



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

September 15, 2016

TO: Laura Shell, Chair
Doug Smith, Vice Chair
David W. Louie, Commissioner
Curt Pedersen, Commissioner
Pat Modugno, Commissioner

FROM: Mark Child, Deputy Director, Regional Planning
Advance Planning Division

REPORT ON BOARD OF SUPERVISORS' MODIFICATIONS TO THE SANTA MONICA MOUNTAINS LOCAL COASTAL PROGRAM AMENDMENTS (PLAN NO. RPPL2016000547)

RPC Meeting: September 28, 2016 – Agenda Item: No. 8

The Santa Monica Mountains Local Implementation Program (LIP) requires that any modification to a proposed Local Coastal Program (LCP) amendment by the Board of Supervisors (Board), which was not previously considered by your Commission, be referred back for report and recommendation. Accordingly, the purpose of this item is for your Commission to consider the additional Board changes to the LCP amendment, and if in concurrence, to recommend approval of these changes.

Modifications to the Proposed LCP Amendment

LCP amendments were previously considered and recommended for approval by your Commission on May 25, 2016. The Board subsequently considered the amendments during a public hearing on August 2, 2016, and passed a motion indicating its intent to approve the amendments with the following modifications:

1. Include a provision that would allow the Director of the Department of Regional Planning (Regional Planning) to refer a case to your Commission for a public hearing to consider a five-year ban on filing any application anytime there is a cease and desist order, a notice of violation, or an action to revoke a permit.
2. Revise subsection 22.44.950.C.2 of the LIP related to emergency oak tree permits to read, "Cases of emergency caused by an oak tree within 200 feet of a structure or other improvement being in a 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 a danger to public safety. The Director of the Department of Regional Planning may consider other cases of emergency on an individual basis."

3. Revise subsections 22.44.970.C, 22.44.990.A, and 22.44.840.K of the LIP related to public noticing to require that if the current 1,000-foot radius does not include a minimum of 15 parcels of real property, the radius should be expanded until the owners and residents of at least 15 parcels will be notified.

4. Revise LIP subsection 22.44.820.A.3.a by adding language stating that repair and maintenance activities that are exempt from the LIP should not result in the addition or expansion of any other structure.

5. Revise subsections 22.44.1810.C and 22.44.1830.B by adding language stating that habitat areas should not be deprived of protections when habitat is inappropriately damaged or removed.

6. Fix the following minor typographical errors in the Santa Monica Mountains Land Use Plan (LUP) and LIP:

a. LUP Map 8: Land Use Policy (East) and (West): In the map legend, change "Mountains Lands" To "Rural Lands" for the RL5, RL10, RL20, and RL40 land use categories.

b. Correct the section reference in LIP subsection 22.44.840.CC.1.I.

7. Re-designate the following parcels owned by National Parks Service (NPS) to the Open Space-Parks (OS-P) land use category and Open-Space-Parks (O-S-P) zone: 4461-004-904, 4461-004-905, 4472-003-904, 4465-004-911, 4465-004-912, 4465-004-913, 4471-020-913, 4471-023-907, 4471-021-904, and 4472-009-900. *Upon further investigation, it was discovered that parcels 4471-021-904 and 4472-009-900 are already designated OS-P and O-S-P; accordingly, no change is proposed for these two parcels.*

8. Re-designate the following two parcels owned by Mountains Recreation and Conservation Authority (MRCA) to the OS-P land use category and O-S-P zone: 4472-005-011 and 4472-005-012

8. Re-designate APN 4440-006-005 and the eastern portion of APN 4440-006-021 to the Commercial Recreation – Limited Intensity (CR) land use category and the Resort and Recreation (R-R) zone.

9. In addition to the above modifications, the Board directed Regional Planning to further investigate title on seven parcels in the Tuna Canyon area, and to report to your Commission any additional recommendations based upon such investigation.

The above-described modifications are intended to correct and update zoning, correct typographical errors, and strengthen resource protection. The following sections discuss the potential impact of these changes, and their consistency with the California Coastal Act (Coastal Act) and the LUP.

Analysis of Additional Text Changes

The below sections discuss how the additional text changes comply with Coastal Act and LUP policies.

Five-year Ban on Filing Applications

The proposed text change would allow the Director of Regional Planning to refer a cease and desist order, notice of violation, or permit revocation to your Commission to consider a five-year ban on any application being filed for the subject property. This is intended to serve as a disincentive to conducting unpermitted or illegal development. This provision would comply with Section 30240(a) of the Coastal Act because it would help discourage unpermitted and illegal development, which thereby prevents potential damage to sensitive habitat areas.

Limit the Usage of Emergency Oak Tree Permits

The proposed text change would place limits on when an emergency oak tree permit can be issued. The revised provision would allow oak tree removal only when a hazardous tree is within 200 feet of a structure or improvement, when a tree on a vacant parcel of land poses a threat to public property or utilities, or when a tree is destroyed by natural disaster. It would also allow the Director of Regional Planning to consider other cases of emergency on an individual basis. The revised provision would comply with Section 30240(a) of the Coastal Act and LUP policy CO-99 because it would discourage oak tree removal and help preserve oak trees to the maximum extent feasible, thereby preventing disruption to environmentally sensitive habitats.

Limit Parameters for Repair and Maintenance Exemptions

The proposed text change would limit the type of development that could qualify for a "repair and maintenance" exemption from the LIP. The proposed change would clarify that any repair and maintenance that adds to or expands any structure would not be eligible for the exemption, and would therefore be subject to the LIP. This complies with Section 30610(d) of the Coastal Act and LUP policies regarding new development including CO-74, CO-76, and CO-77. The revised provision would require that any repair and maintenance activities that did not meet the exemption criteria would be processed as new development, and would therefore be subject to LIP provisions.

Strengthen Biological Resources Protections

The proposed text change would ensure that habitat protection policies are applied even when habitat has been damaged or removed inappropriately as a result of legally permitted development. This would comply with Section 30240 of the Coastal Act and LUP policy CO-40, because it would require that sensitive habitat areas are given the

highest level of protection required, even when they have been removed or damaged through legally permitted development.

Minor Text Changes

The remaining text changes do not substantively alter standards, and therefore comply with Coastal Act and LUP policies. Text changes are proposed to increase noticing requirements so that at least 15 parcels of real property are notified. This may, in some cases, expand the existing 1,000-foot radius notification requirement. The proposed text changes to LUP Map 8 and LIP subsection 22.44.840.CC.1.I would correct minor typographical errors.

Analysis of Additional Zone Changes

The below sections discuss how the additional zone changes comply with Coastal Act and LUP policies.

Rezone Additional Parcels to Open Space

The additional parcels proposed to be re-designated to open space were specifically acquired by NPS and MRCA to be used as dedicated open space areas. Re-designating these parcels to the OS-P land use category and the O-S-P zone would ensure that any future development would be limited to primarily low-intensity, resource-dependent uses. The proposed open space zoning would be more restrictive than the parcels' current Rural Lands (RL) and Rural-Coastal (R-C) designations. Because the parcels would be changing to a less intense land use, it would be unlikely to cause an increased demand for water supply for fire protection. Further, LIP subsection 22.44.840.L requires any new development to provide proof of adequate water supply for fire protection.

Preserving these lands as open space would be in the interest of public health, safety, and general welfare, because it would protect sensitive habitat areas from incompatible development. These zone changes also comply with Section 30240(a) of the Coastal Act and LUP policies CO-45 and CO-121, because they would limit the type and intensity of development, thereby preserving large blocks of undisturbed natural open space, habitat linkages, and wildlife habitat areas.

Rezone Two Parcels to R-R

An additional two parcels (APNs 4440-006-005 and 4440-006-021) were found to have incorrect land use and zoning for the existing uses on the ground. Both parcels contain theater facilities, which are non-conforming with the current RL land use and R-C zoning. Re-designating APN 4440-006-005 and the eastern portion of APN 4440-006-021 to the CR land use category and R-R zone would make the existing uses properly conforming to LIP requirements.

The proposed zone changes would allow for a wider range of recreational uses than are allowed under the current RL and R-C designations. Accordingly, it is possible that these zone changes could result in a need for greater water supply for fire protection. It should be noted that these parcels are already developed, and are therefore already required to

have an adequate water supply for fire protection. From this, it is inferred that any future development on these properties would also be able to obtain sufficient water supply.

Further, these zone changes are consistent with Section 30250 of the Coastal Act and LUP policies LU-1 and CO-156. Any new development allowed by these zone changes would be located within an existing developed area that is able to accommodate it. Additionally, the theater uses contained on these properties help encourage a range of recreational experiences within the Coastal Zone.

Recommendation for Tuna Canyon Parcels

Regional Planning worked with County Counsel to investigate title on seven privately-owned parcels (4448-005-023, -024, -025, -026, -027, -032, and -035) in the Tuna Canyon area, which are currently designated as the OS-P land use category and the O-S-P zone. The owner suggested that these parcels be re-designated from open space to the RL20 land use category and the R-C-20 zone. Staff recommends that these parcels remain as open space pursuant to a recorded conservation easement on the properties.

Staff Recommendation

Staff recommends that the Regional Planning Commission recommend approval of the Board's modifications to the LCP amendments.

If you need further information, please contact Maya Saraf at (213) 974-0307 or msaraf@planning.lacounty.gov. Department office hours are Monday through Thursday from 7:00 a.m. to 6:00 p.m. The Department is closed on Fridays.

MC:MS

Enclosure: Revised Map and Text Amendments

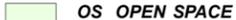
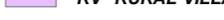
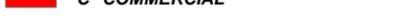
SUGGESTED MOTION:

I MOVE THAT THE REGIONAL PLANNING COMMISSION RECOMMEND APPROVAL OF THE BOARD OF SUPERVISORS' MODIFICATIONS TO THE SANTA MONICA MOUNTAINS LOCAL COASTAL PROGRAM AMENDMENTS (RPPL2016000547).

REVISED MAP AND TEXT AMENDMENTS

LOS ANGELES COUNTY
MAP 8:
LAND USE POLICY (EAST)
SANTA MONICA MOUNTAINS
LOCAL COASTAL PROGRAM

LEGEND

-  MAJOR ROAD
-  HIGHWAY
-  PARCEL BOUNDARY
-  OS OPEN SPACE
-  OS-DR OPEN SPACE-DEED RESTRICTED
-  OS-P OPEN SPACE-PARKS
-  RL1 RURAL RESIDENTIAL (1DU/1AC)
-  RL2 RURAL RESIDENTIAL (1DU/2AC)
-  RL5 RURAL LANDS (1DU/5AC)
-  RL10 RURAL LANDS (1DU/10AC)
-  RL20 RURAL LANDS (1DU/20AC)
-  RL40 RURAL LANDS (1DU/40AC)
-  U8 RESIDENTIAL (8 DU/AC)
-  U20 RESIDENTIAL (20 DU/AC)
-  RV RURAL VILLAGE
-  C COMMERCIAL
-  CR VISITOR-SERVING COMMERCIAL RECREATION-LIMITED
-  P PUBLIC AND SEMI-PUBLIC FACILITIES
-  SANTA MONICA MOUNTAINS COASTAL ZONE BOUNDARY *
-  INCORPORATED CITY
-  OTHER UNINCORPORATED COMMUNITY

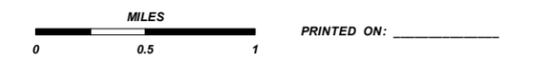
* The Coastal Zone Boundary depicted on this map is shown for illustrative purposes only and does not define the Coastal Zone. The delineation is representational, may be revised at any time in the future, is not binding on the Coastal Commission, and may not eliminate the need for a formal boundary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

VICINITY MAP:

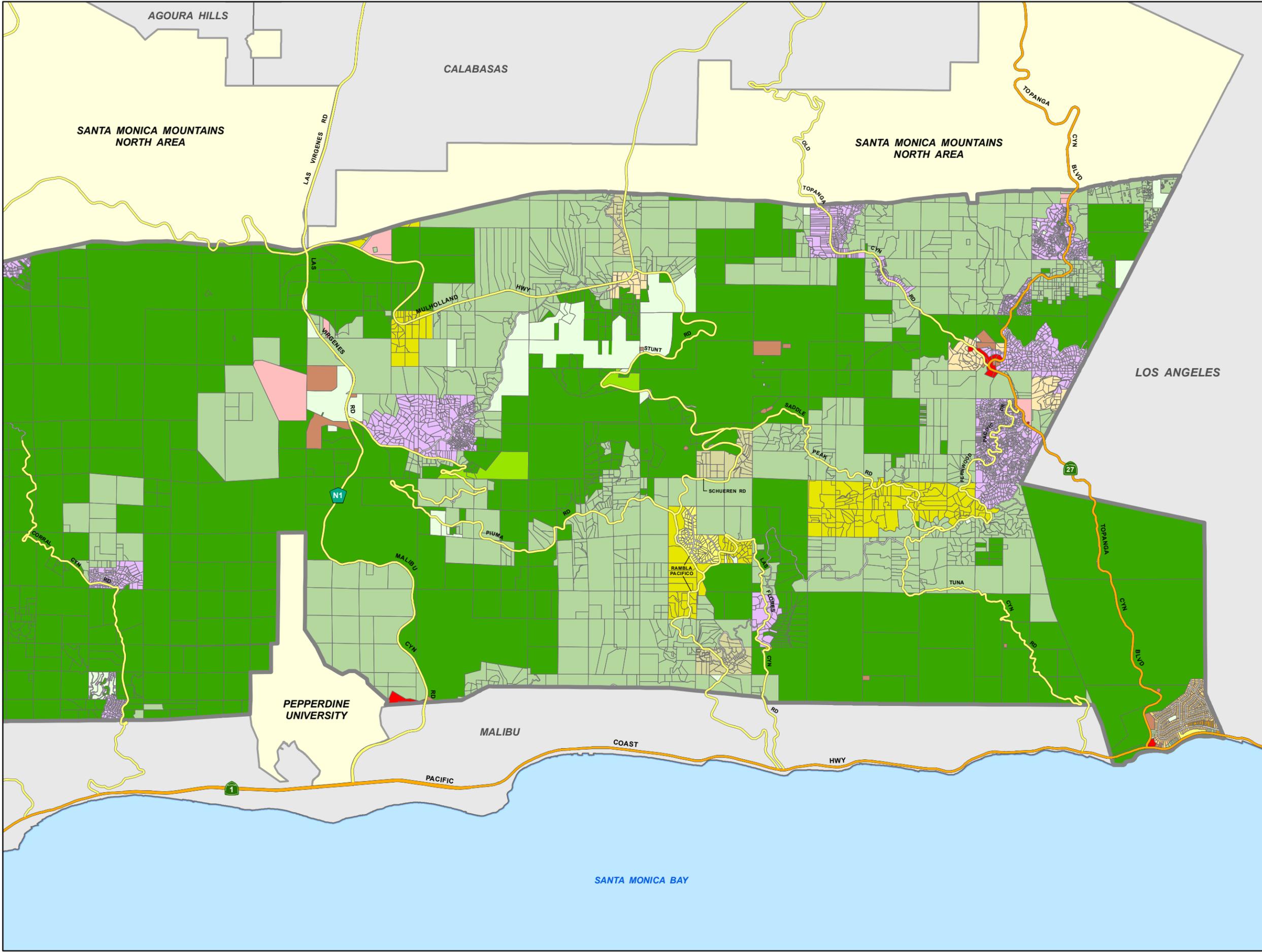




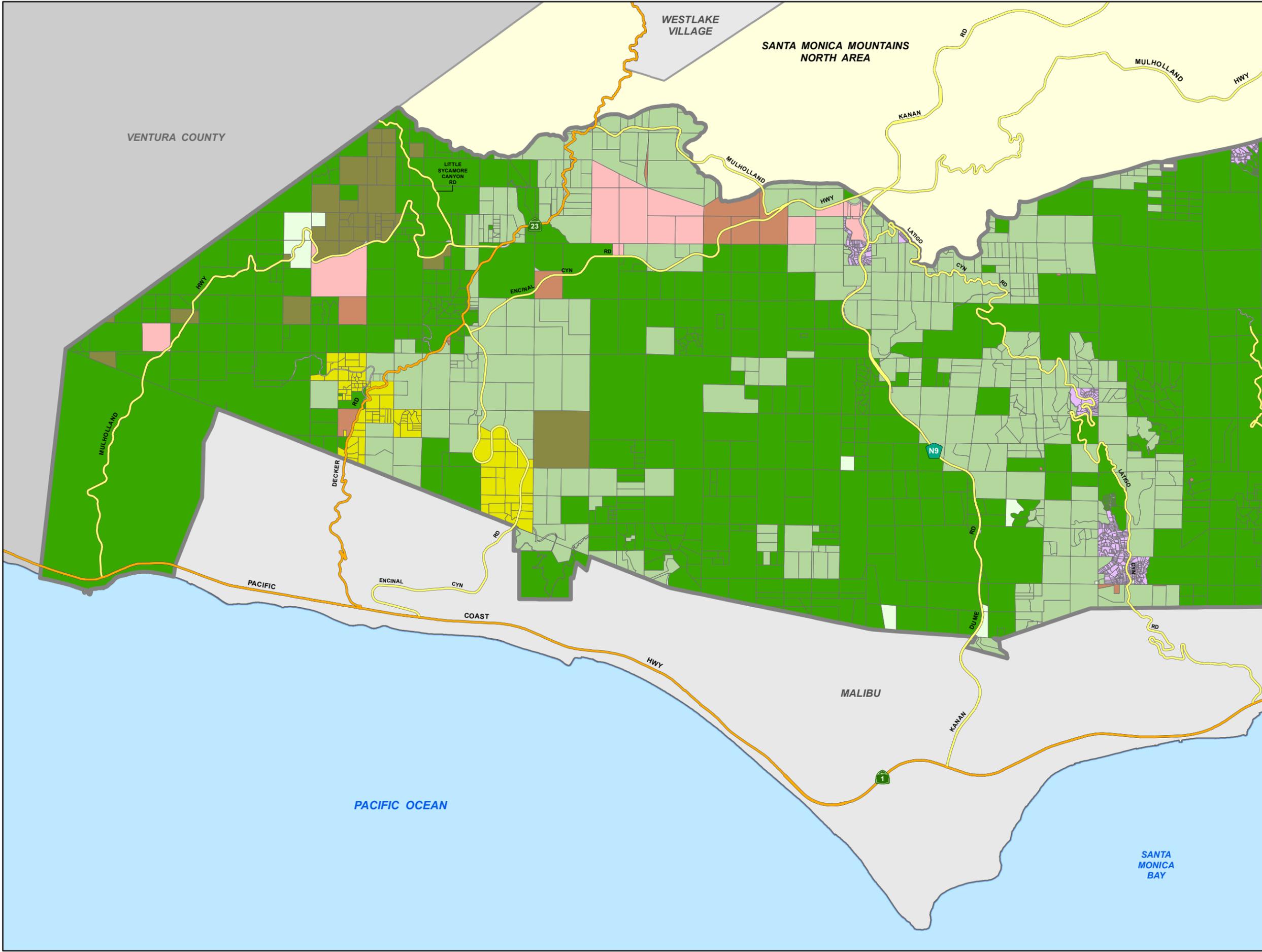

 LOS ANGELES COUNTY
 DEPT. OF REGIONAL PLANNING
 320 W. TEMPLE ST.
 LOS ANGELES, CA 90012



PREPARED BY DRP GIS SECTION / REVISED AUGUST 2016



LOS ANGELES COUNTY
MAP 8:
LAND USE POLICY (WEST)
 SANTA MONICA MOUNTAINS
 LOCAL COASTAL PROGRAM



- LEGEND**
- MAJOR ROAD
 - HIGHWAY
 - PARCEL BOUNDARY
 - OS OPEN SPACE *
 - OS-DR OPEN SPACE-DEED RESTRICTED *
 - OS-P OPEN SPACE-PARKS *
 - RL1 RURAL RESIDENTIAL (1DU/1AC)
 - RL2 RURAL RESIDENTIAL (1DU/2AC)
 - RL5 RURAL LANDS (1DU/5AC)
 - RL10 RURAL LANDS (1DU/10AC) *
 - RL20 RURAL LANDS (1DU/20AC) *
 - RL40 RURAL LANDS (1DU/40AC) *
 - U8 RESIDENTIAL (8 DU/AC)
 - U20 RESIDENTIAL (20 DU/AC)
 - RV RURAL VILLAGE *
 - C COMMERCIAL
 - CR VISITOR-SERVING COMMERCIAL RECREATION-LIMITED *
 - P PUBLIC AND SEMI-PUBLIC FACILITIES *
 - SANTA MONICA MOUNTAINS COASTAL ZONE BOUNDARY **
 - INCORPORATED CITY
 - OTHER UNINCORPORATED COMMUNITY

* The above land use categories pertain to the entire LCP, but only those marked with a single asterisk are located in the western area.
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**LOS ANGELES COUNTY
ZONING (EAST)
SANTA MONICA MOUNTAINS
LOCAL COASTAL PROGRAM**

LEGEND

-  MAJOR ROAD
-  HIGHWAY
-  PARCEL BOUNDARY
-  C-1 RESTRICTED BUSINESS
-  C-2 NEIGHBORHOOD BUSINESS
-  IT INSTITUTIONAL
-  O-S OPEN SPACE
-  O-S-DR OPEN SPACE DEED-RESTRICTED
-  O-S-P OPEN SPACE-PARKS
-  R-1 SINGLE-FAMILY RESIDENCE
-  R-3 LIMITED MULTIPLE RESIDENCE
-  R-C-1 RURAL-COASTAL (1DU/1AC)
-  R-C-10 RURAL-COASTAL (1DU/10AC)
-  R-C-10,000 RURAL-COASTAL (1DU/10,000SF)
-  R-C-15,000 RURAL-COASTAL (1DU/15,000SF)
-  R-C-2 RURAL-COASTAL (1DU/2AC)
-  R-C-20 RURAL-COASTAL (1DU/20AC)
-  R-C-20,000 RURAL-COASTAL (1DU/20,000SF)
-  R-C-40 RURAL-COASTAL (1DU/40AC)
-  R-C-5 RURAL-COASTAL (1DU/5AC)
-  R-R RESORT AND RECREATION
-  SANTA MONICA MOUNTAINS COASTAL ZONE BOUNDARY *
-  INCORPORATED CITY
-  OTHER UNINCORPORATED COMMUNITY

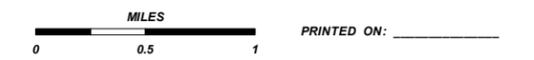
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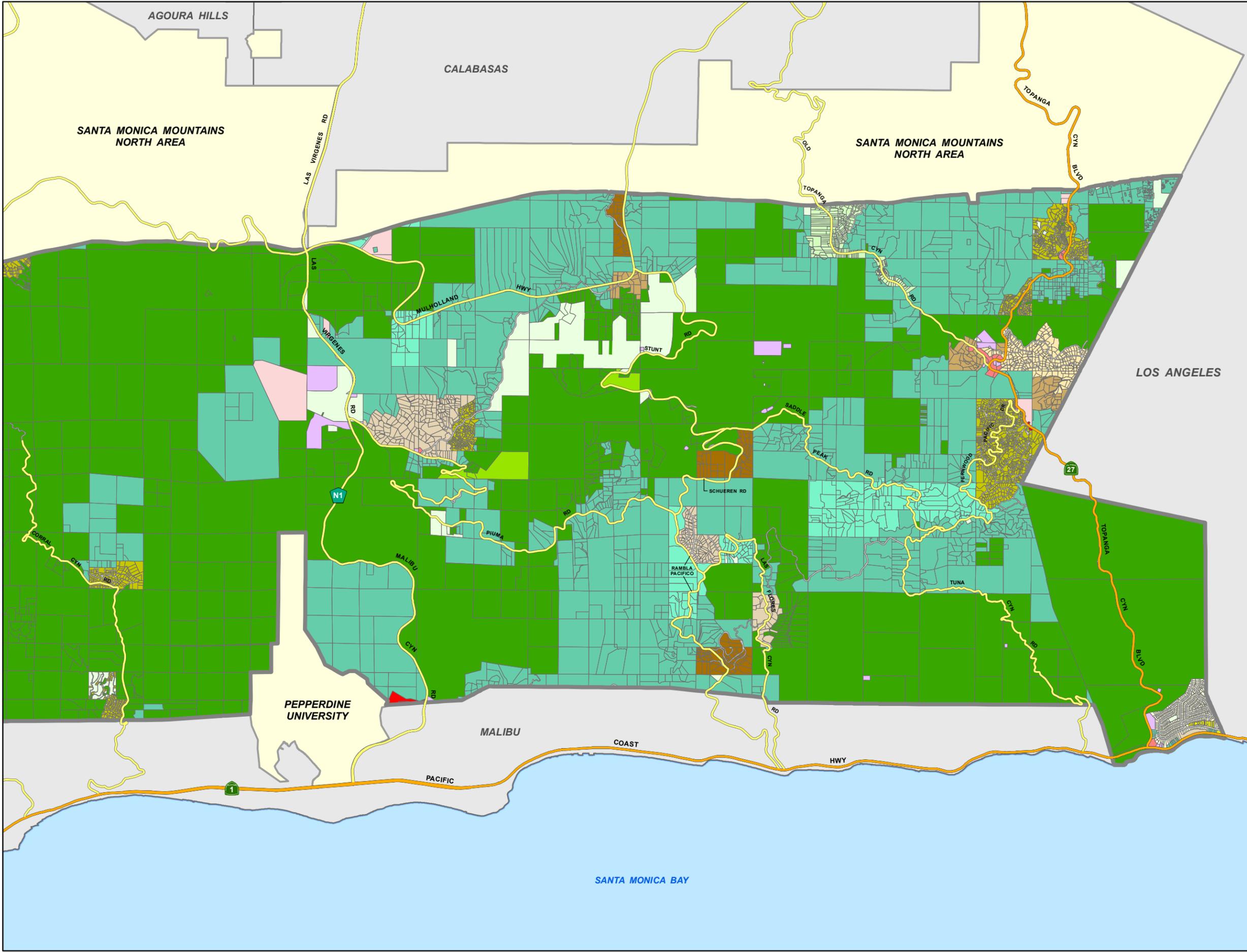





 LOS ANGELES COUNTY
 DEPT. OF REGIONAL PLANNING
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LOS ANGELES COUNTY
ZONING (WEST)
SANTA MONICA MOUNTAINS
LOCAL COASTAL PROGRAM

LEGEND

-  MAJOR ROAD
-  HIGHWAY
-  PARCEL BOUNDARY
-  C-1 RESTRICTED BUSINESS
-  C-2 NEIGHBORHOOD BUSINESS
-  IT INSTITUTIONAL *
-  O-S OPEN SPACE *
-  O-S-DR OPEN SPACE DEED-RESTRICTED *
-  O-S-P OPEN SPACE-PARKS *
-  R-1 SINGLE-FAMILY RESIDENCE
-  R-3 LIMITED MULTIPLE RESIDENCE
-  R-C-1 RURAL-COASTAL (1DU/1AC)
-  R-C-10 RURAL-COASTAL (1DU/10AC) *
-  R-C-10,000 RURAL-COASTAL (1DU/10,000SF) *
-  R-C-15,000 RURAL-COASTAL (1DU/15,000SF)
-  R-C-2 RURAL-COASTAL (1DU/2AC)
-  R-C-20 RURAL-COASTAL (1DU/20AC) *
-  R-C-20,000 RURAL-COASTAL (1DU/20,000SF)
-  R-C-40 RURAL-COASTAL (1DU/40AC) *
-  R-C-5 RURAL-COASTAL (1DU/5AC)
-  R-R RESORT AND RECREATION *
-  SANTA MONICA MOUNTAINS COASTAL ZONE BOUNDARY **
-  INCORPORATED CITY
-  OTHER UNINCORPORATED COMMUNITY

* The above zones pertain to the entire LCP, but only those marked with a single asterisk are located in the western area.

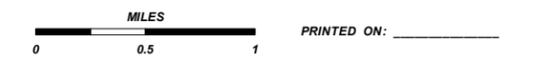
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VICINITY MAP

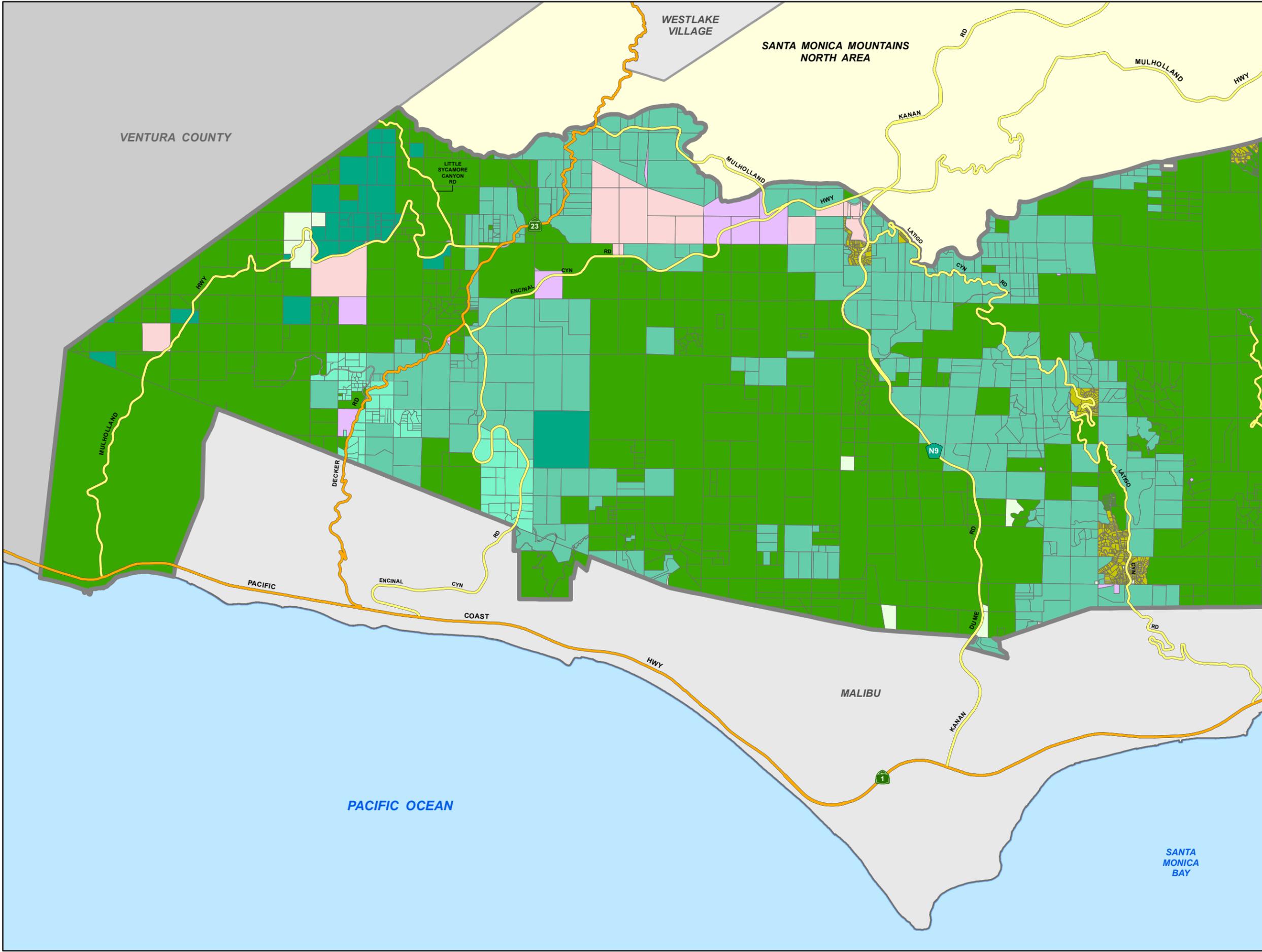





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 320 W. TEMPLE ST.
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PREPARED BY DRP GIS SECTION / REVISED AUGUST 2016



Ordinance No. _____

An ordinance amending Title 22 – Planning and Zoning of the Los Angeles County Code, 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 22.44.620 is hereby amended to read as follows:

22.44.620 Resolving Regulatory Conflicts.

A. Protection of Significant Environmental Resource Areas (SERAs) (H1 and H2 Habitats) and public access shall take priority over other LIP development standards.

...

SECTION 2. Section 22.44.630 is hereby amended to read as follows:

22.44.630 Definitions.

The definitions and acronyms listed in this section, along with the definitions appearing in the "Glossary" section of the LUP, apply throughout this LIP.

...

-- "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~~ The area of ~~one~~ the approved Fire Department hammerhead- ~~safety~~ turnaround as required by the Los Angeles County Fire Department and not located within the approved building pad; and
- Graded slopes exclusively associated with the access driveway or

roadway and hammerhead safety turnaround indicated above, and grading necessary to correct an adverse geological condition.

Fuel modification area required by the County Fire Department for approved structures, and confined animal facilities approved pursuant to Section 22.44.1940 may extend beyond the limits of the approved building site area.

...

-- "Coastal Zone" (or "Santa Monica Mountains Coastal Zone") means the area that meets all three of the following criteria:

- (1) It is within the coastal zone as defined in the Coastal Act (sections 30103 and 30150);
- (2) It is within unincorporated Los Angeles County; and
- (3) It is in the Santa Monica Mountains area. The boundaries of this area are described generally in Section 22.44.610.

...

-- "Development" means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in density or intensity of use of land, including but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with section 66410 of the California Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private or public or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly

Forest Practice Act of 1973 (commencing with section 4511 of the California Public Resources Code).

...

-- "Open Coastal Commission Violation Case" means a case regarding a structure where, as of April 10, 2014, Coastal Commission staff had:

(i) Conducted an investigation;

(ii) On the basis of that investigation, determined that the allegations warranted creation of a violation file; and

(iii) Created such a file and assigned the matter a violation file number.

...

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

...

-- "Resource-Dependent Uses" means uses that are dependent on sensitive environmental resource areas (SERA's) to function. Resource-dependent uses include nature observation, research/education, habitat restoration, and passive recreation, including horseback riding, low-impact campgrounds, and hiking trails, but excluding trails for motor vehicles. Residential or commercial uses are not resource-dependent uses.

...

-- "Rural villages" means antiquated subdivisions in mountain areas, many of which were created in the 1920s and which often lack basic physical infrastructure meeting current development standards. In the Coastal Zone, these lots are shown on Map 7 of the LUP and are: El Nido, Fernwood, Las Flores Heights, Malibu Bowl, Malibu

Highlands, Malibu Lake, Malibu Mar Vista, Malibu Vista, Monte Nido, Old Post Office Tract, Old Topanga, Topanga Oaks, Topanga Woods, Upper Latigo, and Vera Canyon.

...

-- "Significant ridgelines" means those ridgelines shown on the "Map 3 Scenic Resources" of the LUP that were designated by the Director based on one or more of the following criteria:

...

SECTION 3. Section 22.44.640 is hereby amended to read as follows:

22.44.640 Land Divisions.

...

A. A CDP shall be required to authorize that portion of any land division that lies within, in whole or in part, the boundaries of the Coastal Zone. Any CDP for a land division shall include the consideration of the proposed building site (including a building pad if necessary), access road, and the driveway (if necessary) for each proposed parcel (other than a parcel that is dedicated or restricted to open space uses) as well as all grading, whether on-site or off-site, necessary to construct the building site and road/driveway improvements. The County shall only approve a CDP for a land division where substantial evidence demonstrates that the land division meets all of the following requirements:

...

6. The land division includes a safe, all-weather access road and driveway(s), if necessary, that comply with all applicable policies and provisions of the LCP and all applicable fire safety regulations, and does not locate the access road or driveway on slopes of ~~25~~15 percent or more; and, does not result in grading on slopes of ~~25~~15 percent or more.

...

SECTION 4. 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.

...

5. Application Submittal Requirements. In order for an existing structure that is eligible for this Special Compliance Program and not the subject of an Open Coastal Commission Violation Case to remain immune from enforcement beyond the initial two-year window, an application for a minor CDP to bring the structure into compliance with the substantive provisions of the LCP to the extent possible must be filed, with all materials necessary for the County to determine the application is complete, within the two-year period beginning as of the date of effective certification of this LCP. The Director may grant an additional 12 months to provide the materials necessary to complete an application for good cause, such as to accommodate required seasonal biological surveys. If an application is filed as complete by the deadlines established in this paragraph, the eligible structure remains immune from enforcement until the permit is issued as long as the applicant continues to proceed through the permitting process consistent with the schedule listed in subsections 7 or 8 of this subsection Y, as applicable, in good faith, including by not withdrawing the application or otherwise impeding in any way the permitting agency's action on the application.

Confined horse facilities that are the subject of an Open Coastal Commission Violation Case must submit a complete permit application within a 12-month period beginning as of the date of effective certification of this LCP to remain immune from enforcement beyond that initial one-year period. The Executive Director may extend

this time for a period of up to 180 days for good cause.

In addition to the application submittal requirements of Section 22.44.840 and Section 22.44.1870, the following minimum additional information requirements shall be provided as part of a minor CDP application that is submitted pursuant to this section:

...

b. Detailed site plan of the existing confined horse facility, with a description of any changes made since 2001, and any associated as-built BMPs, drawn to scale with dimensions shown, showing existing topography and other physical site features, including but not limited to, existing vegetation and trees (including canopy/root zone), streams, drainages, wetlands, riparian canopy, access roads, and trails.

...

8. Compliance Process – Phased Conformity (Legal Non-conforming).

...

e. The eligible structures shall be considered legal, non-conforming upon full compliance with the terms of the CDP issued for the facility and this section for a period of eight years ~~as of~~from the date of effective certification of this LCP. The approved legal, non-conforming facility may not be enlarged or expanded, and may not be re-established after removal or abandonment. The permittee may apply to the permitting entity for an extension of the eight-year period for up to an additional eight years, provided the application is submitted prior to the expiration of the first eight-year period. The permitting entity may deny such extension in its discretion, based on on-going inconsistencies with the provisions of this section, or may approve such an extension for good cause, provided that all conditions of the CDP have been satisfied continuously since approval, that all required findings above can still be made, and that all required restoration and habitat mitigation has been completed. Prior to the expiration of any revised deadline, the permittee may apply for one final extension of a

period not to exceed eight years that would bring the total to 24 years ~~as-offfrom~~ the date of effective certification of this LCP. In no event may a facility authorized under this subsection Y.8 be allowed to remain for more than 24 years ~~as-offfrom~~ the date of effective certification of this LCP. Prior to any extension as described in this subsection, the permitting entity will re-evaluate the facility's BMPs and may require improved BMPs if necessary.

f. The approved legal, non-conforming facility shall be removed and the disturbed areas restored using native vegetation that is consistent with the surrounding native habitats, pursuant to an approved restoration plan consistent with subsection L of Section 22.44.1920, no later than the expiration of the approved permit term and any extensions thereof pursuant to subsection (e) above, or for properties sold during the life of a permit pursuant to this section, the close of escrow upon sale or transfer of the property to a bona fide purchaser for value, whichever occurs sooner. The purchaser may apply for a permit pursuant to this section to retain the horse facility for a term not to exceed the remaining term of the facility's prior CDP plus eight additional years. In no case shall the cumulative term of the CDP extend beyond 16 years ~~as-offfrom~~ the date of effective certification of this LCP and shall expire after the remaining term of the original CDP and eight additional years have passed or after 16 years ~~as-offfrom~~ the date of effective certification of this LCP, whichever is sooner. Such permits may not be extended beyond that term.

g. Temporary impacts to H-1 habitat(s) resulting from the provisional retention of a confined horse facility authorized pursuant to this subsection Y.8 shall be mitigated through the enhancement/restoration of an equivalent habitat either on-site or off-site, in the vicinity of the subject property, at a mitigation ration of 1:1 pursuant to detailed habitat enhancement/restoration plan submitted as a filing requirement for the CDP application. The habitat enhancement/restoration plan shall be reviewed and approved by the County Biologist and required as a condition of

the CDP. The approved plan shall be implemented no later than the expiration of the first approved eight-year permit term.

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 ~~as of~~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.

...

Z. 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 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.

...

SECTION 5. Section 22.44.810 is hereby amended to read as follows:

22.44.810 Permit Required.

...

I. The processing of a CDP shall be subject to the provisions of this LIP. Development undertaken pursuant to a CDP shall conform to the plans, specifications, terms, and conditions of the permit. The requirements for obtaining a CDP shall be in addition to requirements to obtain any other permits or approvals required by other County ordinances or codes or from any federal, State, regional, or local agency.

J.

...

3. When a use permit expires, and the use remains unchanged from its previous approval, a replacement use permit of the same type with the same conditions may be granted only if both of the following apply:

...

b. No new development is proposed, including, but not limited to, any change in intensity of use.

...

SECTION 6. Section 22.44.820 is hereby amended to read as follows:

22.44.820 Exemptions and Categorical Exclusions.

A. Exemptions: The provisions of this LIP shall not apply to:

1. ...

b. The exemption in subsection a. above shall not apply to the following classes of development which require a CDP because they involve a risk of adverse environmental impact:

...

iv. On property not included in subsection b.i. above that is located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance, or in a Scenic Resources Area as designated

by the County, an improvement that would result in (1) a cumulative (when combined with other such improvements that occurred previously pursuant to Public Resources Code section 30610(a) or this subsection A1)~~2~~ increase of 10 percent or more of internal floor area of an existing structure, or (2) a cumulative increase in height by more than 10 percent of an existing structure, and/or any significant non-attached structure such as garages, fences, shoreline protective works, or docks;

...

2.

...

b. The exemption in subsection a. above shall not apply to the following classes of development which require a CDP because they involve a risk of adverse environmental effect, adversely affect public access, or involve a change in use contrary to the policy of Division 20 of the California Public Resources Code:

...

iv. On property not included in subsection 2.b.i. above that is located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance, or in a Scenic Resource Area as designated by the County, or an improvement that would result in ~~(1)~~a cumulative (when combined with other such improvements that occurred previously pursuant to Public Resources Code section 30601 (b) or this subsection A~~1~~~~(2)~~) increase of 10 percent or more of internal floor area of the existing structure, and/or a cumulative increase in height by more than 10 percent of an existing structure;

...

3. Repair and Maintenance Activities.

a. Repair or maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of those repair or maintenance

activities or any other structure;

...

5. The replacement of any structure, other than a public works facility, destroyed by a disaster. The replacement structure shall conform to applicable existing zoning requirements; shall be for the same use as the destroyed structure, shall not exceed either the floor area, height or bulk of the destroyed structure by more than 10 percent; and shall be sited in the same location on the affected property as the destroyed structure. In addition to these requirements, a disaster replacement exemption shall provide the information required in Section 22.44.880.

As used in this section, "disaster" means any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of its owners; "bulk" means total interior cubic volume as measured from the exterior surface of the structure; and "structure" includes landscaping and any erosion control structure or device which is similar to that which existed prior to the occurrence of the disaster.

...

C. Categorical Exclusions. Projects covered by a Categorical Exclusion Order certified by the Coastal Commission pursuant to California Public Resources Code 30610(e) and Subchapter 5 of Chapter 6 of the Coastal Commission's regulations (California Code Regulations, Title. 14, sections 13240-249) ~~as of~~after the date of effective certification of this LCP, are not subject to the provisions of this LIP.

...

SECTION 7. Section 22.44.840 is hereby amended to read as follows:

22.44.840 Application–Information Required.

An application for a CDP shall contain, but is not limited to, the information listed in this section, accuracy of which is the responsibility of the applicant. Failure to provide truthful and accurate information necessary to review the permit application or to provide public notice as required by this LIP may delay processing the application or

may constitute grounds for denial of the permit.

...

G. A site plan drawn to a scale satisfactory to and in the number of copies prescribed by the Director indicating the following:

...

12. Applications for a Development of Water Quality Concern (DWQC), as identified in subsection J of Section 22.44.1340, shall provide an estimate of the increases in pollutant loads and runoff flows resulting from the proposed development, and calculations.

...

K. A list, certified to be correct by affidavit or by a statement under penalty of perjury pursuant to section 2015.5 of the California Code of Civil Procedure, of the names and addresses of all persons who are shown on the latest available assessment roll of the County as owners of the subject property and as owning property within a distance of 1,000 feet from the exterior boundaries of the parcel of land on which the development is proposed. In addition, the list shall include the names and addresses of persons residing within 1,000 feet of said parcel; if the names of the residents are not known, they shall be listed as "occupants." One copy of the map described in subsection (J) of this section shall indicate where such ownerships and residents are located. If the 1,000-foot 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.

...

BB. Plans, prepared in consultation with the Department of Public Works, demonstrating that the proposed development and improvements avoid or minimize potential degradation of water quality, and that meet the requirements of the applicable policies of the LCP and -Low Impact Development standards as contained in Sections

~~22.44.1510 through 22.44.1516 the National Pollutant Discharge Elimination System Municipal Stormwater Permit's Standard Urban Stormwater Mitigation Plan (SUSMP),~~
as required by the Department of Public Works.

CC. All applications for new development on a beach, beachfront or bluff-top property shall include the following, as applicable:

1. An analysis of beach erosion, wave run-up, inundation and flood hazards prepared by a licensed civil engineer with expertise in coastal engineering. All applications for bluff-top development shall include a slope stability analysis, prepared by a licensed Certified Engineering Geologist and/or Geotechnical Engineer or Registered Civil Engineer with expertise in soils. These reports shall address and analyze the effects of said development in relation to the following:

...

I. Slope stability and bluff erosion rate determination performed as outlined in Section 22.44.2180210.

...

SECTION 8. Section 22.44.870 is hereby amended to read as follows:

22.44.870 Application-Filing Fee.

*For the purpose of defraying the expense involved in connection with any application or petition required or authorized by this LIP, the following fees shall accompany the application or petition:

Coastal Development Permit, Administrative, without public hearing – \$1,~~520~~479

Coastal Development Permit, Administrative, with public hearing – \$7,~~680~~473

Coastal Development Permit, Minor – \$9,~~867~~604

Coastal Development Permit, Major – \$9,~~867~~604

Coastal Development Permit, Time Extension - \$1,185

Coastal Development Permit Amendment, with public hearing - \$8,966

Coastal Development Permit Amendment, without public hearing - \$1,116

- Coastal Development Permit, ExemptionWaiver – \$1,19159
- Coastal Development Permit, Exemption, Time Extension - \$271
- Coastal Development Permit, Exemption Amendment - \$517
- Coastal Development Permit, Temporary Use Exemption - \$208
- Coastal Development Permit Appeal – No Fee
- Coastal Development Permit Variance – \$8,86425
- Restoration Order - \$9,867
- Local Coastal Program Conformance Review - \$490
- Zoning Verification Letter - \$151

Local Coastal Program Amendment - \$5,000 minimum deposit from which actual planning costs shall be billed and deducted. Depending on the actual planning costs required to process the amendment, the applicant may be required to make additional deposit(s) as they are necessary. The applicant is entitled to a refund of the unused portion of the deposit(s) once the application is resolved.

Current fees for California Environmental Quality Act (CEQA) review may apply.

Fees may be adjusted annually for inflation based on the United States Bureau of Labor Statistics Consumer Price Index (CPI).

*Editor's note – Fee changes in this section include changes made by the Director of Planning due to increases in the Consumer Price Index and are effective March 1, 2013.

...

SECTION 9. 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 ~~as of~~ prior to the date of effective certification of this LCP.

2. Cases of emergency caused by an oak tree within 200 feet of a structure or improvement being in a 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 on an individual basis.

...

O. Additional conditions imposed when. The Hearing Officer or Commission, in approving an application for a CDP-OT, shall impose such conditions as are deemed necessary to insure that the permit will be in accord with the findings required by subsection F of this section, the development standards detailed in subsection G, and all other applicable provisions of the LIP. These conditions shall include, but are not limited to, the following:

...

3.

...

d. Where feasible, replacement trees shall consist exclusively of indigenous oak trees and certified as being grown from a seed source collected in Los Angeles or Ventura Counties; and

...

SECTION 10. Section 22.44.1220 is hereby amended to read as follows:

22.44.1220 Legal Non-conforming/Legal Conforming Uses,

Buildings, and Structures.

...

I. Exceptions.

1. Development that occurred after the effective date of the Coastal Act or its predecessor, the Coastal Zone Conservation Act, if applicable, that was not authorized by a CDP or otherwise authorized under the Coastal Act, is not lawfully established or lawfully authorized development, is not subject to the provisions of this section, but is subject to the provisions of Section 22.44.810.~~HE~~ of the LIP.

...

SECTION 11. Section 22.44.1230 is hereby amended to read as follows:

22.44.1230 Transfer of Development Credit Program.

...

F. Procedure.

...

3. Lot retirement process.

...

b. To generate a transfer of development credit, the potential for development must be permanently extinguished on all lots or parcels used for each credit. The right to a transfer of development credit shall be granted by the Director's determination that the applicant has submitted sufficient evidence that all of the following steps have been completed for either one of the following two methods:

...

ii. Open Space Deed Restriction and Transfer in Fee Title to a Public Entity.

...

(B). Evidence that fee title to the donor site(s) has been successfully transferred to a public entity acceptable to the Director after the recordation of the deed restriction listed in ~~3.b.i~~ above and that the document effectuating the conveyance has been recorded with the Los Angeles County Recorder. The permittee shall provide evidence that the ownership transfer and the open space deed restriction appear on a preliminary report issued by a licensed title insurance company for the donor site(s);

...

SECTION 12. Section 22.44.1260 is hereby amended to read as follows:

22.44.1260 Grading.

...

F. Grading shall be prohibited during the rainy season, defined as October 15 of any year through April 15 of the subsequent year, unless permitted pursuant to provisions of subsections G or H below.

...

K. Any amount of legal grading that has occurred on a lot or parcel of land, or in conjunction with a project, ~~as of~~ prior to the date of effective certification of this LCP, shall not be counted toward the grading thresholds set forth in subsection C above. Proof that such grading was legal (received all necessary permits that were required at the time grading took place) shall be demonstrated to the Director as part of a CDP application that includes grading. Any grading that has occurred on a property where it cannot be demonstrated that the grading received all of the necessary permits that were required at the time the grading took place shall be considered unpermitted, and counted cumulatively in the proposed grading amount and grading thresholds set forth in subsection C above, and analyzed for consistency with all policies and provisions of the LCP as part of the proposed project.

...

SECTION 13. Section 22.44.1270 is hereby amended to read as follows:

22.44.1270 Exterior Lighting.

Exterior lighting (except traffic lights, navigational lights, and other similar public safety lighting) shall be minimized, restricted to low-intensity features, shielded, and concealed to the maximum feasible extent using the best available dark skies technology to avoid or minimize impacts to biological resources and public views of the natural night sky and stars. Exterior lighting shall comply with the requirements and standards sets forth below.

...

E. General development standards.

In addition to complying with the applicable provisions of the Building and Electrical Codes of the County and all other applicable provisions of the LCP, outdoor lighting within the Coastal Zone, other than street lights, shall be subject to the following requirements:

...

4. Maximum height.

a. Outdoor light fixtures shall be the minimum height necessary to achieve the identified lighting design objective. The maximum height for an outdoor light fixture (whether attached to a structure or detached), as measured from the finished grade to the top of the fixture, shall be as follows:

...

ii. Thirty-five feet for a property located in a commercial (C-1, C-2) or institutional (IT) zone;

...

SECTION 14. Section 22.44.1300 is hereby amended to read as

follows:

22.44.1300 Crops.

Crop-based agriculture may be allowed, provided that a CDP is obtained and the development complies with the following minimum requirements and measures identified below, in addition to all other applicable requirements of the LIP, including Section 22.44.1800 et seq. For purposes of this LCP, the term "crops" shall mean a plant or plant product that can be grown and harvested for profit or subsistence.

...

E. New and existing crop-based agriculture allowed in subsection A-C above shall comply with all of the following minimum best management practices, limitations, and conditions:

...

8. Site development shall implement measures to minimize runoff and transport of sediment. Measures include, but are not limited to, bioretention facilities, dry wells, filter/buffer strips, bioswales, cisterns, and infiltration trenches. Where filter or buffer strips cannot absorb sheet flow runoff volumes, vegetated swales shall be designed to convey runoff to selected water retention facilities. For example, a filter strip can be positioned across a ~~vineyard~~-slope between sections of crops to reduce sediment movement by sheet flow, or a vegetated swale can intercept runoff at a break in slope at the bottom of a hillside and attenuate and filter the flow before it reaches a stream or drainage course.

...

SECTION 15. Section 22.44.1320 is hereby amended to read as follows:

22.44.1320 Construction Colors, Materials, and Design.

Building construction and site design shall be subject to the following standards:

...

C. Reflective, glossy, or polished, ~~and/or roll-formed type~~ metal siding shall be prohibited.

D. Reflective, glossy, or polished ~~and/or roll-formed type~~ metal roofing shall be prohibited.

...

SECTION 16. Section 22.44.1340 is hereby amended to read as follows:

22.44.1340 Water Resources.

This section implements applicable provisions of the LCP for ensuring the protection of the quality of coastal waters by providing standards for the review and authorization of development consistent with the requirements of the California Coastal Act. All proposed development shall be evaluated for potential adverse impacts to water quality and water resources. In addition to the requirements of this section, current National Pollutant Discharge Elimination System (NPDES) standards from the Regional or State Water Quality Board shall apply.

A. Stream/Drainage course protection.

1. New development shall provide a buffer of at least 100 feet in width from the outer edge of the canopy of riparian vegetation associated with a stream/drainage course. Where riparian vegetation is not present, the buffer shall be measured from the outer edge of the bank of the subject stream.

a. In no case shall the buffer be less than 100 feet, except when it is infeasible to provide the 100-foot buffer in one of the following circumstances: (1) to provide access to development approved in a coastal development permit on a legal parcel where no other alternative is feasible; (2) for public works projects required to repair or protect existing public roads when there is no feasible alternative; (3) for a development on a legal parcel that is the minimum development necessary to provide a reasonable economic use of the property and where there is no feasible alternative; or

(4) resource-dependent uses consistent with subsection M of Section 22.44.1920.

...

H. ~~An Construction Runoff and Pollution~~ Erosion and Sediment Control Plan (CRPESCP) is required for all development projects that involve on-site construction to address the control of construction-phase erosion, sedimentation, and polluted runoff. This plan shall specify the temporary BMPs that will be implemented to minimize erosion and sedimentation during construction, and minimize pollution of runoff by construction chemicals and materials. The ~~CRPESCP~~ shall demonstrate that:

...

7. The ~~CRPESCP~~ shall be submitted with the final construction drawings. The plan shall include, at a minimum, a narrative report and map that describe all temporary polluted runoff, sedimentation, and erosion control measures to be implemented during construction, including:

...

I. ~~A grading plan and a drainage report~~ Post-Construction Runoff Plan (PCRP) is required for all development that involves on-site construction or changes in land use (e.g., subdivisions of land) if the development has the potential to degrade water quality or increase runoff rates and volume, flow rate, timing, or duration. The ~~PCRP plan and report~~ shall include:

...

K. A DWQC as identified in section J, above, shall be subject to the following additional requirements to protect coastal water quality:

...

4. The WQHP shall contain the following:

a. All of the information required in subsection I of Section

22.44.1340 H, above, for the PCRP;

b. ~~An estimate of the increases in pollutant loads and runoff~~

~~flows resulting from the proposed development, and calculations, per Department of Public Works standards;~~

eb. Any additional information necessary to design and implement LID BMPs and hydromodification controls pursuant to Section 22.44.1510 et seq. (e.g., calculation of SQDV, 95th percentile runoff design volumes, 2-year to 10-year, 24-hour runoff volumes, pre and post development runoff hydrographs, structural BMP infiltration rates or water quality flows, retention facility design, off site ground water recharge programs, Erosion Potential ratings of receiving waters, etc.);

ec. Measures to infiltrate or treat runoff from impervious surfaces (including roads, driveways, parking structures, building pads, roofs, and patios) on the site, and to discharge the runoff in a manner that avoids potential adverse impacts. Such measures may include, but are not limited to, Treatment Control BMPs including biofilters, grassy swales, on-site de-silting basins, detention ponds, or dry wells;

ed. Site Design, Source Control, and, if necessary, Treatment Control BMPs that will be implemented to minimize post-construction water quality and/or hydrology impacts;

ee. Appropriate post-construction Treatment Control BMPs selected to remove the specific runoff pollutants generated by the development, using processes such as gravity settling, filtration, biological uptake, media adsorption, or any other physical, chemical, or biological processes;

ef. If Treatment Control BMPs are required in addition to Site Design and Source Control BMPs to protect water quality and control stormwater runoff, a description of how Treatment Control BMPs (or suites of BMPs) have been designed to infiltrate and/or treat the amount of runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, one-hour storm event (with an appropriate safety factor of two or greater) for

flow-based BMPs;

hg. A long-term plan for the scheduling, completion, monitoring, updating, and maintenance of all BMPs, as appropriate, to ensure protection of water quality for the life of the development. All structural BMPs shall be inspected, cleaned, and repaired as necessary to ensure their effective operation for the life of the development. Owners of these devices shall be responsible for ensuring that they continue to function properly, and additional inspections shall occur after storms throughout the rainy season, and maintenance done as needed. Repairs, modifications, or installation of additional BMPs, as needed, shall be carried out prior to the next rainy season; and

ih. If the applicant asserts that LID techniques, Treatment Control BMPs, or hydromodification requirements are not feasible for the proposed development, the WQHP shall document the site-specific engineering restraints and/or physical conditions that render these requirements to be infeasible for the development. In the event that LID, Treatment Control BMPs, and/or hydromodification controls are not proposed for the development, a detailed and specific account of the alternative management practices to be used shall be provided, explaining how each facet of the alternative water quality practice will effectively substitute for the required plan element.

...

SECTION 17. Section 22.44.1375 is hereby amended to read as follows:

22.44.1375 Yards.

...

L. Yard requirements—Limited secondary highways.

...

2. A person shall not use any building or structure within this supplemental yard except for openwork railings or fences which do not exceed six feet

in height and except as permitted within a yard by subsections O.1 and O.4 of this section. If the limited secondary highway is also a Scenic Route as designated in the Santa Monica Mountains LUP, fences and walls within the supplemental yard shall comply with subsection C of Section 22.44.~~2040~~1990.

...

SECTION 18. Section 22.44.1400 is hereby amended to read as follows:

22.44.1400 Parks, Trails, Playgrounds, and Beaches.

A. The beaches, parklands and trails located within the Coastal Zone provide a wide range of recreational opportunities for the public in natural settings which include hiking, equestrian activities, bicycling, camping, educational study, picnicking, and coastal access. These recreational opportunities shall be protected, and where feasible, expanded or enhanced as a resource of regional, State and national importance, and allowed to migrate when feasible with rising sea level. Property in any zone may be used for parks, trails, trail heads, playgrounds, and beaches, with all appurtenant facilities and uses customarily found in conjunction therewith, subject to the provisions of this section and all other applicable provisions of the LIP, provided that a CDP has first been obtained for development of such uses as provided in Section 22.44.800 et seq., and while such permit is in full force and effect in conformity with the conditions of such permit, unless an exemption has been granted pursuant to Section 22.44.820. In addition to the exemptions provided for in Section 22.44.820, a CDP shall not be required for parks, trails, trail heads, playgrounds and beaches consisting of development that is limited to the following appurtenant facilities and uses customarily found in conjunction therewith, 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:

...

--- Parking on existing paved or unpaved areas, up to 10 spaces

...

C. Uses subject to administrative CDPs. The following uses and facilities associated with parks, trails, trail heads, playgrounds, and beaches shall require an administrative CDP.

...

--- Parking on paved or unpaved areas 110 up to 24 spaces.

...

D. Uses subject to minor CDPs. The following uses and facilities associated with parks, trails, trail heads, playgrounds, and beaches shall require a minor CDP:

...

--- Structures, new, less than 3,000 square feet of gross area.

...

SECTION 19. Section 22.44.1430 is hereby amended to read as follows:

22.44.1430 Exploratory Testing.

...

B. Any disturbances incurred to soil or locally-indigenous vegetation as a result of exploratory testing shall be mitigated and restored according to subsections A and B of Section 22.44.1240 and subsection of ~~Section I of~~ Section 22.44.1260, and according to any requirements of the Department of Public Works.

...

SECTION 20. Section 22.44.1521 is hereby amended to read as follows:

22.44.1521 Permitted Areas.

A. Subject to the provisions of subsection B of this section and any applicable requirements of this LIP, farmers' markets shall be allowed in Zones R-1,

R-3, R-C, C-1, C-2, R-R, OS-P and O-S, provided the applicant obtains:

...

SECTION 21. Section 22.44.1700 is hereby amended to read as follows:

22.44.1700 Organization.

The discussion of specific zones in this LIP is organized as follows:

A. Uses subject to an administrative Coastal Development Permit (CDP).

1. Principal permitted use. A principal permitted uses is identified for each zone. The principal permitted use, as defined in Section 22.44.630, is the primary use of land that carries out the land use intent and purpose of a particular zone.

Approval of a CDP for a principal-permitted use development is not appealable to the Coastal Commission unless it otherwise meets the definition of "Appealable Coastal Development Permit" in Section 22.44.630.

...

SECTION 22. Section 22.44.1700 is hereby amended to read as follows:

22.44.1760 R-R Resort and Recreation Zone.

A. Uses subject to administrative Coastal Development Permits. Property in Zone R-R may be used for the following, provided an Administrative CDP is first obtained as provided in 22.44.940, and while such permit is in full force and effect in conformity with the conditions of such permit:

...

3. Other and additional Permitted Uses.

...

b.. Services.

...

-- Modifications (other than minor repair and maintenance)

to, or replacement of, golf courses first established ~~as of~~prior to the date of effective certification of this LCP, including any clubhouse and appurtenant facilities, shall be subject to a major CDP as set forth below.

...

SECTION 23. Section 22.44.1810 is hereby amended to read as follows:

22.44.1810 Description of Habitat Categories.

Map 2 Biological Resources of the LUP depicts the general distribution of habitat categories as of the date of effective certification of this LCP. However, the precise boundaries of the various habitat categories discussed below shall be determined on a site-specific basis, based upon substantial evidence and a site specific biological inventory and/or assessment required by Sections 22.44.840 and/or 22.44.1870.

A. The habitat categories are as follows:

...

3. H2 "High Scrutiny" Habitat – A subcategory of H2 Habitat is H2 "High Scrutiny" Habitat, which comprises extra-sensitive H2 Habitat species/habitats that should be given avoidance priority over other H2 habitat. H2 High Scrutiny Habitat also includes areas that support species listed by federal and state government as threatened or endangered, California Native Plant Society (CNPS) "1B" and "2" listed plant species, and California Species of Special Concern. H2 "High Scrutiny" habitat includes (1) plant and animal species listed by the State or federal government as rare, threatened or endangered, assigned a Global or State conservation status rank of 1, 2, or 3 by CDFW, per the methodology developed by NatureServe, and identified as California Species of Special Concern, and/or (2) CNPS-listed 1B and 2 plant species, normally associated with H1 habitats, where they are found as individuals (not a population) in H2 habitat. The mapped "H2 High Scrutiny" habitat areas on the Biological Resource Map are intended to notify County staff, the public, and decision-

makers of the general areas where there is a high likelihood of these species' occurrence so that more scrutiny can be paid to them with detailed site-specific inventories conducted to determine actual occurrence and extent. However, if the criteria listed above are satisfied in locations not identified on the Biological Resource Map, any such locations will also qualify for this designation.

...

C. Effect of Natural Disaster or Illegal Development. Any area mapped as 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 or inappropriate means, including removal, degradation, or elimination of species that are rare or especially valuable because of their nature or role in an ecosystem.

...

SECTION 24. Section 22.44.1830 is hereby amended to read as follows:

22.44.1830 Process for Evaluating and Designating On-site Habitat Categories.

...

B. Any area mapped as 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; illegally or inappropriately removed; illegally or inappropriately degraded; and/or species that are rare or especially valuable because of their nature or role in an ecosystem have been eliminated by unpermitted development. Where the County finds that the physical extent of habitats on a project site are different than those indicated on the Biological Resources Map, the County shall make findings as part of

the CDP regarding the physical extent of the habitat categories and detailed justification for any classification or reclassification of habitat categories at the project site based on substantial evidence.

...

SECTION 25. Section 22.44.1840 is hereby amended to read as follows:

22.44.1840 Development Consistency Review.

All new development shall be reviewed for consistency with the biological resources policies and provisions of the LCP. This review shall be based on the habitat categories applicable to the project site, which have been determined pursuant to Sections 22.44.1820 and 22.44.1830 (if applicable), the biological assessment report, and all relevant plans, reports, and other evidence necessary to analyze the proposal for conformity with the biological resource protection policies of the LUP and the applicable development standards of this LIP. Where multiple SERA protection standards and/or permitted uses are applicable, the development standards and permitted uses that are most restrictive and protective of the habitat resource shall regulate development.

...

B. The eDepartment biologist's report regarding the consistency of the project with the biological resource protection policies and provisions will be forwarded to the Director and shall be included in the staff report for the CDP.

...

D. The decision-maker shall make findings that address the following:

...

3. The project's conformance with the recommendations of the eDepartment biologist and/or the ERB, or if the project does not conform with the recommendations, findings explaining why the recommendations are not feasible or

warranted.

...

SECTION 26. Section 22.44.1860 is hereby amended to read as follows:

22.44.1860 Development Review Required.

...

B. Development Subject to Review by the Department biologist.

Development proposed in the following areas shall be reviewed by the staff biologist, unless exempted pursuant to subsection C below:

...

C. Exemptions. The following types of development are exempted from the review by the ERB or Department biologist for consistency with the biological resources provisions of the LIP:

...

2. Development that is not exempt under Section 22.44.820, that is in one of the following categories:

...

c. 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).

...

SECTION 27. Section 22.44.1900 is hereby amended to read as follows:

22.44.1900 Buffers.

New development adjacent to H1 habitat shall provide native vegetation buffer areas to serve as transitional habitat and provide distance and physical barriers to human intrusion. Buffers shall be of a sufficient size to ensure the biological integrity and preservation of the habitat they are designed to protect. Vegetation removal, vegetation thinning, or planting of non-native or invasive vegetation shall not be permitted within buffers.

...

B. H1 Habitat Quiet Zone. New development shall also provide an additional 100-foot "Quiet Zone" from H1 Habitat where feasible (measured from the outer edge of the 100 ~~feet~~foot H1 Habitat buffer required above), unless otherwise provided in subsection E of Section 22.44.1890.

...

SECTION 28. Section 22.44.1910 is hereby amended to read as follows:

22.44.1910 Land Planning and Development Standards.

A. New non-resource-dependent development shall be prohibited in areas designated H1 Habitat to protect these most sensitive environmental resource areas from disruption of habitat values, unless otherwise provided in Section 22.44.1890 and subject to the standards of this section, Section 22.44.1920, and Section 22.44.1950.

...

C. New development shall be sited in a manner that avoids the most biologically-sensitive habitat on site where feasible, in the following order of priority-- (H1, H2 High Scrutiny, H2, H3-- while not conflicting with other LCP policies. Priority shall be given to siting development in H3 Habitat, but outside of areas that contain undisturbed native vegetation that is not part of a larger contiguous habitat area. If infeasible, priority shall be given to siting new development in such H3 Habitat. If it is infeasible to site development in H3 habitat areas, development may be sited in H2

Habitat. New development shall only be allowed in H2 Habitat if it is demonstrated to be infeasible to avoid H2 Habitat to provide a reasonable economic use of the property, and if it is consistent with the development standards of this section and all other provisions of the LCP or to provide public access and/or necessary park management and park safety measures. New non-resource dependent development is prohibited in H1 habitat unless otherwise provided in Section 22.44.1890, and subject to the requirements of Section 22.44.1890.

...

F. New development shall be clustered on site to the maximum extent feasible and the building site shall be limited, as required by subsection I, to minimize impacts to H2 habitat areas. The maximum number of structures for residential development shall be limited to one main residence structure, one second residential structure, and accessory structures. All structures must be clustered within the approved building site area, except for confined animal facilities allowed consistent with Section 22.44.1940. The Director may determine that fewer structures are appropriate for a given site.

...

H. New development shall minimize impacts to H3 habitat by clustering structures and limiting the building site area to that provided in subsection I below. The maximum number of structures for residential development shall be limited to one main residence structure, one second residential structure, and accessory structures. All structures must be clustered within the approved building site area, except for confined animal facilities allowed consistent with Section 22.44.1940. The Director may determine that fewer structures are appropriate for a given site.

...

SECTION 29. Section 22.44.1920 is hereby amended to read as follows:

22.44.1920 Development Standards.

...

F. Public works projects. For public works projects that involve necessary repair and/or maintenance of drainage devices and road-side slopes within and adjacent to streams, riparian habitat, or any H1 or H2 habitat to protect existing public roads, a minor CDP is required. Such repair and maintenance projects that are located outside the road right-of-way or the "roadway prism" as defined by the Public Works Department, or are located within a H1 or H2 habitat, are not exempt development under subsection A.3 of Section 22.44.820 and require a permit. In addition to all other provisions of the LCP, the following requirements shall apply to these projects:

1. The development shall be the minimum design necessary to protect existing development, to minimize adverse impacts to coastal resources.

...

K. Native Tree Protection. New development shall be sited and designed to preserve native oak, walnut, sycamore, bay, or other native trees, that have at least one trunk measuring six inches or more in diameter, or a combination of any two trunks measuring a total of eight inches or more in diameter, measured at four and one-half feet above natural grade, to the maximum extent feasible. Removal of native trees shall be prohibited except where no other feasible alternative exists to allow a principal permitted use that is the minimum necessary to provide a reasonable economic use of the property. Development shall be sited to prevent any encroachment into the protected zone of individual native trees to the maximum extent feasible. Protected Zone means that area within the dripline of the tree and extending at least five feet beyond the dripline, or 15 feet from the trunk of the tree, whichever is greater. Removal of native trees or encroachment in the protected zone shall be prohibited for accessory uses or structures. If there is no feasible alternative that can prevent tree removal or encroachment, then the alternative that would result in the fewest or least significant

impacts shall be selected. Adverse impacts to native trees shall be fully mitigated, with priority given to on-site mitigation. Mitigation shall not substitute for implementation of the project alternative that would avoid impacts to sensitive resources. The permit shall include the mitigation requirements as conditions of approval.

...

2. Tree Protection Measures.

...

d. The permit shall include these requirements as conditions of approval;

...

M. Resource-dependent Uses. Resource-dependent uses are uses that are dependent on SERA's to function. Resource-dependent uses include: nature observation, research/education, habitat restoration, interpretive signage, and passive recreation, including horseback riding, low-impact campgrounds, picnic areas, public accessways, and hiking trails, but excluding trails for motor vehicles. Residential or commercial uses are not resource-dependent uses.

...

SECTION 30. Section 22.44.2040 is hereby amended to read as follows:

22.44.2040 Development standards.

Property in Scenic Resource Areas shall be subject to the following development standards:

...

B. Significant Ridgelines and other ridgelines.

...

3. The highest point of a structure shall be located at least 50 vertical feet and 50 horizontal feet from a Significant Ridgeline. The replacement of failing,

below-grade septic tanks for an existing residential home may be allowed within 50 vertical feet and 50 horizontal feet of a Significant Ridgeline.

...

C. Scenic Routes. The following roadways are considered Scenic Routes, as indicated on Map 3 of the LUP:

- Mulholland Scenic Corridor and County Scenic Highway
- Pacific Coast Highway (SR-1)
- Malibu Canyon/Las Virgenes Road County Scenic Highway
- Kanan Dume Road
- Topanga Canyon Boulevard (SR-27)
- Old Topanga Canyon Road
- Saddle Peak Road/Schueren Road
- Piuma Road
- Encinal Canyon Road
- Tuna Canyon Road
- Rambla Pacifico Road
- Las Flores Canyon Road
- Corral Canyon Road
- Latigo Canyon Road
- Little Sycamore Canyon Road
- Decker Road

...

SECTION 31. Section 22.44.2180 is hereby amended to read as follows:

22.44.2180. Development Standards.

...

D. All new development located on a bluff top shall be setback from the bluff

edge a sufficient distance to ensure that it will not be endangered by erosion or threatened by slope instability for a projected 100-year economic life of the structure. In no case shall development be set back less than 100 feet. This distance may be reduced to 50 feet if the County geotechnical staff determines that either of the conditions below can be met with a lesser setback. This requirement shall apply to the principal structure and accessory or ancillary structures such as guesthouses, pools, tennis courts, cabanas, and on-site wastewater treatment systems etc. Ancillary structures such as decks, patios and walkways that do not require structural foundations may extend into the setback area but in no case shall be sited closer than 15 feet from the bluff edge. Ancillary structures shall be removed or relocated landward when threatened by erosion. Slope stability analyses and erosion rate estimates shall be performed by a licensed Certified Engineering Geologist and/or Geotechnical Engineer, or a Registered Civil Engineer with experience in soil engineering. Generally, one of two conditions will exist:

...

39. The selection of shear strength values is a critical component to the evaluation of slope stability. Reference should be made to Los Angeles County Department of Public Works' "Manual for Preparation of Geotechnical Reports," dated July 1, 2013, and to the ASCE/SCEC guidelines when selecting shear strength parameters and the selection should be based on these guidelines.

For the purpose of this section, the long-term average bluff retreat rate shall be determined by the examination of historic records, surveys, aerial photographs, published or unpublished studies, or other evidence that unequivocally show the location of the bluff edge through time. The long-term bluff retreat rate is an historic average that accounts both for periods of exceptionally high bluff retreat, such as during extreme storm events, and for long periods of relatively little or no bluff retreat. Accordingly, the time span used to calculate a site-specific long-term bluff retreat rate

shall be as long as possible, but in no case less than 50 years. Further, the time interval examined shall include the strong El Niño winters of 1982-1983, 1994-1995 and 1997-1998.

...