Proposed

Santa Monica Mountains Local Coastal Program Local Implementation Program

A Component of the Santa Monica Mountains Local Coastal Program

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County of Los Angeles
Department of Regional Planning

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List of Maps

Community Standards District Boundaries

ORDINANCE NO. _____

An ordinance amending Title 21 (Subdivisions) and Title 22 (Planning and Zoning) of the Los Angeles County Code, relating to establishment of the Santa Monica Mountains Coastal Zone Community Standards District ("CSD") and other actions necessary to implement the Santa Monica Mountains segment of the Los Angeles County Local Coastal Program.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. The following chapter and sections of the Los Angeles County Code are repealed:

Section 21.28.150 Reversions to acreage
Section 21.44.110 Reversions to acreage – Title sheet information
Chapter 22.44, Part 6, Malibu Coastal Program District
Section 22.44.119, Topanga Canyon Community Standards District
Section 22.44.123, Malibou Lake Community Standards District

SECTION 2. Section 21.16.060 is amended as follows:

21.16.060 Public hearings. Prior to the approval by the advisory agency of any tentative map, including a tentative minor or major land division map submitted pursuant to this Title 21, a public hearing shall be held before the advisory agency or the Board of Supervisors in the case of a reversion to acreage, and notice thereof shall be provided in the manner prescribed by Section 21.16.070 of this Title 21. Any interested person may appear at such a hearing and shall be heard.

SECTION 3. Section 21.16.070 is amended as follows:

21.16.070 Notice of public hearing. At least 30 days prior to a public hearing held pursuant to this Title 21, the planning director shall cause a notice, which contains the time and place of the hearing, a general description of the location of the proposed division of land or reversion to acreage, and a statement of a person's right to appear and be heard, to be:

. . .

SECTION 4. Section 21.24.410 is amended as follows:

21.24.410 Coastal development permit required. When a subdivision lies within the boundaries of the coastal zone, as defined in Section 30103 of the Public Resources Code, the subdivider shall apply for a coastal development permit concurrently with the tentative map. In the Santa Monica Mountains Coastal Zone, a major coastal development permit shall be required for a tract map, a minor coastal development permit shall be required for a parcel map, and both maps shall be conditioned to require participation in the transfer of development creditprogram specified in Section 22.44.603. The advisory agency shall approve a tentative map only if a coastal development permit has been approved for the land division.

SECTION 5. Chapter 21.44, FINAL MAPS AND PARCEL MAPS, Parts: is amended by adding the following to the list:

…

3. Reversion to Acreage

SECTION 6. Chapter 21.44 Part 3, Reversion to Acreage, is added as follows:

Part 3

Reversion to Acreage

Sections:

21.44.400 Establishment and purpose

21.44.410 Initiation

21.44.420 Contents of petition

21.44.430 Submittal of petition

21.44.440 Board of Supervisors' or the hearing officer's decision

21.44.450 Dedications

21.44.460 Title sheet information

21.44.400 Establishment and purpose. This part establishes the procedures and standards for the reversion to acreage of subdivided real property as provided in Sections 66499.11 et seq. of the Subdivision Map Act. This part shall apply to tract and parcel maps.

21.44.410 Initiation. A reversion to acreage may be initiated by:

A. The Board of Supervisors on its own motion by resolution; or

B. A petition by all of the owners of record of the real property intended to be part of reversion within the subdivision.

21.44.420 Contents of petition. When a reversion to acreage is initiated by all of the owners of record of the real property intended to be part of reversion within the subdivision, the petition shall contain, but shall not be limited to, the following:

A. Evidence of title to the real property within the subdivision;

B. Evidence that all owners of an interest in the real property within the subdivision have consented to the reversion;

C. Evidence that none of the improvements required to be made have been made within two years from the date the tract or parcel map was filed for recordation, or within the time allowed by agreement for completion of the improvements, whichever is the later;

D. Evidence that no lots shown on the tract or parcel map have been sold within five years from the date such map was filed for recordation;

E. Copies of a tract or parcel map in the form and with the contents prescribed by this chapter which delineates dedications that will not be vacated and dedications that are a condition of reversion;

F. Fees as required by this title;

G. Such other information as may be required by the Planning director or director of Public Works.

H. The director may waive any of these items where they are not necessary to process the application.

21.44.430 Submittal of petition. A. The petition, together with the final or parcel map for reversion, shall be submitted to the Department of Public Works for review and distribution.

B. After consultation with the Department of Regional Planning and upon finding that the petition meets all the requirements of this chapter, the Department of Public Works shall set the matter for public hearing before the Board of Supervisors in accordance with the provisions of Chapter 21.16. Where a petition for reversion has been submitted pertaining to four or fewer contiguous parcels under the same ownership, the Department of Public Works shall notify the Planning director who shall set the matter for public hearing before the hearing officer in accordance with the provisions of Chapter 21.16.

21.44.440 Board of Supervisors or the hearing officer's decision. A. A public hearing shall be held by the Board of Supervisors or the hearing officer on all proposed reversions to acreage.

B. The Board of Supervisors or the hearing officer may approve a reversion to acreage only if it finds:

1. That dedications or offers of dedication to be vacated or abandoned by the reversion to acreage are unnecessary for present or prospective public purposes; and

2. Either:

a. All owners of an interest in the real property within the subdivision have consented to the reversion; or

b. None of the improvements required to be made have been made within two years from the date the tract or parcel map was filed for recordation, or within the time allowed by agreement for completion of the improvements, whichever is the later; or

c. No lots shown on the tract or parcel map have been sold within five years from the date such map was filed for recordation.

21.44.450 Dedications. Dedication of land for public streets, highways, trails, ways, or easements may be accepted on a tract or parcel map submitted for the purpose of reverting to acreage land previously subdivided.

21.44.460 Title sheet information. Upon the title sheet of each map filed for the purpose of reverting subdivided land to acreage, the subtitle shall consist of the words "A Reversion to Acreage of . . . (insert a legal description of the land being reverted)."

SECTION 7. Section 21.60.010 is amended as follows:

21.60.010 Purpose of chapter provisions. This chapter supplements those provisions of Sections 66499.20, 66499.34, 66499.35 and 66499.36 of the Subdivision Map Act pertaining to merger of contiguous parcels under common ownership, notices of violation and certificates of compliance.

SECTION 8. Section 21.60.070 is amended as follows:

21.60.070 Coastal development permit required. The director shall impose a condition that a coastal development permit, which in the Santa Monica Mountains Coastal Zone shall mean a minor coastal development permit, be obtained in

accordance with Part 17, Chapter 22.56 of Title 22 for a conditional certificate of compliance that meets the following criteria:

A. The real property lies within the boundaries of the coastal zone, as defined in Section 30103 of the Public Resources Code;

B. The division of property occurred after December 31, 1976, or if the division was created unlawfully before January 1, 1977;

C. The conditional certificate of compliance would be issued pursuant to Section 66499.35(b) of the Government Code.

SECTION 9. Section 21.60.080 is added as follows:

21.60.080 Merger of contiguous parcels. Contiguous parcels under common ownership may be merged without reverting to acreage by filing a certificate of compliance. Following the review and approval by the director, the certificate of compliance and a covenant and agreement to hold property as one parcel shall be filed with the County Recorder for recordation. Any parcels within the coastal zone, as defined in Section 30103 of the Public Resources Code, that have been merged through this procedure shall not be separated by sale or lease without an approved minor coastal development permit.

SECTION 10. Chapter 21.64, Merger of Lots or Parcels, is added as follows:

Chapter 21.64

Merger of Lots or Parcels

Sections:

21.64.010 Purpose of chapter provisions

21.64.020 Merger requirements

21.64.030 Effective date of merger

21.64.040 Notice of intent to determine status

21.64.050 Request for hearing

21.64.060 Hearing procedures

21.64.070 Determination when no hearing is requested

21.64.080 Determination of non-merger

21.64.090 Appeals

21.64.010 Purpose of chapter provisions. This chapter implements the provisions of Section 66451.10 et seq. of the Subdivision Map Act pertaining to mergers of lots and parcels.

21.64.020 Merger requirements. A lot or parcel may be merged with contiguous lots or parcels held by the same person if any one of the contiguous lots or parcels held by the same person does not conform to standards for minimum lot or parcel size under Title 22 applicable to the lots or parcels, and if all of the following requirements are satisfied:

A. At least one of the affected lots or parcels is undeveloped by any structure for which a building permit was issued or for which a building permit was not required at the time of construction, or is developed only with an accessory structure or accessory structures, or is developed with a single structure, other than an accessory structure, that is also partially sited on a contiguous lot or parcel.

B. With respect to any affected lot or parcel, one or more of the following conditions exists:

1. Comprises less than 5,000 square feet in area at the time of the determination of merger.

2. Was not created in compliance with applicable laws and ordinances in effect at the time of its creation.

3. Does not meet current standards for sewage disposal and domestic water supply.

4. Does not meet current standards for slope stability.

5. Has no legal access which meets current standards for vehicular and emergency access and maneuverability.

6. Its development would create health or safety hazards.

7. Is inconsistent with the applicable general plan, area plan, coastal plan, community plan, and any applicable specific plan.

C. The person who owns the affected parcels has been notified of the merger proposal pursuant to Section 21.64.040 and is afforded the opportunity for a hearing pursuant to Section 21.64.050. For purposes of this section, when determining whether contiguous lots or parcels are held by the same person, ownership shall be determined as of the date that notice of intention to determine status is recorded.

21.64.030 Effective date of merger. A merger of lots or parcels becomes effective when a determination of merger is filed for record with the County Recorder. A notice of merger shall specify the names of the record owners and shall particularly describe the real property.

21.64.040 Notice of intent to determine status. Prior to recording a notice of merger, the Planning director shall cause to be mailed by certified mail to the then current record owner of the property a notice of intention to determine status, notifying the person that the affected lots or parcels may be merged pursuant to standards specified in Section 21.64.020, and advising the owner of the opportunity to request a hearing on determination of status and to present evidence at the hearing that the property does not meet the criteria for merger. The notice of intention to determine status shall be filed for record with the County Recorder on the date that the notice of merger is mailed to the property owner.

21.64.050 Request for hearing. At any time within 30 days after recording of the notice of intention to determine status, the owner of the affected property may file with the Planning director a request for a hearing on determination of status.

21.64.060 Hearing procedures. A. Upon receiving a request for a hearing on determination of status from the owner of the affected property pursuant to Section 21.64.050, the Planning director shall fix a time, date, and place for a hearing to be

conducted by the hearing officer, and shall notify the property owner of that time, date, and place for the hearing by certified mail. The hearing shall be conducted not more than 60 days following the local agency's receipt of the property owner's request for the hearing, but may be postponed or continued with the mutual consent of the Planning director and the property owner.

B. At the hearing, the property owner shall be given the opportunity to present any evidence that the affected property does not meet the standards for merger specified in Section 21.64.020. At the conclusion of the hearing, the hearing officer shall make a determination that the affected lots or parcels are to be merged or are not to be merged and shall so notify the owner of his or her determination. A determination of merger shall be recorded within 30 days after conclusion of the hearing, as provided for in Section 21.64.030.

21.64.070 Determination when no hearing is requested. If, within the 30-day period specified in Section 21.64.050, the person owning the property does not file a request for a hearing in accordance with Section 21.64.060, the hearing officer may, at any time thereafter, make a determination that the affected lots or parcels are to be merged or are not to be merged. A determination of merger shall be recorded as provided for in Section 21.64.030 no later than 90 days following the mailing of notice required by Section 21.64.040.

21.64.080 Determination of non-merger. A. A determination of non-merger may be made whether or not the affected property meets the standards for merger specified in Section 21.64.020 if the hearing officer or Regional Planning Commission finds that development of the individual lots or parcels would not be contrary to the public health, safety, or welfare.

B. If, in accordance with Sections 21.64.060 or 21.64.070, the hearing officer or Regional Planning Commission determines that the subject property shall not be merged, the Planning director shall cause to be recorded in the manner specified in Section 21.64.030 a release of the notice of intention to determine status, recorded

pursuant to Section 21.64.040, and shall mail a clearance letter to the person who is the current owner of record.

21.64.090 Appeals. A. A property owner dissatisfied with an action taken by the Planning director or hearing officer may appeal to the Regional Planning Commission.

B. All appeals shall be submitted and acted upon in the manner prescribed by Section 22.60.200 et seq. of Title 22.

C. Upon filing an appeal the appellant shall pay a processing fee as required in Section 21.56.020 of this title.

SECTION 11. Section 22.08.190, Definitions "S," is amended as follows:

22.08.190 S.

…

-- "Sensitive environmental resource area" means:

A. Any of the following areas designated on the sensitive environmental resources map of the ~~Malibu Land Use~~ Santa Monica Mountains Coastal Zone Plan: environmentally sensitive habitat areas, ~~disturbed sensitive resources~~, significant ~~oak~~ woodlands and savannas, significant watersheds, ~~wildlife migration corridors~~ and ~~the Malibu/Cold Creek resource management area~~ watersheds;

B. All property within 200 feet of an environmentally sensitive habitat area.

. . .

-- "Significant ecological area" means:

A. Significant ecological areas/habitat management areas designated on the special management areas map of the general plan.

B. Environmentally sensitive habitat areas, sensitive environmental resource areas and rare plant habitat areas, identified in the Santa Monica Mountains,

Santa Catalina Island, or Marina del Rey Local Coastal Programs depicting any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

…

SECTION 12. Section 22.12.010 Zones designated – Purpose - Statutory authority, is amended by adding the following zone designation to the list:

…

R-C Zone – Rural-Coastal Zone

…

SECTION 13. Chapter 22.40, SPECIAL PURPOSE AND COMBINING ZONES, Parts: is amended by adding the following to the list:

…

Part 16. R-C Rural-Coastal Zone

SECTION 14: Chapter 22.40 Part 16, Rural-Coastal (Zone), is hereby added as follows:

Part 16

R-C RURAL-COASTAL ZONE

Sections:

22.40.800 Establishment – Intent and purpose.

22.40.810 Uses subject to administrative coastal development permits.

22.40.820 Accessory uses and structures.

22.40.830 Uses subject to minor coastal development permits.

22.40.840 Uses subject to major coastal development permits.

22.40.850 Development standards for single-family residence.

22.40.860 Height limits.

22.40.870 Yard requirements.

22.40.880 Parking.

22.40.890 Required area.

22.40.800 Establishment – Intent and purpose. Zone R-C is established to allow for residential development that is consistent with the goals of preserving the rural character and scenic quality of the Santa Monica Mountains Coastal Zone, and to minimize the impacts of future development on the region's coastal and environmental resources.

22.40.810 Uses subject to administrative coastal development permits. Property in Zone R-C may be used for the following provided that an Administrative Coastal Development Permit has first been obtained as provided in Part 17 of Chapter 22.56, Section 22.44.516 C, and Section 22.44.606 C:

A. Principal Permitted Use:

-- Residences, single-family.

B. Other Permitted Uses.

-- Adult residential facilities, limited to six or fewer persons.

-- Domestic animals maintained or kept as pets or for personal use as provided in Part 3 of Chapter 22.52.

-- Family child care homes, small.

-- Foster family homes.

-- Group homes, children, limited to six or fewer persons.

-- Mobilehomes used as a residence of the owner and his or her family during the construction by such owner of a permanent residence, but only while a building permit for the construction of such residence is in full force and effect and provided:

1. That the site plan submitted shall demonstrate a reasonable, practical and economically feasible means of removing the mobilehome following completion of construction;

2. That such mobilehome shall contain not more than one dwelling unit, not to exceed 12 feet in width and with no structural attachments; and

3. That such mobilehome shall be removed from the site prior to the end of 12 months from the date of approval unless extended up to 12 additional months with an administrative coastal development permit.

-- Resource-dependent uses, including nature observation, research/ education, and passive recreation including horseback riding and hiking trails, but excluding trails for motor vehicles.

-- Small family homes, children.

C. Additional Permitted Uses.

-- Arts and crafts uses providing limited commercial and production activities on the premises where the property owner resides, as listed in Section 22.40.490 A.1 and, unless stated otherwise herein, subject to the following development standards:

1. The premises must lie on the portion of the following Old Topanga Rural Village lots that contained C-3 zoning prior to the date on which this part is certified by the Coastal Commission:

a. Lots 46 through 56 of Tract No. 6131, within 180 feet of the centerline of Old Topanga Canyon Road, and;

b. Lots 59 through 71, 77, and 114 of Tract No. 6131, within 200 feet of the centerline of Old Topanga Canyon Road.

2. The development standards contained in Section 22.40.500.

3. Premises shall be subject to the height limits as specified in Section 22.44.605.

4. The arts and crafts use shall not be conducted in any attached or unattached structure intended for the parking of automobiles.

5. There shall be only one arts and crafts use per parcel or lot of land.

6. Signs as provided in Part 10 of Chapter 22.52, subject to Section 22.44.608.

7. The arts and crafts use shall not involve the use of commercial vehicles for delivery of materials and products to or from the premises in excess of that which is customary for a dwelling unit or which has a disruptive effect on the neighborhood. No tractor-trailer or similar heavy-duty equipment shall be used for delivery or pickup of materials in connection with the commercial or production activities.

8. Pedestrian or vehicular traffic shall not be generated in excess of that which is customary for a dwelling unit, or which would have a disruptive effect on the neighborhood.

9. The arts and crafts use shall cease when the use becomes detrimental to the public health, safety and welfare, or constitutes a nuisance, or when the use is in violation of any statue, ordinance, law or regulation.

-- Family child care homes, large, having no more than 14 persons, subject to the procedures and standards provided in Section 22.20.021 A.

-- Horse boarding, private, which means the maintenance, keeping, and/or training of horses and other equines owned by persons who are not owners or lessees of the lot or parcel of land upon which such actions are undertaken accessory to a primary residential use, subject to the provisions specified in Sections 22.44.700, and subject to the following provisions:

1. All buildings or structures used in conjunction therewith shall be located not less than 50 feet from any street or highway or any building used for human habitation.

2. Not more than eight such animals per acre may be permitted, up to a maximum of 24 such animals.

3. The lot or parcel of land shall have a minimum area of 15,000 square feet per dwelling unit, and is allowed one horse or other equine over nine months of age for each 5,000 square feet of lot area.

-- Light agricultural uses listed below, subject to the provisions of Sections 22.44.610 and 22.44.700, and provided that all buildings or structures used in conjunction therewith shall be located not less than 50 feet from any street or highway or any building used for human habitation:

1. The raising of horses and other equine, cattle, sheep, goats, alpacas, and llamas, including the breeding and training of such animals, on a lot or parcel of land having an area of not less than one acre and provided that not more than eight such animals per acre of the ground area available for use be kept or maintained in conjunction with such use.

2. The grazing of cattle, horses, sheep, goats, alpacas, or llamas on a lot or parcel of land with an area of not less than five acres, including the supplemental feeding of such animals, provided:

a. That such grazing is not a part of nor conducted in conjunction with any dairy, livestock feed yard, livestock sales yard, or commercial riding academy located on the same premises.

b. That no buildings, structures, pens, or corrals designed or intended to be used for the housing or concentrated feeding of such stock be used on the premises for such grazing other than racks for supplementary feeding, troughs for watering, or incidental fencing.

3. Greenhouses on a lot or parcel of land having, as a condition of use, an area of not less than one acre.

4. Raising of poultry, fowl, birds, fish, bees, earthworms, and other similar animals of comparable nature, form, and size, including hatching, fattening, marketing, sale, slaughtering, dressing, processing, and packing, and including eggs, honey or similar products derived therefrom, on a lot or parcel of land having, as a condition of use, an area of not less than one acre.

22.40.820 Accessory uses and structures. Property in Zone R-C may be used for the following uses or structures accessory to the principal use allowed:

-- Accessory buildings and structures customarily used in conjunction therewith.

-- Building materials, storage of, used in the construction of a building or building project, during the construction and 30 days thereafter, including the contractor's temporary office, provided that any lot or parcel of land so used shall be a part of the building project, or on property adjoining the construction site.

-- Crops – Field, tree, bush, berry, and row, including nursery stock, located in Fuel Modification Zones A, B and/or C, and subject to the provisions of Section 22.44.610.

-- Rooms in a single-family residence may be rented to four or fewer residents, with or without table board, unless the residence is also used as an adult residential facility or a group home for children and either use has a capacity of more than six persons.

22.40.830 Uses subject to minor coastal development permits. Property in Zone R-C may be used for the following uses, provided that a Minor Coastal Development Permit has first been obtained as provided in Part 17 of Chapter 22.56 and Section 22.44.516, and while such permit is in full force and effect in conformity with the conditions of such permit for:

-- Access roads that cross one or more vacant parcels.

-- Access to property lawfully used for a purpose not permitted in Zone R-C, provided no other practical access to such property is available, and such access will not alter the character of the premises in respect to permitted uses in Zone R-C.

-- Arts and crafts uses providing limited commercial and production activities on the premises where the property owner resides, which are similar to and are neither more obnoxious nor detrimental to the public welfare than those uses listed in Section 22.40.810 C, and subject to the development standards listed in Section 22.40.810 C.

-- Bed and breakfast establishments, pursuant to the provisions specified in Section 22.44.701.

-- Detached living quarters on the same premises as, and not less than 20 feet from, a single-family residence for the use of temporary guests or domestic staff of the occupants of such residence provided:

1. That such quarters have no kitchen or kitchen facilities;

2. That such quarters are not rented or otherwise used as a separate dwelling;

3. That such quarters are established on a lot or parcel of land that does not contain a second unit;

4. That such quarters are established on a lot or parcel of land having not less than one and one-half times the required area, except that said quarters may be established on any lot or parcel of land containing 10,000 square feet or more;

5. That such quarters shall have an onsite wastewater treatment system separate from the single-family residence; and

6. That such quarters shall contain no more than 750 square feet of floor area.

-- Family child care homes, large, having no more than 14 persons, where the standards of Section 22.20.021 have not been met.

-- Home-based occupations, subject to the limitations, standards and conditions contained in Section 22.20.020.

-- Living quarters for domestic staff employed in and by the occupants of a single-family residence, attached to such residence, if no additional kitchen or kitchen facilities or equipment or cooking facilities or equipment are established or maintained in such attached domestic staff's quarters, and which shall contain no more than 750 square feet of floor area.

-- Motion picture sets, including the temporary use of domestic and wild animals in motion picture and television production, provided that wild animals are kept or maintained pursuant to all regulations of the Los Angeles County Department of Animal Control, and are not retained on the premises for a period exceeding 60 days. The director may extend such time period for not to exceed 30 additional days subject to the provisions of Part 12 of Chapter 22.56 on director's review.

-- Parks, trails, playgrounds, and beaches, with all appurtenant facilities customarily found in conjunction therewith, subject to the provisions of Section 22.44.620.

-- Shared water wells, subject to the provisions of Section 22.56.1764.

-- Wireless telecommunication facilities, subject to the provisions of Section 22.44.613.

22.40.840 Uses subject to major coastal development permits. Property in Zone R-C may be used for the following uses, provided that a Major Coastal

Development Permit has first been obtained as provided in Part 17 of Chapter 22.56 and Section 22.44.516, and while such permit is in full force and effect in conformity with the conditions of such permit for:

-- Adult day care facilities, having no more than 14 persons.

-- Child care centers.

-- Churches, temples, or other places used exclusively for religious worship, including customary, incidental educational and social activities in conjunction therewith.

-- Communication equipment buildings.

-- Crops − field, tree, bush, berry, and row, including nursery stock, which are not located within a Fuel Modification Zone subject to the provisions of Section 22.44.610.

-- Density-controlled developments, subject to the conditions of Section 22.56.205 except that reference to a conditional use permit shall mean a Major Coastal Development Permit and provided that:

1. The proposed development is not located in any of the Rural Villages identified in Section 22.44.823.

2. Townhomes are prohibited.

3. Findings shall be made that clustering of the proposed development will:

a. Reduce grading alterations;

b. Preserve native vegetation;

c. Preserve unique land features;

d. Preserve open space;

e. Enhance recreational areas; and/or

f. Protect view corridors and viewsheds.

4. In order to minimize the visual impacts of the development, the proposed density-controlled development includes either:

a. An undeveloped buffer between the proposed development and any adjacent lots designated with rural land use categories (one-acre minimum required area or less); or

b. A gradation of lot sizes from larger sizes next to adjoining parcels to smaller parcels away from adjoining parcels. Lots that border adjoining parcels shall be no less than 50 percent of the size of the adjoining parcels.

-- Electrical distribution substations and electric transmission substations, including microwave facilities used in conjunction with either.

-- Fire stations.

-- Gas metering and controlling stations, public utility.

-- Historic vehicle collection, subject to the standards and conditions contained in Section 22.56.1761.

-- Plant nursery, retail, subject to the conditions of Section 22.24.060 B.

-- Publicly-owned uses necessary to the maintenance of public health, convenience or general welfare in addition to those specifically listed in this section.

-- Qualified projects, as provided in Part 17 of Chapter 22.52 and Part 18 of Chapter 22.56.

-- Riding academies, stables, and/or the boarding of more than 24 horses, on a lot or parcel of land having, as a condition of use, an area of not less than five acres.

-- Rural inns, subject to the standards provided in subsection C of Section 22.44.702.

-- Schools, through grade 12, accredited, subject to the procedures and standards provided in Section 22.44.609, including appurtenant facilities, which offer instruction required to be taught in the public schools by the Education Code of the state of California, in which no pupil is physically restrained, but excluding trade or commercial schools.

-- Second units located within any area described in subsection B of Section 22.52.1730 as modified by Section 22.44.618, and subject to the provisions of Part 17 of Chapter 22.56 and Section 22.44.516.

-- Storage, temporary, of materials and construction equipment used in construction or maintenance of streets and highways, sewers, storm drains, underground conduits, flood control works, pipelines, and similar uses for a period not to exceed one year.

-- Temporary uses, as provided in Part 14 of Chapter 22.56.

-- Uses normal and appurtenant to the storage and distribution of water.

-- Wind energy conversion systems, non-commercial, in conformance with the standards and requirements specified in Part 15 of Chapter 22.52.

-- Wineries, as defined in Section 22.08.230, subject to the provisions of Section 22.56.1763 and subsections (A)(1) and (A)(2) of Section 22.56.225, provided that the lot or parcel of land on which a winery is located is adequately served by highways or streets of sufficient width, and improved as necessary to carry the kind and quantity of traffic such use would generate.

22.40.850 Development standards for single-family residences. A. All single-family residences in Zone R-C shall be subject to the following development standards:

1. Every single-family residence shall have a roof constructed with fire-proof roofing material in compliance with Title 26 (Building Code) of this code, except that reflective, glossy, polished, and/or roll-formed type metal roofing is prohibited.

2. Every single-family residence shall have an exterior siding of fire-proof material, except that reflective, glossy, polished, and/or roll-formed type metal siding is prohibited.

3. The proposed project shall not be located on a Significant Ridgeline or otherwise result in significant adverse impacts on scenic resources identified in the certified Coastal Zone Plan;

4. The proposed project shall not be located within a geologic or a flood hazard area or, if located within such an area, it has been determined by the Department of Public Works to be a safe site for the construction of a single-family residence;

5. The proposed project shall be served by an adequate water supply that is legally available for use either by means of a well or by means of a connection to a municipal water system with sufficient capacity to serve such lot or lots.

B. The standards listed in this section may be modified by the director pursuant to the procedures of Part 12 of Chapter 22.56 and the findings contained in

Section 22.56.1755.

22.40.860 Height limits. Premises in Zone R-C shall comply with the height limits as specified in Section 22.44.605.

22.40.870 Yard requirements. A. Premises in Zone R-C shall be subject to the yard requirements provided herein:

1. Front Yards. Each lot or parcel of land shall have a front yard of not less than 20 feet in depth.

2. Corner Side Yards. Each lot or parcel of land situated on a corner shall have corner side yards of not less than:

a. 10 feet on a reversed corner lot; or

b. Five feet on other corner lots.

3. Interior Side Yards. Each lot or parcel of land shall have interior side yards of not less than five feet.

4. Rear Yards. Each lot or parcel of land shall have a rear yard of not less than 15 feet in depth.

B. Yards required by this zone are also subject to the general provisions and exceptions contained in Chapter 22.48, which shall apply as specified.

22.40.880 Parking. Premises in Zone R-C shall provide parking facilities as required by Part 11 of Chapter 22.52.

22.40.890 Required area. Premises in Zone R-C shall provide the required area as specified in Part 2 of Chapter 22.52.

SECTION 15. Chapter 22.44 Part 9, the Santa Monica Mountains Coastal Zone Community Standards District, is hereby added as follows:

Part 9
SANTA MONICA MOUNTAINS COASTAL ZONE COMMUNITY STANDARDS DISTRICT

Sections:

GENERAL PROVISIONS

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22.44.501 Description of district.
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22.44.504 Appeals.
22.44.505 Resolving regulatory conflicts.
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22.44.511 ERB review of development.
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22.44.700 Livestock management.
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22.44.702 Rural inns.
22.44.703 Residential zones. (R-1, R-3)
22.44.715 Commercial zones. (C-1, C-2)
22.44.727 Zone R-R.
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22.44.739 Zone IT.

AREA-SPECIFIC DEVELOPMENT STANDARDS

22.44.800 Sensitive environmental resource areas.

22.44.810 Scenic resources.

22.44.816 Hazards.

22.44.822 Rural villages.

22.44.827 Malibu Lake area.

22.44.500 Intent and purpose. A. The Santa Monica Mountains Coastal Zone Community Standards District (CSD) is the main component of the local implementation program and constitutes the primary implementation mechanism for the Santa Monica Mountains Coastal Zone Plan (Plan). As such, it establishes regulations for new development and for the protection and management of the Santa Monica Mountains Coastal Zone's unique resources. Together, the Plan and the CSD constitute the County's state-mandated local coastal program (LCP).

B. Amendments to the County Planning and Zoning Ordinance that affect sections cited in this CSD shall not apply until certified as amendments to the LCP by the California Coastal Commission.

22.44.501 Description of district. The Santa Monica Mountains Coastal Zone is the unincorporated area bounded by the City of Los Angeles on the east, the Pacific Ocean and the City of Malibu on the south, Ventura County on the west, and the inland boundary of the Coastal Zone on the north. The inland boundary of the Coastal Zone is located approximately five miles inland of the Pacific Ocean. The boundaries of the District are shown on the Santa Monica Mountains Coastal Zone Community Standards District map following this Part.

22.44.502 Organization. The discussion of specific zones in this Part is organized as follows:

A. Uses subject to administrative coastal development permit.

1. Principal permitted uses. These are the principal permitted uses in each zone.

2. Other permitted uses. These are uses which generally are accessory to the principal permitted use.

B. Accessory uses and structures. These are uses, including buildings and structures, which are customarily incidental to, related to and clearly subordinate to the main building, structure, and/or use of land.

C. Prohibited uses. These are uses which are not allowed in the zone.

D. Uses subject to a minor coastal development permit. These are uses which may conform to the intent of the zone, but have the potential for minor impacts to the surrounding human and/or natural environment.

E. Uses subject to a major coastal development permit. These are uses which may conform to the intent of the zone, but have the potential for major impacts to the surrounding human and/or natural environment.

F. Development standards. These are provisions which, in addition to other provisions of this Title, apply to development within a particular zone. These provisions relate to such aspects as height limits, landscaping, lot coverage, parking, setbacks, etc. Compliance with these standards will be substantiated through the issuance of a coastal development permit and/or other zoning permits or review.

22.44.503 Review of biological resource information. The Department of Regional Planning's staff biologist shall analyze all biological resource information submitted as part of a coastal development permit that is not subject to evaluation by the Environmental Review Board (ERB). The form and content of such information shall be to the satisfaction of the staff biologist. The staff biologist shall prepare a written report containing an analysis of the information and any recommendations. The staff biologist's report may be forwarded to the ERB, and shall be included in the staff report for the coastal development permit.

22.44.504 Appeals. Appeals to decisions on coastal development permits are subject to the provisions of Part 17 of Section 22.56.

22.44.505 Resolving regulatory conflicts. Where provisions within the CSD conflict, the provision which is the most protective of coastal resources shall take precedence, unless the conflict involves a safety issue. In that case, the provision which is most protective of public safety shall take precedence.

22.44.506 Definitions.

-- "Buildable parcel" means a lot or parcel which contains a site that may be lawfully accessed, has a potable water source, is served by public sewer or the rate of percolation will accommodate an onsite wastewater treatment system, is not located in an area of landslide or other geologic hazard, and upon which at least one structure can be built in conformity with all County policies and all County codes in effect at the time of a complete application for a development or building permit.

-- "Building site" means a contiguous area of land that contains all proposed buildings, including accessory decks, patios, and impervious surfaces, but shall not include driveways, access roads, approved trails, or equestrian facilities such as riding rings and corrals.

-- "Donor areas" mean those buildable parcels where the development potential can be retired. Donor areas include all land located within Environmentally Sensitive Habitat Areas (ESHAs), Significant Woodlands and Savannas, Significant Watersheds, property adjoining parklands, and lots within any of the identified small-lot subdivisions within the Santa Monica Mountains Coastal Zone or Santa Monica Mountains North Area.

-- "Drainage course" means a watercourse with defined bed, bank, and channel, and/or locally-indigenous hydrophytic vegetation, that would fall under the jurisdiction of the California Department of Fish and Game, as found in Sections 1600-1616 of the California Fish and Game Code.

-- "Environmentally sensitive habitat areas" (ESHA) mean areas in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

-- "Fractional section" means a section, often irregularly shaped, located at the boundary of a rancho that was divided into numbered lots by the original government survey of public lands; considered an undersized section.

-- "Livestock" means any pig, pygmy pig, hog, cow, bull steer, horse, mule, jack, jenny, hinny, sheep, goat, llama, alpaca, domestic fowl, or rabbit as defined in Section 10.08.170 of the County Code.

-- "Normal division of land" means a breakdown by quarters and/or halves which results in parcels of 320, 160, 80, 40, 20, or 10 acres, or an original numbered lot in a fractional section.

-- "Open space" means land intended to remain in an undeveloped condition; it does not include land that is part of a private yard, roadway, golf course, playground area, or any other developed area that does not contain a building.

-- "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, limited liability company, corporation, estate, trust, business trust, receiver, syndicate, this and any other county, city and county, municipality, district or other local or regional political subdivision, the state and any of its agencies, and to the extent permitted by federal law, the United States, or any of its agencies or political subdivisions, or any other group or combination acting as a unit.

-- "Private living space" means the total gross structural area (GSA) calculated according to subsection A3 of Section 22.44.826, excluding 400 square feet of garage or carport area per unit.

-- "Project" means the whole, and all phases, of a development on one or more parcels and including easements and entitlements to improve and use other properties in connection with the project.

-- "Rural inn" means a facility located in a rural area, containing guest rooms or cabins used for short-term rental accommodations, some or all of which have a separate entrance leading directly from the outside of the building, and which do not contain kitchen facilities.

-- "Rural land land use category" means a maximum density of one dwelling unit or less per gross acre is allowed, as shown on the Coastal Zone Plan Land Use Policy Map.

-- "Rural villages" means small-lot subdivisions in rural mountain areas, many of which were created in the 1920s and which often lack a basic physical infrastructure meeting current development standards. In the Santa Monica Mountains Coastal Zone, these lots are concentrated in the following areas: El Nido, Fernwood, Las Flores Heights, Malibu Bowl, Malibu Highlands, Malibou Lake, Malibu Mar Vista, Malibu Vista, Monte Nido, Old Post Office Tract, Old Topanga, Topanga Oaks, Topanga Woods, and Vera Canyon.

-- "Sensitive environmental resource areas" means any of the following areas designated on the Sensitive Environmental Resource Areas map of the Santa Monica Mountains Coastal Zone Plan: environmentally sensitive habitat areas, significant woodlands and savannas, significant watersheds, and watersheds.

-- "Significant woodlands and savannas" means non-riparian woodlands or savannas with a dominant canopy composed of oak species.

-- "Significant watersheds" means relatively undisturbed watershed areas containing undisturbed riparian and oak woodlands (or savannas) and recognized as important in contributing to the integrity of these woodlands.

-- "Undersized section" means one that contains less than 640 acres as originally surveyed by the United States Geological Survey.

-- "Urban land use category" means a density of more than one dwelling unit per net acre is allowed, as shown on the Land Use Policy Map in the Coastal Zone Plan.

-- "Watershed" means the entire land area, delineated by ridgelines, which collects precipitation and drains into a receiving body of water or point along a drainage course.

22.44.510 Environmental review board (ERB). A. The environmental review board (ERB), established by Ordinance 92-0037 § 6 (part), 1992, is continued.

B. Composition. The ERB shall consist of nine qualified professionals with

technical expertise in resource management. The director shall appoint members who meet the above criteria from among the following list of professions including, but not limited to: aquatic biologist, archaeologist, architect, biogeographer, botanist, certified arborist, civil engineer, coastal geologist, conservation biologist, ecologist, forester, freshwater biologist, geomorphologist, horticulturist, hydrologist, landscape architect, marine biologist, marine microbiologist, planner, soils specialist, trails expert, water quality specialist, and wildlife biologist. No more than three members shall be County employees.

C. Duties. The ERB shall evaluate proposals for development sited within the Santa Monica Mountains Coastal Zone, unless exempted by Section 22.44.512 or other provisions of this Chapter, to ensure that development in these areas is consistent with the resource protection policies and standards of the Santa Monica Mountains Local Coastal Program (LCP). ERB's recommendation as to consistency, which shall contain any mitigation measures deemed necessary to bring the development into consistency with the LCP, will be provided to the hearing officer, Regional Planning Commission, Board of Supervisors, and other County of Los Angeles decision-making bodies that approve development applications in the Santa Monica Mountains Coastal Zone.

D. Meetings. Meetings of the ERB shall be open and public. Notice of ERB meetings shall be delivered personally or by first class mail, postage prepaid, at least 21 days prior to the meeting to any person who has filed a written request therefore with the director.

E. Rules and procedure. The director shall adopt rules and procedures necessary or convenient for the conduct of the ERB's business.

22.44.511 ERB review of development.

A. ERB review required.

1. Prior to the issuance of any building, demolition or grading permit, approval of a land division, or the commencement of any development as defined in

Section 22.08.040, development proposals within the following areas shall be reviewed by ERB, unless exempted as specified in Section 22.44.512:

a. Sensitive environmental resource areas, excluding development in Watersheds that is more than 200 feet from an ESHA;

b. Within 200 feet of an ESHA to ensure that the impacts do not adversely affect the resources.

2. Rural Villages. Any development within the Las Flores Heights, Malibu Mar Vista, Malibu Vista, and Vera Canyon Rural Villages shall be evaluated by the ERB, as described in Section 22.44.510.

B. Application. Development proposals that require ERB evaluation shall be processed through the coastal development permit procedure or concurrently with any other application required by Title 21 Subdivision Ordinance or Title 22 Planning and Zoning Ordinance. The ERB recommendation shall be included in the staff report provided to and considered by the decision-making body.

C. Concurrent filings. Development proposals initially requiring a decision by the hearing officer or Regional Planning Commission under Titles 21 or 22 including, but not limited to, variances, land divisions, zone changes, or plan amendments, shall be processed as required by the applicable Title.

D. Additional contents of application. In addition to the material specified in Section 22.56.1680, or in Titles 21 and 22, an application shall contain such other material as may be required by the director to determine compliance with the provisions of this community standards district, including a biological constraints analysis and/or a biota report prepared pursuant to guidelines established by the director. Upon the submission of an application and the appropriate filing materials and fees, the director shall forward a copy of the material to the ERB for its review and recommendation.

E. ERB recommendation. The ERB shall evaluate the development proposal and submit its recommendation and any suggested mitigation measures in writing directly to the decision-making body. The ERB shall provide the decision-making body with:

1. Its recommendation on the project's conformance or lack thereof to the resource protection policies and standards of the Santa Monica Mountains Local Coastal Program;

2. Mitigation measures designed to minimize adverse impacts on coastal resources; and

3. Those mitigation measures necessary to protect the integrity of identified resources and meet the burden of proof described in subsection F.2 of Section 22.56.215.

22.44.512 ERB exemptions. The provisions of this Part 9 requiring ERB review shall not apply to the following:

A. Those developments that are exempted by Section 22.56.2290. In addition, the director may also waive the ERB review requirement for development proposals included in subsections A.1 and A.2 of Section 22.56.2290 which fall into one of the classes set forth in Section 13250(b) or Section 13253(b) of Title 14 of the California Code of Regulations if he or she finds the impact of the development on coastal resources to be insignificant; however, any such waiver shall not be effective until it is reported to the Regional Planning Commission at a regularly scheduled meeting. If the Regional Planning Commission objects to the waiver, no development may be undertaken without review by the ERB.

B. Developments within the Rural Villages of El Nido, Fernwood, Malibu Bowl, Malibu Highlands, Malibu Lake, Monte Nido, Old Post Office, Old Topanga, Topanga Canyon, Topanga Oaks, and Topanga Woods, which shall be evaluated by the staff biologist. The director may require a development in these Rural Villages to be further reviewed by the ERB.

C. Grading or other activities listed below which are specifically exempt from the requirements of filing a grading permit pursuant to Subsection 3306.2 of Appendix Chapter 33 of Title 26 of this Code:

-- Refuse disposal sites controlled by other regulations.

22.44.513 ERB conditions. If conditions which require monitoring or periodic inspection are imposed on a development, a fee to cover the cost of monitoring those conditions or performing inspections must be paid to the Department of Regional Planning prior to any development or the issuance of any building, demolition, grading, or similar permits.

22.44.514 Procedure for designating unmapped environmentally sensitive habitat area (ESHA). A. Areas which are not depicted on the Sensitive Environmental Resource Areas (SERA) map of the Santa Monica Mountains Coastal Zone Plan as ESHA may be designated as such if those areas contain plant or animal life or habitats that are either rare or especially valuable because of their special nature or role in an ecosystem and could be easily disturbed or degraded by human activities and developments.

B. Areas that may be considered for ESHA designation include, but are not limited to:

1. Streams and wetlands;

2. Riparian habitats, oak woodlands and savannas, and walnut woodlands;

3. Sensitive resource areas identified by the California Department of Fish and Game; and

4. Habitats that contain threatened or endangered species as identified by the United States Fish and Wildlife Service and the California Department of Fish and Game.

C. Areas that are not presently designated on the Sensitive Environmental Resource Areas map as ESHA will be considered for possible ESHA designation in either of the following ways:

1. If an area is not the subject of any type of coastal development permit, the Department of Regional Planning shall initiate a periodic review of the SERA map under the direction of the staff biologist and evaluate sites for addition to or removal from the ESHA designation. During the ESHA evaluation process, the Planning director shall inform any property owners of the process and allow them to submit information that may be pertinent to the evaluation process. The Planning

director shall submit the staff biologist's ESHA evaluation to the Environmental Review Board (ERB) for its analysis and recommendation. The amendments to change ESHA designations on the SERA map shall be set for a public hearing before the Regional Planning Commission to consider the director's proposed amendments and ERB recommendation. All property owners whose property would be affected by a change in ESHA designation shall be sent a notice of public hearing pursuant to Part 4 of Chapter 22.60; or

2. If, during the processing of a coastal development permit, the Planning director becomes aware of an area which, although not presently designated as an ESHA, contains resources that may meet the ESHA definition, the following steps shall be taken:

a. Notify the applicant and, temporarily, suspend processing of the coastal development permit;

b. Request additional information from the applicant relating to the biological resources present on the site;

c. Have the staff biologist review the applicant's additional information, conduct a field investigation of the site, and prepare an evaluation of the site's conformance or non-conformance to the definition of an ESHA;

d. Submit the applicant's information and the staff biologist's evaluation to the ERB for its review and recommendation;

e. Notify the applicant of the date, time, and place that the ERB will be discussing the ESHA designation and provide an opportunity for the applicant to address the ERB;

f. Upon receipt of the ERB's recommendation, the director resumes processing the coastal development permit and prepares a staff report which includes the ERB recommendation and a discussion of the ESHA designation status;

g. A public hearing shall be scheduled before the Regional Planning Commission at which time the ESHA designation and the coastal development permit will be concurrently decided.

D. After considering the staff biologist's evaluation, the ERB recommendation, and any information submitted by the applicant or property owner, the

Regional Planning Commission shall make a decision on the coastal development permit conditioned upon its determination on the ESHA designation. All appropriate land use regulations pertaining to ESHAs shall apply if the Regional Planning Commission determines that the ESHA designation is warranted. The decision of the Regional Planning Commission may be appealed to the Board of Supervisors.

E. If the Regional Planning Commission approves the ESHA designation, it shall recommend that the Board of Supervisors conduct a public hearing to consider the ESHA designation as an amendment to the SERA map of the Coastal Zone Plan. The proposed ESHA amendment shall then be heard at a public hearing before the Board of Supervisors.

F. Following a decision by the Board of Supervisors to designate ESHA, the necessary documents shall be transmitted to the California Coastal Commission for consideration.

G. Any final action by the County to amend the SERA map shall be submitted to the California Coastal Commission for its review and certification as an amendment to the local coastal program, and shall include an adjustment to the boundary shown on the SERA map.

H. The applicant is responsible for all fees necessary to process the coastal development permit with the County, and the County shall be responsible for all fees necessary to process the proposed ESHA amendment with the California Coastal Commission.

22.44.515 Procedure for removing environmentally sensitive habitat area designation.

A. Areas which are depicted on the Sensitive Environmental Resource Areas map of the Santa Monica Mountains Coastal Zone Plan as environmentally sensitive habitat areas (ESHA) may have their ESHA designation removed if they are found through the procedure in this section not to contain plant or animal life or habitats that meet the definition of ESHA contained in Section 22.44.507.

B. Areas that are presently designated on the Sensitive Environmental Resource Areas (SERA) map as ESHA will be considered for possible removal of the

ESHA designation if such a request is made in conjunction with the processing of a coastal development permit, and the proposed development is impacted by the presence of a designated ESHA. The applicant shall file an amendment to the certified local coastal program that shall be process concurrently with the coastal development permit.

C. The following steps shall be taken to remove an ESHA designation:

1. The director shall request additional information from the applicant relating to the biological resources present on the site, in a manner prescribed by the staff biologist;

2. The staff biologist shall review the applicant's additional information, conduct a field investigation of the site, take photographs, and prepare an evaluation of the site's conformance or non-conformance to the definition of an ESHA;

3. The applicant's information and the staff biologist's evaluation shall be submitted to the Environmental Review Board (ERB) for its review and recommendation. The applicant shall be notified of the date, time, and place that the ERB will be discussing the ESHA evaluation, and the applicant shall have an opportunity to address the ERB;

4. The staff biologist's evaluation, the ERB recommendation, and a discussion of the ESHA designation status shall be included in the staff report for the coastal development permit prepared by the director;

5. A public hearing shall be scheduled before the Regional Planning Commission, at which time the ESHA designation and the coastal development permit shall be concurrently heard;

6. After considering the staff biologist's evaluation, the ERB recommendation, and any information submitted by the applicant, the Regional Planning Commission shall make a decision on the coastal development permit conditioned on the final determination to approve or deny the request for removal of ESHA designation. If the Regional Planning Commission approves removal of the ESHA designation, the proposed ESHA amendment shall then be heard at a public hearing before the Board of Supervisors.

7. If a final decision is made by the County to remove the ESHA designation, an amendment proposing the removal, including an adjustment to the boundary shown on the SERA map, shall be submitted to the California Coastal Commission for its review and possible certification as an amendment to the local coastal program.

8. Processing of a coastal development permit may proceed once a final decision has been made by the California Coastal Commission concerning the proposed removal of ESHA designation. In the event final determination of the ESHA designation affects the conditional approval mentioned in subsection 6 above, the applicant must amend the coastal development permit.

D. The applicant is responsible for all fees necessary to process the coastal development permit with the County, and the County shall be responsible for all fees necessary to process the proposed ESHA amendment with the California Coastal Commission.

22.44.516 Additional coastal development permit procedures. In addition to the information and procedures required by Part 17 of Chapter 22.56, the following procedures apply to all applications for coastal development permits in the Santa Monica Mountains Coastal Zone.

A. Application for a waiver – Information required. An application for a waiver from the requirements of this Section and Part 17 of Chapter 22.56 for structures damaged or destroyed by disaster, shall:

1. Contain the following information:

a. 1. A report from the owner's insurance company substantiating the loss.

b.. Copies of the building permits originally issued for each structure to be repaired or replaced.

c.. Any coastal development permit, variance, conditional use permit, or other permit issued that shows the damaged or destroyed development was lawfully established.

d. Documentation for any remedial work performed prior to the issuance of the waiver that was necessary to protect public health and/or safety.

e. The director may waive the requirement for any information required in subsections 1 through 4 above.

2. Be subject to the provisions of Section 22.44.602 C.

B. Application – Information required. In addition to the information required under Section 22.56.2310, an application for a coastal development permit shall contain the following information:

1. For development on a vacant lot, a complete title history, including evidence that the lot proposed for development is a lawfully created lot, and information on the date and method by which the lot was created. Where the director determines that the lot was created after the effective date of the Coastal Act, or was created prior to the effective date of the Coastal Act but without complying with applicable state or local requirements, either evidence of a valid coastal development permit authorizing the subdivision or other form of lot creation must be submitted prior to filing of any application for proposed development on the lot, or the subdivision or other form of lot creation must be included as part of the application request in order to be deemed filed. In addition, a listing of any prior coastal development permits issued for the property shall be provided.

2. An adequate description including maps, plans, photographs, etc., of the proposed development, project site, and vicinity sufficient to determine whether the project complies with all relevant policies of the Santa Monica Mountains LCP, including sufficient information concerning land and water areas in the vicinity of the site of the proposed project (whether or not owned or controlled by the applicant), so that the County will be adequately informed as to present uses and plans, both public and private.

3. A site plan, to scale, showing:

a. Existing and proposed property lines on the site, including all dedications, easements or recorded offers to dedicate easements, deed restrictions over or adjacent to the site, and documentation for such recorded instruments;

b. Existing and proposed topography, at a contour interval appropriate to the size of the site to be developed, including elevations;

c. Major natural and man-made landscape features, including location, type, size, and quantification of acreage of any trees or other natural vegetation to be planted or to be removed or made subject to thinning, irrigation, or other modification by the proposed project including building site and road/driveway areas;

d. Location and amount of any fuel modification or brush clearance that would be required on the site and on adjacent properties to comply with fire safety requirements;

e. The area and dimensions of the buildings proposed for the requested use;

f. The dimensions and state of improvement of the adjoining driveways and easements providing access to the proposed site of the requested use;

g. The amount of cut and fill material, with totals listed separately, proposed for the project; and

h. Any hazard areas as identified in Section 22.44.817 that are not to be developed shall be labeled on the site plans as "Hazard Areas" and shall be deed restricted to prevent any future development in those areas. The applicant shall provide the director with a copy of the recorded deed prior to issuance of the coastal development permit.

4. A biological inventory, subject to review as provided under subsection C of this Section showing:

a. The plants and animals found on site;

b. The animals likely to occur on site; and

c. Proximity of the site to locations of known sensitive resources.

5. For minor and major coastal development permits, a completed initial study environmental questionnaire.

6. Pre-approval from County Departments of Fire, Health Services, and Public Works, unless the project does not require approval from these departments.

7. For development relying on an onsite wastewater treatment system, a septic plot plan, prepared by a registered sanitarian, that shall include a percolation testing report and septic system design of adequate size, capacity and design to serve the proposed development for the life of the project.

8. Grading plan for all grading, whether onsite or offsite, including grading for any necessary road construction or improvements.

9. Landscape plan, including landscape plans for any proposed slope, and conceptual fuel modification plan based on the anticipated location of future structures.

10. For applications for land divisions, these additional items:

a. A report prepared by a registered groundwater hydrologist and sanitarian that addresses the ability of each proposed building site to accommodate an onsite wastewater treatment system, including an analysis of depth of groundwater that addresses seasonal and cyclical variations as well as the adequacy of percolation rates in post-grading conditions (cut or compacted fill);

b. Evidence of water availability sufficient to provide service for each proposed parcel;

c. Line-of-sight analysis showing the view of the project site from public viewing areas;

d. Depiction of the proposed building site or building area (if future structures will be built to the slope) and access road/driveway to each proposed parcel; and

e. Easements required to access each proposed parcel from a public road.

11. For applications for water wells, a groundwater hydrological study that analyzes the individual and cumulative impacts the wells may have on groundwater supplies and the potential individual and cumulative impacts the wells may have on adjacent or nearby streams, springs, or seeps and their associated riparian habitat.

12. For applications for development located in areas identified by the County or State as archaeologically sensitive, a site survey performed by a qualified archaeologist, including alternatives that would avoid or minimize impacts to resources

and recommended measures to mitigate impacts to resources, unless waived by the director.

13. For applications for development located in Scenic Resource Areas designated by the certified LUP, a visual analysis as required by Section 22.44.812.

14. The director may require the submission of additional information deemed necessary to process the application and permit, or waive the filing of one or more of the above items if the nature of the development is unrelated to the required item.

15. Notice is provided to applicants that failure to provide truthful and accurate information necessary to review the permit application or to provide public notice as required by this Title 22 may result in delay in processing the application or may constitute grounds for denial of the permit.

C. Biological inventory review.

1. The staff biologist shall review the biological inventory to confirm the absence, presence, or likely presence of plants and/or animals found on the following resource lists, as updated ("listed plants and/or animals"):

a. *Inventory of Rare and Endangered Plants,* by the California Native Plant Society.

b. *Special Animals and Special Vascular Plants, Bryophytes and Lichens,* by the California Department of Fish and Game.

2. If there are no listed plants or animals present, or they are present but are not disturbed by the proposed project, the application may be processed as the coastal development permit required by the proposed use.

3. If listed plants and/or animals are present and are disturbed by the proposed project, the application must proceed as either a minor or major coastal development permit as determined by the following;

a. If the initial study indicates a negative declaration or mitigated negative declaration is appropriate, the project shall be processed as a minor coastal development permit unless the use requires a major coastal development permit. If the use requires a major coastal development permit, the application shall be processed as a major coastal development permit.

b. If the initial study indicates an environmental impact report is necessary, the project shall be processed as a major coastal development permit regardless of the CDP required by the use.

D. Public hearings. Public hearings shall be required for coastal development permits appealable to the Coastal Commission pursuant to Section 22.56.2450, as specified below, subject to the requirements of Part 4 of Chapter 22.60, unless otherwise provided in this Chapter:

1. For an administrative coastal development permit that is appealable to the Coastal Commission or a minor coastal development permit, a public hearing before the hearing officer.

2. For a major coastal development permit, a public hearing before the Regional Planning Commission.

E. Jurisdiction.

1. The County's jurisdiction over coastal development permits does not include tidelands, submerged lands, and public trust lands as described in Section 30519(b) of the Public Resources Code and described as areas of Coastal Commission Permit Jurisdiction illustrated on the Local Coastal Program Post-Certification Permit and Jurisdictional Map as amended.

2. The Coastal Commission retains authority over coastal development permits issued by the Coastal Commission, including condition compliance. Where either new development or a modification to existing development is proposed on a site where development was authorized in a Coastal Commission-issued coastal development permit, either prior to certification of the LCP or through a de novo action on an appeal of a County-approved coastal development permit and the permit has not expired or been forfeited, the applicant shall apply to the County for the coastal development permit, except for:

a. Requests for extension, reconsideration, and revocation of the Coastal Commission-issued permits.

b. Development that would lessen or negate the purpose of any specific permit condition, any mitigation required by recorded documents, any recorded offer to dedicate or grant of easement or any restriction/limitation or other mitigation

incorporated through the project description by the permittee, of a Coastal Commission-issued coastal development permit.

In any of these circumstances, the applicant must file an application with the Coastal Commission for an amendment to the Coastal Commission-issued coastal development permit and authorization for the proposed new development or modification to existing development. The Coastal Commission will determine whether the application for amendment shall be accepted for filing pursuant to the provisions of Title 14 California Code of Regulations, Section 13166.

3. Any proposed development within the coastal zone that is subject to the County's jurisdiction upon certification of the Santa Monica Mountains Local Coastal Program (LCP) and that the director preliminarily approved (i.e., an Approval in Concept) before effective certification of the LCP but for which a complete application has not been filed with the Coastal Commission for approval, shall be resubmitted to the County through an application pursuant to this certified LCP. The standard for review for such an application shall be the requirements of this certified LCP. Any application fee paid to the Coastal Commission shall be refunded to the applicant.

4. Any proposed development within the certified area which the County preliminarily approved (i.e., an Approval in Concept) before effective certification of the Local Coastal Program and for which a complete application has been filed with the Coastal Commission may, at the option of the applicant, remain with the Coastal Commission for completion of review. Coastal Commission review of any such application shall determine consistency with the certified LCP. Projects for which a coastal development permit will be obtained from the Coastal Commission will remain under the jurisdiction of the Commission as set forth in subsection E.2 above. Alternatively, the applicant may withdraw the application filed with the Coastal Commission and resubmit it to the County through an application pursuant to the requirements of this certified LCP. The standard of review for such an application shall be the requirements of this certified LCP.

5. Upon effective certification of a local coastal program except as provided under subsections E.1 and E.2 of this section, no applications for development shall be accepted by the Coastal Commission for development within the certified area.

COMMUNITY-WIDE DEVELOPMENT STANDARDS

22.44.600 Coastal zone boundary. When parcels are divided by the coastal zone boundary, the use of that portion of a parcel within the coastal zone shall be consistent with the Local Coastal Program and the use of that portion outside the coastal zone shall be consistent with the Santa Monica Mountains North Area Plan. If a use crosses the coastal zone boundary, the use shall be consistent with the Local Coastal Program.

22.44.601 Applicability. A. The provisions of this Part shall not apply to a new development project where, as of the date on which this Part is certified by the California Coastal Commission, any of the following has occurred related to such project:

1. A complete application has been submitted for any subdivision, permit, variance, or site plan review;

2. At least one public hearing session has been conducted on any application described in subsection A.1, above; or

3. A final approval has previously been granted for any application described in subsection A.1, above, provided that the approval is valid, that the building locations and anticipated grading for the project are clearly depicted on the approved project plans and that the project is developed in accordance with those plans.

B. For purposes of this subsection, a complete application shall be defined as an application that the director finds to contain all of the required documents and information so as to allow the matter to be scheduled for any applicable public hearing or decision.

C. Prior to the expiration of any discretionary approval or plot plan application, a request to continue such use or extend such approval may be made pursuant to the provisions of this Part and Part 17 of Chapter 22.56 as amended, if applicable.

22.44.602 Nonconforming uses, buildings and structures. A. Existing, lawfully-established uses, buildings, structures and other development made nonconforming by these provisions shall not be subject to the provisions of Part 10 of Chapter 22.56.

B. Any alteration, enlargement, or addition of any structure or building site, or increase in occupant load, shall be subject to the provisions of Part 17 of Chapter 22.56 and the applicable provisions of this Part 9.

C. Repair. A person shall have the right to repair or replace structures damaged or destroyed by a disaster, subject to the following conditions:

1. As used in this subsection, the following definitions shall apply: "disaster" means any situation in which the force or forces which damaged or destroyed the structures to be replaced were beyond the control of their owners; "bulk" means total cubic volume as measured from the exterior surface of the structure; and, "structure" includes landscaping and any erosion control structure or device;

2. The damaged or destroyed structures were lawfully established as of the effective date of these subsections;

3. The replacement structures shall be for the same use as the destroyed structures, shall not exceed either the floor area, height or bulk of the destroyed structures by more than 10 percent, and shall be sited in the same location on the affected property as the destroyed structures. The director may approve an alternative location for a replacement structure if the new location decreases risk to health and safety or habitat destruction, or to comply with the development standards of this Title, as amended;

4. A waiver from the requirements of Part 17 of Chapter 22.56 shall be obtained from the director as required by Section 22.56.2290, prior to beginning repair or replacement activities. Only remedial work necessary to protect public health and safety may be performed prior to the issuance of a waiver, and such work shall be completely disclosed and documented in the waiver application.

D. The provisions of this Part shall not apply to an existing, lawfully-established commercial arts and crafts use described in subsection 22.40.490 A, that is located on a lot described in subsection 22.40.810 C.1.

22.44.603 Transfer of development credit program. A. Establishment and Purpose. The Santa Monica Mountains contain thousands of undeveloped private parcels. Many of these parcels are undersized, have development constraints, and are located in sensitive environmental areas. Urban services in the Santa Monica Mountains, such as roads, water lines, and sewers, are limited and are not expected to expand. Continued development in the region will adversely impact the existing infrastructure and the environment; full build-out of all legal parcels would place unsustainable demands on these systems. The transfer of development credit program is established to mitigate the adverse cumulative effects of development in the Santa Monica Mountains 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. For each new lot or multi-family unit created, one equivalent lot must be retired. Lots proposed for retirement in satisfaction of the transfer of development credit program will generate a lot retirement credit based on the formula in subsection B.3(a) below. It may take several lots to reach the 1,500 square-foot minimum required to qualify for one lot retirement credit.

B. Lot retirement required.

1. Land divisions.

a. All land divisions shall participate in the lot retirement program.

b. One lot shall be retired for each new parcel to be created (e.g., to divide one parcel into three parcels, two lots must be retired; to divide a combination of three parcels into four parcels, one lot must be retired), ensuring that there is no increase in the number of buildable lots. The size of the new parcels is not a factor for purposes of the calculation.

c. One lot shall be retired for each new residential unit created for a community apartment project or lease project.

2. Multiple dwelling unit development.

a. All two-family residences and apartment houses shall participate in the lot retirement program.

b. One lot shall be retired for each new dwelling unit created based on the calculation described in subsection B.2(c) or B.2(d) of this Section.

c. For projects in which the dwelling units exceed 2,500 square feet of gross structural area (GSA), applicant shall be required to retire sufficient lots to provide one credit for each new unit authorized, minus the number of existing parcels within the project site (e.g., a six-unit project to be sited on two existing parcels requires four credits. GSA is calculated using the formula in subsection A.3 of Section 22.44.826.

d. For projects in which the dwelling units have less than 2,500 square feet of gross structural area, applicant shall be required to retire sufficient lots to provide credits proportionate to the size of the units at a rate of one credit for each 2,500 square feet of GSA.

3. The following credit area calculation shall be performed to determine the credit area generated by a particular small lot:

a. Credit Area = (A/5) x (50-S)/35

Where:

A = the area of the small lot in square feet.

S = the average slope of the small lot in percent. All slope calculations are based on natural (not graded) conditions, as calculated by the formula:

$$S = I \times L/A \times 100$$

Where: S = average natural slope in percent.

I = contour interval in feet, at not greater than 25-foot intervals, resulting in at least five contour lines.

L = total accumulated length of all contour lines of interval "I" feet.

A = the area of the building site in square feet.

b. Prior to credit area calculation where there is any question of geologic stability, the applicant must submit a geologic assessment that determines that

the lot is buildable. One lot retirement credit shall be given for every one full acre of combined small lots, regardless of the current availability of road and water service to such lots.

c. A credit area of 1,500 square feet qualifies for one lot retirement credit. The applicant could receive fractional credit. For instance, a credit area of 750 square feet would qualify for one-half credit. A lot smaller than one acre cannot qualify for greater than one lot retirement credit.

C. Exemptions.

1. Reconstruction following a natural disaster. Existing lawful dwelling units which are destroyed in fires, floods, earthquakes, mudslides, or other natural disasters shall be exempt from the lot retirement program provided that the rebuilt unit conforms to the provisions of subsection 22.44.602 C.

2. Projects exempt under Section 22.56.2290.

D. Qualifying criteria for lots to be retired in donor areas. Lots may be retired only in the donor areas listed below and shall be required to follow the criteria specific to each donor area. These criteria shall not apply to developments subject to the slope intensity formula found in Section 22.44.826 A.

1. Small-lot subdivisions. The criteria for establishing the lot retirement credit for lots in small-lot subdivisions are as follows:

a. Primary areas.

i. The small-lot subdivisions listed below shall be considered primary donor areas:

(A) Fernwood;

(B) Malibu Bowl;

(C) Malibou Lake;

(D) Monte Nido (special language included below);

(E) Topanga Oaks;

(F) Topanga Woods; and

(G) Vera Canyon.

ii. Criteria.

(A) One lot retirement credit shall be given for each lawfully created buildable lot that is served by an existing road and water main, and is not located in an area of landslide or other geologic hazard, with a sum total credit area of at least 1,500 square feet as determined by the credit area formula in subsection B.3 of this Section. As an alternative, the required 1,500 square-foot credit area may be calculated on the basis of 500 square feet of credit area per small lot, provided that each small lot exceeds 4,000 square feet in area and is served by an existing road or water main within 300 feet of the property and is not located in an area of landslide or other geologic hazard.

(B) One lot retirement credit shall be given for any combination of legal lots totaling at least one acre, regardless of current availability of road and water service to such lots.

(C) Monte Nido.

(1) One lot retirement credit shall be given for any two legal parcels in the Monte Nido small-lot subdivision(Zone R-C-10,000) that are contiguous and buildable (i.e., with road access and water main available).

(2) One lot retirement credit shall be given for any five legal parcels in the Monte Nido small-lot subdivision (Zone R-C-10,000) that are not contiguous or are not buildable (i.e., do not have road access or water available).

b. Secondary areas.

i. The small-lot subdivisions listed below shall be considered the secondary donor areas:

(A) El Nido;

(B) Las Flores Heights;

(C) Malibu Highlands

(D) Malibu Mar Vista;

(E) Malibu Vista; and

(F) Old Topanga.

ii. Criteria.

(A) Lot retirement credits shall be granted in secondary areas where all lots to be retired are contiguous and contain Environmentally Sensitive Habitat Areas, Significant Woodlands and Savannas, or Significant Watersheds.

(B) The method of calculating lot retirement credits shall be the same as for primary donor areas except that provisions relating to Monte Nido shall not apply.

2. Parcels containing the Sensitive Environmental Resource Areas (SERA) types listed below, and parcels adjoining Environmentally Sensitive Habitat Areas and parklands.

a. SERA types included:

i. Environmentally Sensitive Habitat Areas (ESHA);

ii. Significant Woodlands and Savannas;

iii. Significant Watersheds;

b. Areas adjoining or within 200 feet of:

i. ESHA;

ii. Public parklands;

c. Criteria. One lot retirement credit shall be given to any parcel up to and including 20 acres in size, where at least 50 percent of the parcel contains one of the areas listed in subsections E.2.a and E.2.b of this section. Parcels larger than 20 acres shall be given one lot retirement credit for each 20 acres, regardless of the amount of SERA contained, and fractional credit for areas less than 20 acres.

E. Procedure.

1. All projects subject to the transfer of development credit program shall submit the following information as part of the coastal development permit application:

a. A calculation of the number of lots that need to be retired to accommodate the proposed project, pursuant to subsection B of this Section;

b. A list by assessor's identification number of the donor lots proposed to be retired;

c. A map showing the locations of the proposed donor lots;

d. A discussion of how the donor lots meet the qualifying criteria for retiring lots in donor areas; and

e. Maps of a scale generally not less than one inch equals 10 feet (1"=10') showing the parcel and building site, existing topographic contours, and both slope and area calculations, prepared by a Licensed Surveyor or Registered Professional Civil Engineer.

2. As part of processing a coastal development permit application subject to the transfer of development credit program, the director shall:

a. Verify the applicant's calculations for the number of lots to be retired;

b. Verify that the proposed donor lots meet the lot retirement criteria; and

c. Include, as a condition of the coastal development permit staff report, the precise number of lots to be retired should the permit be approved.

3. Lot retirement process.

a. The applicant must submit evidence of the purchase of the number of legal lots or parcels within the prescribed donor areas necessary to meet the lot retirement credits for the project. The applicant need not purchase the lots or parcels outright, but may instead acquire only the right to extinguish the development potential as described below. The applicant shall provide evidence that the property owner of the donor lots authorizes participation in the lot retirement program.

b. In order to generate a lot retirement credit, the potential for development must be permanently extinguished on all lots or parcels used for each credit. There are two parts to this requirement. The applicant (or owner of the donor parcels or lots) must:

i. Record a deed restriction over all subject retired lots. The deed restriction does not allow public use of the lots but only ensures that the restriction on residential development can be enforced. These are enforceable

restrictions that affect the value of the property for property tax purposes; therefore, the lots will be taxed only on their residual open space value once the County Assessor is notified by the owner; and

ii. Combine the subject parcels or lots (used to generate the credit) with adjacent, already-developed, unrestricted lots or with adjacent lots that can be developed because they are served by an existing road and water main and are not located in an area of landslide or other geologic hazards. The combination shall be accomplished by reversion to acreage or certificate of compliance procedures.

c. In lieu of recording a deed restriction and combining parcels, there may be occasional cases where one or more of the donor parcels or lots offer significant recreational potential (e.g., hiking trail or parking area). In such cases, the owner of the donor parcels or lots may be able to donate the lots if any appropriate land management agency is willing to assume responsibility for the public use. Such a dedication would be entirely voluntary by the owner.

d. All of the above procedures must be approved by County Counsel for form and legal sufficiency in order to assure that the purposes intended are accomplished. The deed restrictions must occur with land free of prior encumbrances except tax liens. Any offer of donation must be accepted by a public agency or private association approved by the director, prior to commencing with any development authorized by the coastal development permit.

e. The applicant shall submit evidence to the director that the lot retirement procedures have been completed as required in this Section.

4. Upon receiving notification from the applicant that the lot retirement procedures have been completed, the director shall verify that the development potential on the lots has been retired and authorize recording of the land division map or issuance of building permits.

5. The applicant must complete the lot retirement process contained in this Section in order to receive an approved coastal development permit.

22.44.604 Vegetation management and landscaping.

A. Vegetation management.

1. New development and associated vegetation clearance shall not extend within 100 feet of the outer edge of a riparian canopy or wetland area, or within 100 feet of the outer edge of a stream bank if no riparian canopy exists.

2. At no time shall clearing to bare earth or discing be acceptable methods of vegetation removal and/or maintenance within fuel modification areas.

3. The removal or reduction of locally-indigenous vegetation is prohibited except for the following:

a. Vegetation removal for construction of an approved, permitted structure or use.

b. Vegetation thinning for the purpose of complying with County regulations relating to brush clearance for fire safety.

c. Vegetation removal or thinning on publicly owned rights-of-way for roads, highways, flood control projects, or other similar or related uses.

d. Vegetation removal or thinning by a public utility on rights-of-way or property owned by such utility, or on an easement providing access to such rights-of-way.

4. Vegetation that must be removed in order to repair underground facilities such as plumbing or onsite wastewater treatment systems may be replaced with vegetation equivalent to that which was removed.

5. The removal of vegetation shall be undertaken outside of the growing season of the vegetation.

6. Locally-indigenous vegetation destroyed during the development process shall be mitigated on site where possible, and if not possible, mitigated in a location identified by staff or ERB as a suitable site with similar conditions to support the community to be reestablished or enhanced.

B. Landscaping. These provisions shall apply to new developments and to existing developments which propose to landscape previously-undisturbed areas, but shall not apply to replacement of landscaping that existed prior to the effective date of this Part 9 of Chapter 22.44.

1. Landscape plans shall be submitted with an application for new development. The landscape plans shall include a scale map of the project site that

shows the location, species, and size of each plant to be included in the site landscaping.

2. Landscape new or improved roadways and/or other public infrastructure projects only with locally-indigenous plant species that are site-appropriate and conform to the surrounding landscape. Appropriate species are listed in the *Recommended Plant List for the Santa Monica Mountains* (*Plant List*), maintained by the Director.

3. The applicant for a coastal development permit shall identify all existing oak habitat (*Quercus* sp) on the project site, and shall identify any oak habitat proposed for removal or subject to encroachment from development. Applicants must identify all existing oak trees greater than five inches in diameter as measured four and one-half feet above grade, proposed oak trees, and any oak trees proposed for removal or subject to encroachment and show them on the landscape plan. Applicants whose project will not be reviewed by ERB must identify all existing oak habitat and proposed oak trees and any oak trees proposed for removal or subject to encroachment and show them on the plot plan.

4. All provisions of Section 22.56.2050 - 22.56.2260 shall apply; however, indigenous oak species (*Quercus* sp.) voluntarily planted – as identified on the landscape plan and verified by staff – shall be exempt from the Oak Tree Ordinance. Voluntary planting status shall be passed down to future owners.

5. All topsoil removed during the grading and development process shall be preserved and maintained on the project site. Appropriate measures shall be taken to protect the preserved soil from erosion and runoff through such measures as tarping, silt fencing, and sandbagging soil, and the topsoil shall be reused in post-construction landscaping.

6. Plantings shall be supplemented with a mycorrhizal inoculant, preferably oak leaf mulch or from clippings of locally-indigenous species lawfully removed from the site or from sites within the Santa Monica Mountains, at the time of planting to help establish plants.

7. Landscape areas shall be designed to minimize water runoff.

8. Irrigation water shall be used only for those species that require supplemental water. Whenever feasible, utilize drip irrigation systems.

9. Plant species listed on the *Plant List* that are known to stabilize soils shall be used in all hillside areas where the slope is greater than 20 percent.

10. Avoid or minimize pesticide use in landscape and revegetation areas.

11. The landscape plan shall identify existing and proposed landscaping, shall specifically identify locally-indigenous vegetation, and shall list the type and describe the current condition of the existing locally-indigenous vegetation.

C. Fuel Modification Zones

1. Fuel modification zones as defined by the Fire Department consist of:

a. Fuel Modification Zone A, Irrigated Zone – 20 feet offset from structures that require fuel modification as per the Fire Department;

b. Fuel Modification Zone B, Thinning Zone – up to 80 feet offset from Zone A; and

c. Fuel Modification Zone C, Interface Zone – up to 100 feet offset from Zone B.

2. Revegetation of disturbed areas shall predominantly include locally-indigenous, drought-tolerant vegetation in accordance with specific standards outlined in the Fuel Modification Zones, and shall incorporate existing or salvaged locally-indigenous vegetation whenever feasible.

3. Landscape materials for the various fuel modification zones shall be consistent with the designated Fuel Modification Zone as listed in the *Plant List*:

a. Fuel Modification Zone A, the Irrigated Zone, shall extend 20 feet from every structure requiring fuel modification, as determined by the Fire Department, and shall be cleared of all vegetation except for low-growing plant species. Plant species used in Zone A may include non-invasive ornamental plant species, including turf, but shall maximize the use of those species appropriate for Fuel Modification Zone A, as outlined in the *Plant List*.

b. Fuel Modification in Zone B, the Thinning Zone, requires the thinning of all species to eliminate fuel ladders and excessive flashy fuels. Thinning of species identified as having significant biological significance shall be minimized. Except for turf as allowed in subsection 5 below, plant species used in Zone B shall be restricted to locally-indigenous species, as specified in the *Plant List*.

c. Fuel Modification in Zone C, the Interface Zone, is restricted to limited plant thinning while minimizing further introduction of new plant species. The primary goal is to remove the understory and intervening flashy fuels. However, should additional revegetation be necessary, species used shall be limited to those in the *Plant List*.

4. Species identified in the *Plants to Avoid in the Santa Monica Mountains* list found in Appendix A of the Santa Monica Mountains Local Coastal Program Technical Appendices are prohibited.

5. Irrigated lawn, turf, or groundcover shall be selected from the most drought-tolerant species, subspecies, or varieties and is limited to no more than 50 feet from the primary residence.

6. Public improvement projects shall be landscaped with non-invasive locally-indigenous plant species, compatible with the surrounding area, and chosen from those species found in the *Plant List*.

7. Landscaping on slopes 20 percent or greater shall be restricted to those species in the *Plant List* identified as having slope stabilizing capabilities. Low-growing succulents shall not be used on slopes greater than 20 percent.

8. Locally-indigenous vegetation shall be used to provide a buffer of at least 200 feet between project areas and open space or parkland areas, if possible. Fuel modification shall not extend into open space or parkland. Only plants acceptable for Fuel Modification Zones B and C as per the *Plant List* shall be permitted in open space or parkland buffer areas.

9. Imported soil should be free of exotic invasive plant species and should come from a source local to the Santa Monica Mountains.

10. Landscape planting on all areas disturbed by construction activities, or by fuel modification or brush clearance activities, shall be installed prior to the subsequent rainy season.

11. Locally-indigenous vegetation in riparian areas shall not be disturbed unless part of an approved development project. All vegetation planted in a riparian area for purposes of revegetation must be locally-indigenous species native to that specific plant community, and invasive riparian species shall not be further propagated.

22.44.605 Height limits. A. Except as listed in subsection B of this Section, every residence and every other building or structure in the Santa Monica Mountains Coastal Zone shall have a height not to exceed 30 feet above natural grade, excluding wireless telecommunication facilities, chimneys, solar panels, and rooftop antennas. Where a taller structure would result in less land alteration and fewer impacts to environmental resources, for example on a downslope development, a building or structure shall not exceed 35 feet above natural grade.

B. Every residence and every other building or structure on a Significant Ridgeline, in a Scenic Element, or located within 500 feet of and visible from a Scenic Route, shall have a height not to exceed 20 feet above natural grade, excluding chimneys, solar panels and rooftop antennas.

C. Chimneys, solar panels and rooftop antennas may extend a maximum six feet above the permitted height of the structure.

22.44.606 Grading. A. Intent and Purpose. The purpose of these regulations shall be to preserve, to the greatest extent possible, the existing natural features of hillside areas by minimizing grading.

B. No grading permit shall be issued for development associated with a land division prior to the recordation of the final map, except as specifically authorized by the conditions of an approved tentative map.

C. A coastal development permit as provided in Part 17 of Chapter 22.56 shall be required for grading on a lot or parcel of land, or in connection with any project, as follows:

1. For amounts greater than 30 and less than 50 cubic yards of total cut plus total fill material, an administrative coastal development permit.

2. For amounts equal to or greater than 50 but not exceeding 5,000 cubic yards of total cut plus total fill material:

a. An administrative coastal development permit if the project does not require an oak tree permit pursuant to Part 16 of Chapter 22.56, or is not located within a Scenic Resources Area as shown on Map 3 of the Santa Monica Mountains Coastal Zone Plan;

b. A minor coastal development permit if the project does not meet the standards of subsection 2.a above.

3. For amounts greater than 5,000 cubic yards of total cut plus total fill material, a major coastal development permit.

4. For purposes of computing the cubic yard threshold amount, grading necessary to establish a turnaround required by the County Fire Department, but not the grading for any access road or driveway leading to such turnaround, shall be excluded. In addition to the requirements of Section 22.56.2410, findings shall be made that the grading will be performed in a manner that minimizes disturbance to the natural landscape and terrain through design features for the project such as, but not limited to, locating the building pad in the area of the project site with the least slope, clustering structures, and locating the project close to a paved street traveled by the public. Findings shall also be made that the grading will be accompanied by other project features that maximize preservation of visual quality and rural community character through design features such as, but not limited to, reduced structural height, use of architectural features such as shape, materials, and color to promote blending with the surrounding environment, and use of locally-indigenous vegetation for concealment of the project. A list of locally-indigenous vegetation appropriate for this Community Standards District shall be maintained by the director.

D. An approved haul route shall be required for the offsite transport of 1,000 cubic yards or more of cut or fill material, or any combination thereof.

E. Grading shall not begin during the rainy season, defined as October 15 of any year through April 15 of the subsequent year.

F. Grading for temporary roads necessary for geologic, hydrologic, or similar testing purposes shall be conditioned to restore and replant all graded areas to a natural condition if the site is not developed within one year of the issuance of the coastal development permit for the grading.

G. Grading in areas that have a slope of 50 percent or greater shall be prohibited, unless required for safety reasons or if it would be more protective of coastal resources.

H. Any amount of legal grading that has occurred on a lot or parcel of land, or in conjunction with a project, prior to the effective date of the ordinance adding these subsections, shall not be counted toward the grading thresholds set forth in those subsections. Proof that such grading was legal shall be demonstrated to the director prior to the commencement of any construction activity. Any grading on a lot or parcel of land, or in connection with a project or any subsequent project, which is undertaken at any time after the effective date of the ordinance adding subsections C and D above, other than grading completed for a project described in Section 22.44.601, shall be counted cumulatively toward the grading thresholds set forth in those subsections.

22.44.607 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 so that no light source is directly visible from public viewing areas.

A. Permitted lighting shall conform to the following standards:

1. The minimum lighting necessary shall be used to light walkways for entry and exit to structures, including parking areas, on the site. This lighting shall be directed downward and use incandescent bulbs that do not exceed 60 watts, or bulbs generating the equivalent amount of lumens, unless a higher wattage is authorized by the planning director.

2. Security lighting shall be attached to the residence, controlled by motion detectors, and limited to no more than 60 watts or the equivalent.

3. If installed, the minimum lighting necessary shall be used to delineate a driveway. That lighting shall be limited to no more than 60 watts, or the equivalent.

4. Street lights shall be fitted with full cut-off flat glass bulbs, at the minimum wattage required for the darkest areas. Shielding shall only be required for street lights if necessary to eliminate direct glare onto a residence.

B. Night lighting is prohibited:

1. Around the perimeter of the site.

2. For aesthetic purposes.

3. From spilling onto adjoining open space areas, including, but not limited to, environmentally sensitive habitat areas and wildlife corridors.

C. Night lighting for sports courts or other private recreational facilities shall be full cut-off flat glass bulbs, and shall be shielded to prevent light from spilling outside the court or arena used for the recreational activity. This lighting shall be on a timer, and lighting shall not be on between the hours of 10:00 p.m. and 6:00 a.m.

D. Prior to issuance of a coastal development permit, the applicant shall be required to execute and record a deed restriction reflecting the above restrictions. Public agencies shall not be required to record a deed restriction but may be required to submit a written statement agreeing to any applicable restrictions above.

22.44.608 Signs. In addition to the signs listed in Section 22.52.990, the following signs are prohibited:

A. Outdoor advertising displays, structures, or signs.

B. Billboards.

C. Exposed neon, flashing, or scintillating signs, except for public service time and temperature signs, which shall not be flashing, animated, or revolving in nature.

D. Revolving signs.

E. Any placard, bill, card, poster, sticker, banner, sign, advertising, or other device affixed or attached to or upon any public street, walkway, crosswalk, other rights-of-way, curb, lamppost, hydrant, tree, telephone booth, utility pole, lighting system, or any fixture of the police or fire alarm system.

F. Automatic changing signs or electronic message center signs, except for public service time and temperature signs, and public safety signs such as changeable traffic message signs.

G. A portable freestanding sign or any sign placed within, affixed, or attached to any vehicle or trailer on a public right-of-way, or on public or private property, for the purpose of advertising an event or attracting people to a place of business, unless the vehicles or trailer is used in its normal business capacity and not for the primary purpose of advertising an event or attracting people to a place of business.

H. Signs or sign structures which by color, wording, or locations resemble or conflict with traffic control signs or devices.

I. Signs that create a safety hazard by obstructing the line of sight of pedestrian or vehicular traffic.

J. Signs for the purpose of commercial advertising created by the arrangement of vegetation, rocks, or other objects such as on a hillside visible to pedestrians or motorists.

K. Internally lighted signs.

22.44.609 Schools. All schools shall be subject to the following standards:

A. A major coastal development permit shall be required for all schools, grade K through 12, accredited, including appurtenant facilities, which offer instruction required to be taught in the public schools by the Education Code of the State of California, in which no pupil is physically restrained.

B. In addition to the provisions of Part 17 of Chapter 22.56, the following conditions shall be required for all schools:

1. In addition to the information required in the application by Sections 22.44.516 B, 22.56.2310 and 22.56.2320, the applicant shall submit an evacuation/emergency plan for approval of the Fire Department. No coastal

development permit for a school shall be issued without an evacuation/emergency plan approved by the Sheriff and Fire Departments.

2. The school shall be located on a major or secondary highway or a parkway unless the Fire Department approves the location on a street of sufficient right-of-way and pavement width that connects to a highway or parkway. Schools that are located on a street, rather than on a highway or parkway, shall have a second route of access to a highway or parkway that is approved by the Fire Department.

3. The school's design, siting, buffering from adjoining properties, scale, and enrollment shall be such that it will integrate the use with the existing uses in the surrounding area.

4. No amplified sound shall be generated between the hours of 8:00 p.m. and 8:00 a.m. All school bells shall be placed so that they face away from residential areas. School bells shall not sound on Saturdays and Sundays.

5. Night lighting shall be limited to the minimum necessary for safety and security. All exterior lighting shall be shielded and directed away from neighboring residences to prevent direct illumination and glare. All light standards visible to the general public shall be consistent with the overall architectural style of the school with respect to design, materials, and color. Athletic field lighting is not permitted.

6. All required parking shall be kept clear and open for staff, students, and guests.

7. The staggering of morning drop-off and afternoon pick-up hours of operation shall be coordinated with the operating hours and drop-off and pick-up hours of nearby schools.

8. An on-site pick-up and drop-off area shall be of sufficient size to prevent vehicles from backing up onto and blocking the roadway.

9. Landscaping shall be maintained in a neat, clean, and healthful condition, including proper pruning, weeding, removal of litter, and fertilizing, and replacement of plants when necessary. Watering facilities shall consist of a permanent water-efficient irrigation system, such as "bubblers" or drip irrigation, for irrigation of all landscaped areas except where there is turf or other ground cover.

10. Hazardous materials shall not be stored or use on the subject property, except for typical household materials.

11. All sound-producing and view-impacting outdoor equipment such as air conditioners and other roof or ground-mounted operating equipment shall be screened to minimize noise and viewshed impacts to adjacent properties. Coloring shall blend with the surrounding facilities.

12. The Department of Regional Planning shall be provided with a valid state license to operate the facility, or proof of exemption from such license, prior to the issuance of the coastal development permit.

13. The Department of Regional Planning shall be provided with a copy of the accreditation documentation when such accreditation is obtained. In order for the coastal development permit to be in full force, the school shall continue to be accredited and offer instruction required to be taught in the public schools by the Education Code of the State of California.

22.44.610 Crops. The growing of crops is subject to the following limitations and conditions:

A. Runoff shall be diverted, with a berm or other such measure, around the storage or disposal area for waste, compost, fertilizer, amended soil products, and/or any other byproducts of agricultural activities.

B. Crops shall be a minimum of 100 feet from an ESHA. Crops shall be a minimum of 50 feet from any riparian habitat that is not a designated ESHA, and from a drainage course or lake.

C. Only wildlife-permeable fencing is allowed around the perimeter of the area on which crops are grown.

D. Runoff, waste, and waste byproducts must be contained on the area on which crops are grown and disposed of in a manner that does not negatively impact coastal resources.

E. Incorporate the following best management practices to minimize direct loading of fertilizers, chemicals, and other agricultural products, runoff, and sediments offsite:

1. Stockpiled dirt shall be protected from erosion by using tarps and jute netting to cover the pile;

2. Waste, compost, oils, chemicals, fertilizers, and other similar materials shall be stored in a sealed area, inside a structure or in a covered container with an impervious bottom surface; and

3. Waste, compost, oils, chemicals, fertilizers, and other similar materials shall be stored at least 100 feet away from any ESHA, natural drainage course, or any underground water source used for human consumption.

22.44.611 Fences, gates, and walls. New fences, gates, and walls shall be subject to the following standards:

A. Fencing is permitted:

1. Surrounding the immediate development to the extent of Fuel Modification Zone A and shall be solely for safety purposes. Perimeter fencing of a parcel is prohibited; and

2. For animal containment facilities, subject to the provisions of Section 22.44.700.

B. Fencing is allowed within an ESHA or Significant Woodland and Savanna only when determined by the director to be necessary for public safety or habitat protection and/or restoration. Permitted fencing shall be constructed from wildlife-permeable materials not exceeding four feet in height, except where temporary fencing is required to keep wildlife from restoration areas.

C. Only fencing that is wildlife-permeable may be located within 50 feet of a riparian forest canopy.

D. Fences and walls shall not be constructed or topped with spikes, wire, barbs, razors, or any other similar material.

E. Retaining walls outside of yard setbacks shall not be more than 10 feet in height. Retaining walls within yard setbacks shall be subject to the provisions of Section 22.48.160.

F. Walls more than 10 feet in length shall be divided into sections and made of materials similar in appearance to surrounding elements.

G. Walls shall be placed so they do not obscure views of Scenic Elements or from Scenic Routes as identified in the Coastal Zone Plan.

H. Slopes utilizing retaining walls shall be terraced and landscaped with locally-indigenous and site-appropriate landscape species. Such revegetation efforts shall be completed before the rainy season, which is October 15 through April 15 of the subsequent year. Landscaping shall screen the wall.

I. Gates, walls, fences, guardhouses, barriers, or other structures designed to regulate or restrict pedestrian access within private street easements where they have the potential to limit, deter, or prevent public pedestrian access to the shoreline, trails, or parklands where adjudicated prescriptive rights exist are prohibited.

J. Gates, walls, fences, guardhouses, barriers, or other structures that prevent the movement of wildlife through developed areas to access adjacent open space resources are prohibited.

K. Gates must be wildlife-permeable, and should only be allowed on roads or driveways that provide access to one property.

22.44.612 Construction colors, materials, and design. Building construction shall be subject to the following standards:

A. The use of highly reflective materials is prohibited, except for window glass and solar energy devices;

B. The walking surface of a deck with underpinnings visible from outside the parcel should not exceed a height of six feet above grade. Decks shall be integrated into the architecture of the house.

C. Minimize the apparent size of exterior wall surfaces visible from offsite by using landscaping and/or other means of horizontal and vertical articulation to create changing shadow lines and break up the appearance of massive forms.

D. The vertical distance between the lowest point where the foundation meets grade and the lowest floor line of the structure shall be the minimum necessary for safety purposes.

E. Utilize the following strategies to minimize the impacts of development in hillside areas:

1. Building sites shall be oriented to maximize the preservation of natural topography and groundcover;

2. Building sites, streets, and driveways shall be sited and designed to minimize grading alterations and mimic the natural contours of the hillsides;

3. Stepped design should be utilized in topographically steep or complex areas, unless another design would require less land alteration;

4. Cantilevers shall be designed so that they appear to blend into the environment as seen from Scenic Routes;

5. Terraced drains required in cut-and-fill slopes shall be paved with colored concrete to blend with the natural soil or shall be concealed with berms;

6. Terraced slopes resulting from grading shall be landscaped with locally-indigenous plants of varying types, density, and form;

7. Design new water tanks in scenic areas visible from scenic roads or public viewing areas to be partially below grade, where feasible. The above-ground portion shall be painted with colors that are similar to the surrounding landscape, including shades of green, brown, and gray. Landscape screening may also be required in areas of high scenic value; and

8. Development shall be sited and designed in a manner that minimizes visual impacts to existing trails and recreational facilities.

9. Support structures for gates must be natural in appearance (e.g., rock or wood).

22.44.613 Wireless telecommunication facilities. New wireless telecommunication facilities not located within the right-of-way shall be subject to the following standards:

A. All new wireless telecommunication facilities located within the Santa Monica Mountains Coastal Zone shall require a minor coastal development permit.

B. All new wireless telecommunication facilities shall be subject to environmental review by the staff biologist. The director may require such a facility to receive further review by the ERB.

C. All equipment for new wireless telecommunication facilities, including but not limited to cables and equipment boxes, shall be placed underground when feasible.

D. Facilities shall be designed to be as visually unobtrusive as possible. Colors and designs must be integrated and compatible with existing on-site and surrounding buildings and/or uses in the area. Facilities shall be sited to avoid or minimize obstruction of views from adjacent properties.

E. Site location and development shall preserve the pre-existing character of the site as much as possible. Existing vegetation shall be preserved or improved, and disturbance of the existing topography of the site shall be minimized.

F. All wireless telecommunication facilities shall be unlit, unless co-located with an existing lighted pole.

G. Site equipment shall be limited to the housing of radio, electronic, and related equipment necessary to that site and not used for storage of equipment. If feasible, the base station and all wires and cables necessary for the operation of the facility shall be placed underground so that the antenna is the only portion of the facility that is above ground.

H. All ground-placed wireless telecommunication facilities shall be screened with vegetation or natural-appearing materials, and pole-mounted facilities shall blend with the surroundings, to the fullest extent possible, and be located to minimize visibility from surrounding areas and right-of-ways.

I. The use of colors and facility designs shall be compatible with surrounding vegetation or buildings and shall prevent the facility from dominating the surrounding area.

J. All equipment, antennas, non-wooden poles, or towers shall have a non-reflective finish and shall be painted or otherwise treated to minimize visual impacts.

K. All wireless telecommunication facilities shall be designed so as to be resistant to and minimize opportunities for unauthorized access, climbing, vandalism, graffiti, and other conditions that would result in hazardous conditions, visual blight, or nuisances.

L. All wireless telecommunication facilities shall be maintained on a regular basis. Maintenance shall include painting and the care and replacement of dead or diseased landscaping.

M. All equipment, antennas, poles, towers, artificial screens, or any other equipment related to the operation of the wireless telecommunication facility shall be removed by the service provider/permittee within 30 days of the site no longer being used.

N. All new wireless telecommunication facilities shall be sited as far from residences as possible, while maintaining adequate signal strength.

22.44.614 Water Resources. A. All new development shall be evaluated for potential adverse impacts to water quality and water resources. The applicant shall consider site design, source control, and treatment control best management practices (BMPs) in order to minimize or prevent polluted runoff and water quality impacts resulting from the development. BMPs shall be incorporated into the project design in the following progression: (1) site design BMPs, (2) source control BMPs, and (3) treatment control BMPs. Examples of these BMPs can be found in Appendix H of the Santa Monica Mountains Local Coastal Program Technical Appendices.

B. Development on slopes over 15 percent shall comply with the following:

1. Soils shall be stabilized and infiltration practices incorporated during the development of roads, bridges, culverts, and outfalls to prevent stream bank or hillside erosion. Project plans must include the following BMPs to decrease the potential of slopes and/or channels from eroding and impacting stormwater runoff:

a. Convey runoff safely from the tops of slopes into natural drainages. Artificial drainage outlets shall not discharge onto slopes.

b. Utilize natural drainage systems to the maximum extent feasible.

c. Stabilize permanent channel crossings.

d. Vegetate slopes with locally-indigenous, drought-tolerant vegetation.

e. No erosion shall occur at the outlets of new storm drains, culverts, conduits, or channels that enter unlined channels. Vegetation, such as willow trees, shall be utilized as the primary erosion-control device.

2. Additional measures to prevent downstream erosion, such as contour drainage outlets that disperse water back to sheet flow, shall be implemented for projects discharging onto slopes greater than 10 percent.

3. New development on slopes over 15 percent, or on sites with low permeability soil conditions, or areas where saturated soils can lead to geologic instability shall incorporate BMPs that do not rely on or increase infiltration.

C. New development shall provide a buffer of at least 100 feet in width from the outer edge of the bank of a stream. Where riparian vegetation is present, the buffer shall be measured from the outer edge of the canopy of riparian vegetation.

D. Streambeds and streams.

1. Site grading shall be accomplished in accordance with the stream protection and erosion provisions of this Chapter.

2. Streambeds shall not be altered except where consistent with Section 30236 of the Coastal Act. Road crossings shall be minimized and where considered necessary should be accomplished by installation of a bridge. Removing trees to accommodate the bridge shall be avoided.

3. Filling of "blue line" streams designated on maps of the U.S. Geological Survey, and/or streambeds with a defined bed and bank, and/or that support riparian vegetation, and/or that contain hydric soils, shall be prohibited.

E. When a water well is proposed to serve a project, the applicant shall be required to do a test well and provide data relative to depth of water, geologic structure, production capacities, degree of drawdown, etc. The data produced from test wells shall be aggregated to identify cumulative impacts on riparian areas or other coastal resources. Once sufficient cumulative data is available to make accurate findings (to be determined by the director), to approve a well the County must find that neither individual nor cumulative impacts will cause significant adverse impacts on coastal resources.

F. Pools and spas shall comply with the following:

1. Alternative sanitization methods shall be used, which may include no-chlorine or low-chlorine sanitization methods.

2. The discharge of chlorinated pool water into a street, storm drain, creek, canyon, drainage channel, or other location where it could enter receiving waters shall be prohibited.

G. Proposed development projects shall obtain approval of design and financial arrangements from the local water purveyor for the construction of water and, if applicable, sewer facilities prior to either recordation of subdivisions, or issuance of grading or building permits, if a subdivision is not involved.

22.44.615 Hillside management. New development in the Coastal Zone shall not be subject to the hillside management provisions of Section 22.56.215. The following provisions shall apply to all property containing any area with a natural slope of 15 percent or more:

A. Prior to the relocation of two or more property lines between three or more contiguous parcels, or approval of a minor land division or subdivision, a major coastal development permit shall be applied for and approved as provided by Part 17 of Chapter 22.56 and Section 22.44.516.

B. Hillside homes shall incorporate gutters, downspouts, or other appropriate means of roof drainage designed to direct water to a retention basin or a collector system.

C. Hillside homes shall be sited to protect views of points of interest, adjacent hills, trails, and open spaces, and to minimize obstruction of views from other homes.

D. Landscaping permitted on a hillside for restoration, revegetation, or erosion control purposes shall consist of locally-indigenous, drought-tolerant plant species.

E. For permitted grading operations on hillsides, the smallest practical area of land shall be exposed at any one time during development, and the length of exposure shall be kept to the shortest practicable amount of time. All measures for removing sediments and stabilizing slopes shall be in place prior to or concurrent with any on-site grading activities.

F. All structures on lots in hillside areas shall be clustered if clustering is shown to decrease the overall need for grading.

G. In locating building pads, public safety and environmental resource protection shall have priority over scenic resource preservation.

H. Buildings shall be constructed on multilevel pads, where occupant safety and accessibility are not compromised, to minimize grading and disturbance of biological resources.

22.44.616 Trail and resource protection requirements. As part of the coastal development permit process, the decision-making body shall review the proposed development to determine the most appropriate means to protect trails and resources.

A. Trails. Depending on the size, location, impacts, and intensity of the proposed development with respect to trails depicted on Map 4 Recreation of the Coastal Zone Plan, one of the following may be considered:

1. The location of the trail may be revised after consultation with the County Department of Parks and Recreation;

2. The development may be set back from the trail;

3. A trail easement; or

4. A trail dedication.

B. Resource protection. The decision-making body shall consider a recommendation by the staff biologist or Environmental Review Board for open space easements or deed restrictions, and shall impose the appropriate requirement to protect resources and minimize impacts on the habitat.

22.44.617 Low- and moderate-income housing. A. As a condition of project approval, the applicant for demolition of housing occupied by low- and moderate-income households shall be required to replace each of the affordable housing units. As such, the applicant shall obtain the necessary permits, including building permits, for the replacement units prior to issuance of the demolition permit.

B. As a condition of project approval, the applicant shall record a deed

restriction stating that the replacement unit(s) shall be sold, let, or leased only to those households which qualify as low or moderate income. Conversion, re-sale, or sub-letting of the units shall not alter this restriction.

22.44.618 Additional dwelling units. A. The following additional dwelling units shall contain no more than 750 square feet of floor area, and must have an onsite wastewater treatment system (OWTS) that is separate from the OWTS for the primary residence:

1. Caretaker's residence;
2. Caretaker's mobilehome; and
3. Senior citizen's residence.

B. Second units.

1. In lieu of the provisions of subsections B and C of Section 22.52.1730, the provisions of this section shall apply if a second unit's building site, as defined in Section 21.08.040 of this code, is located:

a. Inside a Very High Fire Hazard Severity Zone, as defined in Section 223-V of Title 32 of this code;

b. Within an area not served by a public sewer system; or

c. Within an area not served by a public water system.

2. The applicant shall obtain a major coastal development permit, as provided in Part 17, Chapter 22.56. A mandatory condition of the permit shall require the applicant to retire one lot in accordance with Section 22.44.603.

3. The development standards in Section 22.52.1750 apply unless modified as follows:

a. Rural Area. The term "rural area" includes any area within the "Rural Village" land use category on the Land Use Policy Map of the Coastal Zone Plan.

b. Single-Family Residence Standards. A second unit shall comply with the development standards for a single-family residence set forth in the applicable zone in which the structure is located.

c. Street Access. The lot or parcel of land on which the second unit is located shall take vehicular access from a street or highway with a right-of-way of at least 60 feet in width.

d. Floor Area. The maximum floor area for a second unit shall be 750 square feet.

e. Height. The maximum height of a second unit shall be as specified in Section 22.44.605.

4. The provisions of Section 22.52.1770 shall apply except that a major coastal development permit is required in lieu of a conditional use permit. The following additional requirements shall apply:

a. A proposed second unit in a Very High Fire Hazard Severity Zone that uses a shared driveway or that is located on a flag lot shall have conceptual approval of the suitability of its access by the Fire Department; the actual access road shall be at least 20 feet in width and shall be improved with all-weather surfacing.

b. A proposed second unit in an area with no public sewer system shall have a separate onsite wastewater treatment system approved by the Department of Health Services and the Department of Public Works.

c. A proposed second unit in an area with no public water system shall comply with the provisions of Section 22.56.1764, except that a major coastal development permit is required in lieu of a director's review.

5. A second unit shall not be considered a principal permitted use.

22.44.619 Yard modifications authorized. A. Any person desiring a modification to yard or setback regulations may file an application for a minor coastal development permit, except that no application shall be filed or accepted if final action has been taken within one year prior thereto by the Director, Hearing Officer, or Regional Planning Commission on an application requesting the same, or substantially the same modification. This subsection applies only to yard requirements. A request for a modification to yard or setback regulations in the Malibou Lake Area shall be subject to the provisions of subsection C.2 of Section 22.44.827.

B. In addition to the requirements of Part 17 of Chapter 22.56 and Section

22.44.516, the Hearing Officer shall consider a request for modification to yard or setback regulations subject to the provisions of Section 22.48.180.

22.44.620 Parks, trails, playgrounds, and beaches. A. Property in any zone may be used for parks, trails, playgrounds, and beaches, with all appurtenant facilities and uses customarily found in conjunction therewith, subject to the provisions of Sections 22.44.621, and the prohibited uses provisions of the underlying zone, provided that either a waiver or a coastal development permit has first been obtained as provided in Part 17 of Chapter 22.56, 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 subsection B below.

B. Exemptions. In addition to the exemptions provided for in Section 22.56.2290, a coastal development permit shall not be required for parks, trails, playgrounds and beaches with 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 impacts to sensitive habitat:

-- Existing, legally-established single-family residence utilized as a residence and/or office for rangers or other staff.

-- Existing, legally-established structures utilized by park personnel where no change in the intensity of use or physical development is occurring.

-- Informational kiosks less than 120 square feet in size.

-- Movement or installation of boulders to delineate parking areas or for resource protection.

-- Parking areas, less than 10 spaces, on existing unpaved areas.

-- Portable toilets.

-- Traffic control and park regulatory signs.

-- Trash receptacles.

-- Temporary uses open to the public for activities that are resource-dependent or intended to enhance the resource, including but not limited to events for

trail maintenance, litter removal, and invasive vegetation removal, as long as the uses meet the following conditions:

1. Sufficient parking for the temporary use is available on site. Onsite parking shall be of sufficient size to prevent vehicles from parking on the roadway.

2. No outdoor amplified sound shall be generated between the hours of 8:00 p.m. and 8:00 a.m.

3. The temporary use is conducted for no more than six weekends or seven days during any 12-month period except when a longer time period is approved pursuant to Section 22.56.1885. "Weekend" means Saturday and Sunday, but national holidays observed on a Friday or Monday may be included.

C. Uses subject to administrative coastal development permits. The following uses associated with parks, trails, playgrounds, and beaches shall require an administrative coastal development permit:

-- Equestrian facilities, including corrals and stables, utilized by public safety personnel and to support educational programs dependent on equestrian activities, subject to the provisions of Section 22.44.700.

-- Parking on unpaved areas, 10 to 24 spaces.

D. Uses subject to minor coastal development permits. The following uses associated with parks, trails, playgrounds, and beaches shall require a minor coastal development permit:

-- Parking on unpaved areas, 25 or more spaces.

-- Parking on new paved areas, fewer than 25 spaces.

-- Private temporary uses.

-- Structures, new, from 120 square feet to less than 3,000 square feet of gross area.

E. Uses subject to major coastal development permits. The following uses associated with parks, trails, playgrounds, and beaches shall require a major coastal development permit:

-- Parking on new paved areas, 25 or more spaces.

-- Structures, new, with 3,000 square feet or more of gross area.

22.44.621 Prohibited uses. The following uses are prohibited in the Santa Monica Mountains Coastal Zone:

-- Adult residential facilities, seven or more persons.

-- Airports.

-- Cemeteries.

-- Dairies.

-- Explosives storage.

-- Family child care or day care homes having more than 14 persons.

-- Fairgrounds of a public character, when permanently located.

-- Feed mills.

-- Golf courses, new, after the effective date of the ordinance establishing this prohibition, including the customary clubhouse and appurtenant facilities.

-- Golf driving ranges.

-- Grading projects, off-site transport.

-- Grading projects, on-site.

-- Group homes having more than 14 persons.

-- Heavy equipment training schools.

-- Heliports.

-- Hotels.

-- Land reclamation projects.

-- Landing strips.

-- Logging operations.

-- Motorized off-road vehicles in ESHA or on the area's trail system.

-- Oil wells.

-- Oil and gas drilling.

-- Residential care facilities.

-- Solid fill projects.

-- Subdivision directional signs.

-- Surface mining operations.

-- Theaters, drive-in.

22.44.622 Incentive program for certain development actions. A. Purpose and intent. The purpose of offering incentives for certain actions associated with development in the Santa Monica Mountains Coastal Zone is to encourage voluntary actions that further the goals of the Santa Monica Mountains Local Coastal Program.

B. The action taken by the applicant must be voluntary, and not required as a condition of approval for a coastal development permit.

C. Action by Applicant. Subject to the approval of the director, actions that qualify for participation in the incentive program are:

1. Retirement of development rights on a legally-created parcel. At least one buildable parcel located in the Santa Monica Mountains Coastal Zone must have its development rights retired. For the purposes of this provision, a buildable parcel is one that is legally created, served by an existing road and water main, is not located in an area of landslide or other geologic hazard, and can accommodate an onsite wastewater treatment system if not served by a municipal sewer system. The retired parcel does not need to adjoin the parcel on which development is proposed. The development rights may be retired by:

a. Merger of legally-created parcels through a certificate of compliance;

b. Deed restriction of a legally-created parcel to prevent future development; or

c. Dedication of a legally-created parcel for the purpose of providing open space, accepted by a receiving land conservation agency.

2. Construction of an access road less than 300 feet in length. Only parcels that have the potential for an access road to exceed 300 feet in length qualify for this action.

3. Dedication of an irrevocable, nonexclusive ingress and egress easement for the purpose of providing access to publicly-owned open space, accepted by a receiving land conservation agency.

4. Dedication of a trail or trail easement accepted by a receiving land conservation agency.

D. Incentive. Any one incentive listed below may be chosen for any one qualifying action, except as specified below. Only one incentive may be taken.

1. 7,000 cubic yards of grading is permitted before a Major Coastal Development Permit is required.

2. 15,000-square-foot building site is permitted in Significant Watersheds or Significant Woodlands and Savannas.

3. 20,000-square-foot building site is permitted in Watersheds.

4. 30-foot setback is permitted from a Significant Ridgeline.

5. Structure height up to 35 feet is permitted, except in a Scenic Element, along a Scenic Route, or on a Significant Ridgeline.

E. Multiple incentives. If an applicant takes the action of retiring development rights and also takes any other qualifying action as provided in subsection C above, the applicant may choose two incentives as provided in D above.

F. Any action taken by applicant as provided in subsection C above must be recorded by the County Recorder and reported to the Assessor's office. This requirement does not apply to subsection C.2 above. Copies of the recorded documents, including any documents verifying that a dedication or easement has been received by a land conservation agency, shall be provided to the director before a coastal development permit will be issued.

ZONE-SPECIFIC DEVELOPMENT STANDARDS

22.44.700 Livestock management. Property in Zones R-C and R-R may be used for the raising and keeping of horses and other equine, cattle, sheep, goats, llamas, and alpacas, and boarding of horses and other equine, provided the following measures are utilized for all facilities, whether new or existing:

A. Clean water shall be diverted, with a berm or other such measure, around holding pens and the storage or disposal area for waste, compost, fertilizer, amended soil products, and any other byproducts of livestock activities or developed areas to the extent possible;

B. Animal containment facilities shall not be located within natural drainage courses;

C. Animal containment facilities, such as corrals and barns, and accessory structures shall be a minimum of 100 feet from an ESHA. These facilities shall be a minimum of 50 feet from any riparian habitat or natural drainage course that is not a designated ESHA. Brush clearance and fuel modification shall not extend into ESHA or riparian habitat;

D. Fencing for the direct containment of animals, such as for stalls, shall be no more than six feet in height. Fencing that may encompass the greater area of an animal containment facility, such as for paddocks and grazing areas, shall be no more than six feet in height and shall not enclose an area greater than one acre. Fencing for equine and cattle shall have an open design so as not to restrict wildlife movement;

E. Runoff, waste, and waste byproducts from animal containment facilities must be contained on the parcel and disposed of in an approved manner;

F. Animal containment facilities shall not discharge sedimentation or polluted runoff onto any public road, adjoining property, or in any drainage course;

G. Oak trees situated within animal containment facilities shall be protected from rubbing, chewing, or scratching by the contained livestock; and

H. The following BMPs shall be incorporated to minimize direct loading of animal waste, fertilizers, chemicals, and other agricultural products, runoff, and sediments:

1. Stockpiled dirt should be protected from wind and water erosion by using tarps and jute netting to cover the pile;

2. Manure, waste, oils, chemicals, fertilizers, and other such materials shall be stored in a sealed area, inside a structure, or in a covered container with an impervious bottom surface;

3. Manure, waste, oils, chemicals, fertilizers, and other such materials shall be stored at least 100 feet away from any ESHA. These materials shall be stored at least 50 feet away from any non-ESHA natural drainage course, and from any underground water source used for human consumption;

4. Filter strips, natural vegetation, gravel, sand, or other similar materials shall be used along the periphery of corrals, pens, animal showers, and waste containment areas to absorb and treat runoff from animal facilities; and

5. Sediment holding ponds may incorporate phytoremediation techniques.

22.44.701 Bed and breakfast establishments. "Bed and breakfast establishment" means a single-family residence containing guest rooms used for short-term rental accommodations, which provides breakfast for guests of the facility. Property in Zones R-C and R-R may be used for bed and breakfast establishments, provided a major coastal development permit has first been obtained as provided in Part 17 of Chapter 22.56 and Section 22.44.516, and while such permit is in full force and effect in conformity with the conditions of such permit, and with the following conditions:

A. The lot or parcel of land containing the facility shall have, as a condition of use, an area of not less than one net acre;

B. The facility must maintain a residential character;

C. The facility shall be operated and maintained by the owner or lessee of the property, and it shall constitute the primary residence of the owner or lessee;

D. The facility shall contain not more than five guest rooms available for paying guests, and the rooms shall be located only within the primary residence;

E. Stays for any paying guest shall not exceed 14 consecutive days and shall be not more than 30 days for such guest in any calendar year;

F. Kitchens and other cooking facilities shall be prohibited in any guest room within the facility;

G. There shall be one on-site parking space, which may be uncovered, served by an all-weather driveway, for each guest room available for paying guests;

H. Serving or consumption of food or beverages, including alcoholic beverages, shall be restricted to residents and guests of the facility. No restaurant or similar activity that is open to the general public shall be permitted; and

I. One wall-mounted or freestanding sign shall be permitted, provided that such sign does not exceed six square feet in sign area or 12 square feet in total sign area, and when installed does not exceed a height of 42 inches measured vertically from ground level at the base of the sign to the top of the sign.

22.44.702 Rural inns. Property in Zones R-C and R-R may be used for rural inns provided a major coastal development permit has first been obtained as provided in Part 17 of Chapter 22.56 and Section 22.44.516, and while such permit is in full force and effect in conformity with the conditions of such permit, and with the following conditions:

A. The lot or parcel of land containing the facility has, as a condition of use, an area of at least five net acres;

B. The facility maintains a rural appearance consistent with the outdoor character of the Santa Monica Mountains;

C. The facility does not exceed one guest room or cabin per acre, with a maximum limit of 40 guest rooms or cabins available for paying guests;

D. Stays for any paying guest do not exceed 14 consecutive days and do not exceed 30 days for such guest in any calendar year;

E. Guest rooms or cabins within the facility do not contain kitchens and other cooking facilities;

F. Each guest room or cabin available for paying guests has one on-site parking space, which may be uncovered, that is served by an all-weather driveway;

G. Serving or consumption of food or beverages, including alcoholic beverages, is restricted to guests of the facility. No restaurant or similar activity that is open to the general public is permitted;

H. The building site for the facility is no more than 20 percent of the net lot or parcel of land containing the facility, up to a maximum of three acres;

I. The facility does not contain conference facilities;

J. The facility has only one wall-mounted or freestanding sign, provided that such sign does not exceed six square feet in sign area or 12 square feet in total sign area, and when installed does not exceed a height of 42 inches measured vertically from ground level at the base of the sign; and

K. In addition to the information required in the application by Sections 22.44.516, 22.56.2310, and 22.56.2320, the applicant shall submit an evacuation/ emergency plan for approval of the Fire Department. No coastal development permit

for a rural inn shall be issued without an evacuation/emergency plan approved by the Sheriff and Fire Departments.

R-1 Single-family Residence Zone.

22.44.703 Uses subject to administrative coastal development permits. Property in Zone R-1 may be used for the following, provided an administrative coastal development permit has first been obtained as provided in Part 17 of Chapter 22.56 and Section 22.44.516, and while such permit is in full force and effect in conformity with the conditions of such permit:

A. Principal Permitted Use:

-- Residences, single-family.

B. Other Permitted Uses. Property in Zone R-1 may be used for any use listed as a permitted use in Section 22.20.070, subject to the provisions of Sections 22.44.621, 22.44.705, and any other provisions of this Chapter. Property in Zone R-1 may also be used for:

-- Resource-dependent uses, including: nature observation, research/ education and passive recreation including trails for horseback riding, hiking and mountain biking, but excluding motorized recreational uses.

22.44.704 Accessory uses and structures. Property in Zone R-1 may be used for any accessory use or structure listed in Section 22.20.080, subject to the provisions of Sections 22.20.080 and 22.44.705.

22.44.705 Prohibited uses. The following use is prohibited in Zone R-1:

-- Helistops.

22.44.706 Uses subject to minor coastal development permits. Property in Zone R-1 may be used for the uses listed in Sections 22.20.080 and 22.20.090, subject to the provisions of Sections 22.44.621, 22.44.705, and any other provisions of

this Chapter, provided a minor coastal development permit has first been obtained as provided in Part 17 of Chapter 22.56 and Section 22.44.516, and while such permit is in full force and effect in conformity with the conditions of such permit. For the following uses, these additional provisions shall apply:

-- Detached living quarters on the same premises as, and not less than 20 feet from, a single-family residence for the use of temporary guests or domestic staff of the occupants of such residence, must have an onsite wastewater treatment system separate from the primary residence, and shall contain no more than 750 square feet of floor area.

-- Living quarters for domestic staff employed in and by the occupants of a single-family residence, attached to such residence, if no additional kitchen or kitchen facilities or equipment or cooking facilities or equipment are established or maintained in such attached domestic staff's quarters, shall contain no more than 750 square feet of floor area.

22.44.707 Uses subject to major coastal development permits. Property in Zone R-1 may be used for the uses listed in Section 22.20.100.A, subject to the provisions of Sections 22.44.621, 22.44.705, and any other provisions of this Chapter, provided a major coastal development permit has first been obtained as provided in Part 17 of Chapter 22.56 and Section 22.44.516, and while such permit is in full force and effect in conformity with the conditions of such permit.

22.44.708 Development standards. A. Gross structural area. The maximum gross structural area on a lot or parcel of land that has a net area of less than 10,000 square feet shall be determined by the slope intensity formula found in subsection A.3 of Section 22.44.826.

B. The provisions of subsections A.1 and A.2 of Section 22.20.105 are modified as follows:

1. Every single-family residence shall have a roof constructed with fire-proof roofing material in compliance with Title 26 (Building Code) of this code,

except that the use of materials that appear reflective, glossy, or polished is prohibited.

2. Every single-family residence shall have an exterior siding of fire-proof material, except that reflective, glossy, polished, and/or roll-formed type metal siding is prohibited.

C. The provisions of subsection A.4 of Section 22.20.105 shall not apply.

R-3 Limited Multiple Residence Zone.

22.44.709 Uses subject to administrative coastal development permits. Property in Zone R-3 may be used for the following, provided an administrative coastal development permit is first obtained as provided in Part 17 of Chapter 22.56 and Section 22.44.516, and while such permit is in full force and effect in conformity with the conditions of such permit:

A. Principal Permitted Use:

-- Apartment houses.

B. Other Permitted Uses. Property in Zone R-3 may be used for any use listed as a permitted use in Section 22.20.260, subject to the provisions of Sections 22.44.621, 22.44.705, 22.44.711, and any other provisions of this Chapter. Property in Zone R-3 may also be used for:

-- Duplexes.

-- Resource-dependent uses, including: nature observation, research/ education and passive recreation including trails for horseback riding, hiking and mountain biking, but excluding motorized recreational uses.

-- Single-family residences.

22.44.710 Accessory uses and structures. Property in Zone R-3 may be used for any accessory use or structure listed in Section 22.20.270, subject to the provisions of Sections 22.20.270 and 22.44.711.

22.44.711 Prohibited uses. The following uses are prohibited in Zone R-3:

-- Fraternity and sorority houses.

-- Helistops.

22.44.712 Uses subject to minor coastal development permits. Property in Zone R-3 may be used for the uses listed in Sections 22.20.270 and 22.20.280, subject to the provisions of Sections 22.44.621, 22.44.705, 22.44.711, and any other provisions of this Chapter, provided a minor coastal development permit has first been obtained as provided in Part 17 of Chapter 22.56 and Section 22.44.516, and while such permit is in full force and effect. For the following uses, these additional provisions shall apply:

-- Detached living quarters on the same premises as, and not less than 20 feet from a single-family residence for the use of temporary guests or domestic staff of the occupants of such residence, must have an onsite wastewater treatment system separate from the primary residence, and shall contain no more than 750 square feet of floor area.

-- Living quarters for domestic staff employed in and by the occupants of a single-family residence, attached to such residence, if no additional kitchen or kitchen facilities or equipment or cooking facilities or equipment are established or maintained in such attached domestic staff's quarters, and shall contain no more than 750 square feet of floor area.

22.44.713 Uses subject to major coastal development permits. A. Property in Zone R-3 may be used for the uses listed in Section 22.20.290, subject to the provisions of Sections 22.44.621, 22.44.705, 22.44.711, and any other provisions of this Chapter, provided a major coastal development permit has first been obtained as provided in Part 17 of Chapter 22.56 and Section 22.44.516, and while such permit is in full force and effect.

B. Property in Zone R-3 may be used for temporary uses, as provided in Part 14 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit.

22.44.714 Development standards. The required area per dwelling unit for property in Zone R-3 shall not result in a density of more than 20 units per net acre.

C-1 Restricted Business Zone

22.44.715 Uses subject to administrative coastal development permit. Property in Zone C-1 may be used for the following, provided an administrative coastal development permit is first obtained as provided in Part 17 of Chapter 22.56 and Section 22.44.516, and while such permit is in full force and effect in conformity with the conditions of such permit:

A. Principal Permitted Use:

-- Local-serving retail and service stores.

B. Other Permitted Uses. Property in Zone C-1 may be used for the uses listed in Section 22.28.080.A, subject to the provisions of Sections 22.44.621, 22.44.717 and any other provision of this Chapter.

22.44.716 Accessory uses and structures. Property in Zone C-1 may be used for any accessory use or structure listed in Section 22.28.040, subject to the provisions of Sections 22.28.040 and 22.44.717.

22.44.717 Prohibited uses. The following uses are prohibited in Zone C-1:

-- Apartment houses.

-- Convents and monasteries.

-- Crops – Field, tree, bush, berry, and row, including the growing of nursery stock.

-- Fraternity and sorority houses.

-- Mobilehome parks.

-- Motels.

-- Residences, two-family.

-- Rooming and boarding houses.

-- Townhouses.

22.44.718 Uses subject to minor coastal development permits. Property in Zone C-1 may be used for:

A. The uses listed in Sections 22.28.090 and 22.28.100, subject to the provisions of Sections 22.44.621 and 22.44.717, provided a minor coastal development permit has first been obtained as provided in Part 17 of Chapter 22.56 and Section 22.44.516, and while such permit is in full force and effect in conformity with the conditions of such permit.

B. The following use, provided the specified permit has first been obtained, and while such permit is in full force and effect in conformity with the conditions of such permit for:

-- Temporary uses, as provided in Part 14 of Chapter 22.56.

22.44.719 Uses subject to major coastal development permits. Property in Zone C-1 may be used for:

A. The uses listed in Section 22.28.110, subject to the provisions of Sections 22.44.621 and 22.44.717, provided a major coastal development permit has first been obtained as provided in Part 17 of Chapter 22.56 and Section 22.44.516, and while such permit is in full force and effect in conformity with the conditions of such permit.

B. The following uses, provided the specified permit has first been obtained, and while such permit is in full force and effect in conformity with the conditions of such permit for:

-- Athletic fields, excluding stadiums.

-- Residences, single-family, for use of the owner/operator of the onsite business.

22.44.720 Development standards. Property in Zone C-1 shall be subject to the development standards contained in Section 22.28.120, subject to the provisions of Section 22.44.605 and any other provision of this Chapter.

C-2 Neighborhood Business Zone

22.44.721 Uses subject to administrative coastal development permit. Premises in Zone C-2 may be used for the following, provided an administrative coastal development permit is first obtained as provided in Part 17 of Chapter 22.56 and Section 22.44.516, and while such permit is in full force and effect in conformity with the conditions of such permit:

A. Principal Permitted Use:

-- Local-serving retail and service stores.

B. Other Permitted Uses. Property in Zone C-2 may be used for the uses listed in Section 22.28.130, subject to the provisions of Sections 22.44.621, 22.44.717, and 22.44.723, and any other provision of this Chapter.

22.44.722 Accessory uses and structures. Property in Zone C-2 may be used for any accessory use or structure listed in Section 22.28.140, subject to the provisions of Sections 22.28.140 and 22.44.723.

22.44.723 Prohibited uses. The following uses are prohibited in Zone C-2:

-- Apartment houses.

-- Convents and monasteries.

-- Crops – Field, tree, bush, berry, and row, including the growing of nursery stock.

-- Fraternity and sorority houses.

-- Mobilehome parks.

-- Motels.

-- Residences, single-family.

-- Residences, two-family.

-- Rooming and boarding houses.

-- Townhouses.

22.44.724 Uses subject to minor coastal development permit. Property in Zone C-2 may be used for the uses listed in Sections 22.28.140 and 22.28.150, subject

to the provisions of Sections 22.44.621 and 22.44.723, provided a minor coastal development permit has first been obtained as provided in Part 17 of Chapter 22.56 and Section 22.44.516, and while such permit is in full force and effect in conformity with the conditions of such permit.

22.44.725 Uses subject to major coastal development permits. Property in Zone C-2 may be used for the following, provided a major coastal development permit has first been obtained as provided in Part 17 of Chapter 22.56 and Section 22.44.516, and while such permit is in full force and effect in conformity with the conditions of such permit:

A. The uses listed in Section 22.28.160, subject to the provisions of Sections 22.44.621 and 22.44.723.

B. The following uses:

-- Blacksmith shop.

-- Butane and propane service stations.

-- Concrete batching, provided that the mixer is limited to one cubic yard capacity.

-- Contractor's equipment storage, limited to construction equipment such as dump trucks, bulldozers, and accessory material.

-- Feed store.

-- Lumberyards, except the storage of boxes, crates or pallets.

-- Plumbing shops and plumbing contractor's shops.

-- Roofing contractor's establishments.

-- Septic tank and cesspool repairing, pumping, cleaning, and draining.

-- Scientific research or experimental development of materials, methods, or products, including engineering and laboratory research, together with all administrative and other related activities and facilities in conjunction therewith. Such products may be initiated, developed, or completed on the premises but no part of the products may be manufactured on the premises. These activities are subject to the limitations and conditions provided in Section 22.40.390.

-- Veterinary hospital.

22.44.726 Development standards. A. Property in Zone C-2 shall be subject to the development standards contained in Sections 22.28.170 and 22.44.605.

B. Any property used for the uses listed in Section 22.44.725.B shall comply with the requirements of Part 7 of Chapter 22.52 relating to the outside storage of raw materials, equipment, and finished products.

R-R RESORT AND RECREATION ZONE.

22.44.727 Uses subject to administrative coastal development permits. Property in Zone R-R may be used for the following, provided an administrative coastal development permit is first obtained as provided in Part 17 of Chapter 22.56 and Section 22.44.516, and while such permit is in full force and effect in conformity with the conditions of such permit:

A. Principal Permitted Use:

-- Campgrounds, on a lot or parcel of land having, as a condition of use, an area of not less than one acre.

B. Other Permitted Uses.

1. Property in Zone R-R may be used for any use listed in Section 22.40.190.A, subject to the provisions of Sections 22.44.621 and 22.44.729, except that the following additional provisions shall apply:

-- Riding academies, stables, and horse boarding facilities shall require an animal waste management plan and an emergency preparedness plan.

2. In addition to the uses listed in subsection B above, property in Zone R-R may be used for the following:

-- Resource-dependent uses, including: nature observation, research/ education and passive recreation including trails for horseback riding, hiking, and mountain biking, but excluding motorized recreational uses.

22.44.728 Accessory uses and structures. Property in Zone R-R may be used for any accessory use listed in Section 22.40.200, subject to the provisions of Sections 22.40.200 and 22.44.729.

22.44.729 Prohibited uses. In addition to the uses listed in Section 22.44.621, the following uses shall be prohibited in Zone R-R:

-- Correctional institutions, including jails, farms, and camps.

-- Juvenile halls.

-- Mobilehome parks.

-- Single-family residences not occupied by property owner.

22.44.730 Uses subject to minor coastal development permits. A. Property in Zone R-R may be used for any use listed in Sections 22.40.200 and 22.40.210, subject to the provisions of Sections 22.44.621 and 22.44.729, provided a minor coastal development permit has first been obtained as provided in Part 17 of Chapter 22.56 and Section 22.44.516, and while such permit is in full force and effect in conformity with the conditions of such permit.

22.44.731 Uses subject to major coastal development permits. Property in Zone R-R may be used for the following, provided a major coastal development permit has first been obtained as provided in Part 17 of Chapter 22.56 and Section 22.44.516, and while such permit is in full force and effect in conformity with the conditions of such permit:

A. The uses listed in Section 22.40.220, subject to the provisions of Sections 22.44.621 and 22.44.729.

B. The following uses:

-- Athletic fields, excluding stadiums, on a lot or parcel of land having, as a condition of use, an area of not less than one net acre.

-- Polo fields, on a lot or parcel of land having, as a condition of use, an area of not less than one net acre.

-- Projects that exceed the standards in Sections 22.44.805 A.1.a and b with

the following conditions:

i. The lot or parcel of land containing the facility has, as a condition of use, an area of at least five net acres;

ii. The facility maintains a rural appearance consistent with the outdoor character of the Santa Monica Mountains;

iii. Lot coverage, meaning the building site, for the facility is no more than 20 percent of the net lot or parcel of land containing the facility, up to a maximum of three acres; and

iv. The facility has no more than one wall-mounted or freestanding sign, provided that such sign does not exceed six square feet in sign area or 12 square feet in total sign area, and if installed as a freestanding sign does not exceed a height of 42 inches measured vertically from ground level at the base of the sign.

-- Rodeos, excluding horse racing, on a lot or parcel of land having, as a condition of use, an area of not less than one net acre.

-- Rural inns, subject to the provisions of Section 22.44.702.

22.44.732 Development standards. In addition to the provisions of Sections 22.40.230 and 22.44.605, property in Zone R-R shall be subject to the following development standards:

A. Design. The arrangement of buildings, architectural design and types of uses shall be such as to minimize adverse impacts on adjacent properties. These impacts include, but are not limited to: noise, odors, fuel modification, maintenance of community character, and views;

B. Access and Parking. Parking spaces as required by Part 11 of Chapter 22.52 shall be provided as well as adequate provisions for vehicular access and loading to prevent undue congestion on adjacent streets and highways, particularly on local streets; and

C. Development Features. The development plan shall include yards, walls, walks, landscaping, and such other features as may be needed to make the development attractive, adequately buffered from adjacent more restrictive uses and

compatible with the character of the surrounding area. Additional walls or landscaping may be required by staff to mitigate project impacts.

O-S Open-Space Zone.

22.44.733 Uses subject to administrative coastal development permits. Property in Zone O-S may be used for the following, provided an administrative coastal development permit has first been obtained as provided in Part 17 of Chapter 22.56 and Section 22.44.516, and while such permit is in full force and effect in conformity with the conditions of such permit:

A. Principal Permitted Use:

1. In the Open Space category:

-- Wildlife, nature and marine preserves and sanctuaries.

2. In the Open Space-Parks category:

-- Public parks, playgrounds, and beaches, with all appurtenant facilities customarily found in conjunction therewith.

3. In the Open Space-Deed Restricted category:

-- Privately-owned lands which are deed restricted to remain in permanent open space, including natural areas, landscaped areas, trails, and walkways.

B. Other Permitted Uses. Property in the O-S Zone may be used for any use listed as a permitted use in Section 22.40.410, subject to the provisions of Sections 22.44.621 and 22.44.735.

22.44.734 Accessory uses and structures. (Reserved.)

22.44.735 Prohibited uses. In addition to the uses listed in Section 22.44.621, the following uses shall be prohibited in Zone O-S:

-- Crops, including nursery stock.

-- Earth stations.

-- Fairgrounds of a public character, when permanently located.

-- Gas metering and control stations, public utility.

-- Grazing of cattle, horses and other equine, sheep, or goats.

-- Motor recreational facilities for the driving, testing, or racing of automobiles, dune buggies, motorcycles, trail bikes, or similar vehicles, including appurtenant facilities.

-- Polo fields.

-- Residences, single-family.

-- Stadiums.

-- Stands for the display and sale of agricultural products.

-- Transportation of oil, gas, or other produced substances from an existing oil field by means other than buried pipeline.

22.44.736 Uses subject to minor coastal development permits. A. Property in Zone O-S may be used for any use listed in Section 22.40.420, subject to the provisions of Sections 22.44.611, 22.44.621, 22.44.735, and any other provision of this Chapter, provided a minor coastal development permit has first been obtained as provided in Part 17 of Chapter 22.56 and Section 22.44.516, and while such permit is in full force and effect in conformity with the provisions of such permit.

22.44.737 Uses subject to major coastal development permits. Property in Zone O-S may be used for the following, provided a major coastal development permit has first been obtained as provided in Part 17 of Chapter 22.56 and Section 22.44.516, and while such permit is in full force and effect in conformity with the conditions of such permit:

A. The uses listed in Section 22.40.430, subject to the provisions of Sections 22.44.621 and 22.44.735 and any other provisions of this Chapter.

B. The following uses:

-- Projects that exceed the standards in Sections 22.44.805 A.1.a and b with the following conditions:

i. The lot or parcel of land containing the facility has, as a condition of use, an area of at least five net acres;

ii. The facility maintains a rural appearance consistent with the outdoor character of the Santa Monica Mountains;

iii. Lot coverage, meaning the building site, for the facility is no more than 20 percent of the net lot or parcel of land containing the facility, up to a maximum of three acres; and

iv. The facility has no more than one wall-mounted or freestanding sign, provided that such sign does not exceed six square feet in sign area or 12 square feet in total sign area, and if installed as a freestanding sign does not exceed a height of 42 inches measured vertically from ground level at the base of the sign.

22.44.738 Development standards. Property in Zone O-S shall be subject to the following development standards, in addition to the provisions of Part 11 of Chapter 22.52, and subject to the provisions of Section 22.44.605:

A. Design. The arrangement of buildings, architectural design and types of uses shall be such so as to minimize adverse impacts on adjacent properties. These impacts include, but are not limited to: noise, odors, fuel modification, maintenance of community character, and views;

B. Access and Parking. Parking spaces as required by Part 11 of Chapter 22.52 shall be provided as well as adequate provisions for vehicular access and loading to prevent undue congestion on adjacent streets and highways, particularly on local streets.

C. Development Features. The development plan shall include yards, walls, walks, landscaping, and such other features as may be needed to make the development attractive, adequately buffered from adjacent more restrictive uses and compatible with the character of the surrounding area.

IT Institutional Zone.

22.44.739 Uses subject to administrative coastal development permits. Property in Zone IT may be used for the following Principal Permitted Use provided an administrative coastal development permit has first been obtained as provided in Part 17 of Chapter 22.56 and Section 22.44.516 and while such permit is in full force and

effect in conformity with such permit:

-- Educational institutions either publicly or privately owned.

22.44.740 Accessory uses and structures. Property in Zone IT may be used for any accessory use or structure accessory listed in Section 22.40.680, subject to the provisions of Section 22.40.690.

22.44.741 Uses subject to minor coastal development permits Property in Zone IT may be used for any use listed in Sections 22.40.680 and 22.40.690, subject to any other provision of this Chapter, provided a minor coastal development permit has first been obtained as provided in Part 17 of Chapter 22.56 and Section 22.44.516, and while such permit is in full force and effect in conformity with the conditions of such permit.

22.44.742 Uses subject to major coastal development permits. Property in Zone IT may be used for the following, provided a major coastal development permit has first been obtained as provided in Part 17 of Chapter 22.56 and Section 22.44.516, and while such permit is in full force and effect in conformity with the conditions of such permit, except for the use listed as the principal permitted use in Section 22.44.739:

A. The uses listed in Section 22.40.700.

B. The following uses:

-- Projects that exceed the standards in Sections 22.44.805 A.1.a and b with the following conditions:

i. The lot or parcel of land containing the facility has, as a condition of use, an area of at least five net acres;

ii. The facility maintains a rural appearance consistent with the outdoor character of the Santa Monica Mountains;

iii. Lot coverage, meaning the building site, for the facility is no more than 20 percent of the net lot or parcel of land containing the facility, up to a maximum of three acres; and

iv. The facility has no more than one wall-mounted or freestanding sign, provided that such sign does not exceed six square feet in sign area or 12 square

feet in total sign area, and if installed as a freestanding sign does not exceed a height of 42 inches measured vertically from ground level at the base of the sign.

AREA-SPECIFIC DEVELOPMENT STANDARDS

Sensitive environmental resource areas (SERA).

22.44.800 Establishment and purpose. Throughout the Santa Monica Mountains are invaluable natural resources including mountains, streams, vegetation, and wildlife that require protection. Because of their special characteristics and/or vulnerability, some resources require a greater level of protection. The Sensitive Environmental Resource Areas provisions establish land use regulations and procedures that will protect these important resources.

22.44.801 Identification of sensitive environmental resources. The Sensitive Environmental Resource Areas provisions shall apply to the following:

A. Any of the following types designated on the Sensitive Environmental Resource Areas map of the Santa Monica Mountains Coastal Zone Plan as:

-- Environmentally sensitive habitat areas (ESHA);

-- Significant watersheds;

-- Significant woodlands and savannas; and

-- Watersheds.

B. Any area not depicted on the Sensitive Environmental Resource Areas map but designated as ESHA through the process described in subsection C of Section 22.44.514.

C. All property within 200 feet of an ESHA.

22.44.802 Review of development. Prior to the issuance of any coastal development, building, demolition, or grading permit; approval of a lot line adjustment, certificate of compliance, or land division; or the commencement of any development, as defined in Section 22.08.040, within the Coastal Zone, the development proposal shall be reviewed by either the Environmental Review Board (ERB) or the staff biologist, pursuant to the provisions of Section 22.44.511 and shall comply with the provisions of

the applicable Sensitive Environmental Resources Area, unless specifically exempted below.

22.44.803 Exemptions. The following are exempted from the Sensitive Environmental Resource Areas provisions:

A. Development exempt under Section 22.56.2290. The planning director may also waive the ERB review requirement for development proposals included in subsections A.1 and A.2 of Section 22.56.2290 which fall into one of the classes set forth in Section 13250(b) or Section 13253(b) of Title 14 of the California Code of Regulations if found that the impact of the development on coastal resources is insignificant; however, any such waiver shall not be effective until it is reported to the Regional Planning Commission at a regularly scheduled meeting. If the Commission objects to the waiver, no development may be undertaken without review by the ERB;

B. Alterations or additions to any structure that do not exceed 10 percent of the structure's existing floor area; and

C. Development in the area known as Sunset Mesa.

D. Legally-established agricultural uses, confined animal facilities, and fuel modification areas required by the Los Angeles County Fire Department for legal structures, existing at the time of certification of these provisions, shall not be considered ESHA.

22.44.804 Uses. Property in Sensitive Environmental Resource Areas (SERA) may be used as follows:

A. For all Sensitive Environmental Resource Areas:

-- Resource-dependent uses, including: nature observation, research/ education and passive recreation including trails for horseback riding, hiking and mountain biking, but excluding motorized recreational uses.

B. For Environmentally Sensitive Habitat Areas (ESHA):

-- Roads, including crossing over streams, for the purpose of providing access to recreation areas open to the public or to home sites located outside the ESHA where there is no feasible alternative for providing access. Road crossings of streams shall be accomplished by bridging,

unless other methods are determined by ERB to be less damaging to the resource.

C. For Significant Watersheds, Significant Woodlands and Savannas, and Watersheds:

-- Any allowable use subject to the same permit procedures and conditions of the underlying zone, if consistent with the development standards of the applicable Sensitive Environmental Resource Area and the provisions of Section 22.44.805.

D. For property within 200 feet of an ESHA:

-- Any permitted use if located at least 200 feet from an ESHA, subject to the same limitations and conditions of the underlying zone for the property, and if consistent with the development standards of Section 22.44.805.

22.44.805 Development standards. Property in Sensitive Environmental Resource Areas (SERA) shall be subject to the following development standards, unless alternatives to these standards are determined by the Environmental Review Board (ERB) to be more protective of coastal resources.

A. Land alterations.

1. The standard for a building site shall be:

a. For Significant Watersheds and Significant Woodlands and Savannas, a maximum of 10,000 square feet.

b. For Watersheds, a maximum of 15,000 square feet.

2. Access roads. These provisions apply whether the access road is new, and/or whether any portion of an existing access road, the total length of which is greater than 300 feet, is improved or requires improvements or modifications in order to comply with county development standards.

a. For Environmentally Sensitive Habitat Areas (ESHA), Significant Watersheds, Significant Woodlands and Savannas, or any area of high potential erosion hazard as identified by ERB, the maximum length for an access road shall be 300 feet.

b. Where access roads subject to subsection a. above exceed 300 feet, a variance as provided in Part 2 of Chapter 22.56 and review by ERB shall be required. In addition to the required findings set forth in Section 22.56.330.A, findings shall be made that alternative building sites within the property or project have been considered and eliminated from consideration based on physical infeasibility or the potential for substantial habitat destruction if any such alternative site is used.

c. The width of access roads shall be the minimum required by the Fire Department for that development project.

d. For ESHA, Significant Watersheds, Significant Woodlands and Savannas, or any area of high potential erosion hazard as identified by ERB, a minor coastal development permit is required if the access road for a development goes through at least one vacant parcel.

3. Grading and vegetation removal.

a. For all SERA: Grading and vegetation removal shall be minimized. Where clearance to mineral soil is not required by the Fire Department, fuel load shall be reduced through thinning or mowing, rather than complete removal of vegetation.

b. For ESHA: Land alterations and vegetation removal, including brushing, shall be prohibited within undisturbed riparian woodlands, oak woodlands and savannas, and any areas designated ESHA by this LCP, subject to the provisions of subsection B of Section 22.44.804.

c. For Significant Watersheds and Significant Woodlands and Savannas: Grading and vegetation removal shall be limited to that necessary to accommodate one dwelling unit and two other buildings; an access road; and minimum brush clearance required by the Fire Department.

d. For Significant Watersheds: The cleared area, excluding access roads, trails, and minimum brush clearance required by the Fire Department, shall not exceed 10 percent of the net area of a lot or parcel.

e. For property within 200 feet of an ESHA:

i. Prohibit placement of structures where required brush clearance would extend into an ESHA or preserved open space.

ii. The cleared area, excluding access roads, trails, and minimum brush clearance required by the Fire Department, shall not exceed 10 percent of the net area of a lot or parcel.

B. Roads and trails. Roads and trails shall be constructed in a manner that minimizes grading and runoff.

C. Siting and location, including setbacks.

1. Structures and uses shall be located as close as possible to existing roadways, services and other developments to minimize the construction of new infrastructure and impacts on habitat.

2. Structures shall be sited to minimize removal of and impact on trees in riparian, woodland, and savanna areas. Where possible, new development shall provide a buffer of no less than 100 feet in width from the outer edge of the canopy of riparian vegetation. Where riparian vegetation is not present, the buffer shall be measured from the outer edge of the bank of the subject stream.

3. Structures shall be clustered where feasible to minimize impacts.

4. Structures shall be located as close to the periphery of the resource area as feasible, or in any other location in which it can be demonstrated that the effects of development will be less environmentally damaging.

5. For ESHA: In addition to the provisions of subsection C.1 through C.4 of this section, a minimum 100-foot setback from the outer limit of a riparian tree canopy shall be required for any structure.

6. For Significant Woodlands and Savannas: In addition to the provisions of subsection C.1 through C.4, encroachment of structures within a woodland shall be limited such that at least 90 percent of the entire woodland is retained. Leachfields shall be located outside the dripline of existing oak, walnut, and other protected trees.

D. Residential density. Residential density in Significant Watersheds and Significant Woodlands and Savannas shall not exceed one dwelling unit per 20 acres. On existing legal parcels of record that are smaller than 20 acres, residential development shall not exceed one dwelling unit per such parcel.

22.44.806 Rebuilding, modifying, or moving structures within environmentally sensitive habitat areas (ESHA). A. A structure or structures located within an ESHA may be rebuilt or modified in the same location, or moved to another location within an ESHA, provided a major coastal development permit has first been obtained as provided in Part 17 of Chapter 22.56 and Section 22.44.516, and while such permit is in full force and effect in conformity with the conditions of such permit. The applicant shall substantiate to the County the following facts:

1. The structure(s) was/were lawfully built prior to January 1, 1977, or the structure(s) was/were constructed under authority of a valid coastal development permit, if required at the time of construction.

2. The impacts of the proposed rebuilt, modified, or moved structure(s) on the ESHA are less than the existing structure's impacts.

B. In addition to the information required in the application by Section 22.56.2310 and any other provisions of this Part, the applicant shall submit a full technical analysis of the ESHA currently impacted by the structures(s) and of the ESHA that will be impacted by the proposed structure(s). This technical analysis shall include:

1. A floral inventory of the ESHA and the development envelope.

2. A focused survey for all potentially occurring sensitive plants.

3. A habitat assessment for sensitive animals.

4. Jurisdictional delineation, if applicable (US Army Corps of Engineers, California Department of Fish and Game, etc.).

5. A habitat restoration program for all vacated sites within the ESHA that is in conformance with ERB-approved guidelines for habitat restoration. The restoration program shall be reviewed by ERB, and ERB shall make recommendations concerning changes to the program and submit their recommendations to the Regional Planning Commission for its consideration.

C. A habitat restoration program shall be approved by the Regional Planning Commission and made a condition of the coastal development permit. The habitat restoration program shall be monitored by the staff biologist. The property owner shall submit an annual report on the restoration program to the director that contains the following information:

1. Maps of the site depicting structures, physical features such as streams and rock outcroppings, topography, and types and location of vegetation.

2. Photographs of the vegetation in the habitat restoration area.

3. A statement of the status of vegetation in the habitat restoration area, including the health and size of plants, percent vegetative cover of the restoration area, assessment of species diversity, how many plants have died, how many plants have been replaced, and the success of weed control efforts.

D. The annual report required under a habitat restoration program shall be required until the director determines that the habitat has been restored to a viable condition, not to exceed ten years.

E. Failure to comply with the habitat restoration program shall be a violation of the coastal development permit, subject to enforcement proceedings under Part 7 of Chapter 22.60.

Scenic resources.

22.44.810 Establishment and Purpose. The Santa Monica Mountains are a highly scenic area of regional and national importance. Scenic Resource Areas are established to protect and enhance the scenic and visual qualities of the Santa Monica Mountains.

22.44.811 Identification of Scenic Resource Areas. The Scenic Resource Areas provisions shall apply to the following:

A. Any of the following features designated on the Scenic Resources map of the Santa Monica Mountains Coastal Zone Plan as:

-- Scenic Elements;

-- Significant Ridgelines;

-- Scenic Routes, and all property within 200 feet of the edge of the right-of-way for Scenic Routes.

B. Development on a parcel that was created by an approved subdivision after the effective date of these provisions, where the development will be sited 1,000

feet or closer to a Scenic Route.

22.44.812 Review of development. A. Prior to the issuance of any coastal development permit or the commencement of any development as defined in Section 22.08.040, within an area described in Section 22.44.801, the development proposal shall comply with the provisions of the Scenic Resource Area, unless specifically exempted in Section 22.44.803. The approval of a coastal development permit for a lot line adjustment, certificate of compliance, or land division shall demonstrate that any grading or building associated with such approval can comply with the provisions of the Scenic Resources Area.

B. Story poles. Where a proposed development is located in one of the areas described in Section 22.44.811 and a variance from development standards is requested, the applicant must install story poles to delineate the height, bulk, and footprint of the proposed development. The installation of story poles shall comply with the following requirements:

1. Story poles shall be erected at least 11 calendar days prior to the hearing date and no more than 24 calendar days prior to the hearing date.

a. Story poles shall remain in place until the project has been reviewed and the appeal period has ended. If the project is appealed, the poles shall remain until the appeal has been acted upon.

b. Story poles associated with an application that has been inactive for three months shall be removed until the application review returns to an active status.

c. Story poles shall be removed within seven calendar days after a final decision on a coastal development permit has been made and the appeal process has been exhausted.

2. Story poles shall be constructed of 2” x 4” lumber or other sturdy material. The poles must be able to withstand weather, and to this purpose, guy wires, support beams or other support measures may be used.

3. Story poles shall be erected to delineate the most distant corners of a structure, roof ridgelines, chimneys, balconies, and accessory buildings.

4. The height of story poles shall indicate the final height of the building. Grading shall be accounted for in the height of the poles. The top two feet of poles shall be painted red or orange to better identify the height of the proposed structure. Bright red or orange tape shall be strung between poles at the top of the painted area to aid visibility.

5. An applicant shall submit a signed written statement by a licensed architect, engineer, or surveyor that the locations and heights of the poles are true and correct representations of the proposed structure.

6. All story poles shall be erected safely and without putting the public at risk. If the story poles become unsafe at any time, they shall be repaired or removed immediately. The poles shall be removed immediately if determined by the County to be a public safety risk. The applicant shall notify the Department of Regional Planning when the frame is in place.

C. Filing requirements. In addition to the information required in Section 22.56.2310, where property is located in one of the areas listed in Section 22.44.811, an application for a coastal development permit shall contain the following information:

1. Panoramic or composite photographs from all corners of the subject property, taken looking out from major elevated points within the property and, if applicable, looking toward the property from adjoining Scenic Routes.

2. Maps showing the existing topography of the project area, including all offsite improvement areas associated with the project. Commercially available maps may be deemed acceptable. The following copies shall be submitted:

a. One copy of such map shall identify the locations of all drainage patterns, drainage courses and any other physical features which are customarily found on topographical maps prepared by the United States Geological Survey, and

b. A separate copy shall delineate all property having a natural slope of 0 to 14.99 percent, 15 to 24.99 percent, 25 to 49.99 percent, and a natural

slope of 50 percent or more.

3. A grading plan to a scale satisfactory to the director indicating all proposed grading, including the natural and finished elevations of all slopes to be graded.

4. Such other information as the planning director determines to be necessary for adequate evaluation. The planning director may waive the filing of one or more of the above items if any item is deemed unnecessary for processing the application.

22.44.813 Exemptions. The following are exempted from the Scenic Resource Areas provisions:

A. Development exempt under Section 22.56.2290.

B. Alterations or additions to any structure that cumulatively do not exceed 10 percent of the existing floor area.

22.44.814 Uses. Property in the Scenic Resources Area may be used for any permitted use subject to the same limitations and conditions of the underlying zone, if consistent with the development standards of the applicable Scenic Resource Area.

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

A. All Scenic Resource Areas:

1. View protection. New development shall be sited and designed to protect public views from Scenic Routes, and to protect public views of Significant Ridgelines and Scenic Elements through the provisions contained in this section.

a. Clustering of structures and lots shall be required to site new construction in areas of less visibility, unless to do so would cause substantial habitat damage and destruction.

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

c. Polished and/or roll-formed type metal roofing shall be prohibited.

d. Colors used for structures shall be similar to the surrounding landscape.

e. Structures shall conform to the natural topography. On hillsides having a natural slope of 25 percent or more:

i. Structures shall not extend more than six feet beyond (i.e., out from) the downslope edge of the natural slope or have an understory that exceeds a height of six feet from the bottom of the natural slope, unless site constraints necessitate higher distances.

ii. Structures shall be set into the slope utilizing a stepped or split-level design.

iii. Structures shall be sited so that their higher elements are located toward the center or uphill portions of the building site, to minimize the visual impact of the structure.

f. Public works projects, including but not limited to retaining walls, abutments, bridges, and culverts, shall be constructed of materials, textures, veneers, and colors compatible with the surrounding landscape and in keeping with a rural character.

g. Utilities shall be constructed underground where feasible.

2. Grading. Alteration of natural landforms shall be minimized by conforming to natural topography and using contour grading, and shall comply with the following standards:

a. A graded slope shall not exceed a height of 15 feet.

b. Graded pads on hillsides having a natural slope of 25 percent or more shall be split-level or stepped pad designs.

c. Retaining walls shall not exceed six feet in height and shall be constructed of materials, textures, veneers, and colors that are compatible with the surrounding landscape. Where more than one retaining wall is necessary, they shall be separated by a minimum three-foot horizontal distance; the area in front of and

separating retaining walls shall be landscaped to screen them, unless otherwise screened by buildings.

d. Development located on the inland side of Pacific Coast Highway shall be designed so as to minimize cutting into the base of the bluff to avoid grading and the use of retaining walls.

B. Scenic Elements. Structures should not completely block views of Scenic Elements or the ocean from the principal permitted use on surrounding properties.

C. Significant Ridgelines.

1. Ridgelines are defined as the line formed by the meeting of the tops of sloping surfaces of land. Significant Ridgelines are designated by the director as those which are highly visible and dominate the landscape. The locations of Significant Ridgelines are depicted on Map 3 Scenic Resources, of the Coastal Zone Plan.

2. The highest point of a structure that requires any permit shall be located at least 50 vertical feet and 50 horizontal feet from a Significant Ridgeline, excepting chimneys, solar panels, rooftop antennas, wind energy conversion systems, and amateur radio antennas.

3. Where structures on a lot or parcel of land cannot meet the standards prescribed by subsection C.2. above, a variance is required as provided in Part 2 of Chapter 22.56. In addition to the requirements of Subsection A of Section 22.56.330, findings shall be made that (1) alternative sites within the property or project have been considered and eliminated from consideration based on physical infeasibility or the potential for substantial habitat damage and destruction, and (2) the proposed development maintains the maximum view of the related Significant Ridgeline through the use of design features that include, but are not limited to, reduced structural height, clustered structures, shape, materials, and color which allow the structure to blend in with the natural setting, minimized grading, and locally-indigenous vegetation for concealment. The director shall maintain a list of appropriate landscaping materials required to satisfy this provision.

4. Applicability.

a. Notwithstanding the provisions of subsection C.2, a person shall have the right to repair or replace a damaged or destroyed residence or accessory structure(s) which, as of the effective date of these subsections, was lawfully established, provided such repaired or replaced residence or accessory structure(s) is built in substantially the same location as the one that was damaged or destroyed. Proof that the residence or accessory structure(s) was legally established shall be demonstrated to the director prior to the commencement of any construction activity. The repaired or replaced residence or accessory structure(s) may be enlarged cumulatively up to 10 percent, based on the legal floor area existing immediately before such residence or accessory structure(s) was damaged or destroyed. A different location for the residence or accessory structure(s) may be approved by the director if the applicant shows that the new location will avoid known hazards on the project site, such as geotechnical, fire, and/or hydrologic hazards, and also shows that such other location will not result in damage to significant biological resources.

b. A lawfully established residence or accessory structure(s) existing as of the effective date of these subsections that is located on a Significant Ridgeline, or within the ridgeline protection area of 50 vertical and 50 horizontal feet from the Significant Ridgeline, may be cumulatively enlarged up to 25 percent or 1,200 square feet of gross floor area, whichever is less. Proof that the residence or accessory structure(s) was legally established shall be demonstrated to the director prior to the commencement of any construction activity.

5. No part of a proposed structure shall block the view of a Significant Ridgeline from a Scenic Route.

D. Scenic Routes.

1. A structure shall not occupy more than 50 percent of the linear frontage of a parcel fronting on a Scenic Route.

2. Roof-mounted equipment shall not be visible within 200 feet of a Scenic Route, excluding solar energy devices. If conditions require the equipment to be mounted so that it violates this provision, such equipment may be screened with materials that blend with the roof or background landscape.

3. For structures located within 500 feet of a Scenic Route, trees, shrubs, flowers, and other landscaping shall be planted between the structure and the Scenic Route, to help diffuse the visual impact of the structure. It is not necessary for the landscaping to completely screen the structure from view.

4. Trees, shrubs, flowers, and other landscaping that form a hedge or similar barrier serving the purpose of a wall shall comply with the provisions of Section 22.48.170, and shall not be placed so that they obscure views from Scenic Routes.

5. Structures on the downslopes along Scenic Routes should be set below road grade whenever feasible.

6. Structures located on the ocean side of Pacific Coast Highway shall occupy no more than 80 percent of the linear frontage of the parcel. Projects which include more than one adjoining parcel may occupy 100 percent of the linear frontage of any one parcel, even if the project crosses a parcel line, provided that 60 percent of the open area of the overall project is incorporated elsewhere on the highway frontage of the development project to allow unobstructed views of the ocean. Any structure built on bluffs on the ocean side of Pacific Coast Highway shall not impair views of the bluff from the beach.

7. Signs.

a. The provisions of Part 10 of Chapter 22.52 shall be modified as follows:

(1) Signs shall be unobtrusive and shall not alter, damage or obstruct views of Scenic Elements, Significant Ridgelines, or the ocean from Scenic Routes.

(2) Signs shall be externally lit, using fixtures designed to direct all light onto the sign.

(3) Wall signs shall not exceed a maximum 1.5 square feet in sign area for each one linear foot of building frontage, up to a maximum 50 square feet.

8. Fences and walls.

a. Solid walls, except for retaining walls, shall be prohibited.

b. Only wood, wire, or wrought iron style or similar open-type

fences shall be permitted, unless view-obscuring fences are required for visual shielding by other provisions of this title.

c. Except where otherwise required by ordinance, a minimum 70 percent of the entire fence area shall be non-view-obscuring; no slats or other view-obscuring materials may be inserted into or affixed to such fences. Any solid, linear sections must be primarily for structural purposes or to provide minor architectural design features.

Hazards.

22.44.816 Establishment and purpose. The Hazards Area is established to protect public health and safety by reducing and mitigating hazards associated with fire, geologic and soil conditions, earthquakes, and flooding that could affect development proposals in the Santa Monica Mountains. These provisions are intended to supplement related requirements contained in State law including the Seismic Hazards Mapping Act and the Alquist-Priolo Earthquake Fault Zoning Act.

22.44.817 Identification of Hazards Area.

A. The provisions of the Hazards Area shall apply to any of the following types of hazards designated on the Hazards Map of the Santa Monica Mountains Coastal Zone Plan:

-- Very High Fire Hazard Severity Zone;

-- Liquefaction Areas;

-- Earthquake-Induced Landslides;

-- Fault Zones; and

-- Floodprone Areas.

B. The Hazards Map may not identify all places that have potential for the hazards listed above. Property that lies outside of a mapped hazard area is not necessarily free from hazards. Property outside of any mapped hazard area may be affected by hazards on adjacent or nearby sites, or by unidentified hazards. The information in the Hazards Map serves as a guide, and does not substitute for any necessary detailed site investigations that may be required prior to construction.

C. Any development proposed in areas similar to the hazards mentioned in subsection A above and which are identified on a site during the development process shall comply with the provisions of the Hazards Area.

22.44.818 Review of development. Prior to the issuance of any coastal development permit; approval of a lot line adjustment, certificate of compliance, or land division; or the commencement of any development, as defined in Section 22.08.040, within an area described in subsection A of Section 22.44.817, the development proposal shall comply with the provisions of the Hazards Area, unless specifically exempted below.

22.44.819 Exemptions. The following are exempted from the Hazards Area provisions:

A. Development exempt under Section 22.56.2290.

B. Alterations or additions to any structure that do not exceed 10 percent of the structure's existing floor area.

22.44.820 Uses. Property in the Hazards Area may be used for any permitted use subject to the same limitations and conditions of the underlying zone, if consistent with the requirements of the applicable Hazards Area type.

22.44.821 Hazards evaluation. The reports, site plans, and public agency consultations required in this section shall be completed prior to the filing of a coastal development permit application.

A. The applicant shall submit a site-specific report that evaluates the nature of all hazards affecting the proposed development and shall identify the portions of the project site containing the hazards. The applicant shall address, but should not limit any evaluation to, the hazard areas described in subsection B of this section.

1. The report shall indicate how the proposed development avoids the

hazard(s), protects the site from the hazard(s) or reduces the hazard(s) to an acceptable level.

2. The report shall include a description of all mitigation measures recommended and required by the public agencies that were consulted, and all on- or off-site mitigation measures proposed as part of the project.

3. The report shall identify any known off-site hazards that could adversely affect the site and any effect that the proposed development may have on off-site property.

4. The requirement to prepare a site-specific report or address a particular hazard may be waived by the director if the consulting public agency finds that a report is not necessary and informs the director in writing.

B. The applicant shall consult with a public agency to preliminarily determine if proposed mitigation measures are consistent with the agency's requirements and/or standards. The following agencies shall be consulted for the hazard area types listed below:

1. The Department of Public Works:

a. For all property shown in the following areas, the consultation shall evaluate, but not be limited to, loose debris, slopewash, mud flows, landslide, settlement, and slippage:

-- Very High Fire Hazard Severity Zone;

-- Liquefaction Areas;

-- Earthquake-Induced Landslides;

-- Fault Zones;

-- Floodprone Areas; and

-- Any other areas where the Building Official determines such consultation is essential.

b. For all property shown in the following areas, the consultation shall address, but not be limited to, an evaluation of inundation, overflow, erosion, deposition of debris, evaluation of peak flows utilizing the natural vegetated conditions, and impact on development downstream; 100-year floodplain level,

contributory drainage, pre-development, and post-project flows; impermeable surfaces, erosion, and sedimentation:

-- Liquefaction Areas;

-- Floodprone Areas; and

-- Any other areas where the Building Official determines such consultation is essential.

2. The Fire Department for all property within a Very High Fire Hazard Severity Zone. The consultation shall address, but not be limited to, an evaluation of existing vegetation, fuel modification, the method of vegetation removal, type of plants to be planted on site, intended maintenance, areas to be irrigated, type of irrigation system to be used, fire hydrant locations and fire flows, and access standards (e.g., width, grade, slope, paving, overhead clearance).

C. After consulting with public agencies, the applicant shall prepare a site plan for the proposed project that includes all mitigation measures necessary to comply with the recommendations and requirements of the consulted public agencies. The site plan shall show all aspects of development including, but not limited to, grading, construction of retaining walls or flood control devices, fuel modification areas, accessways, water lines, and irrigation systems necessary to mitigate any hazards on the property.

D. All coastal development permits shall be subject to a condition that no construction, grading, or vegetation removal shall be started until all public agencies have reviewed any detailed studies relating to the hazards affecting the site and have agreed with the mitigation measures proposed by the applicant to assure that the site can be developed in a way that will protect public health and safety. If, during the detailed review process, a public agency determines that additional mitigation measures and/or construction beyond that described in the coastal development permit application are necessary, the applicant shall submit revised plans to the planning director to determine if the additional measures and/or construction are consistent with the local coastal program or require an amendment as described in Section 22.56.2530.

Rural Villages

22.44.822 Establishment and purpose. This section is established to implement certain policies related to Rural Villages contained in the Coastal Zone Plan of the Santa Monica Mountains Local Coastal Program. This section establishes development standards in Rural Villages to address issues associated with inadequate infrastructure, limited access, antiquated subdivision patterns, and the potential hazards of fire, flood, and geologic instability.

22.44.823 Identification of Rural Villages. The following communities, the location and boundaries of which are as shown on Map 6 of the Santa Monica Mountains Coastal Zone Plan, are designated as Rural Villages: El Nido, Fernwood, Las Flores Heights, Malibu Bowl, Malibu Highlands, Malibou Lake, Malibu Mar Vista, Malibu Vista, Monte Nido, Old Post Office, Old Topanga, Topanga Oaks, Topanga Woods, and Vera Canyon.

22.44.824 Review of development. Prior to the issuance of any coastal development permit; approval of a lot line adjustment, certificate of compliance; or the commencement of any development, as defined in Section 22.08.040, within an area identified in Section 22.44.823, the development proposal shall comply with the provisions of the Rural Villages Area, unless specifically exempted below.

22.44.825 Exemptions. (Reserved.)

22.44.826 Development standards. The following provisions apply to all land within Rural Villages as identified in Section 22.44.823.

A. Slope Intensity Formula.

1. Establishment and purpose. The slope intensity formula is established to implement certain policies related to residential developments in small-lot subdivisions and on small parcels subject to the Santa Monica Mountains Coastal Zone Plan. The formula establishes development standards in hillside and other areas to limit the impact of development in these areas. Preservation of important coastal resources and scenic features will also be accomplished through the use of this formula.

2. Applicability. Construction of residential units on a lot or parcel of land of less than 10,000 square feet net area shall be subject to the provisions of this section.

3. Calculation of gross structural area.

a. The maximum allowable gross structural area of a residential unit to be constructed on a building site shall be determined by the following formula:

$$GSA = (A/5) \times [(50-S)/35] + 500$$

Where: GSA = the allowable gross structural area of the permitted development in square feet. The GSA shall be interpreted to include the total floor area of all enclosed residential and storage areas, but not to include vent shafts, the first 400 square feet of garages, or carports designed for the storage of autos.

A = the area of the building site in square feet. The building site is delineated by the applicant and may consist of all or a designated portion of the one or more lots comprising the project location. All permitted structures must be located within the designated building site.

S = the average slope of the building site in percent as calculated by the formula:

$$S = I \times L/A \times 100$$

Where: S = average natural slope in percent.

I = contour interval in feet, at not greater than 25-foot intervals, resulting in at least five contour lines.

L = total accumulated length of all contours lines of interval "I" in feet.

A = the area of the building site in square feet.

b. All slope calculations shall be based on natural, not graded conditions. Maps of a scale generally not less than one inch equals 10 feet (1"=10'), showing the building site and existing slopes, prepared by a licensed surveyor or

registered professional civil engineer, shall be submitted with the application. If slope is greater than 50 percent, enter 50 for S in the GSA formula.

c. The maximum allowable GSA as calculated above may be increased as follows:

i. Add 500 square feet or 12.5 percent of the total lot area, whichever is less, for each vacant lot which is contiguous to the designated building site, provided that such lot(s) is (are) combined with the building site, and all potential for residential development on such lot(s) is permanently extinguished.

ii. Add 300 square feet or 7.5 percent of the total lot area, whichever is less, for each vacant lot in the vicinity of (e.g., in the same rural village) but not contiguous with the designated building site, provided that such lot(s) is (are) combined with other developed or developable building sites and all potential for residential development on such lot(s) is permanently extinguished.

iii. Lots may be considered contiguous as long as at least one lot touches the lot containing the designated building site and all lots touch at least one other lot that is being retired. For example, three lots in a row may be considered contiguous to the designated building site as long as one lot touches the designated building site and all three are having their potential residential development permanently extinguished.

d. The floor area requirement for single-family residences contained in Section 22.20.105 shall not apply.

e. All residences approved in Rural Villages by the slope intensity formula shall be subject to an improvement condition requiring that any future additions to the residence shall be subject to a minor coastal development permit.

f. The GSA cannot be modified other than through subsection c above.

B. Off-Street Parking.

1. Each dwelling unit shall have automobile parking spaces as follows:

a. At least two covered, standard-size automobile parking spaces, the maximum size of the structure which shall be 400 square feet; and,

b. At least two uncovered, standard-size automobile parking spaces. These spaces may be located in required front, side, and rear yards only if they constitute a driveway to the covered parking.

2. All required parking spaces shall be conveniently accessible to the street and to the dwelling unit served.

C. Street Access. All access easements through or abutting the property shall be certified all-weather access a minimum of 10 feet from the centerline or, if no centerline exists, from the frontage of the property, constructed to the satisfaction of the Department of Public Works.

D. Fire Sprinklers. An interior automatic fire-sprinkler system shall be installed in each dwelling unit, in compliance with the requirements of the forester and fire warden.

22.44.827 Malibou Lake Area. A. Intent and Purpose. The Malibou Lake area-specific development standards are established as a means to mitigate the problems of cumulative residential development on existing historical lots with limited street access in a Very High Fire Hazard Severity Zone.

B. Development standards. If an administrative coastal development permit is first applied for and approved, premises may be used for single-unit dwellings and accessory uses, subject to the following development standards and in addition to the standards contained elsewhere in this community standards district:

1. Lot Coverage. Buildings and structures shall cover no more than 25 percent of the area of a lot, provided that regardless of lot size a residence of at least 800 square feet of floor area is allowed.

2. Street Access. A minimum 20 feet of paved roadway width to Crags Drive shall be provided to the premises, constructed to the satisfaction of the Department of Public Works, or to a lesser width as determined by the Forester and Fire Warden.

3. Yards and Setbacks. The provisions of Sections 22.48.060 through 22.48.110, 22.48.120 through 22.48.150, and 22.48.180 shall not apply to new construction.

4. Application. The development standards contained in Sections 22.44.826.B and 22.44.826.D concerning off-street parking and fire sprinklers, and subsection 1 and 2 above concerning street access and lot coverage, shall apply to any new construction of dwelling units, as well as to additions made to existing dwelling units where the cumulative area of all additions made to the units after February 28, 1993, adds at least 200 square feet to the GSA as defined in Section 22.44.826 A3. "GSA" means the floor area of the permitted development expressed in square feet, and existing on February 28, 1993.

5. The Forester and Fire Warden shall investigate each application for a coastal development permit and submit written comments and recommendations thereon to the director.

C. Modifications.

1. Any modification of the development standards contained in Sections 22.44.826.B and 22.44.826.D concerning off-street parking and fire sprinklers, and subsection B above concerning street access and lot coverage, shall be considered through the major coastal development permit procedure described in Part 17 of Chapter 22.56 and shall be further subject to the following provisions:

a. The Forester and Fire Warden shall investigate each application for a coastal development permit and submit written comments and recommendations thereon to the hearing officer.

b. In making a determination upon an application for a coastal development permit pursuant to this subsection, the hearing officer or Regional Planning Commission shall find, in addition to the requirements of Section 22.56.090, that:

i. The grant is necessary for the preservation and enjoyment of a substantial property right possessed by owners of other property in the same community;

ii. The modification of the development standards will not create an adverse safety impact in the surrounding community;

iii. The structure will not be materially detrimental or injurious to the property or improvements in the vicinity of the premises; and

iv. The modification of the development standards will not adversely affect or be in conflict with the general plan, including the Santa Monica Mountains Coastal Zone Plan.

2. The hearing officer may grant a modification to yard or setback requirements required by this Title 22. The Forester and Fire Warden shall investigate each application for a yard modification and submit written comments and recommendations thereon to the director.

a. Any person desiring a modification to yard or setback regulations may file an application for a minor coastal development permit, except that no application shall be filed or accepted if final action has been taken within one year prior thereto by the director, hearing officer, Regional Planning Commission, or Board of Supervisors on an application requesting the same, or substantially the same modification.

b. An application for a yard modification shall contain the information required by Section 22.56.030.

c. In addition to the information required in the application, the applicant shall substantiate to the satisfaction of the hearing officer that the findings specified in subsection C.1 above can be made.

d. When an application is filed it shall be accompanied by the filing fee as required in Section 22.60.100.

e. In all cases where an application for a modification is filed, the director shall cause a notice indicating the applicant's request and the location specified to be forwarded by first class mail, postage prepaid to:

i. All persons whose names and addresses appear on the latest available assessment roll of the County of Los Angeles as owning property adjacent to the exterior boundaries of the property in question;

ii. "Occupant" or "occupants" in all cases where the mailing address of any owner of property required to be notified under the provisions of subsection i. above is different than the address of such adjacent property;

iii. Such other persons whose property might in the director's judgment be affected by such modification; and

iv. Such notice shall also indicate that any individual opposed to the granting of such permit may express such opposition by written protest to the director within 15 days after receipt of such notice.

f. The hearing officer shall approve a modification where no protest to the granting of such permit is received within the specified protest period and the applicant has met the burden of proof set forth in subsection C.1 above. The hearing officer shall deny an application in all cases where the information received from the applicant or the Forester and Fire Warden fails to substantiate the burden of proof set forth in this section to the satisfaction of the director.

g. In all cases where a written protest has been received, a public hearing shall be scheduled relative to such matter before the hearing officer. In such case, all procedures relative to notification, public hearing, and appeal shall be the same as for a minor coastal development permit. Following a public hearing, the hearing officer shall approve or deny the proposed modification based on the findings required by this section for approval by the director exclusive of written protest.

h. The hearing officer or Regional Planning Commission in approving an application for a modification may impose such conditions as are deemed necessary to ensure that the modification will be in accord with the findings required for approval.

i. Any person dissatisfied with the action of the hearing officer may file an appeal of such action with the Regional Planning Commission. Upon receiving a notice of appeal, the Regional Planning Commission shall take one of the following actions:

i. Affirm the action of the Hearing Officer; or

ii. Refer the matter back to the Hearing Officer for further review with or without instructions; or

iii. Set the matter for public hearing before itself. In such case, the Regional Planning Commission's decisions may cover all phases of the matter, including the addition or deletion of any condition. In rendering its decision, the Regional Planning Commission shall not hear or consider any argument or evidence of any kind other than the record of the matter received from the director unless it is itself conducting a public hearing on the matter.

3. The decision of:

a. The hearing officer shall become final and effective 15 days after receipt of notice of action by the applicant, provided no appeal of the action taken has been filed with the Regional Planning Commission within such 15 days following notification; or

b. The Regional Planning Commission shall become final and effective 15 days after receipt of notice of action by the applicant, provided no appeal of the action taken has been filed with the executive officer-clerk of the Board of Supervisors pursuant to Part 5 of Chapter 22.60.

4. A yard modification which is not used within the time specified in such yard modification, or, if no time is specified, within one year after the granting of the yard modification, becomes null and void and of no effect except that the director may extend such time for a period not to exceed one year, provided an application requesting such extension is filed prior to such expiration date.

D. Accessory uses. The following new accessory uses are prohibited, notwithstanding the general authority of Section 22.20.080:

1. Detached living quarters on the same premises as the primary dwelling unit, for the use of guests and domestic staff;

2. Attached living quarters for the use of domestic staff;

3. Rooms for rent in dwelling units.

E. Except as otherwise provided herein, subsection B above incorporates the provisions of Section 22.44.123 as adopted by Ordinance 93-0010 and amended by Ordinance 94-0049, as those provisions are applicable to the Malibou Lake Area.

SECTION 16. Section 22.52.1720, Prohibited areas, is amended as follows:

…

A. Within a significant ecological area, as defined in Section 22.08.190~~, or within an environmentally sensitive habitat area, as shown on the sensitive environmental resources map of the Malibu Land Use Plan~~;

B. On land with a natural slope of 25 percent or more; ~~or~~

C. Within the boundaries of a noise zone, as described in Section 22.44.350~~.~~ or

D. Within the following areas subject to the Santa Monica Mountains Local Coastal Program:

1. Environmentally sensitive habitat areas, as shown on the sensitive environmental resource areas map;
2. On land located more than 2,500 feet from Pacific Coast Highway, except for the five lots required to contain second units pursuant to the conditions of approval for Tentative Tract Map 46277.

SECTION 17. Section 22.56.215, Hillside management and significant ecological areas; additional regulations, is amended as follows:

. . .

C. Exemptions from Permit. Permit exemptions include:

. . .

8. Development in the Santa Monica Mountains Coastal Zone is exempt from these provisions.

. . .

H. Director's Report.

. . .

2. The director, in developing such a report and recommendation, will consult with appropriate agencies and will compile the recommendations and comments of such agencies, including any recommendation of SEATAC. ~~Developments which are located in the Malibu Coastal Zone which are in both a significant ecological area and a sensitive environmental resource area shall be evaluated by the ERB pursuant to the~~

~~provisions of Part 9 of Chapter 22.44 in lieu of SEATAC to assure the protection of the resources contained in these areas.~~

. . .

SECTION 18. Section 22.56.2281, Santa Catalina Island and Marina del Rey permit required, is added as follows:

22.56.2281 Santa Catalina Island and Marina del Rey permit required. As used in the Santa Catalina Island Local Coastal Plan and Marina del Rey Land Use Plan, "Coastal development permit" means a major coastal development permit.

SECTION 19. Section 22.56.2286, Emergency projects, is added as follows:

22.56.2286 Emergency projects. In the event of an emergency within the County's jurisdiction, where an emergency is defined as a sudden, unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services, and application for an emergency coastal development permit ("emergency permit") shall be made to the director. The director may issue an emergency permit in accordance with Coastal Act Section 30624 and the following:

A. Applications in cases of emergencies shall be made to the director by letter or facsimile during business hours if time allows, by telephone or in person if time does not allow, within four days (96 hours) of learning of the emergency.

B. The information to be included in the application shall include the following:

1 The nature of the emergency;

2 The cause of the emergency, insofar as this can be established;

3 The location of the emergency;

4 The remedial, protective or preventative work required to deal with the emergency; and

5 The circumstances during the emergency that appeared to justify the course(s) of action taken, including the probable consequences of failing to take action.

C. The director shall verify the facts, including the existence and nature of the emergency, insofar as time allows. The director shall document in writing the steps taken to verify the emergency and the conclusions based thereon.

D. Prior to issuance of an emergency permit when feasible, the director shall notify, and coordinate with, the South Central Coast District office of the California Coastal Commission as to the nature of the emergency and the scope of the work to be performed. This notification shall be in person or by telephone.

E. The director shall provide public notice of the proposed emergency, with the extent and type of notice determined on the basis of the nature of the emergency itself. The director may grant an emergency permit upon reasonable terms and conditions, including and expiration date and the necessity for a regular permit application later, if the director finds that:

1. An emergency exists and requires action more quickly than permitted by the procedures for coastal development permits administered pursuant to the provisions of this Chapter and Public Resources Code Section 30600.5 and the development can and will be completed within 30 days unless otherwise specified by the terms of the permit;

2. Public comment on the proposed emergency action has been reviewed if time allows; and

3. The work proposed would be temporary and consistent with the requirements of the County's certified LCP.

4. The work proposed is the minimum action necessary to address the emergency and, to the maximum extent feasible, is the least environmentally damaging temporary alternative for addressing the emergency.

5. The director shall not issue an emergency permit for any work that falls within the provisions of Public Resources Code Section 30519(b) since a coastal development permit application must be reviewed by the California Coastal Commission pursuant to provisions of Public Resources Code Section 30600.5.

F. The emergency permit shall be a written document that includes the following information:

1. The date of issuance;

2. The expiration date;

3. The scope of work to be performed;

4. Terms and conditions of the permit;

5. A provision stating that within 90 days of issuance of the emergency permit, a regular coastal development permit application shall be submitted and properly filed consistent with the requirements of this Chapter.

6. A provision stating that any develo0pment or structures constructed pursuant to an emergency permit shall be considered temporary until authorized by a follow-up regular coastal development permit and that issuance of an emergency permit shall not constitute an entitlement to the erection of permanent development or structures;

7. A provision that states that: The development authorized in the emergency permit must be removed unless a complete application for a regular coastal development permit is filed within 90 days of approval of the emergency permit and said regular permit is approved. If a regular coastal development permit authorizing permanent retention of the development is denied, then the development that was authorized in the emergency permit, or the denied portion of the development, must be removed. The director may extend the length of time that the development authorized by the emergency permit is allowed to remain in place, if such an extension is requested and substantiated by the applicant.

G. The emergency permit may contain conditions for removal of development or structures if they are not authorized in a regular coastal development permit, or the emergency permit may require that a subsequent permit must be obtained to authorize the removal.

H. The director shall report in writing to the Regional Planning Commission and to the California Coastal Commission at each meeting the emergency permits applied for or issued since the last report, with a description of the nature of the emergency and the work involved. Copies of this report shall be available at the

meeting and shall have been mailed at the time that application summaries and staff recommendations are normally distributed to all persons who have requested such notification in writing.

I. All emergency permits issued after completion of the agenda for the meeting shall be briefly described by the director at the meetings and the written report required by subsection 8 above shall be distributed prior to the next succeeding meeting.

J. The report of the director shall be informational only; the decision to issue the emergency permit is solely at the discretion of the director.

SECTION 20. Section 22.56.2290, Exemptions and categorical exclusions, is amended as follows:

22.56.2290 Exemptions and categorical exclusions. A. Exemptions: The provisions of this Party 17 shall not apply to:

1. Additions to single-family residences consistent with the provisions of Section 13250, Title 14, California Code of Regulations.

2. a. Improvements to existing single-family residences except as noted below in subsection b. For purposes of this section, the terms "Improvements to existing single-family residences" includes all fixtures and structures directly attached to the residence and those structures normally associated with a single family residence, such as garages, swimming pools, fences, storage sheds and landscaping but specifically not including guest houses or accessory self-contained residential units.

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

i. Improvements to a single-family structure if the structure or improvement is located: on a beach, in a wetland, seaward of the mean high tide line, in an environmentally sensitive habitat area, or within 50 feet of the edge of a coastal bluff.

ii. Any significant alteration of land forms including the movement of cut and/or fill material requiring a grading permit, removal or placement of

15,000 square feet or more of vegetation, on a beach, wetland, or sand dune, or within 50 feet of the edge of a coastal bluff, or in environmentally sensitive habitat areas;

iii. The expansion or construction of water wells or septic systems;

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, improvement that would result in an increase of 10 percent or more of internal floor area of an existing structure or an additional improvement of 10 percent or less where an improvement to the structure had previously been undertaken pursuant to this section or Public Resources Code Section 30610(a), 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.

v. In areas which the County or Coastal Commission has previously declared by resolution after public hearing to have a critically short water supply that must be maintained for the protection of coastal resources or public recreational use, the construction of any specified major water using development not essential to residential use including but not limited to swimming pools, or the construction or extension of any landscaping irrigation system.

vi. Any improvement to a single-family residence where the development permit issued for the original structure by the Coastal Commission, regional Coastal Commission, or director indicated that any future improvements would require a development permit.

~~2~~ 3. Improvements to any structure other than a single family residence or public works facility consistent with the provisions of Section 13253, Title 14, California Code of Regulations.

~~3~~ 4. Repair and Maintenance Activities.

~~A~~ a. Repair or maintenance activities that ~~are consistent with the provisions of Section 13252, Title 14, California Code of Regulations~~ do not result in an

addition to, or enlargement or expansion of, the object of those repair or maintenance activities.

b. The exemption in subsection a. above shall not apply to the following extraordinary methods of repair and maintenance which require a coastal development permit because they involve a risk of adverse environmental impact:

i. Any method of repair or maintenance of a seawall, revetment, bluff retaining wall, breakwater, groin, culvert, outfall, or similar shoreline work that involves:

(A) Repair or maintenance involving alteration of 20 percent or more of the foundation of the protective work including pilings and other surface or subsurface structures;

(B) The placement, whether temporary or permanent, of rip-rap, artificial berms of sand or other beach materials, or any other forms of solid materials, on a beach or in coastal waters, streams, wetlands, estuaries and lakes or on a shoreline protective works;

(C) The replacement of 20 percent or more of the materials of an existing structure with materials of a different kind; or

(D) The presence, whether temporary or permanent, of mechanized construction equipment or construction materials on any sand area, bluff, or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams.

ii. Any method of routine maintenance dredging that involves:

(A) The dredging of 100,000 cubic yards or more within a twelve (12) month period;

(B) The placement of dredged spoils of any quantity within an environmentally sensitive habitat area, on any sand area, within 50 feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams; or

(C) The removal, sale, or disposal of dredged spoils of any quantity that would be suitable for beach nourishment in an area the County or the Coastal Commission has declared by resolution to have a critically short sand supply

that must be maintained for protection of structures, coastal access or public recreational use.

iii. Any repair or maintenance to facilities or structures or work located in an environmentally sensitive habitat area, any sand area, within 50 feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams that include:

(A) The placement or removal, whether temporary or permanent, of rip-rap, rocks, sand or other beach materials or any other forms of solid materials;

(B) The presence, whether temporary or permanent, of mechanized equipment or construction materials.

c. All repair and maintenance activities governed by subsection 4.b. above shall be subject to the LCP permit regulations, including but not limited to the regulations governing administrative and emergency permits. The provisions of subsection b. above shall not be applicable to those activities specifically described in the document entitled Repair, Maintenance and Utility Hookups, adopted by the Coastal Commission on September 5, 1978 unless a proposed activity will have a risk of substantial adverse impact on public access, environmentally sensitive habitat area, wetlands, or public views to the ocean.

d. Unless destroyed by natural disaster, the replacement of 50 percent or more of a single-family residence, (as measured by 50% of the exterior walls), seawall, revetment, bluff retaining wall, breakwater, groin or any other structure is not repair and maintenance but instead constitutes a replacement structure requiring a coastal development permit.

5. Other Improvements.

a. Improvements to any structure other than a single-family residence or a public works facility except as noted in subsection 5.b below. For purposes of this Section, where there is an existing structure, other than a single-family residence or public works facility, the following shall be considered a part of that structure:

i. All fixtures and other structures directly attached to the structure.

ii. Landscaping on the lot.

b. The exemption in subsection 5.a. above shall not apply to the following classes of development which require a coastal development permit because they involve a risk of adverse environmental effect, adversely affect public access, or involve a change in use contrary to the policies of the LCP.

i. Improvement to any structure if the structure or the improvement is located: on a beach; in a wetland, stream, or lake; seaward of the mean high tide line; or within 50 feet of the edge of a coastal bluff;

ii. Any significant alteration of land forms including the movement of cut and/or fill material requiring a grading permit, removal or placement of 15,000 square feet or more of vegetation, on a beach or sand dune; in a wetland or stream; within 100 feet of the edge of a coastal bluff, or in an environmentally sensitive habitat area;

iii. The expansion or construction of water wells or septic systems;

iv. On property not included in subsection 5.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 LUP, an improvement that would result in an increase of 10 percent or more of internal floor area of the existing structure, or constitute an additional improvement of 10 percent or less where an improvement to the structure has previously been undertaken pursuant to subsection 5.a. above or Public Resources Code section 30610(b), and/or increase in height by more than 10 percent of an existing structure;

v. In areas which the County or the Coastal Commission has previously declared by resolution after public hearing to have a critically short water supply that must be maintained for protection of coastal recreation or public recreational use, the construction of any specified major water using development including but not limited to swimming pools or the construction or extension of any landscaping irrigation system;

vi. Any improvement to a structure where the coastal development permit issued for the original structure by the director or the Coastal Commission indicated that any future improvements would require a development permit;

vii. Any improvement to a structure which changes the intensity of use of the structure;

viii. Any improvement made pursuant to a conversion of an existing structure from a multiple unit rental use or visitor-serving commercial use to a use involving a fee ownership or long-term leasehold including but not limited to a condominium conversion, stock cooperative conversion or motel/hotel timesharing conversion.

~~4~~ 6. Utility Connections. The installation, testing and placement in service or the replacement of any necessary utility connection between an existing service facility and any development approved pursuant to Division 20, the California Coastal Act, of the Public Resources Code; provided, however, that the director may, where necessary, require reasonable conditions to mitigate any adverse impacts on coastal resources, including scenic resources. All repair, maintenance and utility hookups shall be consistent with the provisions adopted by the California Coastal Commission on September 5, 1978.

~~5~~ 7. 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. The director may approve a replacement structure that is to be located in an alternative location if the new location decreases risk to health and safety, or habitat destruction.

~~6~~ 8. Any activity anywhere in the coastal zone that involves the conversion of any existing multiple-unit residential structure to a time-share project, estate or use, as defined in Section ~~11003.5~~ 11212 of the California Business and Professions Code. If any improvement to an existing structure is otherwise exempt from the permit

requirements of this division, no coastal development permit shall be required for that improvement on the basis that it is to be made in connection with any conversion exempt pursuant to this subsection. The division of a multiple-unit residential structure into condominiums, as defined in Section 783 of the Civil Code, shall not be considered a time-share project, estate or use for the purposes of this subsection.

~~7. Maintenance dredging of existing navigation channels or moving dredged material from those channels to a disposal area outside the coastal zone, pursuant to a permit from the United States Army Corps of Engineers.~~

9. Temporary Uses. Any proposed development which the director finds to be a temporary use that is subject to the provisions of Part 14 of Chapter 22.56 and does not have any significant adverse impact upon coastal resources.

10. Lot line adjustments and certificates of compliance.

a. A lot line adjustment limited to one lot line shared by two adjoining properties, issuance of certificates of compliance on lots created legally prior to 1972, and other technical amendments to individual maps and lot lines authorized under Title 22.

b. The exemption in subsection a. above shall not apply if the proposed action involves a risk of adverse environmental impact such as, but not limited to, the following:

i. An increase in the number of lots conforming to minimum lot size standards at the time of the action; or

ii. a resultant parcel that will conflict with any provision of this Title 22 or policies of the certified local coastal program.

B. Record of Permit Exemptions. The director shall maintain a record of all those developments within the coastal zone that have been authorized as being exempt from the requirement for a coastal development permit pursuant to this Section. This record shall be available for review by members of the public and representatives of the Coastal Commission. The Record of Permit Exemptions shall include the name of the applicant, the location of the project, and a brief description of the project.

~~B~~ C. Categorical Exclusions. ~~(Reserved)~~ Projects pursuant to a Categorical Exclusion Order as certified by the California Coastal Commission pursuant to Public Resources Code 30610(e).

~~C~~ D. 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.

~~D~~ E. A determination on whether a development is exempt shall be made by the director at the time an application for development within the coastal zone is submitted. Any dispute arising from the director’s determination shall be resolved pursuant to the procedure described in Section 22.56.2370. (Ord. 89-0147 § 1 (part), 1989.)

SECTION 21. Section 22.56.2305, Application- Types and review procedures, is added as follows:

22.56.2305 Application – Types and review procedures. A. Upon receipt of a complete application for a proposed development in the Santa Monica Mountains Coastal Zone that requires a coastal development permit from the County, the director shall determine which of the following coastal development permits is the appropriate level of review for the proposed use:

1. Administrative coastal development permit is required for establishment of a principal permitted use and certain other permitted uses, and shall be processed pursuant to Section 22.56.2405 and 22.44.516. An application for an administrative coastal development permit shall be reviewed by the director and the staff biologist;

2. Minor coastal development permit is required for establishment of certain uses other than a principal permitted use, and shall be processed pursuant to Part 17 of Chapter 22.56, except that the hearing officer will conduct the public hearing.

An application for a minor coastal development permit shall be reviewed by the director and staff biologist or Environmental Review Board; or

3. Major coastal development permit is required to establish a use that requires conditions and application of mitigation measures to assure that the use will not have director or indirect significant impacts, or cumulative significant impacts, on coastal resources. An application for a major coastal development permit shall be reviewed by the director, the staff biologist, and the Environmental Review Board.

B. All applications shall obtain a recommendation from the County Departments of Fire, Health Services, and Public Works, as required by Section 22.44.817, except as waived by the director.

C. The director shall determine whether the proposed development is:

1. Subject to the requirement for a coastal development permit or permit amendment from the Coastal Commission;

2. Appealable to the Coastal Commission;

3. Exempt from the coastal development permit requirements as defined in subsection D of this Section;

4. Subject to the requirement of securing a coastal development permit to be issued by the County.

SECTION 22. Section 22.56.2315 Pre-Application, is added as follows:

22.56.2315 Pre-Application. The County shall offer a pre-application review to determine project impacts and conformance issues through the Los Angeles County One-Stop interdepartmental land development counseling team. County Department of Fire, Health Services, Public Works and Regional Planning shall be represented at scheduled pre-application review sessions.

SECTION 23. Section 22.56.2375 Determination of status, is added as follows:

22.56.2375 Determination of status. Where an applicant, interested person, or the director has a question as to the appropriate designation for the development, the

following procedures shall establish whether a development is non-appealable or appealable:

A. The director or his or her designee shall make a determination as to what type of development is being proposed (i.e., appealable, non-appealable) and shall inform the applicant of the notice and hearing requirements for the particular development.

B. If the determination of the director is challenged by the applicant or an interested person, or if the County wishes to have a Coastal Commission determination as to the appropriate designation, the director shall notify the District Director of the South Coast District Office of the Coastal Commission by telephone or in writing of the dispute/question and shall request the executive director's determination as to whether the development is categorically excluded, non-appealable.

C. The executive director of the Coastal Commission shall, within two (2) working days of the local government request (or upon completion of a site inspection where such inspection is warranted), transmit his or her determination as to whether the development is categorically excluded, non-appealable or appealable.

D. Where, after the executive director's investigation, the executive director's determination is not in accordance with the director's determination, the Coastal Commission shall hold a hearing for purposes of determining the appropriate designation for the area. The Commission shall schedule the hearing on the determination for the next Coastal Commission meeting (in the appropriate geographic region of the state) following the executive director's determination.

SECTION 24. Section 22.56.2405 Administrative coastal development permit, is added as follows:

22.56.2405 Administrative coastal development permit. A. Applicability. The provisions of this Section shall apply to all principal permitted uses and other permitted uses that:

1. Meet all development standards without the need for a discretionary permit such as a variance, minor or major coastal development permit;

2. Do not fall within an Environmental Review Board review area; and

3. Do not disturb plants and/or animals found on the resource lists named in subsection K.1 of this Section.

B. Limitations. The director may not issue an administrative coastal development permit if the proposed development:

1. Lies within the Coastal Commission's continuing permit jurisdiction pursuant to the California Coastal Act, Sections 30519 and 30601; or

2. Involves a structure or similar integrated physical construction that lies partly within and partly outside the Coastal Commission's appeal zone; or

3. Will have a significant adverse environmental impact, either individually or cumulatively, on sensitive coastal resources; or

4. Involves any division of land, including but not limited to subdivisions or minor land divisions pursuant to the Subdivision Map Act, or lot-lien adjustments for two or more lot lines shared by three or more adjoining properties.

C. Application. An applicant shall submit the materials and information required in Section 22.56.2310 and Section 22.44.516.

D. Application review. If the director receives an application that does not qualify for an administrative coastal development permit, the applicant will be notified within 10 days of filing the application that the application must comply with the processing procedures for either a minor or major coastal development permit as set forth in subsection H of this Section and Part 17 of Chapter 22.56. The director, with the concurrence of the applicant, may accept the application for filing as a minor or major coastal development permit and shall adjust the application fees accordingly.

E. Decision by the director or hearing officer. Administrative coastal development permits not appealable to the Coastal Commission shall be decided by the Director. Administrative coastal development permits that are appealable to the Coastal Commission shall be set for public hearing before and decided by the hearing officer.

F. Notice. Notice shall be provided as follows:

1. Notice shall be posted at the site of the proposed development in accordance with the procedures set forth in Section 22.56.2430. The director shall revoke the administrative coastal development permit pursuant to the procedures set

forth in Section 22.56.2540 if it is determined that the administrative coastal development permit was granted without proper notice having been given, and that proper notice would have had the potential of altering the decision of the Director to act differently in issuing the permit.

2. Notice shall be mailed to all owners of property located within 300 feet of the parcel(s) where development is proposed.

3. Notice of administrative coastal development permits shall also be mailed by first class mail to any persons known to be interested in the proposed development and any persons who have informed the director in writing that they wish to receive such notice.

4. The applicant shall provide any additional notice to the public that the director deems necessary.

G. Action.

1. The director may deny, approve, or conditionally approve an administrative coastal development permit on the same grounds as contained in Sections 22.56.2320 and 22.56.2410, and subsection B.15 of Section 22.44.516.

2. The hearing officer may deny, approve or conditionally approve an administrative coastal development permit on the same grounds as contained in Sections 22.56.2320 and 22.56.2410, and subsection B.15 of Section 22.44.516, for a minor or major coastal development permit application, and may include reasonable terms and conditions necessary to bring the project into consistency with the certified Santa Monica Mountains Local Coastal Program.

3. Administrative coastal development permits issued shall be governed by the procedures used in approving minor and major coastal development permits.

H. Appeals of administrative coastal development permit applications.

1. Not appealable to the Coastal Commission. The decision of the director on an administrative coastal development permit application may be appealed to the hearing officer within 15 days after the applicant receives the notice of action. The hearing officer may approve, deny or modify the decision of the director.

2. Appealable to the Coastal Commission.

a. The decision of the hearing officer on an administrative coastal development permit may be appealed to the Regional Planning Commission within 15 days after the applicant receives the notice of action. Upon appeal, the Regional Planning Commission may approve, deny, or modify the decision of the hearing officer.

b. The decision of the Regional Planning Commission concerning an appeal of the hearing officer's decision, may be appealed to the Coastal Commission by any person, the executive director of the Coastal Commission, or any two members of the Coastal Commission, pursuant to the provisions of Section 22.56.2450.

I. Report to the Regional Planning Commission.

1. Any administrative coastal development permit issued by the director or hearing officer shall be reported in writing to the Regional Planning Commission at their first regularly scheduled meeting after the permit is approved. The director shall prepare a development permit to allow the Regional Planning Commission to understand the development to be undertaken. This report shall be available at the meeting and shall have been mailed to the Regional Planning Commission, to any person who requested to be on the mailing list for the project, and to all persons wishing to receive such notification, at the time of the regular mailing of notice for the Regional Planning Commission meeting.

2. If one-third or more of the full membership of the Regional Planning Commission so request, the issuance of an administrative coastal development permit shall not become effective, but shall, if the applicant wished to pursue the application, be treated as a minor or major coastal development permit application subject to all provisions of Part 17 of Chapter 22.56 and of this Part.

J. Effective date. A decision on an administrative coastal development permit shall not be deemed final and effective until all the following have occurred:

1. The director or hearing officer has made a decision on the application;

2. The Regional Planning Commission review of the administrative coastal development permit is complete and the Regional Planning Commission did not object to the decision, as provided for in subsection 9.b above;

3. All rights of appeal have been exhausted; and

4. Notice of final decision prepared in accordance with Section 22.56.2440 has been received by the Coastal Commission, and their 20 working day appeal period has passed without the filing of an appeal.

K. Amendments.

1. Amendments to administrative coastal development permits issued by the director may be approved by the director upon the same criteria and subject to the same reporting requirements as procedures, including public notice and appeals, as provided for in this Section.

2. Amendments to administrative coastal development permits issued by the hearing officer may be approved by the hearing officer upon the same criteria and subject to the same reporting requirements as procedures, including public notice and appeals, as provided for in this Section.

3 If any amendment would, in the opinion of either the director or the hearing officer as the case may be, change the nature of the approved project, or change or delete a previously imposed condition of approval so that it no longer meets the criteria established for treating the application as an administrative coastal development permit pursuant to this Section, then the application shall thereafter be treated in the manner prescribed in Section 22.56.2530 dealing with amendments to coastal development permits.

4 The director or hearing officer shall not approve amendments to administrative coastal development permits issued by the executive director of the Coastal Commission.

SECTION 25. Section 22.60.100 Filing Fees and Deposits is amended as follows:

22.60.100 Filing fees and deposits. A. For the purpose of defraying the expense involved in connection with any application or petition required or authorized by this Title 22, the following fees shall accompany the application or petition:

….

Coastal Development Permit, Administrative –

Coastal Development Permit, Major –

Coastal Development Permit, Minor –

Coastal Development Permits, Waivers — $637.00

. . .

SECTION 26. Chapter 22.60 ADMINISTRATION, Parts, is hereby amended by adding the following to the list:

…

7. Coastal Zone Enforcement Procedures

…

SECTION 27. Section 22.60.230, Initiation of appeals and calls for review,* is hereby amended as follows:

…

5. Exception to Fees.

a.____When the appellant is not the applicant, the preceding prescribed fees for appeals shall be reduced by 50 percent, except that this reduction shall not apply to the

processing fee for an appeal from a director's review of a large family child care home, as prescribed in subsection 4(a) of this section.

b. No fee shall be charged for an appeal of a coastal development permit in the Santa Monica Mountains Coastal Zone.

SECTION 28. Chapter 22.60 Part 7, Coastal Zone Enforcement Procedures, is added as follows:

Part 7

Coastal Zone Enforcement Procedures

Sections:

22.60.400 Cease and desist orders, notice, terms and conditions, time of effectiveness, duration.

22.60.410 Cease and desist orders issued after public hearing; terms and conditions; notice of hearing; finality and effectiveness of order.

22.60.420 Restoration order; violations.

22.60.421 Definitions.

22.60.422 Commencement of Restoration Order Proceeding Before the Regional Planning Commission.

22.60.423 Distribution of Notice of Hearings on Proposed Restoration Order.

22.60.424 Contents of a Director's Recommendation on Proposed Restoration Order.

22.60.425 Distribution of Director's Recommendation.

22.60.426 Procedure for Hearing on Proposed Restoration Order.

22.60.427 Contents of Restoration Orders.

22.60.428 Rescission or Modification of Restoration Orders.

22.60.430 Notice of violation.

22.60.440 Notice of violation; contents.

22.60.450 Notice of violation; clearance.

22.60.460 Civil liability; violations; amount; factors.

22.60.470 Exemplary damages.

22.60.400 Cease and desist orders, notice, terms and conditions, time of effectiveness, duration. A. If the director determines that any person has undertaken any activity within the Coastal Zone that (1) requires a coastal development permit from the County without first having obtained a coastal development permit, or (2) may be inconsistent with any coastal development permit previously issued by the County, the director may issue an order directing that person to cease and desist.

B. The cease and desist order shall be issued only if the person has failed to respond in a satisfactory manner to a written notice given by certified mail or hand delivered to the landowner or the person performing the activity. The notice shall include the following:

1. A description of the activity which meets the criteria of subsection A.

2. A statement that the described activity constitutes development which is in violation of this Title because it is not authorized by a valid coastal development permit.

3. A statement that the described activity be immediately stopped or the alleged violator may receive a cease and desist order, the violation of which may subject the violator to additional fines.

4. The name, address, and phone number of the Department of Regional Planning staff member who is to be contacted for further information.

C. The cease and desist order may be subject to such terms and conditions as the director may determine are necessary to avoid irreparable injury to any area within the coastal zone pending action by the County.

D. The cease and desist order shall be effective upon its issuance, and copies shall be served immediately by certified mail upon the person or governmental agency subject to the order.

E. A cease and desist order issued pursuant to this section shall become null and void 90 calendar days after issuance. Consecutive cease and desist orders may be issued.

22.60.410 Cease and desist orders issued after public hearing; terms and conditions; notice of hearing; finality; and effectiveness of order. A. If the Regional Planning Commission, after public hearing, determines that any person or governmental agency has undertaken any activity that (1) requires a coastal development permit from the County without first having obtained the permit, or (2) is inconsistent with any coastal development permit previously issued by the County, the Regional Planning Commission may issue an order directing that person or governmental agency to cease and desist the activity.

B. The cease and desist order may be subject to such terms and conditions as the Commission may determine are necessary to ensure compliance with this Part, including immediate removal of any development or material or the setting of a schedule within which steps shall be taken to obtain a permit pursuant to Part 17 of Section 22.56.

C. Notice of the public hearing on a proposed cease and desist order shall be given to all affected persons and agencies and the order shall be final and effective upon the issuance of the order. Copies shall be served immediately by certified mail or in person, upon the person or governmental agency subject to the order and upon other affected persons and agencies who appeared at the hearing or requested a copy. The notice shall include a description of the civil remedy to a cease and desist order, authorized by State Public Resources Code Section 30803.

22.60.420 Restoration order; violations. In addition to any other authority to order restoration, the County may, after a public hearing, order restoration of a site if it finds that the development has occurred without a coastal development permit from the County or the Coastal Commission, the development is inconsistent with the certified local coastal program, and the development is causing continuing damage to resources.

22.60.421 Definitions. The elements of the term "continuing damage to resources," as such term is used in Section 22.60.420, shall have the following meanings:

-- "Resource" means any resource which is afforded protection under the policies of Chapter 3 of the Coastal Act, including but not limited to public access, marine and other aquatic resources, environmentally sensitive wildlife habitat, and the visual quality of coastal areas.

-- "Damage" means any degradation or other reduction in quality, abundance, or other quantitative or qualitative characteristic of the resource as compared to the condition the resource was in before it was disturbed by unpermitted development.

-- "Continuing," when used to describe "resource damage," means such damage which continues to occur as of the date of issuance of the restoration order.

22.60.422 Commencement of Restoration Order Proceeding Before the Regional Planning Commission. A. If the director believes that the results of an enforcement investigation so warrant, he or she shall commence a restoration order proceeding before the Regional Planning Commission by providing the property owner and any person whom he or she believes to have engaged in development activity as described in Section 22.60.420 with notice of his or her intent to do so. Such notice of intent shall be given either as a provision of a staff report or by separate written communication delivered either (1) by certified mail, (2) by regular mail receipt of which is confirmed by subsequent oral communication either in person or by telephone, or (3) by hand, and shall include, at minimum, the information specified in Section 22.60.427 A, B, and C together with an explanation of the basis of the director's belief that the specified activity meets the criteria of Section 22.60.420. The notice of intent shall be accompanied by a 'statement of defense form" as contained in Appendix I of the Technical Appendices to the Santa Monica Mountains Local Coastal Program. The person(s) to whom such notice is given shall complete and return the statement of defense form to the director by the date specified therein, which date shall be no earlier than 20 calendar days from transmittal of the notice of intent.

B. The director may at his or her discretion extend the time limit for submittal of the statement of defense form imposed by any notice of intent issued pursuant to subsection A of this section upon receipt within the time limit of a written request for such extension and a written demonstration of good cause. The extension shall be valid only to those specific items or matters that the director identifies to the requesting party as being exempt from the submittal deadline and shall be valid only for such additional time as the director allows.

22.60.423 Distribution of Notice of Hearings on Proposed Restoration Order. At least 10 calendar days prior to a hearing on a proposed restoration order, the director shall mail by regular mail a written notice of the date, time, and place of the initial hearing to the property owner and all alleged violators at their last known address and to all members of the public who have requested in writing that they receive such notice, provided that no notice need be mailed to the alleged violator if the alleged violator has already received notice of the hearing in a staff report prepared by the director.

22.60.424 Contents of a Director's Recommendation on Proposed Restoration Order. A. The director shall prepare a recommendation on a proposed restoration order.

B. The director's recommendation shall be in writing and shall include, at minimum:

1. A copy of any statement of defense form completed and returned to the director by the alleged violators(s) pursuant to Section 22.60.422;

2. A brief summary of (a) any background to the alleged violation, (b) the allegations made by staff in its violation investigation, (c) a list of all allegations either admitted or not contested by the alleged violator(s), (d) all defenses and mitigating factors raised by the alleged violators(s), and (e) any rebuttal evidence raised by the staff to matters raised in the alleged violator's assertion of any defense or mitigating factor with references to supporting documents;

3. A summary and analysis of all unresolved issues;

4. The proposed text of any restoration order that the director recommends that the Regional Planning Commission approve for issuance.

22.60.425 Distribution of Director's Recommendation. The director's recommendation on a proposed restoration order shall be distributed by regular mail to the property owner, the alleged violator(s), and to all persons who specifically requested it.

22.60.426 Public Hearing on Proposed Restoration Order. A hearing on a proposed restoration order shall be held by the Regional Planning Commission. After conclusion of the hearing, the Regional Planning Commission shall make a determination as to whether a restoration order should be issued by the director, either in the form recommended by the director or as amended by the Commission.

22.60.427 Contents of Restoration Orders. Restoration orders shall be signed by the director and shall contain at a minimum the following:

A. The names of the property owner and/or the person or persons who have undertaken the activity that is the subject of the order;

B. Identification of the property where the activity has been undertaken;

C. A description of the activity;

D. The effective date of the order;

E. Any terms, conditions, or other provisions authorized by Section 22.60.420. Any term or condition that the Regional Planning Commission may impose which requires removal of any development or material shall be for the purpose of restoring the property affected by the violation to the condition it was in before the violation occurred;

F. Written findings that (a) explain the decision to issue the order and (b) provide the factual and legal basis for the issuance of the order;

G. A statement of the obligation of the person(s) subject to the order to conform strictly to its terms and the consequences specified in Section 30821.6 of the State Public Resources Code of the failure to do so.

22.60.428 Rescission or Modification of Restoration Orders. The Regional Planning Commission, after public hearing, may rescind or modify a restoration order that the director has issued. A proceeding for such a purpose may be commenced by (a) any person to whom the restoration order is directed, (b) the director, or (c) a majority of the Regional Planning Commission. A person described in subsection (a) may commence a proceeding for the purpose of rescinding or modifying a restoration order only where the person demonstrates to the satisfaction of the director that there has been a material change in the facts upon which the order was issued. Upon receipt of a request pursuant to this section for rescission or modification of a restoration order, a hearing on the request shall be held at the next regularly scheduled meeting of the Regional Planning Commission or as soon thereafter as is practicable after notice to all persons subject to the order or whom the director otherwise has reason to know would be interested in the matter.

22.60.430 Notice of violation. A. Whenever the director has determined, based on substantial evidence, that real property in the Coastal Zone has been developed in violation of this Title 22, the director may cause a notification of intention to record a notice of violation to be mailed by regular and certified mail to the owner of the real property at issue, describing the real property, identifying the nature of the violation, naming the owners thereof, and stating that if the owner objects to the filing of a notice of violation, an opportunity will be given to the owner to present evidence on the issue of whether a violation has occurred.

B. The notification specified in subdivision A shall indicate that the owner is required to respond in writing, within 15 calendar days of the date the notification was mailed, to object to recording the notice of violation. The notification shall also state that if, within 15 calendar days of mailing of the notification, the owner of the real property at issue fails to inform the director of the owner's objection to recording the notice of violation, the director shall record the notice of violation in the office of the County Recorder.

C. If the owner submits a timely objection to the proposed filing of the notice of violation, a public hearing shall be held at the next regularly scheduled hearing officer meeting for which adequate public notice can be provided, at which time the owner may present evidence to the hearing officer why the notice of violation should not be recorded. The hearing may be postponed for cause for not more than 90 calendar days after the date of the receipt of the objection to recordation of the notice of violation.

D. If, after the hearing officer has completed his or her hearing and the owner has been given the opportunity to present evidence, the hearing officer finds that, based on substantial evidence, a violation has occurred, the director shall record the notice of violation in the office of the County Recorder. If the hearing officer finds that no violation has occurred, the director shall mail a clearance letter to the owner of the real property.

22.60.440 Notice of violation; contents. A. The notice of violation shall be contained in a separate document prominently entitled "Notice of Violation of the Coastal Zone Provisions of Title 22 of the County Code." The notice of violation shall contain all of the following information:

1. The names of the owners of record of the property affected by the notice;

2. A legal description of the real property affected by the notice;

3. A statement specifically identifying the nature of the alleged violation and the measures necessary to remediate the alleged violation;

4. A name and telephone number of the staff member at Regional Planning to contact concerning the alleged violation; and

5. A County case number relating to the notice.

B. The notice of violation, when properly recorded and indexed, shall be considered notice of the violation to all successors in interest in that property. This notice is for informational purposes only and is not a defect, lien, or encumbrance on the property.

22.60.450 Notice of violation; clearance. Within 30 calendar days after the final resolution of a violation that is the subject of a recorded notice of violation, the director shall mail a clearance letter to the owner of the real property and shall record a notice of recision in the office of each County Recorder in which the notice of violation was filed, indicating that the notice of violation is no longer valid.

22.60.460 Civil liability; violations; amount; factors. A. Any person who violates any provision of this Title 22 within the Coastal Zone may be civilly liable in accordance with this subdivision as follows:

1. Civil liability may be imposed by the superior court in accordance with this Part 7 on any person who performs or undertakes development that is in violation of this Title 22 or that is inconsistent with any coastal development permit previously issued by the County in an amount that shall not exceed thirty thousand dollars ($30,000) and shall not be less than five hundred dollars ($500).

2. Civil liability may be imposed for any violation of this Title 22 other than that specified in paragraph (1) in an amount that shall not exceed thirty thousand dollars ($30,000).

B. Any person who performs or undertakes development that is in violation of this Title 22 or that is inconsistent with any coastal development permit previously issued by the Coastal Commission or the County that is implementing a certified local coastal program, when the person intentionally and knowingly performs or undertakes the development in violation of this Part 7 or inconsistent with any previously issued coastal development permit, may, in addition to any other penalties, be civilly liable in accordance with this subdivision. Civil liability may be imposed by the superior court in accordance with this article for a violation as specified in this subdivision in an amount which shall not be less than one thousand dollars ($1,000), not more than fifteen thousand dollars ($15,000), per day for each day in which the violation persists.

C. In determining the amount of civil liability, the following factors shall be considered:

1. The nature, circumstance, extent, and gravity of the violation.

2. Whether the violation is susceptible to restoration or other remedial measures.

3. The sensitivity of the resource affected by the violation.

4. The cost to the County of bringing the action.

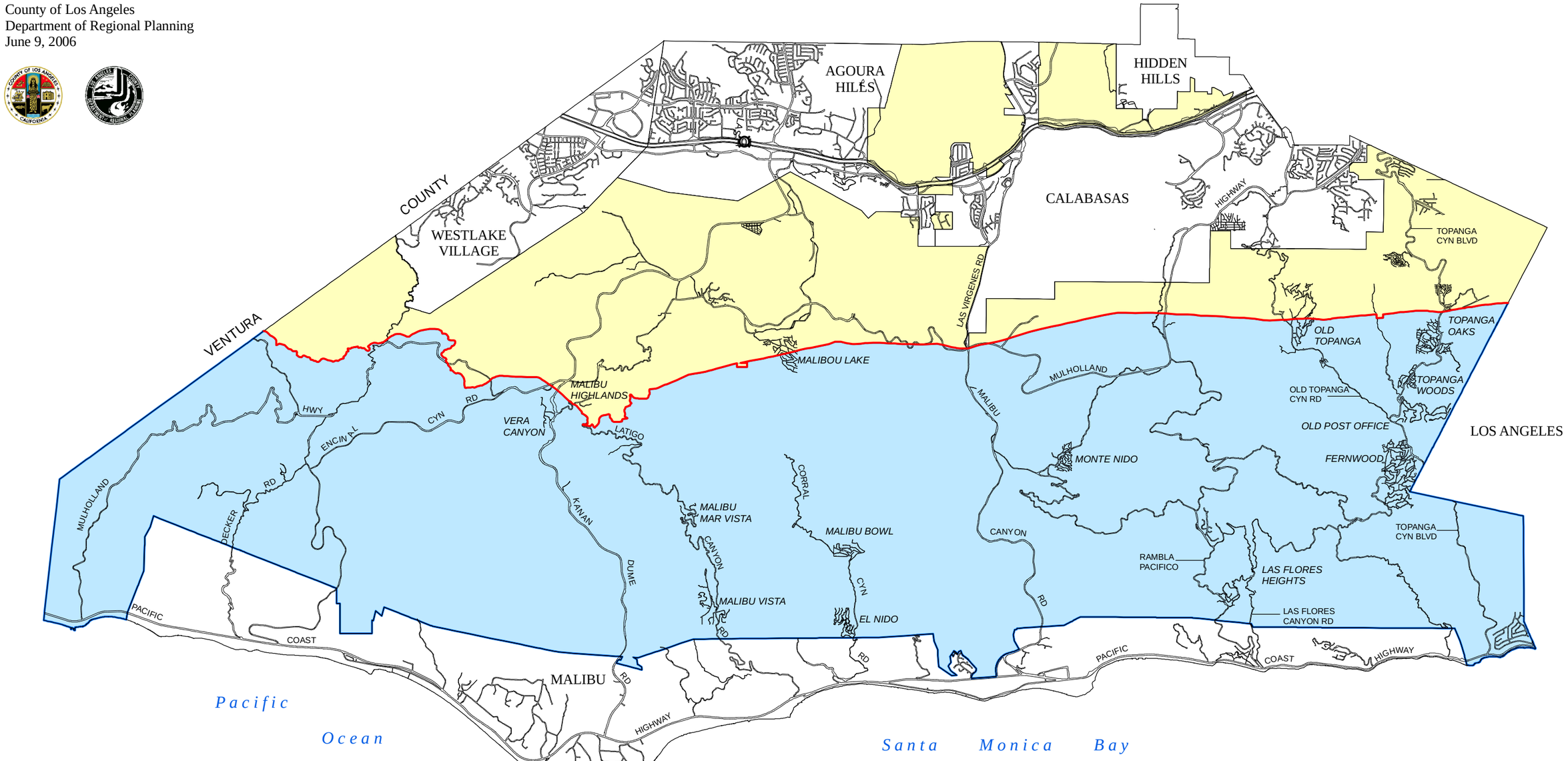
5. With respect to the violator, any voluntary restoration or remedial measures undertaken, any prior history of violations, the degree of culpability, economic profits, if any, resulting from, or expected to result as a consequence of, the violation, and such other matters as justice may require.

22.60.470 Exemplary damages. Where a person has intentionally and knowingly violated any provision of this Title 22 or any order issued pursuant to this Title 22, the County may maintain an action for exemplary damages and may recover an award, the size of which is left to the discretion of the court. In exercising its discretion, the court shall consider the amount of liability necessary to deter further violations.

SANTA MONICA MOUNTAINS LOCAL COASTAL PROGRAM

Coastal Zone Community Standards District

County of Los Angeles
Department of Regional Planning
June 9, 2006



Legend

- Coastal Zone Boundary
- Santa Monica Mountains North Area
- Santa Monica Mountains Coastal Zone Community Standards District

0 3,250 6,500 13,000 19,500 26,000 Feet

1 inch equals 7,750 feet