

**CALIFORNIA COASTAL COMMISSION**

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# W11a

## ADDENDUM

July 6, 2021

TO: Coastal Commissioners and Interested Parties

FROM: South Central Coast District Staff

SUBJECT: **Addendum to Item W11a, County of Los Angeles Santa Monica Mountains Local Coastal Program Amendment No. LCP-4-MMT-19-0166-1 (Resource Dependent Uses) For the Commission Meeting of Wednesday, July 7, 2021**

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The purpose of this addendum is to address correspondence received since publication of the staff report. Two letters received expressed opposition to the staff's recommendation. Both letters raised issues that have already been addressed in the staff report for the LCP Amendment but additional response is provided below. The correspondence letters discussed herein are available in the Correspondence tab for the item on the Commission's website.

The first letter was received on July 2, 2021, from Kim Lamorie of Las Virgenes Homeowners Federation, Inc., of the Santa Monica Mountains. The letter asserts that camping poses a wildfire risk and that the suggested modifications to the proposed LIP amendment in the staff recommendation enhance the risk of wildfire, discusses the lack of recovery from the Woolsey Fire of 2018, and expresses opposition to changing the minimum stream/riparian setback to 50 feet instead of 100 feet for low impact campgrounds. In response, Commission staff would note that these issues are addressed in Sections V.D.5 and V.E of the staff report, beginning on Pages 22 and 27, respectively. The proposed amendment, as modified, includes safety provisions that address the issues raised and Commission staff notes that any proposed low-impact campgrounds would be analyzed and conditioned by the County on a site-specific basis through their coastal development permit application process to address environmental and safety considerations.

The second letter was received today, on July 6, 2021, from Douglas Carstens of Chatten-Brown, Carstens & Minter LLP. This letter raises concerns regarding the staff recommendation on a number of issues. Item A in this letter asserts that the matter should be continued to allow sufficient time for public examination and comment. In response,

Commission staff would note that this July 2021 hearing is the final Commission hearing before the Commission's deadline to act on this LCP Amendment submission pursuant to the extension granted under Coastal Act Section 30517 on May 14, 2020. Item B in this letter asserts that the proposed modifications do not comport with either the letter or the spirit of the Court's ruling and raises specific concerns in Items B-1 through B-7. In response, Commission staff would note that the proposed amendment, as modified, requires resource dependent uses to avoid significant disruption of habitat values in H1 and H2 habitat, consistent with Section 30240 of the Coastal Act. These issues are addressed in detail in Section V of the staff report.

Item B-1 in the letter asserts that Commission staff's description of Suggested Modification No. 1 is not accurate. In response, Commission staff would note that this issue is addressed within Section V.E of the staff report on Page 29, and explains how Suggested Modification No. 1 would require the retention of the list of potential associated support facilities in the definition of Low-Impact Campground and reference the new standards for those located in H1 or H2 habitat areas.

Item B-2 in the letter asserts that Commission staff's suggested modification to LIP Section 22.44.1920.M.2.c.ii allows more support facilities in H1 and H2 Habitat than would be allowed by the County's proposed amendment language. In fact, this subsection as proposed by the County includes restrictions to support facilities allowed in H1 and H2 Habitat and the modification would not allow additional facilities. Rather, Commission staff would note that the suggested modification referenced was intended to specify that the standards in Section 22.44.1920.M.2.c.ii, which were introduced by the County as provisions to support avoiding significant disruption of habitat values in H1 and H2 habitat<sup>1</sup> by resource dependent uses, are only necessary when those facilities are located within H1 and H2 habitat areas. If certain support facilities for low-impact campgrounds can themselves be outside of H1 and H2 habitat areas, these additional constraints may not be necessary as long as the proposed use complies with the other provisions of the LIP that govern all types of uses, including those that are not considered resource-dependent uses.

Item B-3 in the letter raises issue with Commission staff's suggested modification to reduce the County's proposed 100-foot buffer from streams and riparian areas for low impact campgrounds to the original certified 50-foot buffer. In response, Commission staff would note that this issue is addressed in Section V.D.5 of the staff report, on Page 25. Additionally, LIP section 22.44.1340 (Water Resources) includes provisions that would also govern low impact campground facility setbacks from streams and riparian areas and may require a greater setback than 50 ft to protect H1 Habitat and water quality. Based on LIP section 22.44.1340, for resource-dependent uses consistent with subsection M of Section 22.44.1920, the required buffer from streams and riparian areas may only be less than 100 feet when it is infeasible to provide a 100-foot buffer. Additionally, H3 Habitat areas do not meet the definition of ESHA and are therefore not designated as ESHA in the LCP. When a restroom support facility for a low impact campground is proposed in H3 habitat, then the size and design restrictions required within H1 and H2 habitat may not be necessary to avoid significant disruption of habitat values. If an applicant proposed a larger restroom facility or one with grading, trenching, plumbing and onsite wastewater disposal system in H3 habitat but near a stream, other LIP provisions would apply. For instance, LIP Section 22.44.1340 would require at least a 100 foot buffer from the stream or riparian

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<sup>1</sup> Only H1 and H2 Habitats qualify as "SERA" (sensitive environmental resource area) under the LCP and are therefore also Environmentally Sensitive Habitat Areas (ESHA).

area for leach fields and 150 feet for a septic pit(s). Thus, concerns that a bathroom sited in H3 Habitat could somehow get around the applicable stream or riparian area setbacks is unfounded.

Item B-4 in the letter asserts that Commission staff proposes significant intrusions into H3 Habitat. In response, Commission staff would note that, as mentioned above, H3 Habitat areas are not considered ESHA. Coastal Act Section 30107.5 defines ESHA and 30240 protects areas that qualify as ESHA. Under the certified LCP, all areas of the Santa Monica Mountains segment of the County's coastal zone that is not H1 or H2 habitats (ESHA) is designated H3 habitat. H3 habitat includes a spectrum of different types of areas which range from areas of coastal sage scrub or chaparral that are small, fragmented, or not contiguous with other habitat areas (and therefore not ESHA); areas that would be ESHA except for legally existing disturbance; all the way to areas that are fully developed or paved. There are provisions to protect H3 areas that retain some habitat value (although they are still not ESHA), but development is allowed within it.

Item B-5 in the letter raises issue with the proposed LIP allowing non-ADA parking in H2 habitat areas. In response, Commission staff would note that there may be cases where parking in H2 Habitat may be implemented in a way that it would avoid significantly disrupting the habitat. Any proposed low-impact campgrounds and support facilities would be analyzed and conditioned by the County on a site-specific basis through their coastal development permit application process to ensure the standards for such facilities in H2 habitat are complied with. It is premature to say there is no portion of H2 Habitat Area where non-ADA parking could be provided without significantly disrupting habitat values at this time.

Item B-6 in the letter raises issue with Commission staff's suggested modifications related to fireproof cooking stations. This issue is addressed in Section V.E of the staff report, on Page 32. Commission staff would note that technology does exist for cooking apparatus that do not use a flame and instead use chemical or solar heat generation methods and that the standards included in the staff recommended suggested modifications would allow for such a support amenity to address fire safety concerns and avoid cases where individuals may try to bring and use their own cooking devices that may not be safe.

Item B-7 in the letter raises issue with Commission staff's suggested modifications related to camping on "red flag" wildfire warning days and inspections of campsites. In response, Commission staff would note that this issue is addressed in Section V.E of the staff report, beginning on Page 30. Suggested Modification 2 would broaden the County's proposed provisions to minimize risks to life and property from hazards to include all applicable hazards, for example fire, flooding, etc. These suggested modifications were developed in coordination with County staff and the standards are consistent with the LCP, as amended, and the Coastal Act.