RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES ACKNOWLEDGING AND ACCEPTING THE SUGGESTED MODIFICATIONS APPROVED BY THE CALIFORNIA COASTAL COMMISSION; INCORPORATING THE SUGGESTED MODIFICATIONS INTO AND ADOPTING THE SANTA MONICA MOUNTAINS LOCAL COASTAL PROGRAM AS APPROVED BY THE CALIFORNIA COASTAL COMMISSION

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

WHEREAS, the Coastal Act requires a local jurisdiction lying, in whole or in part, within the coastal zone, as defined in the Coastal Act, to prepare a local coastal program for that portion of the coastal zone within its boundaries, and allows the local jurisdiction to prepare separate local coastal programs 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 local coastal programs; and

WHEREAS, a local coastal program consists of both a land use plan and a local implementation program, which local implementation plan may include necessary zoning ordinances and zone changes; and

WHEREAS, the County Board of Supervisors ("Board") adopted the Malibu Land Use Plan in 1986 ("Malibu LUP") as the land use plan portion of a proposed Santa Monica Mountains local coastal program which was certified by the California Coastal Commission ("Coastal Commission") in 1986; and

WHEREAS, no local implementation program was adopted or certified in 1986 for the Malibu LUP and, thus at the time, the County had no complete certified local coastal program for the Santa Monica Mountains; and

WHEREAS, the failure to have a certified local coastal program for the Santa Monica Mountains requires applicants for any development project in the Santa Monica Mountains Coastal Zone ("SMM Coastal Zone") to obtain coastal development permits from the Coastal Commission rather than from the County; and

WHEREAS, in 2007, after public hearings, the County Regional Planning Commission ("Planning Commission") considered and recommended approval of a proposed Santa Monica Mountains LCP ("SMM LCP"), that included an updated land use plan ("SMM LUP") to replace the Malibu LUP, as well as a proposed local

implementation plan ("SMM LIP"). The proposed SMM LCP was then considered by the Board at a public hearing in 2007, which indicated its intent to approve the proposed SMM LCP, with modifications; and

WHEREAS, after initial discussions with the County, the Coastal Commission in 2007 never considered nor certified the proposed SMM LCP, but in 2012, the Coastal Commission 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 coastal plans; and

WHEREAS, the Coastal Commission's announcement in 2012 provided the County an opportunity to complete certification of the proposed SMM LCP; and

WHEREAS, following negotiations between Coastal Commission staff and the County, clarifications and amendments to the 2007 SMM LCP were made, which clarifications and amendments did not substantively change the Board's 2007 adopted policy vision, but rather formulated that policy vision to be more consistent with current Coastal Commission approaches; and

WHEREAS, the Board held a public hearing on the proposed SMM LCP on February 11, 2014, and on February 18, 2014, approved a resolution indicating its intent to approve the proposed SMM LCP and to submit it to the Coastal Commission for its review and consideration; and

WHEREAS, the proposed SMM LCP submitted to the Coastal Commission included: (1) the SMM LUP, replacing the 1986 Malibu Land Use Plan; and (2) the SMM LIP, consisting of: (a) amendments to Title 22 of the Los Angeles County Code ("Zoning Code"); and (b) a zone change ordinance to change certain zoning designations in the SMM Coastal Zone to be consistent with the SMM LUP; and

WHEREAS, on April 10, 2014, after a public hearing by the Coastal Commission on the SMM LUP, the Coastal Commission denied certification of the proposed SMM LUP, but approved and certified the proposed SMM LUP subject to a number of suggested modifications; and

WHEREAS, on May 21, 2014, the Board received the Coastal Commission's resolution of certification of the proposed SMM LUP subject to the Coastal Commission's suggested modifications; and

WHEREAS, on July 10, 2014, after a public hearing by the Coastal Commission on the SMM LIP, the Coastal Commission denied certification of the proposed SMM LIP, but approved and certified the proposed SMM LIP subject to a number of suggested modifications; and

WHEREAS, on July 17, 2014, the Board received the Coastal Commission's resolution of certification of the proposed SMM LIP subject to the Coastal Commission's suggested modifications; and

WHEREAS, the Board must consider and accept the Coastal Commission's suggested modifications to the proposed SMM LUP and SMM LIP before certification of the full SMM LCP can become effective as to the County; and

WHEREAS, the proposed SMM LCP does not require an accompanying environmental document under the California Environmental Quality Act because it includes the preparation and adoption of a local coastal program under section 21080.9 of the California Public Resources Code; and

WHEREAS, the Board, after considering all of the above, and after holding a public hearing on August 26, 2014 on the proposed SMM LCP, finds as follows:

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

2. The SMM LCP consists of the SMM LUP and SMM LIP.

3. The SMM LUP amends and replaces in its entirety the Malibu LUP and will become a component of the County General Plan ("General Plan").

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

5. The SMM LIP includes a zone change ordinance necessary to implement the SMM LUP. The zone changes implemented by the ordinance are necessary to make the zoning within the SMM Coastal Zone consistent with the SMM LUP.

6. The SMM 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. Limited commercial development exists in the area on Pacific Coast Highway and Topanga Canyon Boulevard. The remainder of the SMM Coastal Zone is generally comprised of scattered residences, rural communities, and some antiquated higher-density residential subdivisions.

7. The scenic beauty of the SMM Coastal Zone is widely recognized as one of its most distinctive and valuable attributes. Natural terrain throughout the Santa Monica Mountains contributes significantly to the SMM 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.

8. Located throughout the SMM 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.

9. Much of the SMM 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. The entire SMM Coastal Zone has been designated by the County Fire Department as a Very High Fire Hazard Severity Zone, the most dangerous fire classification.

10. The circulation system in the SMM 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 in the SMM Coastal Zone.

11. The natural resources in the SMM Coastal Zone require protection against pesticides and the 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. It would also adversely impact public and environmental health by introducing more pollutants into the area's watersheds and by overloading existing infrastructure. It is necessary to mitigate these impacts by preventing an increase in the net amount of development that could occur in the area and by encouraging development in these areas that are less constrained by small lot sizes, steep slopes, hazards, and sensitive resources.

13. The SMM 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. To protect public health and safety as well as environmental resources, second units must be restricted in the SMM Coastal Zone.

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

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

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

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

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

20. 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 the provision of public recreational opportunities.

21. The unique rural character and lifestyle enjoyed by residents in the SMM Coastal Zone, including their ability to engage in equestrian activities, must be preserved. The proposed SMM LCP allows equestrian facilities that are allegedly non-compliant with the SMM LCP to come into compliance and to continue to operate. If these equestrian facilities are unable to come into compliance with the SMM LCP due to site constraints, the SMM LCP allows them to operate as nonconforming uses for a certain period of time as long as they comply with certain minimum standards set forth in the SMM LCP.

22. Currently, no State-designated prime agricultural land exists in the SMM Coastal Zone on private land; all such land exits only on publicly-owned land, which land is designated as permanent open space.

23. While development of new or expanded agriculture uses in the SMM Coastal Zone could negatively impact coastal resources, small scale, crop-based agricultural uses can be developed to avoid these adverse impacts as long as certain limitations are imposed on these uses. Such limitations relate to such matters as location and the use of pesticides and rodenticides. Allowing limited new or expanded crop-based agriculture with these limitations is consistent with the Coastal Act and encourages the continuation of existing viable agriculture.

24. Establishment of new vineyards and expanding existing vineyards in the SMM Coastal Zone requires a number of activities that unavoidably adversely impact SMM Coastal Zone resources such as water quality, riparian area, water availability, and scenic views. Accordingly, it is appropriate to prohibit new vineyards and the expansion of existing vineyards in the SMM Coastal Zone.

25. The proposed SMM LIP provides protection for invaluable natural resources by, among other things: identifying H1 habitat in which only resource-dependent development is allowed, except for access roads in limited circumstances; establishing regulations for development in other areas in the SMM Coastal Zone, including a regulation limiting the amount of area which can be disturbed by development; and establishing a resource conservation program to allow the

County to purchase lands for preservation for the benefit of the public in the SMM Coastal Zone.

26. The proposed zone changes implemented through the zone change ordinance are compatible with and are supportive of policies in the General Plan and the proposed SMM LUP, and make the zoning in the SMM Coastal Zone conform to land use.

27. Good land use planning and zoning practice justifies the policies of the proposed SMM LUP and SMM LIP, which have the intent of protecting public health, safety, and general welfare.

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

29. The County complied with section 30503 of the California Public Resources Code and section 13515 of Title 14, Division 5.5 of the California Code of Regulations by providing appropriate public notice of the proposed SMM LCP, and by making copies of the proposed SMM LCP available for public review. County staff met with local homeowners, recreational and environmental groups, neighboring jurisdictions, and State and federal park agencies for their comments and to discuss the proposed SMM LCP. County staff accepted public comments on the proposed SMM LCP at the Board's February 2014 public hearing on the matter, and continued having meetings and discussions with the public through the time of the Coastal Commission hearings on the proposed SMM LUP and SMM LIP. Similar meetings were held in 2007 on the SMM LCP proposed at that time, the core provisions of which remain in the current LCP, and public hearings were held then before the Planning Commission and the Board.

30. The proposed SMM LCP will strike a balance between property rights and potential development in the SMM Coastal Zone, protecting and preserving the abundant natural resources in the SMM Coastal Zone, and otherwise being consistent with the policies of Chapter 3 of the Coastal Act.

THEREFORE, BE IT RESOLVED THAT THE BOARD OF SUPERVISORS:

1. Finds that the SMM LCP does not require an accompanying environmental document under the California Environmental Quality Act because it includes the preparation and adoption of a local coastal program under section 21080.9 of the California Public Resources Code.

2. Acknowledges that it received the Coastal Commission's resolutions of certification of the SMM LUP and SMM LIP with the Coastal Commission's suggested modifications to both the SMM LUP and SMM LIP; accepts and agrees to the Coastal Commission's approval of the SMM LCP, including, without reservation, all suggested modifications in the Coastal Commission's resolutions of certification to the SMM LUP and SMM LIP; and agrees to issue coastal development permits for the total area included in the certified SMM LCP.

3. Finds that the SMM LCP, including the SMM LUP and SMM LIP, as certified by the Coastal Commission, is consistent with the Coastal Act.

4. Certifies its intent that, upon transmittal of this resolution and the SMM LCP to the Coastal Commission, and upon effective certification of the SMM LCP by the Executive Director of the Coastal Commission such that jurisdiction under the Coastal Act is delegated to the County, the Board will carry out the SMM LCP, consisting of the both the SMM LUP and SMM LIP, including all modifications suggested by the Coastal Commission, in full conformity with the Coastal Act, including issuing coastal development permits as required by the Coastal Act.

5. Adopts the SMM LCP, consisting of: (a) the SMM LUP, including, without reservation, all suggested modifications in the Coastal Commission's resolution of certification of the SMM LUP, resulting in the replacement of the 1986 Malibu LUP, as set forth in the attached Exhibit A; and (b) the SMM LIP, including, without reservation, all suggested modifications in the Coastal Commission's resolution of certification of the SMM LIP and consisting of the amendments to the Zoning Code as set forth in the attached Exhibit B; and (c) the zone change ordinance, as set forth in the attached Exhibit C.

6. Directs the Director of the County Department of Regional Planning to transmit this resolution and the SMM LCP as adopted by the Board to the Coastal Commission for effective certification of the SMM LCP and for the delegation of jurisdiction to the County under the Coastal Act.

The foregoing resolution was on the _____ day of August 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:

RICHARD D. WEISS
Acting County Counsel

By _____
Deputy

Attachments