CALIFORNIA COASTAL COMMISSION
SOUTH CENTRAL COAST AREA
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Commission Action:

STAFF REPORT: REGULAR CALENDAR

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APPLICATION NO.: 4-95-208

APPLICANT: Georgia Frontiere & City of Malibu

AGENT: Rick Morgan - City of Malibu

PROJECT LOCATION: 30860 Broad Beach Road, City of Malibu, Los Angeles County.

PROJECT DESCRIPTION: Construction of a new 24" diameter storm drain with an outlet on the seaward side of the dunes on Trancas Beach. This project is the upgrade and replacement of a non-functioning drainage system with an outlet buried in the existing dunes.

LOCAL APPROVALS RECEIVED: None required

SUBSTANTIVE FILE DOCUMENTS: California Coastal Act of 1976, as of January 1995, Broad Beach Dune Revegetation and Biological Impact Analysis, dated October 12, 1995, prepared by Marti Whitter, Ph D., City of Malibu Consulting Biologist, CDP# 4-92-094.

SUMMARY OF STAFF RECOMMENDATION:

The Applicants are proposing the upgrade of an existing, non-functioning, drainage system to maintain drainage from Board Beach Road. The proposal involves the installation of a new 24" drain pipe to replace an existing 12" drain pipe, and the installation of a new box/culvert system, with a French drain and 24" outlet, on the seaward side of the dunes at Trancas Beach. The total area of disturbance as a result of this development is approximately 900 sq. ft., with less than 100 cubic yards of grading involved. This new drainage system will replace an existing 12" drainage pipe which extends from Broad Beach Road to the dunes. The existing outlet of drainage system is buried by the dunes, and thus has created a situation where the system back flows onto Broad Beach Road and creates a hazardous ponding condition on the roadway. The new system will allow flows to reach the beach and will have no significant

adverse impact upon the Trancas Beach dune community as designed. The applicants have submitted a conceptual mitigation/restoration plan for the proposed project site which if implemented will result in the restoration of all areas impacted by development. A section of the project site is within an area deed restricted as open space. An open space deed restriction was required by the Commission as a condition of issuance of a of CDP# 4-92-094. As condition by this permit, any potential impacts to the dune community will be mitigated to the greatest extent feasible.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit, subject to the conditions below, for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions.

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. Compliance. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.

4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.

5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.

6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. Special Conditions.

1. Dune Habitat Restoration & Monitoring Program

Within 90 days after issuance of a coastal development permit the applicant shall submit, for the review and approval of the Executive Director, technical specification for the proposed restoration program for all areas disturbed by grading and construction activities related to this project. This program shall be implemented by qualified biologists, ecologists, or resource specialists who are experienced in the field of restoration ecology, and whom have a background knowledge of the associated dune habitat of the project site. The technical specifications shall shall include, but not be limited to, the following:

A. Technical Specifications shall be designed and implemented to address the findings of the submitted biological survey and conceptual restoration plan. These specifications shall provide the framework for the installation, and be implemented as the approved plan for the restoration project. The specifications shall include a schedule of activities, a final list of plant materials, and description of the methods to be used during implementation of the plan. The specifications shall require, to the greatest extent possible, that all biological materials used on the project site be of local origin; that is, that seeds, cuttings, salvaged plants, microorganisms, and top soil originate on site or from the nearest possible source that matches the site in climatic and biologic factors. The specifications shall also include maintenance criteria for weeding, re-planting and other mid-program corrections.

B. A Monitoring Program shall be implemented which monitors the project for compliance with the guidelines and performance standards listed in the submitted survey and proposed technical specifications. The applicant shall submit on an annual basis, for a period no less than three years in length, a written report indicating the success or failure of the restoration project. This report shall include further recommendations and requirements for additional restoration activities in order for the project to meet the criteria and performance standards listed in the conceptual restoration plan and technical specifications. These reports shall also include photographs taken from predesignated sites (annotated to a copy of the site plans) indicating the progress of recovery at each of the sites.

At the end of a three year period, a final detailed report shall be submitted for review and approval of the Executive Director. If this report indicates that the restoration project has in part, or in whole, been unsuccessful, based on the approved performance standards, the applicant shall be required to submit a revised or supplemental program to compensate for those portions of the original program which were not successful. The revised, or supplemental restoration program shall be processed as an amendment to this Coastal Development Permit.

During the monitoring period, all artificial inputs shall be removed except for the purposes of providing mid-course corrections or maintenance to insure the long term survival of the project sites. If these inputs are required beyond the first two years, then the monitoring program shall be extended for an equal length of time so that the success and sustainability of the project sites is insured. Restoration sites shall not be considered successful until they are able to survive without artificial inputs.

2. Debris Removal

By acceptance of this permit, the applicant agrees not to store any construction materials or waste where it is subject to wave erosion and dispersion. In addition, no machinery will be allowed in the intertidal zone at any time. The permittee shall remove from the beach any and all debris that results from the proposed development, and shall not store or dump these material within the coastal zone, unless a permit is first received.

3. Timing of Development

No development associated with this project shall occur between March 1 and July 1, in order to mitigate the possible impacts to nesting birds commonly associated with California coastal dunes during this time of the year.

4. Ammendment

Prior to the commencement of development, the applicant shall apply for, and obtain, an ammendment to coastal development permit 4-92-094, ammending Special Condition #1, the Open Space Deed Restriction, to allow for the above described development and maintenance of the proposed structure with the open space easement area.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The Co-Applicants are proposing the upgrade of an existing, non-functioning, drainage system to maintain drainage from Board Beach Road. The proposal involves the installation of a new 24" drainage pipe to replace an existing 12" drainage pipe, and the installation of a box/culvert system, with a French drain and 24" outlet (see exhibit #1), on the seaward side of the dunes at Trancas Beach. This new drainage system will replace the existing 12" drainage pipe which extends from Broad Beach Road to the dunes. The area of disturbance as a result of this project is approximately 10' wide and extends 90' (900 sq. ft.), and involves the grading of less than 100 cubic yards. The existing drainage system outlet is under sized and buried under the dunes, and thus has created a situation where the system back flows onto Broad Beach Road and creates a hazardous ponding condition on the roadway. The proposed system will allow flows to reach the beach and flow onto Trancas Beach above the high tide mark. Additionally, the new system will allow flows to reach the beach and will have no significant adverse impact upon the Trancas Beach dune community as designed.

On September 9, 1992, the Commission issued a coastal development permit (CDP) for the demolition of an existing single family residence (SFR) and the construction of a new 7,901 sq. ft., 35' high, 2 story, SFR at the location of the proposed project. Although the existing SFR has already been demolished, the new SFR has yet to be constructed. Special Condition #1 of this CDP, an Open Space Deed Restriction, required the applicant to record a deed restriction keeping a section of the lot free of future development and preserving it as open space and habitat protection. Part of the proposed development shall occur within the area involved in this deed restriction; however, the area of disturbance shall be limited to a corridor through the site only 10' wide, and all impacts associated with the development are proposed to be mitigated through a habitat restoration program.

The City of Malibu is the co-applicant on this project as the system proposed has been designed by the City of Malibu Public Works Department, and will be maintained by this same department following construction. Due to budget short falls and the need to conduct this work immediately, the project installation costs are to be paid by Georgia Frontiere and installed by a private contractor. This cooperative arrangement between the City and the public is a unique proposal designed to allow for the construction of such projects with a limited impact on the limited funds currently available to City of Malibu.

This drainage system is similar to those system operating in the Broad Beach Community and will deliver water of the same quality to the shore. Flows carried by this upgraded drainage system are consistent with the water quality of other rural communities located within the Malibu area, and the project represents no significant increase in the flow rates that the existing system carries; however, the upgraded system is proposed to handle these flows in a more efficient manner. No streambed alteration will be required as a result of this project, there will be no impact upon lateral access as a result of this project, and, as conditioned, there will be no significant impacts to the sensitive dune community located on Trancas Beach.

B. Shoreline Development & Dune Habitat Protection

Section 30240 of the Coastal Act states:

> (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such 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 such areas, and shall be compatible with the continuance of such habitat areas.

Section 30230 of the Coastal Act states:

> Marine resources shall be maintained, enhanced, and where feasible, restored. Such protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

The proposed project is located on Trancas Beach, and involves the installation of a new 24" drainage pipe to replace an existing 12" drain pipe, and the installation of a new drainage outlet with a French drain, 24" outlet pipe, and 4 support wooden pipe supports within the seaward side of the existing sand dunes. This proposal raises issues regarding the protection of marine and shore line resources and the impacts of erosion which is usually associated with this type of development. Trancas Beach contains coastal dunes which have been identified and are recognized by the Commission as an environmentally sensitive habitat area and unique feature in the Malibu coastal zone.

Although the certified Malibu/Santa Monica Mountains Land Use Plan (LUP) is no longer legally applicable to land within the City of Malibu, it does continue to provide guidance as to types and resource protection necessary to impliment coastal act policy. As described in the County's original LUP submittal:

> The small system of vegetated dunes at Trancas Beach supports a flora and fauna restricted to sand dunes. These are the only extensive dunes in the Malibu Coastal Zone. Furthermore, vegetated coastal dunes are restricted in distribution throughout the State. Although many of the dunes at Trancas are dominated by introduced ice plant, the outer dunes support a typical native dune flora.

Sections 30240 and 30230 of the Coastal Act state that environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and that marine resources shall be maintained, enhanced and were feasible, restored. The applicants proposes the upgraded and installation of a new drainage outlet within the seaward side of the Trancas Beach dunes. The project involves the installation of a new 24" drainage pipe, and the installation of a new box outlet structure with a French drain, 24" outlet pipe, and 4 wooden support piles. Development activities will involve a construction corridor approximately 90' in length and 10' wide (900 sq. ft.), and involve less than 100 cubic yards of grading.

The City of Malibu has submitted a Broad Beach Dune Survey and Revegetation which states the following about the proposed development site:

> Physical Habitat Features
>
> The (project site is) located on the developed coastal beach at Broad Beach in Malibu. Broad Beach is unique in that it is the only area within the Malibu Coastal Zone where a system of vegetated sand dunes are found. Vegetated sand dunes, in contrast to active sand dunes, form on beaches where there is some combination of less wind and/or less sand supply and/or more groundwater which allow the establishment of plants and the partial stabilization of the dunes. Drainage is rapid through the beach sand, but the deeper zones may be relatively moist. Plants are exposed to, and must be tolerant of, desiccating, salt bearing winds.
>
> Vegetation Survey (General)
>
> The native vegetation of the Broad Beach dunes is classified as Southern Foredunes in the Holland community classification system (Preliminary Description of the Terrestial Natural Communities of California, R.F.

Holland, State of California Department of Fish and Game. October, 1986). This community type is considered to be very threatened by the State of California as well as an Environmentally Sensitive Habitat Area in the Malibu Land Use Plan and the Malibu Drafted General Plan. Characteristic native plant species include silver beach bur (Ambrosia chamissonis), red sand verbena (Abronia maritima), beach salt bush (Atriplex leucophylla), and beach evening primrose (Camissonia cheiranthifoila). Large expanses of the dunes have had the native vegetation displaced by invasive ice plant (Carpobrotus edulis and C. aquilaterus). Also frequently found is the sea rocket, Cakile maritima, an annual, non-native species which has naturalized on beaches along the west coast.

30860 Broad Beach Road. That portion of the project site which extends beyond existing development, includes a 90' x 10' area of the Broad Beach dunes. The vegetation within the 900 sq. ft. construction area is exclusively ice plant (Carpobrotus sp.), except for an approximately 3' x 3' area atop the last sand dune which is vegetated with native silver beach bur (Ambrosia chamissonis) and a single specimen of sea rocket (Cakile maritima).

Iceplant is the dominant plant species in the vicinity of the project site, with only a single specimen of silver beach bur observed in the surrounding area.

Impact Analysis

The proposed project will have the following impacts:

1) direct removal of dune vegetation in the area of the stormdrain trenches;

2) disturbance of dune vegetation in the area adjacent to the stormdrain trench, estimated to be approximately 10' wide at maximum; and

3) alteration of the dunes along the stormdrain trench.

The vegetation which will be directly and indirectly impacted by the proposed project is almost exclusively exotic iceplant. Removal of this invasive plant species from sensitive native plant habitat would be considered an environmentally beneficial action. However, removal of any type of vegetation, native or exotic, that could destabilize the dunes and cause sand loss, would be considered an adverse environmental impact.

Impact Mitigation (Dune Stabilization)

1. Upon completion of the stormdrain installation the dunes shall be reconfigured to their pre-project configuration.

2. All areas of the dunes from which vegetation has been removed shall be covered and stabilized with biodegradable fibre netting.

Revegetation

The Broad Beach dunes on which the two proposed project is located is private property and maintained by the individual property owner. Any proposed revegetation project would require the active participation and support of the individual property owners to: 1) provide irrigation water to establishment new plantings, and 2) to control the spread of iceplant back into the revegetation areas.

In the event that the co-operation of the private property owners can be obtained, the following conceptual revegetation plan is proposed.

i. Seed or cuttings of silver beach bur (Ambrosia chamissonis), red sand verbena (Abronia maritima), beach salt bush (Atriplex leucophylla), and beach evening primrose (Camissonia cheiranthifolia). shall be collect from the Broad Beach dunes during Fall, 1995.

ii. One hundred plants of each species shall be grown to tree band or 1 - gallon container size.

iii. The nursery grown plants shall be planted in the Fall of 1996. Plants shall be regularly spaced and their location mapped to allowed post-planting monitoring. A temporary irrigation line shall be placed at each site to provided overhead spray irrigation as needed to supplement natural winter rainfall and to provide water through the first summer (1997).

iv. Any iceplant which remains or reinvades the revegetation are shall be sprayed with Roundup or Rodeo and left in place as surface mulch.

v. The two sites shall be monitored in Spring and Fall, 1997 for survival of individual plants and the growth rate of surviving individuals. Additional monitoring in the Fall, 1998 and 1999 will measure the number of surviving individuals of each species and the amount of surface vegetation cover provided by the revegetation over the dunes.

Technical Specifications

Technical specifications will be determined upon approval of the conceptual mitigation plan.

Monitoring & Reporting

Annual reports will be provided to the Coastal Commission at the end of each fall season (November 30) based on the monitoring program described under impact mitigation.

The proposed project raises issues regarding the protection of marine and shore line resources and the impacts of erosion which are usually associated with this type of development. Trancas Beach contains coastal dunes which have been identified and are recognized by the Commission as an ESHA and unique feature in the Malibu coastal zone.

The applicants have submitted a Broad Beach Dune Survey and Revegetation program which addresses the existing condition of the sensitive dune habitat of the project site, and the conceptual methods proposed to mitigate the impacts associated with the proposed development. Special Condition #1 of this permit further requires the applicants to submit, for the review and approval of the Executive Director, final detailed technical specifications regarding the restoration of the proposed development site, and to implement a 3 year monitoring period after installation of site restoration to insure that the sensitive dune habitat within and adjacent to the development site is restored to the greatest extent feasible following development activities. This detailed restoration program shall be required as a follow up to the conceptual restoration plan which addresses site conditions prior to development activities. The final restoration program will address the condition of the site following development activities and the methods required to mitigate the associated impact of this development.

In order to assure that no adverse impacts occur which may damage or harm the quality of adjacent coastal resources or marine habitat, Special Condition #2 requires the applicant to keep all construction materials and machinery out of the intertidal zone and areas subject to wave action throughout the time of development at the proposed site. This condition also requires the applicant to remove any debris or excess materials from the project site following development activities. Furthermore, to assure that the development activitites do not impact upon nesting pairs of birds, such as the Snowy Plover, Charadrius alexandrinus, and the Least Tern, Sterna albifrons, both of which are Federally listed Endangered Species, Special Condition #3 prohibits the applicant from conducting development between March 1 and July 1, therefore mitigating the potential adverse impacts of coastal development upon nesting birds commonly associated with the coastal dune of California during this time of year. The Commission finds that as conditioned the proposed project is consistent with Sections 30240 and 30230 of the Coastal Act.

C. Local Coastal Program.

Section 30604 of the Coastal Act states that:

> a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a local program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).

Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the proposed project will be in conformity with the provisions of Chapter 3 if certain conditions are incorporated into the project and accepted by the applicant. As conditioned, the proposed development will not create adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the City's ability to prepare a Local Coastal Program for Malibu and the Santa Monica Mountains which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

D. CEQA

Section 13096(a) of the Commission's administrative regulations requires Commission approval of Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. The proposed project, as conditioned will not have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the proposed project, as conditioned , has been adequately mitigated and is determined to be consistent with CEQA and the policies of the Coastal Act.

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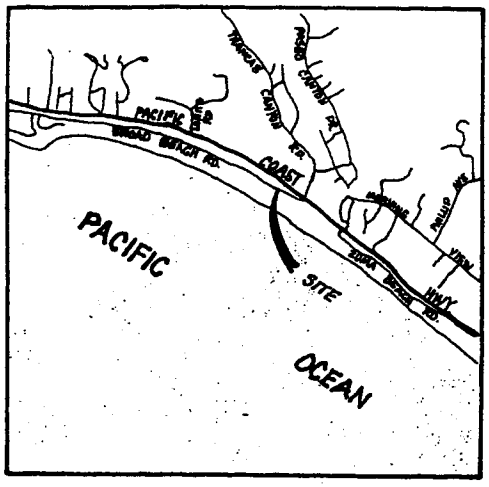

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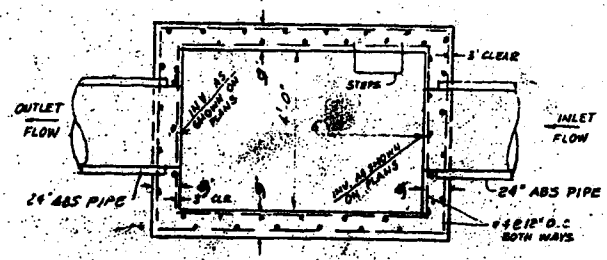
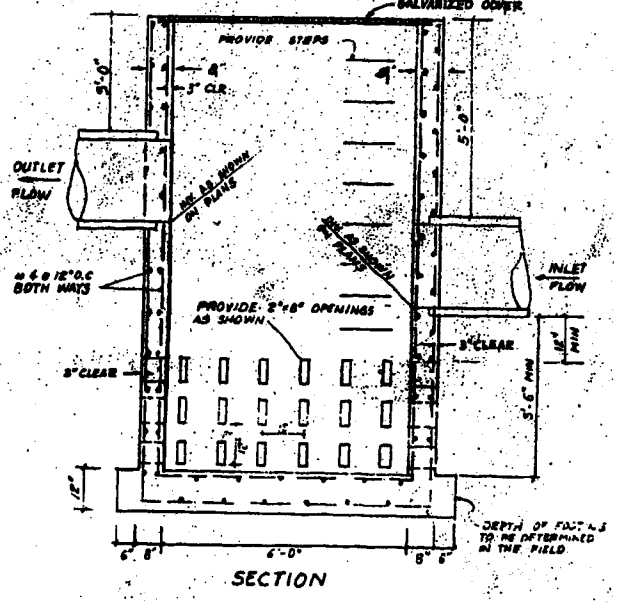


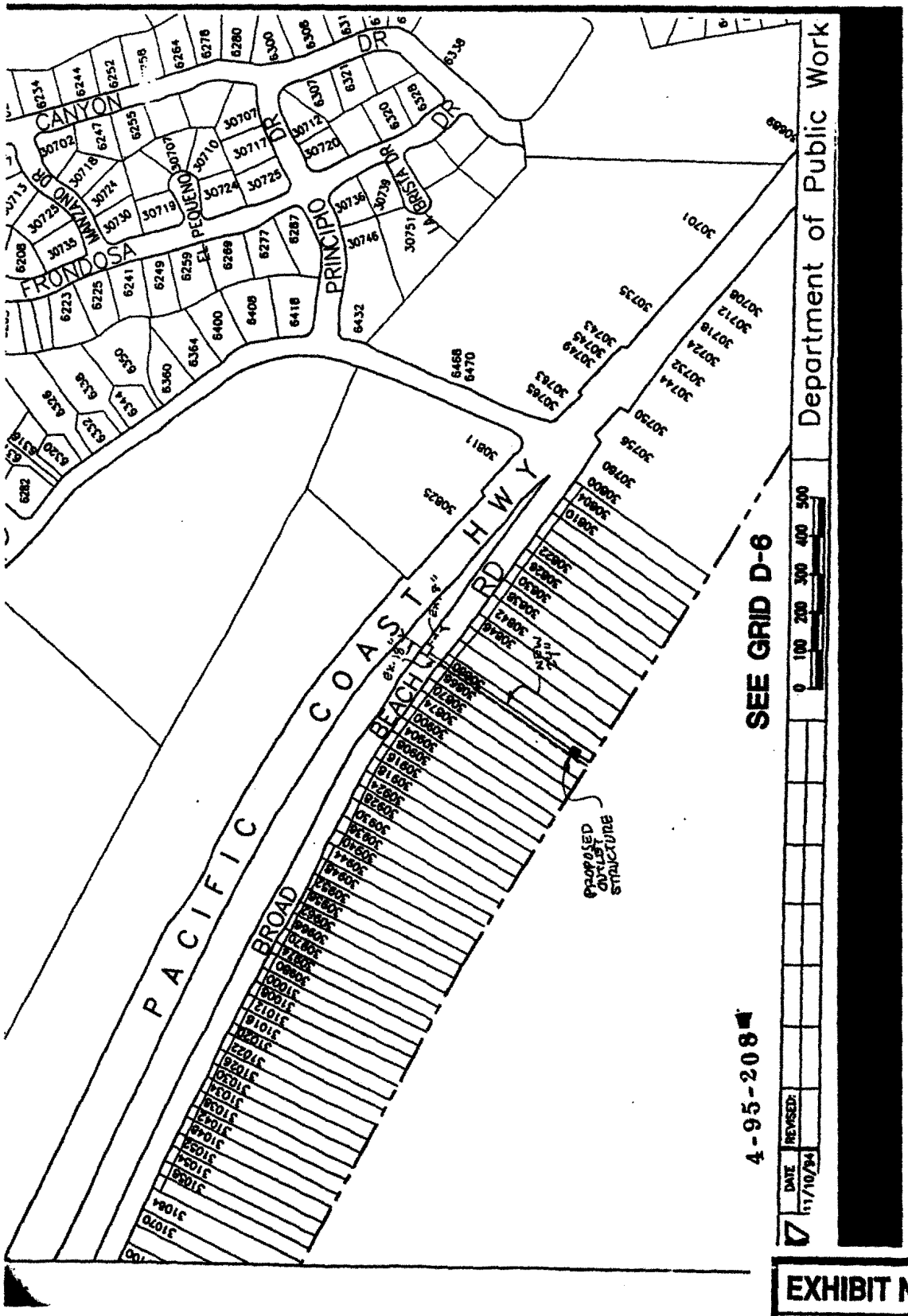
PLAN



SECTION

OUTLET STRUCTURE
NO SCALE

EXHIBIT NO. 1
APPLICATION NO.
4-93-208



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APPLICATION NO.
4-95-208

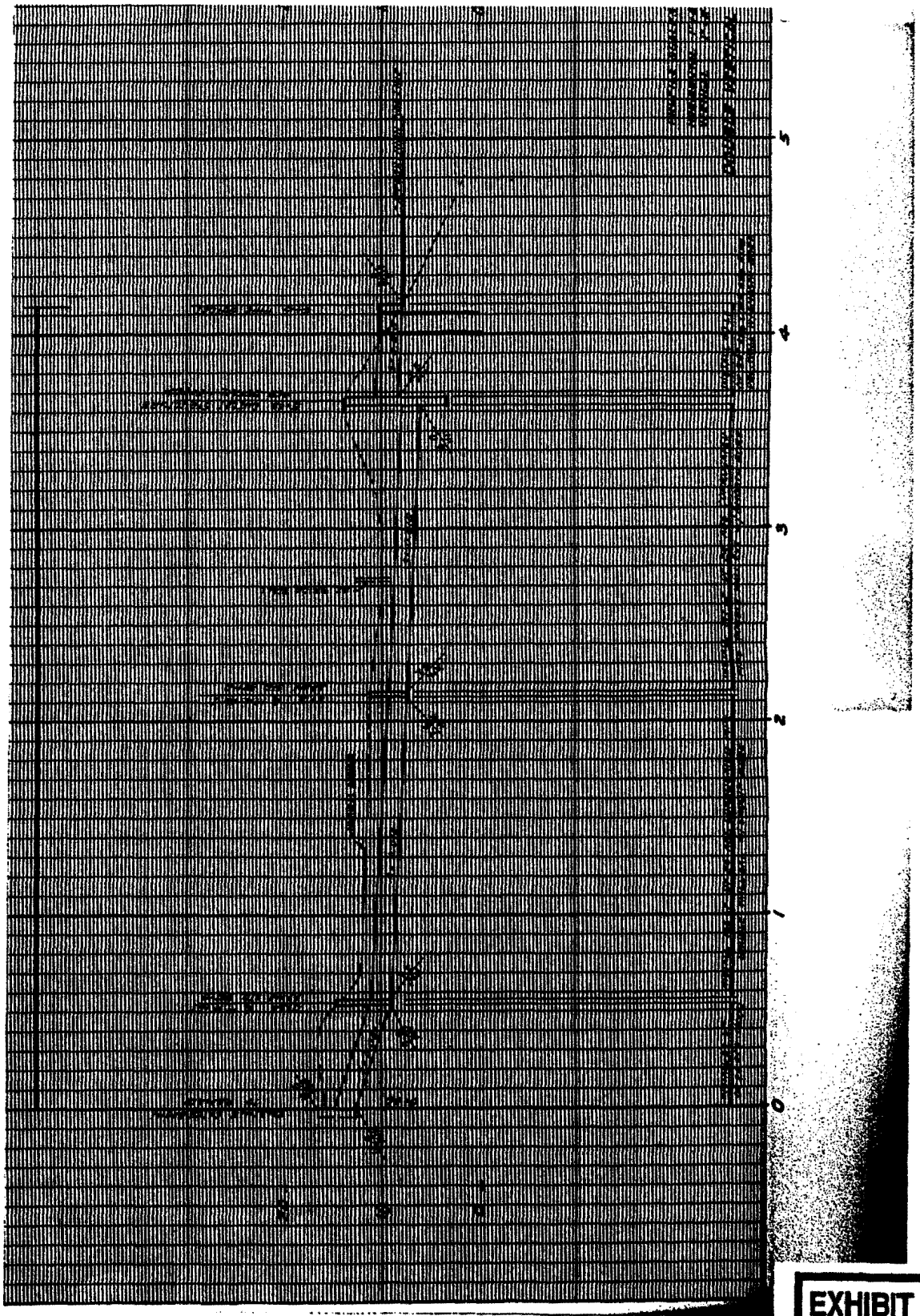
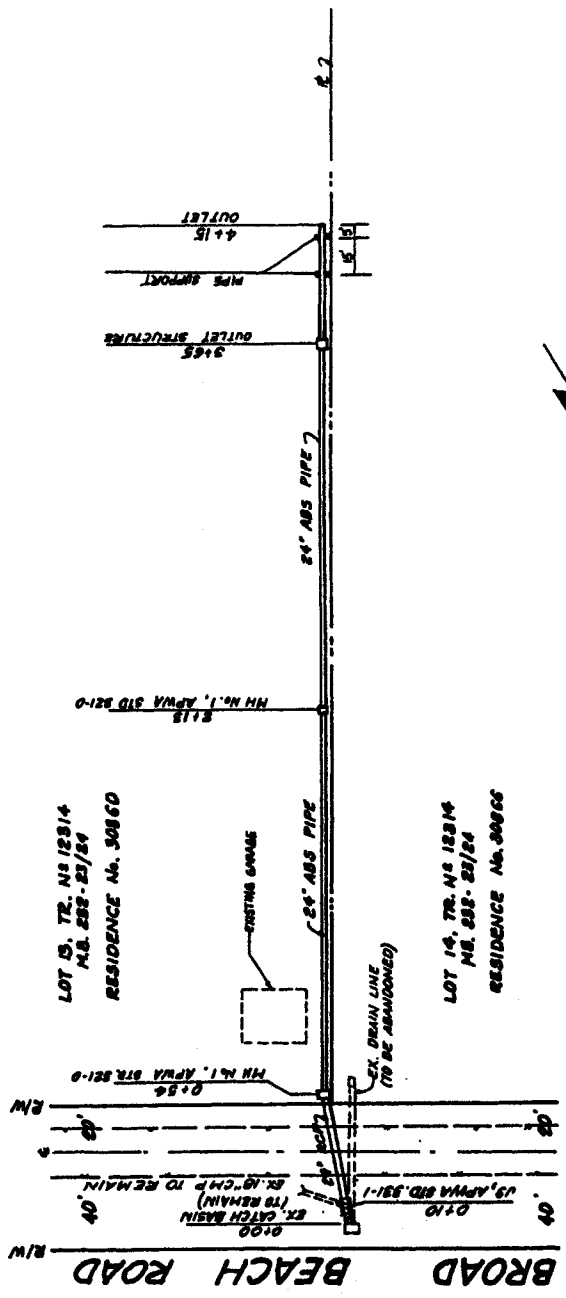


EXHIBIT NO. 3
APPLICATION NO.
4-95-208



PLAN
SCALE: 1" = 40'

LOT 2583

EXHIBIT NO. 4
APPLICATION NO.
4-95-208

SCHEMATIC SKETCH – FRONTIERE DRAIN by: Rick Morgan 8/25/95

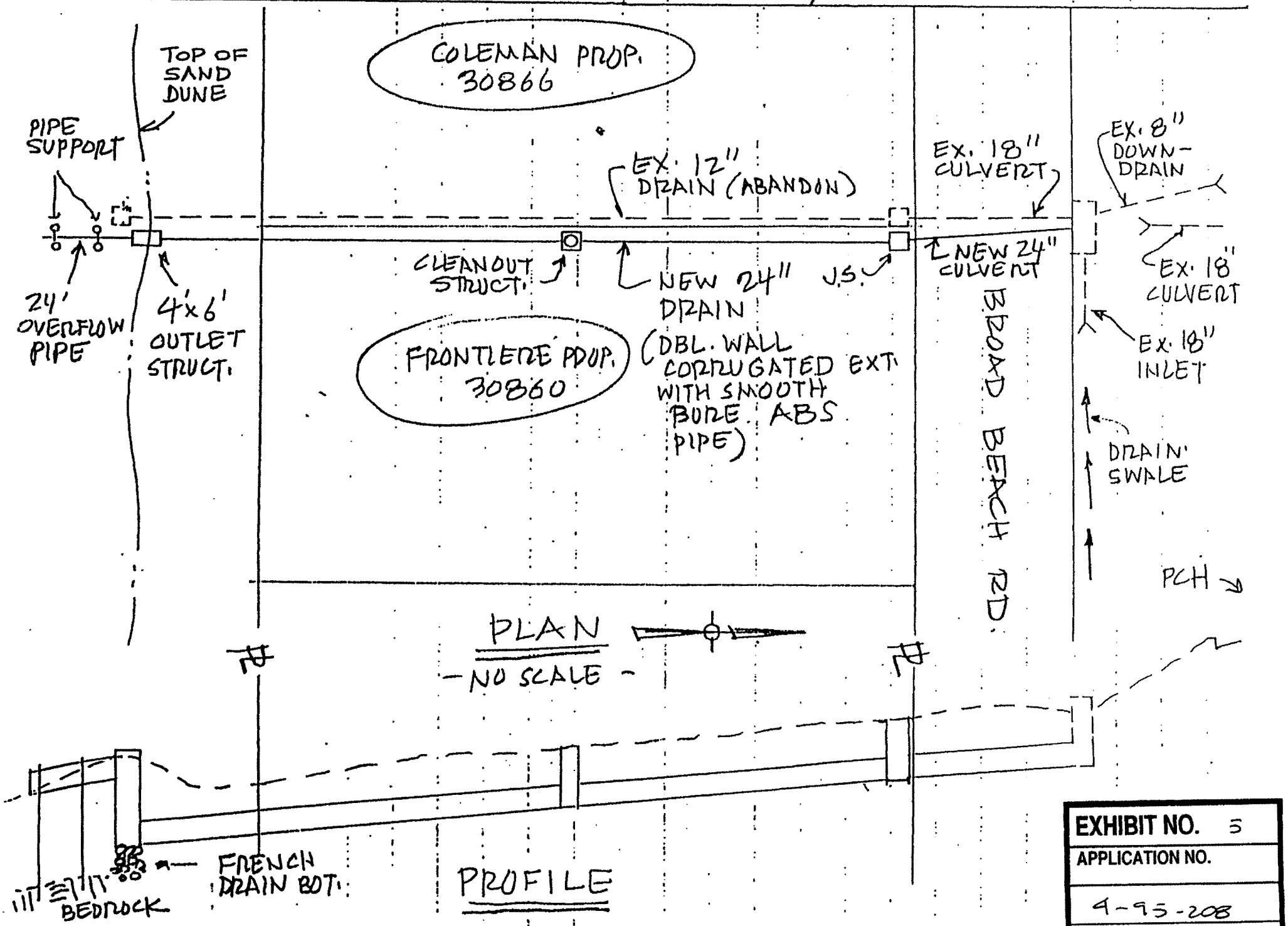


EXHIBIT NO. 5
APPLICATION NO.
4-95-208