

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST DISTRICT OFFICE
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Th9b

ADDENDUM

May 10, 2021

TO: Coastal Commissioners and Interested Parties

FROM: South Central Coast District Staff

SUBJECT: **Addendum to Item Th9b, City of Malibu LCP Amendment No. LCP-4-MAL-19-0164-3 (Prohibit the Use of Pesticides) For the Commission Meeting of Thursday, May 13, 2021**

The purpose of this addendum is to make a minor clarification to Suggested Modification 1 and attach public correspondence received to-date. Staff has received over 320 emails and letters since the staff report was published (approximately 90% of which were in favor of the staff recommendation), including from elected officials, groups with an interest in pesticides, pest control companies, and individuals. The correspondence letters are available in the Correspondence tab for the item on the Commission's website.

Staff is recommending the change below to **Suggested Modification 1** that pertains to Land Use Plan (LUP) Policy 3.18 and is found on page 8 of the staff report published on April 29, 2021. The change to the Commission's modification is intended to address the issue that the wording could be interpreted too broadly to mean that the mere acquisition or storage of pesticides would fall under the provision, or that the application of pesticides would, by itself, automatically be considered "development" that is restricted under the provision. The change clarifies that the policy's restriction on the use of pesticides applies to development (as that term is defined in the LCP) that involves the actual or potential use of pesticides. In carrying out the policy's pesticide prohibition, the City of Malibu will need to determine, in the first instance, whether proposed activities that involve the application of pesticides qualify as development, whether activities that do qualify as development are nevertheless exempt from permitting requirements, and whether the proposed pesticide application would have the potential to significantly degrade ESHA or coastal water quality or harm wildlife.

Changes to the LUP policy proposed by the City are shown in underline; and deletions are shown in ~~striketrough~~ text. The original suggested modification additions are shown in double underline; and deletions are shown in ~~double striketrough~~. The addendum

changes to the suggested modification additions are shown in **bold, double underline**; and deletions are shown in ~~**bold, double strikethrough**~~.

Suggested Modification No. 1

Land Use Plan Policy 3.18 shall be modified as follows:

Except as permitted pursuant to this provision or Policy 3.20, throughout the City of Malibu, development that ~~consists of or may~~ involves ~~the~~ use of pesticides, including insecticides, herbicides, rodenticides or any other similar toxic chemical substances, shall be prohibited in cases where the application of such substances would ~~which~~ have the potential to significantly degrade Environmentally Sensitive Habitat Areas ~~biological resources shall be prohibited throughout the City of Malibu or coastal water quality or harm wildlife.~~ Herbicides may be used for within and adjacent to ESHAs, where application of such substances would impact the ESHA, except where necessary to protect or enhance the habitat itself, such as the eradication of invasive plant species, or habitat restoration, but only if shall consider first the use of non-chemical methods for prevention and management such as physical, mechanical, cultural, and biological controls are infeasible. Herbicides may be selected only after all other non-chemical methods have been exhausted. Herbicides shall be restricted to the least toxic product and method, and to the maximum extent feasible, shall be biodegradable, derived from natural sources, and used for a limited time. Application of such chemical substances shall not take place during the winter season or when rain is predicted within a week of application. When permitted, application of such herbicides shall not take place during the winter season, when rain is predicted within a week of application, or when wind is predicted above 5 mph. The City will identify non-toxic and earth-friendly management techniques for controlling pests and will conduct public outreach to promote the use of such techniques on property within the City.