

Tulbea

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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RECORD PACKET COPY

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**STAFF REPORT: PERMIT AMENDMENT****APPLICATION NO.: 4-92-246-A3****APPLICANT: George & Annette Ulmer****AGENT: Don Schmitz****PROJECT LOCATION:** 1351 Decker Canyon Rd., Malibu, Los Angeles County**DESCRIPTION OF PROJECT PREVIOUSLY APPROVED:** Construction of a 5,300 sq. ft. single family residence, driveway, septic system, 1,196 cu. yds of grading (748 cu. yds. cut, 448 cu. yds fill) and riding facilities that include: three pastures, one riding area and stables.**DESCRIPTION OF AMENDMENT:** Reduce the size of the single family residence to 4,300 sq. ft. and increase to amount of grading to 3,407 cu. yds. (1,779 cu. yds. cut & 1,628 cu. yds. fill).**LOCAL APPROVALS RECEIVED:** N/A**SUBSTANTIVE FILE DOCUMENTS:** Malibu/Santa Monica Mountains certified Land Use Plan; Coastal Development Permits: 5-83-506 (Wendland); 5-88-470 (Kart); 4-92-246 (Kart & Ulmer).

PROCEDURAL NOTE: The Commission's regulations provide for referral of permit amendment requests to the Commission if:

- 1) The Executive Director determines that the proposed amendment is a material change,
- 2) Objection is made to the Executive Director's determination of immateriality, or
- 3) The proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.

If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material. 14 Cal. Admin. Code 13166.

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission determine that the proposed development with the proposed amendment, subject to the conditions below, is consistent with the requirements of the Coastal Act. All Special Conditions of the Commission's original approval of the project would remain in force and effect, and are attached as exhibit 8 to this report. The applicant is in agreement with the staff recommendation.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions

The Commission hereby approves the amendment to the coastal development permit, on the grounds that as modified, 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, and will not have any significant adverse effects on the environment within the meaning of the California Environmental Quality Act.

NOTE: All standard and special conditions attached to the previously approved permit remain in effect.

II. Special Conditions

1. Revised Landscape, Drainage and Erosion Control Plans

Prior to the issuance of a coastal development permit, the applicant shall submit, for the review and approval of the Executive Director, revised landscape, drainage and erosion control plans which reflect the reduced building footprint and the additional amount of grading. Such plans shall fully comply with the requirements of the landscape, drainage and erosion control standards established in approved Coastal Development Permit 4-92-246.

III. Findings and Declarations

A. Project Description

The applicants are requesting an amendment to coastal development permit (CDP) 4-92-246 (Kart & Ulmer), to reduce the size of the approved single family residence from 5,300 sq. ft. to 4,300 sq. ft. The proposed residence will remain in the same location as previously proposed, but with a reduction in the western portion of the building footprint. The applicants are also proposing to increase the amount of grading from 1,196 cu. yds. (748 cu. yds. cut & 448 cu. yds. fill) to 3,407 cu. yds. (1,779 cu. yds. cut & 1,628 cu. yds. fill). Any excess material, after grading is completed, will be exported to an appropriate location outside of the coastal zone.

The 2,211 cu. yds. of additional grading is requested as a result of a miscalculation on the part of the applicants' engineer at the time the rough grading plan was prepared. Upon completion of the finished grading plan, developed for the LA County building and safety grading permit, the applicants discovered the error in the total amount of grading necessary to implement the approved plan.

The actual amount and location of landform alteration has not deviated from the original coastal development permit approval. The top of the slope will remain at elevation 1660, consistent with the approved cut slope configuration. The proposed cut would reduce the grade to the west of the building pad, including the location of the building footprint reduction. The increased amount of fill will be used to further level a minor depression located to the north of the residence and west of the corral (see Exhibit 4).

B. Background

The Commission approved CDP 4-92-246 on March 17, 1994 subject to the following 11 special conditions: 1) Fence removal and revegetation plans; 2) landscaping and erosion control plans; 3) open space dedication; 4) color restriction; 5) future development; 6) revised plans to a) delete two pastures, b) relocation of the building site and limitation of the pad to 10,000 sq. ft.; 7) fence type limitation; 8) plans conforming to geologic; 9) drainage and erosion control plan; 10) timing of completion of work; and 11) condition compliance. Additionally, the subject permit was an after-the-fact permit, in which development had occurred prior to the Commission's action.

All of the above conditions were met and the permit was issued on July 11, 1995. Since that time, the permit has been vested through the construction of the corrals, and stables as well as the implementation of a restoration plan, landscaping and drainage control measures. In addition, two previous amendments have been approved by the Commission as follows: 4-92-246A, approved in March 1994, to retain an existing mobile home on-site during construction of the single family residence; and 4-92-246A2, approved in October 1994, to allow for the relocation of a drainage device within the dedicated open space area.

The Malibu/ Santa Monica Mountains Land Use Plan designates the site Rural Land I (1du/10 ac.) and Rural Land II (1du/5 ac.) Additionally, the project site is located within an LUP designated Wildlife Corridor (see Exhibit 3). No mapped riding and hiking trail cross the property. Elevations on the 10.43 acre site range from contour 1565 to contour 1740, and slope gradients on the property range from relatively flat to 2:1 on the sides of the knolls located in the eastern and southern portions of the property.

This property is visible from Mulholland Highway, a designated scenic highway in the certified Malibu/Santa Monica Mountains Land Use Plan. In addition, the property is adjacent to National Park Service property on the western property boundary. Portions of the project are visible from Mulholland Highway, Decker Canyon Road and the National Park Service property. The project, however, is mainly located on the lower elevations.

The proposed cut will occur in an area of gently sloping topography situated behind the proposed residence and thus not visible from Mulholland Highway, Decker Canyon Road, the National Park Service property or any public trail. The fill area, north of the residence, will be placed in a slight depression located behind the corral, stables, and several rows of trees. Similarly, this location is not visible from a Mulholland Highway, Decker Canyon Road, the National Park Service property or any public trail.

Therefore, given that the area of cut will be along a gently sloping grade, and that the subject area will be screened by the proposed residence from any scenic highway, park or trail, and that the area of fill is located in a minor depression and screened by a coral, stables and trees from any scenic highway, park or trail, the proposed additional grading of 3,407 cu. yds. (1,779 cu. yds. cut & 1,628 cu. yds. fill) will not create a significant visual impact.

C. Environmentally Sensitive Resources

Sections 30231 of the Coastal Act is designated to protect and enhance, or restore where feasible, the biological productivity and quality of coastal waters, including streams:

Section 30231 of the Coastal Act states that:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

In addition, Section 30240 of the Coastal Act mandates that ESHAs must 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, Section 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 area.***
- (b) Development in areas adjacent to environmentally sensitive habitat 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.***

The proposed project is located within an area designated by the Malibu/Santa Monica Mountains Land Use plan as a Wildlife Corridor between the Arroyo Sequit Significant Watershed and Trancas Canyon Significant Watershed. Wildlife Corridors have been established to ensure that wildlife populations which live in the relatively undisturbed habitat areas of the significant watersheds are able to freely pass between the watersheds. There are policies which provide for the protection of wildlife corridor areas which are contained in Table 1. Table 1 specifies that the same standards be applied to Wildlife Corridors as those applied to Significant Watersheds with the exception of density policies.

The Table 1 policies applicable to Significant Watersheds and therefore, Wildlife Corridors are as follows:

- Allowable structures shall be located in proximity of the existing roadways, services and other development to minimize the impacts on the habitat.
- Structures shall be located as close to the periphery of the designated watershed as feasible, or in any other location for which it can be demonstrated that the effects of development will be less environmentally damaging.
- Stream beds in designated ESHAs shall not be altered except where consistent with Section 30236 of the Coastal Act
- Grading and vegetation removal shall be limited to that necessary to accommodate the residential unit, garage, and one other structure, one access road and brush clearance required by the Los Angeles County Fire Department. The standard for a graded building pad shall be a maximum of 10,000 sq. ft.
- New on-site access roads shall be limited to a maximum length to a maximum length of 300 feet or one third of the parcel depth, whichever is smaller. Greater lengths may be allowed through conditional use, provided that the environmental Review Board and County Engineer determine that there is no acceptable alternative.
- Site grading shall be accomplished in accordance with the stream protection and erosion control policies.
- Designated environmentally sensitive stream beds shall not be filled. Any crossings shall be accomplished by a bridge.

Additionally, for Wildlife Corridors:

- The fencing of entire parcels shall be prohibited in order to allow free passage of wildlife.

Other applicable LUP policies related to stream protection and erosion control include:

P82 Grading shall be minimized for all new development to ensure the potential negative effects of runoff and erosion on these resources are minimized.

P84 In disturbed areas, landscape plans shall balance long-term stability and minimization of fuel load. For instance, a combination of taller, deep-rooted plants and low-growing ground covers to reduce heat output may be used. Within ESHAs and Significant Watersheds, native plant species shall be used, consistent with fire safety requirements.

P88 In ESHAs and Significant Watersheds and in other areas of high potential erosion hazard, require site design to minimize grading activities and reduce vegetation removal based on the following guidelines:

- **Structures should be clustered.**
- **Grading for access roads and driveways should be minimized; the standard new on-site access roads shall be a maximum of 300 feet or one third the parcel depth, whichever is less. Longer roads may be allowed on approval of the County Engineer and Environmental Review Board and the determination that adverse environmental impacts will not be incurred. Such approval shall constitute a conditional use.**
- **Designate building and access envelopes on the basis of site inspection to avoid particularly erodible areas.**
- **Require all sidecast material to be recompacted to engineered standards, re-seeded, and mulched and/or burlapped.**

P91 All new development shall be designed to minimize impacts and alterations or physical features, such as ravines and hillsides, and processes of the site (i.e., geological, soils, hydrological, water percolation and runoff) to the maximum extent feasible.

P96 Degradation of the water quality of ground water basins, nearby streams, or wetlands shall not result from development of the site. Pollutants, such as chemicals, fuels, lubricants, raw sewage, and other harmful waste shall not be discharged into or alongside coastal streams or wetlands.

The applicants are proposing to reduce the size of the approved single family residence from 5,300 sq. ft. to 4,300 sq. ft. and increase to amount of grading from 1,196 cu. yds. (748 cu. yds. cut & 448 cu. yds. fill) to 3,407 cu. yds. (1,779 cu. yds. cut & 1,628 cu. yds. fill). The purpose of the grading is to reduce the grade directly adjacent to the residence and fill a minor depression to the north of the residence and west of the corral (see Exhibit 4). The 1,779 cu. yds. of additional excavation will not create any further landform alteration than already approved under the existing coastal development permit, as noted above.

The majority of the proposed 1,779 cu. yds. of cut is located on a gentle grade west of the approved building pad, the soil of which has been recently turned and contains only a few weedy plant remnants. This area contains the 1,000 sq. ft. western portion of the building footprint that is to be eliminated as part of this application. Thus, a lawn area will replace the western portion of the footprint proposed to be deleted (see Exhibit 4). The remaining portion of the terrain is to be finished graded to conform with the adjacent topography to the north and south.

The majority of the proposed 1,626 cu. yds. of fill is to be placed into a small depression west of the corral. The area conforms to the existing topography with a gentle 5:1 slope, which is essentially flat. This area is clearly disturbed, as it has been previously graded and includes a retaining wall and ornamental landscaping. Currently, the area is used for ongoing ranch activities such as parking heavy equipment, the location of a large feed storage bin, and a staging area for exercising the horses. The purpose of the proposed fill is to create a more level and useable area. Neither of these two portions of the subject parcel include any significant native vegetation or habitat, and no fencing is proposed.

However, the proposed grading will generate additional amounts of erosion and sedimentation, which in turn will create adverse impacts on the surrounding Arroyo Sequit Significant Watershed and Trancas Canyon Significant Watershed. Thus, the Commission finds it necessary to require a revised set of landscape, drainage and erosion control plans.

Given these two portions of the lot are located on gently sloping terrain, which contains no significant habitat value, and where no fences are proposed to impede the wildlife corridor, the Commission finds the proposed project, as conditioned, would maintain protection of the surrounding ESHA area. Therefore, the project as conditioned would be consistent with Sections 30107.5, 30240(a), and 30240(b) of the Coastal Act.

D. Local Coastal Program

Section 30604(a) of the Coastal Act states that:

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).

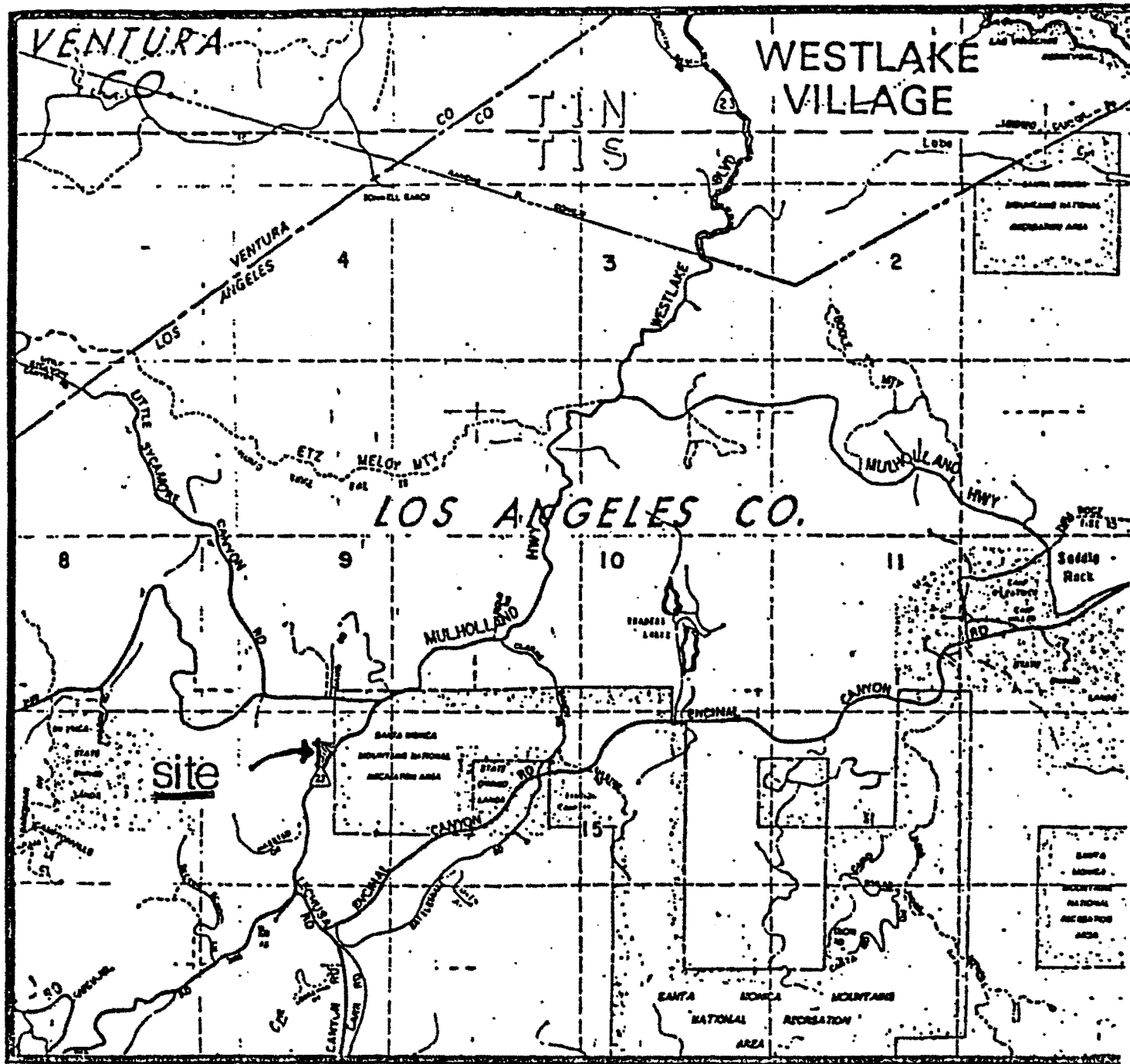
Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections 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 effects 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 County'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. California Environmental Quality Act

Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) 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 effects which the activity would have on the environment.

The proposed development would not cause significant, adverse environmental effects which would not be adequately mitigated by the conditions imposed by the Commission. Therefore, the proposed project, as conditioned, is found consistent with CEQA and with the policies of the Coastal Act.



VICINITY MAP

EXHIBIT NO.	
APPLICATION NO.	
4-92-246A3(ULMER)	
VICINITY MAP	

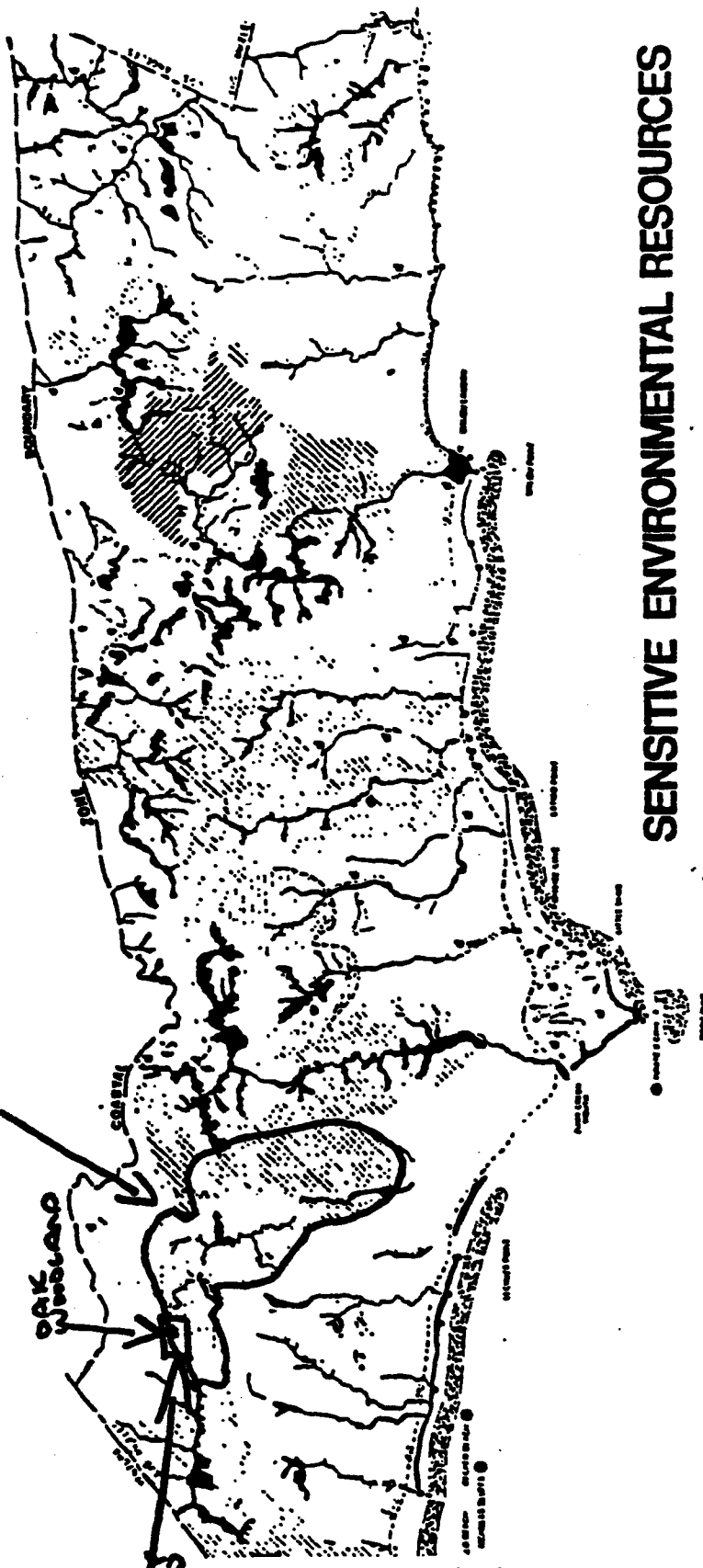
MALIBU Local Coastal Plan

MALIBU

WILDLIFE CORRIDOR

OAK ISLAND

PROPERTY LOCATION



SENSITIVE ENVIRONMENTAL RESOURCES

- ☐ MALIBU/ COLD CREEK RESOURCES MANAGEMENT AREA
- ☐ SIGNIFICANT WATERSHEDS/ RESIDENTIAL - RESOURCE DEPENDENT USES
- ☐ ENVIRONMENTALLY SENSITIVE HABITAT AREA - RESOURCE DEPENDENT USES
- ☐ SIGNIFICANT WATERSHEDS/ RESIDENTIAL - RESOURCE DEPENDENT USES
- ☐ WILDLIFE MIGRATION CORRIDOR
- ☐ OFFSHORE - Kelp BEDS
- ☐ SHORELINE - ROCKY AREAS
- ☐ SHORELINE - SEA LOCH HALL CUTS
- ☐ MALIBU/ COLD CREEK RESOURCES MANAGEMENT AREA
- ☐ SIGNIFICANT OAK WOOD AND SAVANNAH
- ☐ LOCALLY DISTURBED SENSITIVE RESOURCE

north

EXHIBIT NO. 3

APPLICATION NO.

4-92-246 A3 (ULMER)

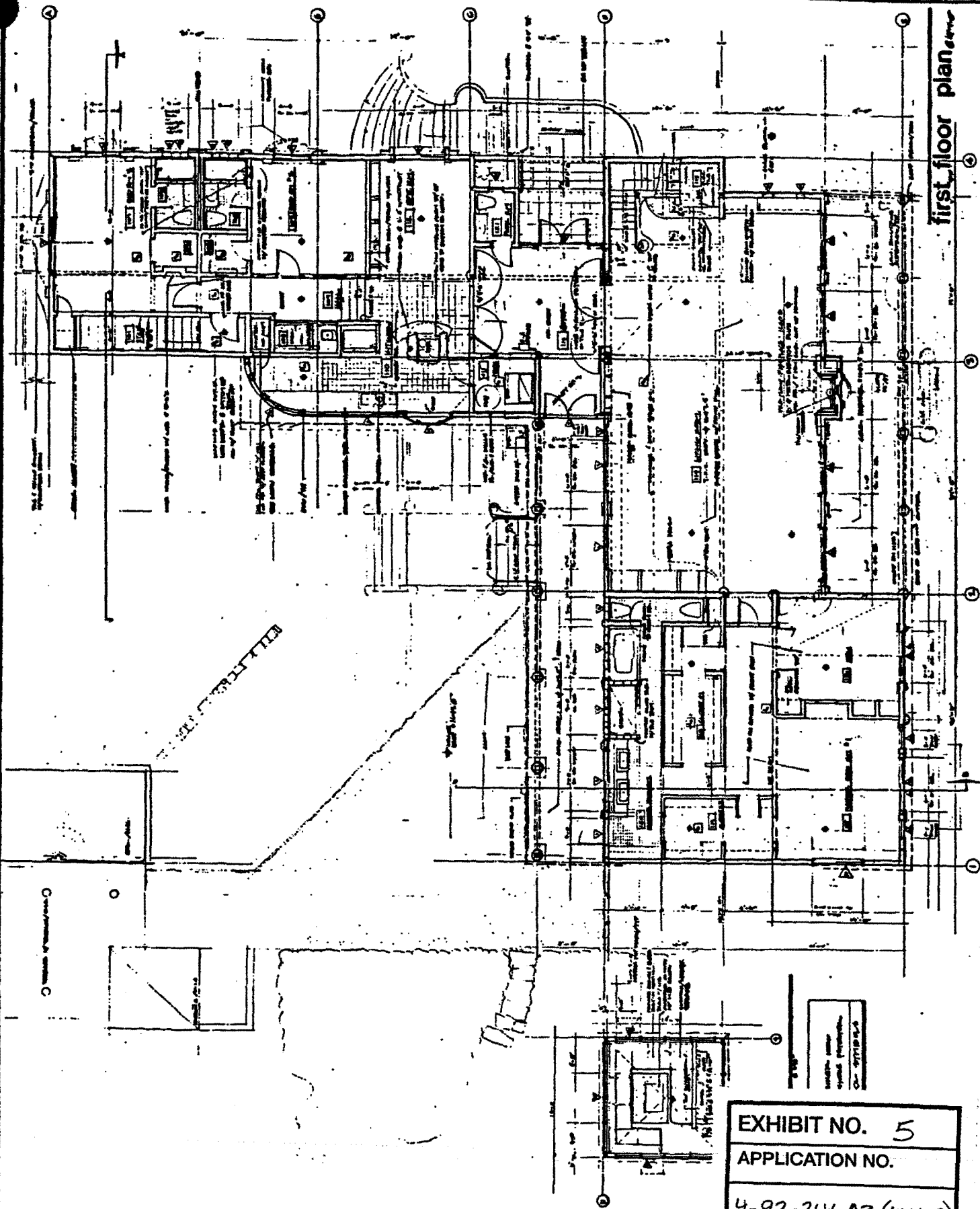
ESHA MAP



A = 63°27'00"
R = 120.00'
L = 132.88'

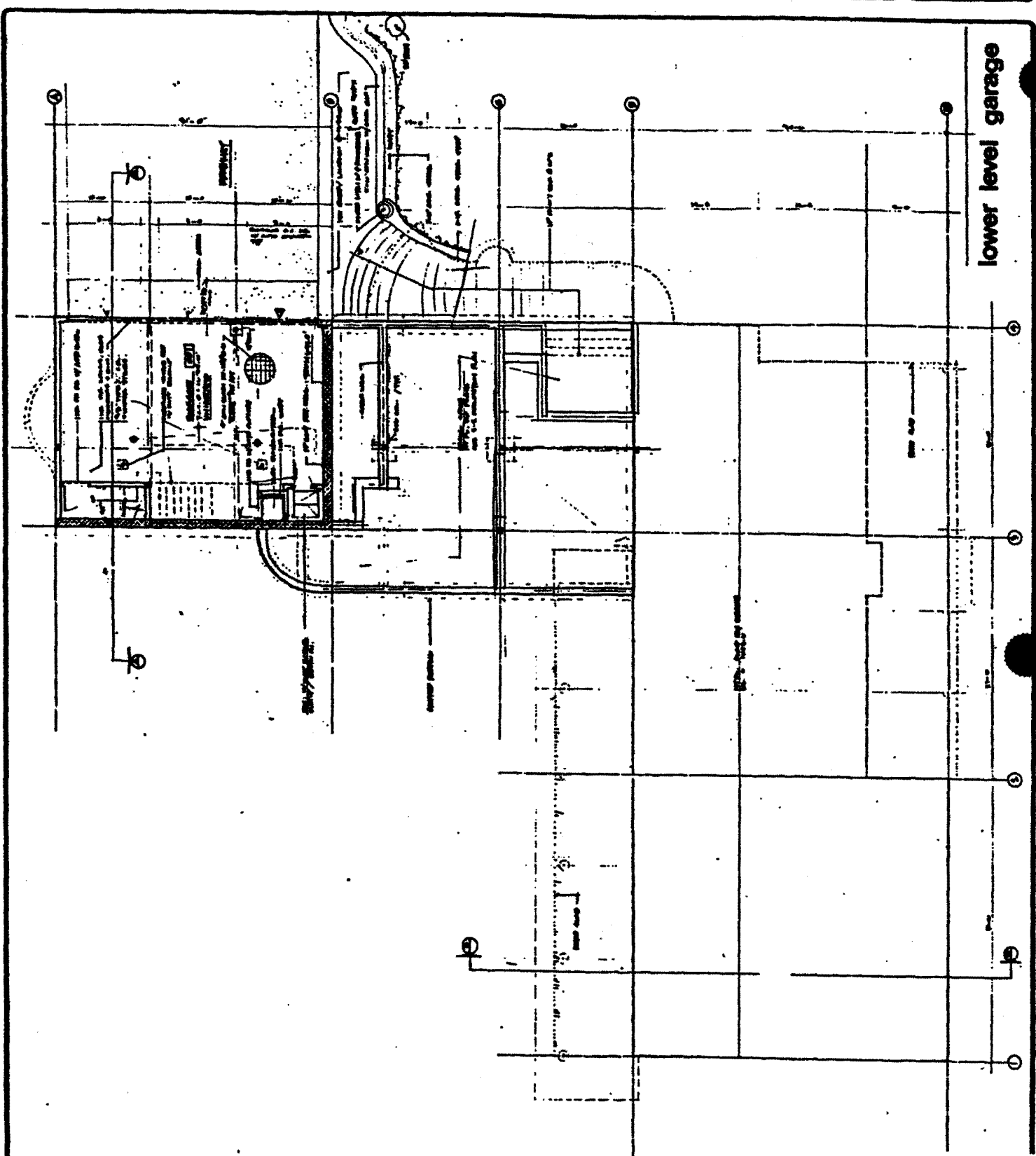
EXHIBIT NO. 4
APPLICATION NO.
4-92-246A3 (UMEP)
GRADING PLAN

AREA
of
CUT



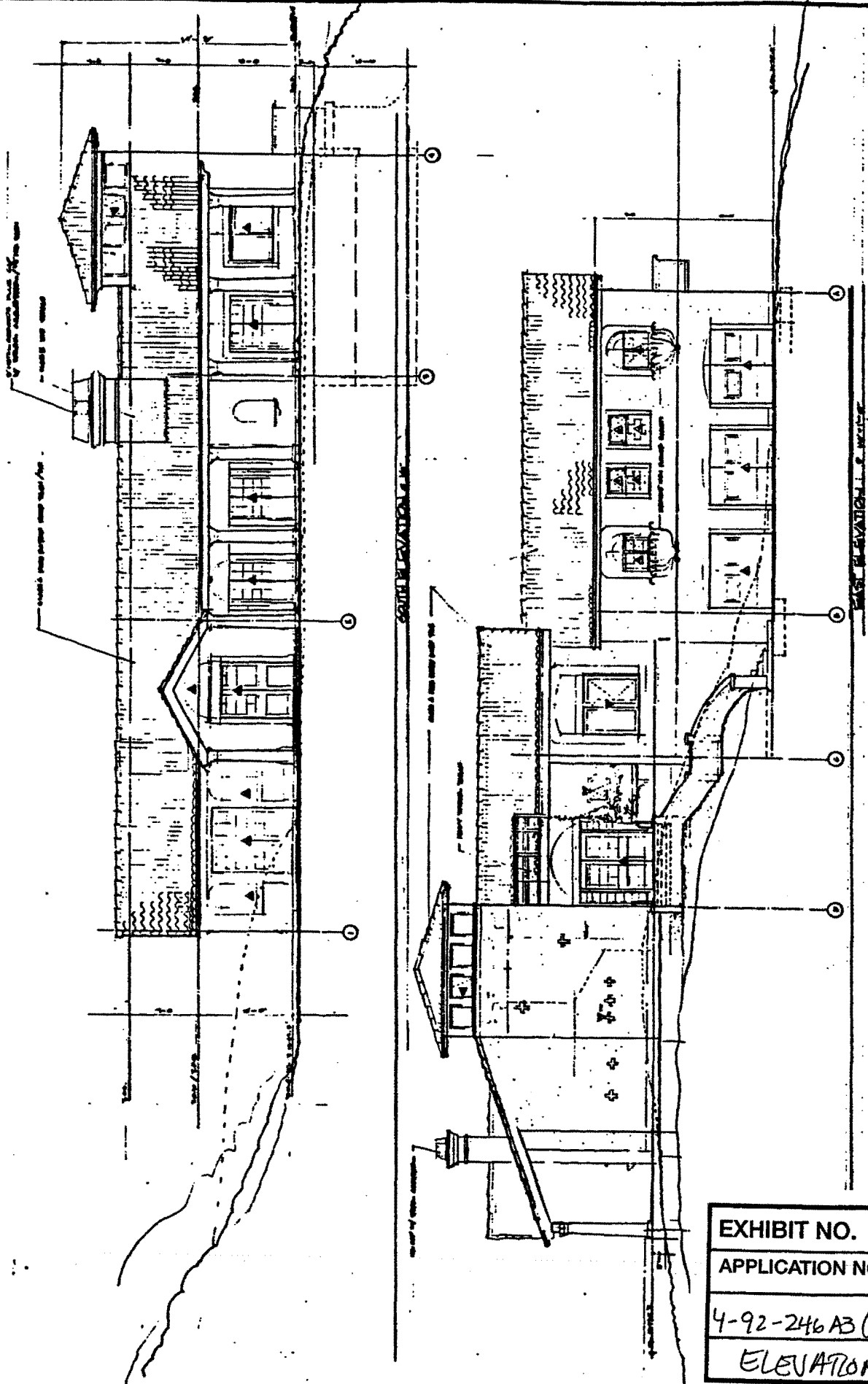
first floor plan

EXHIBIT NO. 5
APPLICATION NO.
4-92-246 A3 (ULMER)
FIRST FLOOR PN



lower level garage

EXHIBIT NO.	6
APPLICATION NO.	
4-92-246 A3 (ULMER)	
LOWER FLOOR PN	



elevations

EXHIBIT NO.	7
APPLICATION NO.	
4-92-246 AB (ULMER)	
ELEVATIONS	

COASTAL DEVELOPMENT PERMIT

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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 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.

SPECIAL CONDITIONS:

1. Fence Removal and Revegetation Plans

Prior to the issuance of the permit, the applicant shall submit, for the review and approval for the Executive Director, revegetation plans which specify the types, locations, and amounts of plants to be used for the restoration of the pastures to the north and to the west of the building pad (See Exhibit 8). The applicant shall use a mixture of seeds and plants to increase the potential for a successful revegetation. All plant species shall consist of native, drought resistant plants as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled Recommended Native Plant Species for Landscaping Wildland Corridors in the Santa Monica Mountains, dated January 20, 1992. Invasive, non-indigenous plant species which tend to supplant native species shall not be used.

EXHIBIT NO. 8
APPLICATION NO.
4-92-246 AB (LUMBER)
ORIGINAL CONDITIONS OF APPROVAL

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With the acceptance of this permit, the applicant agrees to remove all fences located to the north, to the west, and to the east of the building pad and pepper trees as shown in Exhibit 8. The removal shall occur within 60 days of the issuance of the permit. The applicant shall submit proof of the removal of the pasture fences within seven days of the completion of the work.

2. Landscaping and Erosion Control Plan

Prior to issuance of permit, the applicant shall submit detailed landscaping and erosion control plans prepared for review and approval by the Executive Director. The plans shall incorporate the following criteria:

- (a) All graded areas on the subject site shall be planted and maintained for erosion control and visual enhancement purposes at the completion of grading. To minimize the need for irrigation and to screen or soften the visual impact of development all landscaping shall consist of native, drought resistant plants as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled Recommended Native Plant Species for Landscaping Wildland Corridors in the Santa Monica Mountains, dated January 20, 1992. Invasive, non-indigenous plant species which tend to supplant native species shall not be used.
- (b) All cut and fill slopes shall be stabilized with planting at the completion of final grading. Planting should be of native plant species indigenous to the Santa Monica Mountains using accepted planting procedures, consistent with fire safety requirements. Such planting shall be adequate to provide 90 percent coverage within 90 days and shall be repeated, if necessary, to provide such coverage. This requirement shall apply to all disturbed soils including all existing graded roads and pads.
- (c) Should grading take place during the rainy season (November 1 - March 31), sediment basins (including debris basins, desilting basins, or silt traps) shall be required on the project site prior to or concurrent with the initial grading operations and maintained through the development process to minimize sediment from runoff waters during construction. All sediment should be retained on-site unless removed to an appropriate approved dumping location.
- (d) Vegetation within 50 feet of the proposed house may be removed to mineral earth. Selective thinning, for purposes of fire hazard reduction, shall be allowed in accordance with an approved long-term fuel modification plan submitted pursuant to this special condition. However, in no case should vegetation thinning occur in areas greater than a 200' radius of the main structure. The fuel modification plan shall include details regarding the types, sizes and location of plant materials to be removed, and how often thinning is to occur.
- (e) The plan shall also include vertical elements which break-up the line of the proposed structure and screens the structure from Mulholland Highway and the adjacent parklands.

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3. Open Space Dedication

Prior to issuance of the coastal development permit, the applicant as landowner shall execute and record a document, in a form and content acceptable to the Executive Director, which irrevocably offers to dedicate to a public agency or private association acceptable to the Executive Director, an easement for open space, view preservation and habitat protection, over that portion of the subject property depicted on Exhibit 9. The easement shall restrict the applicant from grading, fencing, landscaping (other than required by this permit), vegetation removal except clearing of vegetation for fire protection consistent with Special Condition 2(d), or placement of structures within the easement area. The offer shall be recorded free of prior liens and encumbrances except for tax liens which the Executive Director determines may affect the interest being conveyed. The offer shall run with the land in favor of the People of the State of California, binding all successors and assignees, and shall be irrevocable for a period of twenty one (21) years, such period running from the date of recording.

4. Color Restriction.

Prior to issuance of the Coastal Development Permit, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which restricts the color of the subject structure and roof to colors compatible with the surrounding environment. White tones shall not be acceptable. All windows shall be of non-glare glass. The document shall run with the land for the life of the structure approved in this permit, binding all successors and assigns, and shall be recorded free of prior liens.

5. Future Development:

Prior to the issuance of a coastal development permit, the applicant shall execute and record a document, in a form and content acceptable to the Executive Director, stating that the subject permit is only for the development described in the Coastal Development Permit No. 4-92-246; and that any future additions or improvements to the property, including but not limited to clearing of vegetation and grading, will require a permit from the Coastal Commission or its successor agency. Removal of vegetation consistent with condition 2(d) above for fire protection is permitted. 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 being conveyed.

6. Revised Plans

Prior to issuance of the permit, the applicant shall submit a revised site and grading plan, subject to the review and approval of the Executive Director, which includes the following:

- a. The pastures to the north and to the east of the residence, as identified in Exhibit 10, shall be deleted from the project plan. Pastures to the south of the proposed residence are allowed. Any change in location of the proposed stables will require an amendment to this permit.

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- b. The proposed building site shall be relocated to the existing level riding arena, approximately 20 ft. west of the property line as shown in Exhibit 10 and consist of a building pad no larger than 10,000 sq. ft.

7. Fence Type

Prior to the issuance of the permit, the applicant shall submit for the review and approval of the Executive Director, plans indicating the type of fencing to be used in the area designated on Exhibit 3. The applicant agrees that the fencing in this area must be of a type that will not restrict wildlife movement; no mesh fencing or chain link fencing is allowed.

8. Plans Conforming to Geologic Recommendations

All recommendations contained in the Reconnaissance Engineering Geologic Report dated 6/8/83, the Update Engineering Geologic Report, dated 12/18/87, the Update Engineering Geologic Report, dated 11/27/92, prepared by California Geo Systems, Inc. and in the Drainage Report prepared by Summit Engineering Corporation dated June 1990, shall be incorporated into all final design and construction including foundations, grading and drainage and all plans must be reviewed and approved by the consultants prior to commencement of development. Prior to the issuance of a coastal development permit, the applicant shall submit evidence for the review and approval of the Executive Director of the consultant's review and approval of all final design and construction plans.

The final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission relative to the septic system, foundation and drainage. Any substantial changes in the proposed development approved by the Commission which may be required by the consultant shall require an amendment to the permit or a new coastal permit.

9. Drainage and Erosion Control Plans

Prior to the issuance of the Coastal Development Permit, the applicant shall submit for the review and approval of the Executive Director, a run-off control plan designed by a licensed engineer which assures that no increase in peak run-off rate from the site would result from the construction of the proposed project, as a result of a ten-year, six-hour rainstorm. The run-off control plan shall include, but not be limited to, a system which collects run-off from the roof, patios, and all impervious surfaces and directs it to on-site detention/desilting basins. This plan shall include a gravel filtration system designed to filter out household pollutants from the runoff resulting from the project. Should any erosion result from the drainage from the project, the applicant shall be responsible for any necessary repairs and restoration.

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10. Timing of Completion of Work

With the acceptance of this permit, the applicant agrees to restore the pastures to the north and to the west of the building pad and remove the existing pepper trees, as shown in Exhibit 8, within ninety days of the issuance of the permit. Revegetation of the pastures shall begin within 90 days of the issuance of this permit. If revegetation is not adequate to provide for ninety percent coverage at the end of this ninety day period, the applicant shall be required to do additional planting at the beginning of the next rainy season. If additional plantings are necessary, revegetation shall be fully implemented no later than November 30 of that year and shall provide for ninety percent coverage of the pastures by March 31 of the subsequent year.

11. Condition Compliance

All requirements specified in the foregoing conditions that the applicant is required to satisfy as prerequisites to the issuance of this permit must be met within 120 days of Commission action. Failure to comply with the requirements within the time period specified, or within such additional time as may be granted by the Executive Director for good cause, will terminate this permit.