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# W11a

**DATE:** June 24, 2021

**TO:** Commissioners and Interested Persons

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**SUBJECT:** **County of Los Angeles Santa Monica Mountains Local Coastal Program Amendment No. LCP-4-MMT-19-0166-1 (Resource Dependent Uses)** for Public Hearing and Commission Action at the July 7, 2021 Commission Meeting

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## SUMMARY OF STAFF RECOMMENDATION

The County of Los Angeles's proposed Santa Monica Mountains Local Coastal Program (LCP) Amendment No. LCP-4-MMT-19-0166-1 consists of changes to both the Land Use Plan (LUP) and Local Implementation Plan (LIP) portions of the LCP. Staff recommends that the Commission, after public hearing, **approve** the proposed LUP amendment as submitted. The proposed LUP amendment is consistent with and meets the requirements of the policies of Chapter 3 of the Coastal Act. Commission staff further recommends that the Commission **deny** the proposed LIP amendment as submitted, and **approve** the proposed LIP amendment with two suggested modifications. The modifications are necessary to ensure the proposed LIP amendment conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan, as amended. The motions to accomplish these recommendations are found on **Pages 7-9** of this staff report.

The subject proposed amendment includes changes ([Exhibit 1](#)) to three LUP policies (Policies CO-42, CO-93, CO-164) and two LIP Sections (Section 22.44.630, Section 22.44.1920.M) that all relate to the development of resource-dependent uses within H1 and H2 habitat areas (environmentally sensitive habitat areas (ESHA)). The changes clarify that resource dependent uses (including but not limited to trails, accessways, and low-impact campgrounds) must avoid significant disruption of habitat values in H1 and H2. Additionally, the County proposes to amend the definition of "low impact campground" in the LIP and add a new definition for "carry-in, carry-out camping". The proposed LIP amendment would also add new development and operational standards for low-impact campgrounds, including locational criteria, types of prohibited activities and items, capacity limits, a prohibition on camping during "red flag" wildfire warning days, length-of-stay limitations, and inspection standards. New standards are also proposed for specific types of support facilities associated with low-impact campgrounds, including parking and drop-off areas, restroom facilities, fencing, water

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storage, signage, and fire suppression equipment. Finally, the new standards would also require specific conditions of approval to be included in all coastal development permits for low-impact campgrounds.

The subject amendment is related to a partial remand of the Commission's decision approving with suggested modifications the County of Los Angeles Santa Monica Mountains Local Coastal Program (Land Use Plan Amendment No. LCP-4-LAC-14-0108-4 and Local Implementation Plan No. LCP-4-LAC-14-0109-4) resulting from the trial court decision in *Ramirez Canyon Preservation Fund v. California Coastal Commission*. In that decision, the Court found that the policies and provisions of the Local Coastal Program (LCP) that permit low-impact campgrounds as a resource-dependent use in H1 and H2 habitat (ESHA), based on the standard of avoiding impacts to the maximum extent feasible, must be set aside as void and reconsidered by the Commission. The Commission acted to approve the partial remand with suggested modifications on December 14, 2018. In that action, the Commission approved three revised LUP policies and one revised LIP provision relating to low-impact campgrounds, trails, and public accessways, recommended by Commission staff to replace those that were ordered to be set aside. The County Board of Supervisors acted on December 10, 2019 to accept the suggested modifications but made further changes regarding definitions and standards for low-impact campgrounds and associated support facilities. These additional changes to the LCP were deemed to constitute a substantive change by the Executive Director and are inconsistent with the modifications approved by the Commission. Therefore, the County's action is an LCP amendment resubmittal (which will be considered by the Commission as a new LCP amendment). This LCP amendment resubmittal consists both of the Commission's approved (but not certified) partial remand LCP amendment as well as the County's additional changes.

Coastal Act Section 30240 requires that environmentally sensitive habitat areas (ESHA) be protected by only allowing for uses dependent on that habitat which avoid any significant disruption of habitat values. The biological resource protection approach certified by the Commission for the Santa Monica Mountains LCP designates three habitat categories: H1 habitat, H2 habitat, and H3 habitat. H1 and H2 habitats are collectively described as Sensitive Environmental Resource Areas (SERA). H1 and H2 habitats also meet the definition of ESHA under the Coastal Act. The certified policies of the LCP require that H1 and H2 habitat must be protected against any significant disruption of habitat values, and they generally only allow resource dependent uses in H1 and H2 habitat, consistent with Section 30240 of the Coastal Act.

The certified LCP provides that low-impact campgrounds, public accessways, and trails are considered resource-dependent uses, and, as such, are allowed in H1 and H2 habitat areas. The LCP states that such uses must be located, designed, and maintained to avoid significant disruption of habitat values in H1 and H2 habitat areas. However, three LUP policies (Policies CO-42, CO-93, and CO-164 subpart e) and one LIP provision (Section 22.44.1920.M) contain language that requires public accessways, trails, and low-impact campgrounds to "avoid and minimize impacts to H1 and H2 habitat to the maximum extent feasible."

The changes proposed to LUP Policies CO-42, CO-93, and CO-164 (subpart e), in the

County's proposed amendment will ensure that these policies require resource dependent uses to avoid significant disruption of habitat values in H1 and H2 habitat, consistent with Section 30240 of the Coastal Act. Only as amended will the LUP meet the requirements of, and be in conformity with, the policies of Chapter 3 of the Coastal Act. Similar changes are proposed in LIP Section 22.44.1920.M of the County's proposed amendment regarding resource dependent uses in H1 and H2 habitat to make them consistent with the LUP as amended. However, Commission staff is recommending suggested modifications to the County's proposed low impact campground definition and several proposed low impact campground development standards contained in LIP Section 22.44.1920.M to provide clarity and ensure consistency with the LUP as amended.

Specifically, **Suggested Modification No. 1** would restore the list of potential associated support facilities from the certified low-impact campground definition that was proposed to be removed by the County's amendment, and to clarify that any proposed associated support facilities must follow the standards in Subsection M.2.c of LIP Section 22.44.1920. Additionally, **Suggested Modification 2** would introduce a number of changes to the County's proposed amendment to ensure that the proposed definitions and standards related to low-impact campgrounds would not limit the feasibility of developing low-impact campgrounds with sufficient support facilities under the standards for resource dependent uses, while still protecting biological resources and avoiding significant disruption of habitat values in H1 and H2 habitat. These changes include, but are not limited to, changing the minimum stream/riparian canopy setback requirement back to 50 feet instead of 100 feet (except for restroom facilities in H1 or H2 habitat), revising certain standards to only apply where the campgrounds or support facilities are proposed in H1 or H2 habitat areas, clarifying the prohibition of camping when hazardous conditions exist, revising certain proposed standards to be determined on a site-specific basis through each operations/maintenance plan, and re-organizing sentences for clarity. **Suggested Modification 2** would also add standards for fireproof cooking stations that may be proposed in low-impact campgrounds to define what would be allowed, including that only cold-camping apparatus with no open flames, such as flame-less cook-stoves and lanterns, would be allowed, that use of fuel would be prohibited, and that only designated fireproof cooking stations provided at each approved campsite would be allowed to be used under strict operational standards. Only if modified as suggested will the LIP conform with and be adequate to carry out the LUP policies, as well as conform with the court's order.

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### EXHIBIT

[Exhibit 1 – Los Angeles County Resolution and Proposed LCP Amendment Language](#)  
[Exhibit 2 – Adopted Findings for Partial Remand of County of Los Angeles Land Use  
Plan Amendment \(No. LCP-4-LAC-14-0108-4\) and Local Implementation  
Plan \(No. LCP-4-LAC-14-0109-4\)](#)

## I. PROCEDURAL REQUIREMENTS

### A. Standard of Review

The Coastal Act provides:

**The commission shall certify a land use plan, or any amendments thereto, if it finds that a land use plan meets the requirements of, and is in conformity with, the policies of Chapter 3 (commencing with Section 30200)...” (Section 30512(c))**

The Coastal Act further provides:

**The local government shall submit to the Commission the zoning ordinances, zoning district maps, and, where necessary, other implementing actions that are required pursuant to this chapter...**

**...The Commission may only reject ordinances, zoning district maps, or other implementing action on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. If the Commission rejects the zoning ordinances, zoning district maps, or other implementing actions, it shall give written notice of the rejection, specifying the provisions of the land use plan with which the rejected zoning ordinances do not conform, or which it finds will not be adequately carried out, together with its reasons for the action taken. (Section 30513)**

**The Commission may suggest modifications... (Section 30513)**

The standard of review that the Commission uses in reviewing the adequacy of the Land Use Plan, is whether the Land Use Plan, as amended, would remain consistent with, and meet the requirements of, the policies of Chapter 3 of the Coastal Act. The standard of review for the proposed Implementation Plan of the certified Local Coastal Program, pursuant to Section 30513 and 30514 (regarding amendments) of the Coastal Act, is whether the Implementation Plan, with the proposed amendment, would be in conformance with, and adequate to carry out, the provisions of the Land Use Plan (LUP) portion of the County of Los Angeles’ certified Local Coastal Program, as amended.

### B. Public Participation

Section 30503 of the Coastal Act requires public input in Local Coastal Program development. It states:

*During the preparation, approval, certification, and amendment of any local coastal program, the public, as well as all affected governmental agencies, including special districts shall be provided maximum opportunities to participate. Prior to submission of a local coastal program for approval, local governments*

*shall hold a public hearing or hearings on that portion of the program which has not been subjected to public hearings within four years of such submission.*

The County held a public hearing on this amendment on September 24, 2019 and received oral and written comments regarding the proposed changes from concerned parties and members of the public. The hearing was duly noticed consistent with the provisions of Section 13515 of Title 14 of the California Code of Regulations. Notice of the Coastal Commission hearing for the subject LCP Amendment No. LCP-4-MMT-19-0166-1 has been distributed to all known interested parties and published in local newspapers.

The County held several public meetings on the original proposed LCP, seven of which were public hearings (Regional Planning Commission Hearings on October 25, 2006, November 6, 2006, January 24, 2007, and March 7, 2007, and Board of Supervisors Hearings on October 23, 2007, October 30, 2007, and February 11, 2014). In addition, the County made the draft documents available to the public on their website, and hard copies of the draft documents were made available to the public at various public locations at no cost, on January 7, 2014, six weeks prior to the Board hearing and action on the LCP on February 18, 2014. Public notice of availability of the documents was sent to approximately 6,000 property owners and interested parties on January 3, 2014, at least six weeks before the Board hearing of February 11, 2014. The Board formally adopted a resolution to approve the LCP and submit it to the Coastal Commission on February 18, 2014. The hearings were noticed to the public by publishing the notice in two local newspapers and by mailing notice to interested parties, consistent with Section 13515 of Title 14 of the California Code of Regulations. The County received written comments regarding the draft LCP from concerned parties and members of the public.

On December 14, 2018, as part of a court-ordered partial remand action discussed in more detail in **Section V.B (Background)** of this report, the Commission approved the County of Los Angeles Land Use Plan Amendment (No. LCP-4-LAC-14-0108-4) and Local Implementation Plan (No. LCP-4-LAC-14-0109-4) for the Santa Monica Mountains Segment of the County's Coastal Zone. On January 9, 2019, the Coastal Commission transmitted notice of these approvals to Los Angeles County. Notices of the Coastal Commission April 2014 (LUP) and July 2014 (LIP) hearings as well as the December 14, 2018, partial remand hearing were distributed to all known interested parties and published in local newspapers.

On September 24, 2019, Los Angeles County Board of Supervisors held a duly noticed public hearing to consider the Commission's proposed changes to the County of Los Angeles Santa Monica Mountains LCP, at which public comments were received. At that hearing the board directed County Counsel to prepare the necessary documents to approve the proposed LCP amendments for submittal to the Commission. Subsequently, at a meeting on December 10, 2019, the Los Angeles County Board of Supervisors adopted a Resolution relating to Project No. 2019-000224-(3) (Advance Planning Project No. RPPL2019-00396-(3)), acknowledging receipt of the Commission's certification of changes to the LCP and accepting and agreeing to the modifications suggested by the Commission. However, during this action the County Board of

Supervisors proposed one additional change in the LUP regarding parking areas for low-impact campgrounds, as well as additional changes to the modifications suggested by the Commission in the LIP and new changes to the LIP regarding definitions and standards related to low-impact campgrounds ([Exhibit 1](#)). These additional changes to the LCP were deemed to constitute a substantive change by the Executive Director. As such, they are inconsistent with the modifications approved by the Commission on its December 14, 2018 action ([Exhibit 2](#)), and Land Use Plan No. LCP-4-LAC-14-0108-4 and Local Implementation Plan No. LCP-4-LAC-14-0109-4 were not properly accepted by the County and did not take effect. For this reason, and pursuant to Public Resources Code Sections 13544 and 13544.5, the Commission is treating the Los Angeles County Board of Supervisors adopted resolution as an LCP amendment resubmittal and has assigned it a new LCP Amendment No.: LCP-4-MMT-19-0166-1. The LCP Amendment now before the Commission therefore consists both of the Commission's suggested modifications to the Land Use Plan Amendment and Local Implementation Plan that were part of the partial remand, which were never finally certified, as well as changes and additions to the LUP and LIP made by the County on December 10, 2019 as described above.

### **C. Procedural Requirements**

If the Commission certifies the LCP amendment as submitted, no further Board of Supervisors action will be necessary pursuant to Section 13544(b)(2) of Title 14 of the California Code of Regulations. Should the Commission deny the LCP Amendment, as submitted, without suggested modifications, no further action is required by either the Commission or the Board of Supervisors, and the LCP amendment is not effective, pursuant to Section 13542(f). Should the Commission deny the LCP Amendment, as submitted, but then approve it with suggested modifications, then the Board of Supervisors may consider accepting the suggested modifications and submitting them by resolution to the Executive Director for a determination that the Board of Supervisors' acceptance is consistent with the Commission's action. In that scenario, pursuant to Section 13544(c) of Title 14 of the California Code of Regulations, the modified LCP Amendment will become final at a subsequent Commission meeting if the Commission concurs with the Executive Director's Determination that the Board of Supervisors' action in accepting the suggested modifications approved by the Commission for this LCP Amendment is legally adequate. If the Board of Supervisors does not accept the suggested modifications within six months of the Commission's action, then the LCP amendment remains uncertified and not effective within the coastal zone.

## **II. STAFF RECOMMENDATION, MOTION, AND RESOLUTION ON THE LAND USE PLAN AMENDMENT**

Following public hearing, staff recommends the Commission adopt the following resolutions and findings. The appropriate motion to introduce the resolution and staff recommendation is provided below.

**Motion:**

**I move that the Commission certify the County of Los Angeles Santa Monica Mountains Land Use Plan Amendment No. LCP-4-MMT-19-0166-1 as submitted.**

**Staff Recommendation to Certify:**

Staff recommends a **YES** vote. Passage of the motion will result in certification of the land use plan as submitted and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

**Resolution to Certify the Land Use Plan Amendment as Submitted:**

The Commission hereby **certifies** the Santa Monica Mountains Land Use Plan Amendment No. LCP-4-MMT-19-0166-1 as submitted by the County of Los Angeles and adopts the findings set forth below on the grounds that the amendment will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives or mitigation measures which could substantially lessen any significant adverse impact which the Land Use Plan Amendment may have on the environment.

**III. STAFF RECOMMENDATION, MOTIONS, AND RESOLUTIONS ON THE IMPLEMENTATION PLAN AMENDMENT**

Following public hearing, staff recommends the Commission adopt the following resolutions and findings. The appropriate motion to introduce the resolution and a staff recommendation is provided prior to each resolution.

**A. Denial of the Implementation Plan Amendment as Submitted**

**Motion:**

**I move that the Commission reject the County of Los Angeles Santa Monica Mountains Implementation Plan Amendment No. LCP-4-MMT-19-0166-1 as submitted.**

**Staff Recommendation of Rejection:**

Staff recommends a **YES** vote. Passage of this motion will result in rejection of the County of Los Angeles Santa Monica Mountains Implementation Plan Amendment No.

LCP-4-MMT-19-0166-1 and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

**Resolution to Deny Certification of the Implementation Plan Amendment as Submitted:**

The Commission hereby denies certification of the Santa Monica Mountains Implementation Plan Amendment No. LCP-4-MMT-19-0166-1 and adopts the findings set forth below on grounds that the Implementation Plan Amendment as submitted does not conform with, and is inadequate to carry out, the provisions of the certified **Land Use Plan as amended**. Certification of the Implementation Program would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Implementation Program as submitted

**B. Certification of the Implementation Plan Amendment with Suggested Modifications**

**Motion:**

**I move that the Commission certify the County of Los Angeles Santa Monica Mountains Implementation Plan Amendment No. LCP-4-MMT-19-0166-1 if it is modified as suggested in this staff report.**

**Staff Recommendation:**

Staff recommends a **YES** vote. Passage of this motion will result in certification of the Implementation Program Amendment with suggested modifications and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

**Resolution to Certify the Implementation Plan Amendment with Suggested Modifications:**

The Commission hereby certifies the Santa Monica Mountains Implementation Plan Amendment No. LCP-4-MMT-19-0166-1 if modified as suggested and adopts the findings set forth below on grounds that the Implementation Plan Amendment with the suggested modifications conforms with, and is adequate to carry out, the provisions of the certified **Land Use Plan as amended**. Certification of the Implementation Program if modified as suggested complies with the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

## IV. SUGGESTED MODIFICATIONS TO THE LOCAL IMPLEMENTATION PLAN

The staff recommends the Commission certify the Local Implementation Plan (LIP) portion of LCP Amendment No. LCP-4-MMT-19-0166-1 if modified with the modifications as shown below. Existing language of the certified Santa Monica Mountains Local Implementation Plan is shown in straight type. The County's proposed amendment language to the certified Local Implementation Plan is shown in ~~strikeout~~ and underline. Language recommended by Commission staff to be deleted is shown in ~~double-strikeout~~. Language recommended by Commission staff to be inserted is shown in double underline.

### Suggested Modification No. 1

#### 22.44.630 Definitions.

...

- "Campground, low-impact" means an area of land designed or used for "carry-in, carry-out" tent camping accessed by foot or wheelchair, ~~including and may include associated support facilities such as, where appropriate, picnic areas, potable water, self-contained chemical or composting restrooms, shade trees, water tanks, portable fire suppression apparatus, and fire proof cooking stations, but as defined in accordance with the standards in Subsection M.2.c of Section 22.44.1920 and excluding any structures for permanent human occupancy and excluding roads.~~ Low-impact campgrounds constitutes a resource-dependent use.
- "Camping, carry-in, carry-out" means camping in which campers arrive at a campground by foot or other non-motor vehicle transportation from associated parking areas, ADA compliant drop-off areas, trails or bikeways, rely upon only that which can be carried to the site, and leave nothing behind at the campground upon departure.

...

### Suggested Modification No. 2

#### 22.44.1920 Development Standards.

...

M. Resource-dependent Uses. Resource-dependent uses are uses that are dependent on SERAs to function. Resource-dependent uses include: nature observation, research/education, habitat restoration, interpretive signage, and passive recreation, including horseback riding, low-impact campgrounds, picnic areas, public accessways, and hiking trails, but excluding trails for motor vehicles. Residential or commercial uses are not resource-dependent uses.

1. Resource-dependent uses are allowed in H1 habitat, H2 habitat, and H3 habitat, including H1 habitat buffer and H1 habitat quiet zone buffer, where sited and designed

to avoid significant disruption of habitat values, consistent with the following development standards and all other applicable standards of the LIP.

2. Development Standards.

a. Resource-dependent uses shall be sited and designed to avoid ~~or minimize adverse impacts to~~ significant disruption of habitat values in H1 and H2 habitat and to minimize all impacts to other habitat to the maximum extent feasible. The development shall be the minimum design necessary to accommodate the use and avoid significant disruption of habitat value in order to minimize adverse impacts to H1 and H2 habitat;

b. Accessways to and along the shoreline that are located in H1 or H2 habitat shall be sited, designed, and managed to avoid ~~and/or significant disruption of habitat values,~~ including by protecting marine mammal hauling grounds, seabird nesting and roosting sites, sensitive rocky points and intertidal areas, and coastal dunes. Inland public trails shall be located, designed, and maintained to avoid ~~or minimize impacts to~~ significant disruption of habitat values in H1 or H2 Habitat areas and to protect other coastal resources, by utilizing established trail corridors or other disturbed areas, following natural contours to minimize grading, and avoiding naturally vegetated areas with significant native plant species to the maximum extent feasible. Trails shall be constructed in a manner that minimizes grading and runoff;

c. Low-impact campgrounds shall be located, designed, and maintained to avoid ~~or minimize impacts to~~ significant disruption of habitat values in H1 or H2 Habitat areas, ~~and and.~~ Low impact campgrounds must also avoid or minimize impacts to other coastal resources, ~~by utilizing~~ Such campgrounds shall utilize established disturbed areas where feasible, following natural contours to minimize grading, and avoiding naturally vegetated areas with significant native plant species to the maximum extent feasible. Such campgrounds shall be located a minimum of ~~50-100~~ 50 feet from the top bank of all streams or from the outer edge of riparian vegetation, whichever is the most protective of biological resources as determined by the staff biologist or the ERB unless those areas are developed and/or disturbed by historic uses (e.g., recreation). Access to low-impact campgrounds ~~shall~~ may be supported by parking areas and designated ADA drop-offs that may be located in H2 habitat areas, where it is infeasible to site such facilities in H3 habitat areas;

i. Development and Operational Standards. Low-impact campgrounds shall comply with all of the following:

- In addition to the locational criteria above, campsites shall be sited near or along existing or proposed trails or access routes to supporting parking areas.
- Firepits, fires, flammable devices, and smoking shall be prohibited at all low-impact campgrounds.
- Pets shall be prohibited in low-impact campgrounds.
- Low-impact campground capacity shall be based on site-specific evidence and, if located in H1 or H2 habitat areas, shall in no event ~~shall~~ exceed four tents and shall be limited to no more than 12 persons.

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- Camping is prohibited when hazardous conditions exist (e.g. when during "red-flag" wildfire warnings or flash flood warnings are issued by the National Weather Service) days.
  - Campers are limited to a maximum length of stay of 14 days.
  - ~~Campground management staff shall inspect the low impact campground at least once per day, including on red flag days when camping is otherwise prohibited.~~
- ii. Where the following support facilities for Low-impact campgrounds may be supported by the following facilities, and if established, are proposed in H1 or H2 habitat areas, they must be consistent with the included standards:
- Parking and Drop-Off Areas. Parking areas and designated ADA drop-offs shall be located in H3 habitat areas, where feasible, but may be established in H2 habitat areas, where it is infeasible to site such facilities in H3 habitat areas. Parking areas and designated ADA drop-offs are prohibited in H1 habitat areas. Trash receptacles may be provided in parking or drop-off areas.
  - Restroom Facilities. Restroom facilities shall be single-stall, self-contained, and of a chemical or composting type. They shall be located no closer than 100 feet from streams as measured from the outer edge of riparian vegetation or from the top of bank if there is no riparian vegetation present. They shall not be permanently affixed to a foundation or the ground and cannot have associated plumbing infrastructure. These limitations shall not apply to restroom facilities located outside of H1 and H2 habitat areas. All waste materials shall be disposed of off-site. All restroom facilities shall be consistent with the height, colors, and materials required by this LIP. No more than one such facility is allowed per low-impact campground.
  - Fencing. All fencing shall be wildlife permeable (see definition in Section 22.44.630). Placement of fencing is limited to the perimeter of the campground or where necessary to protect nearby sensitive habitat.
  - Water Storage. Water storage tanks for use in fire suppression ~~or as an on-site potable water supply~~ shall be located within the boundaries of an established low-impact campground. Water storage tanks for use as an on site potable water supply may be located within the boundaries of an established low-impact campground. Said storage tanks within a campground shall not be permanently affixed to the ground or other permanent structure, shall be easily moved, and emptied and filled outside of the campsite or H1 habitat areas. Water storage tanks within a campground shall be limited to no more than three, 55-gallon containers. There shall be no plumbing infrastructure built or associated with water dispensing facilities. These limitations shall not apply to water storage facilities located outside of H1 and H2 habitat areas.
  - Signage. Informational and interpretative signage that identifies the low-impact campground, directs hikers to nearby trail(s), or identifies local floral/fauna, is allowed. The signage must be located within the perimeter of an authorized low-impact campground or along an authorized trail near a low-impact campground. Signs shall not be attached to a permanent foundation.
  - Fireproof Cooking Stations. Fireproof cooking stations may be installed for use at low-impact campgrounds but are limited to one per tent site and full instructions for their operation shall be provided. Campers would be required

- to utilize only designated fireproof cooking stations provided at each approved campsite, which shall be designed of nonflammable materials and capable of being enclosed vertically on three sides (leaving one side open for cooking operations). Only cold-camping apparatus with no open flames, such as flame-less cook-stoves and lanterns, are allowed. Use of any type of liquid fuel (alcohol, kerosene, unleaded gasoline, white gas, mentholated Spirit, etc), canister fuel (propane, butane, etc), wood, wax or any other type of combustible material for cooking or lighting shall be expressly prohibited. Prospective campers shall be informed of the “no flame” policy upon reserving and/or registering for use of low-impact camping facilities and shall be put on notice that unauthorized use of fire-related camping and cooking apparatus specifically prohibited by the “no flame” policy will be cause for confiscation of such devices and/or expulsion of visitors from low-impact camp facilities. Signs shall be posted to explain the “no flame” policy and low-impact campgrounds will be periodically patrolled to enforce the policy.
- Fire extinguishers or other portable fire suppression equipment may be stored on temporary stands within a low-impact campground and shall not be attached to a permanent foundation.

iii. All coastal development permits for low-impact campgrounds shall include the following conditions of approval:

- Permittee shall prepare a drainage and runoff pollution control plan for the low-impact campground and associated support facilities. Said plan shall be provided to the Directors of Regional Planning and Public Works for their review and sign off prior to the operation of the low-impact campground.
- Permittee shall prepare a reservation/registration and operations/maintenance plan for the low-impact campground. Said plan shall include, at a minimum, details regarding the reservation system to be used for the campground, a requirement that campers register prior to using campground facilities, a log of each camper's contact and travel information, and campground monitoring and maintenance parameters. The plan shall include a campground-specific inspection plan with criteria for how frequently campground management staff shall inspect the campground and shall include a system to determine when camping will be prohibited in relation to “red-flag” wildfire warning days or other emergency conditions. The camper log shall include the name, phone number, arrival date and departure date (length of stay), and a log of each camper's origin before reaching the campground and their destination upon leaving the campground. The plan shall include provisions for informing prospective campers of the “no flame” policy upon reserving and/or registering for use of low-impact camping facilities and putting them on notice that unauthorized use of fire-related camping and cooking apparatus specifically prohibited by the “no flame” policy will be cause for confiscation of such devices and/or expulsion of visitors from low-impact camp facilities. The maintenance parameters shall detail the disposal and refilling of potable water storage facilities and the maintenance of on-site restroom facilities, and strategies for securing support facility elements from vandalism or theft. The

plan shall be submitted to the Director for review and approval prior to the operation of the low-impact campground.

- Permittee shall prepare an emergency management plan. Said plan shall include, at a minimum, a camper notification system and campground evacuation procedures in the event of an emergency. Said plan shall also include details such as the nearest evacuation shelter and evacuation route(s). The plan shall be submitted to the Director for review and sign off prior to the operation of the low-impact campground.

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## **V. FINDINGS FOR APPROVAL OF THE LUP AMENDMENT AS SUBMITTED, DENIAL OF THE LIP AMENDMENT AS SUBMITTED, AND APPROVAL OF THE LIP AMENDMENT IF MODIFIED AS SUGGESTED**

The following findings support the Commission’s certification of the proposed Land Use Plan Amendment as submitted, the Commission’s denial of the proposed Local Implementation Plan Amendment as submitted, and approval of the Local Implementation Plan Amendment if modified as suggested [detailed in Section IV (Suggested Modifications) above].

The Commission hereby finds and declares as follows:

### **A. Amendment Description**

The subject proposed amendment includes changes ([Exhibit 1](#)) to three LUP policies (Policies CO-42, CO-93, CO-164) and two LIP Sections (Section 22.44.630, Section 22.44.1920.M) that all relate to the development of resource-dependent uses within H1 and H2 habitat areas (ESHA). The changes clarify that resource dependent uses (including but not limited to trails, accessways, and low-impact campgrounds) must avoid significant disruption of habitat values in H1 and H2. Additionally, the County proposes to amend the definition of “low impact campground” in the LIP and add a new definition for what “carry-in, carry-out camping” means since it is referenced in the low impact campground definition. The proposed LIP amendment would also add new development and operational standards for low-impact campgrounds, including locational criteria, types of prohibited activities and items, capacity limits, a prohibition on camping during “red flag” wildfire warning days, length-of-stay limitations, and inspection standards. New standards are also proposed for specific types of support facilities associated with low-impact campgrounds, including parking and drop-off areas, restroom facilities, fencing, water storage, signage, and fire suppression equipment. In addition, the new standards would also require specific conditions of approval to be included in all coastal development permits for low-impact campgrounds. These conditions would include multiple types of plans to be prepared as part of all approvals for low-impact campgrounds and associated support facilities, each with specific requirements, including a drainage and runoff pollution control plan, a

reservation/registration and operations/maintenance plan, and an emergency management plan.

## **B. Background**

The County of Los Angeles Santa Monica Mountains Local Coastal Program (LCP) is comprised of two portions that were approved by the Commission in two separate actions. The Land Use Plan (LUP) portion of the LCP (LUP Amendment No. LCP-4-LAC-14-0108-4) was approved with suggested modifications by the Commission at the April 10, 2014 hearing. On July 10, 2014, the Commission approved the Local Implementation Plan (LIP) portion of the LCP (LIP No. LCP-4-LAC-14-0109-4) with suggested modifications.

On August 26, 2014, the Los Angeles County Board of Supervisors held one hearing regarding both the LUP Amendment and the LIP in which it adopted a Resolution acknowledging receipt of the Commission's certification of the LCP and accepting and agreeing to all modifications suggested by the Commission. The Executive Director determined the County's action accepting the suggested modifications to be legally adequate and the Commission concurred with this determination on October 10, 2014, resulting in effective certification of the entire LCP.

The Ramirez Canyon Preservation Fund filed a petition for writ of mandate after the Commission's April 2014 action on the Santa Monica Mountains Land Use Plan captioned *Ramirez Canyon Preservation Fund v. California Coastal Commission*. The petition alleged that the Commission's approval of the LUP violated Section 30240 of the Coastal Act by permitting campgrounds within ESHA. It further alleged that campgrounds are not a resource-dependent use and the support facilities necessary for a campground are likely to disturb the plant and animal life within ESHA. The Commission's July 2014 action on the Santa Monica Mountains Local Implementation Plan was later added to the case and was also considered by the Superior Court.

In its September 26, 2017, decision (included as part of [Exhibit 2](#)), the Court ruled that the Commission's interpretation of Coastal Act Section 30240 to permit low-impact campgrounds in ESHA as a resource-dependent use is correct as a matter of law. The Court further found that those LUP policies and LIP provisions that require low-impact campgrounds to avoid impacts to ESHA to the maximum extent feasible are inconsistent with Section 30240 of the Coastal Act, which requires that resource dependent uses in ESHA must avoid significant disruption of habitat values. The Court ordered that the policies and provisions permitting low-impact campgrounds in H1 and H2 habitat (ESHA) based on the standard of avoiding impacts to the maximum extent feasible must be set aside as void and reconsidered by the Commission.

The Commission accepted the partial remand of the LCP approval action and on December 14, 2018, it acted to approve three revised LUP policies and one revised LIP provision relating to the resource-dependent uses (including low-impact campgrounds, trails, and public accessways) to replace those that the Court ordered to be set aside. The approved suggested modifications were transmitted to the County on January 9,

2019. Sections 13537(b) and 13542(b) of the California Code of Regulations, Title 14, Division 5.5 state that the Commission's certification with suggested modifications shall expire six months from the date of the Commission's action if the County has not formally acted to accept the modifications prior to the expiration date. This means that the Commission's approval with suggested modifications was due to expire on June 14, 2019. However, on May 21, 2019, prior to the six-month expiration date, the County requested an extension to accept the modifications, and on June 12, 2019 the Commission voted to extend the six-month deadline.

On December 10, 2019, the Los Angeles County Board of Supervisors adopted a Resolution that approved and transmitted the subject LCP amendment to the Commission for certification. The amendment includes changes consistent with the Commission's December 14, 2018 partial remand action, but also additional changes that were not previously considered by the Commission. These additional changes to the LCP were deemed to constitute a substantive change by the Executive Director and are inconsistent with the modifications approved by the Commission on its December 14, 2018 action. For this reason, and pursuant to PRC Sections 13544 and 13544.5, the Commission is treating the Los Angeles County Board of Supervisors adopted resolution as an LCP amendment resubmittal (which is being considered here by the Commission as a new LCP amendment). The LCP Amendment now before the Commission therefore consists both of the Commission's suggested modifications to the Land Use Plan and Local Implementation Plan that were part of the partial remand but never finally certified as well as the County's December 10, 2019 changes and additions to the LUP and LIP.

The County's additional changes relate to low-impact campgrounds as a resource dependent use but go beyond the protection of H1 and H2 habitat. These changes were adopted by the Los Angeles County Board of Supervisors in response to public comments they received from constituents residing in the Santa Monica Mountains regarding the dangers that campfires could have in the Santa Monica Mountains. After weighing those safety concerns against the Coastal Act's public access policies, the Board proposed additional changes to the LIP to "address the concerns regarding monitoring campsites and fires and directing that camping areas should be inspected at all times, including on red flag days when camping is prohibited, while still allowing low-impact campgrounds in the Santa Monica Mountains to protect public access." The LCP Amendment now before the Commission therefore consists both of the Commission's suggested modifications to the Land Use Plan and Local Implementation Plan that were in response to the partial remand, which were never certified, as well as the County's December 10, 2019 changes and additions to the LUP and LIP described above and detailed in the following **Sections V.D (Biological Resources) and V.E (Definitions and Standards for Resource Dependent Uses)**.

### **C. Environmental Setting and Description of the Plan Area**

The Santa Monica Mountains segment of Los Angeles County's coastal zone extends inland from the shoreline approximately five miles and encompasses approximately 50,000 acres. The Santa Monica Mountains, an east-west trending mountain range, is

geologically complex and characterized by generally steep, rugged terrain of mountain slopes and canyons, with elevations ranging from sea level to over 3,000 feet. Numerous deep, parallel canyons drain south into Santa Monica Bay. An extraordinary feature of this section of coast is the large number of watersheds. Most of these watersheds originate at or near the northern plan area boundary and connect to habitats within the adjacent coastal City of Malibu and ultimately discharge into the ocean. Malibu Creek, however, extends well inland to the Simi Hills and drains approximately 67,000 acres of watershed into Malibu Lagoon in the City of Malibu. The upper reaches of these streams are relatively undisturbed and consist of steep canyons containing riparian oak-sycamore bottoms, with coastal sage scrub and chaparral ascending the canyon walls. This topographic and geologic complexity has contributed to tremendous ecological diversity. A variety of vegetation types occur within the mountains including oak woodlands, walnut woodlands, riparian woodlands, valley oak savannas, grasslands, coastal sage scrub, several types of chaparral, southern willow scrub, wetlands, and coastal marshes. This vegetation diversity provides habitat for abundant wildlife. Fifty species of mammals are found in the mountains, including bobcats, mountain lions, mule deer, badgers, and other smaller mammals. In addition, nearly 400 species of birds are recorded from the area and over 35 species of reptiles and amphibians are known to occur. Overall, these vegetation types and wildlife species are part of a diverse and increasingly rare complex of natural ecosystems adapted to the southern California Mediterranean-type climate of wet winters and warm, dry summers. The Santa Monica Mountains still include large areas of intact habitat, an extraordinary fact given the dense urban development that surrounds the area.

More than half of the 50,000-acre plan area is public parkland (approximately 29,500 acres), which includes, but is not limited to, Leo Carrillo State Park, Charmlee Wilderness Park, Malibu Creek State Park, and Topanga State Park. The entire plan area is within the larger Santa Monica Mountains National Recreation Area (SMMNRA), which encompasses more than 153,000 acres within and adjacent to unincorporated Los Angeles and Ventura Counties and the cities of Agoura Hills, Calabasas, Los Angeles, Malibu, Thousand Oaks, Westlake Village, and others. The SMMNRA is cooperatively managed by the National Park Service, California Department of Parks and Recreation, the Santa Monica Mountains Conservancy, and the Mountains Recreation and Conservation Authority. The SMMNRA was established by Congress in 1978 to protect the largest expanse of mainland Mediterranean ecosystem in the national park system and to provide for the recreational and educational needs of the visiting public.

The remainder of the plan area is composed primarily of rural residential lots ranging from parcels of less than 10,000 square feet to parcels of 80 acres or more. There is limited small-scale commercial development in the area of Topanga Canyon Boulevard and Pacific Coast Highway, as well as the area of Topanga Canyon Boulevard and Old Topanga Canyon Road. Those commercial developments consist primarily of neighborhood grocery stores or restaurants and local-serving retailers. There are also various public or semi-public facilities and private visitor-serving commercial and/or recreational-type developments scattered throughout the plan area such as private camps and a golf course.

## D. Biological Resources

Section **30240** of the Coastal Act states that:

**(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.**

**(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.**

### 1. Introduction

Coastal Act Section 30240 requires that environmentally sensitive habitat areas (ESHA) be protected against any significant disruption of habitat values. No uses other than those dependent on ESHA are allowed within it. The Coastal Act does not define “resource dependent” or provide examples of resource dependent uses. The Commission has interpreted resource dependent uses to be those that depend on the area or resources within ESHA to function. Examples include nature study, habitat restoration, trails, accessways, and low impact camping. Any development adjacent to ESHA must be sited and designed to avoid impacts that would significantly degrade ESHA and to be compatible with the continuance of the habitat area.

### 2. ESHA Designation

The Coastal Act provides a definition of “environmentally sensitive area” 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” (Section 30107.5).

There are three important elements to the definition of ESHA. First, a geographic area can be designated ESHA either because of the presence of individual species of plants or animals or because of the presence of a particular habitat. Second, in order for an area to be designated as ESHA, the species or habitat must be either rare or especially valuable. Finally, the area must be easily disturbed or degraded by human activities.

The first test of ESHA is whether a habitat or species is rare. Rarity can take several forms, each of which is important. Within the plan area, rare species and habitats generally fall within one of two categories. Most rare species or habitats within the plan area are globally rare, but locally abundant. They have suffered severe historical declines in overall abundance and currently are reduced to a small fraction of their original range, but where present, may occur in relatively large numbers or cover large local areas. This is probably the most common form of rarity for both species and habitats in California and is characteristic of coastal sage scrub, for example. Some other habitats are geographically widespread, but occur everywhere in low abundance. California’s native perennial grasslands fall within this category.

A second test for ESHA is whether a habitat or species is especially valuable. Areas may be valuable because of their “special nature,” such as being an unusually pristine example of a habitat type, containing an unusual mix of species, supporting species at the edge of their range, or containing species with extreme variation. For example, reproducing populations of valley oaks are not only increasingly rare, but their southernmost occurrence is in the Santa Monica Mountains. Generally, however, habitats or species are considered valuable because of their special “role in the ecosystem.” For example, some areas within the plan area may meet this test because they provide habitat for endangered species, protect water quality, provide essential corridors linking one sensitive habitat to another, or provide critical ecological linkages such as the provision of pollinators or crucial trophic connections. Of course, all species play a role in their ecosystem that is arguably “special.” However, the Coastal Act requires that this role be “especially valuable.” Within the plan area, this test is met for those areas that are integral parts of the Santa Monica Mountains Mediterranean ecosystem because of the demonstrably rare and extraordinarily special nature of that ecosystem as detailed below. Other areas within the plan area may meet this test for other reasons, for example for especially valuable roles in marine systems.

Finally, ESHAs are those areas that could be easily disturbed or degraded by human activities and developments. Within the plan area, as in most of urban southern California, all natural habitats are in grave danger of direct loss or significant degradation as a result of many factors related to anthropogenic changes.

The Commission made extensive findings to support its April 2014 LUP decision regarding the habitat types in the Santa Monica Mountains that meet this definition of environmentally sensitive habitat areas. These findings, which are incorporated here by reference, include detailed information regarding the rarity, special nature, and susceptibility to disturbance or degradation that applies to each habitat type. The habitats found to constitute ESHA include but are not limited to riparian, coastal sage scrub, chaparral, wetlands, woodlands and savannas, grasslands, rock outcrops, and dunes. The designation of ESHA was not challenged in the *Ramirez* litigation and is not at issue in this LCP action; however, this background provides context for the habitat issues and policies before the Commission in this action.

### **3. Designation of Biological Resources in the LCP**

The biological resource protection approach certified by the Commission for the Santa Monica Mountains LCP designates three habitat categories: H1 habitat, H2 habitat, and H3 habitat. H1 and H2 habitats are collectively described as Sensitive Environmental Resource Areas (SERA). H1 and H2 habitats meet the definition of ESHA under the Coastal Act. The LCP policies and provisions distinguish between H1 and H2 habitats in order to carry out a different regulatory approach for the protection of each category of habitat.

H1 habitat consists of areas of highest biological significance, rarity, and sensitivity. H1 habitats include alluvial scrub; dunes; coastal bluff scrub; native grassland and scrub with a strong component of native grasses or forbs; riparian; native oak, sycamore, walnut and bay woodlands or savannas; and rock outcrop habitat types. Wetlands,

including creeks, streams, marshes, seeps and springs are also H1 habitat.

H2 habitat consists of areas of high biological significance, rarity, and sensitivity that are important for the ecological vitality and diversity of the Santa Monica Mountains Mediterranean Ecosystem, but which don't qualify as H1. H2 habitat includes large, contiguous areas of coastal sage scrub and chaparral-dominated habitats. A subcategory of H2 habitat is H2 "High Scrutiny" habitat, which comprises H2 habitat species/habitats containing rare species associated with H2 habitat.

Finally, the H3 habitat designation consists of all other areas within the plan area that are not H1 or H2 habitats (and not meeting the definition of ESHA). H3 habitat includes areas of native habitat that has been significantly disturbed, fragmented, isolated, or removed by existing, lawfully established development. While H3 habitat does not constitute a "SERA", or ESHA, the LCP recognizes that these areas may provide important biological functions that warrant specific development standards for the siting and design of new development.

### **Biological resource mapping.**

H1, H2, and H3 habitat categories are depicted on the LUP Biological Resources Map. The precise boundaries of these habitat categories shall be determined on a site-specific basis, based on substantial evidence and a site-specific biological survey inventory and/or assessment required by the LCP when a development proposal is submitted. This LCP contains a procedure to both confirm the habitat types and locations depicted on the map and establish on the basis of substantial evidence the appropriate habitat category. Any area not designated as a habitat category on the Biological Resources Map that meets the criteria of a habitat category must be accorded all the protection provided for that habitat category in the LCP. The LCP also provides for the County Environmental Review Board, which is comprised of qualified professionals with technical expertise in resource management, to serve as an advisory body to County decision makers, both in the site-specific determination of habitat types and locations and the review of development proposals and their effects on biological resources.

## **4. ESHA Protection**

The biological resource protection approach of the certified LCP consists of (1) the preservation of the habitats of highest biological significance and sensitivity (H1 habitat, which constitutes ESHA as explained previously) through a policy that prohibits most new development (other than resource-dependent development) in H1 habitat, and (2) the protection of habitats of high biological significance and sensitivity (H2 habitat, which constitutes ESHA as explained previously) that are critical to the ecological vitality and diversity of the Santa Monica Mountains by strict development regulations to avoid, or minimize and fully mitigate, impacts to the habitat from new development in order to protect the habitat from significant disruption of habitat values.

New development is generally prohibited in H1 habitat in order to protect these most sensitive environmental resource areas from disruption of habitat values. The only

exceptions are resource dependent uses, and the following two non-resource dependent uses: (1) public works projects required to repair or protect existing public roads when there is no feasible alternative, and impacts to H1 habitat are avoided to the maximum extent feasible, and unavoidable impacts are minimized and mitigated; and (2) an access road to a lawfully-permitted use outside H1 habitat when there is no other feasible alternative to provide access to public recreation areas or development on a legal parcel, and impacts to H1 habitat are avoided to the maximum extent feasible, and unavoidable impacts are minimized and mitigated.

As submitted, the LCP requires that new development avoid H2 Habitat (including H2 “High Scrutiny” habitat), where feasible, in order to protect the sensitive environmental resource areas from disruption of habitat values. Where it is infeasible to avoid H2 habitat, the policy requires that new development be sited and designed to minimize impacts to H2 habitat. If there is no feasible alternative that can eliminate all impacts to H2 habitat, then the alternative that would result in the fewest or least significant impacts to H2 habitat shall be selected. Further, the policy requires that impacts to H2 habitat that cannot be avoided through the implementation of siting and design alternatives be fully mitigated. H2 “High Scrutiny” habitat is considered a rare and extra sensitive subcategory of H2 habitat that shall be given protection priority over other H2 habitat and shall be avoided to the maximum extent feasible.

The LCP requires the protection of H1 habitat through the provision of buffers between the habitat areas and new development. Natural vegetation buffer areas must be provided around H1 habitat that are of sufficient size (in general no less than 100 feet wide) to prevent impacts that would significantly degrade that area. The LCP also requires an H1 Quiet Zone, which is an additional buffer beyond the H1 buffer, where feasible.

In addition, the LCP policies and provisions establish the order of prioritization for siting new development in consideration of the LUP’s habitat categories. New development is required to be sited in a manner that avoids the most biologically-sensitive habitat onsite where feasible, while assuring consistency with other LCP policies, in the following order of priority: H1, H2 High Scrutiny, H2, H3. Priority shall be given to siting development in H3 habitat, but outside areas that contain undisturbed native vegetation that is not part of a larger contiguous habitat area. If infeasible, priority shall be given to siting new development in such H3 habitat. If it is infeasible to site development in H3 habitat areas, development may be sited in H2 habitat if it is consistent with the specific limitations and standards for development in H2 habitat and all other provisions of the LCP. New development is prohibited in H1 habitat unless it is for a use that is specifically provided for pursuant to Policy CO-41. However, it is important to clarify that resource dependent uses are allowed in ESHA (H1 and H2 habitats) pursuant to Coastal Act Section 30240, but such uses must still avoid significant disruption of habitat values.

The LCP policies and provisions provide other development standards to protect ESHA. This includes maximum development area standards where development must be allowed in H2 habitat in order to provide a reasonable economic use on a legally created parcel. Other standards require onsite H1 and H2 habitat to be protected

through open space conservation easements. Further, the LCP requires new development to be sited and designed to minimize grading, the removal of vegetation, fencing, lighting, and the use of rodenticides in order to avoid impacts to H1 and H2 habitat.

## **5. Resource Dependent Uses**

As described previously, H1 and H2 habitats as designated in the LCP constitute ESHA, as defined by the Coastal Act. The LCP policies and provisions require that H1 and H2 habitat must be protected against any significant disruption of habitat values and resource dependent uses are allowed in H1 and H2 habitat, consistent with Section 30240 of the Coastal Act. The LCP defines “resource-dependent” uses as:

Uses that are dependent on sensitive environmental resource areas (SERAs) to function. Resource dependent uses include nature observation, research/education and passive recreation, including horseback riding, low-impact campgrounds, and hiking trails, but excluding trails for motor vehicles. Residential or commercial uses are not resource-dependent uses.

The LCP provides that low-impact campgrounds, public accessways, and trails are considered resource-dependent uses and as such are allowed in H1 and H2 habitat areas. Such uses must be located, designed, and maintained to avoid significant disruption of habitat values in H1 and H2 habitat areas and avoid impacts to other coastal resources to the maximum extent feasible.

### **Land Use Plan**

LUP Policy CO-42 states that resource dependent uses are only allowed in H1 and H2 habitat where sited and designed to avoid significant disruption of habitat values. However, this policy also requires that resource dependent uses be sited to avoid impacts to H1 and H2 habitat to the maximum extent feasible. By incorporating two different standards for habitat protection, LUP Policy CO-42 was viewed by the Court in *Ramirez* as internally inconsistent and not in conformity with Section 30240 of the Coastal Act. In order to resolve the potential inconsistency as ordered by the Court, the County’s proposed amendment includes changes to LUP Policy CO-42, consistent with the Coastal Act, to clarify that resource dependent uses must avoid significant disruption of habitat values in H1 and H2 habitat by implementing measures that accomplish that, including but not limited to: minimizing removal of native vegetation; installing boardwalks; utilizing established trail corridors or existing disturbed areas; following natural contours to minimize grading; and installing limited fencing.

The LUP requires that public accessways to and along the shoreline are sited, designed, and managed to avoid and/or protect marine mammal hauling grounds, seabird nesting and roosting sites, sensitive rocky points and intertidal areas, and coastal dunes. However, Policies CO-42 and CO-93 do not specifically state that accessways in H1 or H2 habitat areas must also avoid significant disruption of habitat values, as required by Section 30240 of the Coastal Act. In order to ensure that this is the standard applied to accessways within H1 and H2 habitat, the subject LCP

amendment makes clarifying changes to modify the last sentence of LUP Policy CO-42 with regard to accessways that are necessary and consistent with the Coastal Act and the partial remand action previously approved by the Commission. Further, the changes to add clarification to Policy CO-93 with regard to accessways in H1 or H2 habitat in the County's proposed amendment are consistent with the Coastal Act.

Inland public trails are required by LUP Policy CO-93 to avoid or minimize impacts to H1 and H2 habitat to the maximum extent feasible by utilizing established trail corridors, following natural contours to minimize grading, and avoiding naturally-vegetated areas with significant native plant species. Additionally, trails must be constructed in a manner that minimizes grading and runoff. However, Section 30240 of the Coastal Act requires that ESHA (H1 and H2 habitat) be protected against any significant disruption of habitat values. The County's proposed amendment includes changes, consistent with the Coastal Act, that are necessary to revise the standard contained in LUP Policy CO-93 to clarify that trails will avoid significant disruption of habitat values, as required by Section 30240, rather than avoid or minimize impacts to H1 and H2 habitat.

The LUP defines low-impact campgrounds as resource-dependent uses which are allowed in H1 and H2 habitat. The LCP defines low-impact campgrounds as areas of land designed or used for "carry-in, carry-out" tent camping accessed by foot or wheelchair. This includes associated support facilities, including where appropriate, picnic areas, potable water, self-contained chemical or composting restrooms, shade trees, water tanks, portable fire suppression apparatus, and fire-proof cooking stations, but excluding any structures for permanent human occupancy and excluding roads. LUP Policy CO-93 requires low-impact campgrounds to be sited, designed and maintained to avoid or minimize impacts to H1 and H2 habitat to the maximum extent feasible. The County's proposed amendment includes changes, consistent with the Coastal Act, that are necessary to revise the standard contained in Policy CO-93 to state that low-impact campgrounds will avoid significant disruption of habitat values in H1 and H2 habitat in order to be consistent with Section 30240. Further, Policy CO-164 (subpart e) also addresses low-impact campgrounds. This policy states that: "Overnight campgrounds, including 'low-impact' campgrounds, are permitted uses in parklands and are encouraged within park boundaries for public use to provide a wider range of recreational opportunities and low-cost visitor-serving opportunities for visitors of diverse abilities, where impacts to coastal resources are minimized...". The County's proposed amendment includes changes, consistent with the Coastal Act, that are needed in order to add the requirement to Policy CO-164 (subpart e) that in the case of H1 and H2 habitat, campgrounds must avoid significant disruption of habitat values.

The County's proposed amendment also includes an additional clarifying change to LUP Policy CO-164(e) to change the word "shall" to "may" with respect to provision of parking facilities that may be located in H2 or H3 habitat areas to access low impact campgrounds. While the County did not provide justification for this proposed change, it would serve to clarify that parking areas and ADA drop-offs are not required facilities to support low-impact campgrounds, but may be provided for access to them where appropriate. Though it is important to provide parking areas and ADA drop-offs to facilitate access to some low-impact campgrounds (particularly those close to existing roads or disturbed areas), there may be cases in which low-impact campgrounds are

proposed to be located in remote areas where either such access facilities may need to be located further away or a campground is located along a trail and accessed by hiking only.

### **Local Implementation Plan**

The LIP allows resource dependent uses in H1 and H2 habitat, including public accessways, trails, and low-impact campgrounds. New development of such uses is subject to all applicable provisions of the LIP, including Section 22.44.1920.M, which contains specific development standards regarding resource dependent uses. One of the requirements is that such uses must be sited and designed to avoid significant disruption of habitat values. However, this LIP provision also requires that resource dependent uses be sited to avoid impacts to H1 and H2 habitat to the maximum extent feasible. By incorporating two arguably different standards for habitat protection, LIP Section 22.44.1920.M is internally inconsistent and does not conform with Policy CO-42 as amended. The County's proposed amendment 22.44.1920.M (subsection (2)(a)) includes changes consistent with the LUP, as amended, as well as additional clarifying language to require resource dependent uses to avoid significant disruption of habitat values in H1 and H2 habitat and to minimize all impacts to other habitat to the maximum extent feasible. As proposed to be revised, this LIP section will conform to the policies of the LUP, as amended.

The LIP also contains development standards for public accessways and trails within H1 and H2 habitat. Section 22.44.1920.M (subsection (2)(b)) requires that public accessways to and along the shoreline are sited, designed, and managed to avoid and/or protect coastal and marine resources, but does not specifically state that accessways must avoid significant disruption of habitat values. Additionally, this section requires inland trails to avoid or minimize impacts to H1 and H2 habitat to the maximum extent feasible. In order to ensure that this subsection of the LIP will conform to and be adequate to carry out LUP Policies CO-42 and CO-93, the County's proposed amendment includes necessary changes to the wording of Section 22.44.1920.M (subsection (2)(b)) to require accessways and trails to avoid significant disruption of habitat values, consistent with the LUP, as amended.

Finally, the LIP, in Section 22.44.1920.M (subsection (2)(c)), requires that low-impact campgrounds must be sited, designed, and managed to avoid or minimize impacts to H1 habitat, H2 habitat, and other coastal resources by utilizing established disturbed areas where feasible, following natural contours to minimize grading, and avoiding naturally vegetated areas with significant native plant species to the maximum extent feasible. However, as previously discussed, the LUP as amended requires resource dependent uses to avoid significant disruption of habitat values in H1 and H2 habitat. Therefore, the County's proposed amendment includes changes to Section 22.44.1920.M (subsection (2)(c)) to require that low-impact campgrounds avoid significant disruption of habitat values in H1 and H2 habitat and avoid impacts to other coastal resources, consistent with the LUP, as amended. However, the County's proposed amendment would also change and reorganize these sentences at the beginning of 22.44.1920.M (subsection (2)(c)) in a way that would result in the methods required for locating, designing, and maintaining low-impact campgrounds being only

required to minimize impacts to other, non-habitat coastal resources and decoupled from the requirement to avoid significant disruption of habitat values in H1 and H2 Habitat areas. **Suggested Modification No. 2** further re-organizes these sentences for clarity and to ensure the requirements for locating, designing, and maintaining low-impact campgrounds are applied properly. Only as modified will the LIP conform to and be adequate to carry out LUP Policies CO-93 and CO-164 (subpart e), as amended.

LIP Section 22.44.1920.M (subsection (2)(c)) currently requires that low impact campgrounds be shall be located a minimum of 50 feet from the top bank of all streams or from the outer edge of riparian vegetation, whichever is the most protective of biological resources as determined by the staff biologist or the County Environmental Review Board (ERB) unless those areas are developed and/or disturbed by historic uses (e.g., recreation). The County's proposed amendment also includes a revision to Section 22.44.1920.M (subsection (2)(c)) to change this minimum stream/riparian canopy setback requirement from 50 feet to 100 feet for low-impact campgrounds. The County did not provide justification for this proposed change, but County staff have indicated that a 100 foot setback would be more protective of stream resources and be consistent with the 100 foot buffer requirements in the LCP for all other development. However, the Commission finds that low impact campgrounds are a resource dependent use that is allowed within H1 and H2 habitat areas (ESHA) when sited and designed to avoid significant disruption of habitat values, as required by the Coastal Act and this LCP. Therefore, a 50 foot setback from streams and riparian canopy would serve to protect water quality and stream habitat, with the possible exception of restroom facilities that by their nature have some potential to impact water quality if they are not sited to provide an adequate buffer from streams. Increasing the stream/riparian canopy setback to 100 foot would significantly constrain the feasibility of siting low-impact campgrounds on public parkland properties in some suitable locations in the Santa Monica Mountains coastal zone with flatter topography that may not be available further away from streams and riparian areas. So, the Commission finds it is appropriate to allow low impact campgrounds to be sited at least 50 feet from streams, except for restroom facilities that can only be allowed at least 100 feet from streams. Therefore, **Suggested Modification No. 2** changes this standard back to 50 feet instead of 100 feet to be consistent with LUP Policy CO-164 (subpart e), as amended. **Suggested Modification No. 2** also adds a provision to the new standards for restroom facilities in the new proposed Subsection 22.44.1920.M.2.c.ii to specify that restroom facilities in H1 or H2 habitat areas be located no closer than 100 feet from streams as measured from the outer edge of riparian vegetation or from the top of bank if there is no riparian vegetation present since restroom facilities may be more likely to present a risk to water quality than other types of low-impact campground facilities.

The standards for support facilities in the new Subsection 22.44.1920.M.2.c.ii proposed in the County's LIP amendment include requirements that certain elements not be attached to permanent foundations. While not detailed in the County's submission, the intent of the proposed standards appears to be to limit ground disturbance for support facilities to help avoid significant disruption of habitat values in H1 and H2 habitat areas. However, this requirement could have the unintended result of persons removing these items from their installed locations and relocating them or using them in ways that may disrupt habitat values in H1 and H2 habitat areas. Therefore, **Suggested Modification**

**No. 2** adds language to the proposed Subsection 22.44.1920.M.2.c.iii, to specify that the required reservation/registration and operations/maintenance plan for a low impact campground include strategies for securing support facility elements from vandalism or theft. For this reason and for consistency with the other support facility standards, **Suggested Modification No. 2** also revises the standard in Subsection 22.44.1920.M.2.c.ii for fire extinguishers or other portable fire suppression devices to not be attached to permanent foundations, rather than be supported “on temporary stand[s]”.

## **Conclusion**

Coastal Act Section 30240 requires that environmentally sensitive habitat areas (ESHA) be protected by avoiding any significant disruption of habitat values. No uses other than those dependent on ESHA are allowed within it. For the reasons discussed in this section, the Commission finds that it is necessary to accept the changes proposed to LUP Policies CO-42, CO-93, and CO-164 (subpart e), in the County’s proposed amendment, consistent with the partial remand action previously approved by the Commission, to ensure that these policies require resource dependent uses to avoid significant disruption of habitat values in H1 and H2 habitat. The Commission further finds that, as amended, the LUP will be consistent with Section 30240 of the Coastal Act.

The LUP as amended requires resource dependent uses to avoid significant disruption of habitat values in H1 and H2 habitat. As discussed in this section, the Commission finds it necessary to accept the changes proposed, with suggested modifications, to LIP Section 22.44.1920.M in the County’s proposed amendment, consistent with the partial remand action previously approved by the Commission, with regard to the development standards regarding resource dependent uses in H1 and H2 habitat. The Commission finds it necessary to modify the proposed amendment to LIP Section 22.44.1920.M as discussed above with regard to the development standards for locating, designing, and maintaining low-impact campgrounds. The Commission further finds that only if modified as suggested will the LIP conform to and be adequate to carry out the LUP as amended.

Together, these changes will also be consistent with the Court’s remand order, which invalidated the certified LCP provisions to the extent they permitted low-impact campgrounds based on a feasibility/mitigation standard of development, rather than affirmatively allowing them only if they avoided any significant disruption of habitat values. The Court only ordered the Commission to revisit the policies permitting low-impact campgrounds based on a feasibility/mitigation standard of development, and it did not set aside any other provisions of the previously certified LCP. Thus, those other provisions are not at issue based on the court order and remain in full force and effect with the exception of the additional amendments proposed by the County as discussed in this section for which the suggested modifications are proposed, as well as those relating to definitions and standards for resource dependent uses in LIP Section 22.44.630 and LIP Section 22.44.1920.M as discussed below, and for which suggested modifications are also proposed.

## E. Public Access and Recreation

In addition to the changes discussed above, related to the partial remand action previously approved by the Commission with some additional changes related to biological resources, the County's proposed amendment, No. LCP-4-MMT-19-0166-1 includes new proposed amendments to the LIP regarding definitions and standards related to low-impact campgrounds. These changes relate to low-impact campgrounds as a resource dependent use but go beyond the protection of H1 and H2 habitat and were adopted by the Los Angeles County Board of Supervisors on December 10, 2019 in response to public comment at the County's September 24, 2019 public hearing. At that public hearing, constituents residing in the Santa Monica Mountains raised concerns about the dangers that campfires could have in the Santa Monica Mountains and proposed to have the Mountains Recreation Conservation Agency (MRCA) patrol campsites. After weighing those safety concerns against the Coastal Act's policies regarding providing public access, the Board proposed additional changes to the LIP to "address the concerns regarding monitoring campsites and fires and directing that camping areas should be inspected at all times, including on red flag days when camping is prohibited, while still allowing low-impact campgrounds in the Santa Monica Mountains to protect public access" ([Exhibit 1](#)).

Pursuant to Sections 30513 and 30514 of the Coastal Act, the standard of review for the proposed amendment to the LIP portion of the certified LCP is whether the proposed amendment would be in conformance with, and adequate to carry out, the provisions of the certified LUP component of the certified LCP. While the Chapter 3 policies of the Coastal Act are not directly incorporated into the County's LUP as individually enforceable policies, they do provide the authority for the policies of the LUP, and the policies in this LUP must be interpreted in a manner consistent with the Coastal Act. As discussed in detail above, the County's LUP contains a number of policies aimed at the protection of biological resources, especially SERAs, including LUP Policies CO-42 and CO-93, as amended. The County's LUP also contains a number of policies related to protecting and enhancing public access, recreational opportunities, and low-cost visitor-serving opportunities in the plan area.

LUP Goal CO-6 states:

Provide maximum public access and recreational opportunities for all people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resources from overuse.

LUP Policy CO-159 states:

Lower-cost visitor-serving and recreational facilities, including overnight accommodations, shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. Priority shall be given to the development of visitor-serving commercial and/or recreational uses that complement public recreation areas or supply recreational opportunities not currently available in public parks or beaches. Visitor-serving commercial and/or recreational uses may be located near public park and

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recreation areas only if the scale and intensity of the visitor-serving commercial recreational uses is compatible with the character of the nearby parkland and all applicable provisions of the LCP.

LUP Policy CO-164 encourages opportunities for recreation when consistent with environmental values and protection of natural resources.

LUP Policy CO-164 (subpart a) states:

Park and recreation uses shall be consistent with the visitor carrying capacity of specific areas, taking into consideration available support facilities, opportunities to develop new support facilities, accessibility, protection of natural resources, public safety issues, and neighborhood compatibility.

LUP Policy CO-164 (subpart b) states:

Regulate use to preserve resource values within natural areas intended for the protection of vegetative, habitat, and scenic resources.

LUP Policy CO-164 (subpart c) states:

Establish the facilities necessary for information, first aid, orientation, recreation, interpretation, education, and recreation area maintenance and operations, where appropriate. Site and design these facilities to minimize impacts to coastal resources in harmony with the surrounding natural landscape.

LUP Policy CO-164 (subpart e), as amended above, would state the following:

Overnight campgrounds, including “low-impact” campgrounds, are permitted uses in parklands and are encouraged within park boundaries for public use to provide a wider range of recreational opportunities and low-cost visitor-serving opportunities for visitors of diverse abilities, where impacts to coastal resources are minimized, significant disruption of habitat values in H1 and H2 habitat is avoided, and where such sites can be designed within site constraints and to adequately address public safety issues. These campgrounds help provide recreational opportunities and low-cost visitor-serving opportunities for visitors. Low-impact campgrounds constitute a resource-dependent use. Access to low-impact campgrounds may be supported by parking areas and designated ADA drop-offs that may be located in H2 or H3 habitat areas, where it is infeasible to site such facilities in non-habitat areas.

These policies balance the importance of public access, recreational opportunities, low-cost visitor-serving opportunities, and public safety, with the regulation necessary for the protection of coastal resources, particularly to avoid significant disruption of habitat values in SERAs (H1 and H2 habitat). The proposed amendments to the LIP must serve to strike this balance and be consistent with the LUP, as amended.

The County’s proposed changes to the LIP regarding definitions and standards related to low-impact campgrounds are contained in two sections of the LIP, Section 22.44.630

(Definitions) and Section 22.44.1920.M (Development Standards). The proposed amendment to Section 22.44.630 would make changes to the definition for “Campground, low-impact” and would add a new definition for “Camping, carry-in, carry-out” since that term is used in the low impact campground definition. The proposed amendment to Section 22.44.1920 would add three new subsections to Subsection M (Resource-dependent Uses) under Subsection 22.44.1920.M.2.c that address new development standards and operation standards for low-impact campgrounds and certain associated support facilities.

### **Low Impact Campground Definitions**

The County’s proposed changes to the definition of Low-Impact Campground in LIP Section 22.44.630 would remove a list of possible associated support facilities from the definition and would, instead, reference new standards proposed in Subsection M.2.c of LIP Section 22.44.1920 as detailed below.

As proposed to be revised in the County’s amendment, the definition of Low-Impact Campground in LIP Section 22.44.630 would imply that support facilities for low impact campgrounds are limited to those listed and “defined” in Section 22.44.1920.M.2.c. As proposed to be revised in the County’s amendment, Section 22.44.1920.M.2.c.ii contains standards, not definitions, for certain support facilities that may be allowed when located in H1 or H2 habitat areas. However, not all of those support facility standards are necessary when they are located in H3 habitat areas or non-habitat areas. Additionally, as proposed, Section 22.44.1920.M.2.c.ii does not provide an exhaustive list of support facilities and does not address picnic areas, shade trees, or fireproof cooking stations. Therefore, **Suggested Modification No. 1** is required to restore the list of potential associated support facilities from the certified definition that was proposed to be removed by the County’s amendment, and to clarify that any proposed associated support facilities must follow the standards in Subsection M.2.c of LIP Section 22.44.1920. These modifications are necessary to ensure that sufficient associated support facilities are allowed to be provided, where appropriate, at low-impact campgrounds to maximize public access and recreational opportunities in the Santa Monica Mountains as required by the LUP.

The proposed new definition of Carry-in, Carry-out Camping would specify the means by which visitors may access low impact campgrounds and this new proposed definition does not raise any issues of consistency with the LUP, as amended.

### **Low Impact Campground Development and Operational Standards**

The proposed new LIP Subsection 22.44.1920.M.2.c.i would add new development and operational standards for low-impact campgrounds, including locational criteria, types of prohibited activities and items, capacity limits, a prohibition on camping during “red flag” wildfire warning days, length-of-stay limitations, and inspection standards. The proposed new LIP Subsection 22.44.1920.M.2.c.ii would add new standards for specific types of support facilities associated with low-impact campgrounds, including parking and drop-off areas, restroom facilities, fencing, water storage, signage, and fire suppression equipment. The proposed new LIP Subsection 22.44.1920.M.2.c.iii would

also require specific conditions of approval to be included in all coastal development permits for low-impact campgrounds. These conditions would include multiple types of plans to be prepared as part of all approvals for low-impact campgrounds and associated support facilities, each with specific requirements, including a drainage and runoff pollution control plan, a reservation/registration and operations/maintenance plan, and an emergency management plan.

The new Subsection 22.44.1920.M.2.c.i proposed in the County's LIP amendment includes a standard that "[l]ow-impact campground capacity shall be based on site-specific evidence and in no event shall exceed four tents and shall be limited to no more than 12 persons." While no evidence was provided in the County's submission to support these maximum capacity limitations, the proposed change would serve to limit campground sizes, which could assist in the goal to avoid significant disruption of habitat values in H1 and H2 habitat areas. However, if a low-impact campground is proposed in an H3 habitat area, including previously disturbed areas, this proposed standard may unnecessarily limit the capacity of a proposed campground and limit public access and recreational opportunities. In these cases, site-specific evidence should be used to determine maximum capacity and limits could be imposed on a site-specific basis through the coastal development permit process. Therefore, **Suggested Modification No. 2** is required to clarify that the proposed limit on number of tents (four tents) and persons (12 persons) shall only apply if a low-impact campground is located in H1 or H2 habitat areas so that in all other non-habitat areas campground capacity limits shall be based on site-specific evidence.

The new Subsection 22.44.1920.M.2.c.i proposed in the County's LIP amendment also includes a standard to prohibit camping during "red flag" wildfire warning days, as well as a standard to require campground management staff to inspect low-impact campgrounds at least once per day, including on "red flag" wildfire warning days. No information was provided in the County's submission to explain the number of "red flag" wildfire warning days that have or are expected to occur within a given year. It is important to minimize the risks of fire and other hazards to visitors and residents. However, it is unclear if this standard would potentially limit the number of days a campground could be open in such a way that it would make the establishment of these campgrounds infeasible, adversely impacting opportunities for public access, recreation, and low-cost overnight accommodations. Additionally, there are other potential hazards that could affect low impact campgrounds (e.g. landslides, flooding) which are not addressed by the proposed amendment. The LUP requires that public safety needs be considered in providing maximum public access and recreational opportunities, including in the design of low-impact campground sites. Therefore, **Suggested Modification No. 2** is required to revise the prohibition of camping during "red flag" wildfire warning days to more generally prohibit camping "when hazardous conditions exist" and to instead provide examples of "red-flag" wildfire warnings and flash flood warnings as issued by the National Weather Service. This modification also adds language to the proposed Subsection 22.44.1920.M.2.c.iii, to specify that the required operations/maintenance plan "shall include a system to determine when camping will be prohibited in relation to 'red-flag' wildfire warning days or other emergency conditions" to allow for a more site- and situation-specific analysis to develop appropriate standards to minimize risks from hazards.

Additionally, for low-impact campgrounds proposed in remote areas that are only accessible by foot, the proposed daily inspection standard may be infeasible for certain locations based on capacity of campground management staff to monitor all such areas at that frequency. LUP Policy CO-164 (subpart a) requires that both public safety issues and accessibility be considered when determining how park and recreation uses are consistent with the visitor carrying capacity of specific areas. Rather than specifying overall standards for daily inspections of all campgrounds, the Commission finds that it is more appropriate to make site specific determinations for the method and frequency of inspection and monitoring based on how remote the given campground area is. Therefore, **Suggested Modification No. 2** also removes the standard for daily inspections from Subsection 22.44.1920.M.2.c.i, and adds language to the proposed Subsection 22.44.1920.M.2.c.iii, to specify that the required reservation/registration and operations/maintenance plan “shall include a campground-specific inspection plan with criteria for how frequently campground management staff shall inspect the campground ” for a more site- and situation-specific analysis to develop appropriate standards.

The new Subsection 22.44.1920.M.2.c.ii proposed in the County’s LIP amendment includes introductory language stating that low-impact campgrounds may be supported by facilities consistent with the standards detailed within that subsection. The proposed new support facility standards address limitations for parking and drop-off areas, restroom facilities, fencing, water storage, signage, and fire suppression equipment. For example, restroom facilities that support a low impact campground would need to be a single-stall, self-contained chemical or composting type restroom that cannot have plumbing and cannot be affixed to the ground. While not detailed in the County’s submission, the intent of the proposed standards appears to be to limit associated support facilities proposed for low impact campgrounds in a way that would avoid significant disruption of habitat values in H1 and H2 habitat areas. However, if an associated support facility to a low-impact campground is proposed in a non-habitat area, including previously disturbed areas, these proposed standards may unnecessarily limit the type, size, or quality, of these amenities and therefore limit public access and recreational opportunities. For this reason, **Suggested Modification No. 2** is required to clarify in Subsection 22.44.1920.M.2.c.ii, that the proposed standards would apply only where the facilities are proposed in H1 or H2 habitat areas.

The new Subsection 22.44.1920.M.2.c.ii proposed in the County’s LIP amendment includes standards for water storage as support facilities for low-impact campgrounds that require water storage tanks “for use in fire suppression or as an on-site potable water supply” to be located within the boundaries of an established low-impact campground and other standards related to installation, size, and management. While on-site water storage is important to assist in fire suppression at a low-impact campground, there may be situations in which it may be more appropriate to locate water storage for other uses, such as for potable water, outside of a campground. This could be either because there are more-suitable areas within walking distance that tanks could be sited that would avoid sensitive habitat or in cases where sites are so remote that filling and managing water storage for non-fire suppression methods are difficult. Therefore, **Suggested Modification No. 2** includes changes to clarify that water storage tanks for an onsite potable water supply “may” be located within the boundaries of an established low-impact campground, but are not required to be, and to

clarify that some of the water storage standards shall only apply to those established within low-impact campgrounds. This would be consistent with LUP Policy CO-164 (subpart c) to “[s]ite and design these facilities to minimize impacts to coastal resources in harmony with the surrounding natural landscape”.

**Suggested Modification No. 1** would re-introduce fireproof cooking stations as an allowable type of associated support facility in the definition of Low-Impact Campground in LIP Section 22.44.630. Since the County’s proposed LIP amendment was, in part, introduced to address concerns about the dangers that campfires could have in the Santa Monica Mountains, and no standards are included in the new proposed Subsection 22.44.1920.M.2.c.ii to address this type of associated support facility, **Suggested Modification No. 2** also includes necessary standards for fireproof cooking stations that may be proposed in low-impact campgrounds. These standards would define what would be allowed, including that only cold-camping apparatus with no open flames, such as flame-less cook-stoves and lanterns, would be allowed, that use of fuel would be prohibited, and that only designated fireproof cooking stations provided at each approved campsite would be allowed to be used under strict operational standards. **Suggested Modification No. 2** also adds a requirement that the reservation/registration and operations/maintenance plan required in Subsection 22.44.1920.M.2.c.iii include provisions for informing prospective campers of the “no flame” policy upon reserving and/or registering and consequences for disobeying these fire safety policies. These modifications are necessary to allow this type of support facility while ensuring fire-safety and public safety in this wildfire-prone plan area, and would ensure that sites “be designed within site constraints and to adequately address public safety issues” as required by LUP Policy CO-164 (subpart e).

The County’s LUP Policies CO-42 and CO-93, as amended, require the protection of biological resources and set standards for resource dependent uses and low-impact campgrounds, including prevention of significant disruption of habitat values in H1 and H2 habitat. LUP Policy CO-164 encourages opportunities for recreation when consistent with environmental values and protection of natural resources and includes sub-parts that address low-impact campgrounds and balance the importance of public access, recreational opportunities, low-cost visitor-serving opportunities, and public safety, with the regulation necessary for the protection of coastal resources, particularly to avoid significant disruption of habitat values in H1 and H2 habitat. Additionally, LUP Goal CO-6 emphasizes the importance of maximum public access and recreational opportunities, and LUP Policy CO-159 requires that lower-cost visitor-serving and recreational facilities, including overnight accommodations, shall be protected, encouraged, and, where feasible, provided.

The Commission finds that it is necessary to require **Suggested Modification 1** to ensure that sufficient associated support facilities are allowed to be provided, where appropriate, at low-impact campgrounds to maximize public access and recreational opportunities. The Commission also finds that it is necessary to require **Suggested Modification 2** to ensure that the proposed definitions and standards related to low-impact campgrounds would not limit the feasibility of developing low-impact campgrounds with sufficient support facilities under the standards for resource dependent uses, while still protecting biological resources and avoiding significant

disruption of habitat values in H1 and H2 habitat. Therefore, the Commission finds that, if modified as suggested, these proposed changes are consistent with and adequate to carry out the policies of the LUP. In conclusion, for the reasons discussed above, the Commission finds the proposed LIP amendment, with the suggested modifications, conforms with, and is adequate to carry out, the applicable policies of the certified Land Use Plan.

## **F. California Environmental Quality Act**

Section 21080.9 of the California Public Resources Code (PRC)—within the California Environmental Quality Act (CEQA)—exempts local governments from the requirement of preparing an environmental impact report (EIR) in connection with their activities and approvals necessary for the preparation and adoption of a local coastal program (LCP). Instead, the CEQA responsibilities are assigned to the Coastal Commission. However, because the California Natural Resources Agency found the Commission’s LCP review and approval program to be functionally equivalent to the EIR process (see 14 C.C.R. Section 15251(f)), PRC Section 21080.5 relieves the Commission of the responsibility to prepare an EIR for its actions on proposed LCP amendments. Nevertheless, some elements of CEQA continue to apply to this review process.

Specifically, pursuant to CEQA and the Commission’s regulations (see 14 C.C.R. Sections 13540(f), 13542(a), and 13555(b)), the Commission’s certification of this LCP amendment must be based in part on a finding that it meets the CEQA requirements listed in PRC Section 21080.5(d)(2)(A). That section requires that the Commission not approve or adopt an LCP:

*...if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.*

The proposed amendment is to the County of Los Angeles’ certified Santa Monica Mountains Local Coastal Program Land Use Plan and Local Implementation Plan.

In fulfilling that review, this report has discussed the relevant coastal resource issues with the proposed LUP amendment, and has concluded that approval is not expected to result in any significant environmental effects, including as those terms are understood in CEQA. Thus, it is unnecessary for the Commission to suggest modifications to the LUP (including through alternatives and/or mitigation measures) as there are no significant adverse environmental effects due to approval of the proposed LUP amendment that would necessitate such changes. Thus, the proposed LUP amendment will not result in any significant adverse environmental effects for which feasible mitigation measures have not been employed, consistent with CEQA Section 21080.5(d)(2)(A). In addition, the proposed amendment includes all feasible measures to ensure that potentially significant environmental impacts of new development are minimized to the maximum extent feasible consistent with the requirements of the Coastal Act.

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The proposed amendment to the LIP does not conform with the certified Land Use Plan, as amended. Additionally, feasible alternatives are available that would lessen potentially significant adverse effects that the approval would have on the environment. The Commission has, therefore, modified the proposed LIP amendment to include such feasible measures adequate to ensure that such potentially significant environmental impacts are minimized. As discussed in the preceding sections, the Commission's suggested modifications and its balancing of the impacts of the different options, brings the Local Implementation Plan into conformity with the Land Use Plan as amended, and incorporates all feasible mitigation measures and alternatives in a manner that substantially lessens any significant adverse effects of the LCP amendment on the environment.

Therefore, the Commission finds that the subject LCP amendment, as modified, has no remaining significant environmental impacts and is consistent with CEQA. These findings represent the Commission's analysis and consideration of all significant environmental issues raised in public comments received, including with regard to potential direct and cumulative impacts of the proposed amendment, as well as potential alternatives to it.