

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 641-0142

RECORD PACKET COPY

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Staff: SPF-V *CFP*
Staff Report: 5-6-96
Hearing Date: June 11-14, 1996

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 4-96-49

APPLICANT: Frank Turner

PROJECT LOCATION: 33276 Decker School Road, Malibu; Los Angeles County

PROJECT DESCRIPTION: Restoration of an approximately 10,000 sq. ft. cleared area on a lot with a single family residence.

Lot area:	5.8 acres
Building coverage:	0 new
Pavement coverage:	0 new
Landscape coverage:	10,000 sq. ft. for restoration
Parking spaces:	0 new
Plan designation:	1 Du.
Project density:	1 du/ 5 ac.
Ht abv fin grade:	N/A

SUBSTANTIVE FILE DOCUMENTS: Coastal Act of 1976

SUMMARY OF STAFF RECOMMENDATION

The applicant is requesting to restore an area cleared of vegetation on a lot with a single family residence. The proposed project will restore the environmental and visual qualities and mitigate erosion which will occur if the project is not restored. Staff is recommending approval of the project with special conditions for a monitoring program and implementation of the restoration plan.

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 this permit is reported to the Commission. 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 in the application for permit, subject to any special conditions 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 project during its development, 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. Monitoring Program

The applicant agrees to monitor the restoration area for a period of three years to ensure the successful restoration of the site. The applicant shall

submit to the Executive Director, annual reports on the status of the restoration program, prepared by a qualified restoration specialist or biologist with an expertise in restoration. These reports shall be submitted to the Executive Director no later than the first of May of each year. The first report shall be required at the end of 1996-1997 rainy season, but no later than May 1, 1997.

The annual reports shall outline the success or failure of the restoration project and include recommendations for additional restoration measures if necessary. If the consulting biologist determines that additional or different plantings are required, the applicant shall be required to do additional plantings by the beginning of the rainy season of that year (November 1). If at the completion of the third year of monitoring, the consulting specialist determines that the restoration project has in part, or in whole, been unsuccessful the applicant shall be required to submit a revised, 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 the original coastal development permit.

2. Implementation and Completion of the Restoration Plan

The applicant agrees to implement and complete the restoration plan by November 1, 1996. If no rains have occurred by this time, the applicant may request a one-time sixty day extension for the commencement of the restoration plan.

The irrigation system used to establish the trees and shrubs shall be limited to drip irrigation and shall be removed within three years of the implementation of the restoration plan. No extensions of this time frame shall be allowed.

IV. Findings and Declarations.

A. Project Description and Background

The applicant is proposing to restore an area of approximately 10,000 square feet which was mistakenly cleared of all vegetation. Prior to the clearance of vegetation this area was vegetated with native chaparral species such as coyote bush, toyon, sumac, sage and buckwheat. The applicant is proposing to restore this slope to its pre-violation condition and add oak trees, which are found in this area, although none were on this slope previously. The proposed restoration calls for a mixture of plants and seeds to allow for the maximum potential for a successful restoration.

The clearance of vegetation which occurred exceeds the allowable vegetative clearance parameters established by the Fire Department and allowed by the Coastal Commission. The Fire Department and Commission allow for the clearance of all vegetation, if desired, within a fifty foot radius around a residence. Thinning of vegetation, which encompasses the removal of some vegetation and the reduction in height and bulk of the majority of vegetation, can occur for a maximum radius of 200 feet around a residence (Exhibit 4). In this case, the applicant cleared all vegetation down to mineral soil for a distance of more than 450 feet from his own residence and more than 200 feet from a neighboring residence. This total clearance of all vegetation is clearly beyond the Fire Department standards and beyond the parameters of allowable clearance by the Commission.

The site is located on the south side of Decker School Road, west of Decker canyon. There is an existing single family residence on the site which was constructed circa 1933. No other development is proposed at this time.

B. Habitat Protection and Visual Impacts

The proposed project calls for the restoration of an area which experienced excessive vegetation clearance. The excessive vegetation clearance created significant visual impacts from Decker Canyon Road, a designated scenic highway. The clearance also increased the potential for erosion and reduced the habitat area for native wildlife. The applicant is proposing to restore this area to mitigate the adverse visual impacts, reduce erosion and reestablish the habitat area. The applicable Coastal Act policies are as follows:

Section 30231:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30251:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Sections 30251 and 30231 of the Coastal Act mandate the protection of the visual and environmental resources of the Coastal Zone. Within the Santa Monica Mountains, undeveloped tracts and open space areas provide both an aesthetically pleasing view and habitat areas for wildlife. The proposed project will restore a disturbed area, improving the visual and environmental qualities of the area. In addition, restoration will mitigate any erosion from the site and thereby eliminate off-site negative impacts created by the removal of this vegetation.

The applicant submitted a detailed restoration plan which outlines the types of plants to be used and calls for a mixture of plants and seeds for an optimum potential for success. The plan also outlines the removal of invasive exotic species. This plan, if carried out to completion with monitoring, shall re-establish the habitat area. This would eliminate the visual impact which now exists from the unpermitted clearance of vegetation. The restoration would also ensure that erosion would be mitigated and the habitat restored.

To ensure that the restoration is successful, the Commission requires that the applicant agree to monitor the site for a period of three years. Including with this monitoring is the submittal of annual reports to the Executive Director which shall outline the progress of the restoration project and shall include any recommendations for modifications to the project if this initial restoration efforts fail. The details of the monitoring program are outlined in special condition 1.

To ensure that this restoration project is carried out in a timely manner, the Commission finds it necessary to require the applicant to implement the restoration plan no later than November 1, 1996, as noted in special condition 2. Finally, the proposed plan states that temporary irrigation shall be put in place to provide water to increase the success rate of the planted species. The Commission finds that any irrigation on this slope shall be minimal and temporary so as to not increase the saturation of the slope which in turn could lead to slope failure. As such, special condition 2 limits the applicant to the use of drip irrigation and the removal of such irrigation within three years of the implementation of the restoration plan.

Only as conditioned above is the project consistent with the applicable Sections of the Coastal Act.

C. Violation

Although development has taken place prior to submission of this permit application, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Approval of this permit does not constitute a waiver of any legal action with regard to any violation of the Coastal Act that may have occurred.

D. 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).

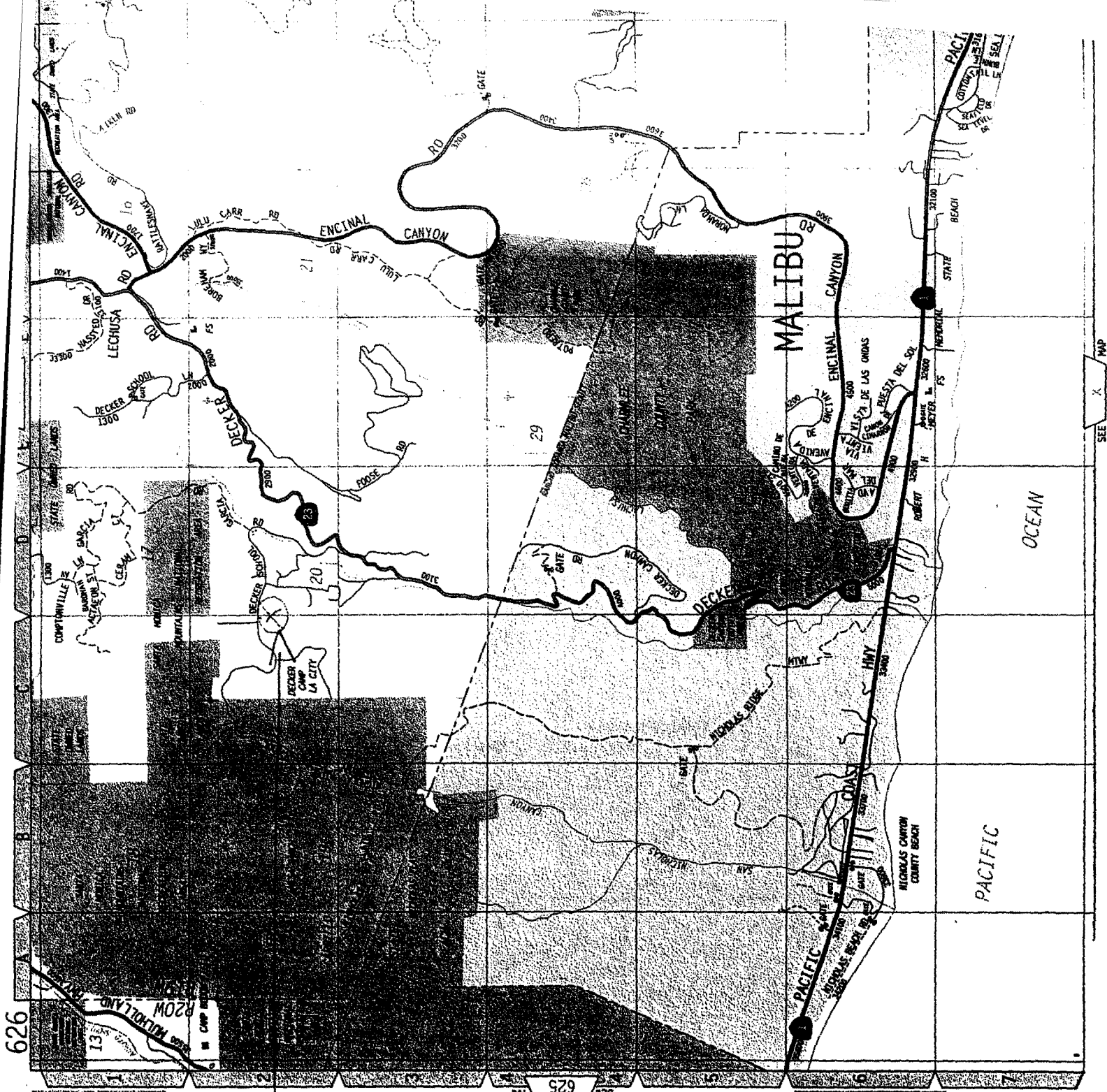
Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding section provides findings that the project as conditioned is in conformity with the provisions of Chapter 3. As conditioned, the 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 development, as conditioned, will not prejudice the County's ability to prepare a Local Coastal Program for Malibu which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

E. 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, 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.

There are no negative impacts caused by the proposed development, as conditioned, which have not been adequately mitigated. Therefore, the proposed project is found consistent with CEQA and the policies of the Coastal Act.

2021M



PROJECT
LOCATION

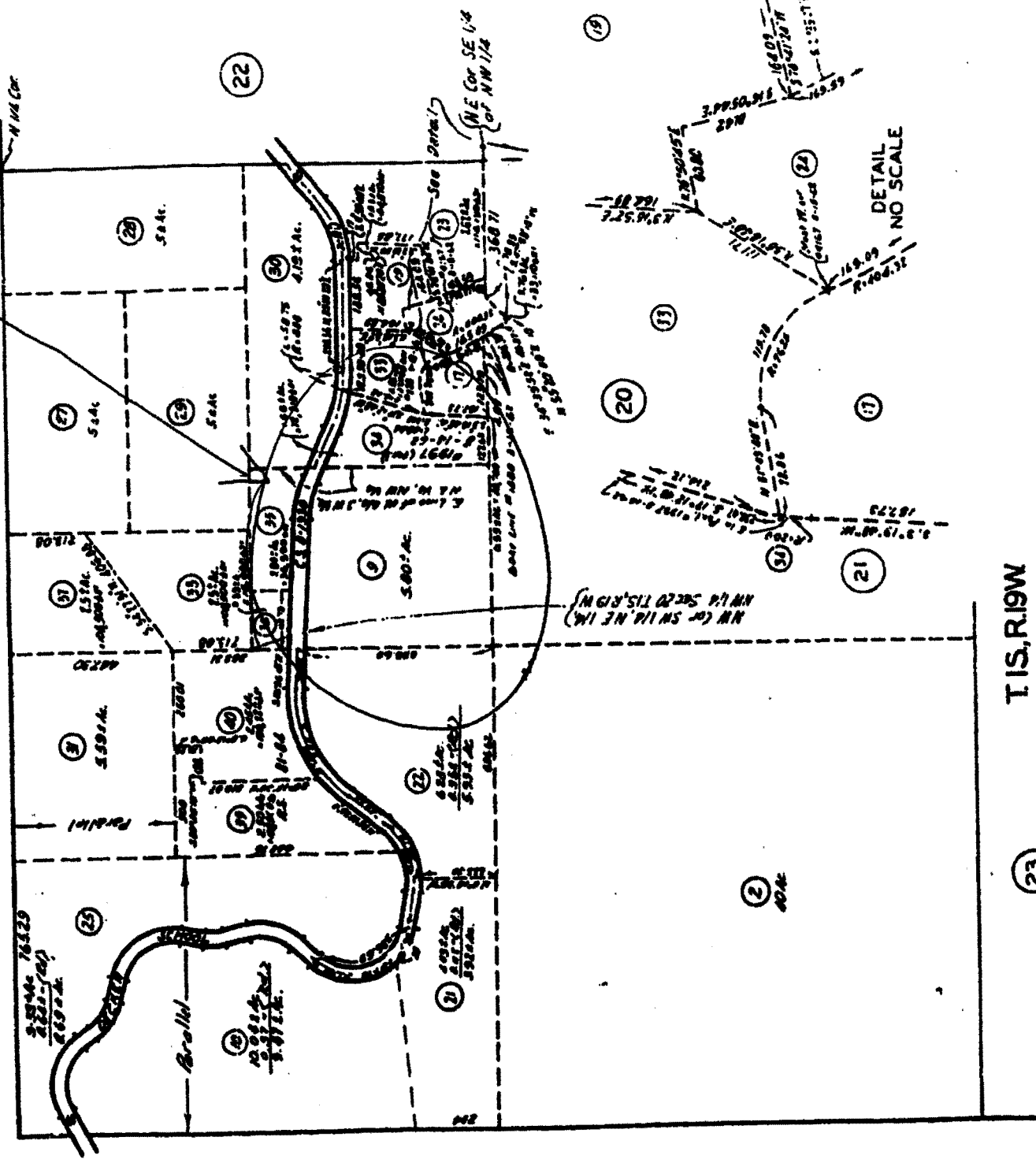
Exhibit 1: Location Map
4-96-049

4472 19

SCALE 1" = 300'

13 POR. NW 1/4, FRAC. SEC. 20

SUBJECT PARCEL



8634 --- 8632

10



CODE
8634
8632

T 1 S, R. 19 W

23

Exhibit 2: Parcel Map
4-96-049

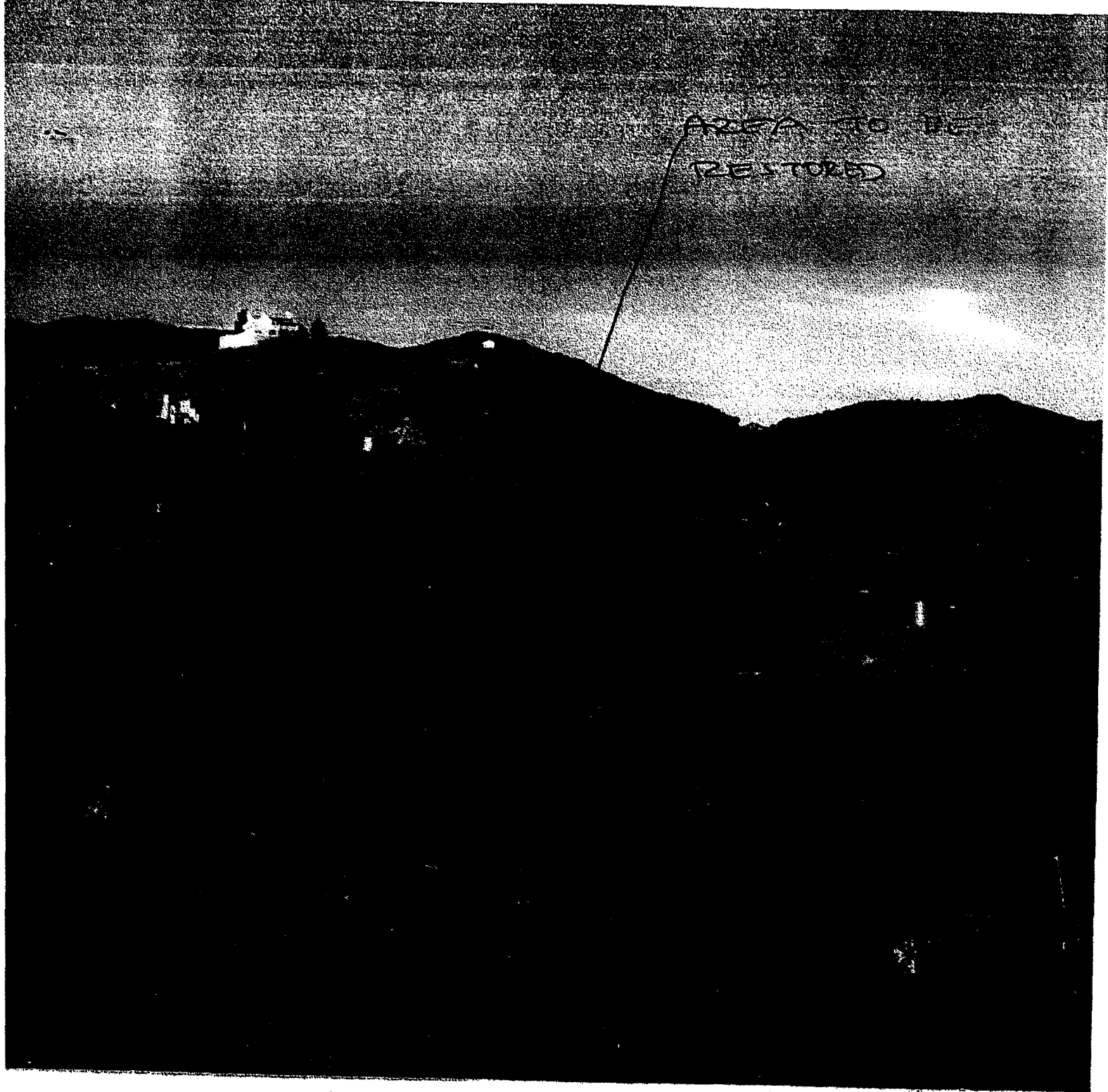


Exhibit 3: Photograph of site
4-96-049

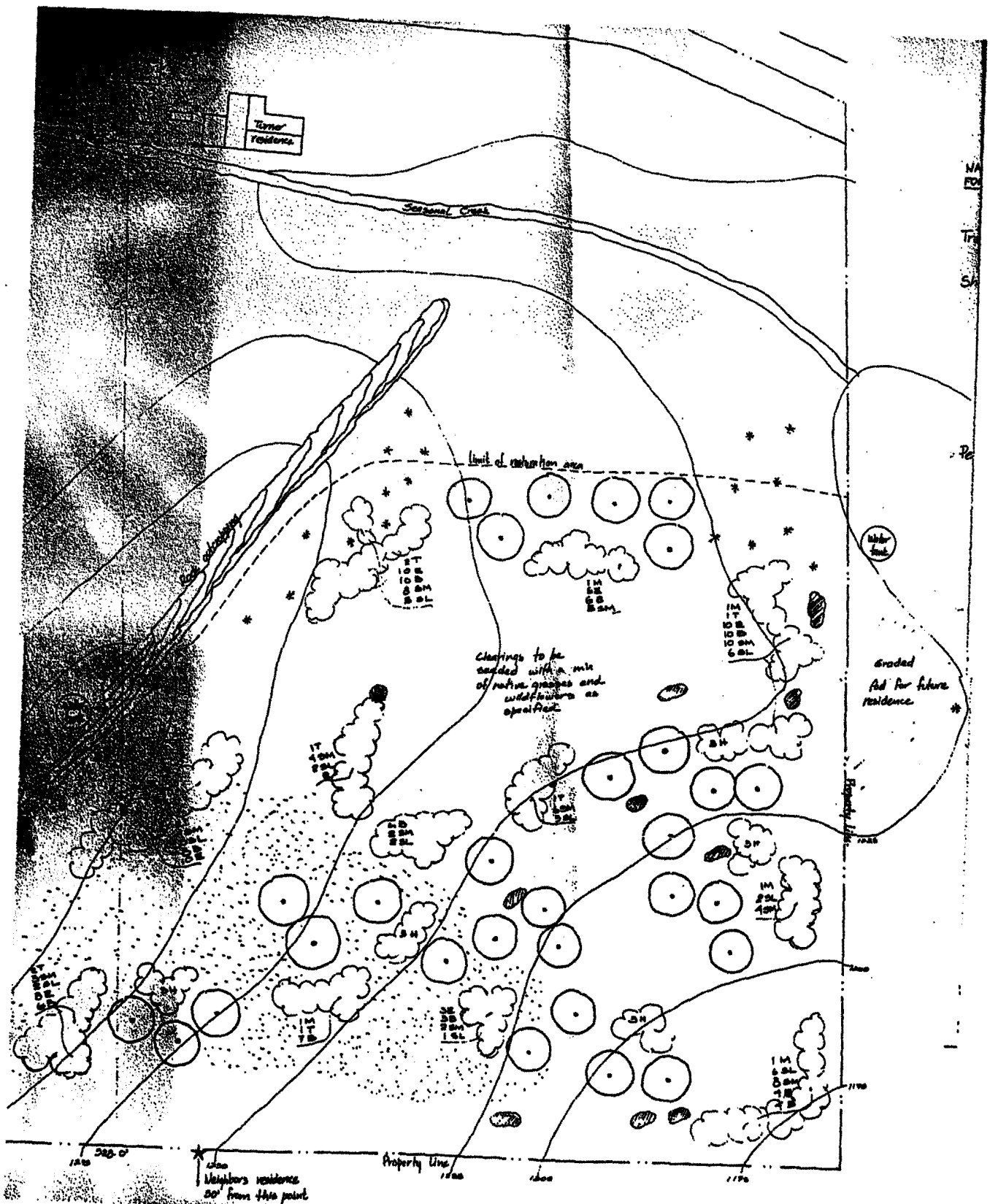


Exhibit 4: Site Plan
4-96-049

FOR RESTORATION OF SITE (in addition to existing ones)

NOTES:

Trees: *Quercus agrifolia*



- Shrubs:
- *Baccharis pilularis* (B)
 - *Eriogonum fasciculatum* (E)
 - *Heteromeles arbutifolia* (H)
 - *Malacothamnus fasciculatum* (M)
 - *Salvia leucophylla* (SL)
 - *Salvia mellifera* (SM)
 - *Trichostema lanatum* (T)



- Perennials and annuals (from seed)*:

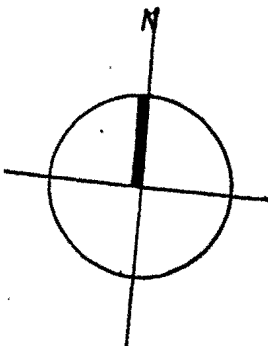
- *Clarkia deflexa*
- *Clarkia unguiculata*
- *Lotus scoparius*
- *Lupinus longifolius*
- *Lupinus succulentus*
- *Eschscholzia californica*

- Grasses (from seed)*:

- *Hordeum jubatum*
- *Stipa lepida*

* Grasses and perennials to be mixed and broadcast at the following rates throughout the cleared area:

- *Hordeum jubatum* (californica) 10 lb/acre
- *Stipa lepida* (or pulchra) 5 lb/acre
- *Clarkia deflexa* 5 lb/acre
- *Clarkia unguiculata* 5 lb/acre
- *Lupinus longifolius* 3 lb/acre
- *Lupinus succulentus* 1 lb/acre
- *Eschscholzia californica* 5 lb/acre
- *Lotus scoparius* 2 lb/acre



1. All exotic vegetation will be removed from the site prior to planting.
2. The restoration project will be executed with minimal disturbance to existing native vegetation and existing grade of the slopes.
3. A temporary irrigation system will be installed to establish trees and shrubs.
4. The proposed seed mix will be broadcast in late fall prior to the onset of the rainy season.
5. The area will be monitored for 5 years to discourage exotics from becoming re-established.

EXISTING NATIVES

- *Phacelia*
- *Trichostema lanatum*
- *Yucca whipplei*
- *Hordeum jubatum*
- *Stipa lepida*

RECEIVED

APR 05 1996

TURNER PROPERTY
3276 DECKERSCHOOL RD

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT