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September 28, 2015

Anita Gutierrez, Supervising Regional Planner
Los Angeles County Department of Regional Planning
Community Studies West Section
320 West Temple Street
Los Angeles, California 90012

**Draft Santa Monica Mountains North Area Community Standards District
Vineyard Ordinance/R2015-02310-(3)/RADV201500007 and Draft Initial Study**

Dear Ms. Gutierrez:

The Santa Monica Mountains Conservancy (Conservancy) offers the following comments on the Santa Monica Mountains North Area Community Standards District Vineyard Ordinance/R2015-02310-(3)/RADV201500007 and Draft Initial Study.

The Conservancy has serious concerns regarding the potentially significant, adverse impacts to biological and aesthetic resources associated with possible vineyard development in the North Area under the currently proposed ordinance. In summary, the Conservancy makes the following primary recommendations:

- (1) Limit vineyards to “personal vineyards” that cover 1/4 acre or less and that are located within the fuel modification zones A and B. (A 1/4-acre vineyard can produce approximately 900 bottles a year.)
- (2) Require that water for vineyards be provided by a municipal water district (i.e., not wells).
- (3) Require setbacks of vineyards to riparian areas and other sensitive habitat types of 150 feet (not 100 feet as currently proposed).
- (4) Require setbacks of vineyards to Significant Ridgelines of 100 feet (not 50 feet as currently proposed).
- (5) Require that vineyards not be visible from official public trails, scenic routes, routes with scenic qualities, and major public use areas (in addition to Scenic Highways and the Backbone Trail as currently proposed).

See below for expanded explanations of these recommendations and additional comments.

The recent “gold-rush” of vineyard applications is anticipated to result (or already has resulted) in extensive acreage of land use conversion¹. This large number of projects and the extent of the potentially significant, adverse environmental impacts should be a red flag to the County.

The County took the lead in recently prohibiting new vineyards in the Santa Monica Mountains Coastal Zone, right next door to the North Area, as part of the Santa Monica Mountains Local Coastal Program². The County should act now to prevent the continued proliferation of new vineyards in the Santa Monica Mountains North Area. This use, unless minimal and tightly regulated, is totally incompatible with the scenic and rural nature of the Santa Monica Mountains North Area and falls squarely opposite to the policies and spirit of the North Area Plan. Absent a complete ban, the County must incorporate into the ordinance iron-clad measures to address potentially significant environmental impacts associated with large-scale land conversion, habitat fragmentation, ongoing detrimental impacts to remaining habitat, destruction of public views, and irreversible and harmful groundwater depletion.

Santa Monica Mountains Conservancy Recommendations

- (1) Limit vineyards to “personal vineyards” that cover 1/4 acre or less and that are located within the fuel modification zones A and B.

¹According to the July 28, 2015 staff report for the hearing on Ordinance Extending Interim Ordinance No. 2015-0022U from Los Angeles County Department of Regional Planning to the Board of Supervisors, in adopting Interim Ordinance No. 2015-0022U on June 16, 2015, the Board of Supervisors found that the Department of Regional Planning received ministerial cases to establish vineyards, since May 2014, that could entail the development of 495 acres of land. In further study, the Department found that it had received 51 ministerial applications to establish vineyards in the Santa Monica Mountains North Area. Of these, 25 have been approved. There are currently 26 pending applications which could entail the development of an additional 308 acres of land. The July 28, 2015 adopted ordinance included the allowance of the pending ministerial applications to move forward with a Director’s Review subject to certain requirements. It is unclear if the 24 projects “on-hold” as listed in the Draft Initial Study (p. 9) are included in that group of ministerial applications that were permitted to move forward.

²Santa Monica Mountains Local Coastal Program Local Implementation Program Section 22.44.1300.A.2. (2014).

The ordinance should only allow vineyards that are “personal vineyards” that cover 1/4 acre or less and that are located within the fuel modification zones A and B. (A quarter-acre vineyard could yield approximately 900 bottles of wine a year under certain assumptions³.) This 1/4-acre limit should apply to the entire ownership and to each single-family home/guest house-unit. A ratio of one 1/4-acre vineyard per main house (including guest house) is the maximum sustainable disturbance level.

Grape cultivation is quite different than regular landscaping or orchards. Vineyards leave a vast amount of bare ground, they require extensive inputs of pesticides, and they often utilize fencing to exclude animals. Other types of landscaping like fruit trees, tropical gardens, and Mediterranean gardens do not present these detrimental conditions. Due to the erosion generation, toxicity, and exclusion of wildlife movement associated with vineyard development, any size greater than 1/4 acre would be a permanent ecological detriment to the Santa Monica Mountains ecosystem. The inherent incompatibility of vineyards with the natural habitat of the Santa Monica Mountains warrants limiting the vineyards to the fuel modification zones closest to the home (zones A and B).

As Supervisor Sheila Kuehl indicated in her June 16, 2015 draft motion, the primary concern with the vineyards in the North Area is water supply, water quality is another important concern, and there are concerns related to the fundamental issue of land use compatibility⁴. Vineyards require the removal of natural vegetation, and in many cases, extensive grading due to the presence of steep slopes. The motion further states that this will cause habitat fragmentation and hinder wildlife movement within the expanded Significant Ecological Areas. The ordinance falls seriously short in addressing the land use compatibility issue. The Conservancy suggests that an acreage limit of one quarter and restricting the location to the fuel modification zones A and B is one effective way to address this shortcoming.

³Vineyards usually produce between 2 to 10 tons per acre. Small vineyards produce 3 to 5 tons/acre. One ton yields about 60 cases or 720 bottles. Assuming a 1/4-acre vineyard at 5 tons/acre, this yields approximately 900 bottles per year. (From “How Much Wine Can a Small Vineyard Produce?” E. Weber, D. Hirschfeld, and R. Smith, UC Davis Extension Small Vineyard Series, and <http://www.winespectator.com/drvinny/show/id/5350>.)

⁴Draft Motion by Supervisor Sheila Kuehl, June 16, 2015, adopting interim urgency ordinance temporarily prohibiting the establishment or expansion of vineyards in the Santa Monica Mountains North Area, accessed online September 22, 2015
<http://file.lacounty.gov/bos/supdocs/94733.pdf>

- (2) Require that water for vineyards be provided by a municipal water district (i.e., not wells).

The Initial Study (p. 8) included Development Standards for New Water Wells and required a Conditional Use Permit for new water wells. The draft ordinance does not address the water source for vineyards. The County Supervisors' Ordinance (July 28, 2015; see footnote 1) allowed pending applications to move forward under certain conditions, including that water service is provided by a municipal water district. This condition must be incorporated into the permanent ordinance. It is impossible to prove that a new well will not have significant, adverse individual or cumulative impacts on groundwater, streams, or natural resources. Supervisor Kuehl pointed out the primary concern of vineyards in this area is water supply and the State of California has entered its fourth year of drought (see footnote 4). Supervisor Kuehl stated that it is imperative that the Santa Monica Mountains avoid the problems that have plagued the Paso Robles region along the Central Coast, where the water level dropped 70 feet in 16 years, leaving many wells dry⁵.

- (3) Require setbacks of vineyards to riparian areas and other sensitive habitat types of 150 feet (not 100 feet as currently proposed).

For new or expanded vineyards, the draft ordinance requires that vineyards be located beyond 100 feet of several sensitive habitat types (riparian [outer edge of canopy]; riparian, native oak, sycamore, walnut and bay woodlands; wetlands; native grassland and scrub; rock outcrops; etc.). A setback of 150 feet is more ecologically supportable⁶ and should be required.

- (4) Require setbacks of vineyards to Significant Ridgelines of 100 feet (not 50 feet as currently proposed).

The draft ordinance states that the highest point of a vineyard shall be located at least 50 vertical feet and 50 horizontal feet from a Significant Ridgeline. The Santa Monica Mountains supports world-class scenery, including breathtaking Scenic Ridgelines. These

⁵<http://www.cbsnews.com/news/calif-residents-say-wineries-gulping-down-areas-only-water-source/>

⁶ For example, see the following website, which recommends even larger setbacks to protect riparian habitats:
<http://www.dpi.nsw.gov.au/fisheries/habitat/rehabilitating/fish-friendly/fish-friendly-councils-to-p-tip-5>

unique and irreplaceable public resources must not be compromised for the sake of private vineyard development. A vineyard should be located at least 100 vertical feet and 100 horizontal feet from a Significant Ridgelines. Variances should not be approved. However, if variances remain an option, the findings must include the consideration of design features such as siting development in the least visible portion of the site and restricting vineyard size. Consideration of reduced structural heights and clustered structures, as currently proposed, do not apply as well to vineyards.

- (5) Require that vineyards not be visible from official public trails, scenic routes, routes with scenic qualities, and major public use areas (in addition to Scenic Highways and the Backbone Trail as currently proposed).

Protecting public views in the Santa Monica Mountains National Recreation Area is of utmost importance. There must not be a repeat of vineyards projects like the one at Kanan Dume Road and Mulholland Highway, which resulted in disastrous impacts to the beautiful rocky outcrop habitat, knoll, and rolling hillsides as viewed from Kanan Dume Road. The draft ordinance states that vineyards shall not be visible from Scenic Highways (Figure 9.7 Scenic Highways Map of the General Plan) or the Backbone Trail (Figure 10. 1 Regional Trail System Map of the General Plan). If there is no feasible location where the vineyard would not be visible from a Scenic Highway or the Backbone Trail, then impacts must be minimized. In the case of the vineyard located near Kanan Dume Road and Mulholland Highway, the vineyard location is a significant viewshed from a public road and the ordinance should account for cases like this by prohibiting vineyards that are visible from scenic routes and routes with scenic qualities (as defined in the North Area Plan). With respect to trails, vineyards must not be sited where they are visible to official public trails (e.g., identified in the General Plan or on other trail planning documents). “Official public trail” should also include a trail actively used on public land or in a public easement, in order to encompass potential adverse impacts to trails on recently acquired parkland or a trail easement that may not have yet been incorporated into public planning documents. Also, significant viewsheds must be protected from public use areas such as major and/or primary campsites, trailheads, and picnic areas, as well as visitor centers.

Other Comments

The Conservancy supports limiting vineyards to slopes with a slope of ratio of 3:1 or less (33 percent slope). Some vineyards have a maximum vegetative cover of 20 percent (with particularly low vegetative cover in the winter), with a high potential for erosion. It is

Anita Gutierrez, Supervising Regional Planner
Los Angeles County Department of Regional Planning
Santa Monica Mountains North Area Vineyard Ordinance
September 28, 2015

Page 6

crucial to limit vineyards to more moderate slopes and 33 percent or less meets this criterion. The Conservancy concurs that a conditional use permit shall be required for all new and pending vineyard applications, including expansions.

Thank you for your serious consideration of these comments. Please address any questions and send all correspondence to Paul Edelman of our staff by phone at (310) 589-3200, ext. 128 and at the above letterhead address.

Sincerely,

LINDA PARKS
Chairperson