

CALIFORNIA COASTAL COMMISSION

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



F9a

DATE: January 18, 2018

TO: Commissioners and Interested Parties

FROM: John Ainsworth, Executive Director
Steve Hudson, Deputy Director
Wesley Horn, Coastal Program Analyst

SUBJECT: **County of Los Angeles Santa Monica Mountains LCP Amendment No. LCP-4-MMT-17-0038-1:** Executive Director's determination that action by the County of Los Angeles, acknowledging receipt, acceptance, and agreement with the Commission's certification with suggested modifications, is legally adequate. This determination will be reported to the Commission at the February 9, 2018 meeting in Cambria.

On August 10, 2017, the Commission approved Local Coastal Program (LCP) Amendment No. LCP-4-MMT-17-0038-1 with suggested modifications. The subject amendment consists of changes to the Land Use Plan (LUP) and Implementation Plan (IP) portions of the certified 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.

On November 28, 2017, the Board of Supervisors adopted Ordinance No. 2017-0050 (attached) acknowledging receipt of the Commission's certification of LCP Amendment No. LCP-4-MMT-17-0038-1 and accepting and agreeing to all modifications suggested by the Commission. The document was transmitted to Commission staff on December 28, 2017.

Pursuant to Section 13544 of the California Code of Regulations, Title 14, Division 5.5, the Executive Director must determine that the action taken by the County of Los Angeles acknowledging receipt and acceptance of, and agreement with the Commission's certification of the above referenced LCP amendment with suggested modifications is legally adequate and report that determination to the Commission. The certification shall become effective unless a majority of the Commissioners present object to the Executive Director's determination.

I have reviewed the County's acknowledgement and acceptance of, and agreement with the terms and suggested modifications of LCP Amendment LCP-4-MMT-17-0038-1, as certified by the Commission on August 10, 2017, as contained in the adopted Ordinance of November 28, 2017 and find that the County's action and notification procedures for appealable development are legally adequate to satisfy the terms and requirements of the Commission's certification. I therefore recommend that the Commission concur in this determination.

9. Hearing on Plan No. 2016000547-(3), to amend the Santa Monica Mountains Local Coastal Program (LCP), which consists of land use and zone changes for 95 parcels to reflect 61 parcels acquired by park agencies that will be designated for open space, and 34 privately-owned parcels that will be re-designated from open space to residential or coastal recreation; minor mapping corrections; and text amendments to clarify various Land Use Plan policies and Local Implementation Program provisions regarding biological resources, standards related to County agencies, recreation and scenic resources; amendments were previously approved by the Board under Board Order No. 25 of April 4, 2017, and subsequently approved by the California Coastal Commission (Coastal Commission) on August 10, 2017, subject to two modifications; the revised amendments, which include the Coastal Commission's suggested modifications, must now be considered by the Board; the County is not required to prepare an Environmental Impact Report for the amendments because the Coastal Commission's review process for LCP amendments has been certified by the Secretary of Resources as being the functional equivalent of environmental review under the California Environmental Quality Act; and upon the Board's adoption of the amendments, they will be transmitted to the Coastal Commission for final certification. **(Department of Regional Planning) (16-3624)**

All persons wishing to testify were sworn in by the Executive Officer of the Board. Anita Gutierrez, representing the Department of Regional Planning, testified. Opportunity was given for interested persons to address the Board. Eric Preven addressed the Board. No correspondence was presented.

On motion of Supervisor Kuehl, seconded by Supervisor Hahn, the Board closed the public hearing and took the following actions:

1. **Approved a resolution adopting the Santa Monica Mountains Local Coastal Program (LCP) amendments, consisting of map and text amendments to the Land Use Plan (LUP) and Local Implementation Program (LIP), as certified by the California Coastal Commission (Coastal Commission) that indicated the following:**
 - a. **Made a finding that the LCP amendments do not require an accompanying environmental document under the California Environmental Quality Act;**
 - b. **Acknowledged receipt of the Coastal Commission's resolutions of certification of the LCP amendments with the Coastal Commission's suggested modifications to the LIP and accepted and agreed to the modifications;**

- c. Made a finding that the LCP amendments, including amendments to the LUP and LIP, as certified by the Coastal Commission are consistent with the California Coastal Act; and
 - d. Adopted the LCP amendments, including all suggested modifications by the Coastal Commission.
 2. Adopted Ordinance No. 2017-0050 entitled, "An ordinance amending Title 22 – Planning and Zoning of the Los Angeles County Code, relating to the Santa Monica Mountains Local Implementation Program to clarify certain developments standards and correct land use and zoning designations"; and
 3. Instructed the Acting Director of Planning to submit said LCP amendments and resolution to the Coastal Commission for final certification.
 - Ayes:** 4 - Supervisor Solis, Supervisor Kuehl, Supervisor Hahn and Supervisor Barger
 - Absent:** 1 - Supervisor Ridley-Thomas

Attachments: [Board Letter](#)
[Ordinance](#)
[Certified Ordinance](#)
[Video](#)

ANALYSIS

This ordinance amends Title 22 – Planning and Zoning of the Los Angeles County Code, to incorporate amendments requested by the California Coastal Commission, relating to the Santa Monica Mountains Local Implementation Program.

MARY C. WICKHAM
County Counsel

By



JILL M. JONES
Senior Deputy County Counsel
Property Division

Requested: 12/08/17

Revised: 12/08/17

ORDINANCE NO. _____

An ordinance amending Title 22 – Planning and Zoning of the Los Angeles County Code, to incorporate amendments requested by the California Coastal Commission, relating to the Santa Monica Mountains Local Implementation Program.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Section 22.44.690 is hereby amended to read as follows:

22.44.690 Coastal Zone Enforcement Procedures.

In addition to the enforcement provisions contained in this section, the provisions of Chapter 9 of Division 20 of the California Public Resources Code shall also apply with respect to violations and enforcement.

...

Y. Enforcement and Special Compliance Program for Existing Confined Horse Facilities.

...

9. Monitoring. For each permit issued pursuant to the Special Compliance Program, the County shall track and monitor the facility's conformance with the conditions of the permit, including maintenance of required BMPs, on an annual basis. One year from the date of effective certification of this LCP, the Director shall provide a CDP condition compliance monitoring report to the Executive Director for confined horse facilities authorized under this program that are the subject of an Open Coastal Commission Violation Case. If an applicant/property owner that is the subject of an Open Coastal Commission Violation case is not in full compliance with the

required terms and conditions of the County-issued CDP, the CDP no longer exists, and the facility shall be considered unpermitted development and subject to enforcement as if the permit never existed.

~~When a cease and desist order, notice of violation, or CDP revocation has been issued or recorded for a property, 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 as necessary, for the subject 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.~~

...

Z. 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 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.

...

SECTION 2. Section 22.44.950 is hereby amended to read as follows:

22.44.950 Coastal Development Permit—Oak Tree Requirements.

...

C. Exemptions. The provisions of this section shall not apply to:

1. Any oak tree removal or encroachment for which there is a valid, unexpired Coastal Commission-granted CDP and a valid, unexpired oak tree permit, issued by the County pursuant to Part 16 of Chapter 22.56 prior to the date of effective certification of this LCP.

2. 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.~~

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