfere with access**

*Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.*

- Corresponding Conservation and Open Space Element policies: CO-161-164, 170, 171, 173, 175.

**Section 30213 Lower cost visitor and recreational facilities; encouragement and provision; overnight room rentals**

*Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. The commission shall not: (1) require that overnight room rentals be fixed at an amount certain for any privately owned and operated hotel, motel, or other similar visitor-serving facility located on either public or private lands; or (2) establish or approve any method for the identification of low or moderate income persons for the purpose of determining eligibility for overnight room rentals in any such facilities.*

- Corresponding Conservation and Open Space Element policies: CO-159, 164, 165, 169, 179.
- 

**Section 30221 Oceanfront land; protection for recreational use and development**

*Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.*

- Corresponding Conservation and Open Space Element policies: CO-167, 175, 191.

### **Section 30230 Marine resources; maintenance**

*Marine resources shall be maintained, enhanced, and, where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*

- Corresponding Conservation and Open Space Element policies: CO-182, 184, 185.

### **Section 30231 Biological productivity; water quality**

*The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

- Corresponding Conservation and Open Space Element policies: CO-2 to 32, 102-106, 183, 186, 187, 196.

### **Section 30233 Diking, filling or dredging; continued movement of sediment and nutrients**

*(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:*

*(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.*

*(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.*

*(3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Wildlife pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland. The size of the wetland area used for boating facilities, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities shall not exceed 25 percent of the degraded wetland.*

*(4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.*

*(5) Incidental public service purposes, including, but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.*

*(6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.*

*(7) Restoration purposes.*

*(8) Nature study, aquaculture, or similar resource-dependent activities.*

*(b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable longshore current systems.*

*(c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Wildlife, including, but not limited to, the 19 coastal wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California", shall be limited to very minor incidental public facilities, restorative measures, nature study, commercial fishing facilities in Bodega Bay, and development in already developed parts of south San Diego Bay, if otherwise in accordance with this division.*

*(d) Erosion control and flood control facilities constructed on watercourses can impede the movement of sediment and nutrients which would otherwise be carried by storm runoff into coastal waters. To facilitate the continued delivery of these sediments to the littoral zone, whenever feasible, the material removed from these facilities may be placed at appropriate points on the shoreline in accordance with other applicable provisions of this division, where feasible mitigation measures have been provided to minimize adverse environmental effects. Aspects that shall be considered before issuing a coastal development permit for such purposes are the method of placement, time of year of placement, and sensitivity of the placement area.*

- Corresponding Conservation and Open Space Element policies: CO-31-32, 68-69, 188, 192, 197, 198.

### **Section 30235 Construction altering natural shoreline**

*Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fishkills should be phased out or upgraded where feasible.*

- Corresponding Conservation and Open Space Element policies: CO-189, 190, 191, 192, 194.

### **Section 30236 Water supply and flood control**

*Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.*

Corresponding Conservation and Open Space Element policies: CO-31-32, 68, 88, 195.

**Section 30240 Environmentally sensitive habitat areas; adjacent developments**

*(a) 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.*

*(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

- Corresponding Conservation and Open Space Element policies: CO-33 to 102.

**Section 30244 Archaeological or paleontological resources**

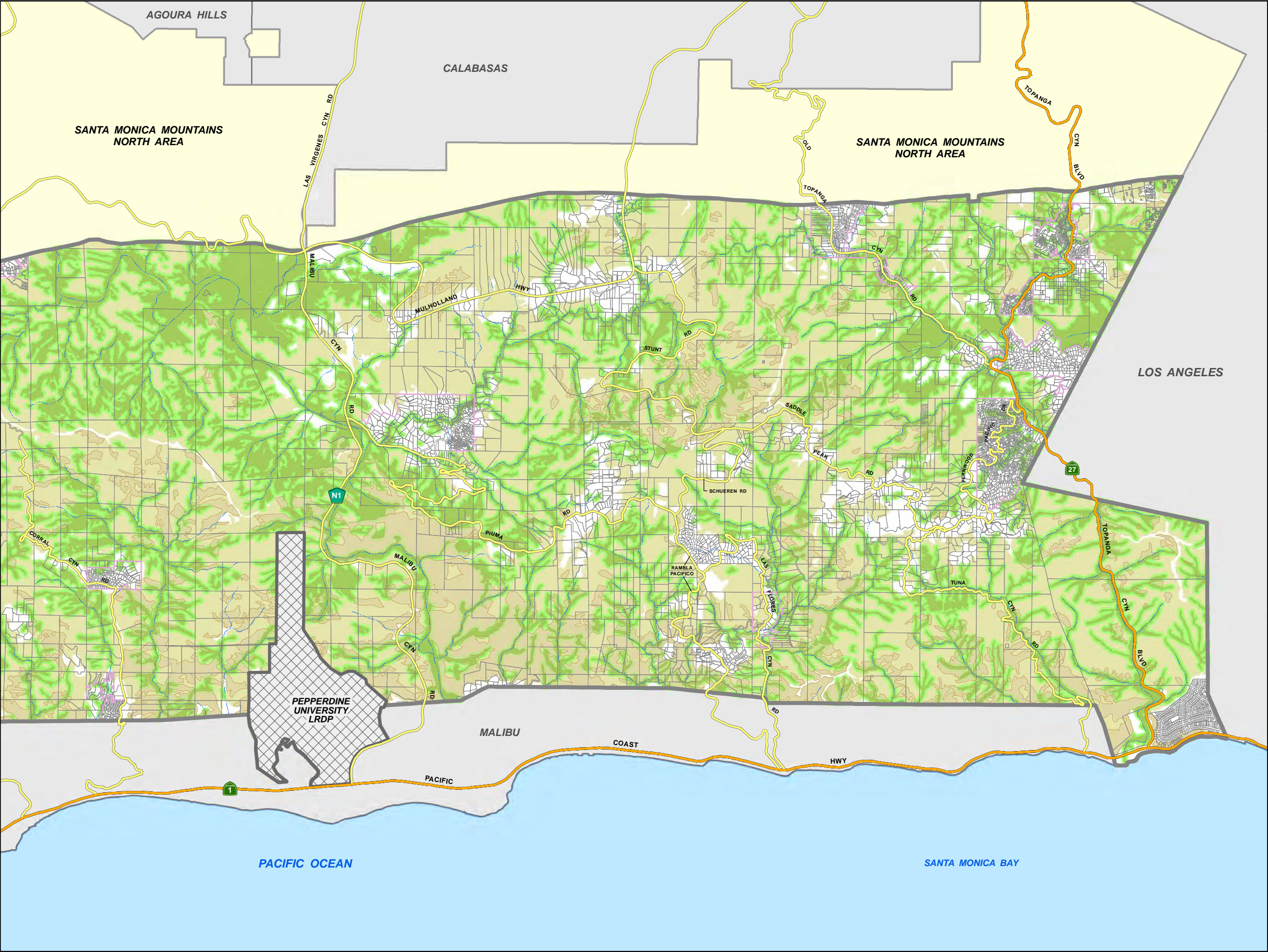
*Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.*

- Corresponding Conservation and Open Space Element policies: CO-199 to 210.

**Section 30251 Scenic and visual qualities**

*The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

- Corresponding Conservation and Open Space Element policies: CO-124 to 154.



LOS ANGELES COUNTY

**MAP 2:**  
**BIOLOGICAL RESOURCES (EAST)**

SANTA MONICA MOUNTAINS  
LOCAL COASTAL PROGRAM

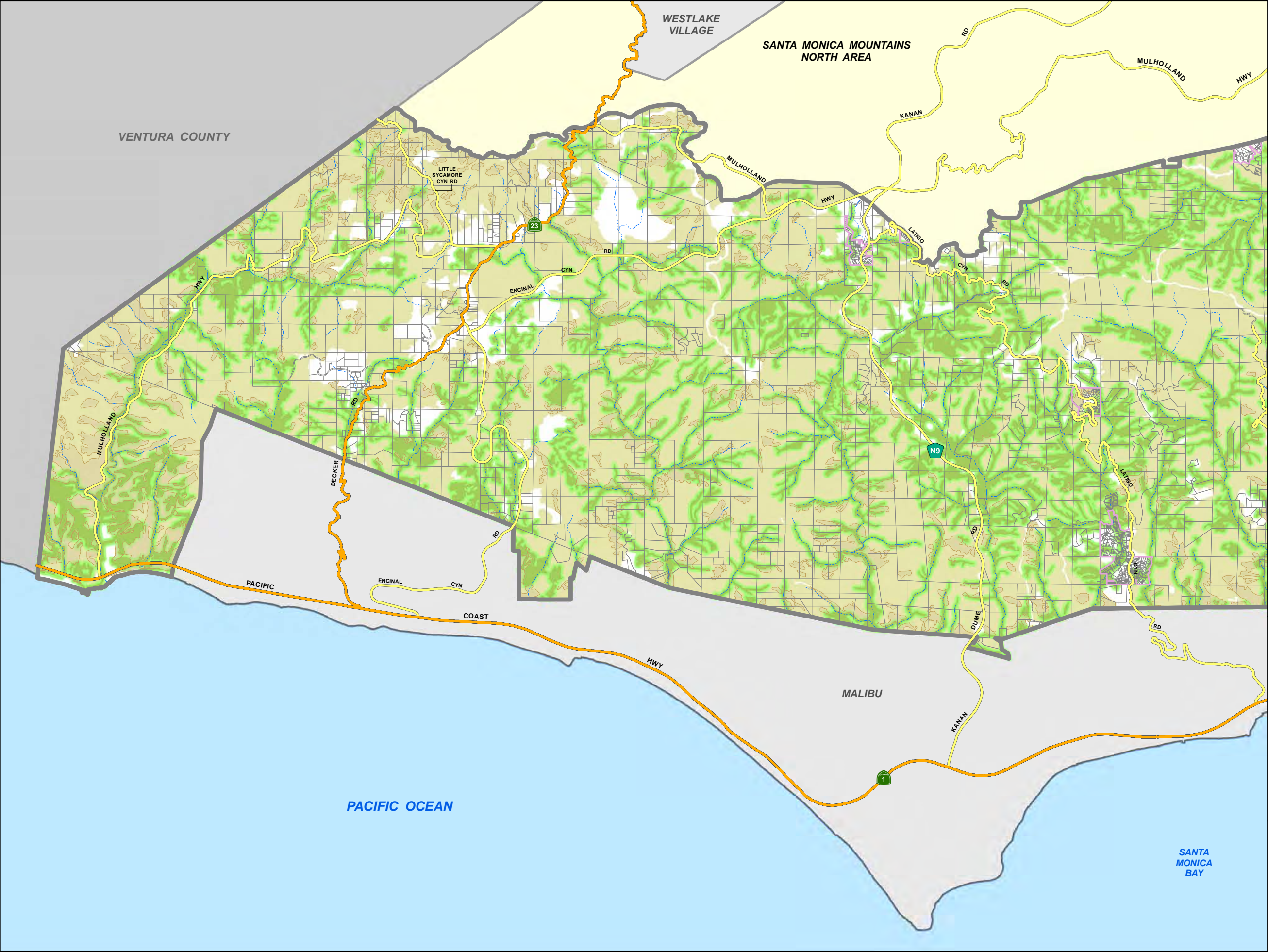
- LEGEND**
- MAJOR ROAD
  - HIGHWAY
  - STREAM
- SENSITIVE ENVIRONMENTAL RESOURCE AREA (SERA):**
- H1 HABITAT
  - H2 HABITAT
  - H2 HABITAT - HIGH SCRUTINY SUB-AREA
- OTHER ENVIRONMENTAL RESOURCE AREA:**
- H1 HABITAT 100-FOOT BUFFER
  - H3 HABITAT
- PARCEL BOUNDARY
- RURAL VILLAGE (SHOWN FOR CONTEXT ONLY)
- SANTA MONICA MOUNTAINS COASTAL ZONE BOUNDARY
- PEPPERDINE UNIVERSITY LRDP (SHOWN FOR CONTEXT ONLY)\*
- SANTA MONICA MOUNTAINS NORTH AREA (UNINCORPORATED)
- INCORPORATED CITY
- \* SEE SANTA MONICA MOUNTAINS LAND USE PLAN, P2.



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LOS ANGELES COUNTY

**MAP 2:**  
**BIOLOGICAL RESOURCES (WEST)**

SANTA MONICA MOUNTAINS  
LOCAL COASTAL PROGRAM

- LEGEND**
- MAJOR ROAD
  - HIGHWAY
  - STREAM
- SENSITIVE ENVIRONMENTAL RESOURCE AREA (SERA):**
- H1 HABITAT
  - H2 HABITAT
  - H2 HABITAT - HIGH SCRUTINY SUB-AREA
- OTHER ENVIRONMENTAL RESOURCE AREA:**
- H1 HABITAT 100-FOOT BUFFER
  - H3 HABITAT
  - PARCEL BOUNDARY
  - RURAL VILLAGE (SHOWN FOR CONTEXT ONLY)
  - SANTA MONICA MOUNTAINS COASTAL ZONE BOUNDARY
  - SANTA MONICA MOUNTAINS NORTH AREA (UNINCORPORATED)
  - INCORPORATED CITY





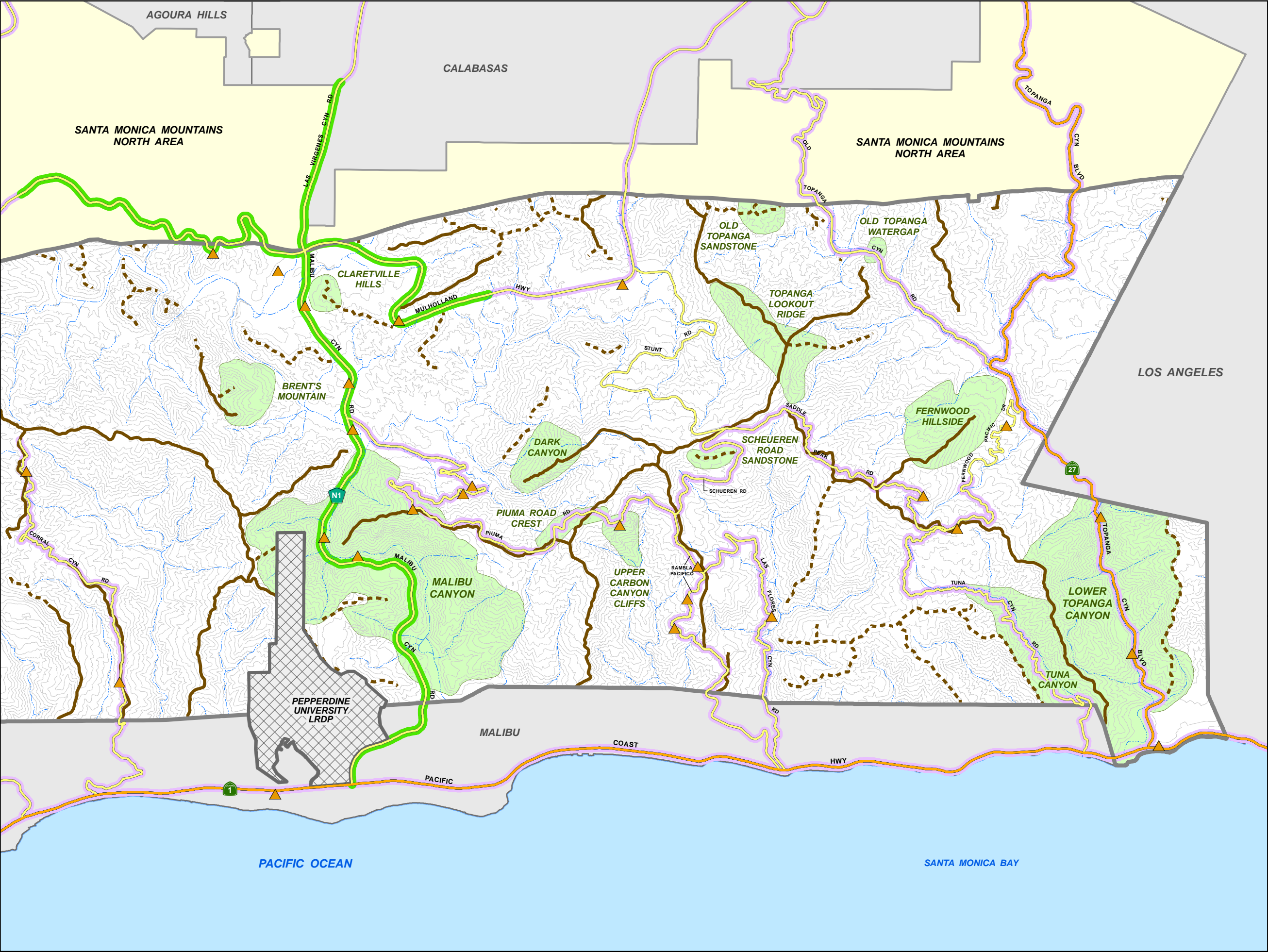
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LOS ANGELES COUNTY




**MAP 3:**

**SCENIC RESOURCES (EAST)**

SANTA MONICA MOUNTAINS  
LOCAL COASTAL PROGRAM

- LEGEND**
- PUBLIC VIEWING AREA
  - STREAM
  - 100-FT ELEVATION CONTOUR
  - SIGNIFICANT RIDGELINE (ADOPTED)
  - SIGNIFICANT RIDGELINE (PROPOSED)
  - STATE-DESIGNATED COUNTY SCENIC HIGHWAY
  - SCENIC ROUTE
  - MAJOR ROAD
  - HIGHWAY
  - SCENIC ELEMENT
  - SANTA MONICA MOUNTAINS COASTAL ZONE BOUNDARY
  - PEPPERDINE UNIVERSITY LRDP (SHOWN FOR CONTEXT ONLY)\*
  - SANTA MONICA MOUNTAINS NORTH AREA (UNINCORPORATED)
  - INCORPORATED CITY
- \* SEE SANTA MONICA MOUNTAINS LAND USE PLAN, P2.





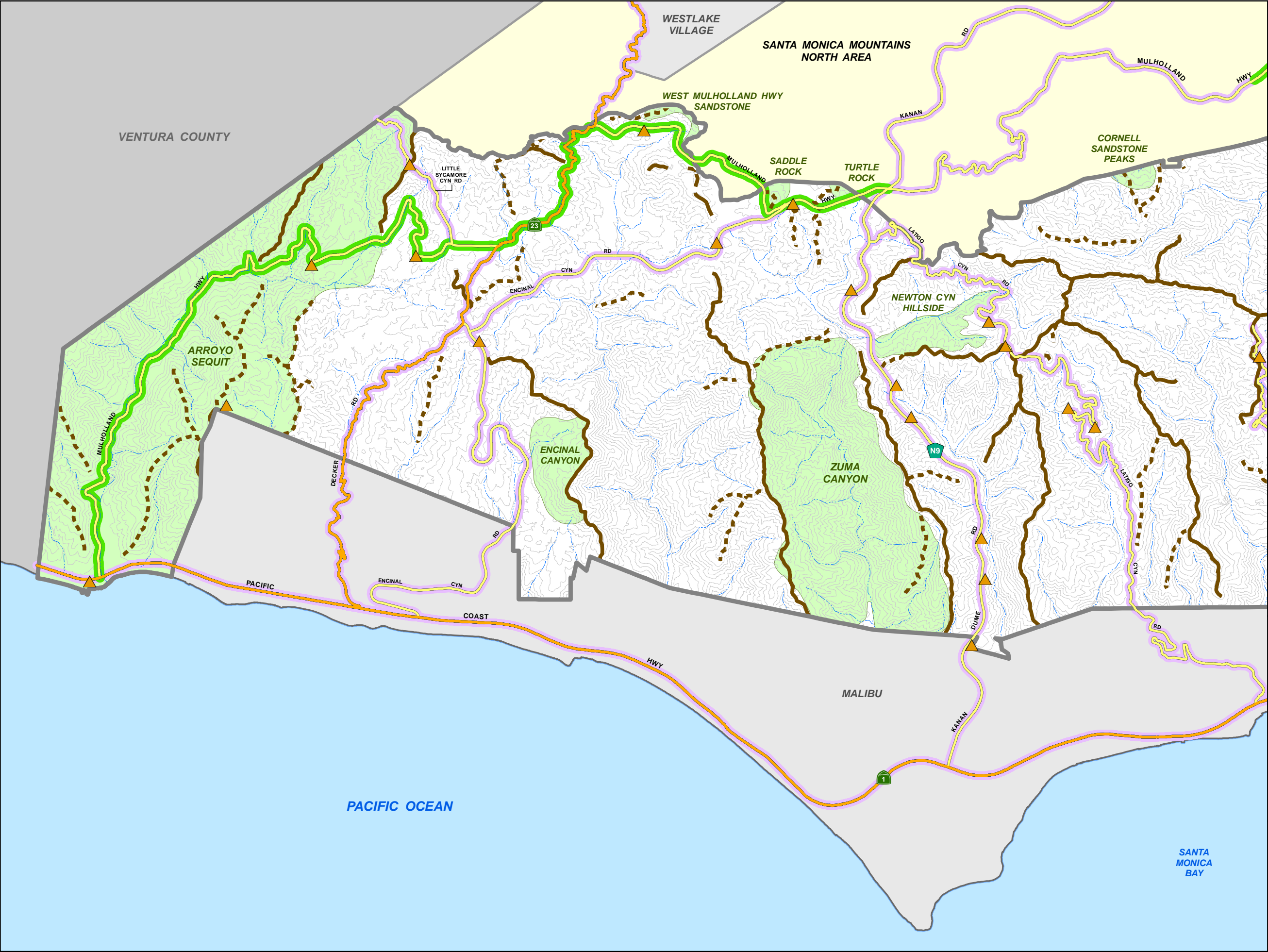
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LOS ANGELES COUNTY  
**MAP 3:  
SCENIC RESOURCES (WEST)**  
SANTA MONICA MOUNTAINS  
LOCAL COASTAL PROGRAM

- LEGEND**
- PUBLIC VIEWING AREA
  - STREAM
  - 100-FT ELEVATION CONTOUR
  - SIGNIFICANT RIDGELINE (ADOPTED)
  - SIGNIFICANT RIDGELINE (PROPOSED)
  - STATE-DESIGNATED COUNTY SCENIC HIGHWAY
  - SCENIC ROUTE
  - MAJOR ROAD
  - HIGHWAY
  - SCENIC ELEMENT
  - SANTA MONICA MOUNTAINS COASTAL ZONE BOUNDARY
  - SANTA MONICA MOUNTAINS NORTH AREA (UNINCORPORATED)
  - INCORPORATED CITY





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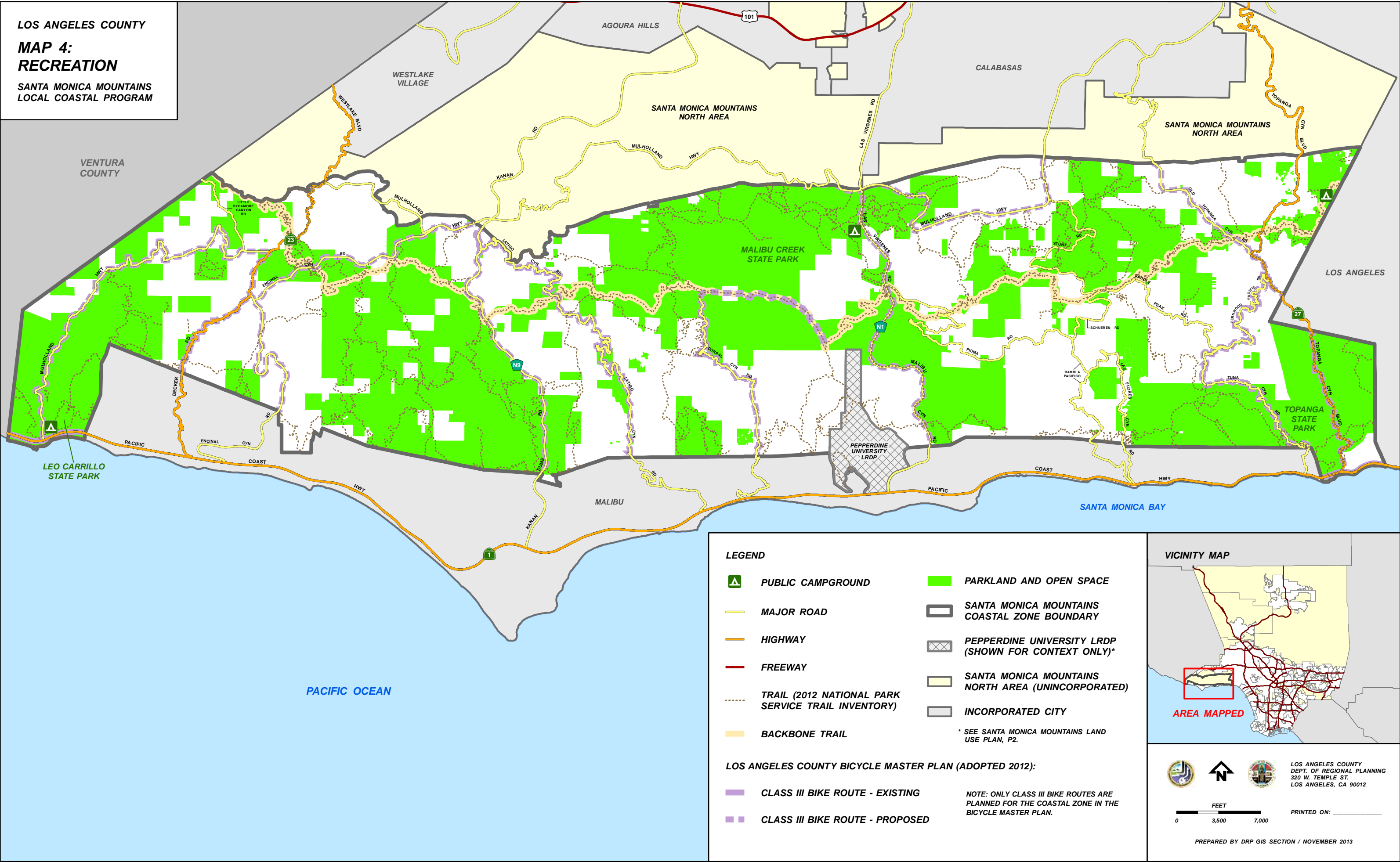
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LOS ANGELES COUNTY  
MAP 4:  
RECREATION  
SANTA MONICA MOUNTAINS  
LOCAL COASTAL PROGRAM



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### III. SAFETY AND NOISE ELEMENT

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#### A. Introduction

The Santa Monica Mountains are subject to serious hazards that require special attention in order to protect public health and safety. Wildfires, earthquakes, as well as mass wasting, flooding, and washed-out roads that often follow heavy winter rains have demonstrated how vulnerable the region is to natural and man-made hazards. Wildfires are a natural phenomenon in the Mountains and on nature's timetable are an essential process of the regional ecosystem. The region's natural drainage systems are subject to very high volumes of stormwater runoff. (See Map 5 Hazards – Fire and Flood.) The Safety and Noise Element addresses the following issues:

- Seismic and Non-seismic Geologic Hazards;
- Flood Hazards;
- Fire Hazards;
- Hazardous Materials; and
- Noise Hazards.

In compliance with the Coastal Act, new development must minimize risks to life and property in areas of high geologic, flood, and fire hazard. Accordingly, this element focuses on the protection of the public against loss of life, damage to property, and the social and economic impacts of natural and man-made hazards. In addition, the element addresses emergency response provisions and the coordination of planning efforts by emergency response agencies. Implementation of public safety measures, such as fire-fighting access, evacuation routes, vegetation clearance, and fire-safe staging areas should be a coordinated effort among all affected stakeholders.

#### B. Guiding Principle

The guiding principle for protecting public health and safety is:

**The potential risk of death, injuries, property damage, and social and economic dislocation resulting from earthquakes, mass wasting events, floods, fires, and other hazards must be minimized. Development should avoid environmental hazards rather than attempt to overcome them.**

A great deal of individual and public effort is directed toward minimizing or eliminating perceived risks, yet a completely risk-free environment cannot be achieved. All aspects of life involve a degree of risk, and some risk from environmental hazards must be tolerated. Development in the planning area must reflect the natural conditions in the Santa Monica Mountains that include environmental hazards.

#### C. Seismic and Non-Seismic Geologic Hazards

Natural seismic and non-seismic events in the Santa Monica Mountains present significant hazards to public health, safety, and welfare, and also to development. Earthquakes and mass wasting events (commonly referred to as landslides) can be particularly devastating in an area like the Santa Monica Mountains, with its many narrow winding roads and often-difficult access at the best of times.

The effect of both seismic and non-seismic events in the Santa Monica Mountains is magnified by the region's geology and topography. The common rock types underlying the surface soil are poorly-cemented sedimentary rock, and fine-grained or indurated (cemented) soil and bedrock formations. These common rock units are unstable, particularly in earthquakes and under wet conditions. Clay-rich soils found throughout the Mountains are subject to shrink-swell behavior, which has implications for the structural integrity of slopes, buildings, and foundations. In addition, a vast majority of the Santa Monica Mountains has slopes exceeding 25 percent. This steep topography exacerbates the instability of the underlying geology.

### **Seismic Geologic Hazards**

Earthquakes pose a significant risk within the Santa Monica Mountains. Several fault systems border the LUP area, including the active Malibu Coast Fault to the south, the Malibu Coast-Santa Monica-Raymond Hill fault system to the southeast, and the Simi-Northridge-Verdugo fault system to the north. The San Andreas Fault, though some distance away, has the potential - as it does in any part of the region - to cause significant damage in the Santa Monica Mountains. Primary hazards in the LUP area associated with earthquakes include: surface rupturing along fault lines; damage to structures due to ground-shaking; landslides; and soil consolidation, settlement, or liquefaction.

Seismic activity in the Santa Monica Mountains can have widespread impacts, despite relatively low development densities and mandated compliance with current building and safety codes. Earthquakes can cause direct damage to structures, roadways, and utilities, as well as trigger landslides in unstable areas, endangering lives and property. Potentially significant hazards exist even without an earthquake due to the prevalence of unstable slopes. Maps prepared by the California Geological Survey identify many areas in the Santa Monica Mountains with the potential for earthquake-induced mass wasting events. It is clear from these maps that large areas susceptible to seismically-induced landslides are also those areas that contain slopes over 25 percent.

### **Non-seismic Geologic Hazards**

The major non-seismic geologic hazards in the Santa Monica Mountains are mass wasting events (including rockfalls, landslides, slumps, debris flows, and mudflows), and liquefaction. The Mountains are naturally prone to mass wasting due to a combination of steep slopes and unstable geology. Human action can contribute directly to slope instability through such activities as grading, vegetation removal, increased soil saturation, and increased amounts of runoff from developed areas. Unusually high levels of water in the soil can trigger liquefaction and slumping. Human activity can increase the risk and severity of liquefaction and slumping through actions such as improper grading (e.g., cutting off the supporting toe of a slope or improperly compacting fill material), and by landscaping with vegetation not appropriate for the soils and slopes of the Mountains (e.g., iceplant).

### **Seismic and Non-seismic Geologic Hazards Goals and Policies**

***Goal SN-1: A built environment designed and engineered to minimize the potential for loss of life, physical injury, environmental disruption, property damage, economic loss and social dislocation due to seismic- and non-seismic-induced geologic phenomena.***

Policies:

- SN-1 All new development shall be sized, designed and sited to minimize risks to life and property from geologic hazard.
- SN-2 On ancient landslides, unstable slopes and other geologic hazard areas, new development shall only be permitted where there is substantial evidence, provided by the applicant and confirmed by the Los Angeles County Department of Public Works, that the project provides an adequate factor of safety.
- SN-3 Prohibit new development in areas where it presents an extraordinary risk to life and property due to an existing or demonstrated potential public health and safety hazard.
- SN-4 In the placement of new development, emphasize avoiding areas susceptible to seismic and non-seismic geologic hazards, even when engineering solutions are available.
- SN-5 Prohibit grading and brushing in areas that have a slope of 50 percent or greater and limit grading in areas with a slope of over 25 percent.
- SN-6 Prohibit the construction of new structures for human occupation in unstable geologic areas.
- SN-7 Limit the discretion and authority of County inspectors to modify approved grading plans at project sites to that which is necessary to address unanticipated conditions and to protect public health and safety.
- SN-8 In-field grading modifications shall be subject to a coastal development permit amendment to ensure that modifications will not create adverse impacts that were not considered during a project's environmental review.
- SN-9 Allow the remediation or stabilization of landslides or other slope instability that affect existing structures or that threaten public health or safety. Analyze alternative remediation or stabilization techniques to determine the least-environmentally-damaging alternative. Maximum feasible mitigation shall be incorporated into the project in order to minimize adverse impacts to natural resources.
- SN-10 Prohibit land divisions, including lot line adjustments, unless all proposed parcels can be demonstrated to be safe from flooding, erosion, and geologic hazards and will provide a safe, legal, all-weather access road(s), which can be constructed consistent with all policies of the LCP.

## **D. Flood Hazards**

One regional and 16 subregional watersheds collect, and ultimately convey, all runoff from the LUP area to the Pacific Ocean and North Santa Monica Bay. Malibu Creek watershed is by far the largest collection area, encompassing more than 100 square miles of area and stretching north of the

Coastal Zone, through the County's Santa Monica Mountains North Area and the cities along the Ventura Freeway Corridor, into Ventura County. Historically, high water levels with destructive force have occurred in this watershed during storm conditions. These levels are generated due to the watershed's immense collection area, intensified by considerable development along the Ventura Freeway Corridor which has increased the amount of impermeable surface and channelized drainage courses. Storm water from subregional watersheds flows in natural stream courses to Malibu Creek, where the concentrated flows are conducted to the ocean. Localized damage also occurs in subregional watersheds that collect water along the slopes of the Santa Monica Mountains. These subregional watersheds total about 50 square miles, and flooding can be intense due to their very steep sloping terrain.

The Federal Emergency Management Agency's "Flood Insurance Rate Maps" depict a number of areas that are classified as Zone A: Areas with the potential to generate 100-year flood events. These designated flood hazard areas are limited to canyon and valley bottoms along the alignments of the primary drainage courses, including segments within the following: Topanga Canyon, Old Topanga Canyon, Malibu Creek, Arroyo Sequit, Cold Creek, and Stokes Canyon, as well as the lower portions of Las Flores Canyon, Latigo Canyon, Escondido Canyon, and Solstice Canyon. Additionally, steep slopes and high levels of soil erosion contribute to medium to high mudflow conditions, which can alter existing drainage patterns on a site and result in flooding.

Development must be designed to avoid flood hazards and must not create or further induce flooding problems. The policies and provisions of this Plan are designed to effectively minimize development site exposure to flood hazards through application of controls related to slope modifications, setbacks, onsite water retention and percolation, runoff, paving, grading, and brush clearance. Regulations must also ensure that any off-site impacts to natural drainage courses, such as erosion and bulk flows, are avoided, and that all strategies employed shall be undertaken in a manner consistent with this LUP's environmental protection policies to protect water quality and natural habitats.

Despite the potential for flooding along designated streams, there is no great need for new storm drain facilities to serve rural development within the unincorporated Santa Monica Mountains. The low development densities that exist in and that are recommended for the Mountains, in conjunction with the policies and provisions of this Plan, should not induce significant cumulative flooding impacts.

### **Flood Hazards Goals and Policies**

***Goal SN-2: A built environment and flood management system that respects natural hydrological processes to minimize the potential for loss of life, physical injury, environmental disruption, property damage, economic loss, and social disruption.***

#### *Policies:*

SN-11 Site, design and size all new development to minimize risks to life and property from flood hazard, considering changes to inundation and flood zones caused by rising sea level.

SN-12 Prohibit construction that could impede storm flows within floodways or floodplains.

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- SN-13 Prohibit development within flood hazard areas, in consideration of rising sea level, unless no alternative building site exists on the property and proper mitigation measures are provided to minimize or eliminate risks to life and property from flood hazard.
- SN-14 Require protection of drainage courses in their natural state, and development designs that maintain natural flow.
- SN-15 New development shall provide adequate drainage and erosion control facilities that convey site drainage in a non-erosive manner in order to minimize hazards resulting from increased runoff, erosion and other hydrologic impacts to streams.
- SN-16 New development shall not increase peak stormwater flows.
- SN-17 Coordinate inter-jurisdictional planning of storm drain improvements where these facilities cross municipal boundaries.
- SN-18 Manage flood waters on a watershed basis consistent with the best management practices (BMPs) designed by the Department of Public Works.

## **E. Fire Hazards**

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.

Dense contiguous fuels, steep topography, dry climactic conditions, drought, the autumn Santa Ana winds, and an extensive urban-wildland interface combine to exacerbate the high-fire conditions, causing the Fire Department to designate the area as a Very High Fire Hazard Severity Zone, the most dangerous classification. Furthermore, development is typically scattered and access is often via narrow winding roadways, with structures that lack a defensible space. This is particularly a problem in Rural Villages, where there are numerous homes on a single means of access. Fire Department communications reaffirm that ridgeline development is a particular concern, as the heat of wildfires actually pulls the fire uphill, consuming ridgeline structures while sparing homes in the valley bottoms.

In its 1994 report to the Board of Supervisors, the Los Angeles County Wildfire Safety Panel stated that scattered rural development, heavy brush and trees, and steep inaccessible slopes combine with Santa Ana winds to make the Santa Monica Mountains “a true design for disaster.” It is in the Santa Monica Mountains, the Panel reported, that fires “have crisscrossed the terrain [so] that some residents have not only lost one home, but some sadly have lost three after rebuilding on the same site.” Indeed, the increase in property losses over the years due to wildfires in the Santa Monica Mountains is directly related to the increase in development.

According to the Los Angeles County Fire Department, large fires in the Santa Monica Mountains from 1977 through 2012 include:

**Table 2. Santa Monica Mountains Wildfires**

| <b>Name/Location</b>                             | <b>Date</b> | <b>Acreage</b> | <b>Estimated Cost To Fight</b> |
|--|-------------|----------------|--------------------------------|
| Topanga Canyon                                   | 11/14/77    | 1,163          | \$232,600                      |
| Carlisle (Near Encinal Canyon)                   | 11/15/77    | 1,377          | \$275,400                      |
| Kanan (From Agoura Hills to Pacific Ocean)       | 10/23/78    | 25,588         | \$5,629,360                    |
| Dayton Canyon (N of LA Co. to Pacific Ocean)     | 10/9/82     | 43,060         | \$9,688,500                    |
| Sherwood (in/around Westlake Village)            | 6/30/85     | 3,668          | \$843,640                      |
| Green Meadow (largely to west in Ventura)        | 10/23/93    | 38,536         | \$9,314,150                    |
| Old Topanga (S of Calabasas, to Pacific Ocean)   | 11/2/93     | 16,562         | \$4,003,000                    |
| Calabasas (Calabasas to Pacific Ocean)           | 10/21/96    | 12,502         | \$4,006,000                    |
| Pacific (Trancas Canyon near Pacific Coast Hwy.) | 1/06/03     | 900            | \$2,700,000                    |
| Topanga (118 Freeway to Calabasas)               | 9/28/05     | 24,175         | \$17,000,00                    |
| Canyon (Malibu Canyon to Las Flores Canyon)      | 10/21/07    | 4,565          | \$5,800,000                    |
| Corral (Castro Peak to Malibu)                   | 11/24/07    | 4,901          | \$7,100,000                    |

Current County firesafe management strategies can help limit the impact fire has on the loss of lives and property. Standards for minimum road widths and fire-safe construction, including low-combustion building materials, requirements for water flow, structure placement, and effective fuel management around structures, are examples of existing codes designed to minimize wildfire hazards in the area.

Effective fuel management can be achieved through a variety of measures. Some of these include mechanical fuel modification (brush clearance) in the urban-wildland interface areas, strategic fuel modification in high hazard areas, “strategic recycling and utilization” (such as chipping), and strategically-located prescribed burning. Managing vegetation around individual homes within the Santa Monica Mountains creates a defensible space, substantially reducing risks to structures in a wildfire.

Experience has shown that fire management practices can often disrupt wildlife habitats and scenic resources. Chaparral and coastal sage scrub communities play an integral role in stabilizing the soils, as vegetated slopes minimize runoff and root systems help maintain soil structure. Deep roots particularly help maintain ecosystem health and soil stability by reducing post-fire erosion and, thus, sediment loading of streams and watercourses. As the Wildfire Safety Panel pointed out in its 1994 report, creating a defensible space means far more than fuel modification in sensitive habitats. To reduce reliance on clearance practices, policies are needed that require developments to achieve the following: 1) be located away from ridgelines and other dangerous sites; 2) be located near public roads to avoid over-long driveways; 3) be located near existing development perimeters; and, 4) be designed and constructed to withstand wildfire.

The potential impacts of wildfire are severe and cannot be completely eliminated. Yet, the risk of losing a home to wildfire can be greatly minimized through appropriate construction materials and

siting. Fire safety is a collaborative effort and a partnership that must be coordinated between public agencies and individual residents. These policies are intended to achieve a balance between fire safety, geologic stability, and habitat preservation.

## **Fire Hazards Goals and Policies**

***Goal SN-4: A built environment designed to avoid or minimize the potential for loss of life, physical injury, environmental disruption, property damage, economic loss, and social disruption due to wildland fires.***

### Policies:

- SN-19 Ensure that all new development is sized, designed and sited to minimize risks to life and property from fire hazard.
- SN-20 Design and site new development in a manner that minimizes the threat of loss from wildland fires while avoiding the need for excessive vegetation clearance.
- SN-21 Landscaping shall not extend into utility lines or block access to roads, water supplies or other emergency facilities.
- SN-22 Require that development sites and structures: be located off ridgelines and other dangerous topographic features such as chimneys, steep draws, and saddles; be adjacent to existing development perimeters; be located close to public roads; and, avoid over-long driveways.
- SN-23 Structures shall be constructed with appropriate features and building materials, including but not limited to: fire-resistant exterior materials, windows and roofing; and eaves and vents that resist the intrusion of flame and burning embers.
- SN-24 Structures that require fuel modification shall be set back from adjoining vacant lands to the maximum extent possible.
- SN-25 New development adjacent to public parkland shall be sited and designed to ensure that all required fuel modification is located within the project site boundaries and no brush clearance is required within the public parkland. Unavoidable brush clearance in parklands shall be minimized and all resource impacts shall be fully mitigated.
- SN-26 Prohibit vegetation clearance where fuel modification or brush clearance has not been required by the County to minimize the risk of fire hazard on (1) existing development, or (2) new development with an approved coastal development permit and all other applicable permits. Vegetation shall not be removed or thinned for required fuel modification until all permits have been obtained and construction commences.
- SN-27 Avoid development where fuel modification or brush clearance requirements would affect SERA.

- SN-28 Limit fuel modification to the minimum area necessary and utilize those programs that are most appropriate to the development site, including such strategies as preserving fire-resistant locally-indigenous species instead of completely removing vegetation.
- SN-29 Support programs such as Arson Watch and encourage formation in all Rural Villages of community-based disaster survival guides similar to that developed for the Topanga Canyon community. These guides should include strategies of public and private agencies to deal with emergencies such as wildfire, as well as general information for residents and the public.
- SN-30 Prohibit development in areas with insufficient access, water pressure, fire flows, or other accepted means for adequate fire protection.
- SN-31 Maintain onsite, where feasible, alternative water resources for fire-fighting purposes. Water tanks shall be sized consistent with County minimum requirements, clustered with approved structures, and sited to minimize impacts to coastal resources.
- SN-32 Locate structures along a certified all-weather accessible road, which in some cases may consist of permeable surfaces, in a manner that provides firefighters adequate vehicle turnaround space on private properties. Where feasible, require that new development be accessed from existing roads.
- SN-33 Should the County of Los Angeles Fire Department policies regarding fuel management and fire protection conflict with the policies and provisions of the LUP, personnel from the Fire and Regional Planning Departments shall meet and agree on measures to balance the need for fire protection for structures with the need to protect environmental resources. If resolution of issues cannot be achieved and there are no feasible solutions that would permit meeting the provisions of the LCP, the Los Angeles County Fire Guidelines, and the State Fire Code, shall take precedence. Any such modification of LCP policies or provisions must be approved by the Coastal Commission through an LCP amendment.
- SN-34 Encourage the use of landscape maintenance agreements between individual property owners in Rural Villages and the Fire Department that serve as both a short- and long-term agreement for hazard reduction, as well as a customized program for a property that minimizes the disruption of biological resources, in compliance with all applicable LCP policies and provisions.
- SN-35 Require that property owners adhere to the approved fuel modification plan for their property, and ensure that Fire Department personnel adhere to the approved fuel modification plan during annual field inspections for fuel modification or brush clearance.

## **F. Hazardous and Toxic Materials**

The creation, use, storage, and transport of hazardous materials and waste is widespread in business, industrial, and residential settings. Improperly managed hazardous materials and waste can pose such a serious threat to community safety that they are regulated through a combination of federal, State,

and County laws. The transport of hazardous products along the Ventura Freeway is of special concern. In the event of a Freeway closure, alternative routes may require vehicles to traverse mountain roads through environmentally sensitive areas.

Hazardous material leaks or explosions have the potential to affect large areas of the community. The Los Angeles County Fire Department responds quickly to accidents involving hazardous materials and wastes. First-response fire fighters typically will secure, evacuate, and confine hazardous materials and hazardous waste spills until the arrival of Newhall-based County Hazardous Materials Division.

Hazardous materials and wastes are present throughout the Santa Monica Mountains, but vary widely in terms of both quantity and type. Light industry, dry cleaners, and automotive service shops routinely utilize solvents and other toxic substances, and generate hazardous wastes that must be properly disposed of in compliance with strict federal and State regulations. Households also use and store hazardous materials and wastes, including pressurized propane tanks. Homeowners need to be informed about the proper use, storage, and disposal of consumer goods containing hazardous substances. Development brings the unregulated use of materials such as pesticides, fertilizers, and household cleaners, increasing the amount of toxic materials in the ground and in water systems.

Currently, there are no active landfills operating in Los Angeles County which accept hazardous wastes. Hazardous wastes generated within the County are disposed of by transporting them to a Class I landfill (such as the Kettleman Hills facility) capable of handling all types of urban waste, including toxic and hazardous materials. The County-owned Calabasas Landfill located in the upper tributary canyons to Las Virgenes Creek, north of the Ventura Freeway, operated as a Class I facility prior to 1980, but now operates as a Class III facility, accepting only municipal solid waste and inert waste. All active areas of the landfill are now lined with plastic liners and gas collection systems to minimize the landfill's potential to contaminate downstream groundwater. Older areas of the landfill are unlined or lined with compacted clay.

Another important safety issue involves underground facilities, such as storage tanks and natural gas pipelines. A network of natural gas pipelines, the largest of which is a 15-inch transmission line, underlies portions of the Santa Monica Mountains. Natural gas is distributed under high pressure, thereby increasing its explosive potential. Natural gas leaks and explosions can occur in pipelines as a result of either strong earthquakes or accidental rupture during construction. It is not believed that these facilities pose a serious risk within the Santa Monica Mountains due to its low level of development, but developers and residents should be aware that they exist.

## **Hazardous and Toxic Materials Goals and Policies**

***Goal SN-5: The transport, distribution, sale, use, storage, and disposal of hazardous material and hazardous waste in a manner that protects the health and safety of residents, workers, area visitors, and the natural environment.***

### *Policies:*

SN-36 Prohibit new facilities that handle large amounts of hazardous and toxic materials.

- SN-37 Monitor through conditional approvals businesses handling, using, or storing more than threshold amounts of hazardous or toxic materials. Hazardous or toxic wastes may only be stored on a commercial site temporarily and must be disposed of as soon as possible.
- SN-38 Prohibit hazardous waste disposal facilities within the Santa Monica Mountains, due to the area's sensitive seismic and geologic characteristics.

***Goal SN-6: A land, air, and water environment with minimal cumulative impacts from the use of toxic and hazardous materials.***

Policies:

- SN-39 Protect the area's residents, workers, and visitors from the risks inherent in the transport, distribution, use, and storage of hazardous materials and hazardous wastes, recognizing that the use of these materials is necessary in many parts of society.
- SN-40 Undertake more community-level hazardous waste drop-off events in the Santa Monica Mountains, and sponsor more community recycling centers.

## **G. Noise Hazards**

The human environment contains a variety of noise sources that can affect the way people live and work and, generally, negatively impact the quality of life. Excessive levels may result in physiological effects such as hearing loss, speech interference, and sleep interference, as well as behavioral responses, such as increased neighborhood annoyance and dissatisfaction. Excessive noise can also negatively impact wildlife. Studies have shown that disruption caused by noise can be injurious to an animal's energy budget, reproductive success, and long-term survival.

Noise is a pervasive pollutant consisting of "ambient" or background noise and higher "intrusive" noise. These distinctions are extremely important in the Santa Monica Mountains where there are many sensitive uses such as the State and National Parks, other recreational uses, schools, churches, and residences, and where the ambient noise levels may be very low and consist primarily of wind and "critter" noise. Exterior ambient noise in the Mountains can be expected to range between 10dB (faint noise) to about 50 dB (moderately loud noise, equivalent to a quiet urban residential area). Notwithstanding the startling noise of barking dogs, the occasional loud vehicle, and construction noise, the major intrusive source consists of noise from high traffic volumes moving in excess of the speed limit of 50 miles per hour that can be expected to generate average noise levels in excess of 70 dB within 100 feet of the centerline of the road. This noise level is based on worse-case volumes at peak hours during the day along the major and secondary highways in the Coastal Zone, such as Kanan-Dume Road, Malibu Canyon Road/Las Virgenes Road, Mulholland Highway, and Topanga Canyon Road.

Title 12 of the County Code contains the County Noise Control Ordinance, which was adopted by the Board of Supervisors to control unnecessary, excessive and annoying noise. It declared that County policy was to "maintain quiet in those areas which exhibit low noise levels." The Ordinance divides receptor properties into the categories shown in Table 3. The Noise Ordinance permits consideration of different levels of ambient noise within the categories, or Zones. The County

Health Officer is authorized to issue abatement notices and citations for a misdemeanor when these regulations are violated.

**Table 3. Los Angeles County Exterior Noise Standards**

| Noise Zone | Designated Noise Zone Land Use (Receptor Property)                                 | Time Interval                       | Exterior Noise Level (dB) |
|------------|--|-------------------------------------|---------------------------|
| I          | Noise-sensitive area, designated by the Health Officer to ensure exceptional quiet | Anytime                             | 45                        |
| II         | Residential properties (zoned as such in the LIP)                                  | 10:00 p.m. to 7:00 a.m. (nighttime) | 45                        |
|            |  | 7:00 a.m. to 10:00 p.m. (daytime)   | 50                        |
| III        | Commercial properties (zoned as such in the LIP)                                   | 10:00 p.m. to 7:00 a.m. (nighttime) | 55                        |
|            |  | 7:00 a.m. to 10:00 p.m. (daytime)   | 60                        |
| IV         | Industrial properties (zoned as such in the LIP)                                   | Anytime                             | 70                        |

Source: Section 12.08.390 of Los Angeles County Code (a portion of the Noise Control Ordinance)

In an effort to protect all biological resources, noise levels within the Santa Monica Mountains and specifically within significant ecological areas must be kept to a minimum. The County can regulate the use of local streets, including location, size, and speed, though it defers to vehicle noise levels set by the federal government. Planning and zoning regulations should consider the impacts of noise by including requirements for barriers and for the placement and orientation of buildings.

### Noise Goals and Policies

***Goal SN-7: Noise sensitive lands and land uses, wildlife habitats, and public lands that are shielded from excessive mobile and stationary noise.***

#### Policies:

SN-41 Require development projects to demonstrate that: 1) no adverse noise effects on adjacent uses will occur from the project, 2) no adverse effects on the project will occur from adjacent influences, and 3) that provisions of the County Noise Ordinance can be met by the project.

- SN-42 All residential structures, including those within 600 feet of major and secondary highways, must be constructed so as to comply with the Universal Building Code limit for interior noise of 45 dB CNEL.
- SN-43 Prohibit, wherever feasible, new development or land uses within any natural area or sensitive land use from increasing the ambient noise levels by more than 3 dBA CNEL. If infeasible, noise impacts shall be mitigated.
- SN-44 Consider noise impacts in transportation system design, and require that roadway extensions and capacity enhancement projects mitigate related noise impacts to acceptable levels.
- SN-45 Establish as a priority the enforcement of regulations of excess noise from aftermarket vehicle exhaust systems and other illegal sources of noise.
- SN-46 Working with all responsible law enforcement agencies, increase enforcement of the posted speed limits to reduce vehicle-generated noise, including by motorcycles, on the major and secondary highways.
- SN-47 Locate noise-tolerant uses within developed areas. Encourage sensitive building orientation, placing the most noise-tolerant portions of a project between sensitive portions and the noise source, and architectural design as the noise management strategies preferred over constructing noise barriers.
- SN-48 Private helicopter pads are prohibited. Locate new public helicopter pads to limit noise impacts on residential areas and public parklands. Prohibit private helicopter pads and stops except where needed for emergency services.

## **H. Coastal Act Sections and Corresponding Element Policies**

The Safety and Noise Element addresses the following selected provisions of the Coastal Act. Shown in *italic*, Coastal Act provisions are included for reference only and are not adopted by the County.

### **Section 30232 Oil and Hazardous substance spills**

*Protection against the spillage of oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.*

- Corresponding Safety and Noise Element policies: SN-36 to 40.

### **Section 30236 Water supply and flood control**

*Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or*

*to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.*

- Corresponding Safety and Noise Element policies: SN-11 to 18.

### **Section 30250 Location; existing developed area**

*(b) Where feasible, new hazardous industrial development shall be located away from existing developed areas.*

- Corresponding Safety and Noise Element policies: SN-36 to 40.

### **Section 30253 Minimization of adverse impacts**

*New development shall:*

*(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*

*(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

- Corresponding Safety and Noise Element policies: SN-1 to 35.

### **Section 30240 Environmentally sensitive habitat areas; adjacent developments**

*(a) 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.*

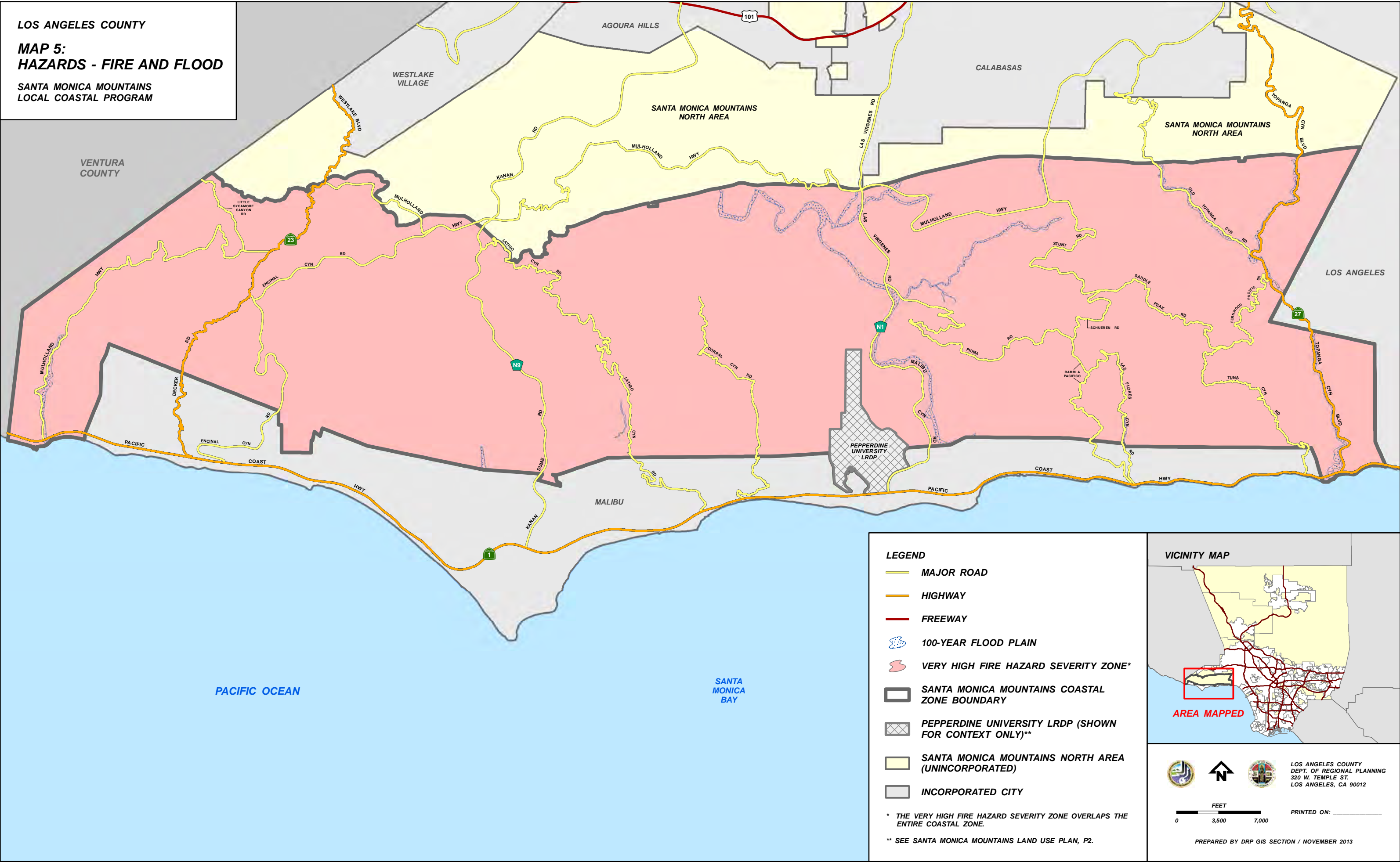
*(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

- Corresponding Safety and Noise Element policies: SN-9, 14, 15, 20, 24, 25 to 28, 34, 35.

LOS ANGELES COUNTY

**MAP 5:  
HAZARDS - FIRE AND FLOOD**

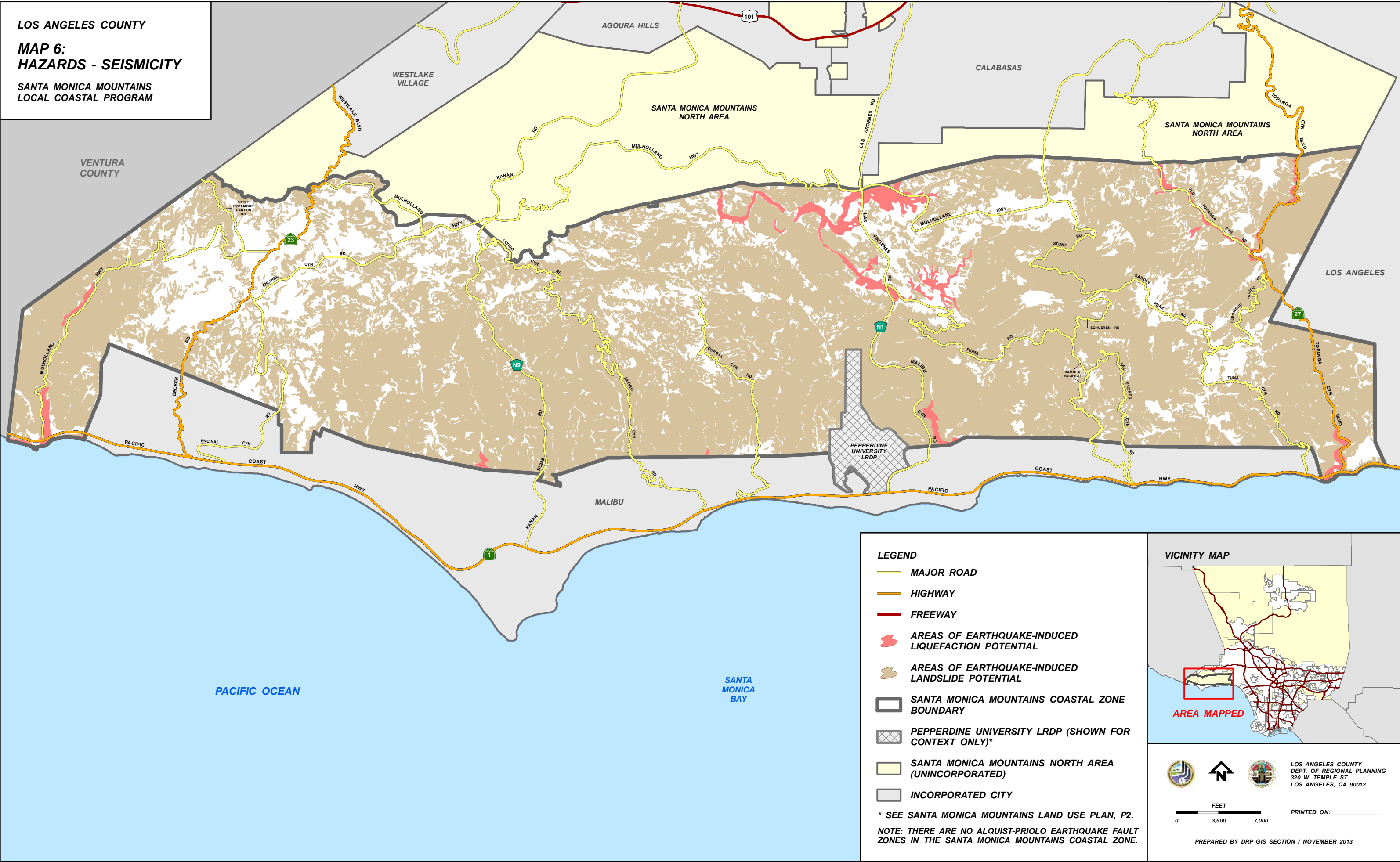
SANTA MONICA MOUNTAINS  
LOCAL COASTAL PROGRAM



LOS ANGELES COUNTY

**MAP 6:  
HAZARDS - SEISMICITY**

SANTA MONICA MOUNTAINS  
LOCAL COASTAL PROGRAM



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## **IV. LAND USE AND HOUSING ELEMENT**

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### **A. Introduction**

Existing land uses vary throughout the Santa Monica Mountains. Approximately 53 percent of the Coastal Zone is publicly-owned parkland and includes part of the Santa Monica Mountains National Recreation Area, Topanga State Park, Malibu Creek State Park, and Cold Creek Resource Management Area. There is limited commercial development on Pacific Coast Highway in the LUP area and on the central portion of Topanga Canyon Boulevard. The remainder of the Coastal Zone is generally composed of scattered rural residences, rural communities, and some higher-density residential subdivisions. Rural residential uses include single-family detached homes developed at low densities (less than one unit per acre), while Rural Villages have a density of up to seven units per acre. A small amount of multi-family housing exists in the southeast portion of the LUP area north of Pacific Coast Highway, with densities in excess of 20 units per acre.

The Santa Monica Mountains have a long history of rural use. Past uses include cattle ranching in the early 1800s, raising of livestock and crops, recreational equestrian uses, plant nurseries, and most recently, “hobby” vineyards. There is one area of Prime Farmland in the Coastal Zone, as defined by the California Resources Agency, located on the King Gillette Ranch site (formerly Soka University, now public land) along Mulholland Highway, east of Las Virgenes Road.

Although certain agricultural uses have been part of the community for about 200 years, 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 remaining undeveloped land is on steep slopes stabilized with abundant native vegetation. Clearing this steep land to plant crops not only requires extensive habitat destruction and soil disturbance, but compromises the stability of the slopes, thereby increasing risks to life, water quality and property. While the LUP supports rural uses and does not eliminate existing, legally-established activities, the policies of this LUP limit the type and intensity of agricultural practices allowed in the future to ensure maximum protection of coastal resources.

The population of the Coastal Zone is expected to increase over the next twenty years. The careful guidance of this growth is critical to maintaining the character and lifestyle enjoyed by those living within the community as well as those that visit the area.

New development in the Coastal Zone is constrained by topography, lack of and difficulty in providing infrastructure, and presence of sensitive environmental resources, scenic resources, and natural hazards. This LUP provides a framework within which new development may be undertaken, taking into consideration the protection of sensitive environmental, scenic, and other resources, public access, and the avoidance or mitigation of hazards.

The Land Use and Housing Element directs the general location, type, character, and degree of future development within the Coastal Zone by integrating environmental resource management, public health and safety goals, and quality-of-life issues. Specific development policies are primarily founded on the environmental opportunities and constraints that influence the availability of public services and accessible transportation routes, on the maintenance of the unique character of the communities in the Santa Monica Mountains, and on the understanding that activities within the

area often have off-site impacts. A sound land use plan for the Coastal Zone must balance many different and sometimes competing concerns, while remaining consistent with the mandates of the Coastal Act.

Additional land use-related issues addressed by this LUP include biological resources, water quality, scenic resources, parks, open space and recreation (Conservation and Open Space Element), environmental hazards (Safety and Noise Element), water and sewer services (Public Facilities), and transportation (Circulation Element).

To ensure compliance with the Coastal Act, in addition to the other elements of the LUP, this element establishes goals and policies that:

- Locate new development in close proximity to existing developed areas with adequate existing public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources, to avoid wasteful urban sprawl and leapfrog development;
- Limit land divisions.

## **B. Guiding Principle**

The guiding principle for managing land use and development is:

**The pattern of land use within the Santa Monica Mountains should:**

- **Preserve public health, safety, and welfare.**
- **Preserve and protect significant environmental resources;**
- **Recognize and avoid natural hazards;**
- **Protect coastal resources, including public access, habitat, and scenic and visual qualities.**
- **Enhance recreational opportunities;**
- **Protect the integrity of existing rural communities; and**
- **Protect the unique cultural and social characteristics of the region's rural residential communities, including equestrian activities.**

If there is a conflict between a provision of this LCP and a provision of any other County-adopted plan, resolution, or ordinance not included in this LCP, and it is not possible for the development to comply with both the LCP and such other plan, resolution or ordinance, the LCP shall take precedence and the development shall not be approved unless it complies with the LCP provision.

The protection of H1 habitat areas and public access shall take priority over other development standards and where there is any conflict between general development standards and H1 habitat areas and/or public access protection, the standards that are most protective of 1) H1 habitat areas, and 2) public access shall have precedence (in that order). Two policies of the LUP will only be treated as conflicting if applying one would necessarily result in a violation of the other, so there is no way to apply both. If development can be made to comply with two different policies, the policies shall not be construed to be in conflict.

## **C. Development and Environmental Resources**

This LUP seeks to balance the natural and manufactured environments. This balance is achieved through directing development into the most appropriate locations under conditions that protect the area's natural environment.

### **Development and Environmental Resources Goals and Policies**

**Goal LU-1: Land uses that reflect and are compatible with existing environmental resources and community character.**

#### *Policies:*

- LU-1 New residential, commercial, or industrial development shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it, or where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.
- LU-2 Retain the area's natural setting, rural and semi-rural character, and scenic features.
- LU-3 The limited boarding of horses by private individuals may be allowed if it complies with all policies and provisions of the LCP.
- LU-4 Maintain areas of diverse natural topography which provide, through the preservation of large undeveloped areas, long-range vistas of open ridgelines and mountain slopes.
- LU-5 Prohibit development on Significant Ridgelines, following those LUP policies and standards designed to protect ridgeline resources.
- LU-6 Preserve the physical connections between open space areas, natural habitats, public parklands, and activity centers.
- LU-7 Preserve ridgelines and open space areas that define and maintain the rural character of developed areas.
- LU-8 Mitigate the impacts of permitted development on neighboring jurisdictions; impacts shall not be exported to other jurisdictions.
- LU-9 Land divisions shall only be permitted if each new parcel being created contains an identified building site area and any necessary access road that could each be developed consistent with all policies of the LCP and without building in H1 habitat areas, or

removing H1 habitat for fuel modification. Lots that are created entirely as dedicated open space lots are exempt from this policy.

- LU-10 Prohibit new industrial uses except on lots designated for such uses. Lawfully existing non-conforming industrial uses shall not be expanded.
- LU-11 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.
- LU-12 Require that the extension of water, sewer, or utility infrastructure to serve development be located within existing roadways and road rights-of-way. If the extension of such infrastructure could potentially result in growth-inducing impacts, require all appropriate environmental review, and a discretionary approval for the development if appropriate.
- LU-13 Minimize the individual and cumulative impacts to coastal resources incurred by the buildout of existing parcels in sensitive and constrained areas and allow for new development in less-constrained areas. This shall be achieved by using one or more of the following strategies:
- Slope intensity formula;
  - Using tax defaulted properties for public purposes;
  - Offering certain tax defaulted properties for sale to contiguous owners with requirement that the parcel be deed restricted to open space and combined into one parcel with the contiguous parcel(s);
  - Lot merger program;
  - Expedited reversion to acreage process;
  - Surplus public land reporting process; and
  - Transfer of Development Credit program.
- LU-14 The Transfer of Development Credit (TDC) Program shall be implemented in order to ensure that the individual and cumulative impacts of creating new lots, second residential units, or developing multi-family residential units are minimized and mitigated through the retirement of an equivalent number of development credits from existing lots that meet the qualification criteria of the program. Lots that contain H1 habitat areas, are located in Rural Villages, or are located adjacent to H1 habitat areas or parklands can be retired for transfer of development credits.
- LU-15 Lots retired through the TDC program shall be restricted from development, combined/merged with other TDC parcels where they adjoin, and such actions shall be accurately reflected in the records of the County Tax Assessor.
- LU-16 There is one TDC Program implemented on a region-wide basis for the Santa Monica Mountains Coastal Zone, including the City of Malibu and the County of Los Angeles. Credits to mitigate development approved in either the County or City may be generated from qualifying lots within the unincorporated portion of the Santa Monica Mountains Coastal Zone. However, credits to mitigate development approved in the unincorporated

portion of the Santa Monica Mountains Coastal Zone may not be generated from qualifying lots within the City of Malibu.

- LU-17 Land divisions outside existing developed areas shall be permitted only in areas with adequate public services, where they will not have significant adverse effects, either individually or cumulatively, on coastal resources, and will not create parcels that would be smaller than the average size of surrounding parcels.
- LU-18 Allow only those land divisions that are consistent with all applicable LCP policies, including the density designated by the Land Use Policy Map and, in those areas in which one or more of the resource protection and special management overlays apply, with the special policies, standards, and provisions of the pertinent overlay(s). Allowable densities are stated as maximums. Compliance with the other policies of the LCP may further limit the maximum allowable density of development.
- LU-19 Land divisions shall not be considered the principal permitted use in any land use category.
- LU-20 Land divisions shall be designed to cluster development, including building pads, if any, in order to minimize site disturbance, landform alteration, and removal of native vegetation, to minimize required fuel modification, and to maximize open space.
- LU-21 Subsequent development on a parcel created through a land division shall conform to all provisions of the approved land division permit, including, but not limited to, the building site location, access road/driveway design, and grading design and volumes.
- LU-22 Any coastal development permit for a land division resulting in the creation of additional lots shall be conditioned upon the retirement of development credits (TDCs) at a ratio of one credit per new lot created.
- LU-23 The *maximum* number of structures permitted in a residential development shall be limited to one main residence, one second residential structure, and accessory structures such as detached garage, stable, workshop, gym, studio, pool cabana, office, or tennis court provided that all such structures are located within the approved building site area and structures are clustered to minimize required fuel modification. Certain confined animal facilities may be allowed outside of the building site area consistent with Policy CO-103. Second residential units (guesthouses, granny units, etc.) shall be limited in size to a maximum of 750 square feet. The maximum square footage shall include the total floor area of all enclosed space, including lofts, mezzanines, and storage areas. Garages provided as part of a second residential unit shall not exceed an additional 750 square feet (3-car) maximum.
- LU-24 Existing, lawfully-established structures built prior to the effective date of the Coastal Act or pursuant to a validly issued coastal development permit that do not conform to the provisions of the LCP may be maintained and repaired. Except as provided below, additions and improvements to such structures may be permitted provided that such additions or improvements themselves comply with the current policies and standards of the LCP. Substantial additions to non-conforming structures on a blufftop or on the beach are not permitted unless the entire structure is brought into conformance with the

policies and standards of the LCP. Except to allow reconstruction of an existing lawfully-established structure following a natural disaster, demolition, removal, and or reconstruction that results in the demolition of more than 50 percent or more of either the total existing wall area, and/or 50 percent of the foundation system, or the cumulative total of each, of a non-conforming structure is not permitted unless the entire structure is brought into conformance with the policies and standards of the LCP.

All existing legally established uses and structures that conform to the conditions on which they were legally established are legal conforming uses and structures.

- LU- 25 Removal of vegetation from, or other minor road improvements to, a lawfully-established road on private property which has not been maintained for a period of five years, shall require a coastal development permit.

## **D. Pattern and Character of Development**

In keeping with the guiding principle to preserve the unique natural resources of the Santa Monica Mountains, this LUP acknowledges that there must be a distinction between areas that should remain rural and areas that are suitable for a higher level of development. The area's residential communities, for example, share a rural character yet maintain unique characteristics that must be preserved: the eclectic feel of Topanga and the pioneer sense of Encinal Canyon are equally at home in the Santa Monica Mountains.

Aside from open space and land preservation areas, residences and their accessory uses represent the predominant land use in the Santa Monica Mountains. The County is committed to promoting and sustaining affordable housing in the Coastal Zone for households of all economic levels. From time to time, dilapidated affordable housing may be demolished due to concerns for the health and safety of residents. Over time, affordable housing units also may be converted to market-rate units. Both demolition and conversion result in the displacement of low- to moderate-income households for whom replacement units are necessary. In accordance with the Mello Act (Section 65590 of the Government Code), the County requires replacement units for demolished or converted affordable housing and determines the number of replacement units on a case-by-case basis. Units must be replaced within the Coastal Zone or, if this is infeasible, within three miles thereof.

Despite significant physical constraints, the Santa Monica Mountains will continue to attract new residents and development will continue to occur. This section addresses the distribution of existing and future land uses that comprise the individual communities within the area, and the expected character of development.

### **Land Use Policy Map**

The Land Use Policy Map (Land Use Map) depicts the location, character, and intensity of land uses throughout the Coastal Zone. (See pages 106a and 106b.)\* The pattern and distribution of land uses are derived primarily from the consideration of environmental opportunities and constraints, the availability of public services, local community character, and development necessary to serve local

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\* Descriptions of the land use categories are found on the following pages.

and regional needs, including business, housing, and recreational opportunities. Land need not present all the criteria listed in each category below to be selected for inclusion in a particular land use designation, but may exhibit one or more of the criteria to such a degree or extent that it is included in that designation.

It is important to recognize that the maximum number of units possible overall on any parcel is established by the Land Use Map, not by the zoning designation. Land use policy and zoning have related, but different functions:

- 1) Land use policy establishes the basic category and intensity of use permitted by this LUP. Categories of use include Open Space, Rural Lands, Rural Residential, Rural Villages, Residential, Commercial, and Public and Semi-public Facilities. Intensity of use is defined in terms of lot coverage (or floor-area ratio) for commercial uses and density (units per acre) for residential uses. Residential density is the maximum number of dwelling units that can be created on any given parcel.
- 2) Zoning sets the specific standards that must be observed in utilizing the land, including such factors as the minimum size of any lot created by a subdivision. Lots created by subdivision may be larger than the minimum size, and under certain circumstances they can be smaller providing the resulting density is consistent with the overall land use plan density. Once again, the land use policy establishes the total number of lots or units that can be created.

While the Land Use Map establishes the maximum number of units possible on a parcel, neither land use policy nor zoning standards are the sole determinants of the number of dwelling units appropriate for, or which may be approved for, a given parcel. The application of all other LUP policies, in addition to the requirements of other regulatory agencies with jurisdiction over the property, may significantly reduce the number of units.

As indicated on the Land Use Map, higher-density development is limited to locations adjacent to other similar uses, where essential services and infrastructure are available, and where few natural constraints exist. The character of rural communities is protected through control of development density, site design, and project design review.

Though the Land Use Map serves as a tool for coordinating future development, it is not predictive and does not suggest that all lands shown for a particular use will be fully developed at the indicated densities or intensities of use allowed. In addition, the Map constitutes a collective statement of local County policy for adjacent city, regional, State, and federal governments and other public service agencies whose programs may affect the unincorporated area.

## **Land Use Categories**

Described below are land use categories that apply in the Coastal Zone.

### **Open Space**

The primary purpose of Open Space lands is to provide areas for recreation; preservation of biological, scenic, historical, or cultural resources; and protection of public health and safety.

Uses consistent with the preservation of biological, scenic, historical, or cultural resources,

protection of natural resources, and the protection of the public health and safety may be considered appropriate, subject to applicable LUP policies and ordinance provisions. The principal permitted uses are public parkland and beaches, and passive recreation areas. Other permitted Open Space uses include resource conservation areas, picnic grounds, facilities appurtenant to public recreation areas, low-intensity sanctuaries, deed-restricted private open space, open drainage easements, trails, equestrian activities, rural campgrounds, and historical sites. The following Open Space categories are used on the Land Use Map:

### **OS Open Space**

Lands acquired and managed by private, non-profit organizations for habitat preservation and recreation uses. Includes private conservancy lands, private parks, nature preserves, wildlife habitats, and drainage easements. The principal permitted use is passive, resource-dependent recreation.

### **OS-P Open Space - Parks**

Public parks, including federal, State, and County parks, and beaches acquired by public agencies for habitat preservation and public recreation. The principal permitted use is resource-dependent recreation.

### **OS-DR Open Space – Deed Restricted**

Lands subject to recorded easements or deed restrictions for open space purposes, including, but not limited to, habitat preservation, scenic protection, trails and walkways, or flood hazard protection. Private lands deed restricted for habitat preservation and scenic protection generally do not allow public use. The principal permitted use is habitat preservation or passive, resource-dependent recreation consistent with the limitations established for the site by the terms of the applicable easement or deed restriction.

## **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 agriculture (including equestrian) 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, telecommunications facilities, and other

local-serving commercial, institutional, and public facilities. The following Rural Lands categories are designated on the Land Use Map:

**RL40 Rural Lands 40**

These lands can be distinguished from any other areas of the Santa Monica Mountains by being located in areas with exceptionally clean runoff and water quality. The three examples designated in this LUP are: Arroyo Sequit, a benchmark watershed against which all water quality in the Santa Monica Mountains rural watersheds is compared; Cold Creek, reported to be the cleanest watershed in the Santa Monica Mountains; and Solstice Canyon, which due to its clean water quality conditions and healthy riparian habitat has been selected by federal and State agencies for a habitat restoration program to reintroduce the State and federally-endangered steelhead trout.

Not to exceed a maximum residential density of one dwelling unit per 40 acres (1 unit per 40 acres).

**RL20 Rural Lands 20**

These lands are primarily located in well-functioning Significant 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).

**RL10 Rural Lands 10**

These lands tend to be located near other established clusters of estate-size residential development. Areas with this category include development along Mulholland Highway, Decker Road, and near the community of Fernwood.

Not to exceed a maximum residential density of one dwelling unit per 10 acres (1 unit per 10 acres).

**RL5 Rural Lands 5**

Lands in this category are principally located in areas of existing low-density residential development with access to higher-capacity public roads. Areas in this designation include development in Topanga Canyon, Monte Nido, and along Rambla Pacifico Drive and Mulholland Highway.

Not to exceed a maximum residential density of one dwelling unit per five acres (1 unit per 5 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, 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, telecommunications facilities, and other local-serving commercial and institutional public facilities. Existing State-permitted mobilehome parks are deemed consistent with the category in which they are located, and if destroyed may be rebuilt to their original State-permitted densities. Rebuilt mobilehome parks must incorporate 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:

**RL2 Rural Lands 2**

These lands are located in areas consistent with existing parcel sizes, typically adjoining higher-density residential areas and/or in areas served by higher-capacity public roads.

Not to exceed a maximum residential density of one dwelling unit per two acres (1 unit per 2 acres).

**RL1 Rural Lands 1**

This land use category is assigned to a suburban-style housing tract located adjacent to Rambla Pacifico Drive. The terrain is relatively flat, driveway lengths are substantially less than 300 feet, and there is immediate access to a paved public road.

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

**Rural Villages** (See Map 6 Rural Villages, page LU-81)

Rural Villages are those areas in the unincorporated Coastal Zone that have developed into small, integrated communities. Typically these areas were subdivided into very small urban-scale parcels, often less than 4,000 to 5,000 square feet in size, prior to modern subdivision requirements, and have experienced a relatively high level of development. The principal permitted use in the Rural Villages category is low-density single-family detached homes. Other permitted uses – which must be consistent with all development standards – include: equestrian uses, bed-and-breakfast facilities, public recreation areas and facilities, trails, water tanks, public and local-serving private schools, telecommunications facilities, and other local-serving commercial and institutional public facilities.

Land divisions, except for mergers and lot line adjustments, are not permitted in Rural Villages. Lots in Rural Villages are often difficult to develop due to steep slopes, unfavorable geologic conditions, onsite wastewater treatment system limitations, limited access, the costs of development, and other constraints. If the theoretical buildout of these lots were to occur, it would necessitate implementation of costly infrastructure (such as sewers or other technology, and roads) and significantly alter the existing density characteristics of these areas. Such infrastructure improvements are not proposed by this LUP. Parcels in all Rural

Villages will be subject to various policies and standards in order to limit the potential effects of continued urban-scale development and to discourage buildout.

## **Residential**

Lands in these categories receive a full suite of urban public services, and are subdivided with parcel sizes of less than one acre. Development appearance is typical of urban areas, where standards include full street paving, curbs, gutters, sidewalks, and minimum setbacks. Only the Sunset Mesa area in the southeastern corner of the Coastal Zone possesses these attributes. The principal permitted use in the Residential categories is single-family detached and attached homes, including large-lot estates, suburban tracts, small-lot single-family residences, and townhouses as appropriate to the designated maximum density. Existing State-permitted mobilehome parks are deemed consistent with all Residential categories in which they are located, and if destroyed may be rebuilt to their original State-permitted densities, providing they incorporate all other current LUP policies. High-density residential uses such as apartments and condominiums may be appropriate in areas with fully-improved streets – to include curbs, gutters, sidewalks and streetlights – and full municipal water and sewer services, that are situated close to urban amenities such as shopping and public transit. Other permitted uses include public recreation areas and facilities, and trails. The following Residential categories are designated on the Land Use Map:

### **U20 Residential 20**

Not to exceed a maximum residential density of twenty dwelling units per acre (20 units per acre).

### **U8 Residential 8**

Not to exceed a maximum residential density of eight dwelling units per acre (8 units per acre).

## **Commercial**

The Commercial categories provide areas for residents and visitors to obtain goods and services. These categories generally are located where such uses have existed historically or where they would be positioned to meet the needs of residents and visitors. The following Commercial categories are designated on the Land Use Map:

### **C Commercial**

Commercial areas provide appropriate locations for the general shopping and commercial service needs of local residents, workers, and visitors. The principal permitted use is general commercial activities, including retail and personal services. Other permitted uses include offices, specialty stores, financial institutions, art and studio facilities, public recreation areas and facilities, and trails. Quiet, non-polluting rural uses and scientific research and development facilities may also be located in Commercial areas.

Maximum land use intensity of 0.5 floor-area ratio (FAR).

### **CR Commercial Recreation – Limited Intensity**

Commercial Recreation – Limited Intensity areas provide appropriate locations for the establishment of visitor-serving, resource-based commercial recreation uses

characterized by large open space areas, limited building coverage, and minimal modification of the natural environment. The principal permitted use is low-intensity commercial establishments offering a variety of goods and services to visitors. Other permitted uses – consistent with all development standards – include restaurants, general stores, visitor-serving overnight accommodations, bed-and-breakfast facilities, hostels, public recreation areas and facilities, trails, low-intensity conference centers, and private commercial recreation including fish ponds, equestrian facilities, and club houses.

Maximum land use intensity of 0.3 floor-area ratio (FAR).

### **Public and Semi-Public Facilities**

#### **P Public and Semi-Public Facilities**

Public and Semi-Public Facilities areas provide appropriate locations for activities conducted by public and quasi-public agencies. The principal permitted use is government offices and services. Other permitted uses include educational institutions, probation camps, public service facilities, public recreation areas and facilities, and trails.

### **Resource Protection and Special Management Overlays**

In addition to the base land use designations, two overlay categories regulate development in the Coastal Zone. These categories are: (1) Biological Resources and (2) Scenic Resources. In those areas where a resource protection or special management overlay applies, new development shall be consistent with the applicable land use category and additionally shall adhere to the policies and provisions of the applicable overlay category.

#### **Biological Resources**

(See Map 2 Biological Resources, page 70)

Sensitive Environmental Resource Areas (SERAs) contain terrestrial or marine resources that, because of their characteristics and/or vulnerability, require special protection. These areas are discussed in detail in Part D (Biological Resources) of the Conservation and Open Space Element of this LUP, and include areas designated as H1 habitat, H2 habitat, and H2 High Scrutiny habitat. These SERAs are defined as areas in which plant and/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 development. SERAs includes stands of oak, walnut and riparian trees, as well as grasslands and oaks in savanna associations. SERAs also serve as animal migration routes and link important natural habitats.

New development within SERAs must adhere to the land and marine resource protection policies and standards of this LUP. Additionally, all development will be subject to review by the County Environmental Review Board (ERB), the staff biologist or both. Environmental resources in some areas have suffered significant degradation. Because of their diminished natural habitat value, development in these degraded areas will not be subject to the same level of environmental review as that in less-degraded areas. For example, new development in those Rural Villages that have suffered significant degradation will be reviewed by the staff

biologist, while development in areas with greater natural habitat value will be reviewed by the ERB.

### **Scenic Resources** (See Map 3 Scenic Resources, page 71)

The Santa Monica Mountains are a highly scenic area of national and regional importance. Within the Mountains are particularly significant visual resources that warrant special standards to maintain their unique character and quality. New development within this overlay category must adhere to the scenic resource protection policies and standards of this LUP (see Conservation and Open Space Element), and shall apply to the following three subcategories: Scenic Elements, Significant Ridgelines, and Scenic Routes. However, the scenic resource protection policies and standards shall also apply to all other areas that are on, along, within, or visible from scenic routes, public parklands, trails, beaches, and state waters that offer scenic vistas of the mountains, canyons, coastline and other unique natural features.

## **Pattern and Character of Development Goals and Policies**

**Goal LU-2: A pattern of land use that promotes social, environmental, and economic well-being while preserving the environmental resources and unique character of the land within the Santa Monica Mountains.**

### Policies:

- LU-26 New housing developments shall comply with Government Code §65590 relating to the provision of low- and moderate-income housing within the Coastal Zone. All required provisions of the Local Coastal Program will still apply, including coastal development permit requirements and the requirement to avoid adverse impacts to coastal resources to the maximum extent feasible.
- LU-27 Replace existing residential dwelling units occupied by persons of low- and moderate-income that are converted or demolished, consistent with the provisions of Government Code §65590.
- LU-28 Maintain low densities within Rural Lands and Rural Residential areas and protect the features that contribute to rural character and rural lifestyles by:
- Retaining the natural terrain and vegetation in hillside areas, rather than creating large, flat pads;
  - Protecting natural vegetation, natural environmental features, and streams;
  - Landscaping with locally-indigenous species outside of Fuel Modification Zone A;
  - Maintaining rural road sections without curbs, gutters, streetlights, or sidewalks;
  - Providing opportunities for keeping equines where adequate space and suitable topography are available, and where consistent with all other policies of the LCP;
  - Limiting the types and locations of commercial development;
  - Maintaining a natural physical setting comprised of large areas of undisturbed hillsides, oak woodlands, canyons, and riparian areas, and a visual character dominated by natural environmental features;

- Preserving the openness and scenic beauty of the area's natural environment;
- Preserving significant environmental features and requiring the dedication of open spaces in new development;
- Requiring hillside residential development designs that feature natural rather than manufactured forms and emphasize using custom foundations;
- Sizing houses and flat pad areas to be consistent with the natural setting; limiting features such as tennis courts and paved areas;
- Protecting hilltops and ridgelines by prohibiting structures in those areas where feasible; and
- Minimizing disturbance of landforms and biological resources by requiring buildings on hillsides to be constructed on multilevel pads where appropriate.
- Providing greater protection to coastal resources than the minimum required by this LCP by offering incentives for limited types of proposed development

- LU-29 Prohibit development of non-resource-dependent uses within the H1 habitat areas.
- LU-30 Within Rural Villages, limit the mass, scale, and total square footage of structures in order to minimize grading, landform alteration, and protect environmental and scenic resources.
- 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.
- LU-32 Require that new development be compatible with the rural character of the area and the surrounding natural environment.
- LU-33 Require that new development preserve views from public parks, trails, and designated Scenic Routes. This includes preserving and enhancing views from public roadways which are oriented toward existing or proposed natural community amenities such as parks, open space, or natural features;
- LU-34 Require that new development preserve views of the ocean or Scenic Elements from public parkland, trails, Scenic Routes, and the principal permitted use on adjoining parcels. If there is a conflict between protecting views from public view areas and from private view areas, the protection of public views shall take precedence.
- LU-35 Development on parcels must be clustered and concentrated in one building site area, particularly within lands designated either Rural Lands or Rural Residential, to facilitate fire protection and to preserve and minimize impacts to coastal resources and the area of disturbance. Areas surrounding the approved building site area shall be required to be dedicated as open space in perpetuity.
- LU-36 Determine the maximum potential residential density of a proposed subdivision based on the density of the project's plan category. If the project area covers more than one plan category, determine the maximum potential residential density of that project area by calculating the maximum density for each plan category represented and then adding these

densities together. Allowable densities are stated as maximums. Compliance with the other policies of the LCP may further limit the maximum allowable density of development.

- LU-37 Limit structure heights to ensure protection of scenic resources and compatibility with surrounding settings.
- LU-38 Limit the length of private access roads to the minimum necessary to provide access to the approved building site of a legal parcel. Temporary roads approved for preliminary hydrologic or geologic testing shall be restored and not be considered an existing access road for subsequent development proposals.
- LU-39 Site and design development so as to: protect life and property; protect public lands, H1 and H2 habitat areas, dedicated open space, streams, scenic resources, public views, and other natural features and resources; maximize open space areas; and, minimize the overall vegetation clearance needed for fire protection.
- LU-40 Provide that residential and non-residential uses are buffered from each other through siting and design techniques and materials that are compatible with the existing community and surrounding natural environment.
- LU-41 Require open space areas in individual developments to connect trails, open space, and wildlife corridors wherever possible.
- LU-42 Limit exterior lighting, except when needed for safety. Require that new exterior lighting installations use low-intensity directional lighting and screening to minimize light spillover and glare, thereby preserving the visibility of a natural night sky and stars and minimizing disruption of wild animal behavior, to the extent consistent with public safety.
- LU-43 Require the use of low-volume irrigation and locally-indigenous and drought-tolerant plant species in all development projects. Require the use of smart irrigation systems, and require the rapid repair of broken sprinkler systems. Prohibit the use of invasive species in all landscaping projects.
- LU-44 Concentrate commercial, office, and other higher-intensity uses along major streets and ensure that each project has adequate access, can accommodate the traffic, is accessible to essential services, and contains appropriate site design features to enhance community character.
- LU-45 Require that commercial uses be designed to be compatible in scale and appearance with the existing community and surrounding natural environment.
- LU-46 Require that all development incorporate low impact development principles and standards, as contained in the LCP.
- LU-47 Prohibit industrial uses within the Coastal Zone to the maximum extent feasible.

- LU-48 Require all new commercial and institutional development to be compatible with the rural character of the area and the surrounding natural environment to the maximum extent feasible.
- LU-49 Require all new commercial and institutional development to minimize adverse impacts on adjacent properties through careful use of arrangement of buildings, architectural design, and types of uses proposed. These impacts include, but are not limited to: noise, odors, fuel modification, maintenance of community character, and views.
- LU-50 Solar energy devices/panels shall be sited on the rooftops of permitted structures, where feasible. If roof-mounted systems are infeasible, ground-mounted systems may be allowed only if sited within the building site area of permitted development. Wind energy systems are prohibited.

***Goal LU-3: A well-regulated telecommunications network that serves the needs of the general public, limits negative impacts to the environment, and avoids contributing to visual blight.***

Policies:

- LU-51 Limit the visual and safety impacts of wireless telecommunications facilities to preserve the character and aesthetics of surrounding areas, through careful design, screening, and mitigation requirements. Encourage undergrounding of accessory equipment, co-locating, and clustering wireless telecommunication facilities and structures, wherever possible, to help avert unnecessary proliferation of such facilities.
- LU-52 Communication processing, storage and transmission facilities and lines shall be sited, designed, and operated to avoid or minimize impacts to SERAs and scenic resources, consistent with all provisions of the LCP. If there is no feasible alternative that can eliminate all impacts, then the alternative that would result in the fewest or least-significant impacts shall be selected.
- LU-53 All facilities and related support structures shall be sited, designed, and operated to avoid when possible the visibility of the facility from public viewing areas, and to preserve the character of surrounding areas by protecting ridgelines by setting facilities below the ridge, and co-locating facilities, where feasible, to avoid proliferation of facilities.
- LU-54 All facilities shall place support facilities underground, where feasible. New communication transmission lines shall be sited and designed to be located underground, except where it would present or contribute to geologic hazards or if to do so would be more damaging to biological resources. Existing communication transmission lines should be relocated underground when they are replaced or when funding for undergrounding is available.

## **E. Coastal Act Sections and Corresponding Element Policies**

The Land Use and Housing Element addresses the following selected provisions of the Coastal Act. Shown in *italic*, Coastal Act provisions are included for reference only and are not adopted by the County.

**Section 30240 Environmentally sensitive habitat areas; adjacent developments**

*(a) 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.*

*(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

- Corresponding Land Use and Housing Element policies: LU-2, 4, 5, 6, 7, 20, 25, 29, 33, 34, 38, 39, 47, 53, 54.

**Section 30250 Location; existing developed area**

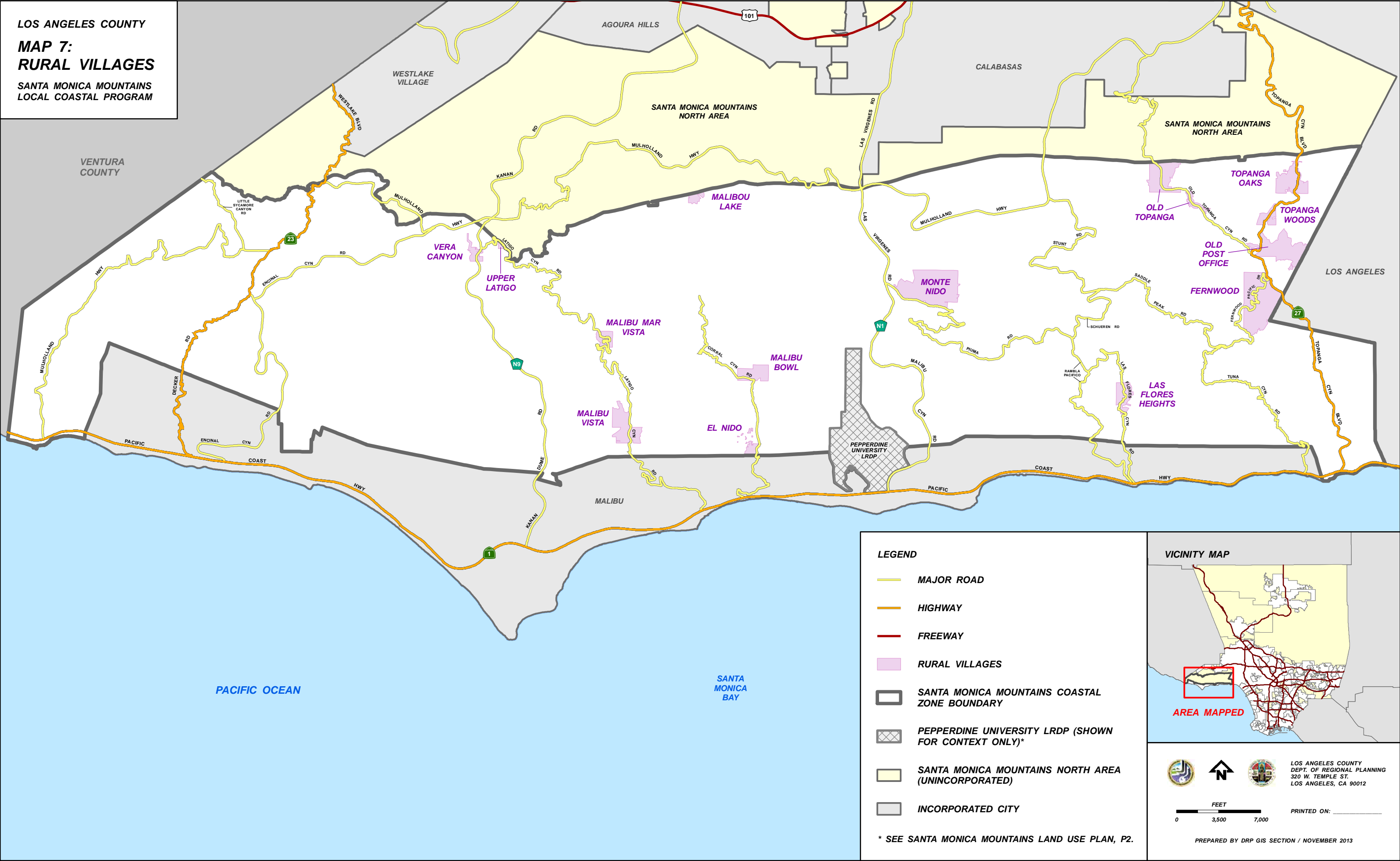
*(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.*

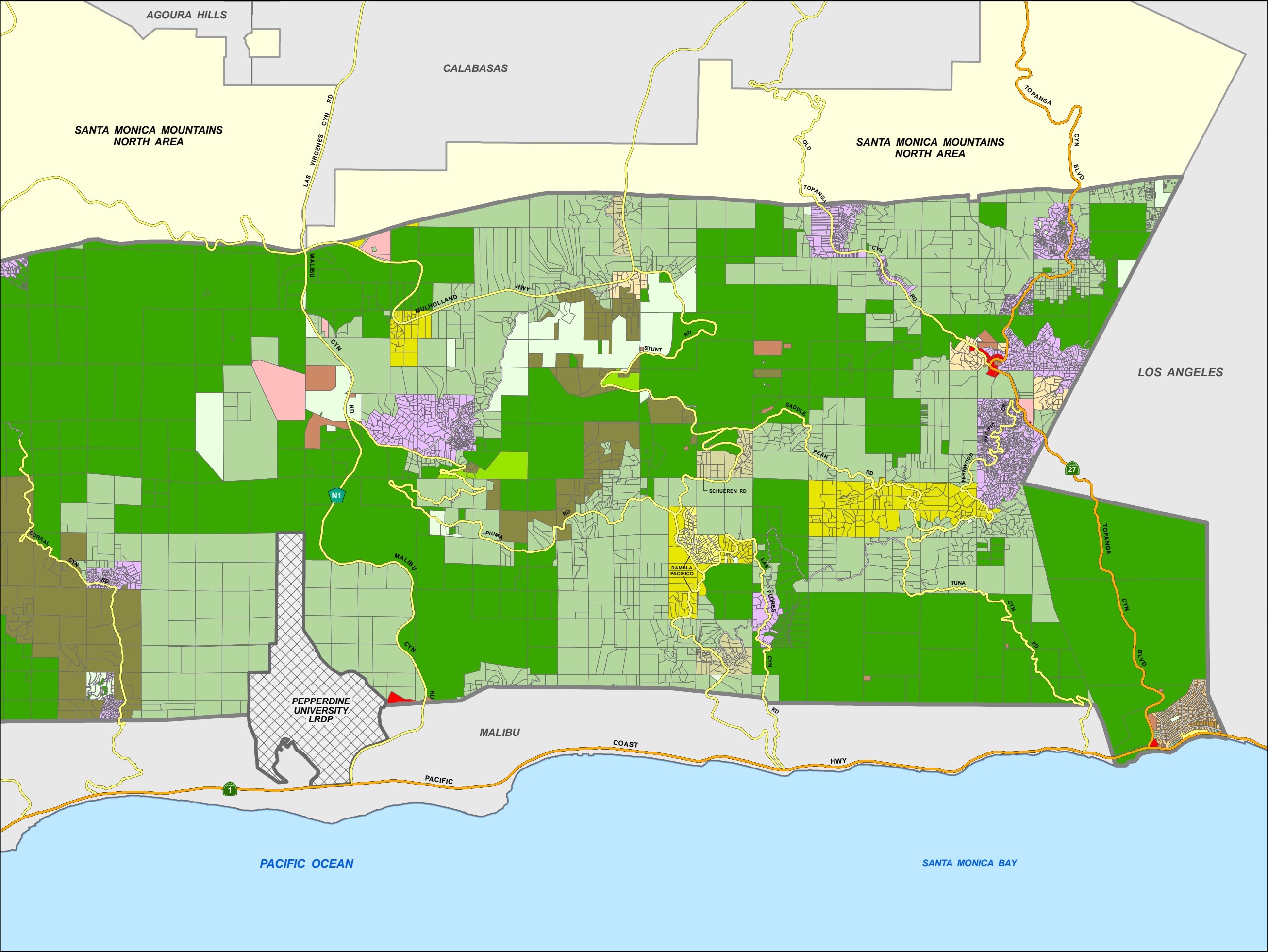
*(b) Where feasible, new hazardous industrial development shall be located away from existing developed areas.*

*(c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.*

- Corresponding Land Use and Housing Element policies: LU-1, 9, 12, 13, 17, 18, 30, 31, 44, 48, 49, 52.

LOS ANGELES COUNTY  
MAP 7:  
RURAL VILLAGES  
SANTA MONICA MOUNTAINS  
LOCAL COASTAL PROGRAM





LOS ANGELES COUNTY




**MAP 8:**  
**LAND USE POLICY (EAST)**

SANTA MONICA MOUNTAINS  
LOCAL COASTAL PROGRAM

- LEGEND**
- MAJOR ROAD
  - HIGHWAY
  - PARCEL BOUNDARY
  - OS OPEN SPACE
  - OS-DR OPEN SPACE-DEED RESTRICTED
  - OS-P OPEN SPACE-PARKS
  - RL1 RURAL RESIDENTIAL (1DU/1AC)
  - RL2 RURAL RESIDENTIAL (1DU/2AC)
  - RL5 MOUNTAIN LANDS (1DU/5AC)
  - RL10 MOUNTAIN LANDS (1DU/10AC)
  - RL20 MOUNTAIN LANDS (1DU/20AC)
  - RL40 MOUNTAIN LANDS (1DU/40AC)
  - U8 RESIDENTIAL (8 DU/AC)
  - U20 RESIDENTIAL (20 DU/AC)
  - RV RURAL VILLAGE
  - C COMMERCIAL
  - CR VISITOR-SERVING COMMERCIAL RECREATION-LIMITED
  - P PUBLIC AND SEMI-PUBLIC FACILITIES
  - SANTA MONICA MOUNTAINS COASTAL ZONE BOUNDARY
  - PEPPERDINE UNIVERSITY LRDP (SHOWN FOR CONTEXT ONLY)\*

\* SEE SANTA MONICA MOUNTAINS LAND USE PLAN, P2.





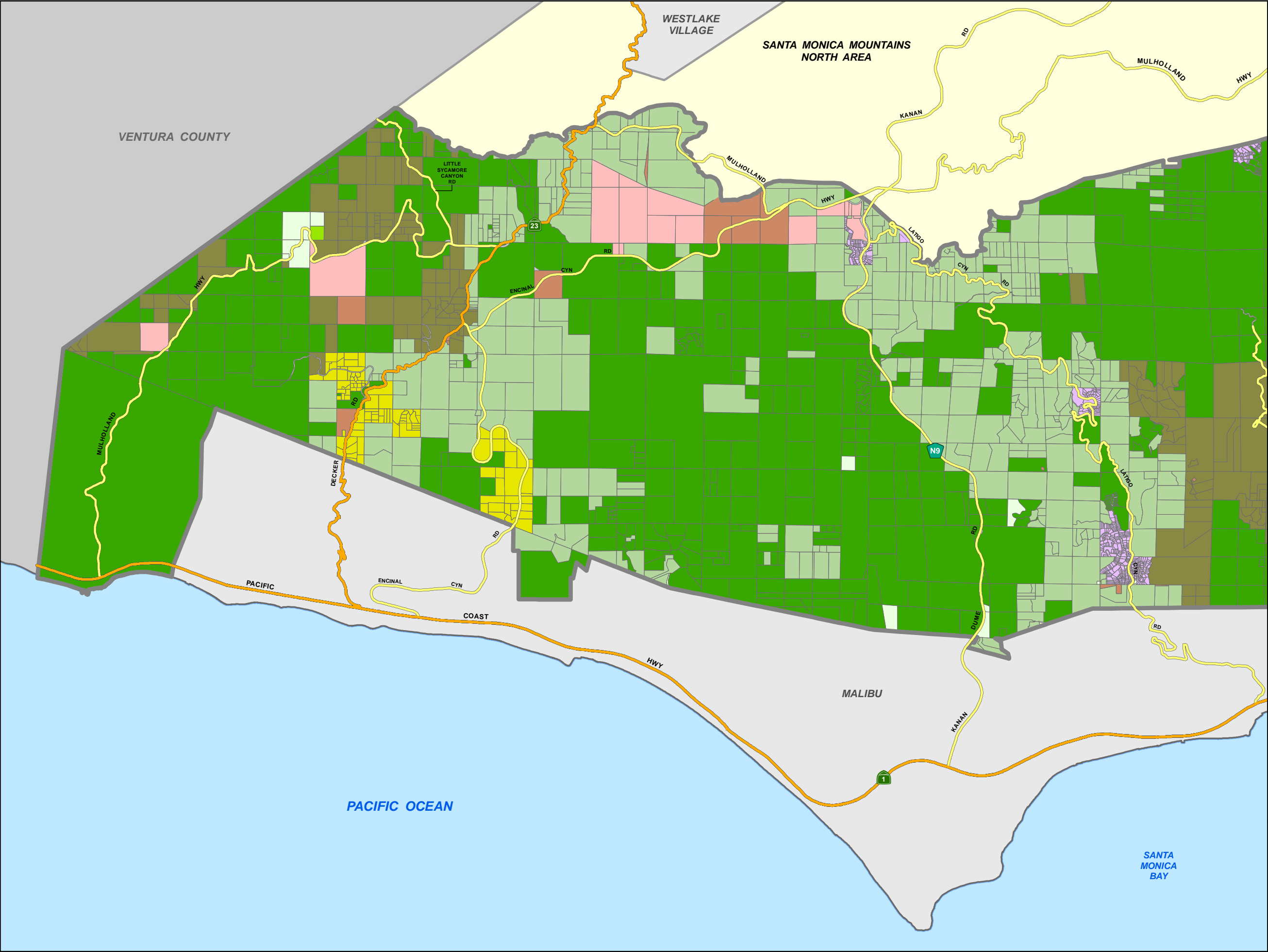
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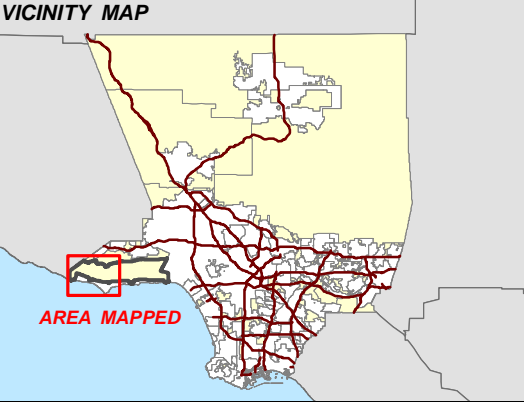





LOS ANGELES COUNTY

**MAP 8:**  
**LAND USE POLICY (WEST)**

SANTA MONICA MOUNTAINS  
LOCAL COASTAL PROGRAM

- LEGEND**
- MAJOR ROAD
  - HIGHWAY
  - PARCEL BOUNDARY
  - OS OPEN SPACE
  - OS-DR OPEN SPACE-DEED RESTRICTED
  - OS-P OPEN SPACE-PARKS
  - RL1 RURAL RESIDENTIAL (1DU/1AC)
  - RL2 RURAL RESIDENTIAL (1DU/2AC)
  - RL5 MOUNTAIN LANDS (1DU/5AC)
  - RL10 MOUNTAIN LANDS (1DU/10AC)
  - RL20 MOUNTAIN LANDS (1DU/20AC)
  - RL40 MOUNTAIN LANDS (1DU/40AC)
  - U8 RESIDENTIAL (8 DU/AC)
  - U20 RESIDENTIAL (20 DU/AC)
  - RV RURAL VILLAGE
  - C COMMERCIAL
  - CR VISITOR-SERVING COMMERCIAL RECREATION-LIMITED
  - P PUBLIC AND SEMI-PUBLIC FACILITIES
  - SANTA MONICA MOUNTAINS COASTAL ZONE BOUNDARY





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## V. CIRCULATION ELEMENT

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### A. Introduction

Despite extreme variations in landform and general terrain instability, a road system has existed in the Santa Monica Mountains since the beginning of the 20<sup>th</sup> Century. The area is roughly segmented into a roadway grid that continues to serve the access needs of area residents and visitors. This grid consists primarily of the following major or secondary highways: Pacific Coast Highway (State Route 1), Topanga Canyon Boulevard (State Route 27), and Decker Road/Westlake Boulevard (State Route 23); and two County major highways, Malibu Canyon Road (County Route N1) and Kanan Dume Road (County Route N9). In addition, the Coastal Zone is served by two County-designated scenic highways: Mulholland Highway and Malibu Canyon Road/Las Virgenes Road.

Circulation has, however, become a major challenge in the Santa Monica Mountains. The system has become overburdened as a result of the competing needs of the following: 1) homeowners wanting access to somewhat isolated rural communities and home sites in the Mountains; 2) contractors and other service providers wanting access to properties; 3) the public wanting access to the area's recreational opportunities, including inland parks and the beach; 4) commuters trying to avoid congestion on the nearby 101 Freeway; and, most significant, 5) access for emergency services.

To evaluate current traffic conditions in the Mountains, the County Department of Public Works conducted a transportation study depicting conditions existing under both the 1986 Malibu Land Use Plan land use categories and conditions anticipated pursuant to adoption of this LUP. The results of the study are summarized below in Tables 3 and 4. The tables show that full capacity has already been reached at intersections and links along most of the important north/south connector roads. More traffic will simply result in forced flows at inefficient speeds significantly lower than design flows.

**Table 4. Locations of Year 2005 Traffic Congestion within the Santa Monica Mountains**

|                             | Roadway                  | Location  |
|-----------------------------|--------------------------|---|
| Morning Peak Hour           | Malibu Canyon Road       | Southbound from Mulholland Highway to Civic Center Way                  |
|                             | Pacific Coast Highway    | Eastbound from Civic Center Way to the eastern boundary of LUP area     |
|                             | Topanga Canyon Boulevard | Southbound from Mulholland Highway to Pacific Coast Highway             |
| Average Daily Traffic (ADT) | Malibu Canyon Road       | Northbound from south of Piuma Road to Mulholland Highway               |
|                             | Mulholland Highway       | Eastbound from Mulholland Drive to Topanga Canyon Boulevard             |
|                             | Pacific Coast Highway    | Eastbound from Topanga Canyon Boulevard to eastern boundary of LUP area |

**Table 5. Locations of Projected Year 2030 Traffic Congestion within the Santa Monica Mountains**

|                             |  | <b>Roadway</b>           | <b>Location</b>   |
|-----------------------------|--|--------------------------|---|
| Morning Peak Hour           |  | Malibu Canyon Road       | Southbound from Mulholland Highway to Civic Center Way  |
|                             |  | Pacific Coast Highway    | Eastbound from Civic Center Way to Topanga Canyon Boulevard. Both directions from Topanga Canyon Boulevard to the eastern LUP area boundary |
|                             |  | Topanga Canyon Boulevard | Southbound from just south of Mulholland Highway to Pacific Coast Highway   |
| Afternoon Peak Hour         |  | Malibu Canyon Road       | Southbound from Mulholland Highway to Civic Center Way  |
|                             |  | Pacific Coast Highway    | Both directions from the eastern LUP area boundary to Topanga Canyon Boulevard  |
|                             |  | Topanga Canyon Boulevard | Southbound from Fernwood Pacific Drive to Pacific Coast Highway   |
| Average Daily Traffic (ADT) |  | Malibu Canyon Road       | Both directions from Mulholland Highway to Piuma Road and northbound from just north of Civic Center Way to Piuma Road                      |
|                             |  | Mulholland Highway       | Both directions from Cornell Road to Las Virgenes Road  |
|                             |  | Pacific Coast Highway    | Both directions from Civic Center Way eastbound to the eastern boundary of the LUP area   |

The primary roads within the immediate planning area that experience serious congestion are Topanga Canyon Boulevard, Malibu Canyon Road, and Pacific Coast Highway. Major roads in the vicinity of the planning area that are also seriously congested are the 101 Freeway, the 405 Freeway, and the 10 Freeway. It is often the congestion on these roads that contributes to greater traffic problems in the Mountains. Despite the risks inherent in two-lane, winding mountain roads, many commuters from the Ventura Freeway corridor take one of these cross-mountain routes in the so-called “Z pattern” to reach Pacific Coast Highway to avoid serious traffic congestion problems in the San Fernando Valley and the Sepulveda Pass. Rural roads through the Santa Monica Mountains area have become, therefore, commuter routes to West Los Angeles and the South Bay. Additionally, Mulholland Highway, the primary intra-mountain east-west connector, has experienced dramatic increases in traffic since there is no alternative route permitting Ventura Freeway users to avoid congestion and connect to the San Fernando Valley. Increased development in the region is placing a further strain on the existing circulation system. An effective circulation policy for the Mountains must acknowledge the impacts of these travel patterns and that the efficiency of the surrounding major transportation routes is critical to managing traffic in the Mountains; therefore, this LUP supports capacity enhancement of the major freeways in the region and encourages alternative transportation methods to the private automobile, particularly the expansion of public

transportation systems that can alleviate region-wide traffic problems.

Significant additional carrying capacity on area roadways would be necessary to move traffic at desirable levels of service; however, to provide such additional capacity in the Santa Monica Mountains would further degrade environmental resources and disrupt the quality of life of the existing residential neighborhoods and rural communities. Nonetheless, the dilemma is that an effective circulation policy for the Mountains must acknowledge these travel patterns and provide an efficient circulation system to serve residents, commuters, and the population seeking coastal and inland recreational opportunities.

Significant physical and environmental constraints deter roadway expansion throughout much of the Santa Monica Mountains. The mountainous topography, unstable hillsides, and sensitive environmental resources of the region make costs for extending or constructing major new roadways prohibitively high.

Recognizing these challenges, policies are needed to facilitate access to recreational resources while recognizing overall regional circulation needs. Sections of this Circulation Element address the following three broad policy categories intended to make the system more efficient while maintaining sensitivity to rural communities and protecting the environment, and by reducing demand on the circulation system:

- Balancing Roadway Carrying Capacity with Environmental Protection;
- Managing Roadway Demand; and
- Encouraging Transportation Alternatives.

The Los Angeles County Highway Plan would typically play a major role in implementing the policies of this Circulation Element. The Highway Plan is the primary planning tool used to build and maintain the roadway network in the unincorporated areas. Map 8 (page 116) shows the portion of the Highway Plan that lies within the Coastal Zone. However, the County does not anticipate making changes to the Highway Plan as a part of the LCP: neither new roads nor the vacation of roadways are proposed under this LUP.

Additional circulation issues, such as recreation, trails, habitat linkages, and scenic routes, are addressed by this LUP in the Conservation and Open Space Element.

## **B. Guiding Principle**

The guiding principle for facilitating mobility is:

**Facilities and programs to improve traffic flow and access must be implemented within a framework of preserving the natural environment and protecting the unique character of the individual communities within the LUP area.**

The transportation system in the Santa Monica Mountains needs improvement, but past experience has shown that road construction and maintenance has adversely impacted the area's natural beauty and environmental resources. Thus, the County, in cooperation with the California Department of Transportation (Caltrans) and the adjacent cities, will approach future transportation improvements based on the guiding principle.

## C. Balancing Roadway Capacity and Environmental Protection

It is clear that road construction and maintenance can significantly impact the environment. The development and improvement of roads often involve major landform modifications, which in the rugged terrain of the Santa Monica Mountains can result in erosion, siltation, and rockfall, impacting downstream waters and degrading scenic and other coastal resources.

The physical and environmental characteristics of the Santa Monica Mountains have largely precluded major improvements to the road network and the construction of additional roads. This LUP seeks to improve circulation in and through the planning area, while protecting the environment, through transportation system management techniques. These tools focus on improvements within the existing right-of-way to make links and intersections operate more efficiently. Computerized signalization at intersections and synchronization of signals along a link can result in more efficient traffic movement. The flow of traffic can be improved by reducing interruptions to flow, such as controlling access to links from private driveways. Turn-out pockets and special purpose lane additions are other options available to make the existing system work more efficiently. The application of these techniques in lieu of road construction has the added value of assisting in implementing a central mandate of this LUP – the protection of sensitive environmental resources.

### Balancing Roadway Capacity and Environmental Protection Goals and Policies

**Goal CI-1:** *A transportation system consistent with the area's rural and scenic qualities and environmental threshold carrying capacities.*

#### Policies:

- CI-1 Maximize the capacity and operational efficiency of highways consistent with environmental protection and neighborhood preservation, without widening roadways to increase capacity.
- CI-2 Require all roadway maintenance and improvements to be accomplished in a manner protective of adjacent SERAs, streams, drainage courses, wildlife corridors, and other sensitive areas that may be impacted by such activity. Where feasible, roadway improvement projects should include drainage improvements to reduce erosion and polluted runoff.
- CI-3 Expand roadway system capacity only where environmental resources (habitats/linkages, viewsheds, SERAs, trails, etc.), residential neighborhoods, and rural communities are adequately protected. Roadway widening to increase capacity shall be prohibited.
- CI-4 Prohibit the practice of side casting surplus fill material from road construction, maintenance, or repair. In emergencies, public agencies may temporarily store excess cut material on graded surfaces within rights-of-way using the most current Best Management Practices to eliminate erosion into adjacent drainage courses. Ensure that landslide material is deposited in permitted landfills or sites with valid permits to accept fill.

- CI-5 Where appropriate, increase the capacity of existing major and secondary highways through the application of transportation system management technology within established rights-of-way and roadway widths by:
- Minimizing the number of driveway access points by consolidating driveways and exploring other options to reduce uncontrolled access;
  - Minimizing or eliminating conflicting turning movements on links or at intersections;
  - Restricting on-street parking during peak travel periods where such restrictions will not adversely impact public access to beaches and/or parks; and
  - Employing traffic signal synchronization technology.
- CI-6 Improve roadway efficiency and highway access through redesign of road intersections and establishment of periodic passing, turnout, and acceleration/deceleration lanes, where appropriate.
- CI-7 Emphasize other transportation system management solutions, including improved public transit and non-motorized transportation, such as bicycles.
- CI-8 Ensure that all recreational easements and other recreational resources are protected during and after roadway construction, maintenance, and repair.
- CI-9 Maintain appropriate rural and mountain road standards, consistent with public safety requirements, for the rural portions of the Santa Monica Mountains. Require the use of the rural cross section as the default standard in the Coastal Zone.
- CI-10 Encourage the routing of through-traffic onto highways and designated arterial streets, while discouraging through-traffic in residential neighborhoods.
- CI-11 Analyze and require mitigation of the traffic impacts from projects that generate substantial amounts of “off-peak” traffic, in addition to the traditional roadway capacity analysis.
- CI-12 Limit the requirement for curbs, gutters, sidewalks, and streetlights to the higher-density Residential land use categories contained within Sunset Mesa (as further described below), unless required by public safety considerations or to maintain an existing neighborhood pattern. Curbs, gutters, sidewalks, and streetlights shall only be the default standard within the Sunset Mesa neighborhood, which lies between Topanga State Park to the north, the Pacific Coast Highway to the south, the City of Los Angeles to the east, and Topanga Canyon Boulevard to the west.
- CI-13 Allow road and driveway improvements only where they provide legal access to: 1) existing, lawfully-developed parcels; or 2) legal parcels with an approved coastal development permit and all other required permits.
- CI-14 Support Caltrans efforts to improve traffic flow and safety on Pacific Coast Highway, the 101 Freeway, the 405 Freeway, and on other State routes, consistent with the policies of this LUP.

## D. Managing Roadway Demand

Mulholland Highway is the Santa Monica Mountains' primary east-west regional traffic artery, with the cross-mountain roads serving as connecting links to Pacific Coast Highway. Completion of the Ventura Freeway in the 1970s served to connect large undeveloped blocks of land in Ventura County to employment centers in the San Fernando Valley and West Los Angeles. However, construction of the freeway also eliminated alternatives to the congested US 101. As a result, there has been an increase in traffic along the cross-mountain roads and Mulholland Highway, and there is no convenient alternate route for local traffic and recreational users. Periodic highway tie-ups cause traffic to spill out onto the local roadway system, which is not designed to accommodate peak-hour through-traffic.

Consistent with the environmental protection policies of this LUP, the County can work to improve the efficiency of the roadways through transportation system management tools, as demonstrated in the previous set of policies. However, the LUP must address the other side of the equation – system demand. Through use of transportation demand management techniques, the County must assure that additional development will not significantly impact, and indeed may improve, the existing circulation system in the LUP area.

### Managing Roadway Demand Goals and Policies

***Goal CI-2: A safe and efficient roadway network that can accommodate projected traffic growth in a manner consistent with protecting environmental resources and existing neighborhoods.***

#### Policies:

- CI-15 Maintain, and potentially enhance, the concentration of business and commercial uses in existing locations that continue to serve the local communities and reduce the length of vehicle trips.
- CI-16 Provide opportunities, such as park-and-ride lots, for local residents to car- or bus-pool to work thereby reducing the number of single-occupant vehicle trips generated in the LUP area.
- CI-17 Provide other opportunities, such as centralized learning centers with computer access, to reduce the need to commute long distances to colleges and universities.
- CI-18 Improve roadways as appropriate to accommodate planned development and anticipated increases in recreational activities. Curbs, gutters, and sidewalks should only be used where deemed necessary for the safety of pedestrian and vehicular traffic by the Department of Public Works, and shall only be the default standard within the Sunset Mesa neighborhood, as defined in Policy CI-12.
- CI-19 Limit the density and intensity of development in rural and mountainous areas to a level that can be accommodated by existing road capacity and without creating significant

adverse impacts. Avoid any development in rural and mountainous areas that would require roadway widening to increase capacity. Road widening shall be allowed to protect public safety.

- CI-20 Analyze the traffic impacts of a proposed development by considering the project's system-wide effects, including effects on transportation alternatives and the potential for bottlenecks in the area's roadway system.
- CI-21 Require each new development causing cumulative circulation impacts to construct or fund its fair share of any necessary circulation system improvements or additions.
- CI-22 Where funding sources prove inadequate, establish assessment districts, impact fees and/or other equitable funding mechanisms to augment roadway funds.

## **E. Encouraging Transportation Alternatives**

Alternatives to the private automobile - including carpooling, public transit, bicycles, walking, and telecommuting - are opportunities to lessen traffic impacts on the region's roadways, and are a higher priority than expanding the existing roadway system. The provision of transit alternatives by the various public and private transportation agencies in the region will also help to improve the accessibility of recreational opportunities and resources in the Santa Monica Mountains. Frequent and convenient transit service would make it easier for people to leave automobiles at home or at staging areas when visiting recreation areas and would reduce the impact of the automobile on the area's tranquil setting. Transit may also help to increase usage of lesser-known recreational facilities.

### **Encouraging Transportation Alternatives Goals and Policies**

***Goal CI-3: Alternative travel modes to the single-occupant automobile for local, commuter, and recreational trips.***

#### *Policies:*

- CI-23 Encourage transportation alternatives, including public transit service, staging areas, and park-and-ride lots, both within the region and from metropolitan Los Angeles to the area's major parks and recreation areas.
- CI-24 The extension of public transit facilities and services, including shuttle programs, to maximize public access and recreation opportunities shall be encouraged, where feasible.
- CI-25 Augment the system of beach buses to insure that opportunities are available year-round to access both beach and inland recreational sites and parks as demand increases.
- CI-26 Encourage the use of locally-based contractors, service providers, and laborers rather than those that need to travel long distances to work sites in the LUP area.

- CI-27 Assist local employers in transporting employees from homes and worksites in the Santa Monica Mountains, thereby reducing the need for additional vehicle trips.
- CI-28 Work with surrounding cities and transit service providers to offer commuter bus services between inland communities and the City of Malibu.
- CI-29 Require new development to provide for public transportation needs on existing roadways, where appropriate, when acquisition and improvement activities occur. Cooperate with adjacent jurisdictions to develop and incorporate this and other public transit-friendly design features into new projects and other discretionary project applications.
- CI-30 Incorporate bike lanes and/or bike use signage into local road designs wherever feasible and safe.
- CI-31 Ensure that improvements to any roadway or trail containing a bikeway and/or trail do not adversely affect the provision of bicycle or trail use.
- CI-32 Support the region-wide expansion of alternative transportation methods, including rail lines, transitways, bike paths, and rapid bus systems, where consistent with the policies of this LUP.

## **F. Coastal Act Sections and Corresponding Element Policies**

The Circulation Element addresses the following selected provisions of the California Coastal Act. Shown in *italic*, Coastal Act provisions are included for reference only and are not adopted by the County.

### **Section 30210 Access; recreational opportunities**

*In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

- Corresponding Circulation Element policies: CI-1, 8, 18, 19, 23, 24, 25, 28, 31.

### **Section 30212.5 Public facilities; distribution**

*Whenever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any subject area.*

- Corresponding Circulation Element policies: CI-2, 11, 29, 31, 32.

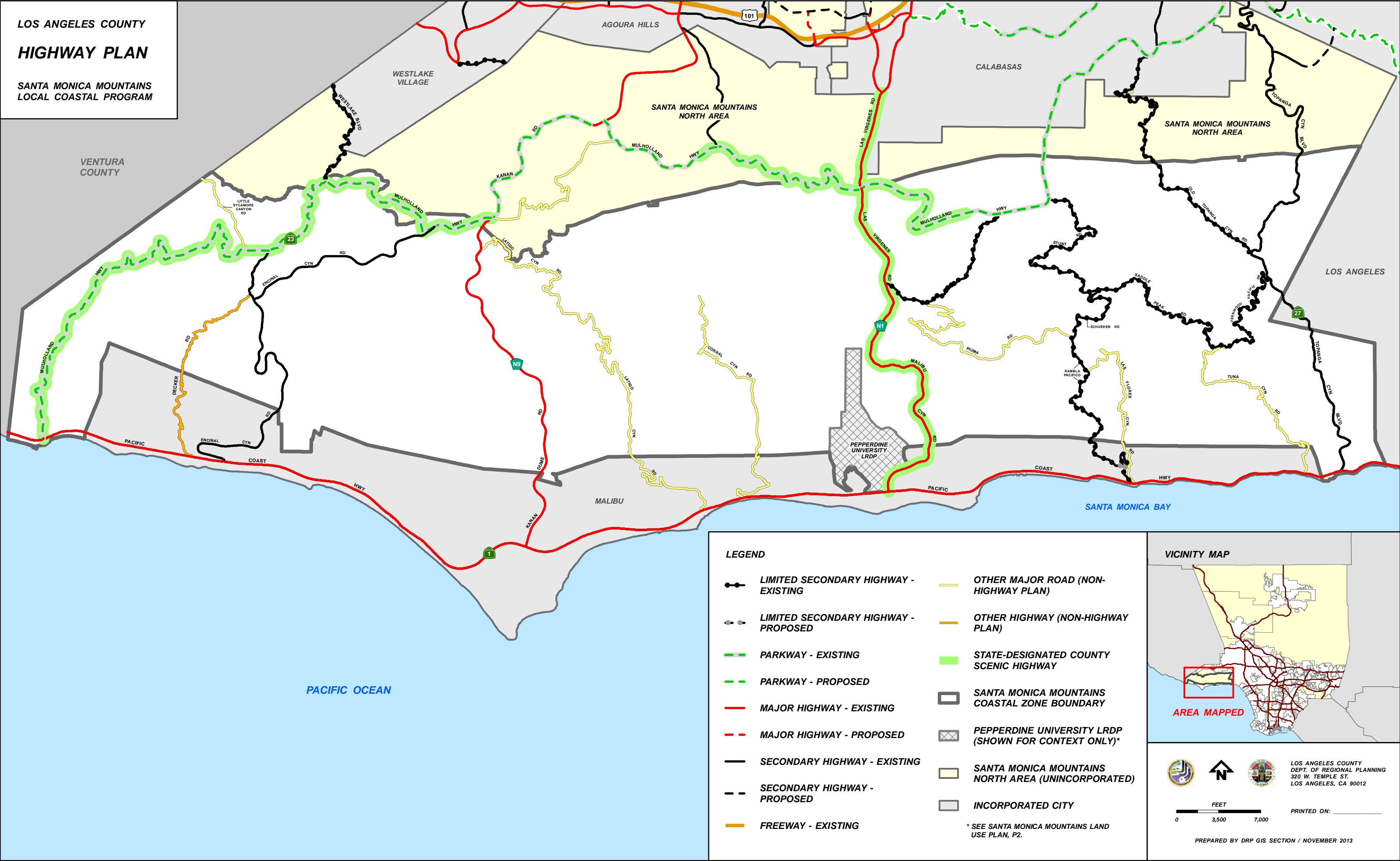
### **Section 30253 Minimization of adverse impacts**

*New development shall:*

*(4) Minimize energy consumption and vehicle miles traveled.*

- Corresponding Circulation Element policies: CI-5 to 7, 14 to 17, 23, 26, 32.

LOS ANGELES COUNTY  
HIGHWAY PLAN  
SANTA MONICA MOUNTAINS  
LOCAL COASTAL PROGRAM



LEGEND

- LIMITED SECONDARY HIGHWAY - EXISTING
  - LIMITED SECONDARY HIGHWAY - PROPOSED
  - PARKWAY - EXISTING
  - PARKWAY - PROPOSED
  - MAJOR HIGHWAY - EXISTING
  - MAJOR HIGHWAY - PROPOSED
  - SECONDARY HIGHWAY - EXISTING
  - SECONDARY HIGHWAY - PROPOSED
  - FREEWAY - EXISTING
  - OTHER MAJOR ROAD (NON-HIGHWAY PLAN)
  - OTHER HIGHWAY (NON-HIGHWAY PLAN)
  - STATE-DESIGNATED COUNTY SCENIC HIGHWAY
  - SANTA MONICA MOUNTAINS COASTAL ZONE BOUNDARY
  - PEPPERDINE UNIVERSITY LRD (SHOWN FOR CONTEXT ONLY)\*
  - SANTA MONICA MOUNTAINS NORTH AREA (UNINCORPORATED)
  - INCORPORATED CITY
- \* SEE SANTA MONICA MOUNTAINS LAND USE PLAN, P2.

VICINITY MAP



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## VI. PUBLIC FACILITIES ELEMENT

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### A. Introduction

The location and amount of new development are determined in part by the availability of public services and facilities, including water and sewer, public schools, fire and police services, and solid waste services. Supplying these services in the Coastal Zone is very costly and challenging due to the area's physical size, topography, and development patterns. Unlike urbanized areas where a higher density population can share costs, providing infrastructure and public services in rural and suburban areas is more expensive per household because costs must be distributed among fewer residents.

This element addresses the following public services:

- Water and sewer services;
- Public schools;
- Fire and paramedic services;
- Police services; and
- Solid waste services.

Additional services and facilities addressed by the LUP include parks and recreation (Conservation and Open Space Element) and transportation (Circulation Element). Further, private onsite wastewater treatment systems are addressed in the Water Quality section of the Conservation and Open Space Element.

The Public Facilities Element establishes policies that support the siting of new housing and other development in areas with adequate public services and facilities to avoid wasteful urban sprawl and leapfrog development.

### B. Guiding Principle

The guiding principle to ensure the provision of adequate services and facilities is:

**Public facilities should support existing and approved land uses, and are not intended to induce further development, consistent with environmental carrying capacities and the need to protect the unique character of existing communities.**

Until the passage of Proposition 13 in 1978, most public facilities were constructed by public agencies as part of their capital improvement programs. These programs were instrumental in directing the location and timing of development. With the passage of Proposition 13, responsibility for constructing capital facilities has primarily been passed to individual development projects. Because public facilities are now largely constructed on a project-by-project basis, predicting the timing and location of new development as part of agency master planning efforts is more difficult. The absence of public facilities presents a constraint on new development. The presence of existing infrastructure, however, does not justify developing land in a manner that is inconsistent with preserving significant environmental features, the unique character of existing communities, or

public health and safety as outlined in the policies of this LUP. New development must allow for environmental preservation; the provision of new infrastructure and services must be considered within this context.

## **C. Water and Sewer Services**

The Coastal Zone is currently served by two water purveyors: the Las Virgenes Municipal Water District (LVMWD) and Los Angeles County Waterworks District 29. LVMWD supplies most of the potable and recycled water to the general region, while the area east of Saddle Peak Road is served by District 29. Water is distributed throughout the area by a network of water mains of varying sizes, with the central spine of the system generally paralleling the Ventura Freeway, north of the LUP area.

Much of the Santa Monica Mountains is characterized by deep canyons, steep hillsides, and interior valleys. Extending water services and facilities into some of these remote areas and high elevations may be possible, but would be extremely costly and result in significant environmental impacts.

Both LVMWD and District 29 receive their water supply allocations from Metropolitan Water District of Southern California, the water wholesaler. Because supplies may vary due largely to cyclical drought conditions, the approval of future development must be contingent upon the availability of long-range water supply and must be consistent with all applicable land use and water plans.

LVMWD is also responsible for most of the public wastewater treatment and disposal services. Local collectors are maintained by the County's Sanitation Districts, and are connected to LVMWD's main trunk lines. Wastewater is then conveyed through trunk lines to the Tapia Water Reclamation Facility where the sewage receives tertiary treatment. According to LVMWD, no foreseeable system constraints or deficiencies are anticipated.

Many homes in the Santa Monica Mountains rely upon onsite wastewater treatment systems (OWTS) instead of municipal sewers, due to their widely-scattered locations in hillside areas. Many OWTS employ state-of-the-art technologies, but system failures have been reported in older systems within the Mountains, threatening environmental damage to surrounding and downstream riparian areas. In particular, some dwellings have inadequate OWTS because they are located in areas that were subdivided into small lots prior to adoption of the Subdivision Map Act and before the consequent requirement for infrastructure improvements to occur as lots were developed.

### **Water and Sewer Goal and Policies**

***Goal PF-1: Adequate water supplies and water and sewage disposal systems to support existing and future planned land uses.***

#### *Policies:*

PF-1 New development of a sewage treatment plant or improvements to an existing plant shall be sited and designed to avoid impacts to coastal resources and minimize risks from coastal erosion, inundation and flooding due to rising sea level.

- PF-2      Coordinate the land development review process with water purveyors to assure that adequate long-term water supplies and adequate water and sewer infrastructure are available to serve existing and planned development, without negatively impacting supplies and services for existing development.
  
- PF-3      Reduce potable water consumption and the need for new water supplies through required and active water conservation programs.
  
- PF-4      Encourage advance treatment (tertiary) of wastewater or an equivalent standard.
  
- PF-5      Expand potential uses for existing and future recycled water resources.
  
- PF-6      Maximize use of recycled water and thereby reduce the need for exploiting domestic water supplies when potable water is not required.
  
- PF-7      Require the use of recycled water for commercial and public uses and facilities, such as golf courses, landscape irrigation, maintenance of public lands, and other approved purposes where this resource can be feasibly provided.
  
- PF-8      Require that proposed development projects gain approval of design and financial arrangements from the appropriate water purveyor for construction of water and sewer facilities prior to recordation of tract maps (or issuance of grading or building permits, if a tract map is not involved).
  
- PF-9      Provide for the expansion of existing community sewer systems in areas of demonstrated need. The capacities of such systems shall be scaled to meet the level of anticipated growth consistent with the Land Use Policy Map, but shall not be oversized so as to induce growth.
  
- PF-10    The formation of On-site Wastewater Disposal Zones pursuant to Section 6950 et seq. of the California Health and Safety Code should be investigated and considered by the County Department of Public Health and/or the Department of Public Works in appropriate areas.
  
- PF-11    Prohibit the use of hauled water as a source of potable water for new development.

## **D.      Public Schools**

The Coastal Zone is served by the Las Virgenes Unified School District (LVUSD), the Los Angeles Unified School District (LAUSD), and the Santa Monica-Malibu Unified School District (SMMUSD). The LVUSD encompasses the northern central portion of the LUP area, as well as unincorporated lands north of the planning area. A small area in the eastern portion of the Coastal Zone is within LAUSD boundaries and is home to Topanga Elementary School. The Santa Monica-Malibu Unified School District does not currently operate any schools in the Coastal Zone, but its boundaries encompass the remainder of the LUP area and the incorporated City of Malibu.

Schools in the Santa Monica Mountains area have a reputation for offering education of exceptional quality, helping to make the LUP area a desirable place in which to live. Not only is the quality of schools high in the area, but their location, nestled in the Santa Monica Mountains, provides an excellent opportunity to incorporate outdoor environmental education into school curriculum.

As the area population grows, school facilities will need to expand. The ability of the County and the school districts to coordinate land development with the need for additional schools is an important component of protecting quality of life for both existing and future area residents.

## **Public School Goals and Policies**

### ***Goal PF-2: Adequate public school facilities to meet projected growth.***

#### *Policies:*

- PF-12    Require development projects to pay the maximum school impact fees permitted by law.
- PF-13    Maintain a flexible policy toward school impact mitigation, accepting land dedication, facilities construction, and payment of fees, with appropriate mitigation as determined by the applicable school district.
- PF-14    Cooperate with school districts to:
- Encourage the State legislature to maintain and amend as necessary, legislation that supports the financing of new school construction as needed for a growing population;
  - Identify the impacts of population and demographic changes, which may affect the need for new schools, may lead to school closures, may require the re-opening of closed schools or may lead to the decision that existing school sites be preserved for meeting future needs; and
  - Provide all State-required cooperative educational services to residents.
- PF-15    Cooperate with the school districts to reduce new school construction costs through cooperative agreements for the development of joint use school/park sites, joint school/community facilities, and joint school/library facilities.
- PF-16    Support the joint use of school/park sites and, where the law permits, use a portion of local park funds to purchase and construct the recreational portions of these joint sites.
- PF-17    New development of school facilities shall comply with all applicable policies of the LUP.

## **E. Fire and Paramedic Services**

The Santa Monica Mountains have been designated by the Los Angeles County Fire Department as a Very High Fire Hazard Severity Zone, the most dangerous classification. Created by the County Fire Department, the Consolidated Fire Protection District (CFPD) is the primary provider of fire,

paramedic, lifeguard, and fire inspection services in the area. American Medical Response is the primary provider of ambulance services. The Ventura County Fire Department and the City of Los Angeles provide mutual aid within the area. In addition, the California Department of Forestry provides fire crews for severe and widespread fire emergencies.

CFPD Battalion 5 carries primary responsibility for fire and paramedic service in the area, while the Lifeguard Division is responsible for lifeguard services. The entire LUP area lies within the boundary of the CFPD, with services financed largely through property taxes. The wildland camps provide brush fire suppression, sandbagging, controlled burns, maintenance of motorways, and other manual labor.

Specialized services like hazardous materials, air rescue helicopter, air ambulance helicopter, and fire suppression helicopter are provided by the CFPD centrally. A helicopter responds to heavy trauma incidents when street congestion and/or other factors preclude timely response by ground-based units. Helicopter response is also used in the shore vicinity in the summer and on weekends when beach visitation is high. A helicopter is usually based at the wildland fire camp (Camp 8) in the eastern Santa Monica Mountains, and helicopter patrol is frequent along the shore.

There are currently 11 fire stations in the Santa Monica Mountains area and two wildland fire suppression camps. In addition, there are lifeguard stations along the North Santa Monica Bay beaches and two Baywatch rescue boats that serve the area. Eight of the 11 stations are classified as in either good or fair condition by the CFPD and the remaining three are in poor condition. Infrastructure needs or deficiencies are largely addressed through the Developer Fee Program adopted by the Board of Supervisors to construct additional stations needed due to development. Located in the eastern Santa Monica Mountains, Wildland Fire Suppression Camp 8 is owned by the U.S. Forest Service and is generally in good condition. Located in the western Santa Monica Mountains, Camp 13 is owned by the CFPD and is in fair condition.

Baywatch Malibu is a Lifeguard Division rescue boat unit moored at the Malibu Pier, and the Baywatch Topanga unit patrols the area around Topanga County Beach on busy weekends. The Baywatch boats have many important functions and duties, and can often be seen just outside the surf line, patrolling the shores of Los Angeles County. Their duties include responding to boating emergencies and backing up beach lifeguards in times of heavy rescue activity.

There are numerous challenges to providing adequate fire and paramedic service in the Santa Monica Mountains due to the large size of the service area, the relatively small number of streets, and traffic congestion. In some areas, emergency response takes longer due to greater travel times and congestion. Because the Ventura Freeway, Pacific Coast Highway (PCH), and Mulholland Highway are the only major east-west corridors in the area, these streets become congested with associated effects on response time. Traffic congestion on the Ventura Freeway tends to peak during rush hour, while traffic congestion on PCH is significant both during rush hour and when beach visitation is high on weekends and in the summer.

It is also difficult to access certain communities. Many of the streets are narrow and are often lined with parked vehicles. The most challenging response involves isolated locations in areas where streets are unpaved and gates are locked. In remote areas, it may take as long as 30 minutes for the Fire Department to reach a victim and more time for a victim to be evacuated to a hospital. Area

hospitals include the Westlake Medical Center in Westlake Village and Los Robles Regional Medical Center in Thousand Oaks.

Topanga Canyon is an especially challenging area to serve, because it takes 15 to 20 minutes for any back-up crews to reach an incident. The CFPD addresses this problem by staffing Station 69 in Topanga with personnel trained both as firefighters and paramedics, and by relying on on-call firefighters to respond to structure fires with a reserve engine. In addition, Malibu Lake and Old Topanga do not have fire stations within their communities. The CFPD is planning to build a fire station between Calabasas Highlands and Old Topanga in the future.

Another challenge is providing service in the Topanga and Malibu Creek State Parks to emergency medical services (EMS) incidents on remote hiking and mountain biking trails. In many instances, CFPD supplements service with helicopter crews to reach remote emergency incidents.

As a result of the location and change in intensity of land use designations proposed by the LUP, the level of fire protection services may be affected. Overall, however, the pattern of land uses proposed should provide a more fire-defensible situation than does the 1986 Malibu Land Use Plan, since the number of potential new dwelling units will decrease. Actual effects on the level of fire protection services would not occur until development projects are implemented. Limited access opportunities currently constrain emergency access throughout the community. There is some potential to aggravate this condition should roadway conditions (e.g., traffic congestion) deteriorate.

## **Fire and Paramedic Services Goals and Policies**

***Goal PF-3: Adequate fire and paramedic services to meet existing and future demand.***

### *Policies:*

PF-18 Continue to consult and coordinate with the Fire Department as part of the project review process.

PF-19 Reduce fire hazards by:

- Reviewing new development for adequate water supply and pressure, fire hydrants, and access to structures by firefighting equipment and personnel;
- Requiring, where appropriate, on-site fire suppression systems for all new residential and commercial development to reduce the dependence on Fire Department equipment and personnel;
- Limiting the length of private access roads to reduce the amount of time necessary for the Fire Department to reach residences and to minimize risk to firefighters;
- Requiring project design to provide clearly visible (during the day and night) address signs for easy identification during emergencies; and
- Cooperating with the Fire Department to ensure compliance with the Fire Code.

- Facilitating the formation of volunteer Fire Departments and volunteer EMS providers such as the Malibu Search and Rescue Team.

PF-20 Encourage the clustering of residential structures both on individual lots and on multiple adjacent lots to provide for more localized and effective fire protection measures such as consolidation of required fuel modification and brush clearance, fire break maintenance, firefighting equipment access, and water service.

## **F. Police Services**

The Los Angeles County Sheriff's Department is the main provider of police services in the Santa Monica Mountains area. Specifically, the Sheriff's Lost Hills Station is the primary facility serving the unincorporated communities as well as the cities of Agoura Hills, Calabasas, Hidden Hills, Malibu, and Westlake Village. The California Highway Patrol (CHP) is responsible for providing traffic safety and service to the motoring public as they use highways in the unincorporated areas and freeways. The CHP also provides law enforcement assistance to the Sheriff's Department when situations exceed the limits of local resources.

Crime rates in the Santa Monica Mountains are relatively low compared to the Countywide crime rate, but the area does have a number of public safety concerns. Most recently, the Sheriff's Department and CHP have received numerous complaints of high-speed street racing on treacherous roads in the Santa Monica Mountains. In response, the County has developed an ordinance ordering the forfeiture of vehicles seized from drivers engaged in illegal speed contests.

The Lost Hills Station includes a dispatch center, a jail/dorm facility, a temporary holding facility, a large conference room, and a helicopter pad. The facility has a workforce of over 130 sworn personnel and operates approximately 100 vehicles, including patrol cars, quad runners for beach service, a rescue truck, a pick-up truck, a van, and trailers. The station facilities are in good condition and no new facility needs were reported by the Sheriff's Department.

The Sheriff's Air 5 rescue program based in Long Beach provides search and rescue, and over-water operations with a flight crew of two deputy pilots, two paramedics, and a sergeant crew chief. For its operations, Air 5 flies Sikorsky H-3 helicopters. The helicopters fly to the Lost Hills Station as needed.

The Sheriff's average response time to emergency incidents in the area ranges from five to seven minutes. Response times to certain parklands could be longer given their remoteness. A challenge in providing effective law enforcement service in the area relates to the often-confusing street layout and accessibility by patrol car over narrow, unimproved roads.

Future development would be required to examine the potential increase in demand for police services, in conjunction with subsequent environmental review. There may be some potential to aggravate the existing emergency access constraints should roadway conditions (e.g., traffic congestion) deteriorate.

## **Police Services Goals and Policies**

***Goal PF-4: Adequate police services to meet local needs and provide a safe and secure environment for people and property.***

*Policies:*

- PF-21 Continue to consult and coordinate with the Sheriff's Department and CHP as part of the environmental review process for projects subject to CEQA.
- PF-22 Support existing programs such as Neighborhood Watch and encourage expanded or new programs that focus on the elimination of crime, such as anti-graffiti programs.
- PF-23 Support efforts to eliminate street racing activities, including the seizure and forfeiture of vehicles used in speed contests or in exhibitions of speed, to address the nuisance and unsafe conditions created by the use of vehicles in such activities.

**G. Solid Waste Services**

Solid waste collection and hauling services are provided by private operators. All non-hazardous waste collected is disposed in the Calabasas Landfill. The landfill, which began operating in 1961, is owned by the County and operated by the Sanitation Districts of Los Angeles County under a joint powers agreement. The landfill accepts waste from the Santa Monica Mountains area as well as Thousand Oaks and western portions of the City of Los Angeles including Brentwood, Encino, and Granada Hills.

The landfill disposal area is 416 acres, with an estimated 21 million tons of refuse in place. Due to recycling and other efforts, the rate at which trash is buried at the landfill has declined significantly since 1990. The California Integrated Waste Management Board permits the landfill to accept 3,500 tons of trash daily. The landfill has a permitted capacity of 69.7 million cubic yards, with 22 million cubic yards of capacity remaining.

The Calabasas Landfill is located in the upper tributary canyons of Las Virgenes Creek, north of the Ventura Freeway. Las Virgenes Creek flows southerly from the site to Malibu Creek State Park, where it joins Malibu Creek and flows into the ocean. The geologic materials beneath the landfill store and transmit limited quantities of groundwater, and natural groundwater quality is poor. Therefore, there are no significant uses of groundwater in the areas surrounding the landfill. Prior to 1980, the landfill operated as a Class I facility, meaning that it accepted liquid and hazardous wastes. Today, the landfill operates as a Class III facility, accepting only municipal solid waste and inert waste. All active areas of the landfill are now lined with plastic liners and gas collection systems to minimize the landfill's potential to contaminate downstream groundwater.

In 1984, Congress passed legislation designed to limit the creation of new solid waste disposal sites in units of the National Park System, including the Santa Monica Mountains National Recreation Area, and to reduce the potential for adverse effects from existing operations. Under the federal regulations, sanitation districts are required to maintain a special use permit (SUP) to continue operation. The SUP issued by the National Park Service to the Calabasas Landfill requires native plant restoration measures in certain areas of the Landfill.

At present, the Calabasas Landfill meets the State and federal minimum standards for solid waste handling and disposal as a Class III facility. These standards regulate the design and operation of solid waste facilities in order to protect public health and safety, and the environment.

### **Solid Waste Services Goals and Policies**

***Goal PF-5: Adequate solid waste services to meet existing and future demands without degrading the quality of the natural environment.***

#### *Policies:*

- PF-24 Design all new buildings with proper facilities for solid waste storage, handling, and collection pickup.
- PF-25 Prohibit commercial and industrial land uses which generate large volumes of solid waste.
- PF-26 Require commercial and industrial uses that use hazardous materials to demonstrate proper transport, storage, and disposal of such materials in accordance with all local, State, and federal regulations.
- PF-27 Support measures for recycling of materials and financing mechanisms for solid waste reduction programs.

## **H. Coastal Act Sections and Corresponding Element Policies**

The Public Facilities Element addresses the following selected provisions of the Coastal Act. Shown in *italic*, Coastal Act provisions are included for reference only and are not adopted by the County.

### **Section 30212.5 Public facilities; distribution**

*Whenever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any subject area.*

*Whenever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any subject area.*

- Corresponding Public Facilities Element policies: PF-1, 9, 15.

### **Section 30254 Public works facilities**

*New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division; provided, however, that it is the intent of the Legislature that State Highway Route 1 in rural areas of the coastal zone remain a scenic two-lane road. Special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce*

*new development inconsistent with this division. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.*

- Corresponding Public Facilities Element policies: PF-1, 2, 20.

#### **Section 30254.5 Location; existing developed area**

*Notwithstanding any other provision of law, the commission may not impose any term or condition on the development of any sewage treatment plant which is applicable to any future development that the commission finds can be accommodated by that plant consistent with this division. Nothing in this section modifies the provisions and requirements of Sections 30254 and 30412.*

- Corresponding Public Facilities Element policies: PF-1, 9.

#### **Section 30412 State Water Resources Control Board & Regional Quality Control Boards**

*c) Any development within the coastal zone or outside the coastal zone which provides service to any area within the coastal zone that constitutes a treatment work shall be reviewed by the commission and any permit it issues, if any, shall be determinative only with respect to the following aspects of the development:*

- (1) The siting and visual appearance of treatment works within the coastal zone.*
- (2) The geographic limits of service areas within the coastal zone which are to be served by particular treatment works and the timing of the use of capacity of treatment works for those service areas to allow for phasing of development and use of facilities consistent with this division.*
- (3) Development projections which determine the sizing of treatment works for providing service within the coastal zone.*

*The commission shall make these determinations in accordance with the policies of this division and shall make its final determination on a permit application for a treatment work prior to the final approval by the State Water Resources Control Board for the funding of such treatment works. Except as specifically provided in this subdivision, the decisions of the State Water Resources Control Board relative to the construction of treatment works shall be final and binding upon the commission.*

*(d) The commission shall provide or require reservations of sites for the construction of treatment works and points of discharge within the coastal zone adequate for the protection of coastal resources consistent with the provisions of this division.*

*(e) Nothing in this section shall require the State Water Resources Control Board to fund or certify for funding, any specific treatment works within the coastal zone or to prohibit the State Water Resources Control Board or any California regional water quality control board from requiring a higher degree of treatment at any existing treatment works.*

- Corresponding Public Facilities Element policies: PF-1, 24 to 27.

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## **GLOSSARY**

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### **AGRICULTURAL USES**

Agricultural uses include, but are not limited to: crops – field, tree, bush, berry, and row, including nursery stock; grazing of livestock; raising of livestock; dairy, livestock feed yard, and livestock sales yard operations.

### **ALL-WEATHER ROADS**

A hard surface, not necessarily pavement, capable during ordinary use of withstanding normal weather conditions without substantial deterioration. Such road surfaces are subject to approval by the Los Angeles County Fire Department.

### **AREA, GROSS**

The area of a site that includes dedicated streets and private easements.

### **AREA, NET**

The portion of a site that can actually be built upon. The following generally are not included in the net acreage of a site: public or private road rights-of-way, dedicated open space, and floodways.

### **BEST MANAGEMENT PRACTICE (BMP)**

Best Management Practice means any stormwater pollution mitigation measure which is required to be employed in order to comply with the requirements of the National Pollutant Discharge Elimination System permit issued to the County of Los Angeles.

### **BLUFF**

A high bank or bold headland with a broad, precipitous, sometimes rounded cliff face overlooking a plain or a body of water with at least ten feet of vertical relief.

### **BUILDING SITE**

The approved area of a project site that is or will be developed, including the building pad and all graded slopes, all structures, decks, patios, impervious surfaces, and parking areas. The following development may be excluded from the total building site area:

- The area of one access driveway or roadway that does not exceed 20 ft. wide and is the minimum design necessary, as required by the Los Angeles County Fire Department;
- The area of one hammerhead safety turnaround as required by the Los Angeles County Fire Department and not located within the approved building pad; and
- Graded slopes exclusively associated with the access driveway or roadway and hammerhead safety turnaround indicated above, and grading necessary to correct an adverse geological condition.

Fuel modification area required by the Los Angeles County Fire Department for approved structures, and confined animal facilities approved pursuant to LUP Policies CO-103 and CO-104, may extend beyond the limits of the approved building site area.

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

A State law that (1) defines State environmental goals and the responsibilities of local governments to assist in achieving those goals; and (2) sets forth the requirements for the environmental analysis

of proposed public and private projects, including the preparation and/or review of environmental impact reports or issuance of exemptions and negative declarations.

### **CAMPGROUND**

An area of land designed or used for tent camping, including appurtenant support facilities and picnic areas, without any structures for permanent human occupancy, and which is used for temporary leisure or recreational purposes and provides opportunities for the enjoyment or appreciation of the natural environment. Fire pits or open fires of any kind are strictly prohibited.

### **CAMPGROUND, LOW-IMPACT**

an area of land designed or used for “carry-in, carry-out” tent camping accessed by foot or wheelchair, including associated support facilities including where appropriate, picnic areas, potable water, self-contained chemical or composting restrooms, shade trees, water tanks, portable fire suppression apparatus, and fire-proof cooking stations, but excluding any structures for permanent human occupancy and excluding roads. Low-impact campgrounds constitute a resource-dependent use.

### **CHANNELIZATION**

Any activity that moves, straightens, shortens, cuts off, diverts, or fills a stream channel. Such activities include the widening, narrowing, straightening, or lining of a stream channel that alters the amount and speed of the water flowing through the channel. Channelization, particularly concrete channels, impairs or destroys a stream’s natural functions.

### **CHIMNEY**

A concave area on a hillside where the topography creates a funnel leading up the mountain. (See below.) Areas within chimneys are particularly prone to fire due to their funnel-like topography.



### **CHUMASH**

The name for the Native Americans who have inhabited the Santa Monica Mountains for nearly 8,000 years.

### **CLASS I LANDFILLS**

Landfills that will accept hazardous, non-radioactive solid and liquid wastes.

### **CLASS III LANDFILLS**

Landfills that are not authorized to accept hazardous waste.

### **CLUSTERED DEVELOPMENT (CLUSTERING)**

Development in which structures are grouped in close proximity in order to minimize impacts by limiting overall disturbed areas, realizing overlapping fuel modification areas, allowing for shared driveways, etc. A clustered land division results in dwelling units that are grouped together on

smaller-than-average lots to create larger contiguous areas of open space, to protect SERAs, or to avoid natural hazards. The resulting vacant area would typically be established as permanent open space, dedicated to a public agency that has the authority to manage, preserve or enhance park and open space lands.

### **CNEL**

Community Noise Equivalent Level: A 24-hour energy-equivalent level derived from a variety of single noise events, with weighting factors of 5 and 10 dBA applied to the evening (7 PM to 10 PM) and nighttime (10 PM to 7 AM) periods, respectively, to allow for the greater human sensitivity to noise during these hours.

### **COASTAL BLUFF**

A bluff, as defined herein, whose toe is now or was historically (within the last 200 years) subject to marine erosion.

### **COASTAL COMMISSION**

The California Coastal Commission.

### **COASTAL DEVELOPMENT PERMIT**

A permit for any development or use within the coastal zone that is required pursuant to this Plan and of subdivision (a) of Coastal Act Section 30600.

### **COASTAL RESOURCES**

Include, but are not limited to, public access opportunities, visitor and recreational facilities, water-oriented facilities, marine resources, biological resources, SERA's, agricultural lands, and archaeological and paleontological resources.

### **COASTAL ZONE**

The land and water area boundaries established by the State Legislature as defined in Coastal Act Section 30103.

### **COMMUNITY SEWER**

A trunk line system and treatment facility designed to collect and treat community sewage.

### **CONFINED ANIMAL FACILITIES**

Facilities built and used for the keeping of livestock.

### **CORRIDOR**

A heavily used travel route.

### **COUNTY HIGHWAY PLAN**

A highway system plan for Los Angeles County, first adopted by the Board of Supervisors in 1940, and continually modified and updated in order to reserve right-of-way for future highway construction.

### **CULTURALLY-SIGNIFICANT SITE**

An area that has been, and often continues to be, of economic and/or religious significance to peoples today. They include Native American sacred areas where religious ceremonies are practiced or which are central to their origins as a people.

### **CUMULATIVE IMPACT**

The incremental effects of an individual project shall be reviewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

### **CROPS**

Cultivated plants including field, tree, bush, berry, and row, including nursery stock.

### **dB**

Decibel: a unit used to express the relative intensity of a sound as heard by the human ear.

### **dBA**

The “A-weighted” scale for measuring sound in decibels; weighs or reduces the effects of low and high frequencies in order to simulate human hearing. Every increase of 10 dBA doubles the perceived loudness, though the noise is actually ten times more intense.

### **DEFENSIBLE SPACE**

In firefighting and prevention, an area of non-combustible surfaces separating urban and wildland areas. Often utilized around residences in remote areas to give firefighters additional time to reach the residence in the event of a wildfire.

### **DENSITY**

Average number of housing units per unit of land acre, often measured in housing units per acre.

$$\text{Density} = \text{Total housing units} / \text{Total acres}$$

### **DEMOLITION**

The deliberate removal or destruction of the frame or foundation of any portion of a building or structure for the purpose of preparing the site for new construction or other use.

### **DEVELOPMENT**

On land, in or under water, the placement or erection of a solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private or public or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511).

### **DIRECTOR**

HOA.1045115.1

The Director of the Los Angeles County Department of Regional Planning.

**DISTURBED AREA**

Any portion of land or vegetation that is altered in any way by development, by the actions associated with development, or by use, whether intentional or unintentional, permitted or unpermitted.

**DOMESTIC/POTABLE WATER SYSTEM**

A system for the collection, treatment, storage, and distribution of potable water from the source of supply to the consumer.

**DOWNSLOPE**

The land that slopes downward from a particular location. (See below)

**EARTHQUAKE-INDUCED LANDSLIDES**

Areas where previous occurrence of landslide movement, or local topographic, geological, geotechnical, and subsurface water conditions indicate a potential for permanent ground displacements such that mitigation as defined in Public Resources Code Section 2693(c) would be required. (California Department of Conservation, Division of Mines and Geology)

**EASEMENT**

A civil agreement between two parties which is used as a method of acquiring partial use rights of land with no transfer of fee title. A limited right to make use of a land owned by another, for example, a right of way across the property.

**ECOSYSTEM**

A community of animals, plants, and bacteria and the physical and chemical environment with which it is interrelated.

**EFFLUENT**

A discharge of pollutants into the environment, partially or completely treated or in its natural state. Generally used in regard to sewage discharges into waters.

**ENDANGERED, THREATENED AND RARE SPECIES**

Endangered species are identified by the State and federal governments as any species that is in danger of extinction due to one or more causes. Threatened species are those that are likely to become endangered in the foreseeable future. A rare species is defined as any species that, although not presently threatened with extinction, is in such small numbers that it may be endangered if its environment worsens.

**ENVIRONMENT**

The aggregate of all the external conditions and influences affecting the life and development of an organism.

## **ENVIRONMENTAL IMPACT REPORT (EIR)**

Required by CEQA for certain projects, an EIR is a detailed review of a proposed project, its potential adverse impacts upon the environment, measures that may avoid or reduce those impacts, and alternatives to the project.

## **ENVIRONMENTAL THRESHOLD CARRYING CAPACITY**

An environmental standard necessary to maintain the significant scenic, recreational, educational, scientific, or natural value of a region, or to maintain public health and safety within the region. Such standards include but are not limited to standards for air quality, water quality, soil conservation, vegetation preservation, and noise.

## **ESTUARY**

The region near a river mouth in which the fresh water of the river mixes with the salt water of the sea.

## **FEASIBLE**

Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

## **FLOOD PLAIN/FLOOD HAZARD AREA**

The relatively level land area on either side of the banks of a drainage course regularly subject to flooding. The Federal Insurance Administration designates that part of the flood plain subject to a one percent chance of flooding in any given year as an “area of special flood hazard”.

## **FLOODWAY**

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the “base flood” without cumulatively increasing the water surface elevation more than one foot.

## **FLOOR-AREA RATIO (FAR)**

The formula for determining permitted building area as a percentage of lot area. Obtained by dividing the above-ground gross floor area of a proposed building(s) by the net land area of the site, expressed in decimals to one or two places. For example, on a site with 10,000 net square feet of land area, a Floor-Area Ratio of 0.5 means a maximum of 5,000 gross square feet of building floor area may be built. On the same site, an FAR of 0.3 would allow a maximum of 3,000 square feet.

## **FUEL MODIFICATION**

Controlling the types, density, and moisture content of plants – or fuel – around structures to create a defensible space.

## **FUEL MODIFICATION ZONES**

Fuel modification zones as defined by the Fire Department consist of:

- a. Fuel Modification Zone A, Setback Zone – Typically 20 feet offset from structures that require fuel modification as per the Fire Department;
- b. Fuel Modification Zone B, Irrigation/Transition Zone – Typically up to 80 feet offset from Zone A; and
- c. Fuel Modification Zone C, Thinning Zone – Typically up to 100 feet offset from Zone B.
- d. Roads – Typically up to 10 feet on each side of a public or private roadway.

Fuel Modification Zone A, the Setback Zone, shall typically extend 20 feet from every structure, appendage or projection requiring fuel modification and shall be cleared of all vegetation except for irrigated ground cover, lawn, adequately-spaced low-growing plant species, or hardscape. Plant species used in Zone A may include non-invasive ornamental plant species, including turf, but shall maximize the use of those species appropriate for Fuel Modification Zone A, as outlined in the Plant List.

Fuel Modification in Zone B, the Irrigation/Transition Zone, shall typically extend up to 80 feet from the outermost edge of Zone A and requires thinning and the removal of plant species constituting a high fire risk in order to eliminate fuel ladders and excessive flashy fuels. Irrigation shall be provided to maintain healthy vegetation and increase fire resistance. Existing vegetation may be removed and replaced with irrigated fire resistant and drought resistant plant species. Thinning of species identified as having significant biological significance shall be minimized. Except for turf as allowed in subsection 5 below, plant species used in Zone B shall be restricted to locally-indigenous species, as specified in the Plant List.

Fuel Modification in Zone C, the Thinning Zone, shall typically extend up to 100 feet from the outermost edge of Zone B and is restricted to thinning the density of existing native vegetation and reducing the amount of fuel in order to slow the rate of fire spread, slow flame lengths, and reduce the intensity of fire before it reaches the irrigated zones. However, should additional revegetation be necessary, species used shall be limited to those locally-indigenous species in the Plant List. Other plant species may be allowed if proposed as part of an approved confined animal facility. All such plant species shall be reviewed by the staff biologist.

### **GABRIELEÑO/TONGVA**

The name for the Native Americans who began inhabiting the Santa Monica Mountains about 2,000 years ago.

### **GENERAL PLAN**

A statement of policies, including text and diagrams setting forth objectives, principles, standards, and plan proposals, for the future physical development of the County required by California State Government Code 65300 et seq.

### **GEOLOGICALLY-UNSTABLE AREAS**

Areas with high potential for landslide, rockfall, mud flow, debris flow, or liquefaction and hillside areas that have the potential to slide, fail, or collapse induced by either seismic or non-seismic activity. Areas most prone to these geologic hazards are identified on the Seismic Hazard Zone maps released by the California Geologic Survey.

### **GRADING**

Any excavation, fill, movement of soil, or any alteration of natural landforms through a combination thereof.

### **GROUNDWATER**

Water found underground in porous rock strata and soils.

### **GROUNDWATER RECHARGE**

HOA.1045115.1

Return of water to an aquifer or natural underground storage.

## **HABITAT**

The natural abode or locality of a plant or animal.

## **HABITAT LINKAGE**

Areas of land and/or water that provide a substantial degree of connectivity between core habitat areas, and feature substantial natural habitat. Habitat linkages promote genetic flow and continuous recolonization of habitats by all plant and animal species within and between ecosystems. Habitat linkages typically are much wider than wildlife corridors. All habitat linkages serve as wildlife corridors, but wildlife corridors do not always serve as habitat linkages.

## **HIGHWAY**

A roadway designated by the County as a highway in the County Highway Plan as adopted by the Los Angeles County Board of Supervisors. The right-of-way of such a highway is reserved by County Ordinance.

## **HILLSIDE MANAGEMENT AREAS**

Hilly and mountainous areas with average slopes above 15 percent. Instituted to preserve the natural and scenic character of the area and to minimize the danger to life and property caused by fire and flood hazards, soil erosion, and land slippage.

## **HISTORICAL AND CULTURAL RESOURCES**

All sites, features, burial grounds, examples of rock art structures, ruins, artifacts, remains, chemical traces, and other data pertaining to or derived from the activities and presence of a pre-existing or extinct population at a locality, whether above, on, or below the surface of land or water.

## **HOUSEHOLD**

All persons occupying a dwelling unit.

## **HOUSING UNIT OR UNITS**

The place of permanent or customary and usual abode of a person, including a single-family dwelling, a single unit in a two-family dwelling, multi-family or multi-purpose dwelling, a unit of a condominium or cooperative housing project, a non-housekeeping unit, a mobile home, or any other residential unit which either is considered to be real property under State law or cannot be moved without substantial damage or unreasonable cost.

## **INFRASTRUCTURE**

Basic utilities and facilities necessary for development, such as water, electricity, sewers, streets, and highways.

## **LAND DIVISION**

Division of improved or unimproved land, including subdivisions (through parcel map, or tract map), and any other divisions of land including lot splits, lot line adjustments, redivisions, mergers, and legalization of lots created unlawfully through the approval of a certificate of compliance or other means.

## **LANDFORM GRADING**

HOA.1045115.1

A method of grading which creates manufactured slopes that have curves and varying slope ratios in the horizontal and vertical planes, designed to simulate the appearance of surrounding natural terrain. By avoiding linearity and varying slope gradients, significant transition zones between artificial and natural slopes are created, which result in the least amount of visual and ecological impact.

## **LANDSLIDES**

Downhill movement of masses of earth material under force of gravity.

## **LAND SWAPS**

A mutually-agreed-upon arrangement where owners of like parcels of land, swap so that 1) sensitive land is preserved and/or 2) development of a parcel of land becomes more feasible.

## **LINE-OF-SIGHT**

An imaginary straight line joining the center of the eye of the observer with the object, area, or resource being viewed. With regards to preserving scenic elements and ridgelines, the goal is not only to protect the scenic resource, but also to preserve and protect the line-of-sight to the scenic resource.

## **LIQUEFACTION**

A process by which water-saturated sediment temporarily loses strength and acts as a fluid, like when you wiggle your toes in the wet sand near the water at the beach. This effect can be caused by earthquake shaking. (US Geological Survey)

## **LIQUEFACTION ZONE**

Areas where historic occurrence of liquefaction, or local geological, geotechnical and groundwater conditions indicate a potential for permanent ground displacements such that mitigation as defined in Public Resources Code Section 2693(c) would be required. (California Department of Conservation, Division of Mines and Geology)

## **LITTORAL**

Of or pertaining to a shore, especially of the sea.

## **LITTORAL ZONE**

The region where waves, currents, and winds interact with the land and its sediments. This region comprises a backshore, foreshore, inshore, and offshore and is broken down into littoral cells.

## **LIVESTOCK**

Any pig, pygmy pig, hog, cow, bull steer, horse, mule, jack, jenny, hinny, sheep, goat, llama, alpaca, domestic fowl, or rabbit. For the purposes of this LIP, livestock keeping shall be considered an agricultural use. Livestock is not an agricultural use for purposes of the prohibition of new agricultural uses.

## **MASS WASTING (MASS MOVEMENT)**

The geomorphic process by which soil, sand, regolith, and rock move downslope typically as a mass, largely under the force of gravity, but frequently affected by water and water content.

## **MITIGATION**

HOA.1045115.1

Actions or project design features that reduce environmental impacts by avoiding adverse effects, minimizing, rectifying, or reducing adverse effects, or compensating for adverse effects.

### **MOBILE HOME**

A domicile transportable in one or more sections, designed and equipped to contain not more than two dwelling units, to be used with or without a permanent foundation system.

### **MULTIPLE- (MULTI-) FAMILY HOUSING UNIT**

A housing unit contained in a structure having more than one housing unit, designed or used for occupancy by three or more families living independent of each other.

### **NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PROGRAM**

As authorized by the Clean Water Act, the NPDES permit program controls water pollution by regulating point sources that discharge pollutants into waters of the United States. Point sources are discrete conveyances such as pipes or manufactured ditches. Individual homes that are connected to a municipal system, use a septic system, or do not have a surface discharge do not need an NPDES permit; however, industrial, municipal, and other facilities must obtain permits if their discharges go directly to surface waters.

### **NATIVE AMERICAN SACRED SITE**

An area identified by a federally-recognized Indian Tribe, Rancheria or Mission Band of Indians, or by the Native American Heritage Commission, as sacred by virtue of its established historical or cultural significance to or ceremonial use by a Native American group.

### **NOISE**

Unwanted sound known to have adverse effects on people, including hearing loss, speech interference, sleep interference, physiological responses, and annoyance. Based on these known adverse effects of noise, the federal government and the State of California have established criteria to protect public health and safety and to prevent disruption of certain human activities.

### **NOISE-SENSITIVE LANDS AND USES**

Those areas such as mountain parklands, wildlife corridors, or nature centers, or land uses such as low-density residential, where noise above a certain level would have adverse effects on humans and on sensitive wildlife. Such noises may be continuous as from freeways or airports, or intermittent as from firearm shooting ranges or construction activity. The County Health Code sets forth permissible noise level standards for various land uses.

### **ONSITE WASTEWATER TREATMENT SYSTEMS (OWTS)**

Onsite facilities for collecting and breaking down liquid and solid waste. OWTS typically consist of a septic tank and seepage pit or pits and/or drain field. OWTS are used in areas where hookup to a municipal sewer line is impractical or not possible.

### **OPEN SPACE**

Any parcel or area of land that is essentially unimproved, natural open landscape and is, or could be, devoted to open space uses such as the preservation of natural resources, passive outdoor recreation, or for public health and safety.

**OPEN SPACE CONSERVATION EASEMENT**

A legally-binding recorded document that conveys an easement to a public agency over a parcel, or portion of a parcel, to conserve the area's ecological or open space values by prohibiting most types of uses in perpetuity.

**ORDINANCE**

A general term for local laws that regulate and set standards for land development.

**PARCEL MAP**

A recorded map required for a subdivision where four or fewer parcels of land or condominium units are created (i.e., minor land division).

**PASSIVE RECREATION**

Recreational activity, usually unstructured, requiring little use of physical facilities. Includes activities such as hiking, horseback riding, sightseeing, swimming, sunbathing, jogging, surfing, fishing, bird watching, picnicking, bicycling, photography, or nature study. Does not include facilities such as baseball diamonds and soccer fields.

**PLAN**

Refers to the Santa Monica Mountains Land Use Plan.

**PLANNING AREA**

Within this document, "planning area" refers to the unincorporated area of Los Angeles County west of the City of Los Angeles, north of the City of Malibu, east of Ventura County, within the Santa Monica Mountains Coastal Zone.

**POTABLE WATER**

Water fit to drink; drinkable.

**RAINY SEASON**

The calendar period from October 15 through April 15.

**RECYCLED WATER SYSTEM**

A system of pipelines, pumps, and storage basins for the storage and distribution of reclaimed water.

**REGION**

Within this document, "region" refers to the unincorporated planning area of the Santa Monica Mountains west of the City of Los Angeles.

**REGIONAL PLANNING COMMISSION**

A group of County residents appointed by the Board of Supervisors to consider land use planning matters. The Commission's duties and powers are established by the Board and include hearing proposals to amend the General Plan or rezone land, initiating planning studies, and taking action on proposed subdivisions.

**RESIDENCE, SINGLE-FAMILY**

A building containing one dwelling unit, or a mobilehome comprising one dwelling unit manufactured and certified under the National Mobilehome Construction and Safety Standards Act of 1974 on a permanent foundation system approved by the County Engineer.

## **RESOURCE**

Any material, structure, process, or condition considered to have value. It may be manufactured or natural, such as water, land, air, climate, minerals, structures, or facilities.

## **RESOURCE-DEPENDENT USES**

Uses that are dependent on sensitive environmental resource areas (SERA's) to function. Resource-dependent uses include nature observation, research/education and passive recreation, including horseback riding, low-impact campgrounds, and hiking trails, but excluding trails for motor vehicles. Residential or commercial uses are not resource-dependent uses.

## **REVTMENT**

A sloped retaining wall; a facing of stone, concrete, blocks, rip-rap, etc. built to protect an embankment, bluff, or development against erosion by wave action and currents.

## **RIDGELINE**

The line formed by the meeting of the tops of sloping surfaces of land.

## **RIGHT-OF-WAY**

Any portion of land that is designated by Los Angeles County to belong to the public as a public use area.

## **RIPARIAN HABITAT**

Plant communities contiguous to and affected by surface and subsurface hydrologic features of perennial or intermittent water bodies (rivers, streams, lakes, or drainage ways). Riparian areas have one or both of the following characteristics: 1) distinctly different vegetative species than adjacent areas, and 2) species similar to adjacent areas but exhibiting more vigorous or robust growth forms. Riparian areas are usually transitional between wetland and upland.

## **RIPRAP**

A protective layer or facing of rock, concrete blocks or quarrystone, placed to prevent erosion, scour, or sloughing of an embankment or bluff.

## **RUNOFF**

The portion of rainfall or irrigation water that flows across ground surface and eventually is returned to streams. Runoff can pick up pollutants and debris from the air or the land and carry them to the receiving waters.

## **RURAL**

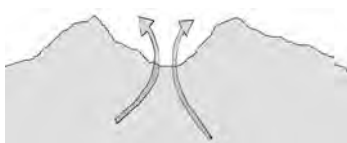
A non-urban or agricultural environment characterized by low densities without typical urban services. Equestrian and limited agrarian activities are often appropriate in such areas. Urban services and facilities not normally found in rural areas include curbs, gutters, and sidewalks; street lighting, landscaping, and traffic signalization; mass public transit; and commercial facilities dependent on large consumer volumes such as regional shopping centers.

## **RURAL VILLAGES**

This term refers to concentrations of smaller lots in rural mountain areas, many of the lots which were created in the 1920s and which often lack a basic physical infrastructure meeting current development standards. In the Coastal Zone, these lots are concentrated in the following areas: Glenview, Monte Nido, Topanga Oaks, Malibu Bowl, Topanga Woods, El Nido, Old Post Office Tract, Malibou Lake, Fernwood, Malibu Mar Vista, Calabasas Highlands, Malibu Vista, Upper Old Topanga, Upper Latigo, Old Topanga, Vera Canyon, and Las Flores Heights.

## **SADDLE**

An area on a hillside where the topography creates a dip between two peaks. (See below.) Areas within a saddle are particularly prone to fire due to their topography.



## **SANITARY LANDFILL**

A site for the disposal of solid waste using sanitary landfill techniques.

## **SCENIC RESOURCE AREAS/SCENIC AREAS**

Places on, along, within, or visible from scenic routes, public parklands, trails, beaches, and state waters that offer scenic vistas of the mountains, canyons, coastline, beach, and other unique natural features. Scenic resource areas also include the scenic resource areas identified on Map 3 and consist of Scenic Elements, Significant Ridgelines, and Scenic Routes. Public parkland and recreation areas identified on Map 4 are also considered scenic resource areas.

## **SCENIC CORRIDOR**

The land area visible from a designated Scenic Highway where scenic design standards are applied.

## **SCENIC HIGHWAY, OFFICIALLY DESIGNATED**

A State or County route whose scenic corridor protection program has been approved by the California Department of Transportation (Caltrans), shown on official publications and posted with official poppy signs.



## **SCENIC HIGHWAY/ROUTE**

A road that, in addition to its transportation function, provides opportunities for enjoyment of natural and manufactured scenic resources where aesthetic values are protected and enhanced.

## **SEISMIC ACTIVITY**

The general level of earthquake activity in an area.

## **SENSITIVE ENVIRONMENTAL RESOURCE AREAS (SERA)**

Include H1 habitat or H2 habitat, including H2 “High Scrutiny” habitat, as described Part D (Biological Resources) of the Conservation and Open Space Element of this LUP.

**SEPTIC TANK**

An underground tank used for the deposition of domestic wastes. Bacteria in the wastes decompose the organic matter, and the sludge settles to the bottom. The effluent flows through drains into the ground. Sludge is pumped out at regular intervals.

**SENSITIVE HABITAT**

Vegetation or physical features important to ecosystem health and meeting the definition of Sensitive Environmental Resource Areas.

**SETBACK**

A minimum distance required by zoning to be maintained between two structures, two uses, or between a structure or use and property lines.

**SEWAGE**

The total of organic waste and wastewater generated by residential and commercial establishments.

**SEWAGE DISPOSAL SYSTEM**

Any method used to process sewage, including components of a central treatment plant as well as any type of on-site system such as a package treatment plant or septic system that include a dispersal system consist of a septic tank and seepage pit or pits and/or drain field.

**SEWER**

Any pipe or conduit used to collect and carry away sewage or stormwater runoff from the generating source to treatment plants. A sewer that conveys household and commercial sewage is called a sanitary sewer. If the pipe or conduit transports runoff from rain or snow, it is called a storm sewer; in Southern California it is called a storm drain.

**SEWERAGE**

The entire system of sewage collection, treatment, and disposal. Also applies to all effluent carried by sewers whether it is sanitary sewage, industrial waste, or storm runoff.

**SHORELINE ARMORING**

Protective structures such as vertical seawalls, revetments, riprap, revetments, and bulkheads built parallel to the shoreline for the purposes of protecting a structure or other upland property.

**SIGNIFICANT RIDGELINES**

Those ridgelines shown on the Map 3 Scenic Resources of the LUP that were designated by the Director based on the following criteria:

- a) Topographic complexity: Ridges that have a significant difference in elevation from the valley or canyon floor. Generally, these ridges are observable from any location on the valley floor, from a community, or from a public road;
- b) Near/far contrast: Ridges that are a part of a scene that includes a prominent landform in the foreground and a major backdrop ridge with an unbroken skyline. This includes a view into a valley from a public road or viewpoint located at a higher altitude, such as along the valley rim or pass. Often, layers of ridges are visible into the distance. This contrast can be experienced viewing an entire panorama or a portion of a panorama from an elevated point;
- c) Cultural landmarks: Ridges that frame views of well-known locations, structures, or other places which are considered points of interest in the Santa Monica Mountains Coastal Zone;

- d) Overall integrity of the surrounding and adjacent mountain system;
- e) Uniqueness and character of a specific location: Peaks and their adjoining ridges. This is represented by ridges that frame rocky outcroppings, other unique geological features, and areas of extraordinary natural beauty;
- f) Existing community boundaries and gateways: Ridges and surrounding terrain that provide the first view of predominantly natural, undeveloped land as a traveler emerges from the urban landscape. These lands introduce visitors to the visual experiences they will encounter in the Santa Monica Mountains Coastal Zone;
- g) The ridgeline frames a view of the ocean or large expanse of sky;
- h) The ridgeline is visible from a Scenic Route; and
- i) The ridgeline is visible from an official public trail.

## **SLOPE STABILITY**

The ability of a slope composed of soil or rock materials to resist moving downhill.

## **SLUMP**

In reference to geologic materials, to drop or slide down suddenly.

## **SOUND**

Technically described in terms of loudness or amplitude (measured in decibels), frequency or pitch (measured in Hertz or cycles per second), and duration (measured in seconds or minutes). The standard unit of measurement of the loudness of sound is the decibel (dB).

## **STORMWATER**

Rainwater, as collected in ground flows and drainage courses. Often used to describe the increased elevation in stream flows following a rainstorm.

## **STREAM**

A topographic feature that at least periodically conveys water through a bed or channel having banks. This includes watercourses having a surface or subsurface flow that supports or has supported riparian vegetation.

## **STRUCTURE**

Anything constructed or erected which requires a fixed location on the ground, or is attached to something having a fixed location on the ground.

## **SUBDIVISION**

The division of improved or unimproved land for the purpose of sale, lease, or financing, whether immediate or future.

## **SUBURBAN**

An area noted for its low-density, single-family neighborhoods with local-serving commercial uses. Often located adjacent to urban development. A full range of urban improvements and land uses is not available; high-intensity commercial or business centers are examples of urban development not found in suburban areas.

## **TAKE**

With respect to animal or plant life, take means “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.” (Federal Endangered Species Act of 1973.)

### **TERRAIN**

The physical features of a piece of land, including elevations, general geography, and vegetation of a site.

### **TERTIARY TREATMENT**

Wastewater treatment beyond the secondary or biological stage that includes removal of nutrients, such as phosphorous and nitrogen, and a high percentage of suspended solids. Tertiary treatment, also known as advanced waste treatment, produces a high-quality effluent.

### **TOTAL GRADING VOLUME**

Total amount of cut and fill incurred during the grading process.

### **TRACT MAP**

A map required for a subdivision consisting of five or more lots or condominium units.

### **TRANSFER OF DEVELOPMENT CREDIT (TDC)**

A transfer of development credit program is used to mitigate the cumulative impacts from creating new lots, second residential units, or developing multi-family residential units in the coastal zone. For each new parcel or unit created, the development potential of one or more existing parcels must be extinguished through a recorded document. This process helps ensure that the overall development potential in an area does not increase and directs development to those areas more suitable for development.

### **TRANSPORTATION DEMAND MANAGEMENT (TDM)**

Strategies for reducing demand on the road system by reducing the number of vehicles using the roadways and increasing the number of persons per vehicle. TDM attempts to reduce the number of persons who drive alone on the roadway during the commute period and to increase the number in carpools, vanpools, buses and trains, walking, and biking. TDM can be an element of TSM (see below).

### **TRANSPORTATION SYSTEMS MANAGEMENT (TSM)**

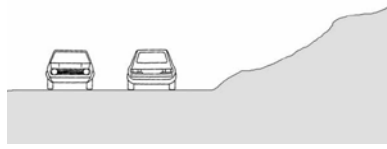
Measures to increase the efficiency of existing roadway and transit systems. TSM strategies address congestion resulting from additional development, increasing trips, and a shortfall in transportation system capacity. TSM measures are characterized by their low cost and quick implementation time frame, and include computerized traffic signals, metered freeway ramps, and one-way streets.

### **TURNOUT**

A wider part of a road enabling a vehicle to safely pull off the roadway, allowing other vehicles to pass.

### **UPSLOPE**

The land that slopes upward from a particular location. (See below.)



## **URBAN**

An area where the intensively human-altered physical environment predominates over the natural. The urban physical environment includes: residential uses, industry, trade services, professional occupations, and the presence of collective or public service systems (see Rural).

## **URBAN RUNOFF**

An elevated level of water runoff that typically results from rain or irrigation falling on impervious surfaces associated with urban areas, such as streets, driveways, buildings, and tennis courts, but which may occur anywhere human alterations to the natural ground surface have been made.

## **VENTURA FREEWAY CORRIDOR**

An area along the Ventura Freeway that covers the four incorporated cities of Agoura Hills, Calabasas, Hidden Hills, and Westlake Village and the unincorporated parts of Los Angeles County north of the Coastal Zone and west of the City of Los Angeles.

## **VIEWSHED**

The field of view from a given location, such as a highway, parkland, or hiking trail. The boundaries of a viewshed are sometimes defined by the field of view to the nearest ridgeline.

## **WASTEWATER**

Water carrying wastes from homes, businesses, and industries that is a mixture of water and dissolved or suspended solids.

## **WATER POLLUTION**

The addition of sewage, industrial wastes, or other harmful or objectionable material to water in sufficient quantities to result in measurable degradation of water quality.

## **WATER PURVEYORS**

Public or private water agencies or companies that sell water to consumers.

## **WATERSHED**

The geographical area drained by a river and its connecting tributaries into a common source. A watershed may, and often does, cover a very large geographical region.

## **WETLAND**

Areas defined by Section 30121 of the Coastal Act as lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens. The definition of wetland is further detailed by Section 13577 (b)(l) of the California Code of Regulations as land where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes, and shall also include those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent and drastic

fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salts or other substances in the substrate. Such wetlands can be recognized by the presence of surface water or saturated substrate at some time during each year and their location within, or adjacent to vegetated wetlands or deep-water habitats.

### **WILDLIFE CORRIDOR**

A passageway connecting two or more core habitat areas in order to promote genetic flow and continuous recolonization of habitats by all plant and animal species within an ecosystem, or between ecosystems. A wildlife corridor is generally narrower in concept than a habitat linkage, and may or may not feature natural habitat.

### **WILDLIFE-PERMEABLE FENCING**

Fencing that can be easily bypassed by all species of wildlife found within the Santa Monica Mountains, including but not limited to deer, coyotes, bobcats, mountain lions, ground rodents, amphibians, reptiles, and birds.