Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

February 11, 2014

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

Dear Supervisors:

HEARING ON PLAN AMENDMENT 2006-00008-(3), ZONE CHANGE NO. 2006-00009-(3), AND CHANGES TO TITLE 22 (ZONING ORDINANCE), RELATING TO THE SANTA MONICA MOUNTAINS LOCAL COASTAL PROGRAM (THIRD SUPERVISORIAL DISTRICT) (3 VOTES)

SUBJECT

The California Coastal Act requires that each local agency in California present a Local Coastal Program (LCP) for certification by the California Coastal Commission (Coastal Commission) which, when certified, allows the County to carry out most of the provisions of the Coastal Act by issuing its own permits. This program must consist of two documents: a Land Use Plan, which is capable of carrying out the policies of Chapter 3 of the Coastal Act, and an Implementation Program, which consists of regulations sufficient to carry out the policies of the LCP. The County of Los Angeles received certification of a Land Use Plan (LUP) in 1986, but has not completed the full certification process. The County now wishes to pursue full certification through an amendment to the existing certified LUP, and certification of the Implementation Program (LIP).

IT IS RECOMMENDED THAT YOUR BOARD, AFTER THE PUBLIC HEARING:

1. Find that the recommended Santa Monica Mountains Local Coastal Program, along with any changes directed by your Board at the hearing, is consistent with, and supportive of the goals and policies of, the County of Los Angeles General Plan.
2. Find that the recommended Santa Monica Mountains LCP, along with any changes directed by your Board at the hearing, is consistent with Chapter 3,

policies of the California Coastal Act.

3. Indicate its intent to adopt the Santa Monica Mountains LCP, which consists of: (1) Plan Amendment 2006-00008-(3) repealing the 1986 Malibu LUP and adopting the Santa Monica Mountains LUP subject to certification by the Coastal Commission and (2) Zone Change No. 2006-00009-(3) and an ordinance that would modify Title 22 (Planning and Zoning Ordinance), subject to certification of the Coastal Commission, as part of the LIP.
4. Instruct County Counsel to prepare a final resolution of the Board of Supervisors approving the Santa Monica Mountains LCP, with any changes directed by your Board at the hearing, and which also requires the Department of Regional Planning to submit said LCP to the Coastal Commission for its review and certification.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The California Coastal Act requires coastal cities and counties to manage the conservation and development of coastal resources through a comprehensive planning and regulatory program called a Local Coastal Program (LCP). This LCP is comprised of both a LUP, and other actions to implement the LUP including zoning ordinances and a zoning consistency program. Currently, the County does not have an LCP for the Santa Monica Mountains. Although the County has a certified LUP (the 1986 Malibu LUP), the implementing program was never certified. As a result, applicants currently need to obtain coastal development permits through the Coastal Commission.

Under the proposed Santa Monica Mountains LCP, the 1986 LUP will be replaced by a new LUP containing many of the goals and policies of the 1986 plan, but revised and updated to reflect more current interpretations of Chapter 3, policies of the California Coastal Act. The new LUP format and many of its goals and policies are similar to the Santa Monica Mountains North Area Plan, which was adopted by your Board in 2000 and guides development in the unincorporated portion of the Santa Monica Mountains north of the Coastal Zone. Several maps are part of the new LUP, including Land Use Policy, Sensitive Environmental Resource Areas, Scenic Resources, and Recreation (see attached Project Summary).

The proposed zone changes are necessary to make the zoning consistent with the Land Use Policy Map. Zone changes will affect over 50,560 acres in the Santa Monica Mountains Coastal Zone. The proposed modifications to Title 22 will create a new, free-standing LIP, commencing with Section 22.44.600.

The LIP incorporates relevant parts of Title 22, while also meeting the requirements of the California Coastal Act. The LIP also implements the goals and policies of the new LUP.

The preparation of the proposed LCP is necessary to comply with the Coastal Act, and certification will transfer coastal development permitting authority from the Coastal Commission to the County. In the past year, the Coastal Commission has announced a priority to encourage certification of previously uncertified portions of the State, as well as to work with local agencies to update existing certified plans. The 2013-14 budget of the Coastal Commission was augmented substantially for this very purpose. Therefore, the submission of this plan at this time represents the best opportunity in recent years to obtain certification and receipt of permit authority.

Implementation of Strategic Plan Goals

The proposed Santa Monica Mountains LCP promotes the County's Strategic Plan goal of Service Excellence. This proposed LCP has been carefully researched and analyzed to ensure that it is consistent with applicable Chapter 3, policies of the Coastal Act, protective of public health and safety and the environment and is responsive to public concerns. In addition, when the proposed LCP is certified by the Coastal Commission, the County will have the authority to issue coastal development permits, thereby eliminating the need for most applicants to obtain approval from the Coastal Commission.

The proposed Santa Monica Mountains LCP also promotes the County's vision for improving the quality of life in Los Angeles County. The proposed LCP will help to protect an area that provides the Los Angeles metropolitan region with a wide range of resource-based recreational opportunities. One of the main goals of the LCP is to protect the natural terrain throughout the mountains. This natural terrain contains numerous hiking and horseback riding trails enjoyed by residents and visitors to the area, and is essential to maintaining the area's well-known scenic beauty.

FISCAL IMPACT/FINANCING

Implementation of the proposed Santa Monica Mountains LCP will result in new costs to the Department of Regional Planning associated with processing coastal development permits. However, the proposed LCP contains fees that are intended to recover the full cost for services provided in reviewing, evaluating, and monitoring projects within the

Coastal Zone. Implementation of the LCP will not result in additional net County costs, and therefore a request for financing is not being made at this time.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

Protecting coastal resources and managing the conservation and development of coastal resources through a comprehensive planning and regulatory program are required by the California Coastal Act of 1976 as amended and contained in the California Public Resources Code (Section 30000 et seq.). The Coastal Act created a zone along the state's 1,100-mile coastline that must be protected to preserve the state's coastal resources. The Coastal Act directs "[each] local government lying, in whole or in part, within the coastal zone" to prepare a LCP for its portion of the California coastal zone (Section 30500). The coastal zone in the Santa Monica Mountains extends approximately five miles inland from the coast and encompasses nearly 80 square miles.

The Coastal Act allows the County to segment the planning area within its coastal zone (Section 30511). The County has divided its coastal zone into three areas: Marina del Rey, Santa Catalina Island, and the Santa Monica Mountains. Due to their very unique characteristics, the County has chosen to create a separate LCP for each coastal zone area. Marina del Rey and Santa Catalina Island each have their own certified LCPs. The County does not have a fully-certified LCP for the Santa Monica Mountains. Under state law, certification of this LCP by the Coastal Commission is necessary before coastal development permitting authority can be transferred to the County.

The County originally received certification from the Coastal Commission of the LUP portion of the LCP in 1986. Thereafter, the County undertook to prepare the necessary LIP to receive full certification and the right to grant and issue Coastal Development Permits. Prior to the current effort, which is the subject of this hearing, the County presented to the Board of Supervisors a LUP Amendment and Implementation Program in 2007.

The County subjected this 2007 set of documents to extensive public review, consistent with Coastal Act requirements.

After the Regional Planning Commission approved the proposed LCP in March 2007, County staff reviewed the LCP with Coastal Commission staff. Based in part on that review, staff proposed several changes to the proposed LCP. While the majority of the changes were clarifications, some changes were intended to more fully implement the

Coastal Act and protect coastal resources, as required by state law. The Board considered the LCP as adjusted by these changes on October 30, 2007, and indicated its intention to approve the document.

County staff then engaged in discussions with Coastal Commission staff before filing the LCP. The response of Coastal Commission staff at that time led the County to conclude that pursuit of the LCP certification at that time would not be productive. Therefore, a Board hearing to formally adopt the LCP as considered on October 23, 2007, was never scheduled.

In 2012, the County and the Coastal Commission resumed discussions to pursue certification. As a result, changes were made to the LCP as originally considered by the Board in 2007. These changes do not substantively change the Board's 2007 position, but formulate that position into a document that is believed to be more consistent with current Coastal Commission approaches. Similar to 2007, the County made extensive public outreach to encourage public participation. Among the steps the County took were publishing notices in the Malibu Times and the Los Angeles Daily News, distribution of approximately 6,000 notices, posting all documents on the County's website for free public review, placing hard copies in eight local libraries, the Coastal Commission office in Ventura, and the regional County office, meeting with representatives of more than 35 homeowners organizations, community groups, and recreational, equestrian, and environmental organizations, as well as answering questions from the public as they arose.

The County's efforts have complied with the Coastal Act and the administrative regulations of the Coastal Commission. Should the Board approve these documents for submittal to the Coastal Commission, the County will engage in a review process with the Commission hopefully leading to full certification and return of permit authority.

A public hearing by your Board on the proposed Santa Monica Mountains LCP is required pursuant to the Coastal Act and Section 22.16.200 of the County Code and Section 65856 of the Government Code. Notice of the hearing must be given pursuant to the procedures set forth in Section 22.60.174 of the County Code. These procedures exceed the minimum standards of Government Code Sections 6061, 65090, 65856 relating to notice of public hearing. This Board hearing also satisfies Coastal Act requirements for public participation.

ENVIRONMENTAL DOCUMENTATION

Local governments are not required to prepare an Environmental Impact Report for preparation of an LCP. The Coastal Commission's review process for LCPs and amendments to them has been certified by the Secretary of Resources as being the functional equivalent of environmental review under the California Environmental Quality Act (CEQA). As such, the County is not required to prepare a CEQA document for the proposed Santa Monica Mountains LCP. However, throughout this process the County has considered and evaluated considerable environmental information to guide policy development. A cumulative impact assessment from staff provides information on numerous land use and environmental issues involved with the LCP.

IMPACT ON CURRENT SERVICES

Approval of the proposed LCP will improve planning services to applicants who wish to develop or improve their property in the Santa Monica Mountains Coastal Zone. When the LCP is certified by the Coastal Commission, applicants will be able to obtain coastal development permits directly from the County, rather than going through the current process of first obtaining County approvals and then the actual coastal development permit from the Coastal Commission.

CONCLUSION

The proposed Santa Monica Mountains LCP is required by state law. Just as importantly, the LCP will provide County residents with several advantages to the current two-step permitting process. These advantages include: simplicity – one set of rules; efficiency – one local agency has primary jurisdiction; consistency – with County operating procedures and controlling documents, and; certainty – the rules are written down.

Provided your Board signifies its intent to adopt the plan amendment, zone change, and ordinance amendments, and approves the resolution, the Santa Monica Mountains LCP must be submitted to the Coastal Commission for its review and determination as to the LCP's consistency with Chapter 3 of the Coastal Act, which contains the statutory policies with which the LCP must comply. The Coastal Commission will hold a public hearing on the LCP. The Coastal Commission may certify or refuse to certify all or portions of the LCP. If they refuse to certify portions of the LCP, the Coastal Commission will provide the County a written explanation and may suggest modifications which, if your Board chooses, to adopt the suggested modifications and

transmit them to the Coastal Commission, would cause the LCP to be deemed certified by the executive director of the Coastal Commission.

If you have any questions regarding the proposed Santa Monica Mountains LCP, please contact Joshua Huntington at (213) 974-6465. Mr. Huntington may also be reached at jhuntington@planning.lacounty.gov.

Respectfully Submitted,

Richard J. Bruckner
Director

RJB:MC:JH:DM:ems

Attachments:

1. Project Summary
2. Proposed Santa Monica Mountains Local Coastal Program
3. Technical Appendices
4. Coastal Act Compliance Analysis of the Santa Monica Mountains Local Coastal Program
5. Summary of Individual and Cumulative Impacts
6. Legal Notice of Board Hearing
7. List of Changes Recommended by Staff

c: Executive Officer, Board of Supervisors
County Counsel
Chief Executive Office
Beaches and Harbors
Fire
Parks and Recreation
Public Health
Public Works

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