

Attachment E

A Comparison of the 1986 Land Use Plan and the Current Amendment to the Land Use Plan

The regulations of the California Coastal Commission require that, where an amendment to a certified LCP is proposed, the submittal shall include "a discussion of the amendment's relationship to and effect on the other sections of the certified LCP" (§ 13552 (c)). There is no requirement of a direct policy-by-policy comparison.

The California Coastal Commission certified the Land Use Plan portion of the Malibu Local Coastal Program in 1986. At that time, the entire area of the Santa Monica Mountains within the Coastal Zone, including what is now the City of Malibu, was addressed in the plan. The second step of the LCP process, certification of the Local Implementation Program, never occurred. The City of Malibu incorporated in 1991, and that part of the LCP was no longer administered by the County of Los Angeles. Therefore, a large part of the 1986 LUP is no longer relevant because it has been superseded by the City of Malibu LCP certified by the Coastal Commission in 2002. In like manner, in the intervening years, a Long Range Development Plan (LRDP) was certified for Pepperdine University, and that document - not the 1986 LUP - governs development on the university grounds.

Moreover, the conditions under which the 1986 LUP was developed have changed considerably. In the intervening 28 or so years, various resource agencies, working in concert with the County of Los Angeles, have assembled a large amount of acreage for open space, habitat and recreational usage. In contrast with the 1986 LUP where approximately 29 percent of the LUP area was in public ownership, over 51% of the LUP area is now in public ownership, an achievement recognized by the Coastal Commission during a CCC staff presentation associated with its celebration of the 40th anniversary of the California Coastal Act.

Finally, but importantly, the quantum of detailed habitat information has greatly improved, allowing a more careful policy articulation than previously set forth in the 1986 LUP. This biological data, supplemented by recent studies undertaken by the County of Los Angeles, has allowed for very detailed assessment and policy treatment of habitat categories in the proposed LCP.

Although the 1986 Land Use Plan (LUP) sought to establish stringent regulations for the County area, the Coastal Commission was not bound by the LUP in its permitting approvals. In fact over the years the Coastal Commission adopted different approaches in some cases from what is in the certified LUP. Therefore, a direct comparison of the 1986 LUP with the LUP presented in this amendment is not as informative as a discussion of the areas where the current proposal differs from the 1986 LUP. In terms of the requirements of § 13552 (c), this amendment's effect on the other sections of the certified LCP is largely irrelevant because (1) there is no certified Local Implementation Program and, (2) this amendment will replace the 1986 LUP in its entirety.

Nonetheless, it is possible to make a comparison of the development restrictions and other policies in the 1986 plan by topical category in order to illustrate the differences. The reader should bear in mind that it has been nearly 28 years since the 1986 LUP was initially certified, and in that time the Coastal Commission has approved literally hundreds of permits. In addition, resource agencies and the County have facilitated the acquisition of thousands of acres of land in the Santa Monica Mountains Coastal Zone, such that the development pressure on the Santa Monica Mountains has been greatly reduced. As will be

seen in the following analysis, this pressure is even further reduced by the proposed LCP and its associated commitments over what either the 1986 LUP or the Coastal Commission acting in its official capacity could achieve.

A discussion of the general topical areas of the 1986 LUP, and the differences with the current proposed LUP, is presented below.

1. RECREATION AND COASTAL ACCESS

The 1986 plan contained policies in this topical area which encouraged participation among federal and state resource and parks agencies, supported the acquisition of Significant Ecological Areas with federal funds, encouraged more low-cost recreational accommodations particularly where they are co-located with existing facilities, and provided several policies for beaches. Since the incorporation of the City of Malibu and subsequent certification of the Malibu LCP, the policies for beaches are no longer operative, except for those relating to Leo Carrillo State Beach and Topanga Beach.

The proposed LCP Land Use Plan and associated LIP greatly expand on these general policies, and recognizes the new relationships between the County and federal and state agencies that have formed over the years since certification of the 1986 LUP. Policies CO-155-181 in the proposed LUP expand treatment of these areas to acknowledge the California Coastal Trail, climate change and its relationship to public facilities, identification and protection of coastal trails, allowance of low-impact campgrounds in H1 habitat and also on private property where permitted by the property owner. The proposed LUP also recognizes the need for a full range of visitor accommodations, from low-cost to market, recognizing that the supply of a full range of low-, medium- and market-cost accommodations exists in the areas outside of the proposed LUP's area. The proposed LUP also provides for more detailed guidance for trail protection, including relocation of the California Coastal Trail if climate change so necessitates.

The most significant change in the proposed LUP as distinguished from the 1986 LUP is the Resource Conservation Program. Although this program is introduced in Policy CO-86, it is as important to recreation, coastal access and land use as it is to habitat protection. A \$2 million acquisition plan over the next 10 years, combined with the continuing efforts of the federal and state governments, means that more lands will be brought under public ownership and protection. This is the central purpose of the Santa Monica Mountains Recreation Area – to provide a natural place for visitors to enjoy. The financial commitment of the County towards this goal is a significant addition to the LCP as distinguished from 1986.

Another recreational advancement of the LCP is the treatment of equestrian activities. Equestrian use of the Santa Monica Mountains is historic; the many trails and vistas accessible by horse are a key attraction. The LCP advances this low-cost recreational use through policies CO-103-106.

Only one private parcel is situated on the coast itself in the current LCP (occupied by a Chart House restaurant) and the remainder of the coastal properties are all under some form of public ownership. Therefore, none of the extensive 1986 policies related to vertical and lateral access have been brought forward. Naturally, the proposed LCP does not provide policies for recreational boating, beaches (except for Leo Carrillo and Topanga) and vertical access to the beaches through private property.

2. MARINE AND LAND RESOURCE PROTECTION

In the 1986 LUP, Marine and Land Resources – including policies for archeology, hazards and other significant policy areas of Chapter 3 of the Coastal Act – were combined into one chapter. In the proposed LUP, these policies have been given separate treatment, as follows:

Biological Resources - CO-33-106

Hillside Management – CO-107-116

Open Space - CO-117-123

Scenic Resources – CO-124-154

Archeological/Paleontological Resources – CO-199-210

Geologic resources – SN-1-10

Hazards (flood, fire, hazardous materials, noise) – SN-11-48

Because of the changed geographic extent of the current LCP as distinguished from the 1986 version, specific marine resource policies are largely no longer applicable and are not brought forward in the proposed LCP.

But in terms of protection of environmental resources, the policies have changed dramatically. The extent of H1 and H2 resources has been greatly increased, and the protections made much more specific. H1 resources now comprise more than 10,000 acres of the Santa Monica Mountains on both public and privately-held lands. Some of the more notable policy treatments involve a prohibition on grading on slopes steeper than 50 percent, full protection to H1 habitat regardless of whether such protection would effect a taking (perhaps as many as 260 parcels), more stringent development standards for single-family residential (see below), and increased buffer widths for sensitive resources. The careful mapping of the various resource categories alone is a significant advancement in policy and regulatory treatment of this area, enabling “at a glance” the information critical to each piece of property.

As with the Recreation portion of the 1986 LUP, the proposal of a Resource Conservation Program is a significant advancement in the acquisition of important resource lands for public enjoyment. Over the last nine years, and although the CCC has collected over \$860,000 in mitigation fees, only about \$270,000 has been spent to acquire about 21 acres of property – far less than the footprint of CDPs granted by the CCC during that time. The County’s program focuses on actual acquisition, as opposed to fee collection, and provides for a reporting mechanism to document how the habitat acquired directly offsets the habitat removed through permitting, or is acquiring habitat superior to that removed. In this way, the County will be acting quickly to acquire or cause to be brought into public ownership some of the most important lands from a habitat perspective in the Santa Monica Mountains.

As further elaborated on below, the County’s diminutive development allowance also contributes greatly to limiting impacts on coastal resources in keeping with Chapter 3 policies. Specifically, the 1986 plan allowed a 10,000-square-foot graded pad area, whereas the current proposed LCP allows a maximum 10,000-square-foot development area

(exclusive of the access road and corrective and other grading). This is a shrinking of the development area from the 1986 LUP. However, it is also a reduction from what the CCC now allows. The CCC allows an increase in the 10,000-square-foot development area for parcels larger than 40 acres. Because of the manner in which the CCC allows the increase, the development area can actually enlarge to one acre, from the less than one-quarter acre proposed by the County throughout the LCP area.

The proposed LCP also limits certain uses important to the preservation of resource values in the Santa Monica Mountains. Policy CO-102 of the proposed LUP prohibits new crop or vineyard facilities in the LCP area. Existing facilities are allowed to remain subject to increased water quality measures.

The proposed LCP is also superior to the 1986 LUP in terms of the water quality measures imposed. Over the last approximately 28 years, there have been many advancements in technology related to water quality. The County's proposed plan takes account of Significant Watersheds, and substantially increases the minimum required parcel size for development. This step alone has the potential to reduce development by 20 percent in these critical watersheds, and results in fewer potential residential units in the Santa Monica Mountains than would have existed under the 1986 LUP.

Moreover, the County LCP imposes significant water quality measures on confined animals, including retroactive application for manure management, treatment swales, and feed storage. These measures will significantly reduce the potential for escaped non-native elements, including both animals and nutrients/chemicals, to reach important stream courses and compete with and damage native species.

Scenic resource protection is also significantly improved over the 1986 LUP. The 1986 policies are fairly general, whereas the proposed LCP calls for very detailed treatment of development in Scenic Areas, on Scenic Ridgelines and generally treats the entire Santa Monica Mountains as a scenic resource. A detailed map is included in the proposed LCP to identify the Significant Ridgelines, Scenic Elements and Scenic Routes. More than 30 LUP policies call for subordination of development to the scenic resources of the Santa Monica Mountains, and in the event a development must be situated on a ridgeline to avoid sensitive biological resources, the height is limited to 18 feet.

The proposed LCP also incorporates Dark Skies provisions from the County's recently-adopted ordinance, and strictly limits lighting in the LCP area. The proposed LCP also limits and regulates wireless telecommunication facilities, a new feature since the certification of the original LUP in 1986.

In terms of Hazards, the proposed LCP contains significant improvements over the 1986 LUP. Working with the Los Angeles County Fire Department, the County has caused the approved fuel modification plan to be the final determination of vegetative removal, instead of post-development on-site decisions. Moreover, the County has limited the creation of new access roads except where determined necessary in the interests of public safety, including fire access. This is an important detail not addressed in the 1986 plan. The County also is restricting the use of rodenticides and other pesticides/herbicides, especially anti-coagulants. The County's proposed LCP also calls for "soft" measures for flood control rather than channelization of streams or other "hard" solutions. Climate change and potential sea level rise are addressed in terms of Leo Carrillo State Beach and Topanga Beach, and the single private development on the coast in the LCP, and blufftop erosion and shoreline protective devices are also addressed. Naturally, policies specific to what is now the Malibu LCP have been removed.

In all, the policies of the proposed LCP are more detailed in nature and more comprehensive in environmental protection than those contained in the 1986 LUP.

3. PUBLIC WORKS

The primary differences between the 1986 LCP and the proposed LCP are in the level of detail and the primacy of sensitive environmental resources. Rather than focusing on new or expanded roadways, the proposed LCP focuses on increasing the efficiency of those roadways, and on non-vehicular transportation alternatives. Public works facilities are required to take sea level rise into account. Roadway crossings and widenings for public safety must observe the resource-driven policies of the LCP. The proposed LCP also imposes stringent requirements on wastewater disposal, and water conservation. In addition to all other policies of the proposed LCP, each parcel must document its ability to have a safe and environmentally sound onsite wastewater treatment system prior to being issued any development entitlements. The elimination of new vineyards and new crop areas also reduces the demand on the scarce water supply in the Santa Monica Mountains. The County Transfer of Development Credit Program (TDC) also acts to reduce pressure on water resources by requiring the retirement of development potential through the TDC program.

Large public works facilities are not contemplated in the LCP area. Package sewage treatment plants may be proposed and are permitted for some public and private uses subject to stringent requirements.

4. LAND USE

Energy facilities in the form of solar panels are allowed in the proposed LCP subject to habitat and scenic resource protections. Wind energy facilities are not allowed at all due to the potential to conflict with avian use of the area. This area was not specifically treated in the 1986 plan. There are no specific industrial uses in the LCP area.

5. NEW DEVELOPMENT

Significant differences exist between the approach to new development taken in the 1986 LUP and the proposed LCP. The more important differences are highlighted below, and some have already been discussed in the preceding sections.

In the 1986 LUP, there was a far smaller designation of critical habitat than is now presented as H1. The LUP focused on habitat in terms of ESHA, disturbed sensitive resources, significant watersheds, significant oak woodlands and wildlife corridors. The assessments were based on the best information available at that time. Zoning categories were most restrictive in terms of parcel size and development potential in the Significant Watershed and ESHA areas.

This emphasis on Significant Watersheds and H1 habitat continues in the proposed LCP with a few important improvements. First, the tension between resource impacts and development has been substantially reduced by the County's pledge to absolutely prohibit non-resource-dependent development on H1 parcels (except for an access road when no other alternative is feasible), which comprise 10,000+ acres of the LCP area of over 51,000 acres. These H1 areas include oak woodlands, which in the 1986 LUP were allowed to be reduced by 10 percent LCP-wide. This allowance now only applies in Rural Villages and built-up areas, and not on undeveloped parcels where these resources are found.

For H1 habitat, the County also imposes a minimum 100-foot buffer zone, and an additional 100-foot "Quiet Zone" where only limited uses – fuel modification, confined animal facilities if approved by the ERB and on 3:1 or less slope, can occur. Second, the County imposes zoning calling for larger minimum lot sizes – a continuation of the 1986 LUP policies – with a more extensive lot retirement program that now includes H1 habitat. Third, the County limits the residential development area to an absolute maximum of 10,000 square feet, as opposed to the 10,000 square feet of graded pad area (the development area could be larger) allowed by the 1986 LUP for Significant Watersheds. In other less-than-significant watersheds, there was no maximum. Now, the maximum development area is imposed LCP-wide, and comprises less than one-quarter acre regardless of the parcel size. The potential for commercial or commercial visitor-serving uses occurs primarily in areas that are already disturbed, and the building and grading footprint is similarly confined.

Agricultural uses are proposed for restriction in the proposed LCP. There are no significant areas of prime farmlands or farmlands of statewide importance in the LCP area. The majority of these lands are located on King Gillette Ranch that is owned by a public agency and will not be developed with agricultural use. Many residents of the Santa Monica Mountains have planted vineyards or other crops on their property in the fuel modification area. The Coastal Act protects prime agricultural lands and lands which are suitable for agricultural use. This does not mean that just because a plant will grow in the soil on site that the land is "prime" or "suitable". A number of other factors accompany the determination of suitability including but not limited to land use compatibility, water availability, potential for detrimental secondary effects, and economic feasibility. The consideration of all of these factors leads to a determination of whether the land is truly suited for agricultural production, or whether the planting of agricultural plants and trees is more a function of a landscape preference than a true agricultural pursuit. The water scarcity in the Santa Monica Mountains alone would dictate caution in allowing agricultural plant species to be cultivated. Not only do these species escape into the natural areas where they interfere with native plants, they are consumed by native animals where their spread cannot be controlled (wine grapes have been observed growing in Encinal Creek downstream from an existing vineyard some distance away). For all of these reasons, the County has elected to respect the vineyards and crop areas already in existence, and to prohibit further establishment of such uses in the future.

CONCLUSION

The proposed LCP represents a more complete Coastal Act compliance and delivers more resource protection than either the 1986 LUP or the current practices of the Coastal Commission. The certification of this document will insure that the Santa Monica Mountains are protected from significant disruption for years to come, and that significant funds will be available for land acquisition over the next 10 years.