

**CALIFORNIA COASTAL COMMISSION**

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# W11a

## ADDENDUM

April 4, 2022

TO: Coastal Commissioners and Interested Parties

FROM: South Central Coast District Staff

SUBJECT: **Addendum to Item W11a, County of Ventura LCP Amendment No. LCP-4-VNT-21-0069-2 (ESHA Update) for the Commission Meeting of Wednesday, April 6, 2022**

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The purpose of this addendum is to clarify the suggested modifications in the staff report dated March 24, 2022 and to respond to correspondence received. Straight type reflects the proposed LCPA language with the suggested modifications recommended in the Staff Report. ~~Strikethrough~~ indicates text deleted pursuant to this addendum and underline indicates text added pursuant to this addendum.

### I. REVISIONS TO SUGGESTED MODIFICATIONS

1. Part B of LUP Suggested Modification 12 shall be modified as follows:
  - b. All *coastal development permits* that include the approval of development within ESHA, buffer zones, steep slopes, or adjacent to parklands shall be conditioned to require the remaining *ESHA, buffer zones, and slopes* over 30 percent gradient located outside of the approved *building site and mandatory fuel modification zone* are preserved in perpetuity through a *conservation easement or conservation instrument*, according to the policies and standards of the LCP.
2. Part B of LUP Suggested Modification 27 shall be modified as follows:
  - b. The County Harbor Department will apply for a multi-year “master permit” within three years of [DATE OF ORDINANCE EFFECTIVE DATE] to comprehensively address *development*, including beach maintenance activities conducted by the County at Hollywood and Silver Strand Beaches. If the geographic area covered by the permit includes land under the permit jurisdiction of the County *and* the California Coastal Commission, then a consolidated permit may be processed through the Coastal Commission, pursuant to Coastal Act

Section 30601.3. Beach maintenance activities ~~implemented prior to issuance of the master permit shall be required to obtain a separate~~ require a coastal development permit.

3. The definition of Fuel Modification Zone, Mandatory and Development Envelope in IP Suggested Modification 1 shall be modified as follows:

Development Envelope – The full extent of allowable *development* on a *legal lot*. In addition to *structures* or other *development* within a *building site*, the *development envelope* may include, but is not limited to, driveway or road, fire department turnarounds, ~~fire~~*fuel modification zone*, water tanks (firefighting), entry gate/*fences*, utility trenches and other site grading, septic systems, wells, and drainage improvements. (See definition for *Building Site*.)

Fuel Modification Zone, Mandatory - The minimum area of vegetation removal around legally established *structures* located in the *building site* that is required by the Ventura County Fire Protection District Ordinance. The standard width of the *mandatory fuel modification zone* is 100 feet, as measured from each side and from the front and rear of the legally established *structure*. Under unique site-specific conditions, the Ventura County Fire Protection District may determine that it is necessary to expand the *mandatory fuel modification zone* for new *development* up to 200 feet if needed to protect life and property from wildland fires.

4. Part A(1)(i), Part B(1), and B(4) of IP Suggested Modification 8 shall be modified as follows:

A(1)(i). The site-specific map shall be adequate to determine all potentially adverse direct, indirect and *cumulative* impacts to *ESHA* resources and confirm that the proposed project is the least environmentally damaging alternative. The minimum geographic extent of field surveys for a site-specific *ESHA* map shall be the area within a 500-foot radius of the proposed *development envelope*. When ~~unless~~ an *expanded fuel modification zone* is proposed for existing structures, ~~in which case~~ the geographic extent of the field surveys shall include a 100 foot radius beyond the proposed *expanded fuel modification zone* (see in Appendix E1, Section AE-1.3.2.(g)(1)(iv). All portions of the subject *lot* that lie outside the required 500-foot field survey area shall be mapped using certified *ESHA* maps, aerial photographs and/or *habitat/wildlife* information available from federal/state/local *natural resource agencies* (e.g., National Park Service or other vegetation maps, wildlife tracking *GIS* data, *monarch butterfly overwintering sites*, *California Natural Diversity Database*. (See Appendix E1, Section AE-1.3.1(a) and AE-1.3.2(g)(2)); and

B(1). Written description and graphic depiction of two or more project design alternatives on a site plan that provide a reasonable range of options that minimize direct and indirect, adverse impacts on *ESHA* and encroachment within *buffer zones*. Project design alternatives shall depict all proposed *development*

and shall include different locations, shapes and sizes that include, but are not limited to the following project components: *building site*, *structures* (e.g., house, garage, barn), *site features* (e.g., pool, patio, *fences*, landscaping), *fuel modification zones* (including the mandatory fuel modification zone required by the fire department and the maximum allowable expanded fuel modification zone), water tanks and other proposed *development* sited outside the *building site*, animal containment areas, driveway/access road(s), and water/wastewater systems. ~~The width of the mandatory *fuel modification zone* and the maximum allowable *expanded fuel modification zone* shall be evaluated for each location. The design alternatives for the proposed *fuel modification zone* shall be the width recommended and authorized by the Ventura County Fire Protection District for each alternative.~~

B(4). The Planning Staff Biologist, or County's designated biological consultant, or Coastal Commission on appeal shall determine if the content and conclusions of the CISBA and the graphic depiction of habitats on the site-specific *ESHA* map were completed pursuant to the policies and standards of the LCP.

5. Part A of IP Suggested Modification 15 shall be modified as follows:
  - a. Santa Monica Mountains: Within the Santa Monica Mountains (M) overlay zone, the maximum allowable building site shall be 10,000 square feet, or 25 percent of the legal lot size, whichever is less. The allowable building site may be increased above the maximum allowed by this Section when authorized pursuant to the incentive program in Section 8178-2.9.4.1, and it may be decreased pursuant to Section 8178-2.6.2.2(b). If the development is authorized to provide an economically beneficial use the permit shall be conditioned to require the remaining area of the parcel lot located outside of the building site and mandatory fuel modification zone is preserved in perpetuity through a conservation easement or conservation instrument, except as otherwise set forth in the project's associated Coastal Development Permit and any allowable future development that is consistent with Section AE-2.2.2.
6. Part E of IP Suggested Modification 16 shall be modified as follows:
  - e. On-Site Open Space Requirements – *Development* shall not be permitted in areas with greater than or equal to 30 percent *slope*. All on-site *ESHA*, *buffer zones*, *slopes* over 30 percent shall be permanently maintained in their natural state through a *conservation easement* or *conservation instrument* when a ~~*coastal development permit* that includes approval of development within *ESHA*, *buffer zone*, and slopes over 30 percent, including for development:~~ (1) identified on an applicant prepared site-specific *ESHA* map, and/or (2) located in the Coastal Open Space (COS) zone, Santa Monica Mountains (M) overlay zone, or Coastal Industrial (CM) zone.
7. Parts A and C of IP Suggested Modification 18 shall be modified as follows:

a. A new or *expanded fuel modification zone* shall only be authorized through a new or modified *Coastal Development Permit*. Vegetation removed for *fuel modification* purposes shall be conducted in accordance with a Planning Division and Ventura County Fire Protection District-approved *Fuel Modification Plan* and *ESHA Vegetation Management Plan, as applicable* (See Appendix E2, Section AE-2.4). *Low-intensity vegetation removal techniques* shall be used when removing vegetation in ESHA or *buffer zone*.

c. Where an expanded fuel modification zone is ~~approved~~ proposed within ESHA or buffer zone, an approved *ESHA Vegetation Management Plan* (see Appendix E2, Section AE-2.4) is required to retain the ESHA or buffer zone within that area.

8. IP Suggested Modification 19 shall be modified to include the following changes to the last paragraph of Section 8178-2.6.9.2:

Allowable uses within an *expanded fuel modification zone* shall be limited to approved vegetation management activities for fire protection purposes in accordance with Appendix AE-2.5 (~~when applicable~~), and *resource-dependent uses* described in Section 8178-2.5.1 that do not require the further expansion of any *fuel modification zone*.

9. Part D of IP Suggested Modification 20 shall be modified as follows:

d. An expanded *fuel modification zone* thinned pursuant to AE-2.5 may be authorized up to 300 feet from a legally established *structure* located within the building site or to the property line, whichever distance is shorter, if it is determined by the Ventura County Fire Protection District that it is necessary to protect life, property, and natural resources from unreasonable risks associated with wildland fires. In making this determination, the Ventura County Fire Protection District may consider whether there are any other feasible mitigation measures possible.

10. Part B shall be added to IP Suggested Modification 24 and Part 3 shall be modified as follows:

b. Buffer Zones — To the maximum extent feasible, outdoor *light fixtures* shall be installed outside a *buffer zone* and in locations where *light glare* and *light trespass* into the *buffer zone* is minimized to avoid or minimize impacts to biological resources. When *outdoor lighting* is ~~placed~~ allowed in a *buffer zone*, it shall comply with the following:

~~3. *Outdoor lighting* for a pool, that is *accessory* to a dwelling shall be shielded or screened from nearby *ESHA*. If such lighting causes *light trespass* in excess of~~

~~0.01 foot candles at the vertical plane and the horizontal plane at the edge of a buffer zone or ESHA, then the facility shall not be illuminated between 10 p.m. and sunrise. Outdoor lighting for tennis courts or other recreational facilities that are accessory to a dwelling is prohibited to avoid or minimize impacts to biological resources.~~

11. Part E of IP Suggested Modification 32 shall be modified as follows:
  - e. A *Coastal Development Permit* authorizing a *land division* shall include conditions of approval that restrict *development* to an approved *development envelope*. Outside the *development envelope*, future *development* shall be prohibited within any onsite *ESHA(s)*, *buffer zone(s)*, and/or areas with *slopes* over 30 percent gradient. Notwithstanding the foregoing, Areas subject to such *development* restrictions shall be permanently maintained in their natural state except as otherwise provided in Section AE-2.2.12 through recordation of a *conservation easement* or *conservation instrument deed restriction*.
12. Part A of Suggested Modification 34 shall be modified as follows:
  - a. Merges the lot upon which the proposed building site is located with an abutting legal lot or lots containing at least three acres of undeveloped land and meeting the standards for an off-site preservation lot stated in Section 8178-2.10.5(b). All areas of the resulting lot outside of the building site and mandatory fuel modification zone must be preserved in perpetuity through a conservation easement or conservation instrument, except as otherwise set forth in the project's associated Coastal Development Permit and any allowable future development that is consistent with Section AE-2.2.1; or
13. Part B(1) of IP Suggested Modification 37 shall be modified as follows:
  1. Permittee - Off-site compensatory mitigation area must be located within the Ventura County *coastal zone*. If a property is bisected by the coastal zone boundary, up to 50 percent of the area may be located outside of the coastal zone. Off-site mitigation sites shall be selected based on proximity to the impacted *ESHA ecosystem*, in the following order of priority:
14. Part D(8) of IP Suggested Modification 39 shall be modified as follows:
  8. Timing of Compensatory Mitigation – Whenever feasible<sup>1</sup>, land acquisition shall be conducted within three years of the receipt of fees in the Coastal Habitat Impact Fund. Fees will be paid prior to a zoning clearance ~~for construction~~.
15. The following shall be added as Part B of Suggested Modification 40, subsequent parts shall be relabeled, and Parts C and G shall be modified as follows:
  - b. Increase of a Mandatory Fuel Modification Zone – New *development* with a *mandatory fuel modification zone* greater than the standard 100-foot width

requires a finding supported by a determination made by the Ventura County Fire Protection District, that the increased *fuel modification zone* of up to 200-feet is needed to protect life and property from wildland fires based on site-specific environmental conditions and that there are no other feasible mitigation measures possible.

c. Expanded Fuel Modification Zone – If the width of a fuel modification zone exceeds 100 feet, the Ventura County Fire Protection District has authorized the expanded fuel modification zone, ~~provided documentation illustrating the width of the expanded zone,~~ and determined that it is necessary to protect life, property, and natural resources from unreasonable risks associated with wild land fires and there are no other feasible mitigation measures possible.

g. Open Space Restriction – All ESHA, buffer zones, and slopes over 30 percent gradient located on the lot outside of the *building site* and *mandatory fuel modification zone* are preserved in perpetuity through a *conservation easement* or *conservation instrument* except as otherwise set forth in the project's associated *Coastal Development Permit* and any allowable future *development* that is consistent with Section AE-2.2.2.

16. Part G(3)(viii) of IP Suggested Modification 43 shall be modified as follows:

When an expanded fuel modification zone ~~reduced County In-Lieu Fee for ESHA thinning pursuant to Section 8178-2.6.9.3~~ is proposed, pre-disturbance vegetation surveys for the *expanded fuel modification zone* shall be conducted when vegetation growth is at its greatest density (e.g., March-June). This survey may be combined with the general floristic mapping required for the site-specific *ESHA* map.

17. Part A(2) of IP Suggested Modification 45 to modify Part A(2) shall be modified as follows:

2. If an *ESHA* or *buffer zone* overlaps with any ~~extended~~ expanded fuel modification zone that has been widened for the proposed project beyond the 100-foot mandatory fuel modification standard, then a written determination ~~documentation~~ shall be obtained from the Ventura County Fire Protection District ~~confirming the authorization of that states the~~ expanded widened fuel modification zone (see CZO Section 8178-2.6.9.2 (e) is necessary to protect life and property from wildland fires. This determination shall be used for the permit findings for the project site and for alternate sites identified in during the least damaging alternatives analysis (see CZO Section 8178-2.3 (b)).

18. IP Suggested Modification 47 shall be modified as follows:

*A conservation instrument* shall be used to conserve on-site *ESHA*, *buffer zones*, and *slopes* over 30 percent located outside of the building site and mandatory

fuel modification zone that are not used as compensatory mitigation. The conservation instrument area shall be preserved in perpetuity, except as otherwise set forth in the project's associated *Coastal Development Permit* and any allowable future *development* that is consistent with Section AE-2.2.2.

19. IP Suggested Modification 49 shall be modified as follows:

When a *conservation easement* or deed restriction is used to conserve areas as compensatory mitigation, the *conservation easement* or deed restriction shall include terms and conditions such that the instrument meets the following: (1) definition for a *conservation easement* in CZO Article 2; and (2) the requirements for compensatory mitigation in CZO Section. 8178-2.10.1~~(e)~~. New uses and *development* in the conservation area shall only be allowed pursuant to a valid *coastal development permit* and shall be limited to the following:

20. IP Suggested Modification 50 shall be modified as follows:

When a conservation instrument is used for on-site development restrictions, pursuant to CZO Section 8178-2.6.3~~(e)~~, the conservation instrument shall include terms and conditions such that the instrument meets the definition in Article 2 and the requirements in CZO Section 8181-3.5.3~~(i)(2)~~. New (or modified) uses and development in the restricted area shall only be allowed pursuant to a valid coastal development permit (or discretionary permit modification) and shall be limited to the following:

a. General Requirements - When a deed restriction is used as a *conservation instrument* to avoid potential impacts associated with *development*, it shall include terms and conditions such that the instrument meets the definition of a *conservation instrument* in Article 2.

b. Allowable Uses and Development - New uses and *development* in the area subject to the deed restriction/permit condition shall be limited to the following:

1. All allowable uses provided by Section AE-2.2.1(c) and 8178-2.5.1;
2. Replacement of a failed water well and associated water tank or septic system that meets the following standards: (i) a replacement system was not identified by the existing permit, and (ii) substantial evidence is provided that no feasible, alternate location is available within the approved *development envelope*; and
3. Fuel modification authorized required by the Ventura County Fire District, if undertaken in accordance with a *ESHA Vegetation Management Plan* approved by the County pursuant to a *Coastal Development Permit*.
4. The siting of safety infrastructure required by state law (e.g., fire department turn arounds, roads, water tank) that is based upon substantial evidence that no feasible alternate location is available within the previously entitled *building site* or *mandatory fuel modification zone*.

21. The following shall be added to IP Suggested Modification 51 to modify Part B(2)(i):
  - i. Using the Site Plan Maps, identify and quantify the amount of *ESHA* or *buffer zone* within the *expanded fuel modification zone* that will be removed or altered and all *ESHA* or *buffer zone* areas retained. Applicants ~~applying for the reduced County in-lieu mitigation fee for *coastal sage scrub and chaparral habitat* removal~~ shall provide a detailed explanation of the methods and calculations used to determine the total percent of ~~the *coastal sage scrub and chaparral habitat* or *buffer zone* proposed for removal~~ vegetation thinned pursuant to AE-2.5. If priority vegetation removal could not be met, describe why.
  
22. The following shall be added to IP suggested Modification 52 to add Part B, and all subsequent parts shall be relabeled:
  - b. Consistent with the fuel management objectives ((a) above), steps shall be taken to minimize erosion, soil disturbance, and the spread of flammable nonnative grasses and weeds.

## II. RESPONSE TO CORRESPONDENCE RECEIVED

Included in the Correspondence Tab is a letter received from the Mountains Recreation and Conservation Authority (MRCA). Within this letter MRCA staff express their general support for the subject amendment and also outline concerns relating to the County's proposed in-lieu mitigation fee program for impacts to coastal sage scrub and chaparral habitats in the Santa Monica Mountains. Specifically, MRCA staff expresses concern regarding the proposed mitigation ratio and fee amount and indicate that it is insufficient to provide for a full offset of impacts due to the high cost of land acquisition within the Santa Monica Mountains area of the County. As described in Section 4 of the Staff Report, the mitigation proposed to be provided through an in-lieu fee program is modeled on the approach taken by the County of Los Angeles in the certified Santa Monica Mountains LCP, as well as that taken by the Commission in its approval of CDPs in Los Angeles County prior to LCP certification. Additionally, the proposed fee is interim, and will be updated following an in-depth fee study in order to establish the permanent amount.