



COUNTY OF LOS ANGELES
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RAYMOND G. FORTNER, JR.
County Counsel

September 13, 2005

Agenda No. 11
01/25/05

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

**Re: COASTAL DEVELOPMENT PERMIT NUMBER 02-247-(4)
CONDITIONAL USE PERMIT NUMBER 02-247-(4)
FOURTH SUPERVISORIAL DISTRICT/THREE-VOTE MATTER**

Dear Supervisors:

Your Board previously conducted a hearing regarding the above-referenced permits which seek authorization for the construction, operation, and maintenance of an above-ground fuel facility in the Two Harbors area in the Santa Catalina Island Zoned District. At the conclusion of the hearing, you indicated an intent to approve the permits and instructed us to prepare the necessary findings and conditions. Enclosed are appropriate findings and conditions for your consideration.

Very truly yours,

RAYMOND G. FORTNER, JR.
County Counsel

By


RICHARD D. WEISS
Assistant County Counsel
Property Division

APPROVED AND RELEASED:


RAYMOND G. FORTNER, JR.
County Counsel

RDW/

Enclosures

HOA.317564.1

**FINDINGS OF THE BOARD OF SUPERVISORS
AND ORDER
COASTAL DEVELOPMENT PERMIT NUMBER 02-247-(4)
CONDITIONAL USE PERMIT NUMBER 02-247-(4)**

1. The applicant is requesting a coastal development permit and a conditional use permit to authorize removal of an existing 40,000 gallon underground fueling facility located at the Isthmus Cove shoreline and the establishment of an above-ground fuel facility approximately 400 feet inland. The site is located at Two Harbors, Santa Catalina Island, in the Santa Catalina Island Zoned District.
2. Zoning on the site is SP (Specific Plan). The land use designation of the property in the Santa Catalina Island Specific Plan is the Residential Subdistrict of the Two Harbors Resort Village District. Fuel storage tanks are not permitted in the Residential Subdistrict. Concurrent with this approval, however, the Board of Supervisors is approving Local Coastal Program Amendment Case No. 02-247-(4), changing the land use designation of the subject property from the Residential Subdistrict to the Utilities/Services Subdistrict. Pursuant to Section 22.46.220.B.7, fuel storage tanks are permitted in the Utilities/Services Subdistrict provided a conditional use permit is obtained.
3. Pursuant to Section 22.56.2280, a coastal development permit is required to undertake any development in the Coastal Zone.
4. The proposed above-ground facility consists of two 12,000 gallon fuel tanks within an enclosed steel structure and two fuel dispensers southeast of the proposed building. Fuel lines are also proposed to be installed underground connecting to the existing fuel dispensers at the base of the Isthmus Cove pier. Temporary 8,000 gallon fuel tanks will be installed at the current fueling location at the landside end of the Isthmus Cove pier until the new fuel facility is constructed.
5. Surrounding properties are also zoned SP and are located within the Two Harbors Resort Village District of the Specific Plan. The surrounding Two Harbors Subdistricts are as follows:

North: Residential
South: Residential
East: Marine Commercial
West: Residential

6. The subject property is currently used as a service yard for maintenance and storage of heavy equipment. According to the applicant, this use has been in existence for many years subsequent to the certification of the Santa Catalina Island Local Coastal Program ("LCP") and, therefore, would be considered a legal nonconforming use.

7. Surrounding properties contain the following uses:

North: Residential Uses
South: Vehicle Storage, Workshop, Boat & Vehicle Parking
East: Office, Storage Tank, Parking, Boat Yard
West: Vacant Land, Single Family Residences

8. The proposed use is consistent with the following goal set forth in Section I.B of the LCP:

"Provide the Two Harbors area with residential, commercial, scientific research and public services needs, including land allocation for a broad range of resort recreation opportunities, visitor lodging, housing, commercial and public services to support the needs of permanent residents, visitors, and the USC Marine Science Center."

The fuel tanks will be in place to service both water and land-based vehicles utilized by residents of and visitors to Two Harbors.

9. The proposed project is consistent with the following policies of the Santa Catalina Island Land Use Plan (LUP):

Coastal Access and Recreation Policy

The proposed project is consistent with Policy #A.1.e.5 which stipulates that new development will not be permitted to interfere with, but rather shall enhance, the public's right of access to the sea. The current location of the underground tanks and land-based fuel pumps causes congestion due to their proximity to the water and the amount of foot traffic that occurs in that location. The proposed location would alleviate this congestion by removing the land vehicle fueling pumps from this area and placing them in an area that experiences lower volumes of foot traffic, thereby enhancing the public's access to the sea. The facility will be located approximately 400 feet south of the shoreline and adequate public access will be maintained.

Marine and Land Resource Protection Policy

The proposed project is consistent with Policy #5.e.1 which stipulates that new development, including buildings, fences, paved areas, signs, and landscaping shall be attractively designed to protect highly scenic natural

or historical areas. Views of the shoreline, both from the land and water, should also be protected. The outer appearance of the building, including color and siding materials, has been redesigned to be more compatible with surrounding structures to promote an attractive design pursuant to this policy. The maximum height of the building is 16 feet, 3 inches and will be located at a relatively low point of the area when compared to adjacent structures. Therefore, views of the shoreline will not be impacted.

New Development Policy

The proposed project is consistent with Policy #C.4.e.5 which stipulates that plans for development shall be designed to minimize the need for grading operations. The construction of the fuel storage facility will require approximately 215 cubic yards of grading which will be balanced on site, consistent with this policy.

10. The site plan depicts the location of the proposed 1,296 square foot building that will house the two 28 feet x 11.5 feet fuel storage tanks and two dispensers that will be located at the eastern end of the building on a concrete pad and protected by two metal bollards per dispenser. The elevation drawings depict the maximum height of the proposed building at approximately 16 feet, 3 inches.
11. The proposed use complies with the development standards applicable to all developments in the Two Harbors Resort Village District as provided in Section 22.46.230.B of the Los Angeles County Code, as follows:
 - a. The applicant is proposing an earth-tone color that is consistent with the requirement that building colors be light in tone;
 - b. The building is not proposed to include any features that would prevent monotonous unbroken surfaces. However, given that a landscaped buffer is required elsewhere in the Specific Plan, the northern and southern sides of the building will be largely obscured;
 - c. The building is proposed to have a stucco exterior with stone elements, consistent with the permitted Mediterranean style. Stone elements have also been included to enhance the appearance;
 - d. The building will not have a roof, but will have a façade on the eastern side of the building adjacent to the fuel dispensers which will give the appearance of having a pitched roof;
 - e. Stucco and stone surface materials are proposed, consistent with the permitted dominant surface materials;

- f. The elevation drawings depict the building height at a maximum of 16 feet, 3 inches, in compliance with the 28-foot height limitation;
 - g. The applicant will be required to submit landscaping plans depicting compliance with the landscaping requirements in Section 22.46.230.B.4.b of the Specific Plan;
 - h. The Department of Public Works has reviewed and approved a drainage concept/SUSMP plan for the proposed building and the applicant will be required to comply with this plan;
 - i. Any service areas will be screened by the required 20-foot landscaped buffer; and
 - j. Due to the topography of the site and the proposed height of the structure, the facility will not obstruct views of the surrounding landscape.
12. The proposed use complies with the development standards applicable to developments in the proposed Utilities/Services Subdistrict of the Two Harbors Resort Village District as provided in Section 22.46.230.C.11 of the Los Angeles County Code:
- a. The applicant will be required to provide a 20-foot landscaped buffer containing similar vegetation as properties within 1,000 feet, as required; and
 - b. The applicant will be required to screen a minimum of 95 percent of all sides of the building, with the exception of the east side of the building where the fuel dispensers will be located.
13. The proposed project complies with all other applicable development requirements of the Santa Catalina Island Specific Plan as follows:
- a. Pursuant to Section 22.46.460 of the County Code, the applicant prepared a Phase I Archaeological Study for the project which concluded that the proposed project would not adversely impact cultural resources;
 - b. Pursuant to Section 22.46.470 of the County Code, a biological constraints analysis was submitted and reviewed as part of the environmental review of the case. The analysis concluded that the project would not impact sensitive areas surrounding the Two Harbors developed area;

- c. Pursuant to Section 22.46.480 of the County Code, a geotechnical study was submitted and reviewed as part of the environmental review of the case. The report concludes that the project can be built to avoid geologic hazards provided that the recommendations listed in the report are implemented. A drainage concept/SUSMP was approved by the Department of Public Works on February 3, 2004;
 - d. The proposed project will not involve installation of landscaping on hillside slopes;
 - e. Pursuant to Section 22.46.500 of the County Code, an automatic fire extinguishing system, fire resistive building materials, and smoke detection will be required as conditions of approval;
 - f. Pursuant to Section 22.46.510 of the County Code, the project will comply with the County noise control ordinance;
 - g. Pursuant to Section 22.46.520 of the County Code, the proposed building will not detract from existing views of or from Isthmus Cove with respect to size and location and the design is consistent with other buildings in the vicinity;
 - h. In compliance with Section 22.46.530 of the County Code, the site plans depict one painted wood sign, mounted to the building face with a maximum area of ten square feet; and
 - i. The proposed building will be a shelter for the two above-ground fuel tanks and will not be occupied. Therefore, sewer, water, and solid waste disposal will not be required.
14. The proposed facility is consistent with existing land uses to the south and is a natural progression from the Marine Commercial Subdistrict to the Residential Subdistrict.
15. An Initial Study was prepared for this project in compliance with the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines of the County of Los Angeles. The Initial Study showed that there is no substantial evidence that the project may have a significant effect on the environment. Based on the Initial Study, the Department of Regional Planning has prepared a Negative Declaration for this project. The finds that the project is *de minimus* in its effect on fish and wildlife resources. Therefore, the project is exempt from State Department of Fish and Game fees pursuant to section 711.2 of the California Fish and Game Code.

16. Staff received no public comments in relation to this request before the Regional Planning Commission. One person testified in favor of the proposal at the hearing conducted by the Board of Supervisors.

**BASED ON THE FOREGOING, THE BOARD OF SUPERVISORS
CONCLUDES:**

WITH RESPECT TO THE COASTAL DEVELOPMENT PERMIT:

- A. The proposed development will be in conformity with the certified local coastal program, upon certification of the requested Local Coastal Program Amendment; and
- B. The proposed development is in conformity with the public access and public recreation policies of Chapter 3 of Division 20 of the Public Resources Code.

WITH RESPECT TO THE CONDITIONAL USE PERMIT:

- A. The proposed use will be consistent with the adopted general plan for the area upon certification of the requested Local Coastal Program Amendment;
- B. The requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare;
- C. The proposed site is adequate in size and shape to accommodate the development features prescribed in Title 22 of the County Code, or as otherwise required in order to integrate said uses with the uses in the surrounding area; and
- D. The proposed site 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, and by other public or private service facilities as are required.

NOW, THEREFORE, THE BOARD OF SUPERVISORS,

1. Indicates that it has previously adopted the Negative Declaration prepared for the project and found that said document complies with CEQA and reflects the independent judgment of the Board; and
2. Approves Coastal Development Permit Number 02-247-(4) and Conditional Use Permit Number 02-247-(4), subject to the attached conditions.

CONDITIONS FOR APPROVAL
COASTAL DEVELOPMENT PERMIT NUMBER 02-247-(4)
CONDITIONAL USE PERMIT NUMBER 02-247-(4)

1. This grant authorizes the use of the subject property for removal of an existing 40,000 gallon underground fueling facility located at the Isthmus Cove shoreline and establishment of an above-ground fuel facility consisting of two 12,000 gallon fuel tanks within an enclosed structure and two fuel dispensers east of the building on the subject property. This grant also authorizes placement of an underground fuel line to connect the fuel tank facility to the existing fuel dispensers at the base of the Isthmus Cove pier and placement of a temporary 8,000 gallon fuel tank at the current fueling location until the new fuel facility is constructed. This grant is subject to all of the following conditions of approval.
2. Unless otherwise apparent from the context, the term "permittee" shall include the permittee and any other person, corporation, or other entity making use of this grant.
3. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property, if other than the permittee, have filed at the office of the Department of Regional Planning ("Department") their affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant and that the conditions of the grant have been recorded as required by Condition No. 8, and until all required monies have been paid pursuant to Conditions No. 10 and 11.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees, from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code section 65009. The County shall notify the permittee of any claim, action, or proceeding, and the County shall reasonably cooperate in the defense.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the Department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:

- a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation; and
- b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents shall be paid by the permittee according to Los Angeles County Code Section 2.170.010.

6. This grant will expire unless used within two years from the date of approval. A one-year time extension may be requested, in writing and with payment of the applicable fee, at least six months before the expiration date.
7. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
8. Prior to the use of this grant, the property owner or permittee shall record the terms and conditions of the grant in the office of the county recorder. In addition, upon any transfer or lease of the property during the term of this grant, the property owner or permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
9. This grant will terminate on September 1, 2025. Entitlement to the use of the property thereafter shall be subject to the regulations then in effect. If the Permittee intends to continue operations after such date, a new conditional use permit application shall be filed with the Department at least six months prior to the expiration of this permit, whether or not any modification of the use is requested at that time.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. The permittee shall deposit with the County of Los Angeles the sum of \$1,500. These monies shall be placed in a performance fund which shall be used exclusively to compensate the Department for all expenses incurred while

inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for ten biennial inspections. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any condition of this grant, the permittee shall be financially responsible and shall reimburse the Department for all additional inspections and for any enforcement efforts necessary to bring the subject property into compliance. Inspections shall be made to ensure compliance with the conditions of this grant as well as adherence to development in accordance with the approved site plan on file. The amount charged for additional inspections shall be \$150 per inspection, or the amount equal to the current recovery cost at the time of payment, if that amount is different.

11. Within five (5) days of the approval date of this grant, the permittee shall remit a \$25 processing fee payable to the County of Los Angeles in connection with the filing and posting of a Notice of Determination in compliance with section 21152 of the Public Resources Code.
12. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public health or safety or so as to be a nuisance.
13. Upon approval of this grant, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Forester and Fire Warden to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided to the satisfaction of and within the time periods established by said department.
14. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless specifically modified by this grant, as set forth in these conditions or shown on the approved plans.
15. All structures shall comply with the requirements of the Division of Building and Safety of the Los Angeles County Department of Public Works ("DPW").
16. All structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage. These shall include any of the above that do not directly relate to the business being operated on the

premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

17. In the event such extraneous markings occur, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.
18. The subject facility shall be developed and maintained in compliance with requirements of Los Angeles County Department of Health Services. Adequate water and sewage disposal facilities shall be provided to the satisfaction of said department.
19. Within 60 days of the approval date of this grant, the permittee shall submit to the Planning Director for review and approval three copies of a revised Exhibit "A," similar to that presented at the public hearing, that depicts all required project changes, including redesign of the appearance of the building to conform to the requirements of Sections 22.46.230.B.2, 22.46.230.B.4, and 22.46.230.C.11 of the County Code. The subject property shall be developed and maintained in substantial compliance with the approved revised Exhibit "A." All revised plot plans must be accompanied by the written authorization of the property owner.
20. Within 60 days of the approval date of this grant, the permittee shall submit to the Planning Director for review and approval three copies of a landscape plan that depicts the size, type, and location of all plants, trees, and watering systems on the subject property. A minimum 20-foot landscaped area shall be required on the northern, southern, and western sides of the building, providing a minimum of 95 percent coverage of the structure. All plants and trees used for landscaping on the subject property shall be similar to the size, type, and density of vegetation located within a 1,000-foot radius from the property. A higher density of vegetation may be permitted in this location if such density is required to comply with screening requirements. The permittee shall maintain all landscaping in a neat, clean, and healthy condition, including proper pruning, weeding, fertilizing, and replacement of plants when necessary.
21. The height of the building shall not exceed 16 feet, 3 inches above finished grade.
22. The design of the building shall be consistent with Section 22.46.230.B of the Los Angeles County Code. Colors and exterior materials shall be clearly identified on the approved revised Exhibit "A."

23. Signage shall comply with the requirements of Section 22.46.530 of the Los Angeles County Code.
24. An automatic fire extinguishing system meeting the requirements of the County Forester and Fire Warden shall be installed in the facility.
25. Fire resistive building materials shall be utilized in all new construction. Wood shakes and wood shingle roofs are prohibited.
26. Smoke detection shall comply with the Los Angeles County Fire Code and Part 2, Title 24, of the California Code of Regulations.
27. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain all areas of the premises over which the permittee has control free of litter.
28. Prior to issuance of building permits, the permittee shall submit all proposed plans concerning the installation of the fuel storage tanks to the Los Angeles Fire Department, Petro Chemical Unit, for review and approval.
29. Project-related activities likely to have the potential of disturbing suitable bird nesting habitat shall be prohibited from February 1 through August 31, unless a project biologist acceptable to the Director of Planning surveys the project area prior to disturbance to confirm the absence of active nests or nesting habitat. Disturbance shall be defined as any activity that physically removes and/or damages vegetation or habitat or any action that may cause disruption of nesting behavior such as loud noise from equipment and/or artificial night lighting. Surveys shall be conducted weekly, beginning no earlier than 30 days and ending no later than 3 days prior to the commencement of disturbance. If an active nest is discovered, disturbance within 300 feet (500 feet for raptors) shall be postponed until the nest is vacated, offspring have left the nest area, and there is no evidence of further attempts at nesting. Limits of avoidance shall be demarcated with flagging or fencing. The project proponent shall record the results of the recommended protective measures described above and submit the records to the Department to document compliance with applicable state and federal laws pertaining to the protection of native birds.
30. The permittee shall comply with the NPDES requirements of the California Regional Water Quality Control Board and DPW.
31. The permittee shall incorporate all appropriate Best Management Practices to enhance quality of urban runoff and stormwater to the satisfaction of the DPW.

32. Prior to any construction/installation, modification, or removal of underground storage tanks and/or industrial waste control or disposal facilities, the permittee shall obtain required approvals and operating permits from the Environmental Programs Division of the DPW.
33. All waste shall be compacted into a container and shipped to a landfill on the mainland.
34. The permittee shall comply with all conditions and requirements of the drainage concept/SUSMP approved by DPW on February 3, 2004.
35. If soil contamination is suspected during construction of the project, construction in the area shall stop and remediation shall be conducted to the full satisfaction of the California Regional Water Quality Control Board, the Department of Toxic Substances Control, the Hazardous Materials Division of the Fire Department, and the Environmental Programs Division of the DPW.
36. The permittee shall implement waste reduction and recycling programs to divert the solid waste generated, including construction and demolition waste, from landfills.
37. The permittee shall agree to suspend construction in the vicinity of a cultural resource encountered during ground-disturbing activities at the site and leave the resource in place until a qualified archaeologist can examine them and determine appropriate mitigation measures.
38. The following conditions apply to project construction activities:
 - a. All material graded shall be sufficiently watered to prevent excessive amounts of dust during the construction phase. Watering shall occur at least twice daily with complete coverage, preferably in the late morning and after work is done for the day. All clearing, grading, earth moving, or excavation activities shall cease during periods of high winds (i.e., greater than 20 mph averaged over one hour) to prevent excessive amounts of dust. Any materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust;
 - b. Project construction activities shall be limited to the hours between 8:00 a.m. and 5:00 p.m., Monday through Saturday. Construction work shall not take place on Sundays. Grading, hauling, and pile driving shall not commence before 8:00 a.m., Monday through Friday and shall not occur on Saturdays, Sundays, or legal holidays;

- c. During demolition and construction, the permittee and its contractor shall comply with Sections 12.12.010 - 12.12.100 of the County Code regarding building construction noise;
- d. All fixed and mobile construction equipment shall be in proper operating condition and be fitted with standard silencing devices; engineering noise controls shall be implemented on fixed equipment to minimize adverse effect on nearby properties. Generators and pneumatic compressors shall be noise protected in a manner that will minimize noise inconvenience to adjacent properties. All construction equipment, fixed or mobile, that is utilized on the site for more than two working days shall be in proper operating condition and fitted with standard factory silencing features. To ensure that mobile and stationary equipment is properly maintained and meets all federal, state, and local standards, the permittee shall maintain an equipment log. Said log shall document the condition of equipment relative to factory specifications and identify the measures taken to ensure that all construction equipment is in proper tune and fitted with an adequate muffling device. Said log shall be submitted to the Planning Director and DPW for review and approval on a quarterly basis. In areas where construction equipment (such as generators and air compressors) is left stationary and operating for more than one day within 100-feet of residential land uses, temporary portable noise structures shall be built. These barriers shall be located between the piece of equipment and sensitive land uses;
- e. Parking of construction worker vehicles shall be on-site or at an adjacent off-site location approved by the Planning Director and agreed to by the lessee of said property and restricted to areas buffered from residences located in the vicinity of the subject property, as approved by the Planning Director. If the permittee chooses to provide parking for construction workers off-site, the permittee shall submit to the Planning Director for review and approval plans for temporary construction worker parking and shall demonstrate that the use of the off-site parking spaces shall not interfere with parking spaces required for operation of any use or uses on the property to be used for temporary parking; and
- f. All construction and development on the subject property shall comply with the applicable provisions of the County Building Code and the various related mechanical, electrical, plumbing, fire, grading, and excavation codes as currently adopted by the County of Los Angeles.



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

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RAYMOND G. FORTNER, JR.
County Counsel

September 13, 2005

Agenda No. 11
01/25/05

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

**Re: LOCAL COASTAL PLAN AMENDMENT NUMBER 02-247-(4)
FOURTH SUPERVISORIAL DISTRICT/THREE-VOTE MATTER**

Dear Supervisors:

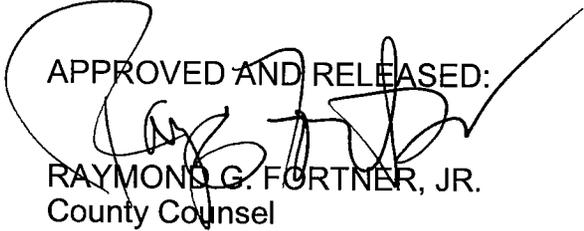
Your Board previously conducted a hearing regarding the recommendation of the Regional Planning Commission to approve an amendment to the Santa Catalina Island Local Coastal Plan in connection with a proposal for the construction, operation, and maintenance of an above-ground fuel facility in the Two Harbors area in the Santa Catalina Island Zoned District. At the conclusion of the hearing, you indicated an intent to approve the amendment and instructed us to prepare the appropriate resolution for adoption. Enclosed is an appropriate resolution for your consideration.

Very truly yours,

RAYMOND G. FORTNER, JR.
County Counsel

By 
RICHARD D. WEISS
Assistant County Counsel
Property Division

APPROVED AND RELEASED:


RAYMOND G. FORTNER, JR.
County Counsel

RDW/

Enclosures

**A RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF LOS ANGELES
RELATING TO ADOPTION OF
LOCAL COASTAL PLAN AMENDMENT NUMBER 02-247-(4)**

WHEREAS, Article 6 of Chapter 3 of Division 1 of Title 7 of the California Government Code (commencing with section 65350) provides for the adoption of amendments to county general plans; and

WHEREAS, the Regional Planning Commission of the County of Los Angeles has conducted a concurrent public hearing in the matter of Local Coastal Plan Amendment Number 02-247-(4), Coastal Development Permit Case No. 02-247-(4), and Conditional Use Permit 02-247-(4) on May 19, 2004; and,

WHEREAS, the Board of Supervisors of the County of Los Angeles has conducted its concurrent public hearing on the above-referenced applications on January 25, 2005; and

WHEREAS, in compliance with the California Coastal Act of 1976, as amended to date, the County of Los Angeles has prepared an amendment to the certified Local Coastal Program for Santa Catalina Island; and

WHEREAS, the Santa Catalina Island Local Coastal Program consists of a Land Use Plan and Local Implementation Program, which includes a Specific Plan; and

WHEREAS, an amendment to the Santa Catalina Island Local Coastal Program element of the Los Angeles County General Plan is necessary at this time to address unique circumstances in the unincorporated territory of Santa Catalina Island; and

WHEREAS, the amendment to the Santa Catalina Island Local Coastal Program includes modifications to the Land Use Plan and Local Implementation Program and related text, for the unincorporated area of Santa Catalina Island commonly known as Two Harbors; and

WHEREAS, a Negative Declaration for the project has been completed in compliance with the California Environmental Quality Act and the State and County guidelines relating thereto; and

WHEREAS, the Board of Supervisors has considered the public testimony, the recommendations and testimony of the Regional Planning Department staff, and the Negative Declaration, including the documentation within each file; and

WHEREAS, the Board of Supervisors finds as follows:

1. The applicant is requesting a change of the land use designation of the subject property from the Residential Subdistrict of the Two Harbors Resort Village District to the Utilities/Services Subdistrict on a 3,600-square foot piece of property. As the property is located in the Coastal Zone, the coastal development permit requirement will assure that development occurring after reclassification of the property will conform to the approved plans and will ensure compatibility with the surrounding area. As applied in this case, the coastal development permit will restrict the development of the re-classified site to an above-ground fuel storage facility. No other development is permitted on the property unless a new coastal development permit is obtained.
2. The subject property consists of a 3,600-square foot portion of Two Harbors (Lot 88), approximately 400 feet south of the Isthmus Cove shoreline, Santa Catalina Island, and is located in the Santa Catalina Island Zoned District.
3. Access to the property is taken via an unnamed dirt road to the southeast.
4. Surrounding land use designations in the vicinity of the subject site include Residential to the north, west, and south and Marine Commercial to the east.
5. The subject site is currently used for outdoor storage of heavy equipment and vehicles, a legal nonconforming use.
6. Surrounding land uses in the vicinity of the subject site include residential uses to the north; vehicle storage, a workshop, and boat and vehicle parking to the south; an office, a storage tank, parking, and a boat yard to the east; and vacant land and single family residences to the west.
7. This Local Coastal Plan Amendment request was heard concurrently with Coastal Development Permit and Conditional Use Permit Case No. 02-247-(4), a related request to authorize the establishment of an above-ground fuel storage facility on the subject property.
8. The applicant's site plan, marked Exhibit "A," depicts the location of the proposed 1,296-square foot building that will house the two 28 feet x 11.5 feet fuel storage tanks and two dispensers that will be located at the eastern end of the building on a concrete pad and protected by two metal bollards per dispenser. The elevation drawings depict the maximum height of the proposed building at approximately 16 feet, 3 inches. A 10-square foot sign is depicted on the building face, the bottom of which is at 6 feet, 5 inches above grade.

9. The United States Environmental Protection Agency has required the removal of the existing underground fuel storage tanks that service land and water-based vehicles at Two Harbors, including emergency vehicles. The proposed above-ground facility will replace the existing underground tanks and will be used for the same purpose.
10. The subject property is located in the Residential Subdistrict of the Two Harbors Resort Village District. The proposed above-ground fuel facility is inconsistent with the current land use designation of the subject property. A need exists for the proposed Local Coastal Plan Amendment from the Residential Subdistrict to the Utilities/Services Subdistrict to allow the owner to establish an above-ground fuel facility on the subject property.
11. A Local Coastal Program Amendment is required for the proposed fuel storage facility due to the fact that there is no appropriate land use designation that would allow such use within 900 feet of the Isthmus Cove pier, the maximum distance that the fuel tanks can be located from a fuel dispenser.
12. The proposed facility is consistent with existing land uses to the south and is a natural progression from the Marine Commercial Subdistrict to the Residential Subdistrict.
13. The subject property is a proper location for the proposed Utilities/Services Subdistrict classification and placement of the proposed district at such location will be in the interest of public health, safety, and general welfare, and in conformity with good zoning practice because the proposed facility is consistent with existing land uses to the south and is a natural progression from the Marine Commercial Subdistrict to the Residential Subdistrict. The use will serve the local area and the new location will remove conflicts and congestion from the existing fueling location at the Isthmus Cove shoreline.
14. The proposed Local Coastal Plan Amendment from the Residential Subdistrict to the Utilities/Services Subdistrict is consistent with the goals and objectives of the Countywide General Plan and the certified Local Coastal Program.
15. The proposed project is permissible in the proposed Utilities/Services Subdistrict, subject to issuance of a coastal development permit and conditional use permit.
16. The proposed fuel storage facility will not adversely impact coastal access and will enhance recreational opportunities on Santa Catalina Island.

17. An Initial Study was prepared for this project in compliance with the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines and the Environmental Document Reporting Procedures and Guidelines of the County of Los Angeles. The Initial Study showed that there is no substantial evidence that the project may have a significant effect on the environment. Based on the Initial Study, the Department of Regional Planning has prepared a Negative Declaration for this project. The project is de minimus in its effect on fish and wildlife resources.

THEREFORE, BE IT RESOLVED THAT THE BOARD OF SUPERVISORS:

1. Indicates that it has previously adopted the Negative Declaration prepared for the project and found that it complies with CEQA and reflects the independent judgment of the Board.
2. Finds that the recommended Local Coastal Plan Amendment is consistent with the goals, policies, and programs of the Los Angeles County General Plan and the Santa Catalina Island Specific Plan; and
3. Adopts Local Coastal Plan Amendment No. 02-247-(4), amending the Land Use Map of the Santa Catalina Island Specific Plan and the Land Use policy map of the Santa Catalina Island Land Use Plan (and related text) on the 0.36-acre subject property from "Residential Subdistrict" to "Utilities/Services Subdistrict," all as indicated on the attached exhibits.

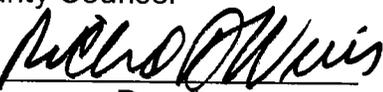
The foregoing was on the _____ day of _____, 2005, adopted by the Board of Supervisors of the County of Los Angeles and ex officio the governing body of all other special assessment and taxing districts, agencies and authorities for which said Board so acts.

VIOLET VARONA-LUKENS, Executive Officer-
Clerk of the Board of Supervisors of
the County of Los Angeles

By _____
Deputy

APPROVED AS TO FORM

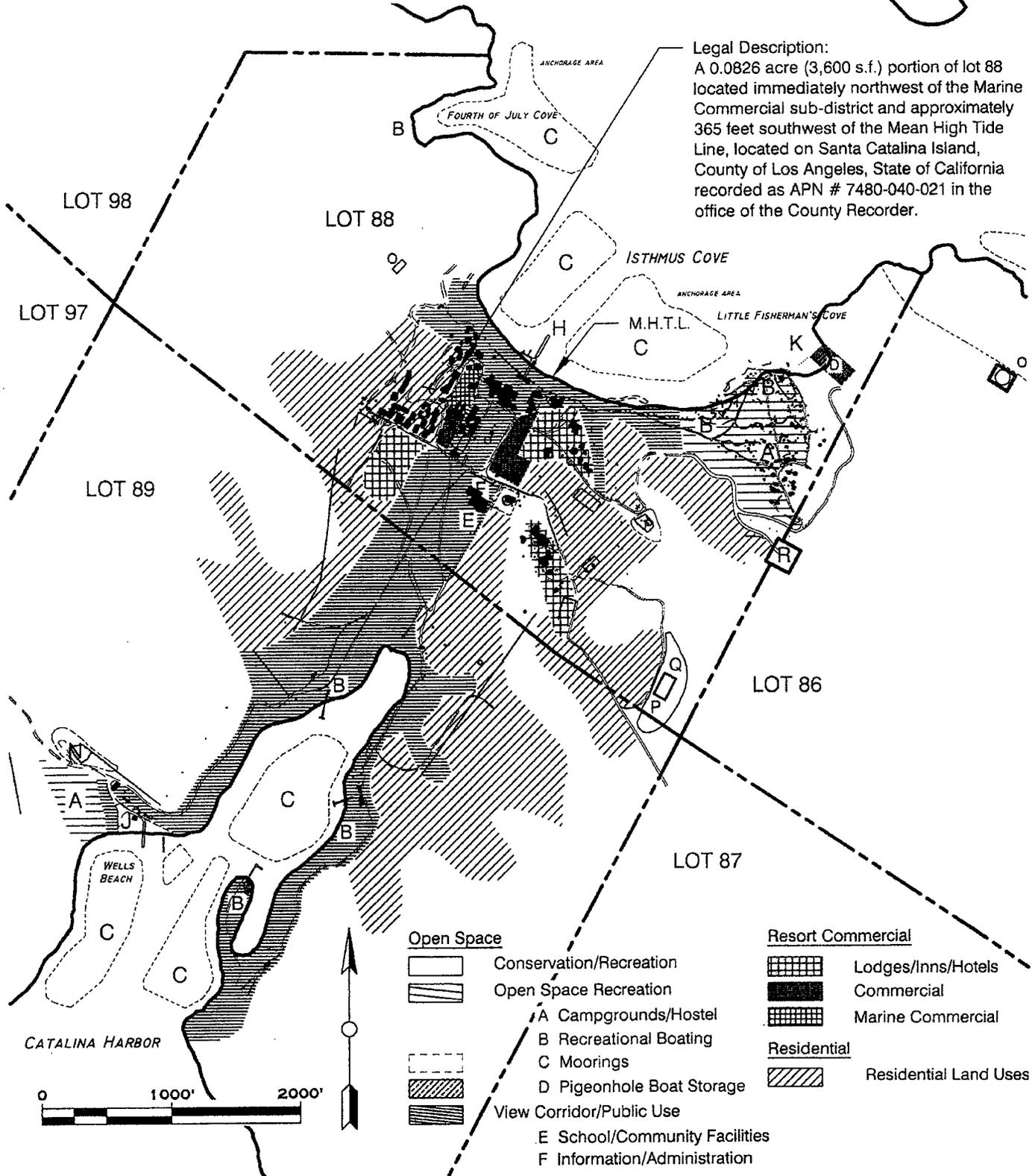
RAYMOND G. FORTNER, JR.
County Counsel

By: 
Deputy

**AMENDMENT TO THE
SANTA CATALINA ISLAND LOCAL COASTAL PLAN
TWO HARBORS RESORT VILLAGE DISTRICT**

**RESIDENTIAL SUBDISTRICT
TO
UTILITIES/SERVICES SUBDISTRICT (3,600 SF)**

Legal Description:
A 0.0826 acre (3,600 s.f.) portion of lot 88 located immediately northwest of the Marine Commercial sub-district and approximately 365 feet southwest of the Mean High Tide Line, located on Santa Catalina Island, County of Los Angeles, State of California recorded as APN # 7480-040-021 in the office of the County Recorder.



39. Upon establishment of the permanent fuel tank facility approved by this grant, all temporary tanks established at the Isthmus Cove shoreline shall be removed. No other temporary tanks shall be approved at Two Harbors without obtaining a coastal development permit and any other required permits from any county, state, or federal agencies.
40. This grant shall not be used for any purpose until the Board of Supervisors has adopted and the California Coastal Commission has certified a Local Coastal Program Amendment to authorize a change in the land use designation of the property from the Residential Subdistrict of the Two Harbors Resort Village District to the Utilities/Services Subdistrict.