Attachment D

SUMMARY OF INDIVIDUAL AND CUMULATIVE IMPACTS

INTRODUCTION

The County of Los Angeles (County) has prepared this document, entitled "Cumulative Impact Assessment for the Santa Monica Mountains Local Coastal Program ("LCP"), for the purpose of evaluating the environmental impacts potentially resulting from the LCP. This study recites key findings of special studies undertaken by the County to assess cumulative impacts. Specific measures to mitigate impacts have been incorporated into the LCP itself.

Relationship between the Coastal Commission and Compliance with the California Environmental Quality Act (CEQA)

California Public Resources Code (PRC) Section 21080.9 – within the California Environmental Quality Act (CEQA) – exempts local governments from the requirement of preparing an environmental impact report (EIR) in connection with their activities and approvals necessary for the preparation and adoption of a local coastal program, or amendments thereto.

Instead, the CEQA responsibilities are assigned to the California Coastal Commission (Coastal Commission). However, because the Natural Resources Agency found the Coastal Commission's LCP review and approval program to be functionally equivalent to the EIR process[1], PRC Section 21080.5 relieves the Commission of the responsibility to prepare an EIR for each LCP or amendment thereto. Nevertheless, some elements of CEQA continue to apply to this review process.

Specifically, pursuant to CEQA and Coastal Commission's regulations[2], the Coastal Commission's certification of this LCP amendment must be based in part on a finding that it meets the CEQA requirements listed in PRC section 21080.5(d)(2)(A). That section requires that the Coastal Commission not approve or adopt an LCP if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

HISTORY

The Santa Monica Mountains Coastal Zone covers the unincorporated area west of the City of Los Angeles and east of Ventura County. It stretches approximately five miles inland from the shoreline and encompasses roughly 52,000 acres and more than 8,000 separate parcels. Despite its size, more than half of the area is currently in public ownership due to the unified efforts of the County, California State Parks, the Santa Monica Mountains Conservancy, and the National Park Service to acquire key park, trail, and habitat areas for the public. The LCP builds upon the preservation efforts described above, respects the rights of private property owners, and

[1] 14 C.C.R.§ 15251(f)

[2] 14 C.C.R. §§ 13540(f), 13542(a), and 13555(b))

represents a renewed level of cooperation between the Coastal Commission and local governments to secure certification of uncertified segments and update existing LCPs.

In 1986, the County received certification from the Coastal Commission for the Land Use Plan portion of the LCP, which at that time also included the area incorporated later as the City of Malibu. In 2001, following many years of discussion and the incorporation of the City of Malibu, the County began a dialogue with the Coastal Commission aiming for full certification. This effort culminated in a Board of Supervisors hearing in 2007 wherein the Board indicated its intent to approve a revised Land Use Plan and Local Implementation Program for the Santa Monica Mountains Coastal Zone. This plan was then discussed with Coastal Commission management, and because significant areas of disagreement remained between the Coastal Commission management and the County management, the LCP as heard by the Board in 2007 was never submitted. The County abandoned their efforts at that point, as did Coastal Commission staff. Meanwhile, the County continued their planning efforts outside the Coastal Zone in the North Area Plan, which has been completed. Finally, the County also continued to participate in the acquisition and preservation of key parcels of land in the Santa Monica Mountains.

In 2012, County management and Coastal Commission management revisited the issue of certification in response to new Coastal Commission direction to secure certification of uncertified segments of LCPs statewide, as well as updates to existing certified LCPs. In direct meetings between the current Executive Director of the Coastal Commission and the Supervisor for the Third District in which the Santa Monica Mountains are located, Zev Yaroslavsky, it was agreed that both parties – the County and the Coastal Commission – could move forward with an attempt to certify this LCP. Rather than file the LCP at that time, the Supervisor elected to work cooperatively with Coastal Commission management and staff to reach rough consensus on the terms of the LCP.

In addition, the County undertook a comprehensive study of the Santa Monica Mountains LCP area (Coastal Zone or Santa Monica Mountains Coastal Zone) from a biological standpoint. Many meetings were held to discuss the LCP and the biological review, and the staffs of both agencies continuously exchanged information. This type of working relationship – called for by the Coastal Commission as far back as December 2012 and continuing through to this day – has led to the possibility that an agreement on the LCP can be reached.

The recommendation for certification subject to Suggested Modifications in this report, if accepted by the Coastal Commission, <u>will resolve the largest uncertified area of the California coast</u>.

DESCRIPTION OF SPECIAL STUDIES FOR THE LCP

The County caused to be prepared a number of highly specific studies to support the LCP and its associated policy adjustments. These are as follows:

A Conservation Analysis for the Santa Monica Mountains Coastal Zone
Significant Watersheds
Historic and Cultural Resources
Geotechnical Resources
Significant Ridgelines
Air Quality
Transportation Study
Stormwater Pollution Mitigation Best Management Practices

All of these studies are incorporated by reference into this document. These studies carefully evaluate the existing resources and the potential development pressure upon them. These studies are summarized in this Cumulative Impact Assessment and included in their entirety in the Appendices submitted in support of the LCP.

The County is taking this opportunity to present a new policy and regulatory strategy to address long term actions for sensitive resources in the Santa Monica Mountains. In doing so, the County is proposing a LCP that is more restrictive –and therefore produces fewer individual and cumulative impacts – than the current practice of the Coastal Commission. A comparison of the current Coastal Commission practices and the proposed LCP is set forth below to provide a basis for the conclusion that under the County LCP individual and cumulative impacts are reduced.

ANALYSIS OF POTENTIAL INDIVIDUAL AND CUMULATIVE IMPACTS

To begin an analysis of individual and cumulative impacts, it is necessary to understand the current practices.

At present, the County evaluates development proposed through the permit process but lacks final permit authority because a complete LCP has never been certified for the Santa Monica Mountains. Thus, once the County has issued what the Coastal Commission refers to as an Approval in Concept, the applicant must secure a coastal development permit (CDP) from the Coastal Commission prior to developing.

Thousands of parcels have been created over time in the Santa Monica Mountains Coastal Zone, some created well before the advent of the Coastal Act. Most of these parcels were created at a time when no comprehensive planning guidance document for the Coastal Zone was in place to steer decisions on the arrangement, number or configuration of these parcels.

With the proposed LCP, the County developed a program that preserves the best practices currently employed by Coastal Commission staff and accomplishes more habitat protection than is legally possible under the Coastal Act alone. Therefore, the LCP, combined with the County's autonomous authority to regulate development and its significant monetary commitment to land acquisition in the Coastal Zone, discussed below, will lead to a more comprehensive regulatory scheme to protect important resources in the Coastal Zone.

A. *The County's Approach is grounded in a peer-reviewed biological study of the habitats found within the Santa Monica Mountains Coastal Zone.*

The County began its renewed LCP effort by studying the resources of the Santa Monica Mountains Coastal Zone with particular care based on information collected in the more than ten years since the Coastal Commission last considered characterizing these resources. The resource designations and the field confirmations allowed a much more finely textured identification of flora and fauna than had previously been available in this area. The County then worked with Coastal Commission staff to further refine resource classifications and priorities with the goal of identifying the most valuable resources in the Coastal Zone, and distinguishing those resources from those that are important and deserving of protection, but are comparatively less unique and sensitive. The LCP therefore reflects the input of the County biologist, consulting biologists Rob Hamilton and Dan Cooper, as well as Dr. John Dixon and Dr. Jonna Engel of the Coastal Commission.

With this depth of biological input as a foundation, the LCP designates three habitat categories: H1, H2, and H3. In brief, H1 habitat constitutes riparian and wetland areas, including creeks, streams, marshes, seeps, and springs; coast live and valley oak, sycamore, walnut, and bay woodlands; and, alluvial scrub, coastal bluff scrub, native grassland, and rock outcrop habitat types. H2 habitat constitutes areas of high biological significance, rarity, and sensitivity that are important for the ecological vitality and diversity of the Coastal Zone, including large, contiguous areas of coastal sage scrub and chaparral-dominated habitats. H3 constitutes property that would otherwise be designated as H2 habitat but has been significantly disturbed or removed as part of lawfully established development.

Of note, the LCP continues the existing Coastal Commission practice of allowing site specific biological studies to add heretofore undiscovered H1 habitat, and "prove out" of erroneously mapped H1 or H2 habitat. This process is consistent with that of the Malibu LCP, which was written by Coastal Commission staff and certified by the Commission in 2002.

B. *The LCP provides an overall level of protection to all areas designated H1 and H2 that exceeds the level of protection provided by current Coastal Commission practices used to enforce the Chapter Three Policies of the Coastal Act.*

The LCP has been deliberately crafted through the cooperative efforts of Coastal Commission and County staff to not only meet the requirements necessary to justify certification of an LCP under the Coastal Act, but also improve upon the existing practices of the County and Coastal Commission. To do this, the LCP:

- Prohibits development in the most sensitive habitat areas;
- Meets or exceeds the development standards currently required by the Coastal Commission in all other areas;
- Guarantees additional financial resources to acquire key parcels as permanent open space; and,
- Imposes new standards meant to preserve and enhance coastal resources through requirements ranging from a ban on anti-coagulant rodenticides to limits on the length of new access roads.

Details are set forth below.

1. The LCP will permanently protect all H1 habitat.

The LCP prohibits non-resource dependent development in resources, except for access roads in limited circumstances, designated as H1 habitat . The area designated as H1 (approximately 40 percent of which is on private land) represents the most sensitive habitat in the Santa Monica Mountains Coastal Zone that will be permanently protected upon the certification of the LCP. To further protect this H1 habitat, the LCP provides a 100-foot buffer beyond H1 where all non-resource-dependent development is prohibited wherever feasible. In addition, the LCP extends a further 100-foot protection beyond the H1 buffer by establishing a "Quiet Zone," where uses are strictly limited in accordance with recommendations of the County Environmental Review Board.

As noted above, the LCP's designation of H1 habitat represents the cooperative efforts of Coastal Commission and County biologists to identify the most critical, unique, and important habitat in the Coastal Zone: the most intact riparian areas, as well as rare and sensitive plant communities. Because these areas contain the highest value habitat in this Coastal Zone, any loss of this habitat severely and irreplaceably depreciates the biological resources of the area. Despite the best efforts of the Coastal Commission, these areas have incrementally been lost to development. Certifying the LCP will ensure that this habitat will be permanently protected from nearly all non-resource dependent development even if it is located on private parcels.

2. To protect H2 and H3 Habitat, the LCP codifies and improves upon existing practices which today are only applied on an ad hoc, case-by-case basis and are therefore subject to uneven enforcement and could change at any time.

In addition to placing H1 habitat beyond the reach of non-resource dependent development, the LCP imposes strict development controls to limit the development footprint and avoid or reduce impacts to resources. The LCP employs development standards that meet or exceed those utilized by the Coastal Commission at the present time. A summary of key enhancements are described below. Importantly, these standards would be codified so all interested parties would know the rules before they begin the process. Therefore, land owners will be knowledgeable, can make informed choices, and will be on notice of the rules and expectations before submitting a development proposal inconsistent with the goals and policies of the LCP.

a. The LCP limits the maximum developable area for a residential[3] use to 10,000 square feet—even for those parcels on which the Coastal Commission would currently allow as much as an acre of development area.

The LCP sets an absolute maximum residential building site area of 10,000 square feet (less than ¼ acre) throughout the Coastal Zone. As with the Coastal Commission's current approach, the building pad, all graded slopes, the primary house, all accessory structures, and all impervious surfaces must be confined within the building site. Further, and consistent with the Commission's approach, only one access driveway (which must be the minimum design necessary required by the Fire Department), one hammerhead turnaround if required by the Fire Department (including associated grading), fuel modification, and limited horsekeeping uses

[3] Commercial (in the limited zones where such uses are allowed) and park uses such as camping and trails are not subject to this 10,000 square foot limitation. However, commercial uses are generally limited to a maximum Floor-to-Area ratio, ranging from 0.3-0.5, depending upon the zone.

may extend beyond the building site. But, unlike the Commission's current approach, which allows the pad to be extended up to an acre for larger parcels, this 10,000 square foot standard reflects an absolute maximum that cannot be expanded.

Moreover, the 10,000 square foot limit is subject to numerous restrictions that will often force the building site to be reduced to less than 10,000 square feet. For example, for parcels less than an acre, the building site cannot exceed 25 percent of the parcel. And, for lots smaller than 10,000 square feet in small lot subdivisions such as Las Flores Heights, Malibou Lake, and Fernwood, development is subject to gross structural area limitations which further reduce development intensity. Critically, the LCP also requires all building sites to be reduced where doing so would preserve coastal resources.

b. The LCP will prohibit new vineyard areas anywhere in the Santa Monica Mountains Coastal Zone and apply best management practices retroactively on existing operations.

The LCP prohibits new or expanded agricultural development, except for residential vegetable gardens for the exclusively noncommercial use of the resident(s), within the building site or within Fuel Modification Zone A. The effect of this regulation is that there will be no new vineyards in this Coastal Zone, with a consequent reduction in impacts to water quality, groundwater supply, and visual resources. Moreover, as it does for confined animal facilities, the LCP requires that existing crop and vineyard areas conform to the LCP Best Management Practices (BMPs).

c. The LCP employs the highest level of state of the art water quality protections.

Working with Coastal Commission technical staff, the County has incorporated all of the suggestions of Coastal Commission staff with respect to water quality. Moreover, the LCP "reaches back" to existing confined animal facilities, and requires them to upgrade manure management and filtration of runoff, among other mandatory improvements.

d. *The LCP will ensure that illegally created parcels and other illegal activity cannot be used to surreptitiously increase development rights in the Santa Monica Mountains Coastal Zone.*

In keeping with the goal of preventing unpermitted activities from facilitating additional development potential, the LCP will treat areas that have been illegally disturbed as if the original habitat were still in place. This will help remove the incentive, sometimes acted upon under today's regulatory environment, whereby unscrupulous actors will disturb native habitat to gain further development rights. Further, to ensure that illegally created lots from previous decades are not used to increase development potential in the Coastal Zone, the LCP will require a coastal development permit and approval of a tentative subdivision map before allowing development on a lot that was not created in compliance with all requirements of the California Subdivision Map Act and the Coastal Act.

e. H2 areas are additionally protected to ensure the sensitive habitat resources are preserved.

Any development proposed within H2 habitat must undergo a site-specific biological inventory and detailed Biological Assessment, which is then reviewed by the County Biologist and the County Environmental Review Board. Further, the LCP requires that the most sensitive areas within H2 (called H2 High Scrutiny areas) must be preserved wherever feasible. Additionally, all

areas outside of the allowable building site must be permanently protected against future development. H3 habitat areas are subject to review by the County biologist.

f. The LCP enacts key development standards to protect the full range of coastal resources. Under the LCP, habitat considerations are only one of the determinants of development constraints. Numerous LCP standards not related to habitat also act to control development. These include restrictions on development in critical viewshed areas—including all areas visible from public parkland, public trails, and designated scenic routes—as well as areas of steep slopes greater than 15 percent. In addition, the LCP:

- Prohibits development on all mapped significant ridgelines, and requires that development must be sited below all other ridgelines wherever feasible;
- Prohibits the use of highly reflective building materials;
- Prohibits the use of fencing or landscaping that would obscure views from scenic routes;
- Mandates the use of split-level pads to reduce grading in hillside areas;
- Enacts strict limits on signage and night lighting;
- Limits access roads to no more than 300-feet in length unless additional review is performed;
- Protects public dollars by requiring that development be sited more than 200 feet away from public parklands wherever feasible to avoid creating new brush clearance impacts on publicly owned lands;
- Prohibits the alteration and armoring of natural streams;
- Requires elevations, story poles, and other submittal requirements to ensure an open and transparent review of the visual effects of proposed structures before they are approved; and,
- Prohibits the creation of any net new developable lots in the Coastal Zone.

3. The LCP will guarantee at least $2 million of funding for land acquisition, more than doubling the amount of mitigation fees collected by the Coastal Commission over the past nine years.

In addition to imposing the aforementioned structural limitations on development <u>that meet or exceed the current Coastal Commission practices used to implement the Chapter Three Policies of the Coastal Act</u>, the LCP will guarantee at least $2 million of funding for land and development right acquisition in the Santa Monica Mountains Coastal Zone prior to the 10-year anniversary of the LCP. In contrast, the Commission has collected approximately $862,000 over the last 9 years, of which only $284,000 has been spent (to acquire just more than 24 acres of land). The County's commitment, which is not otherwise available without certification of the LCP, eclipses the performance and the amount collected via the Commission's current program. To ensure performance, the County will prepare an annual monitoring report to track the progress of the LCP's acquisition plan, and review will be required after 5 years. In exchange for this upfront financial commitment, the County will not charge a habitat mitigation fee to single-family residences building only within the allowed building site.

4. **The LCP recognizes the horse-keeping tradition of the Santa Monica Mountains Coastal Zone by allowing carefully designed equestrian facilities to be established with Fuel Modification Zones A, B, and C.**

Against the backdrop of major regulatory and open space acquisition advantages discussed above, the LCP proposes an important, but limited accommodation of further equestrian use in this Coastal Zone beyond that allowed by the Coastal Commission today. Specifically, the LCP will allow small-scale backyard horse boarding and will allow equestrian facilities to be established in H2 habitat on slopes of 3:1 or less within Fuel Modification Zones A, B or C, along with associated grading. The facilities so established are also subject to the following requirements:

1. The facilities must meet all other policies of the LCP.
2. If the facilities require additional fuel modification beyond that of the principal permitted use, a mitigation fee must be paid.
3. In no case can the facilities encroach into the 100-foot buffer for H1 habitat (which includes, but is not limited to, riparian areas).
4. Equestrian facilities may be located outside of the fuel modification area if and only if:
    a. There is no area of 3:1 slope inside the fuel modification area for the principal permitted use where the equestrian facilities could be located.
    b. The facilities are located on slopes of 4:1 or less, and constitute not more than five percent of the parcel area, or two acres, whichever is less.
    c. Such facilities are limited to wildlife-permeable fencing for pasturage, with water facilities, and without lighting.

Next, subject to all other standards of the LCP, horsekeeping is allowed in H3. Finally, the LCP provides a process to accommodate horse facilities established at least 13 years ago without a permit. This "grandfather" provision is designed to encourage relocation, if possible, of facilities and to ensure that the facilities are observing BMPs by encouraging owners to voluntarily come forward for a permit. To help this policy provide assistance to those individuals who need it without allowing for abuse by large commercial operations, this provision is only available to parcels of between 15,000 square feet and 10 acres.

CONCLUSIONS OF THE SUMMARY OF CUMULATIVE IMPACT IMPACTS

The current practices of the Coastal Commission have resulted in a development pattern that is the best that can be accomplished given the limitations of the Coastal Act. However, the County is not bound in the same way as the Coastal Commission. This means that the County can actually reduce impacts beyond what would occur without a certified LCP by limiting development area to 10,000 square feet plan-wide, and by an absolute commitment to preserve H1 habitat. The County's commitment to a minimum of $2 million of acquisition over the next ten years insures that impacts that would otherwise occur will be further reduced. The result, taken together with the many protective policies in the LCP, creates a condition over time in which impacts will be sharply reduced. The diminutive scale of development allowed insures that the ecological vitality of the

Santa Monica Mountains Coastal Zone will be preserved and enhanced. Therefore, individual and cumulative impacts are not significant in this case, and are mitigated by the policies and regulations in any event.