

CALIFORNIA COASTAL COMMISSION

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DATE: July 26, 2017

TO: Commissioners and Interested Persons

FROM: Steve Hudson, Deputy Director
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Deanna Christensen, Supervising Coastal Program Analyst
Wesley Horn, Coastal Program Analyst

SUBJECT: County of Los Angeles Santa Monica Mountains Local Coastal Program Amendment No. LCP-4-MMT-17-0038-1 for Public Hearing and Commission Action at the August 10, 2017 Commission Meeting at the King Gillette Ranch Auditorium.

DESCRIPTION OF THE SUBMITTAL

The County of Los Angeles (“County”) is requesting an amendment to the Land Use Plan (LUP) and Implementation Plan (IP) components of its certified Santa Monica Mountains Local Coastal Program (LCP) to change the land use and zoning designations for 95 parcels to reflect 61 parcels acquired by park agencies since certification that will be designated for Open Space and 34 privately owned parcels that will be redesignated from Open Space to residential or coastal recreation; minor mapping corrections; and text amendments to clarify various LUP policies and LIP provisions regarding biological resources, standards related to other Los Angeles County agencies, recreation, and scenic resources.

The County of Los Angeles submitted Local Coastal Program Amendment LCP-4-MMT-17-0038-1 to the Commission on May 5, 2017. The amendment proposal was deemed complete and filed on June 8, 2017. Pursuant to Public Resources Code Section 30512 and California Code of Regulations, Title 14, Section 13522, an amendment to the certified LCP that combines changes to the LUP and IP must be scheduled for a public hearing and the Commission must take action within 90 days of a complete submittal. In the subject case, the 90th day will be September 26, 2017.

SUMMARY OF STAFF RECOMMENDATION

Commission staff recommends that the Commission approve the proposed LUP amendment as submitted by the County of Los Angeles on the grounds that the amendment conforms with the policies of Chapter 3 of the Coastal Act. Commission staff further recommends that the Commission **deny** the proposed County of Los Angeles LIP Amendment as submitted, and **approve** the proposed LIP amendment with two (2) suggested modifications. The modifications are necessary because the proposed amendment to the LIP, as submitted, does not conform with

and is inadequate to carry out, the provisions of the certified Land Use Plan, as amended. The motions to accomplish these recommendations are found on **Pages 6-8** of this staff report.

Of the 95 parcels affected by the proposed LCP amendment, 31 privately owned parcels are designated for open space use, Open-Space (OS) land use and Open-Space (O-S) zone, even though the parcels contain existing residential development or are located in residential areas. It is not entirely clear how the subject parcels were incorrectly assigned the O-S land use designation and O-S zone during the preparation of the LCP. However, County staff performed a thorough parcel specific analysis for each property, including a review of the permit record, recorded restrictions and/or easements, the land use and zoning designation prior to certification of the LCP, the land use and zoning designations for adjacent properties, and existing and/or historical development on the site, to determine whether the parcel should be re-designated from OS and which residential land use and zoning category would be most appropriate. The proposed amendment includes 10 parcels that would be changed to the Rural Lands 40 (RL 40) land use designation (1 dwelling unit per 40 acres) and the Rural-Coastal Zone 40 (R-C 40) zone designation (1 dwelling unit per 40 acres). Sixteen parcels would be changed to the Rural Lands 20 (RL 20) land use designation (1 dwelling unit per 20 acres) and the Rural-Coastal Zone 20 (R-C 20) zone designation (1 dwelling unit per 20 acres). Further, three parcels are proposed to be redesignated to the Rural Lands 10 (RL 10) land use designation (1 dwelling unit per 10 acres) and Rural-Coastal 10 Zone (1 dwelling unit per 10 acres). Finally, two parcels would be changed to the Rural Village (RV) land use designation and the Rural-Coastal 10,000 (R-C 10,000) zone designation (1 dwelling unit per 10,000 sq. ft.).

In addition to the land use and zoning redesignations, the amendment also includes minor corrections to the certified LUP and LIP maps. These edits will remove Mountain Lands from the map legend and replace it with the Rural Lands designation that was approved as part of the LCP certification. Any parcels affected by this change are already assigned the correct land use designation, so the proposed correction will have no effect on coastal resources. Also, one parcel, APN 4458-040-003 is mistakenly depicted as part of the County's certified LCP; however, that parcel is within the jurisdictional boundaries of Pepperdine University. The amendment will correct this error and show APN 4458-040-003 within the boundaries of the University for all of the certified maps of the LCP.

The proposed amendment also includes minor textual and grammatical changes as well as changes to policies and provisions of the LCP regarding biological resources, consistency with the standards of other County agencies, recreation and scenic resources. With regards to biological resources the amendment will: strengthen policies governing classification of habitat and cases of emergency that are exempt from requiring a Coastal Development Permit – Oak Tree (CDP-OT, clarify the standard for allowable residential development onsite, allow an exemption from Environmental Review Board (ERB) and biologist review for development located onsite that is consistent with the policies and provisions of the LCP and will not require additional fuel modification; and modify the definition of “building site.”

As proposed, the modification to the provision that exempts cases of emergency from requiring a CDP-OT provides too much discretion and could potentially result in the removal of a significant

number of oak trees without a permit. Thus Commission staff is proposing **Suggested Modification Two (2)** to refine the provision to allow for removal of oak trees only to protect existing structures and also limit the discretion of the director to only consider other cases of emergency in order to prevent the spread of infection or disease amongst tree populations.

Existing, certified provisions of the LIP will be updated to reflect the most recent standards from other County agencies, and a provision for public recreation areas will be modified to allow up to 10 parking spaces to be used on existing paved or unpaved areas without requiring a CDP. Also, the LCP's standards for significant ridgelines and scenic routes will be clarified, and a new provision is proposed that would allow existing below grade septic tanks to be replaced within the setbacks of significant ridgelines.

Finally, a new provision is proposed that would allow the County to enact a five year ban on filing as complete, or acting upon, any CDP application for a property with a recorded cease and desist order, notice of violation, or CDP revocation. The ban is intended to dissuade property owners or developers from developing land illegally without the required CDP. The provision will help to protect coastal resources within the Santa Monica Mountains. **Suggested Modification One (1)** is necessary to clarify the intent of the proposed provision and ensure that a recorded five-year permit ban on a property does not limit the County Planning Commission, or the Coastal Commission, from taking an enforcement action.

Staff recommends that the Commission, after public hearing, reject proposed Los Angeles County Amendment No. LCP-4-MMT-17-0038-1, as submitted, and approve only if modified pursuant to the suggested modifications. The motions and resolutions for Commission action on the amendment to the LUP can be found starting on page 6. The motions and resolutions for Commission action on the amendment to the LIP can be found starting on page 7.

<p>Additional Information: For further information, please contact Wesley Horn at the South Central Coast District Office of the Coastal Commission at (805) 585-1800. The proposed amendment to the County of Los Angeles Local Coastal Program (LCP) is available for review at the Ventura Office of the Coastal Commission.</p>
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EXHIBITS

- Exhibit 1. County of Los Angeles Board of Supervisors Resolution and Amendments to the Land Use Plan**
- Exhibit 2. County of Los Angeles Board of Supervisors Ordinance and Amendments to the Local Implementation Program**
- Exhibit 3. List of Proposed Parcel Redesignations and Illustrative Maps**

I. PROCEDURAL ISSUES

A. STANDARD OF REVIEW

The Coastal Act provides:

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)...” (Section 30512(c))

The Coastal Act further provides:

The local government shall submit to the Commission the zoning ordinances, zoning district maps, and, where necessary, other implementing actions that are required pursuant to this chapter.

...The Commission may only reject ordinances, zoning district maps, or other implementing action on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. If the Commission rejects the zoning ordinances, zoning district maps, or other implementing actions, it shall give written notice of the rejection, specifying the provisions of the land use plan with which the rejected zoning ordinances do not conform, or which it finds will not be adequately carried out, together with its reasons for the action taken. (Section 30513)

The Commission may suggest modifications... (Section 30513)

The standard of review that the Commission uses in reviewing the adequacy of the Land Use Plan, as the County is proposing to amend it, is whether the Land Use Plan, as amended, would remain consistent with, and meet the requirements of, the policies of Chapter 3 of the Coastal Act. The standard of review for the proposed amendment to the Implementation Plan of the certified Local Coastal Program, pursuant to Section 30513 and 30514 (regarding amendments) of the Coastal Act, is whether the Implementation Plan, with the proposed amendment, would be in conformance with, and adequate to carry out, the provisions of the Land Use Plan (LUP) portion of the County of Los Angeles’ certified Local Coastal Program, as amended.

B. PUBLIC PARTICIPATION

Section 30503 of the Coastal Act requires public input in preparation, approval, certification and amendment of any LCP. The County held public hearings on the subject amendment request on May 25th, 2016, August 2nd, 2016, September 28th, 2016 and April 4th, 2017. The hearings were noticed to the public consistent with Sections 13551 and 13552 of Title 14 of the California Code of Regulations. Notice of the subject amendment has been distributed to all known interested parties.

C. PROCEDURAL REQUIREMENTS

Pursuant to Section 13551 (b) of Title 14 of the California Code of Regulations, the County resolution for submittal may specify that a Local Coastal Program Amendment will either require formal local government adoption after the Commission approval, or that it is an amendment that will take effect automatically upon the Commission's approval pursuant to Public Resources Code Sections 30512, 30513, and 30519. In this case, because this approval is subject to suggested modifications by the Commission, if the Commission approves the proposed amendment pursuant to the staff recommendation, the County must act to accept the certified suggested modifications within six months from the date of Commission action in order for the amendment to become effective (California Code of Regulations, Title 14, Sections 13544 & 13544.5; and Sections 13542(b) and 13537(b)). If the Commission certifies the proposed LCP Amendment with suggested modifications and the County acts on those suggested modifications, then pursuant to Section 13544 of the Code of Regulations, the Executive Director shall determine whether the County's action is adequate to satisfy all requirements of the Commission's certification order and report on such adequacy to the Commission. Should the Commission deny the LCP Amendment, as submitted, without suggested modifications, no further action is required by either the Commission or the County, and the LCP amendment is not effective.

II. STAFF RECOMMENDATION, MOTIONS, & RESOLUTIONS ON THE LAND USE PLAN AMENDMENT

Following public hearing, staff recommends the Commission adopt the following resolutions and findings. The appropriate motion to introduce the resolution and a staff recommendation is provided prior to each resolution.

A. APPROVAL OF THE LAND USE PLAN AMENDMENT AS SUBMITTED

Motion:

*I move that the Commission **certify** the County of Los Angeles Land Use Plan Amendment LCP-4-MMT-17-0038-1 as submitted.*

Staff recommends a **YES** vote. Passage of the motion will result in certification of the land use plan as submitted and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

Resolution:

The Commission hereby **certifies** the Land Use Plan Amendment LCP-4-MMT-17-0038-1 as submitted by the County of Los Angeles and adopts the findings set forth below on the grounds that the amendment conforms with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan amendment complies with the California Environmental

Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives or mitigation measures which could substantially lessen any significant adverse impact which the Land Use Plan Amendment may have on the environment.

III. STAFF RECOMMENDATION, MOTIONS, & RESOLUTIONS ON THE IMPLEMENTATION PLAN AMENDMENT

Following public hearing, staff recommends the Commission adopt the following resolution and findings. The appropriate motion to introduce the resolution and a staff recommendation is provided prior to each resolution.

A. DENIAL OF THE IMPLEMENTATION PLAN AMENDMENT AS SUBMITTED

Motion:

*I move that the Commission **reject** County of Los Angeles Implementation Plan Amendment LCP-4-MMT-17-0038-1 as submitted.*

Staff recommends a **YES** vote. Passage of this motion will result in rejection of the Implementation Plan Amendment LCP-4-MMT-17-0038-1 as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Resolution:

The Commission hereby **denies** certification of County of Los Angeles Implementation Plan Amendment LCP-4-MMT-17-0038-1, as submitted, and adopts the findings set forth below on grounds that the Implementation Plan amendment, as submitted, does not conform with and is inadequate to carry out, the provisions of the certified Land Use Plan, as amended. Certification of the Implementation 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 Implementation Plan amendment as submitted.

B. CERTIFICATION OF THE IMPLEMENTATION PLAN AMENDMENT WITH SUGGESTED MODIFICATIONS

Motion:

*I move that the Commission **certify** County of Los Angeles Implementation Plan Amendment LCP-4-MMT-17-0038-1 if it is modified as suggested in this staff report.*

Staff recommends a **YES** vote. Passage of this motion will result in certification of the Implementation Plan amendment LCP-4-MMT-17-0038-1 with suggested modifications and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Resolution:

The Commission hereby *certifies* the County of Los Angeles Implementation Plan Amendment LCP-4-MMT-17-0038-1, if modified as suggested, and adopts the findings set forth below on grounds that the Implementation Plan amendment with the suggested modifications conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan, as amended. Certification of the Implementation 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 Implementation Plan Amendment 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.

IV. SUGGESTED MODIFICATIONS

A. SUGGESTED MODIFICATIONS TO THE LOCAL IMPLEMENTATION PLAN

The staff recommends the Commission certify the proposed IP amendment, with two (2) modifications as shown below. Language presently contained within the certified LCP is shown in straight type. Language proposed to be added by the County of Los Angeles in this amendment is shown underlined. Language recommended by Commission staff to be inserted is shown double underlined. Language proposed by the County of Los Angeles in this amendment to be deleted is shown in ~~strike through~~. Language proposed to be added by the County of Los Angeles, but required to not be added by Commission is shown in underline with double strike through.

1. Suggested Modification Number One: Coastal Zone Enforcement Procedures

Section 22.44.690.Z of the Implementation Plan shall be modified as follows:

When a cease and desist order, notice of violation, or CDP revocation has been issued or recorded for a property by the County or by the Coastal Commission, the Director may set the matter for a public hearing before the Commission to consider a five-year ban on filing any new application, or acting upon any application for the subject property. In such case, all procedures relative to notification, public hearing, and appeal shall be the same as for a CDP. Following a public hearing, the Commission may place up to a five-year ban on filing any applications, but may exempt emergency permits and/or permits ~~for restoration work~~ deemed by the Director as necessary, for the subject property to address

a violation, cease and desist order, or permit revocation on the property. The five-year period shall commence from the date of the hearing. The Director shall record such five-year ban in the office of the County Recorder. The Commission's action on a ban does not limit the Commission or Coastal Commission from taking enforcement action due to a LCP or Coastal Act violation(s) at the property subject to the ban.

2. Suggested Modification Number Two: Coastal Development Permit – Oak Tree Requirements

Section 22.44.950.C.2 of the Implementation Plan shall be modified as follows:

Cases of emergency caused by an oak tree within 200 feet of an existing structure or other improvement being in an immediately hazardous or dangerous condition; or on a vacant parcel of land being a threat to the safety of public property or utilities or being irretrievably damaged or destroyed through a natural disaster such as flood, fire, wind or lightning, as determined after visual inspection by a licensed forester with the County Fire Department, Forestry Division, where the continuing presence of the tree is an immediate danger to public safety. The Director may consider other cases of emergency due to infestation or disease that threaten surrounding trees, in consultation with the Department Biologist and the County Fire Department, Forestry Division on an individual basis.

V. FINDINGS FOR APPROVAL OF THE LUP AMENDMENT AS SUBMITTED, DENIAL OF THE LIP AMENDMENT AS SUBMITTED, AND APPROVAL OF THE LIP AMENDMENT, IF MODIFIED AS SUGGESTED

The following findings support the Commission's approval of the proposed Land Use Plan as submitted. Additionally, the findings detail the Commission's denial of the proposed Local Implementation Plan Amendment as submitted, and approval of the Local Implementation Plan Amendment if modified as indicated in Section IV (Suggested Modifications) above. The Commission hereby finds and declares as follows:

A. AMENDMENT DESCRIPTION AND BACKGROUND

The County of Los Angeles (County) is requesting an amendment to the Land Use Plan (LUP) and Local Implementation Plan (LIP) components of its certified Santa Monica Mountains Local Coastal Program (LCP) to change the land use and zoning designations for 95 parcels to reflect 61 parcels acquired by park agencies since certification that will be designated for Open Space and 34 privately owned parcels that will be redesignated from Open Space to residential or coastal recreation; minor mapping corrections; and text amendments to clarify various LUP policies and LIP provisions regarding biological resources, standards related to other Los Angeles County agencies, recreation, and scenic resources.

The Santa Monica Mountains segment of the 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 City of Malibu has its own certified Local Coastal Program (LCP). 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.

The Santa Monica Mountains LCP was effectively certified by the Commission on October 10, 2014. The certified LCP replaced the 1986 Malibu Land Use Plan (Malibu LUP), which was the prior coastal plan that regulated land use in the unincorporated Santa Monica Mountains Coastal Zone. In the course of implementing the LCP following Commission certification, the County began to identify a number of parcels within the coastal zone that are privately owned, but were designated (land use designation and zoning designation) as "Open Space". The County determined that these properties should be redesignated to various residential land use and zoning designations. Additionally, several parcels were identified that had been acquired by park agencies during or after the LCP certification process. The County staff determined that these parcels should be redesignated as "Open Space". In addition, County staff identified several minor errors in the certified LCP maps. Further, the County staff found that several LUP policies and LIP standards were unclear in terms of intent, and were difficult to apply in practice.

B. MINOR TEXT CHANGES AND NOTICING

The County is proposing minor text changes to LUP Policy CO-60 and several sections of the LIP. It was discovered that the version of the LCP adopted by the County was slightly different than the version certified by the Commission. These inconsistencies were identified by Commission staff during its review for the Executive Director's determination that the County's action accepting suggested modifications was legally adequate. The minor text changes proposed as part of this amendment are not substantial and would not affect the interpretation of the policies and provisions of the LCP. Rather, they are minor grammatical and punctuation corrections.

In addition, the County is proposing to modify Section 22.44.840.K regarding CDP application submittal requirements and required noticing. In its current form, Section 22.44.840 identifies the application requirements for a coastal development permit (CDP) while subsection K requires a list of the names and addresses of all persons who are owners of property within a distance of 1,000 feet from the exterior boundaries of the parcel of land on which the development is proposed. Due to the unusually large size of some parcels within the Santa Monica Mountains, the County determined that only requiring the 1,000 foot noticing radius from the boundaries of a parcel of land to be developed may not result in adequate notification for properties potentially affected by a proposed development. In response, the proposed amendment to Section 22.44.840.K will require that if the 1,000 foot noticing radius does not include a minimum of 15 parcels of real property, the radius shall be expanded until the owners and residents of at least 15 parcels are included. This proposed change will increase public noticing of CDP applications.

C. BIOLOGICAL RESOURCES

Coastal Act Policy 30240 states (in relevant part):

(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...

Land Use Plan Policy CO-40 states (in relevant part):

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...

Land Use Plan Policy CO-42 states (in relevant part):

Resource-dependent uses are only allowed in H1 and H2 habitats where sited and designed to avoid significant disruption of habitat values...

Land Use Plan Policy CO-49 states:

Require development to be sited and designed to protect and preserve important, viable habitat areas and habitat linkages in their natural condition.

Land Use Plan Policy CO-74 states (in relevant part):

...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 accessory structures are to be located within the approved building site area except as set forth in Policies CO-103 and CO-105, and structures shall be clustered to minimize required fuel modification...

Land Use Plan Policy LU-24 states (in relevant part):

The maximum number of structures permitted in a residential development shall be limited to one main residence, one second residential structure, and accessory structures...

Land Use Plan Policy CO-99 states (in relevant part):

...Removal of native trees shall be prohibited except where no other feasible alternative exists...

Proposed Land Use Plan Amendments

The proposed LUP amendments include a couple of minor changes related to biological resource policies. In addition to a minor text change to clarify the intent of a policy regarding mosquito abatement and biological resources within the certified LUP, the County is proposing to include “habitat restoration” in the definition of “Resource-Dependent Use” in the LUP Glossary. Section 30240(a) of the Coastal Act states that environmentally sensitive habitat areas (ESHA) shall be protected against any significant disruption of habitat value, and only uses dependent on those resources shall be allowed within those areas. The LUP does not directly incorporate the Coastal Act definition of ESHA to classify sensitive habitat areas; however, the LUP does designate H1 and H2 habitats as Sensitive Environmental Resources (SERAs) and these habitats are considered to meet the Coastal Act definition of ESHA. Currently, “Resource-Dependent” uses are defined in the glossary of the LUP as uses that are dependent on SERAs to function. Because the objective of habitat restoration is rehabilitating a degraded habitat, habitat restoration is dependent on a habitat to function. Therefore, including habitat restoration as a “Resource-Dependent” use within the LUP is appropriate. In addition, adding “habitat restoration” to the definition of “Resource-Dependent Use” will allow for the rehabilitation of a degraded SERA and protection of that SERA from further degradation consistent with Coastal Act Section 30240(a).

For the reasons stated above, the Commission finds that the proposed LUP portion of the LCP amendment meets the requirements of, and is in conformity with, the policies of Chapter 3 of the Coastal Act, including Section 30240 of the Coastal Act.

Proposed Local Implementation Plan Amendments

The proposed LIP amendment would: include habitat restoration in the definition of resource-dependent use in Section 22.44.630; (1) provide an additional exemption from Environmental Resource Board and County Biologist review for development that is consistent with the standards of the LCP and will not have any impact to sensitive biological resources; (2) modify the definition of “building site” to be more protective of biological resources; (3) clarify the standard for development in H2 and H3 habitats; (4) refine the exemptions from the requirements of obtaining a Coastal Development Permit – Oak Tree (CDP-OT) in emergency situations; and (5) provide additional criteria to the method for determining on-site habitat classification.

Section 22.44.1920.M of the certified LIP includes development standards for resource-dependent uses. It identifies habitat restoration as an activity that is allowable within a SERA and provides regulations for siting and designing development to avoid impacts to those resources to the maximum extent feasible. While habitat restoration is included in the development standard for resource-dependent uses, it is missing from the definition of resource-dependent use under the definitions in LIP Section 22.44.630. As such, the proposed amendment will add habitat restoration to the definition of resource dependent use to make the LIP internally consistent and ensure that habitat restoration is allowed in SERAs. LUP Policy CO-42 requires that resource-dependent uses are only allowed in H1 and H2 habitats where sited and designed to avoid significant disruption of habitat values. Internal consistency between the development standards for resource-dependent uses and the definition of resource-dependent use will allow for habitat restoration within SERAs as sited and designed to avoid impacts to those resources, consistent with LUP Policy CO-42.

The County also proposes to modify LIP Section 22.44.1860.C.2 by adding a subsection c that will include an additional category of development that will be exempt from Environmental Review Board (ERB) and County biologist review. The proposed amendment will add the following category to the list of exemptions from review: “minor modifications and improvements to properties that contain existing development approved pursuant to a valid, unexpired CDP(s), where the modifications and improvements themselves are in conformity with the provisions of the LCP, are within the lawfully-established building site area or landscaped area, do not require additional fuel modification in H1 or H2 habitats, and are not in violation of the conditions of an approved CDP(s)”. The LIP requirement for ERB or County biologist review of projects within or in close proximity to SERA ensures that sensitive resources are properly identified, and that development is sited and designed to avoid, minimize, and/or mitigate impacts to SERA consistent with the policies and provisions of the LCP. The categories of development that can be exempted from this review are limited to only development that is exempt from the CDP requirements or minor development such as remodeling or additions where there is minimal risk of impacts to SERA. The proposed modification would add a category of development where there is also a low risk of SERA impacts because any development that is consistent with the criteria identified in the new subsection will be sited within existing developed areas and cannot include additional fuel modification impacts. Thus, exempting such development from County ERB and biologist review is appropriate. Additionally, because LIP Section 22.44.940 requires a Minor CDP for any development that must be reviewed by the ERB or County biologist, the proposed change would allow a minor project within the proposed new category to be processed through an administrative CDP.

The LIP amendment also includes a modification to defined terms. LIP Section 22.44.630 includes definitions for terms used in the LIP, and “Building Site” is currently defined as:

-- "Building site" means 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 feet in width and is the minimum design necessary, as required by the 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.*

The maximum size, siting, and design of the “building site” is limited by many policies and provisions of the LCP to protect SERA and other coastal resources. The required turnaround for a proposed development may include configurations other than a hammerhead design and the proposed modification to the definition of building site will remove the term “hammerhead” to broaden the provision and allow for other designs of turnarounds that would be approvable by the

Fire Department. However, broadening the provision to include other designs may allow for turnarounds that require more area and potentially have a greater impact on biological resources, so the County has proposed to include language that only excludes from the building site the area of the “minimum design necessary to ensure safety and compliance with Fire Department requirements”. As such, the newly modified provision will be more inclusive of alternative turnaround designs, but sufficiently restrictive to ensure that the turnaround is still the minimum design necessary and will have minimal development impacts consistent with LUP Policy CO-49, which requires that new development shall be sited and designed to protect and preserve important habitat areas in their natural condition.

The proposed amendment includes a modification to LIP Sections 22.44.1910.F and 22.44.1910 H to clarify the Land Planning and Development Standards for clustering new development in H2 habitat and H3 habitat, specifying that the maximum number of residential structures shall be limited to “one main residence, one second residential structure, and accessory structures”. These sections as currently written refer to “one main structure” rather than residence. LUP Policies CO-74 and LU-24 specify the allowable structures for residential development including one main residence, one second residential structure and accessory structures. The proposed modification to Sections 22.44.1910.F and H will make the provisions consistent with these LUP policies.

The County also proposes to amend an existing permitting exemption for oak trees that pose imminent hazards. As certified, LIP Section 22.44.950.C.2 allows for an exemption from the requirements of obtaining a CDP-OT in cases of emergency caused by an oak tree being in a hazardous or dangerous condition, being irretrievably damaged or destroyed through flood, fire, wind or lightning, as determined after visual inspection by a licensed forester with the County Fire Department, Forestry Division, where the continuing presence of the tree is a danger to public safety. The County is proposing to amend Section 22.44.950.C.2 to refine the exemption to cases where the oak tree is either: (1) within 200 feet of a structure or other improvement and poses an immediate hazard; (2) on a vacant parcel of land where it poses a threat to the safety of public property or utilities; or (3) other cases where a tree has been irretrievably damaged or destroyed through a natural disaster and is an immediate danger to public safety. In addition, the Section as proposed to be amended by the County would allow the Planning Director to consider other cases of emergency on an individual basis.

Land Use Plan Policy CO-99 states that the removal of native trees shall be prohibited except where no other feasible alternative exists. Per LIP Section 22.44.950.C.2 removal of an oak tree is allowed if the oak tree is in a hazardous or dangerous condition and obtaining a CDP-OT prior to removal is infeasible. The currently certified language for emergency situations and exemptions from CDP-OT requirements does allow for discretion and could be applied in a way that would allow for the removal of a significant number of oak trees. However, the County’s proposed language allowing removal of an oak tree within 200 feet of any structure or other improvement, while also allowing the Planning Director to consider any other cases of emergency on an individual basis, provides even greater discretion and does not sufficiently protect oak trees. As such, the Commission adopts **Suggested Modification Two (2)**, which will narrow the situations in which an emergency may be found. Specifically, the modification requires that the oak tree be within 200 feet of an existing structure, rather than within 200 feet of

any improvement. This will ensure a tree's proximity to non-structural development (e.g., an at grade patio) is not used to justify a tree's removal. In addition, **Suggested Modification Two (2)** removes the Planning Director's discretion to consider other cases of emergency on an individual basis. This last part of the provision initially proposed by the County was intended to address issues of infestation or disease affecting trees within the Santa Monica Mountains, but as written it did not have limiting standards and could be interpreted to include a variety of other scenarios that could result in the removal of significant numbers of trees. Thus, Commission staff worked with County staff to refine the last part of the provision to specifically address the issue of infestation or disease. As such, the suggested modifications to the provision will sufficiently protect existing structures and protect trees from the threat of infection or disease, while preventing the unnecessary removal of oak trees consistent with Policy CO-99.

Lastly, the proposed amendment will revise LIP Sections 22.44.1810.C and 22.44.1830.B regarding the classifications and processes for evaluating the various types of protected habitat. As currently written, Section 22.44.1810.C and 22.44.1830.B state that any habitat mapped as H1, H2, H2 High Scrutiny or H3 shall not be deprived of protection as that habitat category on the basis that the habitat has been damaged or eliminated by natural disaster, impacted by illegal development or other illegal means, or where species that are rare or especially valuable because of their nature or role in an ecosystem have been eliminated as a result of unpermitted development. As proposed to be amended, the sections identified above will also ensure that mapped habitats are not deprived of protection in the event that the habitat is impacted or removed by any "inappropriate" means. County staff has stated that identifying "inappropriate" means in the list of actions that will not deprive habitat of protection as the appropriate habitat category is intended to make the provisions more inclusive and capture those instances where development was allowed pursuant to an approved CDP, but the manner in which the development occurred was inconsistent with the CDP and/or the LCP. LUP Policy CO-40 states that habitat shall not be deprived of protection as that habitat category on the basis that habitat has been damaged or eliminated by illegal development or other illegal means. The proposed modification to Sections 22.44.1810.C and 22.44.1830.B will help to broaden the "other illegal means" that could result in removal of habitat, consistent with Policy CO-40.

For all of the reasons stated above, the Commission finds that, only if modified as suggested will the LIP portion of the LCP amendment conform with and be adequate to carry out the applicable biological resource protection policies of the certified Land Use Plan, as amended.

D. NEW DEVELOPMENT AND RECREATION

Coastal Act Section 30250 and Land Use Plan Policy LU-1 state (in relevant part):

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...

Land Use Plan Policy SN-1 states:

All new development shall be sized, designed and sited to minimize risks to life and property from geologic hazard.

Land Use Plan Policy CO-164 states (in relevant part):

Encourage opportunities for recreation throughout the Plan area when consistent with environmental values and protection of natural resources...

d. At the periphery of areas devoted to recreation, provide sufficient staging and parking areas at trail access points...

As previously discussed, the County's submittal includes several amendments that will affect new development and recreational opportunities within the Santa Monica Mountains. The proposed amendments include changes to land use and zoning designations, clarification of standards and conformance with the requirements of other County agencies, and minor changes to the certified maps of the LUP and LIP. In addition, the LIP amendment will modify Section 22.44.1400 to facilitate development of minor parking facilities for recreational uses.

LUP and LIP Map Changes

The LCP was certified by the Commission on October 10, 2014 and since that time has been implemented by the County when reviewing development within the Santa Monica Mountains. In the process of implementing the LCP, the County discovered that multiple parcels had been mistakenly identified with the incorrect land use and zoning designations during preparation of the LCP. In addition, since certification of the LCP, multiple parcels have been acquired by Mountains Recreation Conservation Authority (MRCA), Mountains Restoration Trust (MRT), and the National Parks Service (NPS) specifically to remain as dedicated open space areas. In total, the subject amendment proposes to change the land use and zoning designation of 95 parcels. **Exhibit 3** contains details regarding the parcels proposed to be redesignated.

Of the 95 parcels identified, 31 privately owned parcels are designated for open space use, Open-Space (OS) land use and Open-Space (O-S) zone, even though the parcels contain existing residential development or are located in residential areas. It is not entirely clear how the subject parcels were incorrectly assigned the O-S land use designation and O-S zone during the preparation of the LCP. However, County staff performed a thorough parcel specific analysis for each property, including a review of the permit record, recorded restrictions and/or easements, the land use and zoning designation prior to certification of the LCP, the land use and zoning designations for adjacent properties, and existing and/or historical development on the site, to determine whether the parcel should be re-designated from OS and which residential land use and zoning category would be most appropriate. The proposed amendment includes 10 parcels that would be changed to the Rural Lands 40 (RL 40) land use designation (1 dwelling unit per 40 acres) and the Rural-Coastal Zone 40 (R-C 40) zone designation (1 dwelling unit per 40 acres). Sixteen parcels would be changed to the Rural Lands 20 (RL 20) land use designation (1 dwelling unit per 20 acres) and the Rural-Coastal Zone 20 (R-C 20) zone designation (1 dwelling

unit per 20 acres). Further, three parcels are proposed to be redesignated to the Rural Lands 10 (RL 10) land use designation (1 dwelling unit per 10 acres) and Rural-Coastal 10 Zone (1 dwelling unit per 10 acres). Finally, two parcels would be changed to the Rural Village (RV) land use designation and the Rural-Coastal 10,000 (R-C 10,000) zone designation (1 dwelling unit per 10,000 sq. ft.).

Additionally, three of the proposed 95 parcel re-designations consist of parcels that were incorrectly mapped as RL and RC, but the parcels have recreational uses that have existed on the properties since the 1950s and 1960s. As with the 31 parcels identified above, the County performed a parcel specific analysis. Accordingly, these parcels are proposed to be re-designated with the Commercial Recreation – Limited Intensity (CR) land use and the Resort and Recreation (R-R) zone. Further, the amendment includes the redesignation of 61 parcels from various residential land use and zoning designations to the Open Space – Parks land use designation (OS-P) and the Open-Space – Parks zone (O-S-P) because they have been acquired by MRCA, MRT, or NPS following certification of the LCP. These parcels are more appropriately designated for open space use in recognition of the agency owners’ intent to dedicate these properties to habitat conservation and/or recreation uses.

Aside from the updated land use and zoning designation changes previously discussed, the LCP maps will be modified to correct minor text errors and to properly depict the boundaries of Pepperdine University and its certified Long Range Development Plan (LRDP). LUP Map 8, Land Use Policy East and West, currently contains the “Mountain Lands” designation in the map legend. “Mountain Lands” is a designation from the 1986 Santa Monica Mountains LUP, the planning document that preceded the LCP, and it is likely that this designation was carried over to the LCP map accidentally following certification. “Mountain Lands” will be changed to “Rural Lands” consistent with the certified land use categories. The parcels affected by this modification are already assigned the correct land use per the certified LCP, so the proposed modification will not have any effect on coastal resources. In addition, one parcel, APN 4458-040-003 is mistakenly depicted as part of the County’s certified LCP, when in fact that parcel is within the jurisdictional boundaries of the University’s LRDP area. As such, it is appropriate to modify the LUP and LIP maps to show APN 4458-040-003 within the University’s LRDP area.

The changes to the LUP land use designations and other LUP map changes must be found consistent with the Chapter 3 policies of the Coastal Act. The proposed changes to the LIP zoning designations and LIP map changes must be found to conform to and be adequate to carry out the policies of the LUP.

Coastal Act Section 30250 requires that new residential, commercial, or industrial development be located within, contiguous with, or in close proximity to existing developed areas able to accommodate it or in areas with adequate public services and where it will not have significant adverse effects on coastal resources. A review of all of the pertinent information for the 31 privately owned parcels that are proposed to be re-designated as Rural Land shows that the proposed changes are consistent with Section 30250 because the re-designation will be consistent with the existing development of the parcels and/or adjacent residential development. The three parcels proposed to be changed to the Commercial Recreation land use designation will be

consistent with the existing development of the parcels. Finally, the redesignation of parcels acquired by park agencies to the land use designation of Open Space – Parks is consistent with the protection of sensitive habitats and the provision of recreational opportunities. The redesignated parcels are located within or adjacent to areas able to accommodate future development that is consistent with the designations. As such, the proposed map changes to the LUP are consistent with Section 30250 of the Coastal Act. For the same reasons, the proposed 95 redesignations to the LIP zoning map are consistent with and adequate to carry out Policy LU-1 of the LUP.

LIP Text Changes

LUP Policy LU-1 requires that new development be located in areas with adequate public services, while LUP Policy SN-1 requires that new development be designed and sited to minimize risks to life and property from geologic hazard. As part of the proposed amendment, Section 22.44.640.A.6 will be modified to require that land divisions include a safe, all-weather access road and driveway(s) on slopes of no greater than 15 percent, and that the land division itself does not require grading on slopes greater than 15 percent. As certified, the section requires land divisions on slopes of no greater than 25 percent, but the County Fire Department requested this standard be modified to no more than 15 percent to allow for adequate Fire Department access (a public service) consistent with LUP Policy LU-1. Furthermore, limiting the allowable slope to no less than 15 percent will ensure that new development is not situated on dangerously steep slopes where it may be subject to geologic hazards, consistent with LUP Policy SN-1.

In addition to the modification identified above, the County received feedback from other departments and made minor changes to various LIP sections and standards consistent with the standards of those departments that have been updated following certification of the LCP in 2014. The proposed modifications will not lessen the intended effect of the standards, nor will they have any increased impact on coastal resources as compared to what was previously certified. For instance, as requested by the County Public Works department, Construction Runoff and Pollution Control Plan (CRPCP) as required in Section 22.44.1340.H will be replaced with Erosion and Sediment Control Plan (ESCP). The two plans are the same document and have the same requirements, but the change is necessary to make Section 22.44.1340.H more consistent with the terminology and standards of the County Public Works Department. Additional changes to the LIP consistent with requirements of other County departments are included in [Exhibit 2](#).

Lastly, as currently written, Section 22.44.1400.A identifies the appurtenant facilities and uses for recreational development that are exempt from requiring a CDP, provided that no grading, removal of locally indigenous vegetation, or streambed alteration is necessary, and as long as there are no negative impacts to sensitive habitat as determined by the staff biologist. Subsection C goes on to identify appurtenant facilities and uses for recreational development that shall require an administrative CDP, including parking on paved or unpaved areas for 0 to 24 spaces. In order to facilitate the use of trails, parklands, and recreational facilities, the County is proposing to modify LIP Section 22.44.1400 to allow up to 10 parking spaces to be used on existing paved or unpaved areas without requiring a CDP, while 11 to 24 parking spaces will still

be subject to an administrative CDP. This modification is important because it will allow park agencies and County departments to more easily open recreational facilities to public use by allowing for parking for up to 10 spaces on existing paved or unpaved areas without requiring a CDP. Given that no grading or removal of native vegetation may be undertaken in such cases, the parking allowed by LIP Section 22.44.1400 can only take place in previously disturbed, relatively flat areas that are either dirt or paved. In addition, because the exemption of subsection A still requires that the parking for 0 to 10 spaces must not result in any of the impacts previously identified, allowing for the use of a small parking lot to facilitate permitted recreational development will not have any significant impact on sensitive resources. As such, the proposed modification is an effective way to facilitate the provision of recreational facilities consistent with Policy CO-164, while ensuring the protection of sensitive resources consistent with the requirements of the LCP.

For all of the reasons stated above, the Commission finds that the proposed LUP portion of the LCP amendment is consistent, as submitted with Section 30250 of the Coastal Act. The Commission further finds that, for the reasons stated above, the LIP portion of the LCP amendment, as submitted, conforms with and is adequate to carry out the applicable new development and recreation policies of the certified LUP.

E. SCENIC AND VISUAL RESOURCES

Coastal Act Section 30251 states:

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.

Land Use Plan Policy CO-126 states:

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 Dune 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.*

Land Use Plan Policy CO-127states:

Protect 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.

Land Use Plan Policy CO-136 states (in relevant part):

Prohibit development on designated significant ridgelines and require that structures be located sufficiently below such Ridgelines to preserve unobstructed views of a natural skyline...

The proposed amendment consists of adding Decker Road to the list of Scenic Routes identified in LUP Policy CO-126 and LIP Section 22.44.2040.C, as well as modifying Section 22.44.2040.B.3 to allow for the replacement of failing, below-grade septic tanks for existing residential homes within the required setbacks of a significant ridgeline.

Although not listed in LUP Policy CO-126 and LIP Section 22.44.2040.C, Decker Road is identified as a Scenic Route on Map 3: Scenic Resources (West) of the certified LCP. As such, adding Decker Road to the policy and section above does not constitute a substantive change to the County's LCP, but is rather a clarification to ensure internal consistency. This clarification will help to protect the scenic qualities of Decker Road by ensuring that the policies and provisions pertaining to scenic routes are applied to Decker Road.

As part of the subject amendment, the County is also proposing to modify the development standards of LIP Section 22.44.2040.B.3 with regard to significant ridgelines. The section as certified requires that the highest point of any structure shall be located at least 50 vertical feet and 50 horizontal feet from a significant ridgeline. The Section is intended to prevent new development from intruding into the profile of a significant ridgeline and degrading the scenic resources of the area. The proposed amendment would maintain the strict development standards for significant ridgelines, but provide a provision allowing for the replacement of below-grade septic tanks for existing residences. The LUP policies identified above require protection of scenic resources and limit development on designated significant ridgelines; however, the replacement of a below-grade septic system for an existing house will not have a significant impact on visual resources because the septic systems are specified to be below-grade and will not intrude into the visual profile of the significant ridgeline nor have any effect on scenic resources in the area.

The definition of significant ridgeline pursuant to LIP Section 22.44.630 will also be modified to clarify the intent of the provision. In its current form, significant ridgelines are designated by the certified LCP pursuant to various criteria. The modification to LIP Section 22.44.630 will specify that significant ridgelines were identified by “one or more of” the criteria contained in this provision. This minor clarification is not a substantive change and is consistent with LUP Policy CO-127.

For all of the reasons stated above, the Commission finds that the proposed LUP portion of the LCP amendment is consistent, as submitted, with Section 30251 of the Coastal Act. The Commission further finds that, for the reasons stated above, the LIP portion of the LCP amendment, as submitted, conforms with and is adequate to carry about the applicable visual resource policies of the certified LUP.

F. IMPLEMENTATION PROCEDURES

As part of the subject amendment, the County is proposing to add a new provision to the Coastal Zone Enforcement Procedures under Section 22.44.690 of the LIP. The provision, as proposed, will allow the Planning Director (Director) to set before the Planning Commission at a public hearing the option to consider a five-year ban on filing any application for a property that has been issued or recorded a cease and desist order, notice of violation, or CDP revocation. All procedures relative to notification, public hearing, and appeal for a five-year ban is proposed to be the same as for a County CDP. The five-year ban may exempt emergency permits and/or permits for restoration work as necessary for the subject property. The five-year ban would be recorded with the County Recorder and shall commence from the date of the hearing. The five-year ban is intended to dissuade property owners or developers from conducting unpermitted or illegal development and thus prevent potential damage to sensitive habitat areas.

The modifications included in **Suggested Modification One (1)** help to clarify the intent of the proposed provision and ensure that a recorded five-year permit ban on the property does not limit the Planning Commission or the Coastal Commission from taking an enforcement action resulting from a LCP or Coastal Act violation at the property subject to the ban. This modification is necessary because due to the recent certification of the SMM LCP, there are still open violation cases in the Santa Monica Mountains being processed by Commission enforcement staff in coordination with County staff. Furthermore, some cases require input or direct action from Commission enforcement staff.

G. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 21080.9 of the California Public Resources Code (PRC) - within the California Environmental Quality Act (CEQA) - exempts local governments from the requirement of preparing an environmental impact report (EIR) in connection with their activities and approvals necessary for the preparation and adoption of a local coastal program (LCP). Instead, the CEQA responsibilities are assigned to the Coastal Commission. However, because the California Natural Resources Agency found the Commission’s LCP review and approval program to be functionally equivalent to the EIR process (see 14 C.C.R. Section 15251(f)), PRC Section

21080.5 relieves the Commission of the responsibility to prepare an EIR for its actions on proposed LCP amendments. Nevertheless, some elements of CEQA continue to apply to this review process.

Specifically, pursuant to CEQA and the Commission's regulations (see 14 C.C.R. Sections 13540(f), 13542(a), and 13555(b)), the Commission's certification of this LCP amendment must be based in part on a finding that it meets the CEQA requirements listed in PRC Section 21080.5(d)(2)(A). That section requires that the Commission not approve or adopt an LCP:

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

The proposed amendment is to the County of Los Angeles' certified Santa Monica Mountains Local Coastal Program Land Use Plan and Local Implementation Plan. For the reasons discussed in this report, the LUP amendment, as submitted, is consistent with the applicable policies of the Coastal Act. The proposed amendment to the LIP does not conform with the certified Land Use Plan, as amended. Additionally, feasible alternatives are available that would lessen potentially significant adverse effects that the approval would have on the environment. The Commission has, therefore, modified the proposed LIP amendment to include such feasible measures adequate to ensure that such potentially significant environmental impacts are minimized. As discussed in the preceding section, the Commission's suggested modifications and its balancing of the impacts of the different options, brings the Local Implementation Plan into conformity with the certified Land Use Plan, and incorporates all feasible mitigation measures and alternatives in a manner that substantially lessens any significant adverse effects of the LCP amendment on the environment. Therefore, the Commission finds that the LCP amendment, as modified, has no remaining significant environmental impacts and is consistent with CEQA.