



Council Agenda Report

To: Mayor Grisanti and the Honorable Members of the City Council

Prepared by: Richard Mollica, Planning Director

Approved by: Steve McClary, Interim City Manager

Date prepared: March 30, 2022 Meeting date: April 11, 2022

Subject: Opposition to County Ordinance Allowing Low-Impact Camping in Environmentally Sensitive Habitat Areas

RECOMMENDED ACTION: Authorize the Mayor to send a letter to the Los Angeles County Board of Supervisors opposing the proposed Local Coastal Program amendment that would allow camping in environmentally sensitive habitat areas (ESHA).

FISCAL IMPACT: There is no fiscal impact associated with the recommended action.

WORK PLAN: This item was not included in the Adopted Work Plan for Fiscal Year 2022-2023.

DISCUSSION: Based on the City's historical concerns about camping, preservation of ESHA and resource conservation and management, staff prepared this report and attached a letter of opposition to alert the Council and residents of an upcoming hearing regarding the County's Local Coastal Program (LCP) amendment regarding low-impact camping within the County controlled-portions of the Santa Monica Mountains.

On April 19, 2022, the Los Angeles County Board of Supervisors will consider the California Coastal Commission's (CCC) modifications to the County's proposed plan to allow low-impact camping in the Santa Monica Mountains. If the Board adopts the modifications, its actions will be reported to the CCC for final certification. As of the date of this report, the County's agenda and staff report for this item have not been published on the Board's website. Staff recommends that the City submit a letter of opposition to the County LCP amendment prior to the Board's meeting. Attached to this report is a revised version of the letter previously sent by the City in 2019 to the County; however, at the time of preparation for this report, the County's report on this topic has not been published.

Based on the publishing pattern of the Board, the staff report for the April 19 meeting will most likely be published on April 14.

Background

In 2014, the Los Angeles County submitted a proposed Local Coastal Program Local Implement Plan for the Santa Monica Mountains and proposed to replace the Malibu-Santa Monica Mountains Land Use Plan, certified in 1986. The proposed Land Use Plan (LUP) included policies that would permit campgrounds in ESHA. In April 2014, the CCC granted approval of the Land Use Plan subject to 60 modifications set forth in the Commission's staff report. The Ramirez Canyon Preservation Fund submitted letters in opposition to the siting of campgrounds in ESHA and filed a Writ of Mandate. On August 17, 2017, the court issued its final ruling. 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 CCC. The *Ramirez Canyon Preservation Fund v. California Coastal Commission* court decision is attached hereto as Attachment 2.

Following the Court's ruling, on December 14, 2018, the CCC acted to approve the partial remand with suggested modifications. In that action, the CCC approved three revised Land Use Policies and one revised Local Implementation Plan (LIP) provision relating to low-impact campgrounds, trails, and public accessways. The County was required to act on the suggested modifications within six months of the CCC's action prior to its expiration.

Between January 2018 and May 2019, the County did not act on the CCC's suggested modifications but rather requested time extensions with the CCC. Prior to the May 30, 2019 CCC meeting to consider another six-month extension, on May 13, 2019, at the request of Councilmember Farrer, the City Council authorized the Mayor to submit a letter in opposition to the proposed LCP amendment (Attachment 3).

Subsequently, 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 County's LCP were deemed to constitute a substantive change by the Executive Director and were inconsistent with the modifications approved by the CCC. Therefore, the County's LCP amendment resubmittal was required to be reconsidered by the CCC since it was considered by the CCC as a new LCP amendment.

On July 7, 2021, the CCC considered the Commission's approved (but not certified) suggested modifications as well as the County's additional changes. Pursuant to the July

7, 2021 [CCC staff report](#), the proposed amendment would also add new development and operational standards for low-impact campgrounds, including location 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 were 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. Finally, the new standards would also require specific conditions of approval to be included in all coastal development permits for low-impact campgrounds. The County was required to act by January 7, 2022 prior to the expiration of the CCC’s certification with suggestion modifications.

In December 2021, the County requested a one-year extension to accept the CCC’s modifications. The CCC granted a one-year extension, which established the new expiration date as January 7, 2023.

In March 2022, the City of Malibu staff was informed by Los Angeles County Department of Regional Planning staff that a tentative hearing was scheduled before the Board of Supervisors to consider the CCC’s modifications.

CONCLUSION: Consistent with the Council’s determination in May 2019, staff recommends that the City submit a letter of opposition to the Board of Supervisors regarding the adoption of the CCC’s modification, opposing the proposed County LCP amendment. A draft letter of opposition, based on the information that staff has at this time, is attached for the Council’s consideration. Based on the Council’s discussion, staff will amend the letter of opposition.

ATTACHMENTS:

1. Draft Letter of Opposition
2. Final Decision in *Ramirez Canyon Preservation Fund v. California Coastal Commission*, dated August 17, 2012
3. City of Malibu’s Letter of Opposition, dated May 22, 2019
4. CCC’s Suggested Modifications to the LCP-4-MMT-19-0166-1, dated July 13, 2021

City of Malibu

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(enter date)

Sent via email to ExecutiveOffice@bos.lacounty.gov

Chair Holly J. Mitchell and Honorable Members
Los Angeles County Board of Supervisors
Kenneth Han Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

RE: Amendments to County LCP to Allow Camping in ESHA – OPPOSED

Dear Chair Mitchell and Honorable Los Angeles County Supervisors:

Thank you for taking the time to consider our comments. As previously stated in our letter to the Board dated May 22, 2019, the City of Malibu has concerns about unsupervised low-impact camping taking place within areas that are designated ESHA. The people of Malibu have long appreciated the significant and historical work done by many individuals and institutions through the last 50 years to preserve and protect the beautiful Santa Monica Mountains. The decisive actions by many have left a legacy of this beautiful region which is accessible to millions of people in the Los Angeles area alone as well as visitors from far away.

There is an art to the delicate balance between preservation and public access and the City of Malibu is a witness to this balance and, in some locations, imbalance with millions of visitors having the potential to “love an area to destruction” right here in Malibu. As custodians of the natural world, we share the County of Los Angeles’s priority of maintaining the delicate balance of human activity and the preservation of the natural world. This balance becomes more and more challenging with the ever-increasing population of California.

The City of Malibu supports the protection of Environmentally Sensitive Habitat (ESHA) from any disruptions. Malibu recognizes the need for public access and recreation in the Santa Monica Mountains. Camping in the Santa Monica Mountains is already supported in safe areas like Malibu Creek State Park. That type of area is not only properly supported but is essentially already a safe zone. Facilitating low-impact camping in ESHA or “trail camping” along the Backbone trail would be less supervised and potentially more dangerous as well as would degrade the preservation of ESHA.

The City once again would like to reassert Judge Chalafant’s determination in the recent “Ramirez Canyon Preservation Fund vs. Coastal Commission Case # BS149044” that **“The Commission’s determination that the LCP’s provisions for low-impact campgrounds will not permit significant disruption of ESHA is incorrect as a matter of law”** (page 16) and that **“This is not consistent with section 30240’s near absolute requirement that there can be no significant ESHA disruption”** (page 16).

Attachment 1

*LA County Board of Supervisors
County LCP – Camping in ESHA
Date*

As stated in our previous letter, the Malibu City Council encourages the County of Los Angeles to ensure that the Coastal Commission corrects the language in the LCP to properly protect ESHA and to remove any “elastic clause” language that would either permit degradation of ESHA from low-impact camping or, even worse, lead to the potential fire danger that this activity might precipitate. We value our long-standing history of cooperatively working together and thank you for considering the input of our Council on this matter. Malibu will always be on the receiving end of any fire danger issues in the Santa Monica Mountains, as we all recently witnessed in the Woolsey Fire.

Sincerely,

Paul Grisanti
Mayor

cc: Honorable Members of the Malibu City Council
Honorable Henry Stern, California State Senate, 27th District
Honorable Richard Bloom, California State Assembly, 50th District
Steve McClary, Interim City Manager

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST DISTRICT
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 585-1800



F8a

**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 (RESOURCE DEPENDENT
USES)**

DECEMBER 14, 2018

EXHIBITS

Exhibit 1 Final Decision in Ramirez Canyon Preservation Fund v. California
Coastal Commission

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9 Attorneys for Petitioner
10 Ramirez Canyon Preservation Fund

11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **FOR THE COUNTY OF LOS ANGELES**

13 RAMIREZ CANYON PRESERVATION
14 FUND,

15 Petitioner/Plaintiff,

16 v.

17 CALIFORNIA COASTAL COMMISSION
18 and DOES 1 through 10, inclusive,

19 Respondent/Defendant;

20 COUNTY OF LOS ANGELES and ROES 1
21 through 10, inclusive,

22 Real Party in Interest.
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27
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FILED

Superior Court of California
County of Los Angeles

SEP 26 2017

Sherril R. Cangel, Executive Officer/Clerk

By Jennifer De Luna, Deputy

RECEIVED
SEP 21 2017
DEPT. 85

CASE NO.: BS149044

[REDACTED] JUDGMENT

Petition Filed: June 4, 2014

Department: 85

Judge: Hon. James C. Chalfant

Hearing: August 17, 2017

LCP-4-LAC-14-0108-4 AND
LCP-4-LAC-14-0109-4
Exhibit 1

~~Proposed~~ Judgment

1 [REDACTED] JUDGMENT

2 On August 17, 2017 in Department 85 of the above-entitled Court, the Honorable James
3 C. Chalfant presiding, the Verified Petition for Writ of Mandate of Petitioner Ramirez Canyon
4 Preservation Fund came on regularly for hearing. Douglas P. Carstens appeared for Petitioner,
5 Christina Bull-Arndt appeared for Respondent California Coastal Commission, and Scott Kuhn
6 appeared for Real Party in Interest County of Los Angeles.

7 The Court, having received and considered all of the papers, evidence and argument
8 submitted by the parties, enters judgment as follows:

9 It is HEREBY ORDERED ADJUDGED AND DECREED THAT:

- 10 1. The Verified Petition for Writ of Mandate and related requests for relief are granted in
11 part, and judgment is entered in favor of Petitioner, Ramirez Canyon Preservation
12 Fund.
13 2. The Court adopts as its final statement of decision its tentative ruling issued on
14 August 17, 2017 and orders Respondent California Coastal Commission and Real
15 Party in Interest County of Los Angeles to take the actions necessary to bring the
16 Santa Monica Mountains Local Coastal Program into conformity with the California
17 Coastal Act in a manner consistent with this ruling.
18 3. Petitioner is awarded costs against Respondents in the amount of \$_____.

19 Dated: 9/26/17, 2017

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21 Judge of the Los Angeles Superior Court,
22 Hon. James C. Chalfant
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Petitioner Ramirez Canyon Preservation Fund ("Preservation Fund") seeks a writ of mandate to compel Respondent California Coastal Commission ("Commission") to set aside its certification of the Santa Monica Mountains Land Use Plan ("LUP").

The court has read and considered the moving papers, opposition, and reply, and renders the following tentative decision.

A. Statement of the Case

Petitioner Preservation Fund commenced this proceeding on June 4, 2014. The Petition alleges in pertinent part as follows.

In early 2014, Los Angeles County ("County") submitted a proposed Local Coastal Program ("LCP") for the Santa Monica Mountains segment of the County's coastal zone to the Commission for certification. The LCP is comprised of a Land Use Plan ("LUP"), which provides the general overarching planning policies and programs for the plan area, and a Local Implementation Program ("LIP"), which contains the more detailed zoning or implementing ordinances designed to carry out the policies of the LUP. The County requested an amendment to replace its existing certified LUP - the Malibu-Santa Monica Mountains LUP certified by the Commission in 1986 -- with an updated LUP.

The County's LUP places habitat areas into three 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 constitute environmentally sensitive habitat areas ("ESHA"). H3 habitats are developed or legally disturbed areas that may retain some residual habitat values, but are not considered to be ESHA.

One of the primary objectives of the Coastal Act is the preservation, protection, and enhancement of coastal resources, including land and marine habitats. The rare and most ecologically important habitats are protected from development. No use of an ESHA may occur that is not dependent on resources that exist in the ESHA.

In the Conservation and Open Space Element of the LUP, Policies CO-42 and CO-93 permit campgrounds within even the most sensitive and geographically constrained habitats. Policy CO-42 provides that resource-dependent uses are only allowed in H1 and H2 habitats where sited and designed to avoid significant disruption of habitat values, consistent with the policies of the LUP. Low-impact campgrounds, public accessways, and trails are considered resource-dependent uses. Policy CO-93 similarly provides that accessways, trails, and low-impact campgrounds are allowed uses in H1 and H2 habitat areas.

On February 5, 2014, Preservation Fund provided the County with a comment letter expressing concerns about the siting of campgrounds within ESHA, and included information demonstrating that campgrounds within ESHA would require trenching for water lines and removal of vegetation to create fuel clearance areas, among other objections.

The County approved the LCP on February 11, 2014 and forwarded it to the Commission for certification. On March 3, 2014, Preservation Fund provided its objections to the Commission.

On April 10, 2014, the Commission denied approval of the LUP as submitted by the County, but granted approval of the LUP subject to 60 modifications set forth in the Commission's staff report. Neither the County nor the Commission modified the policies to which Preservation Fund objected.

Petitioner Preservation Fund alleges that the Commission's approval of the LUP violates Coastal Act section 30240 by permitting campgrounds within ESHA. 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 the ESHA.

B. Standard of Review

CCP section 1094.5 is the administrative mandamus provision which structures the procedure for judicial review of adjudicatory decisions rendered by administrative agencies. Topanga Ass'n for a Scenic Community v. County of Los Angeles, ("Topanga") (1974) 11 Cal.3d 506, 514-15.

CCP section 1094.5 does not in its face specify which cases are subject to independent review, leaving that issue to the courts. Fukuda v. City of Angels, (1999) 20 Cal.4th 805, 811. In cases reviewing decisions which affect a vested, fundamental right the trial court exercises independent judgment on the evidence. Bixby v. Pierno, (1971) 4 Cal.3d 130, 143. See CCP §1094.5(c). In other cases, the substantial evidence test applies. Mann v. Department of Motor Vehicles, (1999) 76 Cal.App.4th 312, 320; Clerici v. Department of Motor Vehicles, (1990) 224 Cal.App.3d 1016, 1023. Decisions of the Coastal Commission are governed by the substantial evidence standard. Ross v. California Coastal Comm., ("Ross") (2011) 199 Cal.App.4th 900, 921.

"Substantial evidence" is relevant evidence that a reasonable mind might accept as adequate to support a conclusion (California Youth Authority v. State Personnel Board, ("California Youth Authority") (2002) 104 Cal.App.4th 575, 585) or evidence of ponderable legal significance, which is reasonable in nature, credible and of solid value. Mohilef v. Janovici, (1996) 51 Cal.App.4th 267, 305, n.28. The petitioner has the burden of demonstrating that the agency's findings are not supported by substantial evidence in light of the whole record. Young v. Gannon, (2002) 97 Cal.App.4th 209, 225. The trial court considers all evidence in the administrative record, including evidence that detracts from evidence supporting the agency's decision. California Youth Authority, *supra*, 104 Cal.App.4th at 585.

The agency's decision must be based on the evidence presented at the hearing. Board of Medical Quality Assurance v. Superior Court, (1977) 73 Cal.App.3d 860, 862. The hearing officer is only required to issue findings that give enough explanation so that parties may determine whether, and upon what basis, to review the decision. Topanga, *supra*, 11 Cal.3d at 514-15. Implicit in section 1094.5 is a requirement that the agency set forth findings to bridge the analytic gap between the raw evidence and ultimate decision or order. Topanga, 11 Cal.3d at 515.

The court may reverse the Commission's fact decision only if, based on the evidence before it, a reasonable person could not have reached the Commission's conclusion. Ross, *supra*, 199 Cal.App.4th at 922; Bolsa Chica Land Trust v. Superior Court, ("Bolsa Chica") (1999) 71 Cal.App.4th 493, 503. The court may not disregard or overturn an administrative finding of fact simply because it considers that a contrary finding would have been equally or more reasonable. Boreta Enterprises, Inc. v. Department of Alcoholic Bev. Control, (1970) 2 Cal.3d 85, 94. Any reasonable doubts must be resolved in favor of the Commission. Paoli v. California Coastal

Comm., (1986) 178 Cal.App.3d 544, 550; City of San Diego v. California Coastal Comm., (1981) 119 Cal.App.3d 228, 232.

The court independently reviews questions of law, including statutory interpretation. McAllister v. California Coastal Commission, (“McAllister”) (3008) 169 Cal.App.4th 912, 921-22. Given its Commission’s special familiarity with the regulatory and legal issues, the Commission’s interpretation of the statutes and regulations under which it operates is entitled to deference. Ross v. California Coastal Comm., *supra*, 199 Cal.App.4th at 938; Hines v. California Coastal Comm., (2010) 186 Cal.App.4th 830, 849.

An agency is presumed to have regularly performed its official duties (Evid. Code §664), and the petitioner therefore has the burden of proof. Steele v. Los Angeles County Civil Service Commission, (1958) 166 Cal.App.2d 129, 137. “[T]he burden of proof falls upon the party attacking the administrative decision to demonstrate wherein the proceedings were unfair, in excess of jurisdiction or showed prejudicial abuse of discretion. Afford v. Pierno, (1972) 27 Cal.App.3d 682, 691.

C. Coastal Act

The Coastal Act of 1976 (Pub. Res. Code¹ §30000 *et seq.*) (the “Coastal Act” or the “Act”) is the legislative continuation of the coastal protection efforts commenced when the People passed Proposition 20, the 1972 initiative that created the Coastal Commission. *See* Ibarra v. California Coastal Comm., (“Ibarra”) (1986) 182 Cal.App.3d 687, 693. One of the primary purposes of the Coastal Act is the avoidance of deleterious consequences of development on coastal resources. Pacific Legal Foundation v. California Coastal Comm., (1982) 33 Cal.3d 158, 163. The Supreme Court described the Coastal Act as a comprehensive scheme to govern land use planning for the entire coastal zone of California. Yost v. Thomas, (1984) 36 Cal.3d 561, 565. The Act must be liberally construed to accomplish its purposes and objectives. §30009.

The Coastal Act’s goals are binding on both the Commission and local government and include: (1) maximizing, expanding and maintaining public access (§§ 30210-14); (2) expanding and protecting public recreation opportunities (§§ 30220-24); 3) protecting and enhancing marine resources including biotic life (§§ 30230-37); and (4) protecting and enhancing land resources (§§ 30240-44). The supremacy of these statewide policies over local, parochial concerns is a primary purpose of the Coastal Act, and the Commission is therefore given the ultimate authority under the Act and its interpretation. Pratt Construction Co. v. California Coastal Comm., (2008) 162 Cal.App.4th 1068, 1075-76.

The Coastal Act includes a number of coastal protection policies, commonly referred to as “Chapter 3 policies,” which are the standards by which the permissibility of proposed development is determined. §30200(a). The Coastal Act must be liberally construed to accomplish its purposes (§30009), and any conflict between the Chapter 3 policies should be resolved in a manner which on balance is the most protective of significant coastal resources. §30007.5.

The Coastal Act provides for heightened protection of ESHAs, defined as “any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.” §30107.5. ESHAs “shall be protected against any significant

¹ All further statutory references are to the Public Resources Code unless otherwise stated.

disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas. §30240(a). Development in areas adjacent to EHSAs shall be sited and designed to prevent impacts which would significant degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas. *Id.* Thus, the Coastal Act places strict limits on the uses which may occur in an ESHA and carefully controls the manner in which uses around the ESHA are developed. *Bolsa Chica, supra*, 71 Cal.App.4th at 506-08. *See also Feduniak v. California Coastal Commission*, (2007) 148 Cal.App.4th 1346, 1376.

Another pertinent Chapter 3 policy of the Coastal Act is to provide “maximum access... and recreational opportunities shall be provided for all the people” and “[l]ower cost visitor and recreation facilities shall be protected, encouraged, and where feasible, provided.” §§ 30210, 30213. Where conflicts occur between one or more Chapter 3 policies of the Coastal Act, the conflict shall be resolved in a manner which on balance is the most protective of significant coastal resources. §30007.5.

Because local areas within the coastal zone may have unique issues not amenable to centralized administration, the Coastal Act “encourage[s] state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development” in the coastal zone. §30001.5; *Ibarra, supra*, 182 Cal.App.3d at 694-96. To that end, the Act requires that “each local government lying, in whole or in part, within the coastal zone” prepare a LCP. §30500(a). A local government must prepare its LCP in consultation with the Commission and with full public participation. §§ 30500(a), (c), 30503; *McAllister, supra*, 169 Cal.App.4th at 930, 953.

The Act defines a LCP as:

“[A] local government’s (a) land use plans, (b) zoning ordinances, (c) zoning district maps, and (d) within sensitive coast resource areas, other implementing actions, which, when taken together, meet the requirements of, and implement the provisions and policies of this division [the Coastal Act] at the local level.” §30108.6.

Thus, the LCP consists of a land use plan (“LUP”)² and the implementing actions of zoning ordinances, district maps, and other implementing actions (“LIP”). *Yost v. Thomas, supra*, 36 Cal.3d at 571-72. These may be prepared together or sequentially, and may be prepared separately for separate geographical areas or “segments” of a local coastal zone. §30511. The LCP provides a comprehensive plan for development within the coastal zone with a focus on preserving and enhancing the overall quality of the coastal zone environment as well as expanding and enhancing public access. *Citizens of Goleta Valley v. Board of Supervisors*, (1990) 52 Cal.3d 553, 571.

When a local government completes its draft LCP, it is submitted to the Commission for

²The LUP is defined in section 30108.5 as: “[T]he relevant portions of a local government’s general plan, or local coastal element which are sufficiently detailed to indicate the kinds, location, and intensity of land uses, the applicable resource protection and development policies and, where necessary, a listing of implementing actions.”

certification. §30510. The Commission reviews the LUP for consistency with the Chapter 3 Coastal Act policies, and reviews the LIP for consistency with the LUP. §§ 30512(c), 30512.2, 30513. The Commission may grant or deny certification, or it may certify the LCP contingent on suggested modifications. §30512(b). Once the Commission has certified the LCP, the Commission delegates its permit-issuing authority to the local government. §30519.

D. Statement of Facts

1. Santa Monica Mountains Coastal Zone

The Santa Monica Mountains segment of the County's coastal zone is an unincorporated area west of the City of Los Angeles and east of Ventura County, excluding the City of Malibu and Pepperdine University. AR 9422. The area extends inland from the shoreline approximately five miles and encompasses approximately 50,000 acres. AR 9422.

The Santa Monica Mountains coastal zone is geologically complex, characterized by generally steep, rugged terrain of mountain slopes and canyons, with elevations ranging from sea level to over 3,000 feet. AR 9422-23, 9435. One feature of this coastal area is a number of watersheds, in which the upper reaches of streams are relatively undisturbed in steep canyons containing riparian oak-sycamore bottoms, coastal sage scrub and chaparral. AR 9422, 9435-36. The wildlife and vegetation in the Santa Monica Mountains are part of diverse ecosystem due to the interaction of a Mediterranean climate, rugged topography, warm Santa Ana winds, and varied soils supporting a rich mosaic of plant communities. AR 9436.

A memorandum written by the Coastal Commission's staff ecologist stated:

"In a past action, the Coastal Commission found [footnote citation omitted] that the Santa Monica Mountains Mediterranean Ecosystem, which includes the undeveloped native habitats of the Santa Monica Mountains, is rare and especially valuable because of its relatively pristine character, physical complexity, and resultant biological diversity. The undeveloped native habitats within the Santa Monica Mountains that are discussed above are ESHA because of their valuable roles in that ecosystem, including providing a critical mosaic of habitats required by many species of birds, mammals, and other groups of wildlife, providing the opportunity for unrestricted wildlife movement among habitats, supporting populations of rare species, and preventing the erosion of steep slopes and thereby protecting riparian corridors, streams and, ultimately, shallow marine waters." AR 13159-60.

The Mediterranean climate in the Santa Monica Mountains has fostered native vegetation, primarily chaparral and coastal sage scrub, both of which are drought-adapted. AR 1719. Chaparral is one of the most volatile fuel types in the world, and the Mountains and surrounding communities are considered to be among the most fire-prone landscapes in North America. AR 9510, 847. The entire Santa Monica Mountains coastal zone is as a "Very High Fire Hazard Severity Zone" because of long, dry summer seasons, frequent "Santa Ana" winds, dense vegetation that provides fuel for fire, steep canyon and hillside terrain, inappropriate development siting and design, and often inadequate road access. AR 847, 1719, 13218, 13220.

2. 2014 Proposed LCP

1. Submission to Commission

In 1986, the Commission certified the County's LUP for Malibu-Santa Monica Mountains ("1986 Malibu LUP"). AR 1574. The County did not obtain a certified LIP at that time because of Commission staff concern about the County's habitat protection approach, and the Commission retained permit-issuing authority as guided by the certified LUP. AR 1574.

On February 11, 2014, the County Board of Supervisors approved a proposed LCP consisting of a Santa Monica Mountains LUP replacing the 1986 Malibu LUP and an LIP consisting of amendments to the County Code and zone changes. AR 7. On February 19, 2014, the County submitted the LCP to the Commission for approval. AR 3.

2. ESHA Study

In 2003, contemporaneously with a County effort to update the 1986 Malibu LCP, the Commission's staff ecologist wrote a memo titled "Designation of ESHA in the Santa Monica Mountains." AR 13137-60. The memo highlighted the types of ESHA in the area and the impacts on that ESHA of human activity, including brush clearance. AR 13157-58.

In October 2012, as part of its LCP preparation, County consultants prepared a new delineation of ESHA and other habitat classifications in the Santa Monica Mountains ("Biota Report"). AR 583. The Biota Report acknowledged that, for the past decade, the Commission has delineated nearly all undeveloped land in the Santa Monica Mountains coastal zone as ESHA. AR 583. After performing a comprehensive analysis of the biodiversity in the Santa Monica Mountains, the Biota Report determined that "roughly 6,000 acres... in the Study Area satisfy the ESHA criteria in Section 30107.5." AR 583.

In addition to the ESHA designation, the Biota Report proposed two additional resource-protection designations: (1) "stewardship habitat", meaning areas that are not ESHA but still provide high ecological value; and (2) "restoration habitat", meaning habitat that likely satisfied ESHA criteria in the past, but is periodically disturbed for authorized or mandated activities such as fire and flood control. "Since habitat disturbance is incompatible with the very definition of ESHA, such areas cannot be properly designated as ESHA." AR 583.

3. The LUP

a. Staff Recommendation

On March 27, 2014, Commission staff recommended denial of the LUP as submitted, but approval with 60 suggested modifications. AR 1532, 1541. As part of the suggested modifications, the Commission required clarification that the LUP's Sensitive Environmental Resource Areas ("SERAs") designated as H1 and H2 habitat must be protected from significant disruption. AR 1542. The Commission also described H1 and H2 habitat consistently with the characteristics of ESHA. AR 1544-46.

b. Public Comment

On February 5, 2014, Petitioner Preservation Fund provided a written comment letter on the Proposed LCP. AR 842. Preservation Fund argued that the proposed LCP was not consistent with the Coastal Act because it did not use the ESHA designation, and attempts to avoid the mandate to protect ESHA by using the SERA designation. AR 842. The Biota Report reclassified

certain types of vegetation as non-ESHA, which had the effect of downgrading the level of protection afforded to the Santa Monica Mountains. AR 843. The reclassification of areas designated as ESHA did not include any map identifying the ESHA locations. AR 844. Without a map or explanation, it is impossible to know which areas remain ESHA, and which have been assigned new classifications. AR 844. The map refers only to the new "SERA" designation. AR 844.

Preservation Fund also contested the Proposed LCP's definition of campgrounds as a resource dependent use. AR 844. Preservation Fund argued that campgrounds will destroy the resource, as the installation of facilities for campers will necessitate the removal of ESHA. AR 845. The Coastal Act's directive to maximize public access does not trump the mandatory duty to protect ESHA. AR 846. Finally, Preservation Fund pointed out that camping in the Santa Monica Mountains would pose an unacceptable risk of wildfire. AR 847.

c. Staff Report Addendum

On April 9, 2014, Commission staff issued an Addendum to its staff report responding to comments received on the proposed LUP. AR 1906. Staff responded to Preservation Fund's arguments, stating that H1 and H2 habitats constitute EHSA as defined by the Coastal Act. AR 1907. Low-impact campgrounds are considered a resource-dependent use because they are specifically designed to expose the public to the resource while avoiding significant disruption of habitat values. AR 1907.

d. The Hearing

The Commission considered the LUP in a public meeting on April 10, 2014. After Commission staff and the County presented the LUP, the Commission heard from the public. The LUP received support from the community as well as conservation groups such as the Sierra Club, Heal the Bay, Los Angeles Waterkeeper, the Mountains Restoration Trust, Surfrider Foundation, and the California Coastal Protection Network. *See* AR 9202-9222, 12992-94, 12996-97, 13021, 13025-26, 13049-50. Speakers commented on the importance of the recreational opportunities in the Santa Monica Mountains for constituents from Los Angeles's urban core. AR 12974, 12992, 13026.

Petitioner Preservation Fund addressed the Commission. AR 13015-16. Preservation Fund objected to the proposed LUP's failure to use the EHSA designation. AR 13016. It also objected to the inclusion of low-impact campgrounds as a resource-dependent use. AR 13016.

The Commission voted to approve the LUP subject to the staff's suggested modifications. AR 13056, 13085.

4. The LIP

a. Draft LIP

The draft LIP defines a low-impact campground as "an area of land designed or used for "carry-in, carry-out" tent camping accessed by foot or wheelchair. AR 355. No structures for permanent human occupancy or roads are permitted. AR 355. However, the campgrounds may contain the following facilities, where appropriate, provided the facilities comply with all biological, water, and visual resource protection provisions in the LIP: potable water, self-contained chemical or composting restrooms, shade trees, water tanks, portable fire suppression

apparatus, and fire-proof cooking stations. AR 356. Low-impact campgrounds are considered a resource-dependent use. AR 356.

b. LIP Staff Recommendation

On June 26, 2014, Commission staff released a report on the draft LIP. AR 11067. The Commission staff recommended denying the draft LIP as submitted, but certifying it with suggested modifications. AR 11067, 11074. The staff noted that although the draft LIP designated low-impact campgrounds, public accessways, and trails as resource-dependent uses, it did not contain development standards for them to ensure that they avoid significant disruption of habitat values. AR 11092. The Commission staff therefore suggested modifying the LIP to add specific development standards regarding resource dependent uses, including the requirements that such uses be sited and designed to avoid or minimize impacts to H1 and H2 habitats to the maximum extent feasible. AR 11092.

c. The Hearing on the LIP

The Commission considered the LIP at its public hearing on July 10, 2014. AR 9404. Commission staff and the County made presentations, and the public commented. AR 13088-112. The Commission voted to approve the LIP subject to suggested modifications. AR 12360, 13118.

5. Certification

On August 26, 2014, the County adopted the Commission's suggested modifications to the LUP and the LIP. AR 9403-04. On October 10, 2014, the Commission's Executive Director reported the County's acceptance. AR 9402. The Executive Director found that the County's action were legally adequate to satisfy the terms and requirements of the Commission's certification. AR 9402.

6. The Approved LUP

The approved LUP divides the Santa Monica Mountains coastal zone into three habitat categories: H1, H2, and H3 habitat. AR 9444. Together, H1 and H2 habitat are designated as SERA. AR 9447.

"H1 habitat" consists of areas of highest biological significance, rarity, and sensitivity. AR 9444, 10067-69. Development is prohibited in H1 habitat in order to protect the habitat in those areas from disruption. AR 9445, 10275. However, resource-dependent uses shall be allowed in H1 habitat. AR 9445, 10275. Other uses are limited to public works projects required to protect existing roads when there is no feasible alternative, and for an access road to lawfully-permitted new development when there is no other feasible alternative. AR 9445, 10275. Such development must avoid impacts to the H1 habitat to the maximum extent feasible. AR 9445, 10276.

"H2 habitat" consists of areas of high biological significance, rarity, and sensitivity that are particularly important to the Santa Monica Mountains ecosystem but do not qualify as H1 habitat. AR 9445. A subcategory of H2 habitat is H2 High Scrutiny habitat, which is H2 habitat that contains officially-identified rare species. AR 9446, 10069-70. New development shall avoid H2 habitat where feasible, and will only be allowed within H2 habitat if it is consistent with the specific limitations and mitigation requirements for development permitted in H2 habitat. AR 9446.

H3 habitat consists of areas that would otherwise be designated as H2 habitat, but the native vegetation communities have been significantly disturbed or removed as part of lawfully-established development. AR 9448. The category also includes areas that have not been significantly disturbed, but have been substantially fragmented or isolated by existing legal developments. AR 9448. While H3 habitat does not constitute a SERA, the habitat provides important biological functions that warrant specific development standards for siting and design of new development. AR 9448.

Policy CO-42 provides that resource-dependent uses are allowed in H1 and H2 habitats only where sited and designed to avoid significant disruption of habitat values, consistent with the policies of the LUP. AR 9450, 10280. Low-impact campgrounds are considered a resource-dependent use. AR 9450, 10280.

Policy CO-43 provides that, where it is infeasible to avoid H2 habitat, new development shall 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 significant impacts to H2 habitat must be selected. Impacts to H2 habitat that cannot be avoided must be fully mitigated. AR 10280-81.

Policy CO-93 provides that public accessways, trails, and low-impact campgrounds shall be an allowed use in H1 and H2 habitats. AR 10293. Low-impact campgrounds shall be located, designed, and maintained to minimize impacts to H1 or H2 habitat areas. AR 10293.

7. The Approved LIP

The approved LIP provides that protection of H1 and H2 habitats and public access shall take priority over other LIP development standards. AR 9600, 10099. New development shall avoid H2 habitat where feasible. AR 10099. H2 High Priority habitat has protection priority over other H2 habitat. AR 10099. Priority is given to siting development in H3 habitat, but outside of areas that contain undisturbed native vegetation. AR 10099.

The LIP defines a "campground" as land used for tent camping other than a low-impact campground. AR 9604. Fire pits or open fires of any kind are strictly prohibited. AR 9604. A "low-impact campground" is defined as an area of land designed or used for "carry-in, carry-out" tent camping, including associated support facilities such as picnic areas, potable water, self-contained chemical or composting restrooms, shade trees, water tanks, portable fire suppression apparatus, and fire-proof cooking stations. AR 9604. A low-impact campground excludes any structures for permanent human occupancy and roads. AR 9604. The definition of low-impact campground in the approved LIP removed permission for multiple tent sites and the permission for facilities that comply with the biological, water, and visual resource protection provisions of the LIP. AR 9605.

The LIP defines a resource-dependent use as a use that is dependent on a SERA to function. AR 9611. Resource-dependent uses include nature observation, research/education, and passive recreation such as low-impact campgrounds. AR 9611. Resource dependent uses are permitted in the following zones: R-1 Residential (AR 10000-02), R-C Rural Coastal (AR 10027-29), R-R Resort and Recreation (AR 10041-43), O-S Open Space (AR 10053-54), and IT Institutional (AR 10062-63). Resource-dependent uses are also allowed in H1 habitat, H2 habitat, and H3 habitat when sited and designed to avoid significant disruption of habitat values. AR 10118.

Low-impact campgrounds must be located, designed, and maintained to avoid or minimize

impacts to H1 or H2 habitat areas. AR 10118. The low-impact campground must use disturbed areas where feasible, following natural contours to minimize grading, and avoiding areas with significant native plant species to the maximum extent feasible. AR 10118. Such campgrounds must be located a minimum of 50 feet from either the top bank of streams, or the outer edge of riparian vegetation, whichever is most protective. AR 10118. If H2 habitat is permanently removed or impacted as a result of approved resource-dependent development, the loss shall be mitigated. AR 10119.

The approved LIP requires a Coastal Development Permit ("CDP") for grading of 30 cubic yards or less located within a H1 or H2 habitat area. AR 9778. New development must provide a 100-foot buffer from the canopy of riparian vegetation associated with a stream/drainage course, unless the use is a resource-dependent use and the 100-foot buffer is infeasible. AR 9816.

The LIP permits low-impact campgrounds "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 and where such sites can be designed within site constraints and to adequately address public safety issues." AR 9869. Access to low-impact campgrounds shall be supported by parking areas and ADA drop-offs that may be located in H2 or H3 habitat areas if it is infeasible to site the facilities in non-habitat areas.

The LIP addresses trails and public access together, stating that permit applications for such projects shall be reviewed "to ensure protection of trails and public access to the maximum extent feasible under state and federal law, consistent with public safety needs, and the need to protect public rights, rights of private property owners, and natural resources from overuse." AR 9856. Projects supporting public access to the mountains will be permitted depending on the facts and circumstances of each project, including the physical characteristics of the site and the capacity of the site to sustain public use. AR 9856-57.

The LIP supports "a wide range" of recreational opportunities such as hiking and camping. The LIP encourages a "full range of recreational experiences to serve local, regional and national visitors with diverse backgrounds, interests, ages, and abilities." AR 9868. It provides that permission for recreational uses must consider the "protection of biological, scenic, and other resources," as well as "public safety issues. AR 9869.

Any development projects in environmentally sensitive areas are reviewed by the Environmental Review Board, an independent body of qualified professionals. AR 10077. Any new development in the coastal zone will be reviewed for effects on biological resources for projects involving H1 and H2 habitat. AR 10077.

E. Analysis

Petitioner Preservation Fund alleges that the LCP certified by the Commission violates the Coastal Act by failing to provide heightened protection of ESHA resources. Preservation Fund contends that low-impact campgrounds (1) are not a resource-dependent use of ESHA under the Coastal Act and (2) will significantly disrupt ESHA habitat values.

1. H1 and H2 Habitat are Protected ESHA

ESHA is defined in the Coastal Act 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."

§30107.5. The County's approved LCP does not use the term ESHA, and instead divides the Santa Monica Mountains coastal zone into three habitat categories: H1, H2, and H3 habitat. AR 9444. H1 habitat consists of areas of highest biological significance, rarity, and sensitivity. AR 9444, 10067-69. H2 habitat consists of areas of high biological significance, rarity, and sensitivity that are particularly important to the Santa Monica Mountains ecosystem but do not qualify as H1 habitat. AR 9445. Together, H1 and H2 habitat are designated as SERA. AR 9447. H3 habitat consists of areas that would otherwise be designated as H2 habitat, but the native vegetation has been significantly disturbed, removed, or fragmented/isolated by existing development. H3 habitat does not constitute SERA. AR 9448.

The County's Biota Report performed a comprehensive analysis of the biodiversity in the Santa Monica Mountains and determined that "roughly 6,000 acres... in the Study Area satisfy the ESHA criteria in Section 30107.5." AR 583. In its April 9, 2014 Addendum, Commission staff responded to Petitioner's comment that the proposed LCP does not expressly identify ESHA, stating that H1 and H2 habitats constitute ESHA as defined by the Coastal Act. AR 1907. Thus, it is undisputed for purposes of this case that H1 and H2 are ESHA and subject to the protections of the Coastal Act.

Section 30240 mandates that ESHAs shall be "protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas." Case law holds that the Coastal Act's protection of ESHA is "heightened." Bolsa Chica, *supra*, 71 Cal.App.4th at 506. Development in ESHA areas is limited to uses dependent on those resources, and the ESHA shall be protected against any significant disruption of habitat values. Sierra Club v. California Coastal Commission, ("Sierra Club") (1993) 12 Cal.App.4th 602, 611. The Coastal Act protects the area of an ESHA from uses which threaten the habitat values that exist in the ESHA. Bolsa Chica, *supra*, 71 Cal.App.4th at 507. Thus, Section 30240 establishes two restrictions on development in habitat areas: (1) there can be no significant disruption of habitat values; and (2) only resource-dependent uses are allowed. McAllister, *supra*, 169 Cal.App.4th at 928-29. The only exception for a development within ESHA that significantly disrupts habitat values occurs where compliance with ESHA protection would constitute a taking. *Id.* at 938 (Commission may grant CDP despite disruption of ESHA if necessary to avoid a taking, but must make appropriate findings under section 30100).

2. Resource Dependent

A "low-impact campground" is defined as an area of land designed or used for "carry-in, carry-out" tent camping, including associated support facilities such as picnic areas, potable water, self-contained chemical or composting restrooms, shade trees, water tanks, portable fire suppression apparatus, and fire-proof cooking stations. AR 9604. A low-impact campground excludes any structures for permanent human occupancy and roads. AR 9604.

Petitioner argues that a low-impact campground in an ESHA does not meet Section 30240's requirement of a resource dependent use. Pet. Op. Br. at 10. Petitioner notes that the term "resources" in section 30240 refers to "the resources that make an area a protected habitat—i.e., 'plant or animal life or their habitats [that] are either rare or especially valuable because of their special nature or role in an ecosystem....'" McAllister, *supra*, 169 Cal.App.4th at 928-29. Pet. Op. Br. at 11. The courts have been scrupulous in precluding non-resource dependent uses in ESHA. *See id.* at 933 (residential development in in Blue Butterfly or coastal bluff scrub ESHA not

permitted because it was not resource dependent even if it arguably would not disrupt habitat because the existing habitat was deteriorating and the project would be required to plant new habitat); Bolsa Chica, *supra*, 71 Cal.App.4th at 507-08 (residential development not permitted in eucalyptus grove containing a raptor habitat and identified as ESHA).

Petitioner asserts that a “resource dependent use” means that the proposed use cannot exist without the valuable plant and animal habitat within the ESHA. Conversely, if the use can exist without the valuable plant and animal habitat, it is not resource dependent. Pet. Op. Br. at 11. This definition is consistent with other Coastal Act references to resource dependent uses, such as nature study and aquaculture, which could not be performed without access to the respective resources of plant and animal life and freshwater or marine animals. §§ 30233(a)(7), 30101. A campground, in contrast, does not require any particular plant or animal resources in order to function. Low-impact campgrounds may be sited within a wide range of environments, as recognized by the LIP, which permits campgrounds in Resort and Recreation and Open Space. AR 10041, 10053-54.

The LUP and LIP define “resource dependent uses” as those “that are dependent on [SERAs] to function.” AR 11822, 11931, 9611. The Commission staff report stated that low-impact campgrounds are resource dependent because they are specifically designed to expose the public to the resource. AR 1907. Petitioner disagrees, noting that the Coastal Act only requires maximized public access “consistent with sound resource conservation principles (§30001.5), and depending on the fragility of the natural resources in the area. §30214(a)(3). Petitioner contends that there is no evidence that the Commission considered the impact of public access on ESHA, and section 30007.5, which requires conflicts between Chapter 3 policies to be resolved in favor of protecting resources, would not have not have permitted it to resolve a conflict in favor of access. Indeed, section 30240 does not permit a balancing of Coastal Act policies against ESHA protection, unless it is for long-term resource protection that the expense of short-term protection. Bolsa Chica, *supra*, 71 Cal.App.4th at 509. Pet. Op. Br. at 12.

The issue of whether a low-impact campground is a resource-dependent use is an issue of statutory interpretation for the court to decide. In construing section 30240, the court must ascertain the intent of the Legislature so as to effectuate its purpose. Brown v. Kelly Broadcasting Co., (1989) 48 Cal.3d 711, 724. The court first looks to the language of the statute, attempting to give effect to the usual, ordinary import of the language and seeking to avoid making any language mere surplusage. *Id.*, at 724. Significance, if possible, is attributed to every word, phrase, sentence and part of an act in pursuance of the legislative purpose. Orange County Employees Assn. v. County of Orange, (1991) 234 Cal.App.3d 833, 841. The various parts of the Coastal Act must be harmonized by considering each particular clause or section in the context of the statutory framework as a whole. Lungren v. Deukmejian, (1988) 45 Cal.3d 727, 735. The enactment must be given a reasonable and commonsense interpretation consistent with the Legislature’s apparent purpose and intent, practical rather than technical in nature, and which, when applied, will result in wise policy rather than mischief or absurdity. To that end, the court must consider, in addition to the particular language at issue and its context, the object sought to be accomplished by the statute, the evils to be remedied, and public policy. *Id.* at 735. If a statute is ambiguous, the construction given it by the agency charged with its enforcement is entitled to consideration if such construction has a reasonable basis. Ontario Community Foundations, Inc. v. State Bd. of Equalization, (1984) 35 Cal.3d 811, 816. The Commission’s interpretation of the Coastal Act is entitled to deference. Ross, *supra*, 199 Cal.App.4th at 938; Hines v. California Coastal Comm.,

(2010) 186 Cal.App.4th 830, 849.

The purpose of section 30240, harmonized with the rest of the Coastal Act, and as interpreted by the Commission which enforces it, is dispositive of this issue. Both sides agree that a resource-dependent use is one that is dependent on the ESHA. *Compare* Pet. Op. Br. at 11 and Opp. at 13. The Coastal Act contains no express definition of resource-dependent, and provides no comprehensive list of examples. The examples cited by Petitioner of resource-dependent uses are examples that could not be performed without access to the pertinent resources (§§ 30233(a)(7), 30101), but they in no way purport to be exhaustive.

Section 30240 must be interpreted consistent with the Chapter 3 policy of maximizing public access, if possible. *See* §§ 30210, 30213. As the Commission argues, low-impact campgrounds are similar to hiking trails, which the McAllister court mentioned as a Commission-approved resource dependent use. 169 Cal.App.4th at 933. Low-impact campgrounds would allow people to enjoy the rare ecosystems of the Santa Monica Mountains, and that this use cannot occur in any other location. Low-impact campgrounds are totally distinguishable from the residential developments and golf courses that the courts have found to be not resource-dependent. While those developments could be sited anywhere, a low-impact campground exposing the public to the unique ecosystem of an ESHA can only be situated in the ESHA. While a campground can exist outside of an ESHA – such as in an urban park – that does not mean that the low-impact campground is not dependent on the ESHA. Just like a trail, the low-impact campground permits one to experience the ecosystems of the Santa Monica Mountains. The low-impact campground is resource-dependent because it is impossible to have the same experience at any other location. Opp. at 13-14.

Petitioner replies that section 30240 does not define resource-dependent as “dependent on being located in the ESHA area”; it limits the use of ESHA to uses that are dependent on the resource itself. Low-impact campgrounds are not dependent on the plants and wildlife in the ESHA. According to Petitioner, ESHA is not synonymous with nature or wilderness, and there is no reason why low-impact campgrounds cannot be relegated to non-ESHA locations. Reply at 8. This argument is disposed of by Bolsa Chica, which expressly stated that section 30240 protects the area in which the threatened plants and wildlife exist. 71 Cal.App.4th at 507. A campground may be resource dependent if it is dependent on the area in which the ESHA unique and rare plants and wildlife exist.

Petitioner also argues that a campground is not analogous to a hiking trail. Campgrounds serve the purpose of living temporarily outdoors. *See* 14 CCR §4301(u). This includes the cooking, eating, sleeping, and bodily functions involved with daily life. Campground users may require associated support facilities (chemical or composting restrooms, potable water tanks and pipes, fire suppression apparatus, and cooking stations). AR 9602, 9604. These support facilities are not dependent on the ESHA to function, nor are the cleared spaces required to accommodate these support facilities. Reply at 9.

This argument trends into the issue of significant disruption, addressed *post*. The Commission need not find that the Santa Monica Mountains ESHAs contains unique ecosystems such that low-impact campers could not observe the rare plants and animals anywhere else. It is sufficient that the “rare ecosystems” exist in the H1 and H2 habitat that persons may enjoy through low-impact camping. It is true that camping also is permitted in H3 habitat and in Rural Coastal and Resort and Recreation zones (AR 10029, 10043), but that does not make the camping in the

ESHA area any less resource dependent on that area. To the extent that associated support facilities are necessary for low-impact camping in ESHA areas, by definition they are collateral to, and necessary for, such camping. As such, they are resource dependent on the ESHA area.

Finally, the interpretation of section 30240's requirement of resource-dependent use to include low-impact campgrounds does not create a conflict between the Chapter 3 policies of maximum public access and the protection of ESHA, which then would require the subjugation of public access to resource conservation under section 30007.5. Both public access to ESHA areas through low-impact camping and protection of the ESHA can be achieved, depending on the specific requirements for the low-impact campgrounds. If there were any doubt, the court must defer to the Commission's interpretation of section 30240 unless the interpretation violates the clear purpose and language of the statute. *See Ross, supra*, 199 Cal.App.4th at 938.

The Commission's interpretation of section 30240 to permit low-impact campgrounds in ESHA areas as a resource-dependent use is correct as a matter of law.

3. Significant Disruption

Given that low-impact campgrounds are permissible in ESHA as a resource-dependent use, the issue becomes whether the LCP unlawfully permits the campgrounds to be a significant disruption of H1 and H2 habitat values. This is an issue of law based on interpretation of the pertinent LUP and LIP provisions.

Preservation Fund notes that the requirement for ESHA projection is heightened, and argues that low-impact campgrounds within H1 and H2 habitats, both of which are ESHA, necessarily will disrupt and destroy those habitats, and therefore this use cannot be permitted under section 30240. Pet. Op. Br. at 8-9. Low-impact campgrounds are defined to include support facilities such as restrooms, water facilities, and cooking stations. AR 9604-05. Installation of these facilities will require excavation, grading, and clearance of vegetation, all of which are destructive to ESHA resources. The LIP acknowledges and authorizes this destruction by permitting grading for low impact campgrounds within SERA-designated space. AR 10057. Up to 30 cubic yards may be graded in H1 and H2 habitat with an administrative CDP. AR 9778. Even more grading may be performed with other types of CDPs. AR 10057. Petitioner further contends that use of the low-impact campground will result in more "significant disruption" of habitat values prohibited by section 30240, including human caused fires, which are a very serious risk in the Santa Monica Mountains. Pet. Op. Br. at 10.

The Commission responds that low-impact campgrounds are designed to promote "carry in, carry out" facilities with a minimum of permanent structures, and permit applications will be addressed on a case-by-case basis to ensure that the specific site and design are appropriate. Opp. at 1. The Commission expressly required the County to modify its proposed LIP because it did not have development standards that would ensure the low-impact campgrounds would be consistent with habitat protection. Opp. at 9. For this reason, the Commission required changes to the LIP state that low-impact campgrounds shall be located, designed, and maintained to avoid or minimize impacts to H1 and H2 habitat areas...by utilizing established disturbed areas where feasible, following natural contours to minimize grading, and avoiding naturally vegetated areas...to the maximum extent feasible." AR 10118. Further, the campgrounds should be sited a minimum of 50 feet from the top bank of all streams or the outer edge of riparian vegetation. *Id.* Opp. at 9-10.

The Commission argues that Petitioner must show that no low-impact campground could possibly be sited anywhere in ESHA without significantly disturbing its habitat values. Opp. at 10. The Commission argues that Petitioner cannot make this showing because low-impact campgrounds can be sited in ESHA because LUP policy CO-42 requires them to be sited and designed to avoid significant disruption of habitat values. AR 9450. The LIP implements this policy by giving specific direction that the campgrounds be located on established disturbed areas where feasible, following natural contours to minimize grading, and avoiding naturally vegetated areas to the maximum extent feasible. AR 10118. The Commission only certified minimal support facilities – picnic areas, water supplies, self-contained restrooms, shade trees, water tanks, fire suppression apparatus, and fire-proof cooking stations – and only where appropriate. The Commission could reasonably find that these support facilities provide a negligible impact on ESHA, and would disrupt it far less than the 10,000 square foot home approved in McAllister, *supra*, 169 Cal.App.4th at 933. It is premature to suggest that any grading and excavation necessarily will significantly disrupt habitat values, as that will be addressed on a case-by-case permit basis. Opp. at 11-12.³

The Commission is wrong in stating that Petitioner must show that no low-impact campground could possibly be sited anywhere in ESHA without significantly disturbing its habitat values. See Opp. at 10. Rather, Petitioner need only show that the approved LCP authorizes any low-impact campgrounds that would significantly disrupt habitat values. If the LCP permits the County, in the course of its case-by-case evaluation of permit applications for low-impact campgrounds, to approve a low-impact campground that would significantly disrupt ESHA habitat values, then the LCP violates section 30240. As Petitioner argues, even if some or most low-impact campgrounds would not significantly disrupt ESHA, the LCP will be invalid if it permits any low-impact campground that would significantly disrupt H1 or H2 habitat. Reply at 2.

The problem with the Commission's position is that the LCP's development standards are not consistent with 30240's protection of ESHA, which is "heightened" (Bolsa Chica, *supra*, 71 Cal.App.4th at 506) and which prevents any significant disruption of habitat values. Sierra Club, *supra*, 12 Cal.App.4th at 611. As Petitioner argues, the LCP generally requires no significant disruption of H1 and H2 habitat, but then qualifies this by allowing disruption where it is not feasible to avoid it. Reply at 4. This qualification does not meet the requirements of section 30240.

For example, LUP Policy CO-42 requires low-impact campgrounds to be sited to avoid or minimize impacts to H1 and H2 habitat, but only "to the maximum extent feasible." AR 10280. Where it is infeasible to avoid H2 habitat, then Policy CO-43 permits the siting and design alternative that would result in the fewest and least significant impacts to H2 habitat. AR 10280-81. Policy CO-86b and CO-87 address mitigations for unavoidable impacts to H1 and H2 habitat. AR 10292.

Similarly, the LIP permits low-impact campgrounds that avoid H2 habitat, but only where feasible, and then the alternative that minimizes H2 impacts must be chosen. AR 10099. The LIP requires low-impact campgrounds to be sited to avoid or minimize impacts to H1 or H2 habitat, but only where feasible, avoiding naturally vegetated areas to the maximum extent feasible. AR

³ The Commission points out that Petitioner's reference to parking, grading in open space, and fire safety, all of which are irrelevant or unsupported by evidence. Opp. at 12. The court agrees.

10118. The LIP requires that grading for low-impact campgrounds be minimized, but also permits up to 30 yards of grading in a H1 or H2 habitat area. AR 9778, 10118. The LIP also requires H1 and H2 habitat that is permanently removed or impacted to be mitigated. AR 10119.

Thus, the LUP and LIP both permit significant impacts to H1 and H2 habitat -- albeit attempting to avoid them the maximum extent -- and then require mitigation for unavoidable impacts. This is not consistent with section 30240's near absolute requirement that there can be no significant ESHA disruption. ESHA is not an environmental resource for which environmental impacts must be assessed and then minimized to less than significant. Section 30240 permits no significant disruption of ESHA habitat values. McAllister made this clear: "[Section 30240] does not authorize the separation of habitat values from an existing habitat and the relocation of those values elsewhere as a form of mitigation. Rather, the statute protect[s] the designated habitat area itself...and mitigation measures cannot be used to circumvent the statute's strict limits on the uses permissible in habitat areas." 169 Cal.App.4th at 932-33 (citing Bolsa Chica, *supra*, 71 Cal.App.4th at 507-08).

The Commission's reliance on McAllister, *supra*, 169 Cal.App.4th at 933, to support its argument that low-impact campgrounds will not cause significant disruption is misplaced. In McAllister, the court analyzed the proposed construction of a single-family home within an ESHA-designated location. *Id.* The court stated that the Commission "could reasonably conclude" that the construction would cause no significant disruption because construction of the house would require only removing a very limited number of plants, and because the building permit included a requirement that the owner restore any plants removed. *Id.* As Petitioner correctly points out (Reply at 7, n.5), McAllister's holding was that the house was not a resource dependent use and the court's discussion of the significant disruption issue was *dictum*. 169 Cal.App.4th at 933. In any event, that discussion merely supports the Commission's contention that a low-impact campground would not significantly disrupt H1 or H2 habitat if it involved only the removal of a small number of plants or minor grading. It does not support a development standard of avoiding disruption only if feasible and then mitigation of unavoidable impacts.

In sum, the LCP does not properly implement section 30240's prohibition against significant disruption, and instead implements a lower standard that development should avoid disruption "where feasible" and mitigated if necessary. Under the LCP as written, some campgrounds could pass muster under section 20340, but the County could approve others on the basis that avoidance of significant disruption to H1 or H2 habitat is "not feasible." Such an approval would violate section 30240. An LCP must meet the requirements of, and implement the provisions and policies of, the Coastal Act. §30108.6. The Coastal Act demands "uniform treatment and protections for all ESHA's." Sierra Club, *supra*, 12 Cal.App.4th at 617. The LCP's standards for issuance of permits for low-impact campgrounds violates section 20340's protection of ESHAs.

The Commission's determination that the LCP's provisions for low-impact campgrounds will not permit the significant disruption of ESHA resources is incorrect as a matter of law.

4. Remedy

Petitioner seeks a writ of mandate striking specific language relating to low-impact campgrounds from the LCP. Pet. Op. Br. at 14. Petitioner argues that these provisions are void, as they were approved in violation of the Coastal Act. Reply at 10. The Commission argues that

the sole permissible remedy under CCP section 1094.5 is for the court to issue a writ of mandate compelling the Commission to set aside and reconsider its action, and the court may not limit or control in any way the discretion legally vested in the Commission. CCP §1094.5(f). Opp. at 15.

The court agrees with both parties that the entire LCP need not be set aside. Only the provisions permitting low-impact campgrounds based on a feasibility/mitigation standard of development must be set aside as void, and the Commission retains discretion as to how to rectify the issue.

F. Conclusion

The petition for writ of mandate is granted in part. Petitioner's counsel is ordered to prepare a proposed judgment and a writ, serve it on Respondent's counsel for approval as to form, wait 10 days after service for any objections, meet and confer if there are objections, and then submit the proposed judgment along with a declaration stating the existence/non-existence of any unresolved objections. An OSC re: judgment is set for September 26, 2017 at 1:30 p.m.



City of Malibu

Jefferson Wagner, Mayor

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May 22, 2019

Sent via email to ExecutiveOffice@bos.lacounty.gov

Chair Janice Hahn and Honorable Members
Los Angeles County Board of Supervisors
Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

RE: Amendments to County LCP to Allow Camping in ESHA – OPPOSED

Dear Chair Hahn and Honorable Los Angeles County Supervisors:

The people of Malibu have long appreciated the significant and historical work done by many individuals and institutions through the last 50 years to preserve and protect the beautiful Santa Monica Mountains. The decisive actions by many have left a legacy of this beautiful region which is accessible to millions of people in the Los Angeles area alone as well as visitors from far away.

There is an art to the delicate balance between preservation and public access and the City of Malibu is a witness to this balance and, in some locations, imbalance with millions of visitors having the potential to “love an area to destruction” right here in Malibu. As custodians of the natural world, we share the County of Los Angeles’s priority of maintaining the delicate balance of human activity and the preservation of the natural world. This balance becomes more and more challenging with the ever-increasing population of California.

The City of Malibu supports the protection of Environmentally Sensitive Habitat (ESHA) from any disruptions. Malibu recognizes the need for public access and recreation in the Santa Monica Mountains. Camping in the Santa Monica Mountains is already supported in safe areas like Malibu Creek State Park. That type of area is not only properly supported but is essentially already a safe zone. Facilitating low-impact camping in ESHA or “trail camping” along the Backbone trail would be less supervised and potentially more dangerous as well as would degrade the preservation of ESHA.

The City of Malibu agrees with the decision of Judge Chalafant’s determination in the recent “Ramirez Canyon Preservation Fund vs. Coastal Commission Case # BS149044” that **“The Commission’s determination that the LCP’s provisions for low-impact campgrounds will not permit significant disruption of ESHA is incorrect as a matter of law”** (page 16) and that **“This is not consistent with section 30240’s near absolute requirement that there can be no significant ESHA disruption”** (page 16).

Attachment 3

The Malibu City Council encourages the County of Los Angeles to ensure that the Coastal Commission corrects the language in the LCP to properly protect ESHA and to remove any “elastic clause” language that would either permit degradation of ESHA from low-impact camping or, even worse, lead to the potential fire danger that this activity might precipitate. We value our long-standing history of cooperatively working together and thank you for considering the input of our Council on this matter. Malibu will always be on the receiving end of any fire danger issues in the Santa Monica Mountains, as we all recently witnessed in the Woolsey Fire.

Sincerely,



Jefferson Wagner
Mayor

Cc: Honorable Members of the Malibu City Council
Reva Feldman, City Manager
Honorable Henry Stern, California State Senate, 27th District
Honorable Richard Bloom, California State Assembly, 50th District

CALIFORNIA COASTAL COMMISSION

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July 13, 2021

Amy Bodek, Planning Director
Los Angeles County Department of Regional Planning
320 West Temple Street
Los Angeles, CA 90012

RE: County of Los Angeles Santa Monica Mountains Local Coastal Program
Amendment No. LCP-4-MMT-19-0166-1 (Resource Dependent Uses)

Dear Ms. Bodek:

On July 7, 2021 the Coastal Commission approved the subject LCP Amendment with two (2) suggested modifications. The Commission's resolution of certification is contained in the findings of the staff report and addendum dated June 24, 2021 and July 6, 2021, respectively. The suggested modifications as approved by the Commission on July 7, 2021 are attached to this correspondence.

Section 13544 of the Commission's Administrative Regulations requires that after certification the Executive Director of the Commission shall transmit copies of the resolution of certification and any suggested modifications and findings to the governing authority, and any interested persons or agencies. Further, the certification shall not be deemed final and effective until all of the following occur:

- (a) The local government with jurisdiction over the area governed by the Local Coastal Program, by action of its governing body: (1) acknowledges receipt of the Commission's resolution of certification, including any terms or modifications suggested for final certification; (2) accepts and agrees to any such terms and modifications and takes whatever formal action is required to satisfy the terms and modifications; and (3) agrees to issue coastal development permits for the total area included in the certified Local Coastal Program. Unless the local government takes the action described above, the Commission's certification with suggested modifications *shall expire six months* from the date of the Commission's action.
- (b) The Executive Director of the Commission determines in writing that the local government's action and the notification procedures for appealable development required pursuant to Article 17, Section 2 are legally adequate

to satisfy any specific requirements set forth in the Commission's certification order.

- (c) The Executive Director reports the determination to the Commission at its next regularly scheduled public meeting and the Commission does not object to the Executive Director's determination. If a majority of the Commissioners present object to the Executive Director's determination and find that the local government action does not conform to the provisions of the Commission's action to certify the Local Coastal Program Amendment, the Commission shall review the local government's action and notification procedures pursuant to Articles 9-12 as if it were a resubmittal.
- (d) Notice of the certification of the Local Coastal Program Amendment shall be filed with the Secretary of Resources Agency for posting and inspection as provided in Public Resources Code Section 21080.5(d)(2)(v).

The Commission and staff greatly appreciate the County's consideration of this matter.

Authorized on behalf of the California Coastal Commission by:

John Ainsworth
Executive Director

By: 
Walt Deppe
Coastal Program Analyst

cc: Kevin Finkel, Los Angeles County Department of Regional Planning
Rob Glaser, Los Angeles County Department of Regional Planning
Luis Duran, Los Angeles County Department of Regional Planning

FINAL SUGGESTED MODIFICATIONS

County of Los Angeles Santa Monica Mountains Local Coastal Program Amendment No. LCP-4-MMT-19-0166-1 (Resource Dependent Uses)

A. SUGGESTED MODIFICATIONS TO THE LOCAL IMPLEMENTATION PLAN

The language currently certified in the County's 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 approved by the Commission to be deleted is shown in ~~double-strikeout~~. Language approved by the Commission to be inserted is shown in double underline.

Suggested Modification No. 1

22.44.630 Definitions.

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"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.

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Suggested Modification No. 2

22.44.1920 Development Standards.

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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 and 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 and 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.
- 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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