

CALIFORNIA COASTAL COMMISSION

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

Filed: 5-15-97
 49th Day: 7-3-97
 180th Day: 11-11-97
 Staff: SPF-VNT *SPF*
 Staff Report: 5-20-97
 Hearing Date: June 10-13, 1997
 Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-97-023

APPLICANT: Seniel Lucien

AGENT: Jaime Harnish

PROJECT LOCATION: 7225 Birdview Drive, City of Malibu; Los Angeles County

PROJECT DESCRIPTION: Construction of an at-grade wooden stairway with rope handrails to replace an existing stairway in the same location on a coastal bluff; remove invasive and exotic plants and revegetate on bluff face; and remove stairway on neighboring lot and revegetate at base of a coastal bluff. No grading is required.

Lot area:	1.01 acres
Building coverage:	0 new
Pavement coverage:	0 new
Landscape coverage:	0 new
Parking spaces:	0 new
Plan designation:	1 dua existing
Project density:	1 dua
Ht. abv. fin. grade:	3 feet (posts for handrail)

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

SUBSTANTIVE FILE DOCUMENTS: Malibu/Santa Monica Mountains Land Use Plan. Coastal Development Permit Applications 5-89-1045 (Campa), 5-90-572 (Miller), 5-90-1080 (Golod), 5-91-434 (Campa), 5-91-621 (Golod), 5-91-632 (Zal), 5-?????(Zal), 4-94-139 (Lucien), 4-94-164 (Lucien), 4-95-061 (Lucien), 4-95-181 (Lucien), and 4-96-030 (Golod).

SUMMARY OF STAFF RECOMMENDATION:

The applicant is proposing to replace an existing, dilapidated stairway on a coastal bluff face with a new stairway, with handrails, in the same location. The applicant is also proposing restoration of the bluff face through the removal of the invasive and exotic vegetation and replacement with native vegetation. The proposed development will not expand the existing stairway or enlarge the area of disturbance on the bluff face. The restoration will enhance the environmental quality of this bluff face. Staff recommends that the Commission approve this project with special conditions regarding the implementation of the revegetation plan, monitoring of the site, and the recordation of an assumption of risk deed restriction.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants, subject to the conditions below, a permit for the proposed development on the grounds that the development, as conditioned, 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 first public road nearest the shoreline and is in conformance with the public access and public 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 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. Implementation and Completion of the Restoration Plan

The applicant agrees to implement the restoration plan within 30 days of

completion of the reconstruction of the stairway. The initial planting for the restoration shall be completed within 60 days of the beginning of the restoration project. Furthermore, the applicant shall be restricted from doing any work on the bluff face during the rainy season (October 1 through April 1). If the revegetation occurs prior to the rainy season, the applicant may place temporary erosion control devices such as jutte netting on the bluff face. This temporary erosion control shall be removed within 30 days of the completion of the rainy season (April 1).

Any proposed irrigation system shall be limited to above ground temporary drip irrigation that shall be removed within two years of the implementation of the restoration plan. Additional time may be granted by the Executive Director if required by the applicant's consulting resource specialist to ensure successful restoration.

2. Monitoring Program

The applicant agrees to have a qualified biologist or resource specialist 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; these reports shall be submitted to the Executive Director no later than the first of May of each year.

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.

3. Assumption of Risk

Prior to the issuance of the coastal development permit, applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall provide that: (a) the applicant understands that the site may be subject to extraordinary hazard from bluff failure, and erosion and the applicant assumes the liability from such hazards that; (b) the applicant hereby unconditionally waives any future claims of liability on the part of the California Coastal Commission and agrees to indemnify and hold harmless the California Coastal Commission, its officers and employees relative to the California Coastal Commission's approval of the project for any damage from such hazards. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens, and any other encumbrances which the Executive Director determines may affect the interest conveyed.

IV. Findings and Declarations.

The Commission finds and declares as follows:

A. Project Description and Background

The applicant is proposing to replace an existing, dilapidated stairway on a coastal bluff face with a new stairway, with handrails, in the same location. The proposed stairway will consist of continuous wood railroad ties in the same location, and at the same width, of the existing stairway. The stairway will include the installation of wood posts every 10 feet which will extend above grade by three feet. The posts will support a rope handrail along the side of the stairway. No grading or the placement of concrete is required for this project. Leading from the top of the stairway to the residential pad there is an existing concrete pathway. Much of the concrete has been buried or broken. The applicant proposes to replace this portion of the path, located at the top of the bluff, with wood railroad ties.

The bottom portion of the stairway which extends onto the neighboring property to the east will be moved onto the subject property. The applicant is proposing to revegetate the disturbed area where the stairway was previously existing. The neighbor has submitted a letter to staff agreeing to this portion of the development (See Exhibit 3).

The project also includes the restoration of the bluff face through the removal of the invasive and exotic vegetation and replacement with native vegetation. The applicant has submitted a detailed revegetation plan which shows the use of native vegetation only (See Exhibits 4 and 6).

There is an existing stairway on the bluff face. This stairway predates the Coastal Act. Reconstruction of this stairway occurred in 1989. The previous property owner received coastal development permit 5-90-572 (Miller) for the after-the-fact repair of this stairway. The previous stairway was not constructed with continuous railroad ties; the railroad ties were placed several feet apart acting as steps. Bare dirt existed between each railroad tie. These barren areas are subject to erosion and are currently overgrown with exotic species.

The subject site has a single family residence which was constructed in 1949. The existing garage was converted to a guest house under coastal development permit 4-94-164 (Lucien). That permit was issued with two special conditions requiring the recordation of a future improvements deed restriction and a wild fire waiver of liability. In addition, The current applicant has received several coastal development permit waivers for minor developments on this site including 4-94-139 for the replacement of the existing septic tank with a new septic tank and the installation of a seepage pit; 4-95-161 for a 122 square foot addition to the residence and the replacement of a wood deck; and 4-95-181 for a 180 square foot pond landward of the residence.

The subject site is part of the coastal bluffs above Westward Beach Road. These bluffs are designated as environmentally sensitive habitat areas under the Malibu Land Use Plan. There are rare plant communities such as Dudleya caespitosa and Coreopsis gigantea on this bluff system. In addition, this coastal bluff system is located immediately adjacent to Point Dume State Beach and Park, and is in close proximity to Zuma County Beach. The parking area for these beaches and the park is at the base of the bluff. Thus, the project

location is highly visible from these public areas. Finally, access to the State Beach and Park immediately adjacent to the subject property is via either Westward Beach Road or Cliffside Drive. There are trails at the headlands of Point Dume, in the park, which traverse the bluff face to the beach. The existing stairway is not a public stairway; access services only the subject residence. Moreover, the stairway does not block or impede existing public access or parking at either the State Beach or Park.

B. Environmentally Sensitive Habitat Areas and Visual Impacts

This project involves the replacement of an existing stairway and restoration of the native habitat on a coastal bluff. These bluffs are recognized as environmentally sensitive habitat areas (ESHAs) and are afforded special protection for the preservation of the coastal habitat. ESHAs are defined in Section 30107.5 of the Coastal Act as:

"Environmentally sensitive area" means 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.

Coastal bluffs such as these are also recognized as a visual resource; development is thus restricted to protect the visual resources of these natural formations. Development setbacks from coastal bluffs are a long-time Commission requirement of bluff top properties to reduce hazards on site, and to protect the environmental and visual resources of the bluffs. The Coastal Act policies which pertain the development standards of coastal bluffs include:

Section 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. 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.

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 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 of the Coastal Act states:

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 30230 of the Coastal Act mandates that marine resources be maintained, enhanced and when feasible restored. Areas, such as ESHAs, are to be given special protection to provide to sustain their habitat. Likewise, Section 30240 of the Coastal Act mandates that only resource dependent uses be allowed in ESHAs. Such uses could include a fish ladder in a stream, a public trail in parkland, or restoration. These are uses which would enhance or restore an ESHA. Section 30251 of the Coastal Act suggests that development restore or enhance an area, and mandates the minimization of landform alteration and the protection of public views.

Coastal bluffs are recognized in the certified Malibu/Santa Monica Mountains Land Use Plan as Environmentally Sensitive Habitat Areas. Coastal bluffs are unique geomorphic features which provide a specialized habitat to coastal wildlife such as shore birds. Coastal Bluffs also play a role in the sand supply of beaches through the natural erosional process of the toe and face of bluffs. Although the City of Malibu is now incorporated, the policies of the LUP and the environmental designations are still used as guidance by the Commission in order to determine the consistency of a project with the Coastal Act.

The stretch of coastal bluffs along both Birdview and Cliffside Drives offer a unique and valuable habitat to coastal wildlife. New development on coastal bluffs remove vegetation and therefore important nesting, feeding, shelter and breeding grounds for coastal wildlife. Such a change or elimination of vegetation can, over time, change the number and distribution of species. Furthermore, any disturbance of these bluffs can destabilize them. Likewise, the removal of vegetation and the placement of development on a coastal bluff disrupts the unique visual resource of coastal bluffs. In order to maintain the habitat and visual quality of these coastal bluffs, the Commission has a long-time practice of not permitting new development on near coastal bluffs.

The applicant requests to replace an existing stairway on the bluff face with a new stairway, and restore the native vegetation on the coastal bluff. This development does not increase the area of coverage and is located in the same location as the existing stairway, with one minor change; as such it is a repair and replacement of an existing structure which requires a coastal development permit. One portion of the stairway, at the base of the bluff, will be moved from its current location, on the neighboring site, to the subject site (See Exhibit 4). This minor realignment is the only change in the location of the stairway. The area under the portion of stairway to be removed will be revegetated.

The original proposal by the applicant to the Commission called for a wider stairway with several switchbacks which did not follow the alignment of the exiting stairway as shown in Exhibit 7. This new stairway would have required the removal of vegetation and more coverage of the bluff face. This expanded stairway would be considered as new development on the coastal bluff and not repair and replacement. That proposal would be highly visible from the adjacent State beach and would have significant adverse environmental impacts by removing valuable bluff habitat. Due to staff concerns over the expansion

of development on the bluff face, the applicant revised the plans to the current proposal. The current proposal proposes the stairway in the same location as the existing stairway previously approved by the Commission. As such, the proposed stairway is not considered an expansion or a new development.

The Commission, in past permit action, has consistently required the protection of these coastal bluffs. The Commission has required new development on the top of bluffs to be set back 25 feet from the bluff's edge and has denied new development on the bluff face.

For example, in 5-89-1045 (Campa), the Commission denied a project for the construction of a new 76 foot long stairway on the face of a coastal bluff based on adverse visual, environmental and geologic impacts. This project site is located on the same stretch of coastal bluffs as the subject site, and is west of the project site. The stairway proposed under that permit was built illegally. The applicant was subsequently granted a coastal development permit waiver [5-91-434 (Campa)] for the removal of the stairs and restoration of the bluff.

Just west of the property subject to CDP 5-91-434 and 5-89-1034, the Commission denied the placement of a stairway in the location of an existing path on the coastal bluff [5-90-1080 (Golod)]. Again, the Commission found that the new stairway, even though it was constructed in an existing dirt path, created adverse environmental, visual and geologic impacts. This stairway was also removed and the site restored through a subsequent coastal development permit [5-91-621 (Golod)]. When railroad ties and non-native vegetation were again placed on the coastal bluff, the Commission again required the restoration of the site. Restoration was granted under coastal development 4-96-030 (Golod). In that coastal development permit, the Commission concluded that the placement of non-native vegetation removed the native vegetative cover and thus reduced the use of the coastal bluff by native wildlife for feeding, nesting, breeding and shelter. The Commission further found that the restoration of the site would reduce erosion and enhance the environmental and visual quality of the coastal bluff.

On a coastal bluff on the west side of Malibu, the Commission denied a new stairway built without a coastal development permit [5-91-632 (Zal)]. The Commission denied the stairway on the basis on adverse geologic, environmental and visual impacts. As with the other projects noted above, the Commission granted a coastal development permit waiver for the removal of the stairway and the restoration of the bluff face [5-91-775 (Zal)].

Finally, the Commission has taken action on the existing stairway on this site. Under coastal development permit 5-90-572 (Miller), the previous owner requested an after-the-fact permit for the replacement of an existing stairway with a new railroad tie stairway. The Commission approved the project finding that the stairway was a replacement of the existing stairway and was not a new stairway. The Commission required the applicant to landscape areas adjacent to the stairway which were disturbed during the reconstruction of the stairway.

The existing stairway on site was thus approved by the Commission as a railroad tie stairway with handrails. Due to the design of the stairway, there were large gaps between railroad ties which did not support any vegetation. Those gaps were subject to erosion. Eroded areas on a bluff face do not provide any habitat value to coastal wildlife. Moreover, as noted in

the next section, erosion of coastal bluffs can exacerbate further erosion and instability on a coastal bluff. Some of the barren areas between railroad ties have regrown with invasive plant species, such as iceplant. These invasive plant species can then spread to other areas of the bluff face. Invasive plant species outcompete native plants for space, water and sunlight. Often these invasive plant species do not offer the same quality habitat as the native wildlife forcing a change, over time, in the distribution and number of species. Finally, to maintain the approved stairway required constant maintenance and repair of the stairs on the bluff face.

The stairway proposed by the applicant is designed to mitigate the problems noted above. A continuous stairway will not be subject to erosion along the pathway, and thus, not exacerbate any natural erosion on the bluff face. Similarly, the continuous stairway will not provide space for invasive plant species to grow. Finally, the applicant has stated that the proposed stairway should require little maintenance. Thus, this stairway will replace the previously approved stairway with one that will mitigate adverse environmental impacts created from the existing, approved stairway.

The applicant is proposing no expansion of the existing stairway. At the base of the bluff, the location of the stairway is being moved to relocate the entire stairway to the applicant's property. The applicant is proposing the new location to be at-grade and will revegetate the area where the stairway is to be removed. The removal of this portion of the stairway is necessary to put the entire stairway on the applicant's site.

The City of Malibu has reviewed and granted an "approval-in-concept" for the proposed project. The City of Malibu is requiring that the site be monitored for a period of three years to ensure a successful restoration of the bluff face. The City of Malibu also stated that the soil removed for the placement of the posts (for the handrail) can not be deposited on the site.

The proposed restoration of the bluff face calls for the removal of invasive plant species and their replacement with plants endemic to coastal bluffs. This action will restore and enhance the habitat of the coastal bluff and provide an environment for coastal wildlife for nesting, feeding, breeding and shelter. Should the applicant remove the invasive plants and not replace the plants, the site would be left barren, subject to erosion, and not be able to provide a habitat for coastal wildlife. Therefore, the Commission finds it necessary to require the applicant to implement and complete the restoration project within a timely manner as noted in special condition 1. Moreover, the Commission finds it necessary to restrict the applicant from removing vegetation during the rainy season (October 30 to April 1). The applicant may complete the project prior to the rainy season (October 30), or begin the project after the completion of the rainy season (April 1). Removing vegetation during the rainy season will leave areas barren and subject to erosion.

Should the restoration not be successful, the bluff will be left barren and void of vegetation. As noted above, and described in the next section, barren areas on coastal bluffs are subject to increased erosion. Due to the instable nature of bluffs, increased erosion can lead to further instability of the bluff. Moreover, the failure of the revegetation would degrade the habitat value of the bluff. Moreover, if left barren, the bluff will be visually unattractive as seen from the State beach at the base of the bluff. Therefore,

in order to ensure the success of the restoration plan, the Commission finds it necessary to require the applicant to monitor the site for a total of three years, providing monitoring reports to the Executive Director on a yearly basis. This requirement is consistent with the requirement of the City of Malibu and the suggestion of the consulting landscape architect. As conditioned, the project is consistent with Section 30230 and 30240 of the Coastal Act.

The beaches at the base of this bluff are public beaches. Both County and State Beaches and a State Park surround the area. The site is highly visible from the public beach at the base of the bluff. The visual resources of coastal bluffs are significant and have been protected by the Commission in past Commission action. The project, as modified, will be at-grade and in the same location as the existing stairway. This proposed revegetation will minimize the visual impacts created by the replacement of a stairway on the bluff. Since the proposal replaces the existing stairway there is no significant increase in the visual impact of the stairway from the beach. As such, the stairway is consistent with Section 30251 of the Coastal Act regarding visual impacts.

The Commission finds that only as conditioned for the implementation and completion of the restoration project and monitoring of the site for three years can this project be found consistent with Sections 30230, 30240, 30250, and 30251 of the Coastal Act.

C. Geological Hazards

Section 30253 of the Coastal Act states in part:

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 development includes replacement and reconstruction of an existing stairway in the same location and revegetation on a coastal bluff. Coastal bluffs, such as this one, are unique geomorphic features that are characteristically unstable and have significant environmental and visual value, as noted in the preceding section. The Commission has long recognized the inherent instability of coastal bluffs and required that development be set back from the edge of a coastal bluff. As noted in the preceding section, the Commission has routinely denied applications for the development of new stairways on coastal bluffs.

In this case, the applicant is proposing to replace the existing stairway with a new stairway. The previous stairway contained gaps between railroad ties. These gaps are then subject to erosion. Eventually, these gaps became over-grown with invasive plant species. The new stairway will be constructed of continuous railroad ties from the top to the bottom. The absence of barren spaces will reduce erosion of the bluff face.

The proposed project was reviewed by the City geologist and received a favorable geologic review sheet. The City geologist did not require any additional analysis or conditions of approval. The applicant also submitted a report from CVE Engineering, Inc, a consulting engineer. This report reviews alternatives to the proposed project and the feasibility of the proposed project from a geologic standpoint. The consulting engineer stated that the existing stairway represented a safety hazard, and that the new stairway will have a life expectancy of 20 years.

In addition to placing the stairway on the bluff face, the applicant is also proposing the revegetation of the bluff face. The applicant is proposing to remove the existing invasive and exotic vegetation and replace those areas with native vegetation. During the period in which the existing vegetation is removed and the new vegetation is planted, the bluff face will be subject to surface erosion. Runoff from the bluff and rain water on the bluff face could exacerbate surficial erosion of the bluff face. Increased surficial erosion of the bluff face could affect the stability of the bluff as a whole. In order to reduce the time in which the site will be barren of vegetation, the Commission finds it necessary to require the applicant to implement the restoration plan within 30 days of completing the stairway and complete the revegetation within 60 days of the beginning of the revegetation project. Furthermore, the applicant shall be restricted from working on the bluff face during the winter months. The applicant may complete the project prior to the rainy season (October 30), or begin the project after the completion of the rainy season (March 1). If the revegetation occurs prior to the rainy season, the applicant may place temporary erosion control devices such as jutte netting on the bluff face. This temporary erosion control shall be removed within 30 days of the completion of the rainy season (April 1).

Finally, the applicant previously proposed the installation of a drainage pipe which would collect runoff from the west side of the property, at the top of the bluff, carry in a pipe across the top of the bluff to east side of the bluff and then continue down the bluff following the alignment of the stairway. However, this drainage pipe was not recommended or required by the either the consulting geologist or the City of Malibu's geologist.

Currently, runoff from the top of the bluff sheet flows over the top of the bluff or percolates into the ground at the top of the bluff. There is no evidence of any erosion problems on site existing from uncontrolled or excessive runoff of the top of the bluff. The applicant provided no report from a consulting geologist which indicated that a problem with runoff exists or that a drainage pipe is necessary. Moreover, there is no report which addresses the feasibility of carrying water across the bluff and then down the bluff in a bending pipe. Since there is no existing problem with erosion at the top of the bluff and no geologic reports supporting the need to control runoff, the applicant chose to remove this portion of the development from the project description.

Due to the potential for natural bluff retreat, erosion and failure associated with bluffs, the Commission can only approve the project if the applicant assumes the liability from the associated risks, as noted in special condition 3. This responsibility is carried out through the recordation of a deed restriction. The assumption of risk deed restriction, when recorded against the property will show that the applicant is aware of and appreciates the nature of the hazards which exist on the site and which may adversely affect the stability or safety of the proposed development. It should be noted that

an assumption of risk deed restriction for natural hazards is commonly required for development throughout the greater Malibu/Santa Monica Mountains region in areas where there exist potentially hazardous conditions, or where previous hazardous activities have occurred either directly upon or adjacent to the site in question.

The Commission finds that only as conditioned is the proposed project consistent with Section 30253 of the Coastal Act.

D. Local Coastal Program.

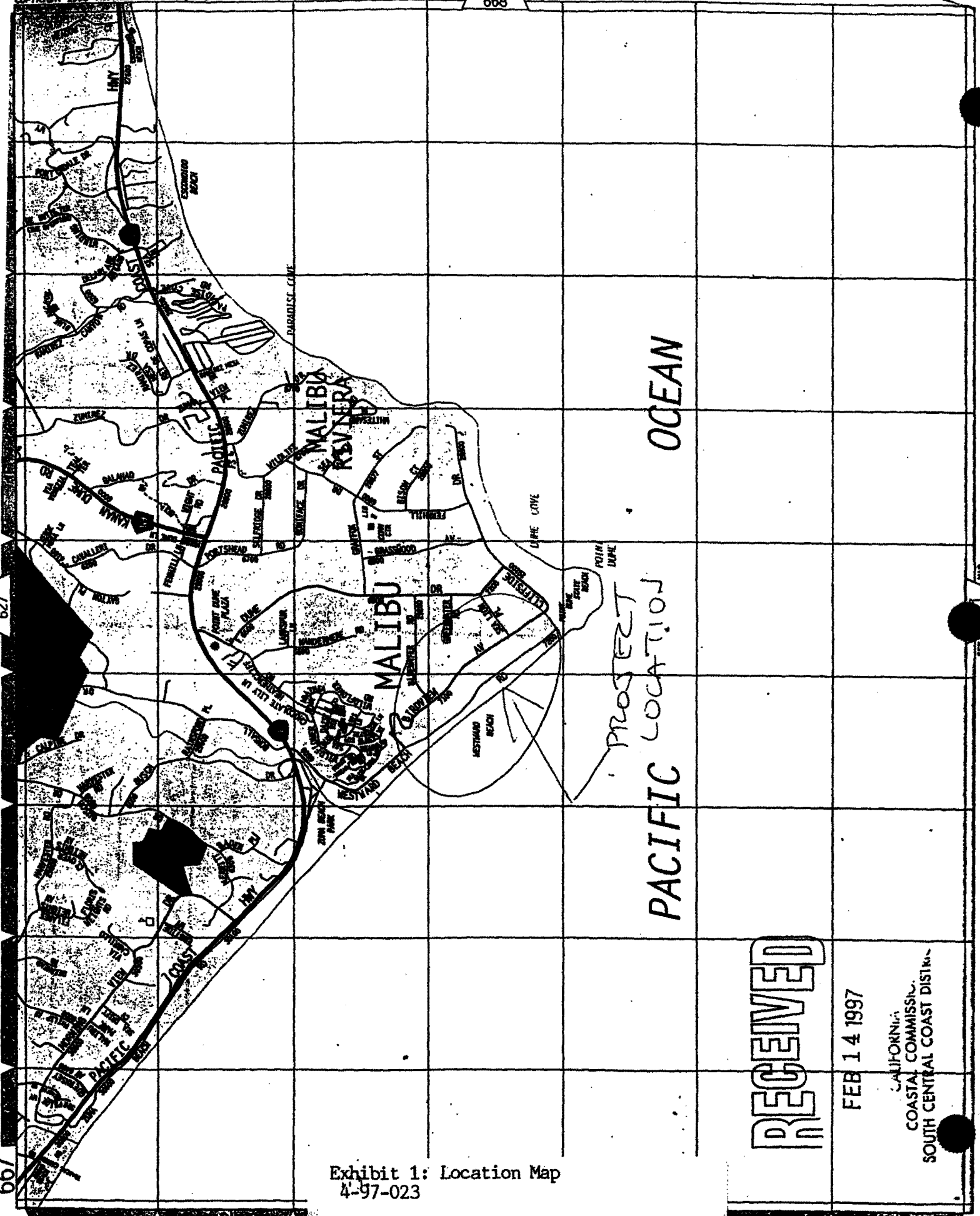
Section 30604 of the Coastal Act states that:

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 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 of Malibu's ability to prepare a Local Coastal Program 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 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 Chapter Three policies of the Coastal Act.



OCEAN

PACIFIC OCEAN

PROJECT LOCATION

RECEIVED

FEB 14 1997

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Exhibit 1: Location Map
4-97-023

667

SEE 668 MAP

TRW-REDI



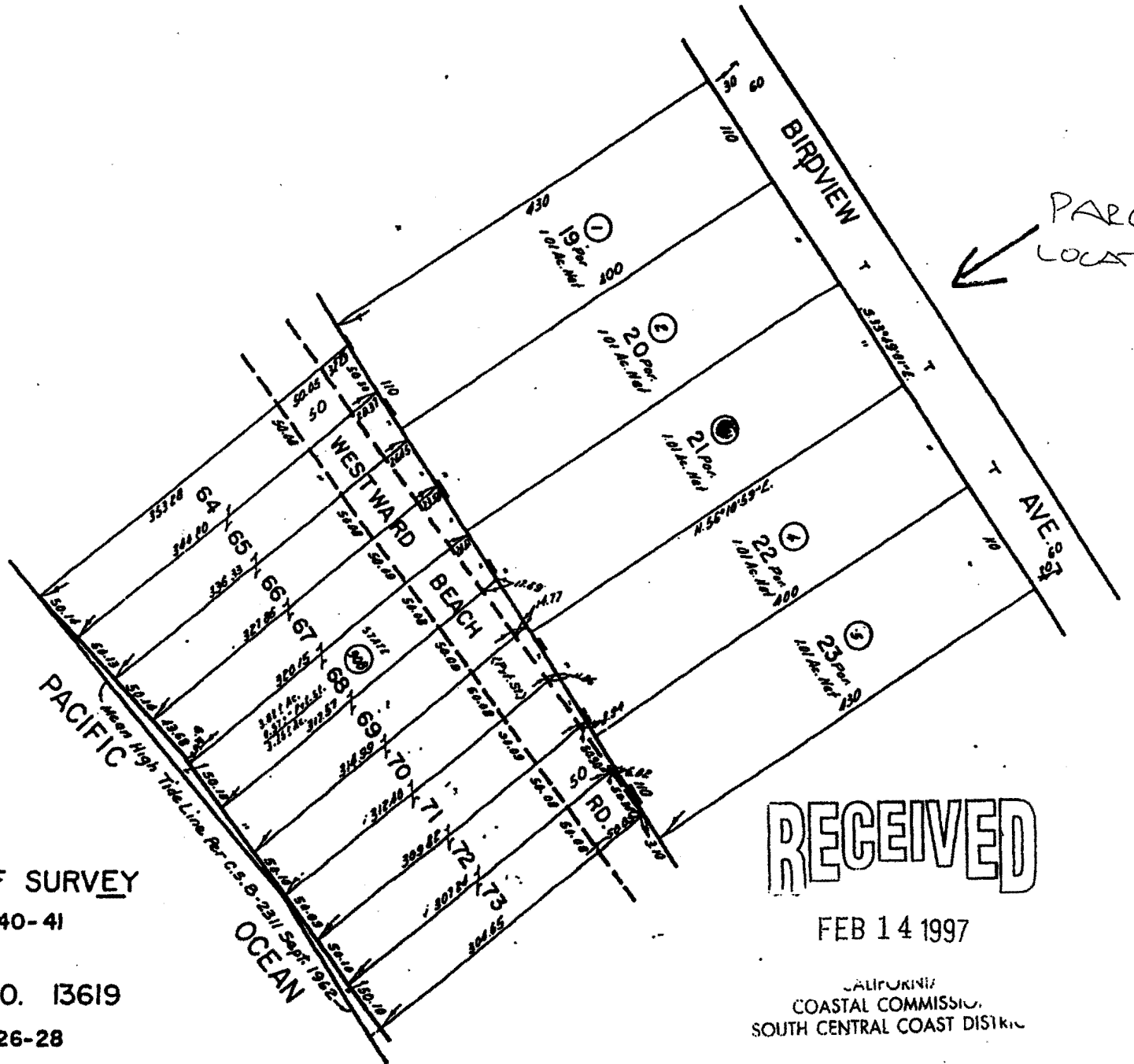
1-800

4468 | 19

SCALE 1" = 100'

1992

Exhibit 2: Parcel Map
4-97-023



PARCEL LOCATION



RECORD OF SURVEY

R.S. 57-40-41

TRACT NO. 13619

M.B. 282-26-28

RECEIVED

FEB 14 1997

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

CODE
10860

Minton Ritter M.D.

7237 Birdview Avenue
Malibu, California 90265

Tel: 310 589 0019

Fax: 310 457 5810

May 15, 1997

Ref: C. D. P. 4-97-023


Mr. Jack Ainsworth
Calif. Coastal Commission
89 S. Calif. St. #200
Ventura, Calif. 93001

Dear Mr. Ainsworth,

I am the immediate next door neighbor of Seniel Lucien. I approve and have no objection to Dr. Lucien's removal of the stairpath which presently traverses my property. I also approve of her future plans which include reseeding and revegetation.

Dr. Lucien is to be commended for increasing the aesthetic beauty of the area which will only benefit both of our properties.

Yours truly,


Minton Ritter M.D.

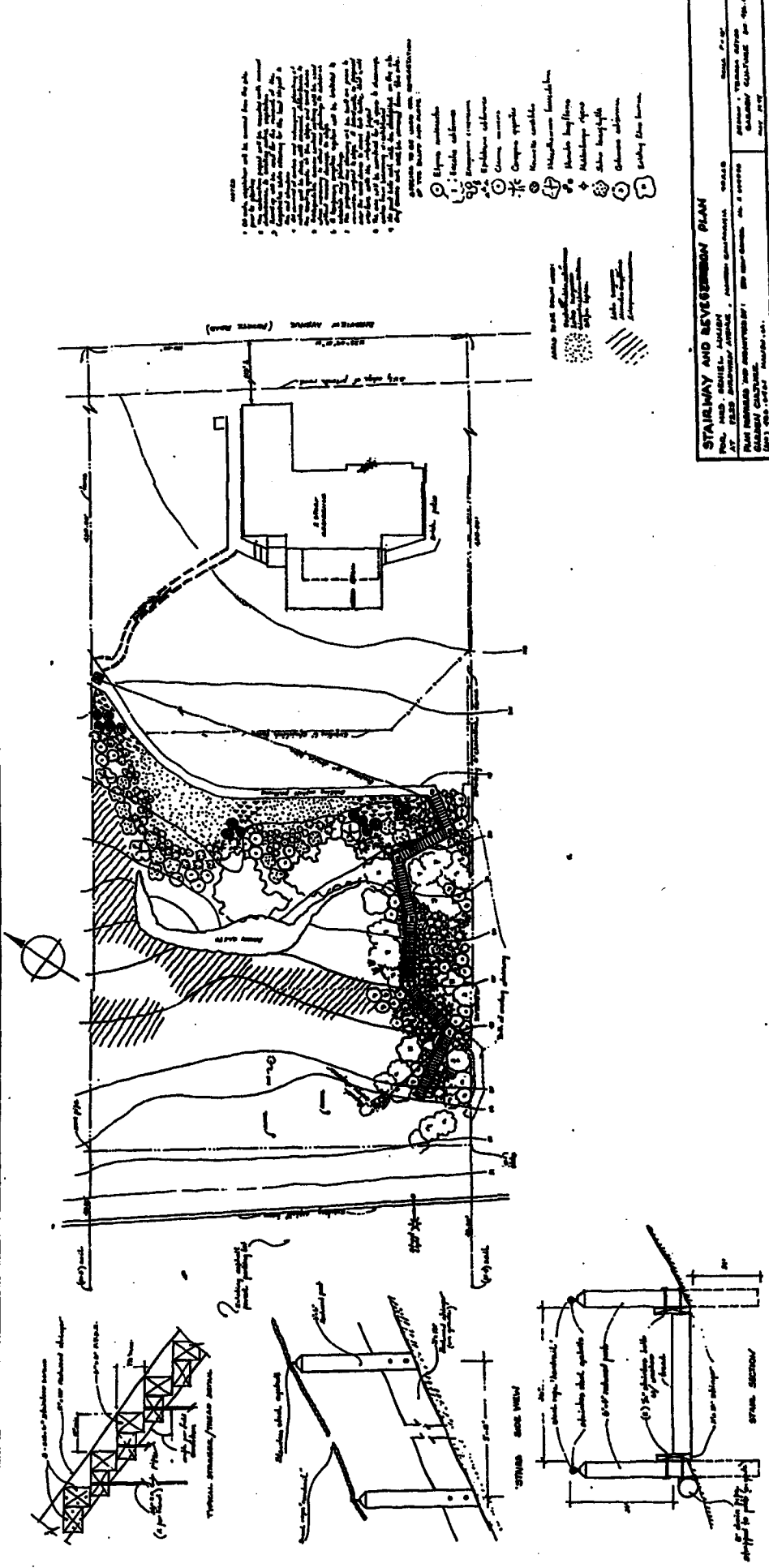
RECEIVED

MAY 19 1997

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Exhibit 3: Letter from neighbor

4-97-023



- NOTES
1. All work shall be in accordance with the contract and the specifications.
 2. The contractor shall be responsible for obtaining all necessary permits.
 3. The contractor shall be responsible for the safety of all workers and the public.
 4. The contractor shall be responsible for the protection of all existing utilities.
 5. The contractor shall be responsible for the removal of all debris.
 6. The contractor shall be responsible for the maintenance of all access roads.
 7. The contractor shall be responsible for the installation of all safety barriers.
 8. The contractor shall be responsible for the installation of all lighting.
 9. The contractor shall be responsible for the installation of all signage.
 10. The contractor shall be responsible for the installation of all landscaping.
 11. The contractor shall be responsible for the installation of all furniture.
 12. The contractor shall be responsible for the installation of all other accessories.
- LEGEND
- 1. Elongate concrete
 - 2. 1" round concrete
 - 3. 2" round concrete
 - 4. 4" round concrete
 - 5. 6" round concrete
 - 6. 8" round concrete
 - 7. 10" round concrete
 - 8. 12" round concrete
 - 9. 14" round concrete
 - 10. 16" round concrete
 - 11. 18" round concrete
 - 12. 20" round concrete
 - 13. 22" round concrete
 - 14. 24" round concrete
 - 15. 26" round concrete
 - 16. 28" round concrete
 - 17. 30" round concrete
 - 18. 32" round concrete
 - 19. 34" round concrete
 - 20. 36" round concrete
 - 21. 38" round concrete
 - 22. 40" round concrete
 - 23. 42" round concrete
 - 24. 44" round concrete
 - 25. 46" round concrete
 - 26. 48" round concrete
 - 27. 50" round concrete
 - 28. 52" round concrete
 - 29. 54" round concrete
 - 30. 56" round concrete
 - 31. 58" round concrete
 - 32. 60" round concrete
 - 33. 62" round concrete
 - 34. 64" round concrete
 - 35. 66" round concrete
 - 36. 68" round concrete
 - 37. 70" round concrete
 - 38. 72" round concrete
 - 39. 74" round concrete
 - 40. 76" round concrete
 - 41. 78" round concrete
 - 42. 80" round concrete
 - 43. 82" round concrete
 - 44. 84" round concrete
 - 45. 86" round concrete
 - 46. 88" round concrete
 - 47. 90" round concrete
 - 48. 92" round concrete
 - 49. 94" round concrete
 - 50. 96" round concrete
 - 51. 98" round concrete
 - 52. 100" round concrete

STAIRWAY AND RECREATION PLAN
 PREPARED BY: [Name]
 DATE: [Date]
 SCALE: [Scale]
 SHEET NO. [Number]

4-95-061

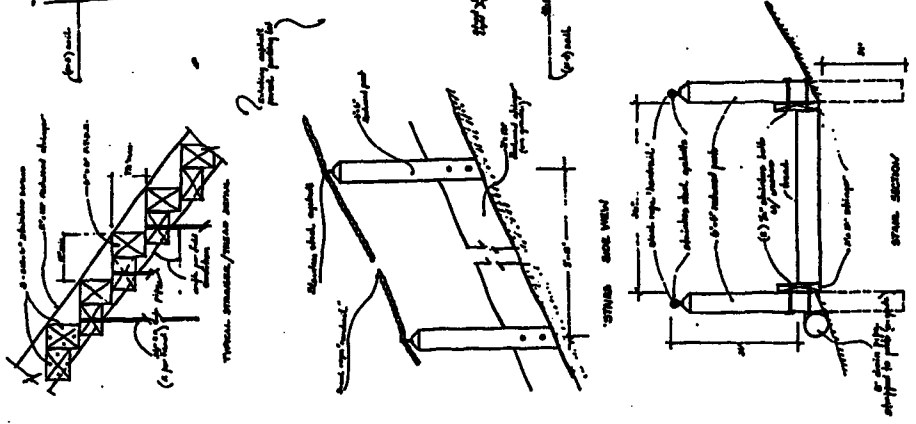
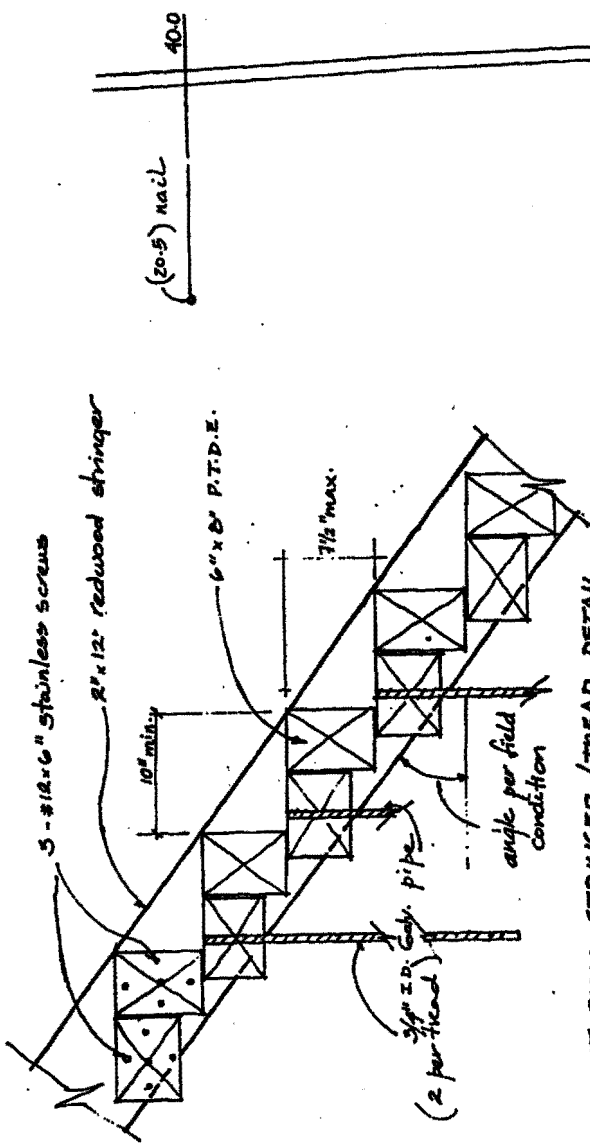
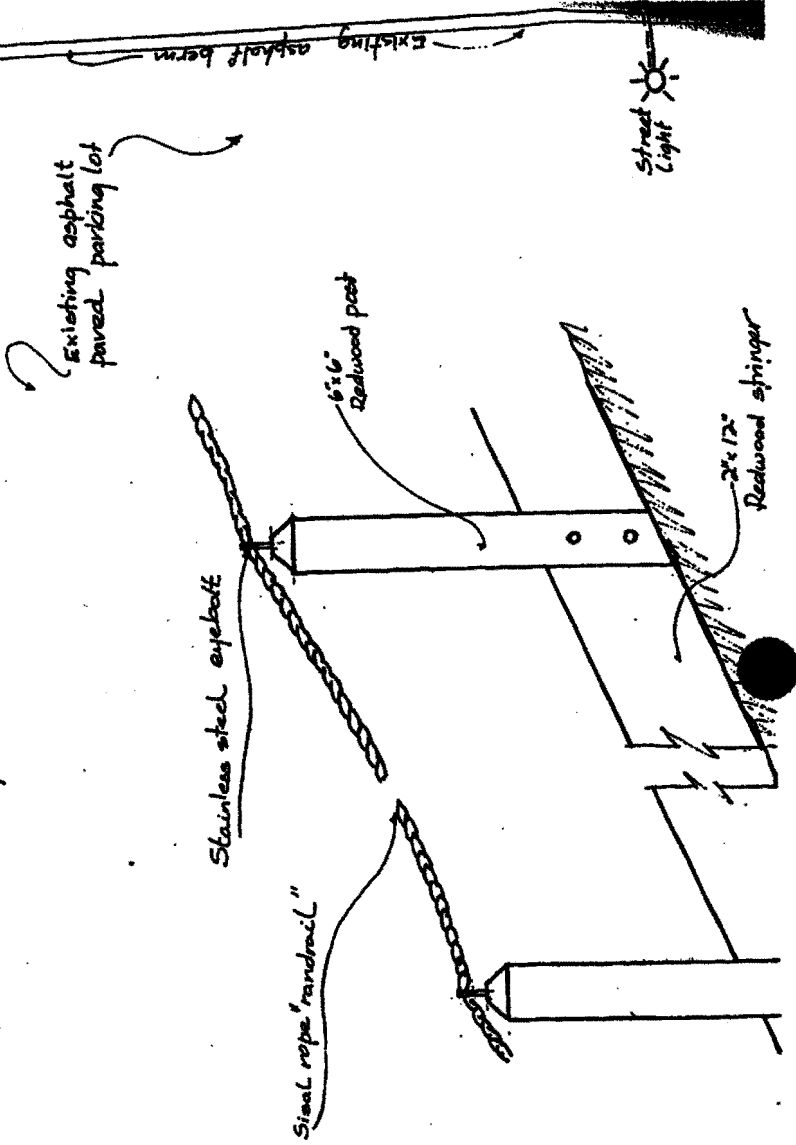


Exhibit 4: Site Plan

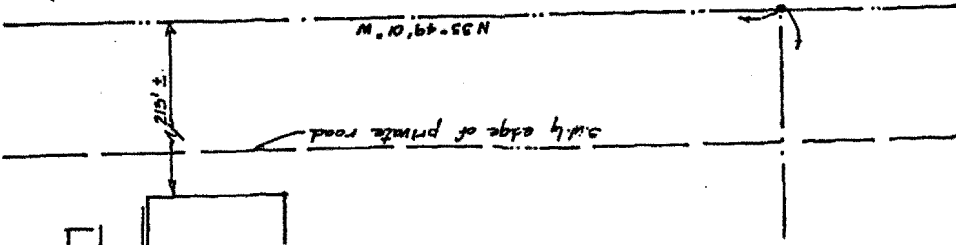
4-97-023



TYPICAL STRINGER / TREAD DETAIL



BIRDVIEW AVENUE (PRIVATE ROAD)



NOTES

1. All exotic vegetation will be removed from the site prior to planting.
2. The re-vegetation project will be executed with minimal disturbance to existing native vegetation.
3. Land up will be used for the removal of the Carpobrotus exilis allowing for the least impact to the soil structure.
4. All removal of exotics and subsequent planting of natives will be done with minimal disturbance to the existing grade of the slope and sand dunes.
5. Biodegradable erosion control netting will be used where necessary to allow new plantings to establish without erosion damage to slope.
6. A temporary irrigation system will be installed to establish new plantings.
7. The proposed new stairway will be built on piers to minimize impact to slope. A boardwalk is proposed over the sand dunes to avoid foot traffic that would interfere with the re-vegetation project.
8. The area will be monitored for 5 years to discourage exotics from becoming re-established.
9. No post hole soil will be stockpiled on the site.
10. Any excess soil will be removed from the site.

SPECIES TO BE USED FOR REVEGETATION OF THE BLUFF AND SLOPE:

- ⊗ *Elymus condensatus*
- ⊙ *Eucelia californica*
- ⊙ *Eriogonum cinereum*
- △△ *Epilobium californica*
- ⊙ *Cleome isomeris*
- ✱ *Coreopsis gigantea*
- ⊙ *Keiskeila cordifolia*
- ⊙ *Malacothamnus fasciculatum*
- ⊙ *Mimulus longiflorus*
- ⊙ *Muhlenbergia rigens*
- ⊙ *Salvia leucophylla*
- ⊙ *Artemisia californica*
- ⊙ Existing *Plaus laurina*

- AREAS TO BE SOWN WITH:
- ⊙ *Echtholobea californica*
 - ⊙ *Lobos scoparius*
 - ⊙ *Sisyrinchium bellum*
 - ⊙ *Sitona lepida*
 - ⊙ *Lobos scoparius*
 - ⊙ *Mimulus longiflorus*
 - ⊙ *Eriogonum cinereum*

RECEIVED

MAY 18 1997

CALIFORNIA COASTAL COMMISSION SOUTH CENTRAL COAST DISTRICT

A-95-061

2WAY AND REVEGETATION PLAN

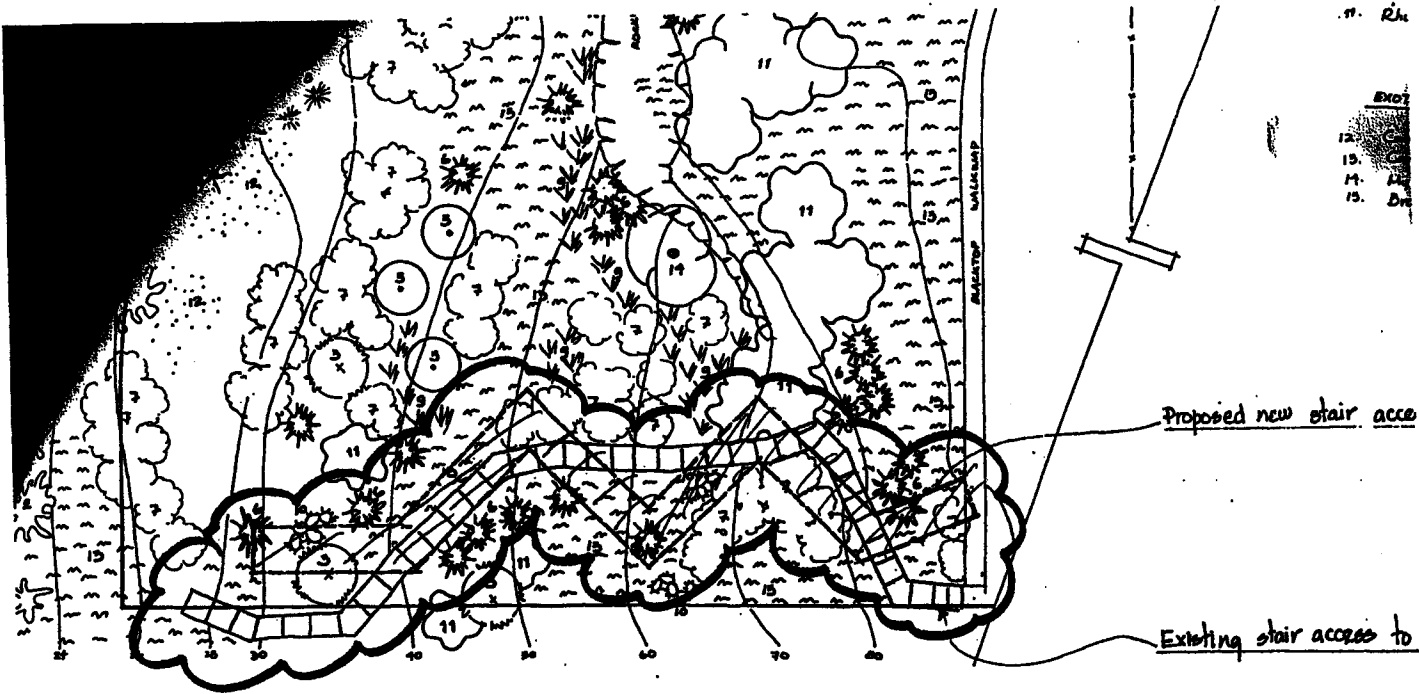
25. SENIEL, LUCIEN

25 BIRDVIEW AVENUE, MALIBU CALIFORNIA 90265

DRAWN AND SUBMITTED BY: ED GIL-SOMEZ A.S. # 614086

SCALE 1" = 10'

DESIGN: TERESA REYES



CITY OF MALIBU
 PLANNING DEPARTMENT
 APPROVAL IN CONCEPT
 DRAWING NO. _____
 DATE: 2-12-77
 PLANNING REVIEW NO. PPR 95-015
 THIS IS NOT A PERMIT
 THIS IS SUBJECT TO ANY
 CONDITIONS LISTED BELOW
 (PLANNING DEPARTMENT WILL REVIEW THE DATE STAMPED)

FOR OFFICIAL APPROVAL: DATED ON 11-17-76
 BY THE CITY CLERK: [Signature]
 PRINTED NAME: _____