

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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Filed: 7/22/97
49th Day: 9/9/97
180th Day: 1/18/98
Staff: R. Richardson
Staff Report: 9/14/97
Hearing Date: 10/7-10/11/97
Commission Action:

STAFF REPORT: REGULAR CALENDAR**Th11c****APPLICATION NO.: 4-97-133****APPLICANT: Los Angeles County Beaches and Harbors****PROJECT LOCATION:** Zuma Beach (between Zuma Beach Road and Westward Beach Road), City of Malibu, Los Angeles County

PROJECT DESCRIPTION: The enhancement and creation of 6.4 total acres of native vegetation along the lower portion of Zuma Creek which includes: coastal dunes, willow riparian, sycamore alluvial woodland/coastal sage scrub and freshwater marsh. The project involves 7200 cu. yds. of grading within a 2.6 acre area; one interpretive trail; and, nine interpretive signs.

LOCAL APPROVALS RECEIVED: N/A

SUBSTANTIVE FILE DOCUMENTS: Certified 1986 Malibu/Santa Monica Mountains Land Use Plan; City of Malibu General Plan, 11/95; Coastal Development Permits: 4-97-133 (Heal the Bay and California Department of Parks and Recreation) and 4-96-111 (City of Carpinteria).

SUMMARY OF STAFF RECOMMENDATION:

The Los Angeles County Department of Beaches and Harbors are proposing to restore and enhance the habitat values of the lower portion of Zuma Creek and a small lagoon area that is at the mouth of the creek. Natural habitats and hydrologic processes in this area have been degraded by highway construction, debris dumping, visitor use and the introduction of invasive alien plant species. The subject project has been funded by the Santa Monica Mountains National Recreation Area and the Santa Monica Bay Restoration Project. The subject project is located within the confines of Zuma Beach which is the most visited beach in Los Angeles County. The project involves enhancing the habitat values of a 6.4 acre area and expanding the recreation/nature viewing opportunities for visitors to Zuma Beach developing one interpretive trail; and, nine interpretive signs.

SUMMARY OF STAFF RECOMMENDATION CONTINUED ON PAGE 2

SUMMARY OF STAFF RECOMMENDATION CONTINUED FROM PAGE 1

The project involves 7200 cu. yds. of grading and the estimated grading limits for the project encompass 2.6 acres: 2.2 acres of which is seriously degraded and .3 acres consist of a saltgrass-dominated terrace. No work is proposed within the channel of Zuma Creek. The project is intended to significantly increase native habitat and wildlife values while also improve the water quality of lower creek and lagoon area.

Staff is recommending approval of the proposed project subject to special conditions relating to continued public access during construction and submittal of annual monitoring plans.

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, is located between the sea and the first public road nearest the shoreline and is in conformance with the public access and recreation policies 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. Public Access During Construction

During the revegetation and restoration of lower Zuma Creek and the lagoon, the applicant agrees by acceptance of this permit, to maintain access to the Zuma Beach areas, except in those areas of the that are undergoing revegetation and or construction. Additionally, the applicant agrees that all revegetation efforts will not impede the public's ability to access the public parking areas along the beach.

2. Monitoring Plan

By acceptance of this permit, the applicant agrees to implement the proposed annual monitoring of vegetation habitat, wildlife habitat, aquatic habitat and noxious weeds which will commence after the second planting for between 5 to 10 years, depending on the habitat type. The applicant agrees to submit annually to the Executive Director, during the month of September, information which documents the project's performance relative to vegetation survivorship and diversity, abundance and diversity of native bird species, lagoon and lower creek water quality and existence of noxious weeds. In addition, five years after the second planting the applicant agrees to submit an evaluation with recommendations for the review and approval of the Executive Director regarding the need for continued, long-term monitoring of the restoration project.

IV. Findings and Declarations.

The Commission hereby finds and declares:

A. Project Description

The applicant is proposing to enhance and restore the habitat values of the lower portion of Zuma Creek and a small lagoon area that is at the mouth of the creek. Natural habitats and hydrologic processes in this area have been degraded by highway construction, debris dumping, visitor use and the introduction of invasive alien plant species. The subject project has been funded by the Santa Monica Mountains National Recreation Area and the Santa Monica Bay Restoration Project. The subject project is located within the confines of Zuma Beach which is the most visited beach in Los Angeles County. The project involves enhancing the habitat values of a 6.4 acre area and expanding the recreation/nature viewing opportunities for visitors to Zuma Beach developing one interpretive trail; and, nine interpretive signs.

The project involves 7200 cu. yds. of grading and the estimated grading limits for the project encompass 2.6 acres: 2.2 acres of which is seriously degraded and .3 acres consist of a saltgrass-dominated terrace. No work is proposed within the channel of Zuma Creek. The project is intended to significantly increase native habitat and wildlife values while also improving the water quality of lower creek and lagoon area.

The project site is located about 1 mile west of the City of Malibu and encompasses the Zuma Creek channel beginning about 350 ft. upstream from its crossing beneath Pacific Coast Highway at Zuma Beach Road, downstream to its confluence with the Pacific Ocean. Below the Pacific Coast Highway crossing, the project widens to encompass sand dunes to the west and rubble covered terrace to the east. the most seriously degraded portion of the project area totals 2 acres. It will be cleared of weeds and debris, recontoured and planted with native plant species.

B. Wetlands and Environmentally Sensitive Habitat Areas

The Coastal Act requires that special protection shall be given to areas and species of special biological or economic significance. §30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Use 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 Coastal Act states that the filling of wetlands, which includes lagoons, is only allowed where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to specific purposes. §30233 states in part:

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

(7) Restoration purposes.

(8) Nature study, aquaculture, or similar resource dependent activities.

The Coastal Act mandates that ESHAs be protected against habitat disruption. Furthermore, the Coastal Act requires that development adjacent to an ESHA be sited and designed to prevent impacts that would degrade the ESHA value. Specifically, §30240 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.

§30230 of the Coastal Act mandates that marine resources be maintained, enhanced and where feasible restored. Areas, such as environmentally sensitive habitat areas (ESHA), are to be given special protection to provide for and to sustain their habitat. §30233 of the Coastal Act states that the filling of wetlands, which includes lagoons, is only allowed where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to specific purposes. Two of the instances where the placement of fill is allowed in a wetland area include development that is performed for restoration purposes and development that allows for nature study, aquaculture, or similar resource dependent activities. Likewise, §30240 of the Coastal Act mandates that only resource dependent uses be allowed in ESHAs. Such uses which could be considered resource dependent could include developing a public trail in parkland, restoring of habitat or placing a fish ladder in a stream. §30240 of the Coastal Act also mandates that development adjacent to parks and recreation areas be performed in a manner that would not adversely impact habitat area. For example, in accordance with §30240, development involving vegetation removal, should also include erosion control measures to ensure that streambanks remain stable.

In addition, the Malibu/Santa Monica Mountains LUP contains several policies and standards regarding ESHAs, and marine habitat protection. These policies have been certified as consistent with the Coastal Act and used as guidance by the Commission in numerous past permit actions in evaluating a project's consistency with Sections 30230 and 30240 of the Coastal Act. For example, Policy 98 of the LUP suggests that development should have no adverse impacts on sensitive marine and beach habitat areas and Policy 90 of the LUP suggests that development in areas adjacent to sensitive beach and marine habitat areas be designed to prevent impacts which could degrade the environmentally sensitive habitats.

The proposed project involves the implementation of restoration and enhancement of the lower creek and lagoon area. The Malibu LUP designates the lower creek and lagoon as an Environmentally Sensitive Habitat Area. Natural habitats and hydrologic processes in the lower portion of Zuma Creek and a small lagoon at the mouth of the creek have been degraded by highway construction, debris dumping, visitor use and the introduction of invasive alien plant species. Even though habitat restoration in the strict sense, i.e. returning the site back entirely to its pre-1900 conditions, is not possible due to the need for Pacific Coast Highway bridge, access roads and visitor uses, the habitat values of the area, as proposed, will be greatly enhanced.

The project site encompasses the Zuma Creek channel beginning about 350 ft. upstream from its crossing beneath Pacific Coast Highway at Zuma Beach Road, downstream to its confluence with the Pacific Ocean. The project site widens to encompass sand dunes to the west and rubble covered terrace to the east. The most seriously degraded portion of the project area totals 2 acres. It will be cleared of weeds and debris, recontoured and planted with native plant species.

The grading limits for the project encompass 2.6 acres. Of this acreage 2.2 acres are degraded and .17 acres are an isolated wetland that is located adjacent to a restroom facility. This .17 acres will be filled with beach sand to establish coastal dune habitat. The dune habitat will serve as a natural buffer between an existing restroom facility and the freshwater marsh, which will be expanded from its existing boundaries into an area presently occupied by rubble piles.

Habitats to be established consist of the expansion of the existing freshwater marsh, dunes, sycamore alluvial woodland and coastal sage scrub. Currently there are no special status plants or animals that occur in the project area. Restoration, however, may lead to enhanced habitat suitability for special status species, particularly riparian-nesting birds. Additionally, implementation of the project may have a beneficial effect on these animals.

Approximately 16 acres will be enhanced through weed control and planting of native species but will not otherwise be disturbed. The lagoon area itself consists of open water surrounded by unvegetated sand, and is an ephemeral body which forms and disappears depending on the adjacent sand barrier. No enhancement or restoration actions are planned for the lagoon.

The restoration site is intended to become a largely self-sustaining system with minimal maintenance requirements once it is established. The applicant has indicated two main objectives of the proposed project: 1) To substantially increase the amount of wetland habitat, such as marsh, willow riparian and sycamore riparian/alluvial woodland habitats, that are available for wildlife use; and 2) to enhance and or create 6.4 acres of native vegetation.

With respect to the second objective, chart A below shows the breakdown of the vegetation.

TYPE OF VEGETATION	AMOUNT OF ACREAGE
Dunes	1.2 acres <i>enhanced</i> .5 acres <i>new</i>
Willow Riparian	2.4 acres <i>enhanced</i>
Freshwater Marsh	.8 acres <i>enhanced</i> .7 acres <i>new</i>

The project also involves the construction of an interpretive trail with small signs placed along the trail to describe the ecology and habitat type. The trail would extend around the dunes and to the creek on a low berm and be constructed on compacted fill, with natural rock and vegetation revetment near the creek to increase resistance to flood scour. The trail surface will not be paved but surfaced with gravel or decomposed granite. No trails or new planting are proposed for the emergent wetland zone immediately adjacent to the creek or within the lagoon, since both of these areas are subject to flood scour and washout.

The applicant has indicated that most of the grading, seeding and planting will be completed by the first major storm but no later than January 1, 1998. Watering of the upland area plantings in the summer of 1998 is intended. Should additional planting be necessary during the following winter (1998-99), then a second summer of watering would be anticipated.

The applicant is proposing to monitor the restoration and enhancement through several means which includes photo documentation and line-intercept vegetation transects to document plant density and diversity. The transects will be sampled at the end of the first summer season and repeated once each summer for five years. Tolerance criteria for plant criteria will be established at the beginning of the project, to evaluate the need and frequency of remedial planting. The monitoring program will also include a wildlife component to document animal use of the restored habitat. Existing revegetation and wildlife were inventoried and mapped prior to the applicant submitting this application. The applicant intends to use this information as a baseline condition for general comparison of wildlife and native verses non-native plant abundance with the restored site. The applicant has stated that the revegetation and water quality monitoring is intended to occur for 10 years following the enhancement and restoration efforts to ensure successful revegetation and restoration.

As stated previously, §30230 of the Coastal Act mandates that marine resources be maintained, enhanced and where feasible restored. As proposed by this project, the water quality of both lower Zuma Creek and the lagoon area will be enhanced as a result of restoring and enhance the vegetative buffer adjacent to the creek and lagoon. Furthermore, the proposed project is consistent with §30233 of the Coastal Act which states that the filling of wetlands is only allowed where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited, in part, to development that is performed for restoration purposes and development that allows for nature study, aquaculture, or similar resource dependent activities. The .17 acres of ephemeral wetlands will be filled for purposes of enhancement and restoration and therefore is consistent with §30233 of the Coastal Act.

§30240 of the Coastal Act mandates that only resource dependent uses be allowed in ESHAs and also mandates that development adjacent to parks and recreation areas be performed in a manner that would not adversely impact habitat area. The Malibu LUP designates the lower creek and lagoon as an Environmentally Sensitive Habitat Area. In order to further protect the resources of lower Zuma Creek and the lagoon and to make necessary adjustments to the enhancement and restoration project, the applicant is proposing extensive monitoring. Special condition #2 has been drafted to require the applicant to implement the proposed annual monitoring of vegetation habitat, wildlife habitat, aquatic habitat and noxious weeds which will commence after the second planting for between 5 to 10 years, depending on the habitat type. The special condition also requires the applicant to submit annually to the Executive Director, during the month of September, information which documents the project's performance relative to vegetation survivorship and diversity, abundance and diversity of native bird species, lagoon and lower creek water quality and existence of noxious weeds. This condition is necessary to ensure the disturbed and graded areas required as part of the restoration program are

successfully revegetated. The Commission finds that only as conditioned is the proposed project consistent with Sections 30230, 30233 and 30240 of the Coastal Act.

C. Public Access and Recreation

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211 of the Coastal Act states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30213 of the Coastal Act states (in part):

Lower cost visitor serving and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. . . .

Section 30220 of the Coastal Act states:

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Section 30221 of the Coastal Act states:

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreation activities that could be accommodated on the property is already adequately provided for in the area.

The California Constitution and the public access sections of the Coastal Act require the Commission to consider the impacts of development in the coastal zone on public access and recreational opportunities, including balancing the public's right to access the beach with the need to protect natural resource areas. In addition, Coastal Act §30213 and §30220 mandate that lower cost visitor serving recreational facilities be protected and coastal areas suited for water-oriented recreational activities be maintained where feasible.

Zuma Beach affords visitors with opportunities to access the numerous recreational uses, such as passive recreation activities described below, and access to adjoining beaches which complete the State Park. Beach activities

available to the public include, swimming, surfing, kayaking, sun bathing and walking.

The project also involves the construction of an interpretive trail through the creek and lagoon area with small signs placed along the trail to describe the ecology and habitat type (Exhibit 3). The trail would extend around the dunes and to the creek on a low berm. The proposed project will enhance recreational use and public access to this area.

The applicant has indicated that the staging area for the work will be adjacent to the existing restrooms located approximately 80 west of Westward Beach Road. In order to insure that the public's use of the beach is not impeded special condition #1 has been drafted. Thus, the applicant is required to maintain access to the Zuma Beach areas, except in those areas of the that are undergoing revegetation and or construction during the revegetation and restoration of lower Zuma Creek and the lagoon. Additionally, the applicant agrees that all revegetation efforts will not impede the public's ability to access the public parking areas along the beach. Only as conditioned is the proposed project consistent with the applicable public access and recreation sections of the Coastal Act.

E. Local Coastal Program

Section 30604 of the Coastal Act states that:

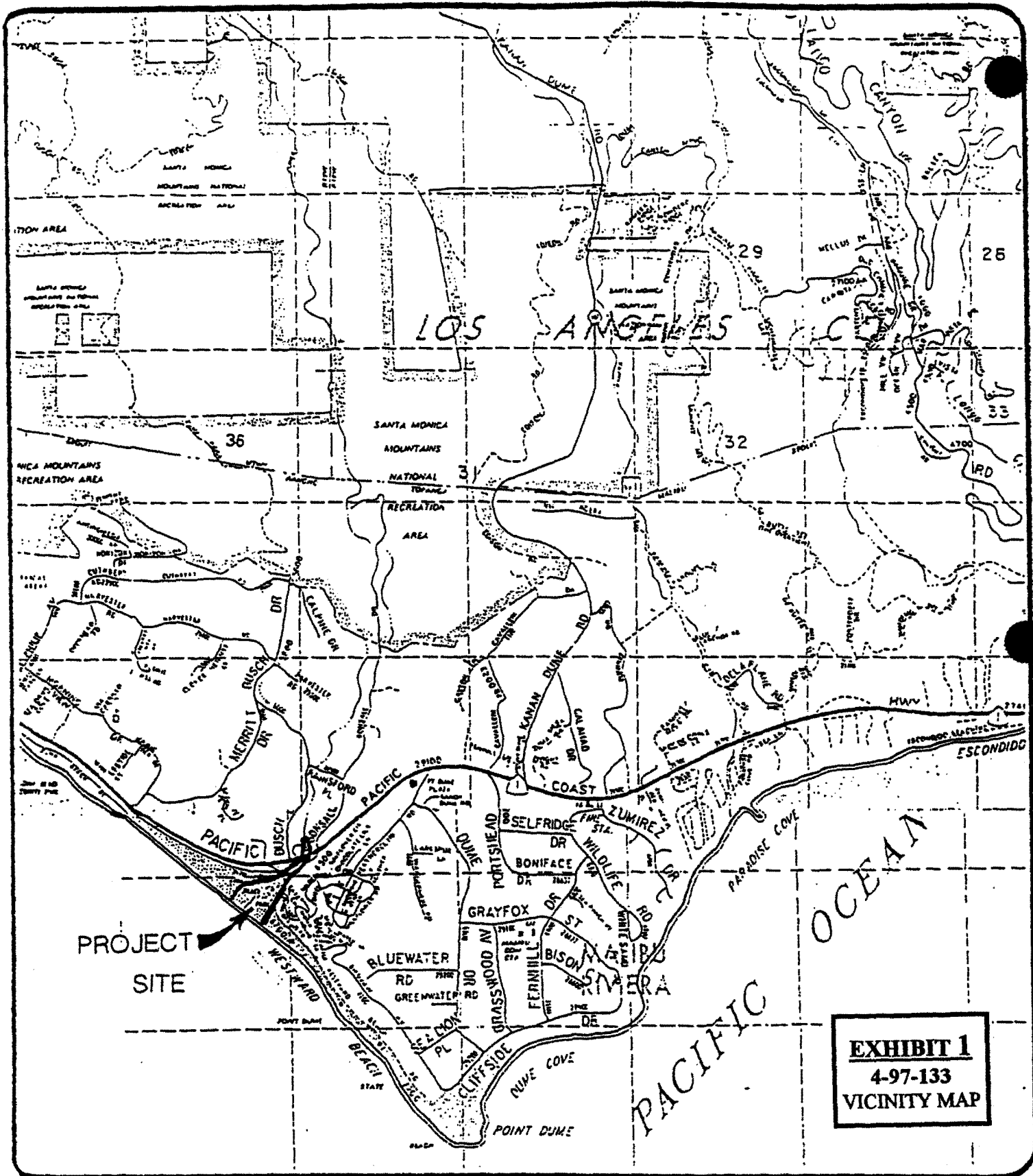
a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the 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 which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

F. California Environmental Quality Act

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 Commission finds that, 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.

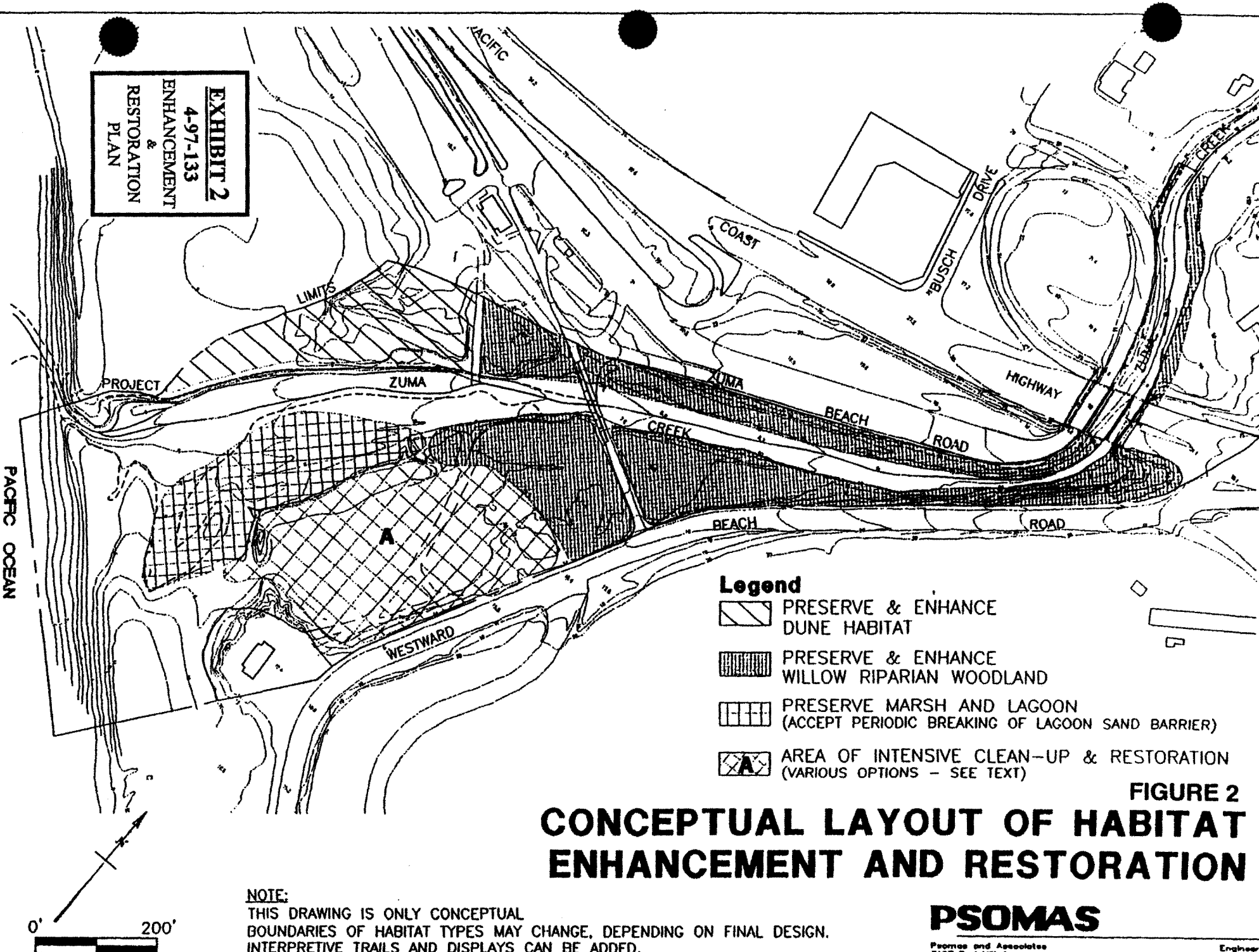


SOURCE: THOMAS BROS. MAPS, 1988 ED.

0 1000 2000 3000 4000
SCALE: 1"=2800'

VICINITY MAP
FIGURE 1

EXHIBIT 2
4-97-133
ENHANCEMENT
&
RESTORATION
PLAN







- Legend**
-  PRESERVE & ENHANCE DUNE HABITAT
 -  PRESERVE & ENHANCE WILLOW RIPARIAN WOODLAND
 -  PRESERVE MARSH AND LAGOON (ACCEPT PERIODIC BREAKING OF LAGOON SAND BARRIER)
 -  AREA OF INTENSIVE CLEAN-UP & RESTORATION (VARIOUS OPTIONS - SEE TEXT)

FIGURE 2
CONCEPTUAL LAYOUT OF HABITAT ENHANCEMENT AND RESTORATION

NOTE:
THIS DRAWING IS ONLY CONCEPTUAL
BOUNDARIES OF HABITAT TYPES MAY CHANGE, DEPENDING ON FINAL DESIGN.
INTERPRETIVE TRAILS AND DISPLAYS CAN BE ADDED.

PSOMAS

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Corte Madera, CA 94926
(714) 761-7373 (714) 548-8863 (FAX)

Engineers
Surveyors
Planners

EXHIBIT 3
4-97-133
WETLAND
RESTORATION
& DRAINAGE

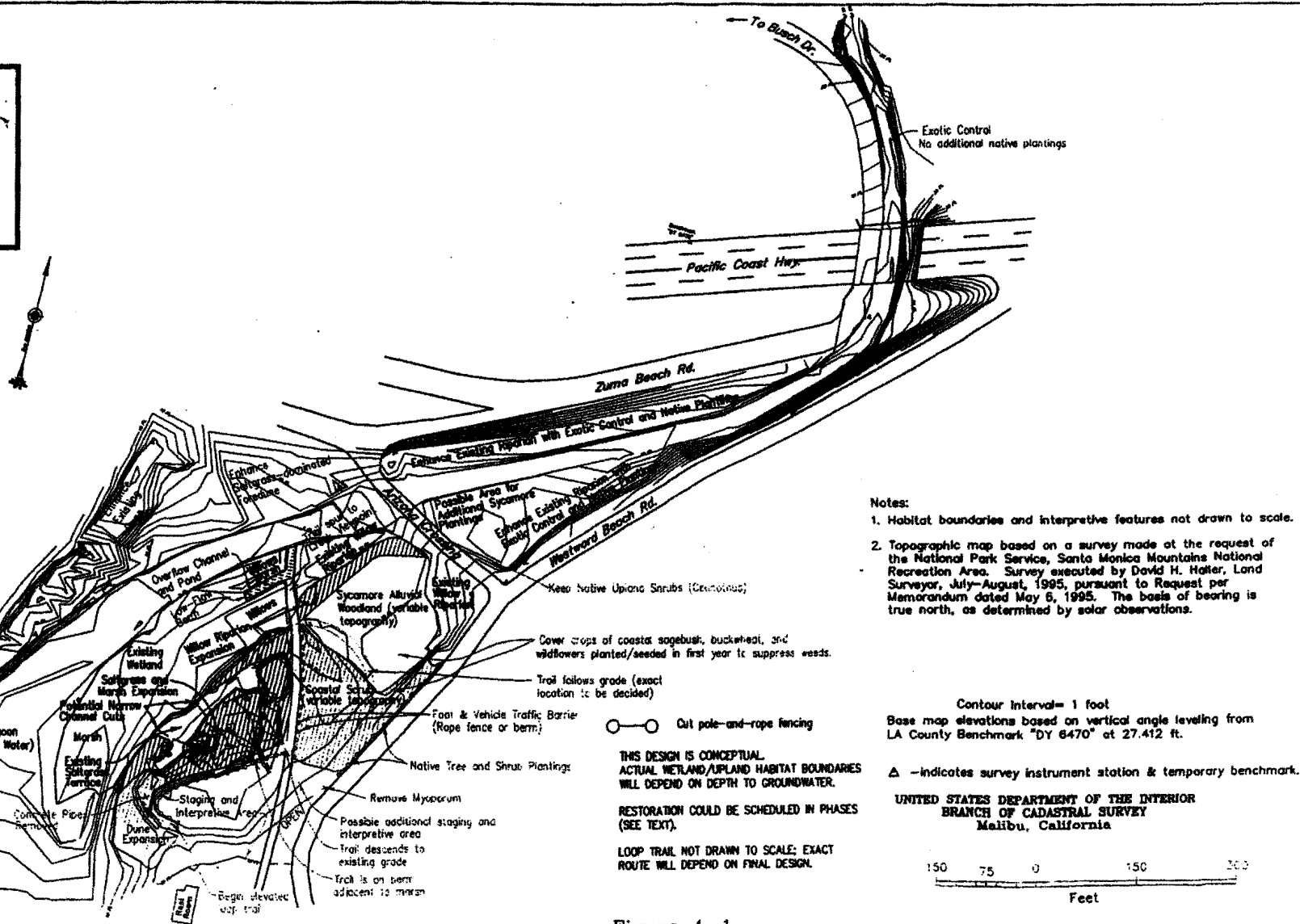


Figure 4-1
Conceptual Design of Preferred (Wetland-Focused)
Alternative

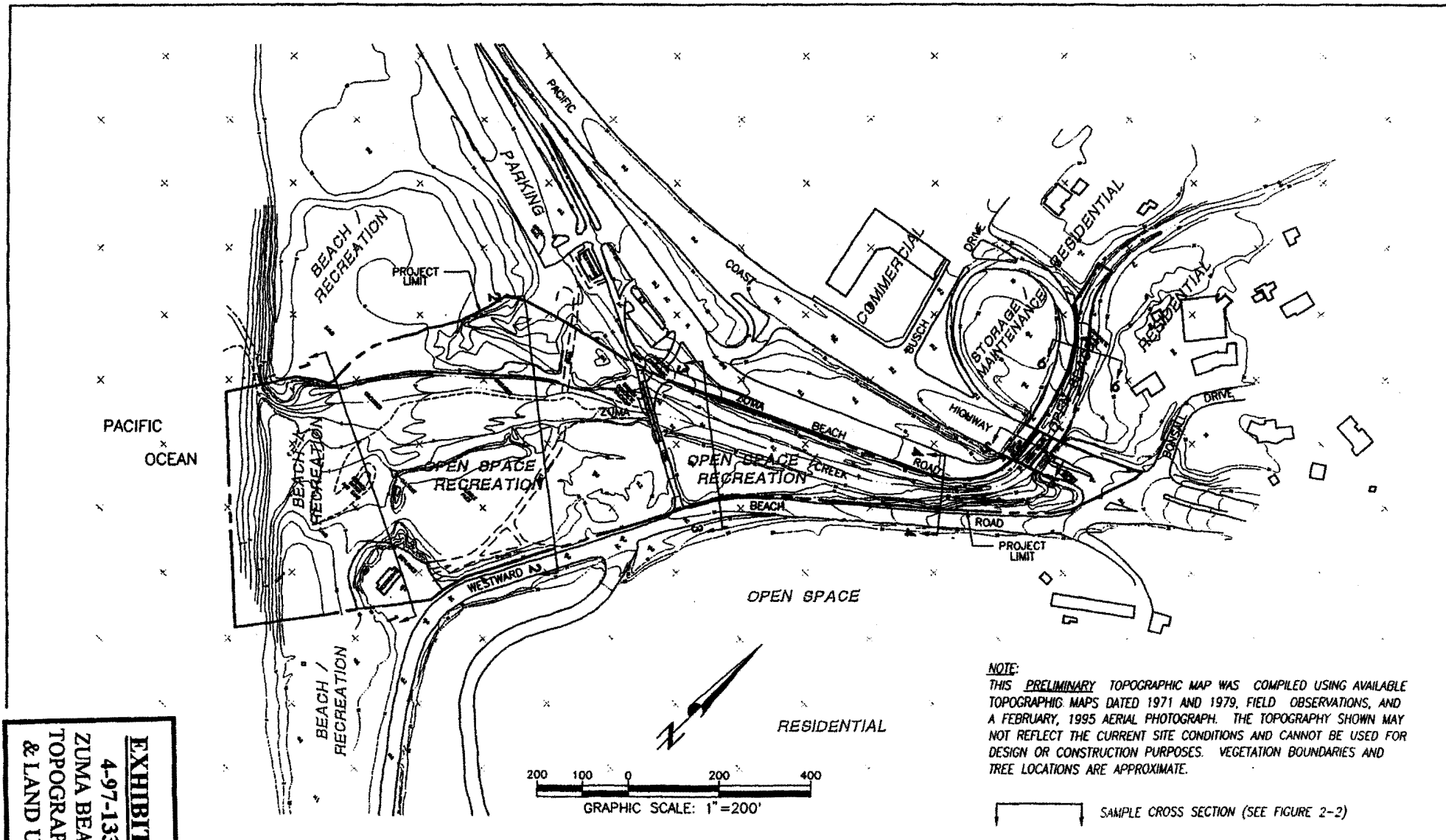


EXHIBIT 4
4-97-133
ZUMA BEACH
TOPOGRAPHY
& LAND USE

SOMAS

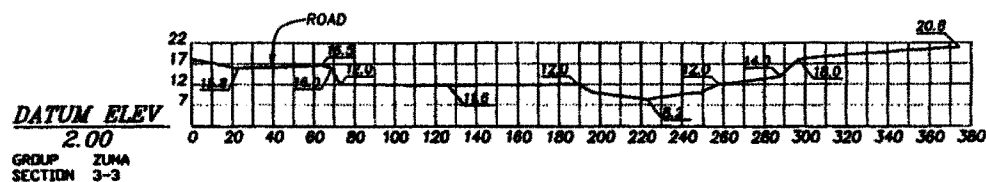
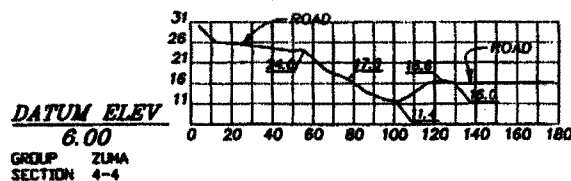
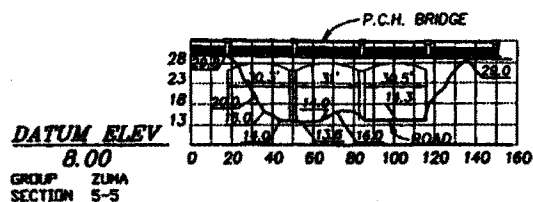
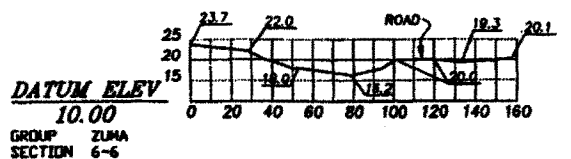
UNRAILED	SAB	Engineers
CHECKED	SMA	Surveyors
		Planners
Psomas & Associates - Costa Mesa 3187 Red Hill Avenue, Suite 250 Costa Mesa, California 92626 714/751-7373 FAX: 714/345-8883		

FIGURE 2-1
TOPOGRAPHY AND LAND USE

DATE:	MAY 23, 1996	SHEET
SCALE:	1"=200'	1
JOB NO.	2NAT0501	OF 1

PSOMASPlanners & Associates-Civil Works
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Culver City, California 90230
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Surveyors
Planners

2NAT0501



PROFILE SCALE:
HORIZ: 1"=80'
VERT: 1"=30'

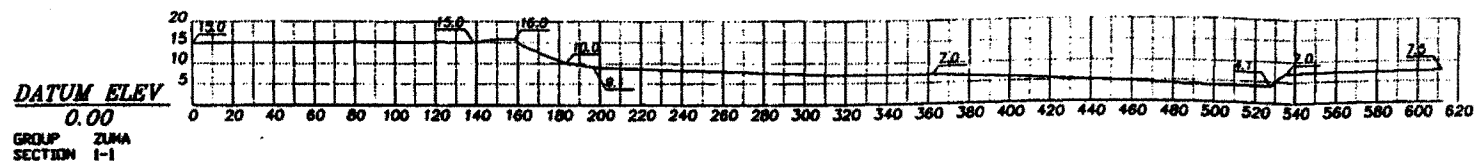
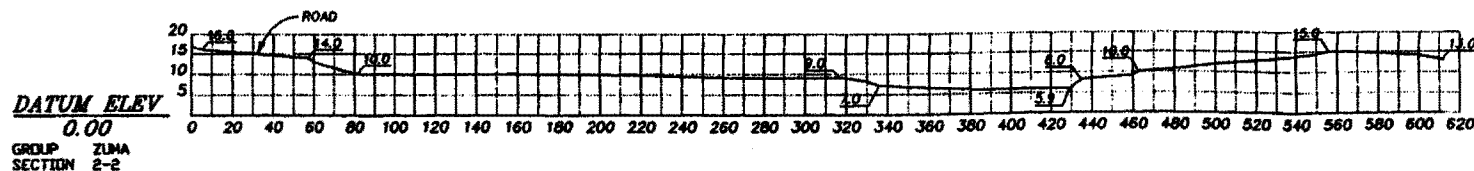


FIGURE 2-2
ZUMA CREEK / LAGOON CROSS SECTIONS
(LOOKING DOWNSTREAM)

EXHIBIT
4-97-133
ZUMA CREEK/
LAGOON CROSS
SECTIONS