

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST DISTRICT OFFICE
89 SOUTH CALIFORNIA STREET, SUITE 200
VENTURA, CA 93001-2801
VOICE (805) 585-1800
FAX (805) 641-1732

**RECEIVED**

MAY 27 2021

PLANNING DEPT.

May 19, 2021

Richard Mollica, Planning Director
City of Malibu
Planning Department
23825 Stuart Ranch Road
Malibu, CA 90265

RE: City of Malibu Local Coastal Program Amendment No. LCP-4-MAL-19-0164-3
(Prohibit the Use of Pesticides)

Dear Mr. Mollica:

On May 13, 2021, the Coastal Commission approved LCP Amendment LCP-4-MAL-19-0164-3, with one suggested modification. The subject amendment consists of several modifications to Land Use Plan (LUP) Policy 3.18 regarding the use of pesticides. The Commission's resolution of certification is contained in the staff report dated April 29, 2021 and addendums dated May 10, 2021 and May 11, 2021. The suggested modification, as approved by the Commission, is attached to this correspondence.

Section 13544 of the Commission's Administrative Regulations requires that after certification the Executive Director of the Commission shall transmit copies of the resolution of certification and any suggested modifications and findings to the governing authority, and any interested persons or agencies. Further, the certification shall not be deemed final and effective until all of the following occur:

- (a) The local government with jurisdiction over the area governed by the Local Coastal Program, by action of its governing body: (1) acknowledges receipt of the Commission's resolution of certification, including any terms or modifications suggested for final certification; (2) accepts and agrees to any such terms and modifications; and (3) agrees to issue coastal development permits for the total area included in the certified Local Coastal Program. Unless the local government takes the action described above the Commission's certification with suggested modifications shall expire six months from the date of Commission's action.
- (b) The Executive Director of the Commission determines in writing that the local government's action and the notification procedures for appealable development require pursuant to Article 17, Section 2 are legally adequate to satisfy any specific requirements set forth in the Commission's certification order.
- (c) The Executive Director reports the determination to the Commission at its next regularly scheduled public meeting and the Commission does not object

to the Executive Director's determination. If a majority of the Commissioners present object to the Executive Director's determination and find that the local government action does not conform to the provisions of the Commission's action to certify the Local Coastal Program Amendment, the Commission shall review the local government's action and notification procedures pursuant to Articles 9-12 as if it were a resubmittal.

- (d) Notice of the certification of the Local Coastal Program Amendment shall be filed with the Secretary of Resources Agency for posting and inspection as provided in Public Resources Code Section 21080.5(d)(2)(v).

Please feel free to contact me should you have any questions regarding this matter. The Commission and staff greatly appreciate the City's cooperation and assistance in this matter.

Authorize on behalf of the California Coastal Commission by:

John Ainsworth
Executive Director

DocuSigned by:
Denise Venegas
EC0C1D43CA0C426..

By: Denise Venegas
Coastal Program Analyst

FINAL SUGGESTED MODIFICATIONS TO THE PROPOSED LAND USE PLAN AMENDMENT

LCP Amendment No. LCP-4-MAL-19-0164-3 (Prohibit the Use of Pesticides)

Existing language of the certified Land Use Plan is shown in straight type. The City's proposed amendment language to the certified Land Use Plan is shown in ~~strike through~~ and underline. Language approved by the Commission to be modified is shown in ~~double strike through~~ and double underline.

SUGGESTED MODIFICATION 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 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. 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.

