

# Public Outreach Meetings

## Environmentally Sensitive Habitat Areas (ESHA)

### Local Coastal Program Update

PL12-0158



#### **Ventura County Planning Division**

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## Purpose of Today's Meeting

Review proposed amendments to the County's Local Coastal Program (LCP):



- **Environmentally Sensitive Habitat Areas (ESHA)** - Comprehensive update
- **Harbor Planned Development (HPD) Zone** – Proposed deletion (zone is no longer used)

**Public comment deadline is Friday, June 1, 2018.**

**PHASED LCP AMENDMENTS** – This is the final phase (Phase 2C) of an LCP update program that includes previously certified amendments for a wide range of topics – including temporary film production, tree protection, water-efficient landscaping, and coastal trail. These LCP updates were initiated by the Board of Supervisors and primarily funded through federal grants. Federally funded project (CIAP grant) included Coastal Biology (Santa Monica Mountains) and LCP amendments.

**HPD ZONE:** The CZO contains a zoning classification called Harbor Planned Development that is no longer used in the coastal zone. The HPD zone was previously used at Channel Islands Harbor, which is now part of the City of Oxnard. The Harbor District operates under a separate set of land use regulations.

Timeline for LCP Amendments			
STEPS	STATUS	Public comments?	
1	Public Outreach	IN PROGRESS	Yes
2	Planning Commission	Tentatively scheduled - August 2018	Yes
3	Board of Supervisors	Tentatively scheduled - Late 2018 Followed by submittal to Coastal Commission	Yes
4	Coastal Commission	Estimated timeframe is 6 months. Typically, hearings result in modifications to the amendments.	Yes
5	Board of Supervisors	Review of proposed modifications from Coastal Commission	Yes
6	Coastal Commission	Certification hearing of amendments approved by Board of Supervisors	Yes
Amendments go into affect thirty days after certification			

NOTES:

- There will multiple opportunities for public comments throughout the public review and public hearing process.
- Processing a set of amendments to the LCP is a lengthy process, as amendments must be certified by the California Coastal Commission.
- Our tentative schedule includes a Planning Commission and a Board of Supervisors hearing in 2018.
- With luck, the first Coastal Commission hearing will be complete by mid-2019.

## Public Information & Comments



Local Coastal Program Update  
Environmentally Sensitive Public Areas Community Workshop Question Card

Name: \_\_\_\_\_  
Organization: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### Handouts:

- Copy of ESHA presentation
- Copy of HPD zone amendments
- Copy of posters @ breakout areas
- Web Site / Contact Information

A copy of the draft LCP amendments is available on the Planning Division website.

Meeting Agenda		
Topics	Time	Activities
<ul style="list-style-type: none"> <li><b>Overview and Permitting Process</b></li> </ul>	40 minutes	<b>Staff presentation</b>
	10 minutes	<b>Questions/Answers</b>
<ul style="list-style-type: none"> <li><b>Development standards</b></li> </ul>	10 minutes	<b>Short presentation</b>
	30 minutes	<b>Breakout areas</b>
Public comment cards are available at all breakout areas. Written comments also can be submitted via email/mail.		

For the North Coast and South Coast meetings, a representative of the Ventura County Fire Department will present information on fuel modification zones.

**COMMENTS:**

County staff will be available at all breakout areas.

Public comments will be accepted during the public meetings or by mail/email.



# Overview

## Environmentally Sensitive Habitat Areas

GARY VALLE  
YONTERUN.COM

# Where do LCP regulations apply?



Unincorporated County areas within the coastal zone are shown in blue.

## What is Being Amended?

### Land Use Plan

#### Coastal Area Plan (CAP)

- Goals, policies and programs

### Local Implementation Plan

#### Coastal Zoning Ordinance (CZO)

- Permitting procedures, allowable use, development standards

**CAP**  
+  
**CZO =**

Local  
Coastal  
Program  
**(LCP)**

Existing regulations for ESHA were primarily developed during the 1980's, when the County's first LCP was certified by the California Coastal Commission.

### NOTES:

During the 1980's, Ventura County and the Coastal Commission adopted what is called the Categorical Exclusion Order ("CAT EX"). It applies only to Ventura County. More information on the Categorical Exclusion Order will be provided during the presentation.

## Overview

**Background** – Proposed amendments to LCP will implement these sections of the California Coastal Act:

- Section 30230 – Marine Resources
- Section 30231 – Biological Productivity, Water Quality
- Section 30233 – Diking, Filling, or Dredging
- Section 30236 – Water Supply and Flood Control
- **Section 30240 – Environmentally Sensitive Habitat Areas**



**Coastal Act:** *“ESHA shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas”.*

Note: Similar Coastal Act requirements are provided for development in areas adjacent to ESHA.

## Overview

### Why amend the LCP?

ESHA regulations are outdated and, in some cases, are not consistent with Coastal Commission direction for development in ESHA. That makes it difficult to *preserve coastal resources* or *process permits*.

### Examples:

- LCP does not list the habitats that constitute ESHA
- Adopted ESHA maps are outdated
- Inadequate information on site-specific ESHA maps
- No standards for buffer zones
- Incomplete list of uses allowed by Coastal Act

- LCP regulations for ESHA have not been updated since the 1980's. The first LCP was certified in 1987, so it's been 30 plus years since its inception.
- Federal laws, state regulations, and court decisions affected environmental regulations for the coastal zone during that period.
- ESHA maps are outdated, and the Santa Monica Mountains map does not reflect Coastal Commission findings for that area, incorporated into maps for the City of Malibu and Los Angeles County.

## Overview

### What type of amendments are proposed?

- **Definitions** - Identifies habitats classified as ESHA
- **EHSA maps** – Includes updated map for Santa Monica Mountains
- **Site-specific maps** – Clarify how to prepare and use a site-specific map during the permitting process
- **Buffer zones** – Identifies purpose of buffer zones and provides minimum standards
- **Allowable use** – Provides more detailed information on uses allowed by the Coastal Act

NOTES – This section of the presentation covers the topics listed on this slide. For definitions, see CZO, starting on page 2.

## Definition of ESHA

### Existing definition:

“ESHA shall be defined as 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*.”

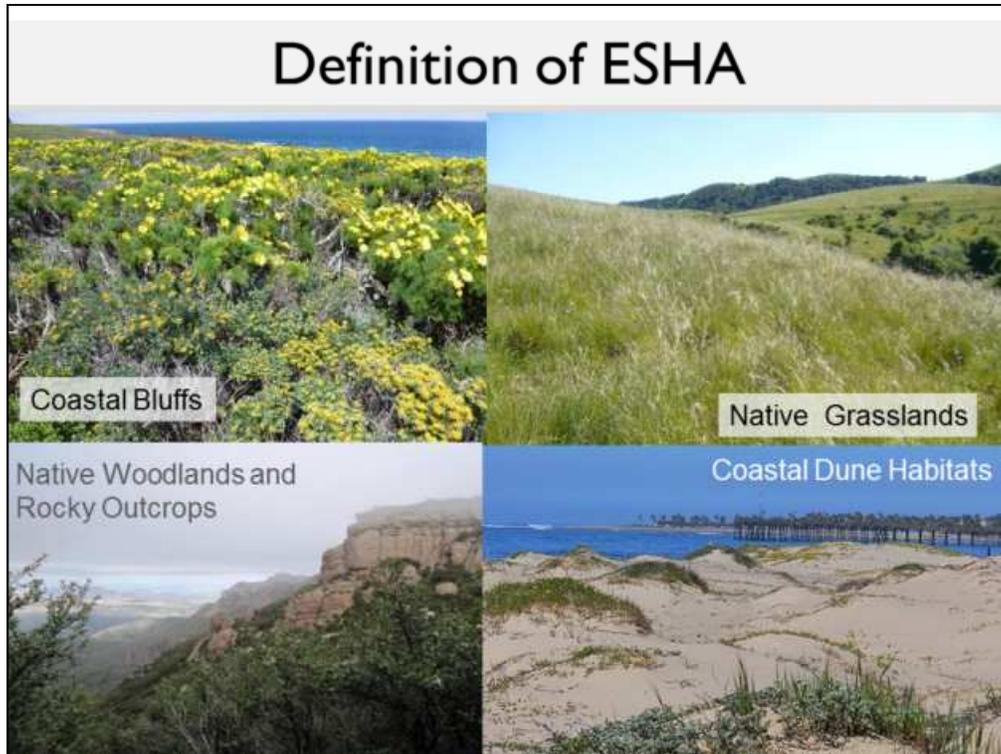
### What's New?

A list of habitat types classified as ESHA. Includes all habitats identified by the Coastal Commission as meeting the Coastal Act definition of ESHA.

See: CAP Policy 3.1 (pg. 8); CZO Sec. 8178-2.4.1 (pgs. 26-28)

#### NOTES:

- The existing and proposed definition for ESHA is based on language in the Coastal Act.



# Definition of ESHA

## Wet Environments



**Streams**  
& Associated Vegetation communities



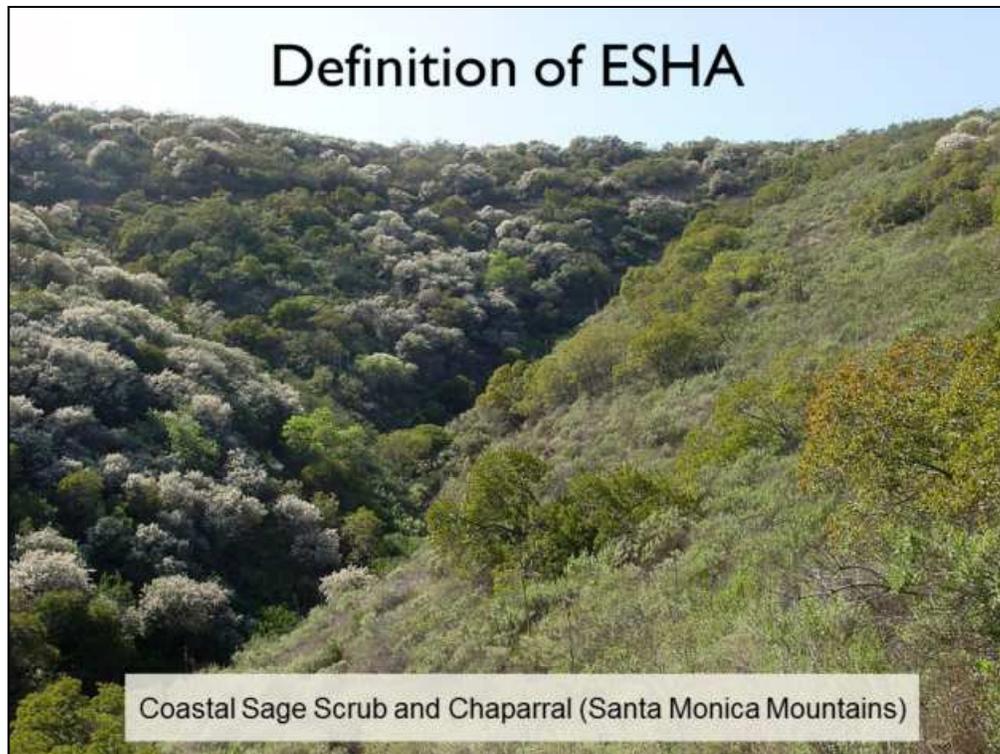
**Freshwater and Saltwater Wetlands**

## Definition of ESHA



### Wet Environments

Rivers and Associated Vegetation Communities  
*Ventura River, Santa Clara River*



**NOTE:**

In 2003, the Coastal Commission made a formal finding that CSS and Chaparral in the Santa Monica Mountains is defined as ESHA.

Outside the Santa Monica Mountains, only certain types of CSS/Chaparral are defined as ESHA.

## Definition of ESHA

### Examples of special status species



Female Burrowing Owl and Chick



American Badger



Lemonade Berry

#### NOTES:

Special status species includes species listed by the U.S. government and State of California. It also includes species on Ventura County's Locally Important Species List.

## Definition of ESHA

California  
Least  
Tern



Examples of “critical life stage” habitats:  
*Denning, breeding and roosting sites*



Bushtit Outside Nest



Mountain Lion Den

## Definition of ESHA



Monarch Butterfly Aggregation Sites

## Adopted ESHA Maps

### Background:

- ESHA maps are required by the Coastal Commission. They are used to alert landowners/staff where ESHA is located.
- There are 6 existing maps in the Coastal Area Plan
- Most coastal resources are in the Santa Monica Mountains, rural North Coast areas, and shoreline areas.

### What's New?

- Updated ESHA map for South Coast subarea, which includes the Santa Monica Mountains. It is based on an extensive analysis of National Park Service (NPS) vegetation maps and aerial photographs.

See: CAP, pg.36; and ESHA Program #1 (updated maps, pgs. 28-29)

NOTE –

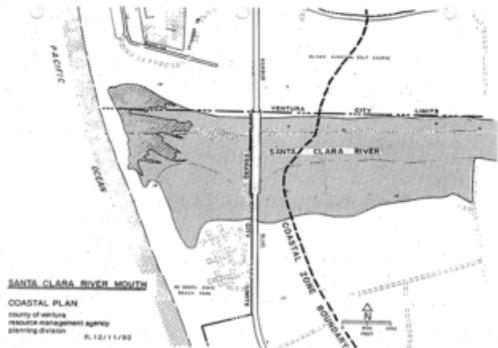
All adopted ESHA maps are located in the Coastal Area Plan.

Certified maps are used early in the permitting process to help identify if ESHA may be located on a particular lot.

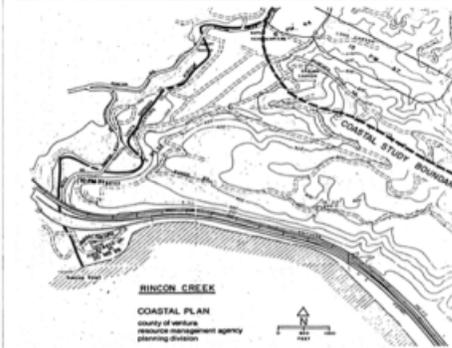
# Adopted ESHA Maps

## Examples of Existing ESHA Maps

Santa Clara River Mouth



Rincon Creek



# Adopted ESHA Maps



## Site-Specific ESHA Maps

### Background:

- A site-specific ESHA map is currently required for new development that may adversely impact ESHA.
- A survey radius of 500-feet is currently required to evaluate streams, drainages, and other wet environments.
- Site-specific ESHA maps are used during the permitting process. They take precedence over an adopted ESHA map.



### NOTES:

- The County's CEQA Guidelines include a requirement for site-specific ESHA maps in the coastal zone.
- Current guidelines are located in the Initial Study Assessment Guidelines (ISAGs)

## Site-Specific ESHA Maps

### What's New?

- More detailed requirements for site-specific maps
- A methodology for mapping ESHA in the Santa Monica Mountains
- Clarification regarding survey requirements for a site-specific ESHA map:
  - In most circumstances, maps will include the area within a 500-foot radius of the proposed development
  - A smaller, 100-foot radius is allowed for “minor development”.

See: CAP Policy 3.1-2 (pg.8); CZO Sec. 8178-2.3 (pg.25) & 8178-2.4.2 (pg.28)

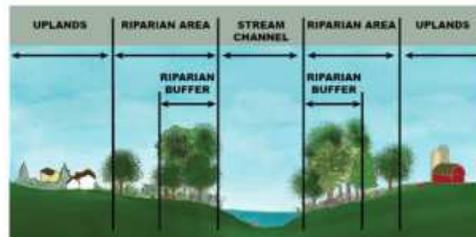
### NOTES:

- A 1000-foot radius is required for monarch butterfly surveys.
- [Appendix E1](#) provides information on survey/mapping requirements for a site-specific ESHA map.
- Includes standards for ESHA determinations, including mapping ESHA after a natural disaster.

# Buffer Zones for ESHA

## Background:

- Buffer zones are currently required to protect ESHA. A buffer zone provides distance and physical barriers to human disturbance.
- The Coastal Commission requires an adequate, natural vegetation buffer to ensure that sensitive habitats are protected. (PRC Sec. 30231,30240)



## Buffer Zones for ESHA

### What's New?

- Policy requiring the width of a buffer zone to be sufficient to protect the sensitive habitat
- Standards for the width of a buffer zone:
  - The standard width of a buffer zone is 100 feet
  - Buffer zones wider than 100 feet may be needed to protect a specific type of habitat (e.g., special status species, wetland, monarch butterfly roost, etc.)
  - Standards are provided for measuring a buffer zone.

See: CAP Policy 3.4 (pgs. 9-10); CZO [Sec. 8178-2.4.3](#) (pgs. 29-30) and [Sec. 8178-2.7](#) (pgs. 51 to 61)

## Allowable Use in ESHA

**Problem:** The list of allowable uses in the LCP does not include all requirements of the Coastal Act.

**Background:**

- The Coastal Act restricts use in ESHA to “resource-dependent” uses.
- The Coastal Act includes specialized provisions for allowable use in streams, rivers, wetlands, and open coastal waters.

NOTE:

The existing LCP limits use in ESHA to:

- Nature study, passive recreation, habitat restoration, uses dependent on the resource (aquaculture, scientific research)
- Shoreline protective devices (with limitations)
- Public works facilities (with limitations)

## Allowable Use in ESHA

### What's New?

- **Coastal Act** - Detailed information on allowable uses in streams, rivers, wetlands, and open coastal waters
- **Non-Resource Dependent Use** - Updated list that includes wireless communication facilities and public works facilities
- **Reasonable Economic Use** - New section that provides a roadmap for developing a lot when impacts to ESHA cannot be avoided.

See: CAP Policy 4.1-4.2 (pgs. 10-11); CZO [Sec. 8178-2.5](#) (pgs. 30-36) and [Sec. 8175-5.9](#) (pg. 17)

### NOTE:

- Resource-dependent uses include: Passive recreation (hiking trails, low-impact camping, horseback riding); nature study and environmental research, interpretive or directional signs, habitat restoration.
- A clear set of regulations is provided regarding what uses are allowed, by the Coastal Act, in streams, rivers, wetlands, and open coastal waters.
- The second and third items on this list will be explained in greater detail later in the presentation.



# Permitting Process

Environmentally Sensitive Habitat Areas

## Permitting Process

### **Why amend the LCP?**

- **Permitting Problems:** The current LCP does not provide a complete regulatory framework for processing permits that could adversely impact ESHA.
- **Permitting Solutions:** Fill the gaps within the current regulatory framework so that County staff and project applicants can consistently and efficiently process permits.

PROBLEMS - For example, development standards do not cover a wide range of situations or habitat types.

## Permitting Process

### **What type of amendments are proposed?**

- **Applicability** – When do ESHA regulations apply?
- **Submittal requirements**
- **Allowable Use** – Reasonable Economic Use
- **Development standards** – What are the key standards? How do they affect permitting process?
- **Land Divisions** – Includes preservation incentives
- **Compensatory Mitigation**

NOTES – This section of the presentation covers the topics listed on this slide.

## Applicability



**Problem:** The LCP isn't clear about when ESHA regulations apply.

### Background:

- In the coastal zone, all new 'development' requires a discretionary permit (coastal development permit).
- In many situations, new development in Existing Communities is exempt due to the County's Categorical Exclusion Order.

### Questions –

*When do the ESHA regulations apply?*

*When do you need a discretionary permit?*

See Article 2 of the Coastal Zoning Ordinance for a definition of 'development' Categorical Exclusion Order:

- Development on lots adjacent to a beach is not exempt
- Redevelopment of a lot is not exempt
- Repair/replacement of existing public works facilities is not exempt when conducted on a beach or in ESHA.

Exemptions in the Categorical Exclusion Order apply to the following communities: La Conchita, Mussel Shoals, Seacliff, Faria, Solimar, Hollywood-by-the Sea, Silverstrand, and Solromar. Does not apply to all zones in La Conchita and Solromar.

## Applicability

**Solutions:** ESHA regulations apply to the following types of *new or expanded development*:

- A **coastal development permit** (Planned Development Permit, Conditional Use Permit) is required; and
- The proposed development may adversely impact ESHA:
  - Property **contains ESHA or buffer zone** or is mapped as ESHA on an adopted ESHA map
  - The proposed development is **within 100 feet of mapped ESHA** on an adjacent property.

- Specific regulations may apply if the project is within 500 feet of a stream or other wet environment or within 1000 feet of a monarch butterfly aggregation site.
- LCP regulations *do not apply* to annual dredging at Channel Islands Harbor. See [Sec. 8178-2.2](#) (CZO, pgs. 24-25)
- Also the LCP does not apply to development within Channel Islands Harbor, which is governed by a separate Public Works Plan.

## Submittal Requirements



### Questions –

*What type of site-specific environmental information do I need to submit for a discretionary permit?*

### Problem:

- Requirements for a site-specific environmental assessment are not provided in the LCP.
- There's no requirement that an applicant submit a project that minimizes environmental impacts.

### Background:

- Coastal Act has different requirements than California Environmental Quality Act.
- County's existing guidelines for a site-specific environmental assessment cannot be referenced in the LCP.

### NOTES –

- The County has an existing set of guidelines for a site-specific environmental assessment, but they cannot be referenced in the LCP. The Coastal Commission rarely allows references to an outside document in the LCP.
- For more information, see the County's Initial Study Assessment Guidelines (ISAGs). In the coastal zone, they're called a *Coastal Initial Study Biological Assessment* (CISBA).

## Submittal Requirements

### Solutions:

- Identify the components of a site-specific assessment
- Clarify the size of the geographic area (typically, a 500-foot radius around the development, although a 100-foot radius is allowed for “minor development”).

### What's New?

- A “least damaging alternatives analysis” will be required if the project will impact ESHA.

See [Sec. 8178-2.3](#) (CZO, pgs. 25 to 26). Also see [Appendix E1](#) for information on the contents for a CISBA

### NOTES:

- The 500-foot standard is based on existing requirements in the County’s guidelines. Currently, surveys are required within a 500-foot radius for wet environments.
- The least damaging alternatives analysis will be used to determine whether a different project design would reduce environmental impacts.

## Key Definitions

### Building Site:

- Includes the primary, developed area of a *legal lot* that **contains all structures** including the building pad, primary structure(s) and accessory structures/uses.



### Development Envelope:

- The **full extent of development** on a legal lot. In addition to all development in a building site, it includes access roads, fuel modification zone, grading, and wells/septic systems

#### NOTES:

See CZO, starting on pg. 2, for all proposed definitions.

The *Building Site* is included in the *Development Envelope*. (Also, see definition for *Development Envelope*).

New definition for a 'building site' addresses residential, commercial and industrial use:

- For residential use, structures include barns, garages, parking areas, deck/patio, swimming pool, storage sheds, and animal enclosures.
- For industrial use, the *building site* includes oil/gas drilling operations (e.g., drilling pad, equipment storage areas, processing facilities, pumps or well sites, associated equipment).
- For agricultural use, the *building site* includes barns, equipment storage areas, greenhouses, sales facilities, farmworker housing, row crops, and orchards.
- Development Envelope includes:
  - Access driveway or road, fire department turnarounds
  - Fuel modification zone(s)
  - Entry gate/fences
  - Utility trenches and other site grading, septic systems, wells, and drainage improvements.

## Allowable Use in ESHA

See prior summary on allowable uses.

### What's New?

- Updated regulations for **Public Works Facilities**
  - New public works facilities are currently allowed, but only when impacts to ESHA are **eliminated**.
  - Proposed regulations would allow public works facilities needed for public safety or essential services for permitted development. Impacts to ESHA would be **avoided - whenever feasible**.

See the following: CAP Policy 4.1-4.2 (pgs. 10-11); CZO [Sec. 8178-2.5](#) (pgs. 30-36) and [Sec. 8175-5.9](#) (pg. 17)

### INTER-AGENCY MEETING ONLY

#### Notes:

- Also, the repair, maintenance and replacement of public facilities allowed by existing regulations would continue to be allowed in ESHA with a discretionary permit.

## Allowable Use in ESHA

### What's New?

Regulations for 'reasonable economic use'

**Problem:** There is no regulatory framework in the LCP for applicants who *cannot develop a legal lot without impacting ESHA*.

**Background:** The Coastal Act allows 'reasonable economic use' to avoid a taking of private property. Primarily affects development in the Santa Monica Mountains.



## Allowable Use in ESHA

### Reasonable Economic Use:

- In two areas, specific standards are provided that define what constitutes “reasonable economic use” (it is tied to a ‘maximum allowable building site’ for that lot):
  - Santa Monica Mountains
  - Existing Communities\*
- For other coastal areas, a methodology is provided for determining ‘reasonable economic use’ on a case-by-case basis.

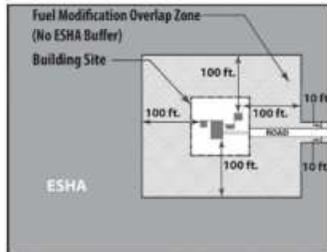
\* Applicable to Rincon Point, La Conchita, Mussel Shoals, Seacliff, Faria, Solimar, Hollywood-by-the-Sea, Silverstrand, and Solromar.

See: [Sec. 8178-2.5.3](#) (pg. 33) and [Sec. 8178-2.6.2](#) (pgs. 33 – 37)

### NOTES:

- Determining what constitutes ‘reasonable economic use’ on a case-by-case basis can be expensive and time-consuming.
- Set standards were provided for the two areas where we know, in advance, that a standard will be useful.
- The methodology for “other coastal areas” is based on provisions in the Santa Barbara County LCP.
- All principally-permitted uses allowed in the zone are allowed for ‘reasonable economic use’. (residential use is a principally-permitted use in the COS zone).
- In existing communities, specified zones are provided. These provisions do not apply to all zones in Solromar, as portions of this community are in the Santa Monica Mountains (M) overlay zone.

# Allowable Use in ESHA



## Adjustments –

A **larger building site** is allowed for incentive program.

A **smaller building site** may be required for a highly constrained lot with inadequate land.

## Maximum allowable building site:

- **Santa Monica Mountains** - The 'maximum allowable building site' is 10,000 SF, or 25% of the legal lot (whichever is less).
- **Existing Communities:** 'Maximum allowable building site' is 10,000 SF (or 25% of the legal lot for lots over 1 acre).

## NOTES:

- Access roads and fuel modification can extend beyond the building site boundary.
- The 10,000 SF standard for the Santa Monica Mountains is based on standards (for other portions of the Santa Monica Mountains) in the L.A. County and the City of Malibu LCPs.
- The Existing Communities standard allows full buildout for 97% of the lots (97% of the lots are 10,000 SF or less). Only 1% of the lots exceed 1 acre.

## Reasonable Economic Use - Existing Communities

- **Problem:** The buffer zone for off-site coastal ESHA could limit full buildout of lots when a coastal development permit is required.



- **Solution:** Buffer zones for off-site ESHA won't be used to limit full buildout of the lot, except when the buffer zone is for an off-site wet environment.

NOTE: Existing streams @ Rincon Point, Solimar, and Solromar).

### NOTES:

- In **Existing Communities**, a coastal development permit is only required for development on lots that abut the beach or when redeveloping a lot. See CZO for existing definition of redevelopment. Typically, it's the replacement of 50% or more of the existing development on the lot.
- Buffer zones for off-site ESHA are most likely to occur at Hollywood Beach, which contains coastal dune habitats used as a seasonal nesting area for birds classified as a 'special status species'.
- For the buffer zones of a wet environment, future encroachment into the buffer zone cannot exceed the current level of encroachment. That provision is based on existing, non-conforming use regulations.

## Land Divisions

### Problem:

- The Coastal Act prohibits new land divisions (subdivision, lot line adjustment) that result in new environmental impacts, but the LCP does not provide a framework for processing this type of permit.

### Solution:

- A regulatory framework is provided for processing a land division. Permits can be approved if the land division will not result in greater environmental impacts than the current lot configuration.

See the following: CAP [Policy 9.1](#) (pg. 25); CZO [Sec. 8178-2.9.1-3](#) (pgs. 62–64)

### NOTE:

In the coastal zone, a land division includes a lot split or subdivision AND lot line adjustments.

# Santa Monica Mountains

## What's New?

- **Preservation Incentives**



*“The Santa Monica Mountains comprise the largest, most pristine, and ecologically complex example of a Mediterranean ecosystem in coastal southern California.”* - John Dixon, CA Coastal Commission, Memo to Ventura County

Ventura County previously placed this area within an overlay zone, where specific development standards apply. The (M) overlay zone includes Ventura County's portion of the Santa Monica Mountains.

Purpose of the incentives is to minimize the removal, degradation, and fragmentation of ESHA in the Santa Monica Mountains.

May help reduce the number of existing, small undeveloped lots in Santa Monica Mountains.

## Land Divisions

### What's New?

**Preservation Incentives** are provided for the Santa Monica Mountains (M) Overlay Zone:

- The “maximum allowable building site” can be *increased from 10,000 to 15,000 SF* if the applicant retires the development rights on a 3-acre (plus) lot.
- A lot line adjustment can be used to create a group of clustered, smaller lots if it also *results in one large lot that is preserved (40 acres or more)*.

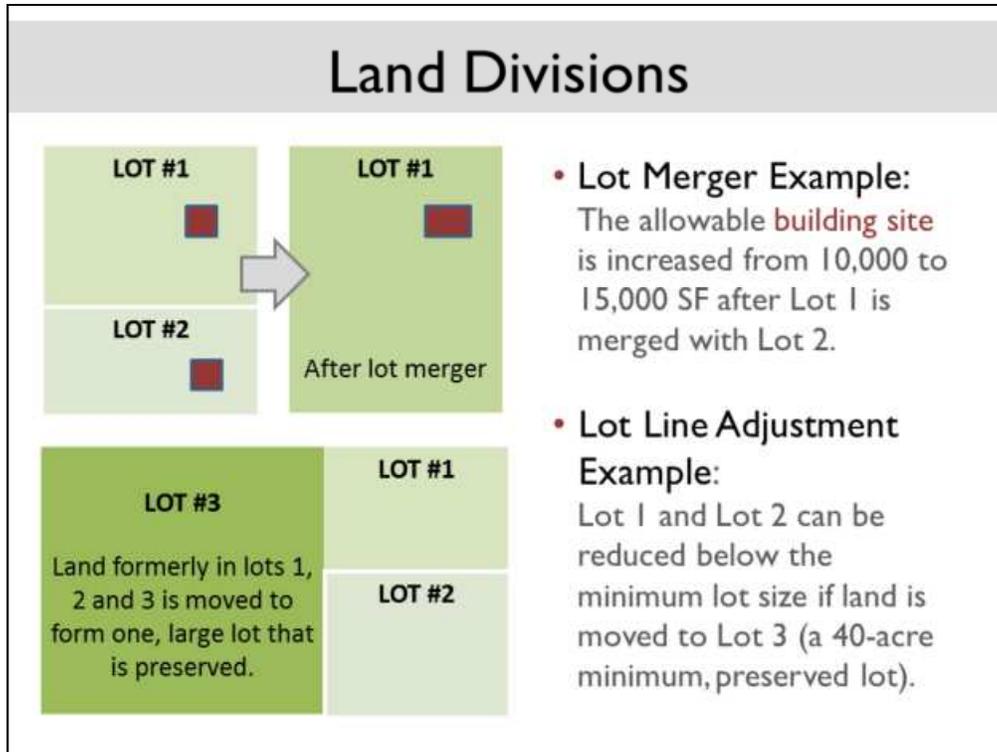
See: CZO Sec. 8178-2.9.4 – ESHA Preservation Incentives

### NOTES:

**Expansion of Building Site** - The development rights for a lot can be retired by:

- Merging two adjoining, legal lots into one lot; or
- Placing a conservation easement over a non-adjoining, undeveloped legal lot.

**Reduced minimum lot size** (lot line adjustment) - Developable lots can be smaller than the minimum lot size allowed by the zone but must be at least 3 acres.



NOTES:

Benefits to the landowner may include:

1. Lot merger – Landowner simply wants a larger building site
2. Lot line adjustment:
  - Reduced taxes on the developed lots
  - Reduced costs to develop the small lots (shorter access roads, less grading, etc. for the smaller lots).
  - Clustered lots/development are more defensible in a wildfire.

## Compensatory Mitigation

**Problem:** Existing regulations do not provide a detailed, consistent approach to mitigation in the coastal zone.

**Background:** State law requires that proportional mitigation be provided for direct, indirect and cumulative impacts to ESHA.

**Solution:** Provide a regulatory framework that clarifies *when* mitigation is required and that determines the *amount, type* and *location* of mitigation land.

## Compensatory Mitigation

### Solutions:

- *When it's required* - Clarify that mitigation is required for all impacts to ESHA, except public emergencies
- *Location of mitigation:*
  - On or off-site mitigation is allowed for impacts to coastal sage scrub or chaparral
  - On-site restoration is required for unpermitted impacts, and on-site mitigation is required for impacts to wetlands, wet environments, and native woodland habitats
  - For other habitats, off-site mitigation is allowed when it's more protective of the ecosystem.

See: CAP Policies 10.1 – 10.7 (pgs. 27, 28); CZO Sec. 8178-2.10 (pgs. 65-75).

### NOTE:

- An exception is provided for the emergency removal of ESHA by a public agency
- Off-site mitigation is allowed when on-site is unfeasible due to an inadequate supply of land.
- Off-site mitigation is also allowed for higher quality habitats or when it's more protective of the ecosystem impacted by the project.
- Criteria is provided for off-site mitigation lots.

# Compensatory Mitigation

## *Types of mitigation:*

- **Preservation (Off-Site Only)** – Existing, off-site ESHA is preserved in perpetuity
- **Restoration** – Existing, degraded ESHA is restored to its historic natural state
- **Establishment** – New ESHA is created where it did not previously exist.
- **Enhancement** – Existing, intact or degraded ESHA with the capacity to improve a specific function, such as water quality.



## NOTE:

- Restoration or establishment is required for impacts to habitat types regulated by federal or state natural resource agencies.
- On-site preservation is not an acceptable form of mitigation in the coastal zone, as the Coastal Act already requires that ESHA be preserved and protected.

# Compensatory Mitigation

## What's New?

### Baseline Mitigation Ratios

Type of Habitat	Proposed Ratio	Current Practice	Comments:
Coastal sage scrub (CSS) or chaparral	2:1	2:1	Lower than L.A. County ratio of 3:1. In Santa Monica Mountains, impacts to CSS/chaparral accounted for 97% of mitigation (based on a review of permits).
Wetland, estuary, lagoon or lakes	4:1	4:1	Consistent with federal/state standards for these habitats
All other ESHA types	3:1	Variable	Consistent with Coastal Commission guidelines

Note: Mitigation ratios are based on the Coastal Commission's LCP Update Guide and are consistent with adopted ratios in other LCPs. Ratios do not apply to temporary construction impacts, and a reduced ratio (1:1) is available for early mitigation.

- Based on a staff review of prior permits in the Santa Monica Mountains, most of the impacts occur to coastal sage scrub or chaparral. The 2:1 mitigation ratio for that habitat type will not change.
- The 3:1 ratio is similar to ratios used in LCPs adopted since 2012 for LA County, City of Solana Beach, and City of San Diego.
- The 4:1 mitigation ratio for wetlands, estuaries, etc. are consistent with federal/state standards for these habitat types. Also consistent with mitigation ratios found in LCPs throughout the coastal zone.

# Compensatory Mitigation

## What's New?

- **Coastal Mitigation Lots:** May be established for ESHA preservation by a property owner, conservation organization, or permittee (for all or a portion of the required mitigation).

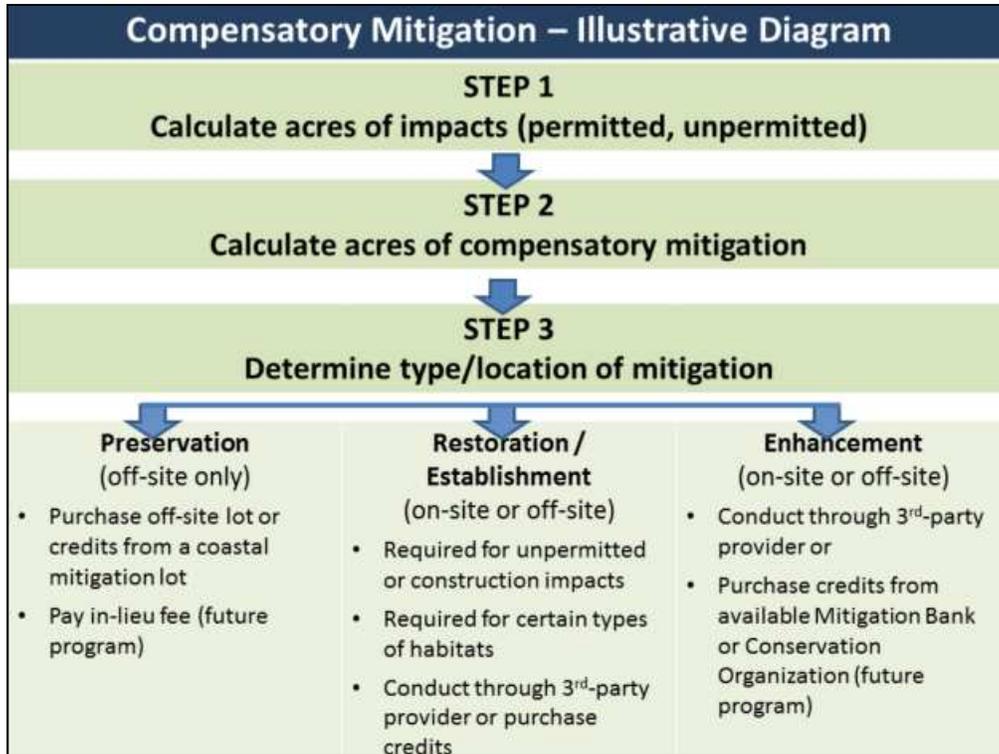
### Coastal Mitigation Lot

Amount of land needed by permittee for compensatory mitigation

Excess land can be sold as mitigation credits to another permittee

**Background:** Currently, if a permittee needs 3 acres of mitigation land, they must find a 3-acre lot for sale that contains the needed habitat. In many cases, they will need to purchase a larger lot than what is needed.

- The coastal mitigation lot program could increase supply of mitigation land.
- The program should reduce costs for project applicants that, today, cannot find an appropriately sized piece of land.



To calculate acres of compensatory mitigation, apply baseline mitigation ratio to each acre of impacted habitat (by type).

Most of the mitigation options shown are available today, but some options are listed as future programs:

- In-lieu fee allows a permittee to substitute payment of a fee to a coastal habitat impact fund. Requires completion of a fee study. Framework is laid out in the mitigation section. Could be developed by federal, state, or Ventura County agencies.
- Mitigation Bank (these are developed by federal or state natural resource agencies or by conservation organizations).



# Development Standards

Environmentally Sensitive Habitat Areas

## Development Standards

**Problem:** The LCP does not provide a comprehensive set of standards for new/expanded development in ESHA.

**Purpose:**

- Provide project applicants with specific ways to produce a project that can be approved.
- Provide ways to meet Coastal Act requirements using site design to minimize habitat degradation and loss.



## Development Standards

**Solution:** Provide a basic set of development standards that help ensure ESHA is protected. Also, provide specialized standards for specific types of ESHA habitats.

**What's New?** New or amended standards for:

- Grading/brush removal
- Site and building design
- Construction
- Fences, noise and lighting
- Specific types of coastal habitats
- Reduced use of hazardous chemicals

### NOTES:

- We'll review basic standards in the presentation
- Detailed information on development standards will be available at breakout areas.

## Development Standards

### **General site/building design standards:**

- Previous standards:
  - Least environmentally damaging alternative
  - Maximum allowable building site.
- The project must be sited and designed to:
  - **Cluster structures** close to existing roads and development
  - Avoid development on steep slopes
  - To the maximum extent feasible, locate development away from ESHA and minimize grading, access roads and fuel modification.

See: CAP Policies 5.3 - 5.20; (pgs. 13-17) CZO Sec. 8178-2.6.3 (pgs. 37-38)

## Development Standards

### Beach Grooming:

- Permitted year-round when it is limited to the hand removal of driftwood or debris
- Mechanical beach grooming, and the removal of beach wrack, is allowed above the monthly highest tide line but is prohibited below that line.
- Beach grooming must occur outside an ESHA (e.g., coastal dune habitat, nesting shorebirds) and outside an ESHA buffer zone.



#### NOTE:

Exceptions are provided for removal of beach wrack that poses a threat to public safety.

### Sand Removal (Hollywood & Silverstrand Beaches):

- Removal zone is 50-feet from beachfront property line
- Redistribution zone is 150-feet seaward from that area
- The 50-foot sand removal zone can occur in a dune habitat if the sand removal does not disturb a nesting shorebird (i.e., the nest or its buffer zone).



#### NOTE:

The sand redistribution must occur outside ESHA (e.g., coastal dune habitats, shorebird nesting areas) and outside the buffer zone of such habitats.

## Development Standards

**Construction problem** - Grading and brush removal is restricted during the rainy season and during the bird nesting season. Avoiding both leaves very little time to conduct grading.

**Solution** – Grading is allowed **during the rainy season** when:

- Previous, active bird nesting on the lot prevented grading during the non-rainy season; or
- Grading is already in progress and it cannot be completed before the rainy season begins; or
- Grading during the rainy season is needed to remediate or prevent hazardous conditions.

### THE PROBLEM:

If a lot contains nesting birds, inadequate time is available for grading/brush removal:

- Rainy season is October 1 – April 15
- Bird nesting season is Jan. 1 – Sept. 15

Updated regulations within Sec. 8175-5.17 are also provided to ensure that best management practices, required by the County's MS-4 permit and other County code requirements, will be used to prevent erosion or impacts to water quality if grading occurs during the rainy season.

See: [Sec. 8175-5.17.2](#) (CZO, pg. 18) for proposed regulations.

# Development Standards

## What's New?

Development standards for new fences, outdoor night lighting, and noise:

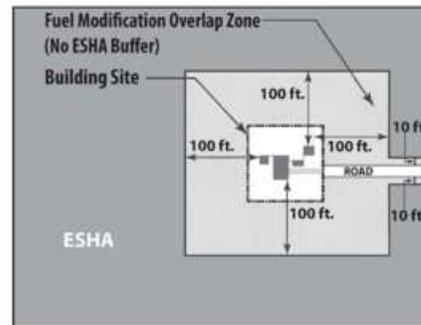
Fences, Gates and Walls:	Outdoor Night Lighting:	Noise:
<p>New fences/walls are allowed in the 'building site', and wildlife-permeable fences are allowed in the 'development envelope'.</p> <p>New fences/gates/walls are otherwise prohibited in ESHA or buffer zone.</p>	<p>Direct illumination of ESHA or buffer zones is prohibited.</p> <p>Luminaires must be shielded and directed downward.</p> <p>Security lights must be on a timer, and low light output is required.</p>	<p>Sets a noise threshold for commercial and industrial use that is similar to the sound level on a quiet suburban street.</p> <p>Loud equipment must be shielded or placed away from ESHA.</p>
<p><b>NOTE</b> – Night lighting standards will temporarily fulfill a request by residents and the Board of Directors for a “dark skies ordinance” for the Santa Monica Mountains.</p>		

NOTE – South Coast Meeting only (applies to (M) Overlay zone)

# Development Standards

## Fuel modification standards:

- Cluster development within building site, and take advantage of overlapping fuel modification zones
- Standard width is 100 feet, but a wider width (up to 200 feet) may be required by the Ventura County Fire Dept.
- Allowable development in a fuel modification overlap zone:
  - Confined animal facilities (equestrian)
  - Water wells and septic drainage fields
  - Native, fire-resistance vegetation



- Size of a fuel modification zone is based on public safety requirements of the Ventura Co. Fire Department.
- Proposed standards were provided by the Fire Department for a fuel modification zone, and allow up to a 200-foot fuel modification zone.
- When the building site and the fuel modification zone are located in ESHA, which commonly occurs in the Santa Monica Mountains, the following amount of ESHA removal occurs:
  - 100-foot zone – About 2.1 acres (90,000 SF)**
  - 200-foot zone – About 5.7 acres (250,000 SF)**
- When ESHA is removed for a fuel modification zone, that also affects the amount of compensatory mitigation required for new development.

# Development Standards

## Fuel modification standards:

- A fuel modification zone provides firefighter safety and access. Information provided to Planning staff indicates that:



- Fuel modification that exceeds 100 feet is not an effective fire-prevention method in a wind-driven fire.
- Effective fire-prevention methods include fire-resistant landscaping and fire-resistant building construction and building materials.

- The 100 ft is necessary for firefighter safety and ability to access lot. Distance also helps keep sparks from spreading to adjacent lots (low wind conditions).
- Information provided to staff indicates that 200 feet has no greater efficacy than 100 feet in a wind-driven fire.
- Science and experience points to the essentials of hardening from the house out (material/design used for eaves, roofs, siding; openings for garage doors, doggie doors, attic vents; outdoor furniture; other yard fuels, etc.).

## Development Standards

Fuel modification standards:

Presentation by representative  
from Ventura County Fire  
Department



Questions/Answers  
Breakout Areas

## Development Standards

### **Breakout Area #1**

General site and building design standards

### **Breakout Area #2**

Standards for specific types of coastal habitats and reduced use of hazardous chemicals

### **Breakout Area #3**

Standards that may be of particular interest to the North Coast, Central Coast, or South Coast communities

#### **Breakout Areas:**

- Proposed development standards
- Public comment cards are available at all breakout stations
- Staff is also available to discuss answers to written questions
- Potential issues of interest to specific communities:
  - North/South Coast: Fuel modification zones, animal containment facilities, maximum number of animals (SMM) (Area #2, 3)
  - Central Coast: Beach grooming and sand movement, location of off-site ESHA buffers in Existing Communities (Area #1)

# Public Outreach Meetings

## Environmentally Sensitive Habitat Areas (ESHA)

### Local Coastal Program Update

PL12-0158



#### Ventura County Planning Division

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65