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STATE OF CALIFORNIA—THE RESOURCES AGENCY

PETE WILSON, Governor

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
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Filed: 8-7-96
49th Day: 9-25-96
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Staff: SPF-VNT *see*
Staff Report: 8-14-96
Hearing Date: Sept. 10-13, 1996
Commission Action:



STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 4-96-030

APPLICANT: Jerry Golod

PROJECT LOCATION: 7089 Birdview Drive, City of Malibu; Los Angeles County

PROJECT DESCRIPTION: Restoration of coastal bluff with the removal of wooden tiers, non-native landscaping, pipes and stakes, and the revegetation of the area with native plant species.

Lot area:	.6 acres
Building coverage:	0 new proposed
Pavement coverage:	0 new proposed
Landscape coverage:	0 new proposed
Parking spaces:	0 new proposed
Plan designation:	
Project density:	1 du/ac. existing
Ht abv fin grade:	N/A

LOCAL APPROVALS RECEIVED: Approval in concept from the City of Malibu

SUBSTANTIVE FILE DOCUMENTS: Coastal Development Permit Applications 5-90-1080 (Golod), 5-91-621 (Golod).

SUMMARY OF STAFF RECOMMENDATION

This application is for the restoration of a coastal bluff disturbed with the placement of unpermitted man-made structures and non-native vegetation. The restoration will enhance the habitat value of this environmentally sensitive habitat area, and thus is consistent with the resource policies of the Coastal Act. Staff recommends that the Commission approve the project with special conditions requiring the submittal of a monitoring program and the timing of completion of work.

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 December 1, 1996. If no rains have occurred by this time, the applicant may request a one-time ninety day extension for the commencement of the restoration plan.

The irrigation system used shall be limited to an above ground temporary drip irrigation that shall be removed within two years of the implementation of the restoration plan. Additional time may be granted if required by the resource specialist to ensure a successful restoration.

IV. Findings and Declarations.

A. Project Description and Background

The applicant is proposing the restoration of a coastal bluff disturbed with the placement of wooden tiers, pipes, stakes and non-native vegetation. The restoration involves removing these developments and replanting the area with native plant species. The applicant is also proposing the installation of a temporary drip irrigation system, if necessary, to water the plants and increase the survivability rates. The plan has been reviewed by the biologist for the City of Malibu, and has received an "Approval in concept" from the City. The subject site is located on Birdview Drive in the Point Dume area of Malibu. There is an existing single family residence at the top of the bluff.

The recent work on the site consists of the placement of wooden tiers in the location of the existing pathway and the landscaping of the area adjacent to the pathway with non-native trees and shrubs. These non-native trees and

landforms. Development setbacks from coastal bluffs are a long-time Commission requirement of bluff top properties to reduce hazards on site. These setbacks are also required to protect the environmental and visual resources of the bluffs. The Coastal Act policies which pertain the development standards of coastal bluffs include:

Section 30240

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

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

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.

Section 30253

New development shall:

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

The proposed project calls for the restoration of the coastal bluff on site which was disturbed with the placement of unpermitted wooden tiers, pipes, stakes and non-native vegetation. The disturbance of the site is an adverse environmental impact as it disrupts the native vegetative cover and thus reduces the function of the bluff to provide habitat to coastal plants and wildlife. Likewise, the introduction of non-native plant species further changes the use of the bluff and invites the introduction of non-native wildlife. Section 30240 of the Coastal Act mandates the protection of ESHAs against significant disruption of the habitat values as existing on site now.

These non-native plants also require additional watering. Over watering of a bluff can over saturate the bluff and exacerbate the naturally instable

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(a):

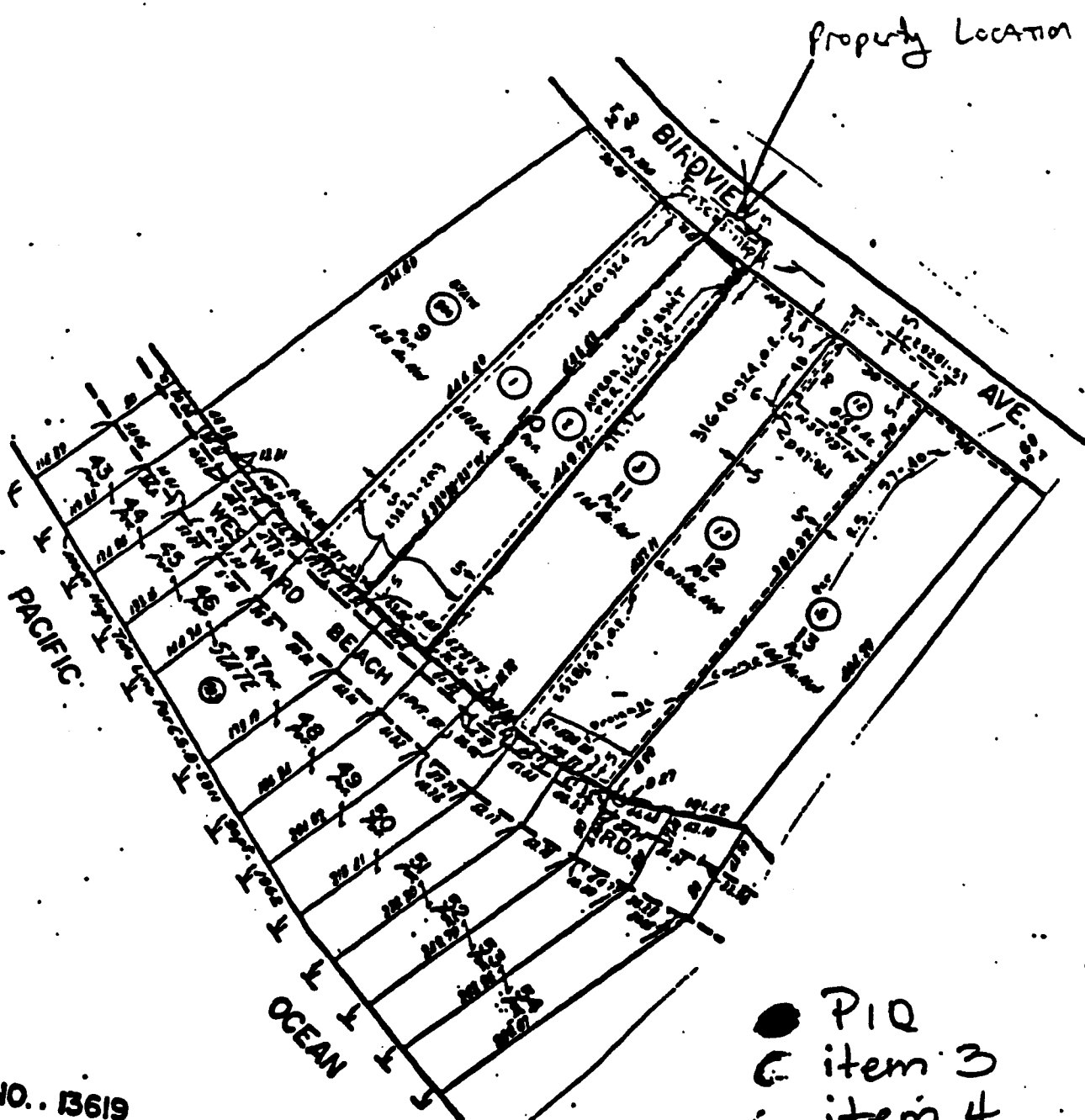
- (a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200 of the division and that the permitted development will not prejudice the ability of the local government to prepare a local coastal 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 which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

E. CEQA

Section 13096 of the Commission's administrative regulations requires Commission approval of Coastal Development Permit applications 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, is consistent with the applicable policies of the Coastal Act. There are no feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the proposed permit, as conditioned, is found consistent with CEQA and the policies of the Coastal Act.



Property Location

PACIFIC

OCEAN

BIRDVIEW AVE. 52

TRACT NO. 13619
M.B. 282-26-28

- P10
- item 3
- ⊕ item 4
- ⊙ item 6

RECORD OF SURVEY

R.S. 57-40-41

Exhibit 2: Parcel Map
4-96-030

THIS IS NOT A SURVEY OF THE LA

SHOWN BY OFFICIAL RECORDS.

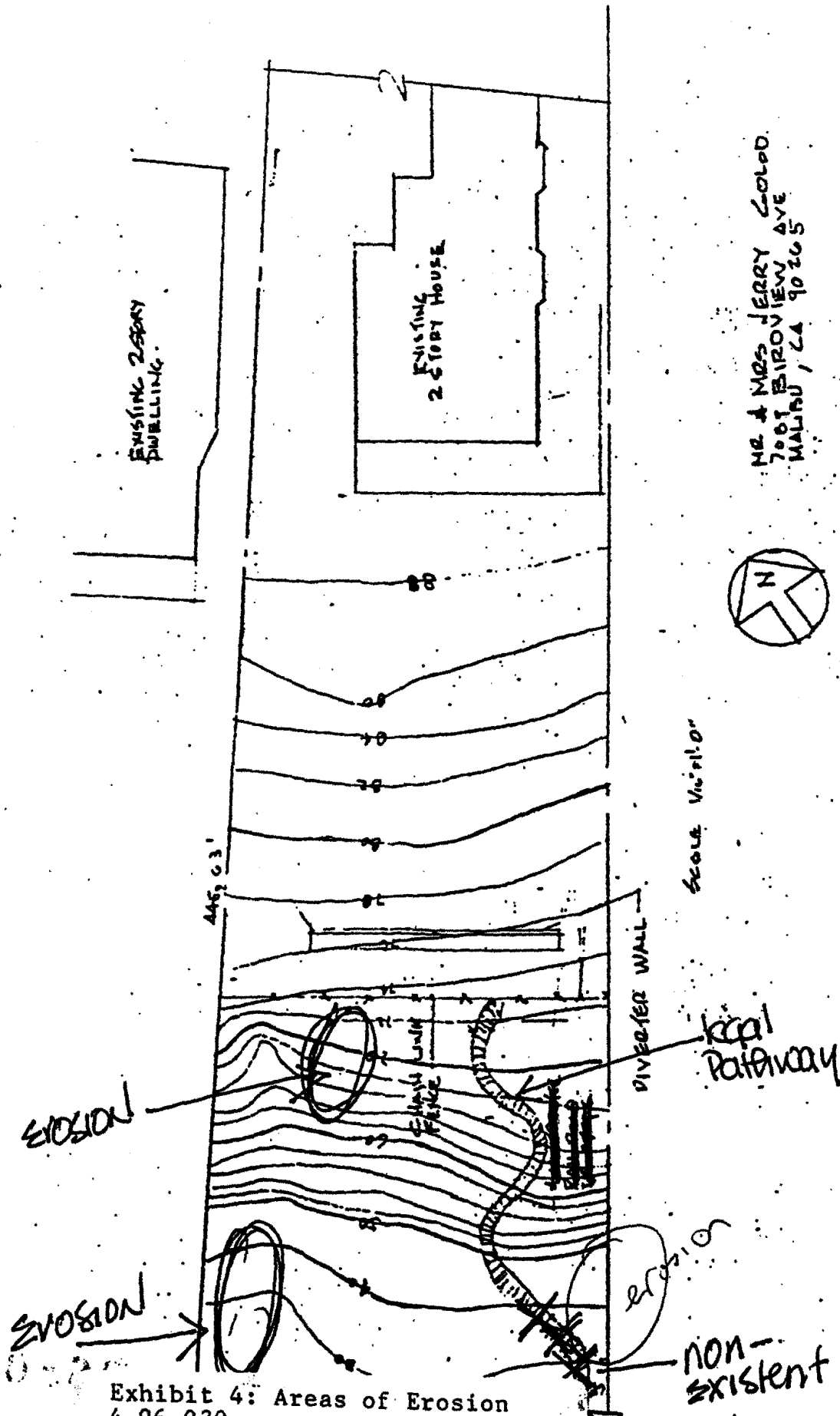


Exhibit 4: Areas of Erosion
4-96-030