Los Angeles County Board of Supervisors Resolution of February 18, 2014

COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

648 KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012-2713

TELEPHONE
(213) 974-1801
FACSIMILE
(213) 626-7446
TDD
(213) 633-0901

JOHN F. KRATTLI
County Counsel

February 18, 2014

ADOPTED
BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES
#15 of February 18, 2014
SACHI A. HAMAI
EXECUTIVE OFFICER

Agenda No. 40
02/11/14

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Re: Santa Monica Mountains Local Coastal Program
Local Plan Amendment No. 2006-0008-(3)

Dear Supervisors:

Your Board previously conducted a hearing regarding the proposed Santa Monica Mountains Local Coastal Program (LCP) consisting of: (a) an amendment to the 1986 Malibu Land Use Plan resulting in its replacement with the Santa Monica Mountains Land Use Plan; and (b) the Local Implementation Program (LIP) consisting of amendments to Title 22 of the County Code and zone changes. At the conclusion of the hearing, you instructed us to prepare a final resolution for the proposed LCP for your consideration and possible indication of intent to approve. Enclosed are the resolution and the proposed LCP which consists of the LUP and LIP.

Upon your approval of the resolution, the proposed LCP will be forwarded to the California Coastal Commission for its consideration in accordance with the provisions of the California Coastal Act. Upon approval by the Coastal Commission, the LCP will be presented to your Board a final time for formal adoption.

Very truly yours,

JOHN F. KRATTLI
County Counsel

By
ELAINE M. LEMKE
Principal Deputy County Counsel

APPROVED AND RELEASED:

RICHARD D. WEISS
Chief Deputy

EML:gl

c: William T Fujioka, Chief Executive Officer
Sachi A. Hamai, Executive Officer, Board of Supervisors

HOA.1044236.1

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF LOS ANGELES
INDICATING AN INTENT TO APPROVE AND SUBMIT A PROPOSED
SANTA MONICA MOUNTAINS LOCAL COASTAL PROGRAM
TO THE CALIFORNIA COASTAL COMMISSION**

WHEREAS, in compliance with the California Coastal Act of 1976 ("Coastal Act"), as amended, set forth in sections 30000, et seq., of the California Public Resources Code, the County of Los Angeles ("County") has prepared a Local Coastal Program ("LCP") for the Santa Monica Mountains, described further in this Resolution; and

WHEREAS, the Coastal Act requires local jurisdictions lying, in whole or in part, within the coastal zone (as defined in the Coastal Act) to prepare an LCP for that portion of the coastal zone within its boundaries; and allows local jurisdictions to prepare separate LCPs for different portions of its coastal zone; and

WHEREAS, the County has divided its coastal zone into three areas: the Santa Monica Mountains, Marina del Rey, and Santa Catalina Island, the latter two already operating under certified LCPs; and

WHEREAS, an LCP consists of both a land use plan ("LUP") and a local implementation program ("LIP") that may include necessary zoning ordinances and zone changes; and

WHEREAS, the County Board of Supervisors ("Board") adopted the Malibu Land Use Plan in 1986 as the LUP portion of an LCP for the Santa Monica Mountains segment of the coastal zone that was certified by the California Coastal Commission ("Coastal Commission") in 1986, but no local implementation measures were completed or certified and thus there is no complete certified LCP for the Santa Monica Mountains; and

WHEREAS, the failure to have a certified LCP requires applicants for development projects in the Santa Monica Mountains coastal zone ("Coastal Zone") to obtain coastal development permits through the Coastal Commission; and

WHEREAS, certification of the proposed Santa Monica Mountains LCP, consisting of an amendment to the LUP and adoption of the LIP, including amendments to Title 22 of the County Code and zone changes to make the zoning consistent with the LUP, will allow coastal development permits to be issued by the County; and

WHEREAS, the County Regional Planning Commission ("Planning Commission"), after public hearings, considered and recommended approval of the Santa Monica Mountains LCP in 2007 that included replacement of the Malibu LUP with the amended LUP as well adoption of the LIP. These documents were then considered at a public hearing by the Board, which indicated its intent to approve the LCP, with changes, in 2007; and

WHEREAS, the Coastal Commission, after initial discussions with the County, never considered nor certified the proposed LCP as recommended by the County in 2007, but in the last year announced a priority to encourage certification of previously uncertified portions of the State's coastal areas and to work with local agencies to update existing plans, which provided the County an opportunity to complete certification of the Santa Monica Mountains LCP; and

WHEREAS, although the recent cooperation by Coastal Commission staff and the County resulted in clarification or changes to the proposed LCP, those modifications do not substantively change the Board's adopted policy vision from 2007 and instead formulates that policy vision into this LCP, which is more consistent with current Coastal Commission approaches; and

WHEREAS, the proposed LCP does not require an accompanying environmental document under the California Environmental Quality Act because it comprises a portion of an equivalent regulatory program under section 21080.5 of the California Public Resources Code; and

WHEREAS, consistent with section 30510(a) of the California Public Resources Code, the proposed LCP is being submitted to the Coastal Commission pursuant to this Resolution and, if approved by the Coastal Commission, is intended to be carried out in a manner in full conformity with the Coastal Act; and

WHEREAS, the Board, after holding a public hearing on February 11, 2014 on the proposed LCP, finds as follows:

1. Certification of the proposed LCP is necessary to provide primary permitting authority in the Coastal Zone to the County.

2. The proposed LCP consists of the Santa Monica Mountains LUP and its LIP.

3. The Santa Monica Mountains LUP amends and replaces in its entirety the Malibu Land Use Plan and will become a part of the County General Plan ("General Plan").

4. The LIP includes detailed regulations for the Coastal Zone which are set forth in the County Zoning Code, adding provisions to Section 22.44 of Title 22 of the County Code.

5. The LIP also includes zoning changes necessary to implement the Santa Monica Mountains LUP. Those proposed zoning changes are necessary to make the zoning consistent with the Santa Monica Mountains LUP.

6. The Coastal Zone is approximately 51,019 acres, just over one-half of which is public parkland including portions of the Santa Monica Mountains National Recreational Area, Topanga State Park, and Malibu Creek State Park. There is limited commercial development on Pacific Coast Highway and Topanga Canyon Boulevard. The remainder of the Coastal Zone is generally composed of

scattered residences, rural communities, and some antiquated higher-density residential subdivisions.

7. Much of the Coastal Zone is prone to serious natural and man-made hazards, including wildfires, landslides, flooding, and earthquakes that require special attention to protect public health and safety.

8. The entire Coastal Zone has been designated by the County Fire Department as a Very High Fire Hazard Severity Zone, the most dangerous classification.

9. The circulation system in the Coastal Zone contains some major and secondary highways, but consists predominantly of narrow winding mountain roads, resulting in constrained access to much of the area. Due to geologic, topographic, and environmental constraints, it is not anticipated that new public roads will be constructed.

10. Located throughout the Coastal Zone are invaluable natural resources including mountains, streams, beaches, vegetation, and wildlife that require protection under the Coastal Act. Some resources require a greater level of protection because of their special characteristics and/or vulnerability.

11. The natural resources in the Coastal Zone require protection against pesticides and use of rodenticides, both of which are harmful to said resources.

12. The subject area contains approximately 2,900 undeveloped private parcels, many of which are undersized, have development constraints, and are located in sensitive environmental areas. Full build-out of these parcels would adversely impact public safety by overburdening the already-constrained road system in a Very High Fire Hazard Severity Zone, as well as public health and environmental health by introducing more pollutants into the watersheds, and overloading the existing infrastructure. It is necessary to mitigate these impacts by preventing an increase in the net amount of development that could occur and by encouraging development in areas less constrained by small lot sizes, steep slopes, hazards, and sensitive resources.

13. The Coastal Zone contains a number of antiquated subdivisions which are generally difficult to develop due to small lot sizes, steep slopes, unfavorable geologic conditions, on-site wastewater treatment system limitations, poor access, and other constraints. These areas can only accommodate a limited amount of development and are inappropriate for land divisions.

14. Currently, no State-designated prime agricultural land exists in the Coastal Zone on any private lands; all such designated prime agricultural land exits on publicly-owned lands.

15. Whether land is suitable for agricultural purposes requires review of a number of factors, including such things as whether its close to existing agricultural uses and availability of sufficient amounts of water. Availability of water is limited

Countywide, including in the Coastal Zone, and, given current conditions, new sources of water are questionable. Consistent with Coastal Commission guidance, review of lands within the Coastal Zone reveals that said lands are not suitable for agriculture.

16. To protect public health and safety as well as environmental resources, second units must be restricted in this Coastal Zone.

17. Development in hillsides within the Coastal Zone requires regulation to avoid geologic hazards, minimize adverse water quality impacts, maintain viable habitats, and maintain scenic vistas.

18. The Coastal Zone includes major watersheds which drain into and impact Santa Monica Bay as well as numerous riparian corridors.

19. Protection of natural stream channels contributes to improved water quality and maintenance of quality habitat.

20. The impacts of new development on water quality can be minimized through the use of best management practices in the design, construction, and use of that development.

21. The scenic beauty of the Coastal Zone area is widely recognized as one of its most distinctive and valuable attributes. Natural terrain throughout the Santa Monica Mountains contributes significantly to the Coastal Zone's scenic beauty and is highly visible to residents, motorists, and recreational users. Consistent with the Coastal Act, scenic resources must be protected.

22. The Coastal Zone provides the Los Angeles metropolitan region with a wide range of resource-based recreational opportunities. It is necessary to ensure that future generations will be able to experience the natural areas that enhance the region's quality of life.

23. The preservation of open space is necessary for protection of significant environmental resources, avoidance of geologic, fire, and flood hazards, protection of watersheds and viewsheds, and provision of public recreational opportunities.

24. The unique rural character and rural lifestyle, including equestrian activities, enjoyed by residents of the Coastal Zone must be preserved.

25. The proposed LIP provides protection of invaluable natural resources by, among other things, identifying H1 habitat in which only resource-dependent development, except for access roads in limited circumstances, is allowed, establishing regulations for development in other areas, and establishing a Resource Conservation Program to allow County purchase of lands for preservation for the benefit of the public.

26. The proposed zone changes are compatible with and are supportive of policies of the General Plan and the proposed LUP, and make zoning conform to the land use.

27. Good land use planning and zoning practice justifies the policies of the LUP and its implementation actions (the LIP consisting of Title 22 amendments and zone changes) with the intent of protecting public health, safety, and general welfare.

28. The staff report for the proposed LCP and documents attached thereto have informed the public and the Board of the numerous land use and environmental issues involved with the LCP, and County staff presented substantial evidence to the Board to support approval of the proposed LCP. Such evidence addresses, among other things, the appropriateness of the LCP and how it will further public health, safety, and general welfare and be in conformity with good planning practices. Cumulative impacts of the LCP are less than or equal to the impacts that would result from continuation of proceeding without a certified LCP.

29. The LCP does not place an undue burden on the ability of the County or the community to provide necessary facilities or services.

30. The County complied with section 30514 of the California Public Resources Code by providing appropriate public notice of the LCP, making copies of the LCP available for public review. County staff met with local homeowner, recreational, and environmental groups, neighboring jurisdictions, and State and federal park agencies for their comments on, and to discuss, the LCP and accepted public comments at the Board public hearing. Similar meetings were held in 2007 on the proposed LCP, the core provisions of which remain in the LCP as currently proposed, and public hearings were held then before the Planning Commission and the Board.

31. The LCP will strike a balance between property rights and potential development with protection and preservation of the abundant natural resources in the Coastal Zone, and is otherwise consistent with the policies of Chapter 3 of the Coastal Act.

32. If the Coastal Commission certifies the LCP, the Board will thereafter formally adopt the LCP and shall comply with Title 14 California Code of Regulations section 13544. Accordingly, the amendment to the LUP will be implemented by the LIP, adding provisions of Section 22.44 of Title 22 of the County Code, which will be adopted by ordinance, and by the zone changes to make the zoning consistent with the LUP, which will also be adopted by ordinance. The LUP amendment will be adopted by Board resolution, also after consideration by the Coastal Commission.

THEREFORE, BE IT RESOLVED THAT THE BOARD OF SUPERVISORS:

1. Finds that the Santa Monica Mountains Local Coastal Program does not require an accompanying environmental document under the California Environmental

Quality Act because it comprises a portion of an equivalent regulatory program under section 21080.5 of the California Public Resources Code;

2. Finds that said proposed Local Coastal Program is consistent with the California Coastal Act;

3. Certifies its intent to carry out the proposed Local Coastal Program, consisting of both the Land Use Plan and Local Implementation Program, in full conformity with the California Coastal Act, if approved by the Coastal Commission;

4. Indicates its intent to adopt the proposed Local Coastal Program, consisting of: (a) an amendment to the 1986 Malibu Land Use Plan resulting in its replacement with the Santa Monica Mountains Land Use Plan, as set forth in the attached Exhibit A; and (b) the Santa Monica Mountains Local Implementation Program, consisting of the amendments to Title 22 as set forth in the attached Exhibit B, and the zone changes, as set forth in the attached Exhibit C; and indicates that it will take formal action to adopt the Local Coastal Program following consideration and approval by the Coastal Commission pursuant to section 13551(b)(2) of Title 14 of the California Code of Regulations; and

5. Instructs the Department of Regional Planning to transmit the Santa Monica Mountains Local Coastal Program to the Coastal Commission for approval.

The foregoing resolution was on the 18th day of February, 2014, adopted by the Board of Supervisors of the County of Los Angeles and ex officio the governing body of all other special assessment and taxing districts, agencies, and authorities for which said Board also acts.

SACHI A. HAMAI, Executive Officer-
Clerk of the Board of Supervisors of
the County of Los Angeles

By _____
Deputy

APPROVED AS TO FORM:

JOHN F. KRATTLI
County Counsel

By _____
Deputy

Attachments