

## CALIFORNIA COASTAL COMMISSION

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# Item Tu17a

Staff:  
Staff Report:  
Hearing Date:

SMR-SF  
November 22, 2002  
December 10, 2002

## RECORD PACKET COPY

### PROPOSED FINDINGS FOR RESTORATION ORDER

|                                    |   |
|------------------------------------|---|
| <b>RESTORATION ORDER:</b>          | CCC-02-RO-02  |
| <b>RELATED VIOLATION FILE:</b>     | V-4-02-032  |
| <b>PROPERTY LOCATION:</b>          | East of and adjacent to 2210 Mar Vista Road in Los Angeles County, APN 4461-001-005 (Exhibit 1)   |
| <b>DESCRIPTION OF PROPERTY</b>     | The subject property is a 40-acre lot (APN 4461-001-005) accessed from the adjacent parcel (APN 4465-006-046) at 2210 Mar Vista Road, Los Angeles County  |
| <b>PROPERTY OWNER:</b>             | Pacific Alliance Holdings, Inc., Raymond Munro, President   |
| <b>VIOLATION DESCRIPTION:</b>      | Unpermitted grading of approximately 2,000 linear feet of ten- to twenty-foot wide roads and building pads and unpermitted removal of approximately five or more acres of vegetation within environmentally sensitive chaparral habitat |
| <b>SUBSTANTIVE FILE DOCUMENTS:</b> | Restoration Order CCC-02-RO-02 File<br><br>Background Exhibits 1 through 8  |
| <b>CEQA STATUS:</b>                | Categorically exempt (CEQA Guidelines (CG) §§ 15061(b)(2), 15307, 15308 and 15321)  |

## **I. SUMMARY**

Staff recommends that the Commission issue the Restoration Order set forth below, to require the restoration of the subject property to the condition it was in prior to the occurrence of the unpermitted development. Under Section 30811 of the Coastal Act, to order restoration, the Commission must find that development has occurred without a coastal development permit, is inconsistent with the Coastal Act and is causing continuing resource damage. The findings for this Restoration Order set forth the basis for the conclusion that the development is 1) unpermitted, 2) inconsistent with the Coastal Act, and 3) causing continuing resource damage, and that, therefore, the standards for a restoration order are satisfied.

## **II. HEARING PROCEDURES**

The procedures for a hearing on a proposed Restoration Order are described in Section 13195, incorporating by reference Sections 13185 and 13186 of the California Code of Regulations (CCR), Title 14, Division 5.5, Chapter 5, and Subchapter 9. The Restoration Order hearing procedure is similar in most respects to the procedures that the Commission utilizes for permit and Local Coastal Program matters.

For a Restoration Order hearing, the Chair shall announce the matter and request that all alleged violators or their representatives present at the hearing identify themselves for the record, indicate what matters are already part of the record, and announce the rules of the proceeding including time limits for presentations. The Chair shall also announce the right of any speaker to propose to the Commission, before the close of the hearing, any question(s) for any Commissioner, in his or her discretion, to ask of any other speaker. The Commission staff shall then present the report and recommendation to the Commission, after which the alleged violator(s) or their representative(s) may present their position(s) with particular attention to those areas where an actual controversy exists. The Chair may then recognize other interested persons after which staff typically responds to the testimony and to any new evidence introduced.

The Commission should receive, consider, and evaluate evidence in accordance with the same standards it uses in its other quasi-judicial proceedings, as specified in CCR Section 13195, incorporating by reference Sections 13185, 13186 and 13065. The Chair will close the public hearing after the presentations are completed. The Commissioners may ask questions to any speaker at any time during the hearing or deliberations, including, if any Commissioner chooses, any questions proposed by any speaker in the manner noted above. Finally, the Commission shall determine, by a majority vote of those present and voting, whether to issue the Restoration Order, either in the form recommended by the Executive Director, or as amended by the Commission. Passage of a motion, per staff recommendation or as amended by the Commission, will result in issuance of the order.

### **III. MOTION/STAFF RECOMMENDATION OF APPROVAL/RESOLUTION**

**MOTION:** I move that the Commission issue Restoration Order No. CCC-02-RO-02 pursuant to the staff recommendation.

#### **STAFF RECOMMENDATION OF APPROVAL:**

Staff recommends a **YES** vote. Passage of this motion will result in issuance of the Restoration Order. The motion passes only by an affirmative vote of a majority of Commissioners present.

#### **RESOLUTION TO ISSUE CEASE AND DESIST ORDER:**

The Commission hereby issues Restoration Order number CCC-02-RO-02, set forth below, and adopts the findings set forth below on grounds that the development described in the order 1) has occurred without a coastal development permit, 2) is inconsistent with the Coastal Act, and 3) is causing continuing resource damage. Upon approval, the Commission authorizes and orders that the actions set forth in the restoration order be taken.

### **IV. PROPOSED FINDINGS FOR RESTORATION ORDER CCC-02-RO-02**

Staff recommends the Commission adopt the following findings in support of its action.

#### **A. Description of Unpermitted Development**

The development that is the subject of this Restoration Order consists of grading of roads and building pads and removal of significant chaparral vegetation. Based on inspections of the site by Commission staff and review of recent aerial photographs, it is estimated that approximately 2,000 linear feet of ten- to twenty-foot wide roads and at least two separate building pads of varying size were graded and that approximately five or more acres of chaparral vegetation was removed. The graded roads and areas where vegetation was removed are clearly visible in photographs of the site and are located on steeply sloping and ridge-top portions of the site (**Exhibit 2**).

The subject property is a 40-acre lot located east of a property at 2210 Mar Vista Road, Los Angeles County that is owned by Pacific Alliance Holdings, Inc., of which Raymond Munro is President. The Assessor's Parcel Number (APN) of the 40-acre lot is 4461-001-005, and this property has apparently been subdivided into four separate parcels without the required coastal development permit. For the purposes of the proposed Restoration Order, the Commission is not addressing the unpermitted subdivision issue. However, for clarity in describing the subject property, staff notes that the APN numbers of the four smaller parcels are 4461-001-023, 4461-001-024, 4461-001-025 and 4461-001-026.

#### **B. Attempts at Administrative Resolution**

Commission staff first learned of the alleged violation on the property in early April 2002. Staff conducted a site visit on April 5, 2002 and confirmed that significant vegetation removal and

grading of roads and building pads had occurred on the site. On April 9, 2002, staff sent a Notice of Violation letter to Mr. Munro and set a May 7, 2002 deadline for Mr. Munro to submit a complete Coastal Development Permit (CDP) application for restoration of the unpermitted development (**Exhibit 3**). Mr. Munro did not submit a CDP application by the May 7, 2002 deadline.

Commission enforcement staff met with Mr. Munro at the site on May 29, 2002 and directed Mr. Munro to immediately submit a CDP application for restoration of the site. Following this site visit, staff sent a second Notice of Violation letter to Mr. Munro on May 31, 2002, directing Mr. Munro to submit a CDP application for restoration of the site by no later than June 5, 2002 (**Exhibit 4**).

On June 10, 2002, Mr. Munro submitted a CDP application to the South Central Coast District office seeking, among other things, after-the-fact approval of as-built driveways and revegetation of the site. On July 3, 2002, District staff notified Mr. Munro that additional items were necessary in order to complete the application and listed these items in detail (**Exhibit 5**). Staff instructed Mr. Munro to submit the outstanding items by no later than October 3, 2002. However, as of the October 3, 2002 filing deadline, Mr. Munro had submitted only one of the outstanding items. In addition, the one item submitted, a Restoration Program/Proposal dated September 30, 2002, did not provide project plans that completely addressed all disturbed areas on the site and was deemed inadequate to satisfy the requirement for submittal of a restoration plan.

In a letter to Mr. Munro dated October 10, 2002 staff returned the incomplete application to Mr. Munro (**Exhibit 6**). By letter dated October 21, 2002, Commission staff issued a Notice of Intent (NOI) to conduct Restoration Order proceedings to address unpermitted grading of roads and pads and vegetation removal on the site to restore the site to its pre-development condition (**Exhibit 7**). By facsimile letter dated November 12, 2002, Mr. Munro submitted a Statement of Defense to the allegations in the NOI (**Exhibit 8**).

### **C. Basis for Issuance of Restoration Order**

The statutory authority for issuance of this Restoration Order is provided for in §30811 of the Coastal Act, which states:

*In addition to any other authority to order restoration, the commission, a local government that is implementing a certified local coastal program, or a port governing body that is implementing a certified port master plan may, after a public hearing, order restoration of a site if it finds that the development has occurred without a coastal development permit from the commission, local government, or port governing body, the development is inconsistent with this division, and the development is causing continuing resource damage.*

The Commission has the authority to order restoration of the site if it determines that the development a) has occurred without a coastal development permit, b) is inconsistent with the Coastal Act and c) is causing continuing resource damage. Commission staff has already verified that there was no permit issued for this development, a determination that the alleged

violator does not dispute. The following paragraphs provide evidence that the development is also inconsistent with the Coastal Act and is causing continuing resource damage.

### **Unpermitted Development is Inconsistent with the Coastal Act**

The unpermitted development is inconsistent with the following resource protection policies of the Coastal Act:

- a) Section 30231 (water quality),
- b) Section 30240 (environmentally sensitive habitat areas or ESHA),
- c) Section 30251 (scenic and visual qualities; minimization of natural landform alteration),  
and
- d) Section 30253 (geologic stability, protection against erosion).

### Description of Resource Impacts

The following paragraphs present an analysis of the respects in which the unpermitted development is inconsistent with specified resource protection policies of the Coastal Act and is causing continuing damage to resources protected by such policies.

#### *Water Quality*

Section 30231 of the Coastal Act states, in part, that "the quality of coastal waters, [and] streams appropriate to maintain optimum populations of marine organisms...shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff [and] preventing depletion of ground water supplies and substantial interference with surface water flow." Soils on the property are classified as Millsholm loam and are highly erosive. The grading and vegetation removal on the site has removed subsurface rootstock and left substantial areas of bare soil or thinly vegetated soils on steeply sloped portions of the site. These areas are highly susceptible to erosion and may contribute directly to the degradation of water quality in the surrounding coastal waters and streams through increased sediment input.

#### *Environmentally Sensitive Habitat Areas*

Section 30240 of the Coastal Act states, in part, that "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." The unpermitted grading and vegetation clearing caused the direct removal and discouragement of the growth of watershed cover, including native chaparral, which is Environmentally Sensitive Habitat Area (ESHA), resulting in a reduction in the amount and quality of the habitat and watershed cover in the area.

In addition to being inconsistent with Section 30240 of the Coastal Act, the unpermitted development is inconsistent with resource protection policies of the Malibu/Santa Monica Mountain Land Use Plan. The subject property is located almost entirely within a designated Wildlife Migration Corridor and partially within the Solstice Canyon Significant Watershed

Area, as designated in the certified Malibu/Santa Monica Mountains Land Use Plan. Wildlife Migration Corridors and Significant Watershed Areas are both considered ESHA under the Land Use Plan.

*Scenic and Visual Qualities; Minimization of Natural Landform Alteration*

Section 30251 of the Coastal Act states, in part, that "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 landforms, [and] to be visually compatible with the character of surrounding areas..." The subject property is located approximately 0.25 mile south and 0.5 mile west of the Santa Monica Mountains National Recreation Area, which is a popular visitor destination point for recreation. The property is also in a highly scenic area due to the rural atmosphere, open spaces and vistas, large continuous areas of native vegetation and extensive network of publicly owned lands. The unpermitted development is degrading scenic resources and the community character of the surrounding rural area through the alteration of the natural landform on the site's steep hillsides and ridge tops.

*Geologic Stability*

Section 30253 of the Coastal Act states, in part, that "New development shall: (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard, [and] (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area." The grading of roads and building pads and removal of vegetation has left substantial areas of bare soils or thinly vegetated soils exposed on steep slopes. Such areas may contribute significantly to erosion at the site. There has been no active revegetation of the graded areas on the site to provide erosion control or to stabilize the disturbed areas.

The existing roads and building pads that have been graded on steep slopes and along ridgelines at the subject property did not minimize landform alteration on the site. As discussed previously, the apparent subdivision of the site into four smaller parcels appears to be unpermitted, and there has been no analysis as to whether any subdivision of the parcel or the current configuration of the lots is consistent with the Coastal Act or the certified Land Use Plan.

**Unpermitted Development is Causing Continuing Resource Damage**

The unpermitted development is causing continuing resource damage, as defined in Section 13190 of the Commission's regulations:

*'Continuing', when used to describe 'resource damage', means such damage which continues to occur as of the date of issuance of the Restoration Order.*

*'Resource' means any resource which is afforded protection under the policies of Chapter 3 of the Coastal Act, including but not limited to public access, marine and other aquatic resources, environmentally sensitive wildlife habitat, and the visual quality of coastal areas.*

*'Damage' means any degradation or other reduction in quality, abundance, or other quantitative or qualitative characteristic of the resource as compared to the condition the resource was in before it was disturbed by unpermitted development."*

Since the unpermitted development continues to exist at the subject property, and, as described above, is causing impacts to resources protected by the Coastal Act that continue to occur as of the date of this proceeding, damage to resources is "continuing" for purposes of Section 30811 of the Coastal Act.

**D. CEQA**

The Commission finds that removal of the unpermitted development and restoration of the property to the conditions that existed prior to the unpermitted development, as required by this Restoration Order, is consistent with any applicable requirements of the California Environmental Quality Act (CEQA) of 1970 and will not have significant adverse effects on the environment, within the meaning of CEQA. The Restoration Order is categorically exempt from the requirement for the preparation of an Environmental Impact Report, based on Sections 15061(b)(2), 15307, 15308 and 15321 of the CEQA Guidelines.

**E. Allegations**

1. Raymond Munro, President of Pacific Alliance Holdings, Inc. (PAH), is the owner of the subject property. Access to the subject property is from a separate 5.9-acre property immediately west of the subject site at 2210 Mar Vista Road in Los Angeles County that is also owned by Raymond Munro. The subject site is a 40-acre parcel, APN 4461-001-005, which has apparently been subdivided without the required Coastal Development Permits into four parcels, APNs 4461-001-023, 4461-001-024, 4461-001-025 and 4461-001-026.
2. Mr. Munro has undertaken development, as defined by Coastal Act Section 30106, at the property, including removal of significant vegetation and grading of roads and building pads, without benefit of a coastal development permit.
3. No exemption from the permit requirements of the Coastal Act applies to the unpermitted development on the property.
4. In letters dated April 9, 2002, May 31, 2002, and October 21, 2002 and during a site visit on May 29, 2002, Commission staff informed Mr. Munro that vegetation removal and grading of roads and building pads on his property required a CDP, and that failure to obtain a CDP prior to such activities constituted a violation of the Coastal Act. The letter dated October 21, 2002 informed Mr. Munro that pursuant to California Code of Regulations, Title 14, Section 13191(a), the Commission intended to initiate restoration order proceedings against him, and outlined steps in the restoration order process.

**F. Violators' Defenses and Commission's Response**

Raymond Munro submitted a Statement of Defense (SOD) on November 12, 2002 (**Exhibit 8**). Mr. Munro did not expressly admit or contest any of the allegations contained in the NOI. The following paragraphs describe the defenses contained in the SOD and set forth the Commission's response to each defense. In the Statement of Defense, Mr. Munro states that he is responding for "Pacific Alliance Holdings."

**Mr. Munro's Defense:**

1. "Without our approval the fire department was using the property for training prisoners to do brush clearances."

**Commission's Response:**

Commission staff has spoken with County Fire Department staff and has determined that after receiving a request from Mr. Munro, a fire department crew hand-cleared some vegetation on the property. The hand clearance of vegetation did not remove subsurface chaparral rootstock. The fire department crews did not carry out the full extent of vegetation removal on the site and did not perform any of the mechanized grading of roads and building pads that occurred on the site.

Regardless of the amount of vegetation removal performed by fire department crews versus other vegetation removal and grading performed by other parties on the property, all of the vegetation removal and the grading of roads and pads were unpermitted. As president of the corporation that owns the property, under the Coastal Act, Mr. Munro is responsible for complying with all regulations and obtaining any necessary permits for performing such work. Mr. Munro did not apply for nor obtain the required Coastal Development Permit before commencing development on his property.

**Mr. Munro's Defense:**

2. "I was aware that some test was going to be conducted and some minor access road would be needed."

**Commission's Response:**

Mr. Munro does not specify what test he is discussing, but may be referring to the project description for CDP Application No. 4-02-142, in which he applied for (in part) "approval of as-built driveways for the purpose of soil, geo and percolation test." As previously discussed, Mr. Munro did not obtain the required permits before grading roads on the property, and it is not permissible to undertake unpermitted development for the stated purpose of performing tests on the property. Mar Vista Road, a dirt road existing prior to the unpermitted grading of additional roads on the property, traverses the property from east to west and provides adequate access for any testing that would be necessary for permit application purposes.



**Mr. Munro's Defense:**

3. "When we became aware of the problem we tried to resolve it by applying for a coastal development permit application. Staff requested twelve items. Some of these items would take a long time to produce so it was suggested that a restoration plan under an emergency permit would be more appropriate. "

**Commission's Response:**

Commission staff notified Mr. Munro of the violation on his property in a letter dated April 9, 2002 and directed him to submit a complete CDP application by May 7, 2002. As of the May 7 deadline, staff had not received an application from Mr. Munro. Commission staff sent Mr. Munro a second Notice of Violation letter dated May 31, 2002 and directed him to submit a complete CDP application by June 5, 2002. Mr. Munro submitted an incomplete application on June 10, 2002. Commission staff notified Mr. Munro on July 3, 2002 that his application was incomplete, listed the items required to complete the application, and set a deadline of October 3, 2002 for submission of the required items (**Exhibit 5**).

As of the October 3 deadline, Commission staff had received only one of the items required to complete the application. The one item submitted (a Restoration Program/Proposal dated September 30, 2002 and prepared by Klaus Radtke of Wildland Resource Sciences) did not include project plans completely addressing all disturbed areas on the site, and was therefore deemed inadequate by staff for satisfying the requirement for submittal of a restoration plan. See further discussion below regarding interim erosion controls under an emergency permit in Defense and Response # 4.

Staff informed Mr. Munro of all filing requirements and that all items were to be submitted to the South Central Coast district office by October 3, 2002 in order to complete his CDP application. After receiving only one incomplete item of all the items necessary to complete the application, staff returned the incomplete application to Mr. Munro and initiated formal enforcement actions to resolve the violation (see additional discussion below).

**Mr. Munro's Defense:**

4. "On Tuesday September 10, 2002 I met with Jack Ainsworth (Commission staff) and Klaus Radtke (Wildland Resource Sciences) at the site. It was conclude (sic) that the best way was restoration under an emergency permit. Since then a restoration plan was prepared by Klaus Radtke and application for emergency permit was filed. Restoration will start as soon as the permit is issued."

**Commission's Response:**

Commission staff met with Mr. Munro at the site on September 10, 2002 and discussed the resolution of the violation, including the possibility of interim erosion control measures under an emergency permit. At the time of the September site visit, however, Mr. Munro was still under

deadline to complete his permit application No. 4-02-142 (discussed more fully above in Defense and Response #3). The Restoration Program/Proposal prepared by Mr. Radtke, dated September 30, 2002, was only one of the items requested by Commission staff to complete Application No. 4-02-142 and was inadequate for required submittal of a restoration plan. The Restoration Program/Proposal was not originally submitted as part of an emergency permit application, and staff subsequently determined to pursue restoration order proceedings in order to resolve the violations on the subject site.

After the incomplete CDP application was returned to Mr. Munro on Oct. 10, 2002 (**Exhibit 6**), staff initiated formal enforcement actions to resolve the violation. Accordingly, staff issued a Notice of Intent (NOI) to Mr. Munro on October 21, 2002 (**Exhibit 7**). Mr. Munro did not submit an application for an emergency permit seeking restoration of the site until October 30, 2002, after being informed that formal Restoration Order proceedings were being initiated against him. Staff has determined that the situation on the subject property does not appear to fall within the general category of actions generally covered by Section 30611 of the Coastal Act regarding emergency permits. Moreover, the emergency permit process is not intended to be used to circumvent pre-existing requirements of the Coastal Act nor to avoid correcting violations of the Coastal Act.

The actions being sought by the proposed restoration order are broader than those proposed by Mr. Munro in his emergency permit application. Therefore, even if his emergency permit application had in fact been appropriate and met the requirements of Section 30611, it still would not have fully resolved the outstanding Coastal Act violations. It is the goal of this restoration order proceeding to address those violations, and it is clear that an emergency permit would not fulfill that requirement, and is not an appropriate means to address the violations at hand. The restoration order specifically contemplates and provides for the revegetation and interim erosion control measures sought under the emergency permit application.

Staff recommends that the Commission issue the following Restoration Order:

## **RESTORATION ORDER**

Pursuant to its authority under Public Resource Code §30811, the California Coastal Commission finds that the development is 1) unpermitted, 2) inconsistent with the Coastal Act, and 3) causing continuing resource damage, and hereby orders and authorizes Raymond Munro, his agents, contractors and employees, and any person(s) acting in concert with any of the foregoing (hereinafter, "Respondents") to restore the subject property to the extent provided below to the condition it was in prior to the undertaking of the development activity that is the subject of this order. Accordingly, the persons subject to this order shall fully comply with the following conditions:

- A. Within 14 days of issuance of this Restoration Order, Respondents shall submit for the review and approval of the Executive Director of the Commission a Restoration, Revegetation and Monitoring Plan. The Executive Director may extend this time for good cause.

The Restoration, Revegetation and Monitoring Plan (hereinafter referred to as the "Restoration Plan") shall be prepared by a qualified restoration ecologist and a qualified geologist, and possibly a qualified soils scientist, as described in section (d), below and shall include the following:

- a) Goals and Performance Standards. Section A of the Restoration Plan shall present the following goals of the Restoration and Revegetation Project.
1. Restoration of the property to the condition that existed prior to the unpermitted development through restorative grading of the topography in the areas impacted by the unpermitted development. Restorative grading plans should include sections showing original and finished grades, and quantitative breakdown of grading amounts (cut/fill), drawn to scale with contours that clearly illustrate the original topography of the subject site prior to any grading disturbance. The location for any excavated material to be removed from the site as a result of the restoration of the impacted areas shall be identified. If the dump site is located in the Coastal Zone and is not an existing sanitary landfill, a Coastal Development Permit shall be required.
  2. Revegetation of all graded areas and areas impacted by the removal of major vegetation so that disturbed areas have a similar plant density, total cover and species composition as that typical of undisturbed chaparral vegetation in the surrounding area within 5 years from the initiation of revegetation activities.
  3. Eradication of non-native vegetation within the areas subject to revegetation and those areas which are identified as being subject to disturbance as a result of the restoration and revegetation activities.
  4. Minimization of the amount of artificial inputs such as watering or fertilizers that shall be used to support the revegetation of the impacted areas. The

Restoration and Revegetation Project will not be successful until the revegetated areas meet the performance standards for at least three years without maintenance or remedial activities other than nonnative species removal.

5. Stabilization of soils so that soil is not transported off the subject property or into the chaparral or riparian ESHA and so that slumping, gullyng, or other surficial instability does not occur.
  6. Section A of the Restoration Plan shall also include specific ecological and erosion control performance standards that relate logically to the restoration and revegetation goals. Where there is sufficient information to provide a strong scientific rationale, the performance standards shall be absolute (*e.g.*, specified average height within a specified time for a plant species).
  7. Where absolute performance standards cannot reasonably be formulated, clear relative performance standards will be specified. Relative standards are those that require a comparison of the restoration site with reference sites. The performance standards for the plant density, total cover and species composition shall be relative. In the case of relative performance standards, the rationale for the selection of reference sites, the comparison procedure, and the basis for judging differences to be significant will be specified. Reference sites shall be located on adjacent areas vegetated with chaparral undisturbed by development or vegetation removal, within 2000 feet of the subject property with similar slope, aspect and soil moisture. If the comparison between the revegetation area and the reference sites requires a statistical test, the test will be described, including the desired magnitude of difference to be detected, the desired statistical power of the test, and the alpha level at which the test will be conducted. The design of the sampling program shall relate logically to the performance standards and chosen methods of comparison. The sampling program shall be described in sufficient detail to enable an independent scientist to duplicate it. Frequency of monitoring and sampling shall be specified for each parameter to be monitored. Sample sizes shall be specified and their rationale explained. Using the desired statistical power and an estimate of the appropriate sampling variability, the necessary sample size will be estimated for various alpha levels, including 0.05 and 0.10.
- b) Restoration and Revegetation Methodology. Section B of the Restoration Plan shall describe the methods to be used to stabilize the soils and revegetate the impacted areas. Section B shall be prepared in accordance with the following directions:
1. The plan shall be designed to minimize the size of the area and the intensity of the impacts from disturbances caused by the restoration of the impacted areas. Other than those areas subject to revegetation activities, the areas of the site

and surrounding areas currently vegetated with chaparral shall not be disturbed by activities related to this restoration project. Prior to initiation of any activities resulting in physical alteration of the subject property, the disturbance boundary shall be physically delineated in the field using temporary measures such as stakes or colored tape.

2. Specify that the restoration of the site shall be performed using hand tools wherever possible, unless it can be demonstrated to the satisfaction of the Executive Director that heavy equipment will not contribute significantly to impacts to resources protected by the Coastal Act, including, but not limited to geological instability, minimization of landform alteration, erosion and impacts to native vegetation and the stream.
3. The qualified geologist and restoration ecologist or soil scientist shall specify the methods to be used after restoration to stabilize the soil and make it capable of supporting native vegetation. Such methods shall not include the placement of retaining walls or other permanent structures, grout, geogrid or similar materials. Any soil stabilizers identified for erosion control shall be compatible with native plant recruitment and establishment. The plan shall specify the erosion control measures that shall be installed on the project site prior to or concurrent with the initial grading operations and maintained until the impacted areas have been revegetated to minimize erosion and transport of sediment outside of the disturbed areas. The soil treatments shall include the use of mycorrhizal inoculations of the soil, unless it can be demonstrated to the satisfaction of the Executive Director that such treatment will not likely increase the survival of the plants to be used for revegetation.
4. Describe the methods for revegetation of the site. All plantings shall be the same species, or sub-species, if relevant, as those documented as being located in the reference sites. The planting density shall be at least 10% greater than that documented in the reference sites, in order to account for plant mortality. All plantings shall be performed using native plants that were propagated from plants as close as possible to the subject property, in order to preserve the genetic integrity of the flora in and adjacent to the revegetation area.
5. Describe the methods for detection and eradication of nonnative plant species on the site. Herbicides shall only be used if physical and biological control methods are documented in peer-reviewed literature as not being effective at controlling the specific nonnative species that become established in the revegetation area. If herbicides are to be used in the revegetation area, specify the precautions that shall be taken to protect native plants and workers, consistent with all applicable laws and regulations.

6. Describe the use of artificial inputs, such as watering or fertilization that shall be used to support the plantings becoming established. Specify that only the minimal necessary amount of such inputs shall be used.
  7. Specify the measures that will be taken to identify and avoid impacts to sensitive species. Sensitive species are defined as: (a) species which are listed by state or federal agencies as threatened or endangered or which are designated as candidates for such listing; (b) California species of special concern; (c) fully protected or "special animal" species in California; and (d) plants considered rare, endangered, or of limited distribution by the California Native Plant Society.
- c) Monitoring and Maintenance. Section C of the Restoration Plan shall describe the monitoring and maintenance methodology and shall include the following provisions:
1. The property owner shall submit, on an annual basis for a period of five years (no later than December 31<sup>st</sup> each year) a written report, for the review and approval of the Executive Director, prepared by a qualified restoration ecologist and qualified geologist, evaluating compliance with the performance standards. The annual reports shall include further recommendations and requirements for additional restoration activities in order for the project to meet the goals and performance standards specified in the Restoration Plan. These reports shall also include photographs taken from pre-designated locations (annotated to a copy of the site plans) indicating the progress of recovery at the site.
  2. During the monitoring period, all artificial inputs shall be removed except for the purposes of providing mid-course corrections or maintenance to ensure the long-term survival of the restoration of the project site. If any such inputs are required beyond the first three years, then the monitoring program shall be extended by an amount of time equal to that time during which inputs were required after the first three years, so that the success and sustainability of the restoration of the project site are ensured.
  3. At the end of the five-year period, a final detailed report shall be submitted for the review and approval of the Executive Director. If this report indicates that the restoration project has in part, or in whole, been unsuccessful, based on the approved performance standards, the applicant shall be required to submit a revised or supplemental plan to compensate for those portions of the original program that were not successful. The Executive Director will determine if the revised or supplemental restoration plan must be processed as a CDP, a new Restoration Order, or modification of Restoration Order CCC-02-RO-02.

- d) Appendix A shall include a description of the education, training and experience of the qualified geologist, restoration ecologist and soil scientist, if relevant, who shall prepare the Restoration Plan. A qualified restoration ecologist for this project shall be an ecologist, arborist, biologist or botanist who has experience successfully completing restoration or revegetation of chaparral habitats. If this qualified restoration ecologist does not have experience in creating the soil conditions necessary for successful revegetation of chaparral vegetation, a qualified soil scientist shall be consulted to assist in the development of the conditions related to soils in the Revegetation and Monitoring Plan. A qualified soil scientist for this project shall be a soil scientist who has experience in assessing, designing and implementing measures necessary to create soil conditions to support revegetation and prevent instability or erosion. A qualified geologist for this project shall be a geologist who has experience evaluating and designing soil stabilization projects in the Santa Monica Mountains area.
  - e) Submit interim erosion control plans for the review and approval of the Executive Director. The Interim Erosion Control Plan shall be prepared by a qualified restoration ecologist and shall include the following:
    - 1. The Interim Erosion Control Plan shall demonstrate that:
      - a. The following temporary erosion control measures shall be used: hay bales, wattles, silt fences.
      - b. Erosion on the site shall be controlled to avoid adverse impacts on adjacent properties and resources.
    - 2. The Interim Erosion Control Plan shall include, at a minimum, the following components:
      - a. A narrative report describing all temporary runoff and erosion control measures to be used and any permanent erosion control measures to be installed for permanent erosion control.
      - b. A detailed site plan showing the location of all temporary erosion control measures.
      - c. A schedule for installation and removal of temporary erosion control measures, in coordination with the long term restoration, revegetation and monitoring plan discussed below.
- B. Within 30 days of the approval by the Executive Director of the documents submitted under paragraph A, or within such additional time as the Executive Director may grant for good cause, Respondents shall complete the following actions, in compliance with the plans approved under paragraph A:
- 1. Restore the topography as described in paragraph A.

2. Submit to the Executive Director a report documenting the restoration of the topography. This report shall include photographs that show the restored site. This report shall include a topographic plan that is prepared by a licensed surveyor, shows two-foot contours, and represents the topographic contours after removal of the development and grading to achieve restoration of the topography to the maximum extent possible, as described in paragraph A.
- C. Within 15 days of the approval by the Executive Director of the documents submitted under paragraph B2, or within such additional time as the Executive Director may grant for good cause, revegetate the disturbed areas with native plants, following the specifications of the Restoration Plan approved by the Executive Director, pursuant to paragraph A above.
- D. In accordance with the schedule set forth in the Restoration Plan, approved by the Executive Director pursuant to paragraph B above, submit to the Executive Director monitoring reports.
- E. After approval of the monitoring reports by the Executive Director, implement within such timeframe as the Executive Director may specify all measures specified by the Executive Director to ensure the health and stability of the restored areas, as required by the Restoration Plan.
- F. For the duration of the restoration project, including the monitoring period, all persons subject to this order shall allow the Executive Director of the Commission, and/or his/her designees to inspect the subject property to assess compliance with the Restoration Order, subject to twenty-four hours advance notice.

**Persons Subject to the Order**

Pacific Alliance Holdings, Inc., Raymond Munro, president of Pacific Alliance Holdings, its or his agents, contractors and employees, and any persons acting in concert with any of the foregoing.

**Identification of the Property**

The property that is subject to this Restoration Order is described as follows:

The subject property is a 40-acre lot located east of a property at 2210 Mar Vista Road, Los Angeles County that is also owned by Mr. Munro. The APN of the 40-acre lot is 4461-001-005, and this property has apparently been subdivided into four parcels without the required coastal development permit. For the purposes of this Restoration Order, the Commission is not addressing the unpermitted subdivision issue. However, for clarity in describing the subject property staff notes that the APN numbers of the four smaller parcels are 4461-001-023, 4461-001-024, 4461-001-025 and 4461-001-026.



**Description of Unpermitted Development**

The development that is the subject of this Restoration Order consists of grading of roads and building pads and removal of significant chaparral vegetation. Approximately 1,000 feet of roads were graded and approximately one acre of chaparral vegetation was removed.

**Effective Date and Terms of the Order**

The effective date of this order is December 10, 2002. This order shall remain in effect permanently unless and until modified or rescinded by the Commission.

**Findings**

This order is issued on the basis of the findings adopted by the Commission on December 10, 2002, as set forth in the attached document entitled "Proposed Findings for Restoration Order CCC-02-RO-02".

**Compliance Obligation**

Strict compliance with this order by all parties subject thereto is required. Failure to comply strictly with any term or condition of this order including any deadline contained in this order will constitute a violation of this order and may result in the imposition of civil penalties of up to SIX THOUSAND DOLLARS (\$6,000) per day for each day in which such compliance failure persists, in addition to any other penalties authorized under Section 30820. The Executive Director may extend deadlines for good cause.

**Deadlines**

Deadlines may be extended by the Executive Director for good cause. Any extension request must be made in writing to the Executive Director and received by Commission staff at least 10 days prior to expiration of the subject deadline.

**Appeal**

Pursuant to PRC § 300803(b), any person or entity against whom this order is issued may file a petition with the Superior Court for a stay of this order.

Executed in San Francisco on December 10, 2002, on behalf of the California Coastal Commission.

---

Peter Douglas, Executive Director

**Exhibits**

1. Area location map.
2. Photographs of the unpermitted development.
3. Notice of Violation letter dated April 9, 2002 from Commission staff to Mr. Munro.
4. Second Notice of Violation letter dated May 31, 2002 from Commission staff to Mr. Munro.
5. Incomplete letter dated July 3, 2002 from Commission staff to Mr. Munro, outlining items necessary to complete CDP application and setting submittal deadline of October 3, 2002.
6. Letter dated October 10, 2002 from Commission staff to Mr. Munro, returning his incomplete application and informing him that the violation case had been referred to the Commission's enforcement unit.
7. Notice of Intent to commence restoration order proceedings dated October 21, 2002.
8. Statement of Defense form submitted by Mr. Munro to Commission staff on November 12, 2002.

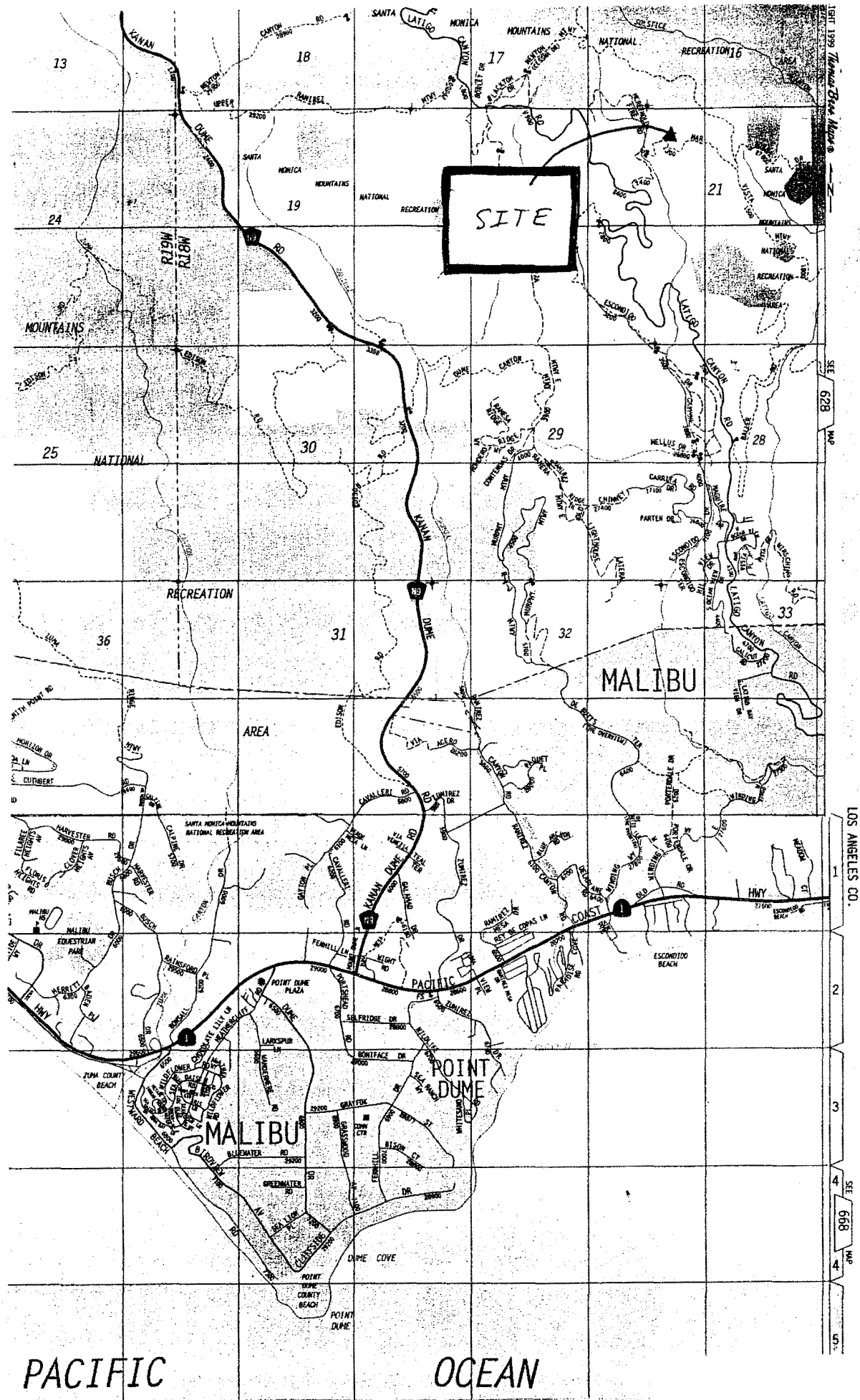


Exhibit 1  
CCC-02-RO-02 (Munro)



Photograph 1. View looking generally east into site from adjacent property at 2210 Mar Vista Road. Areas cleared of vegetation are visible along ridgeline and steep slopes of the subject property in the upper left portion of the photograph.



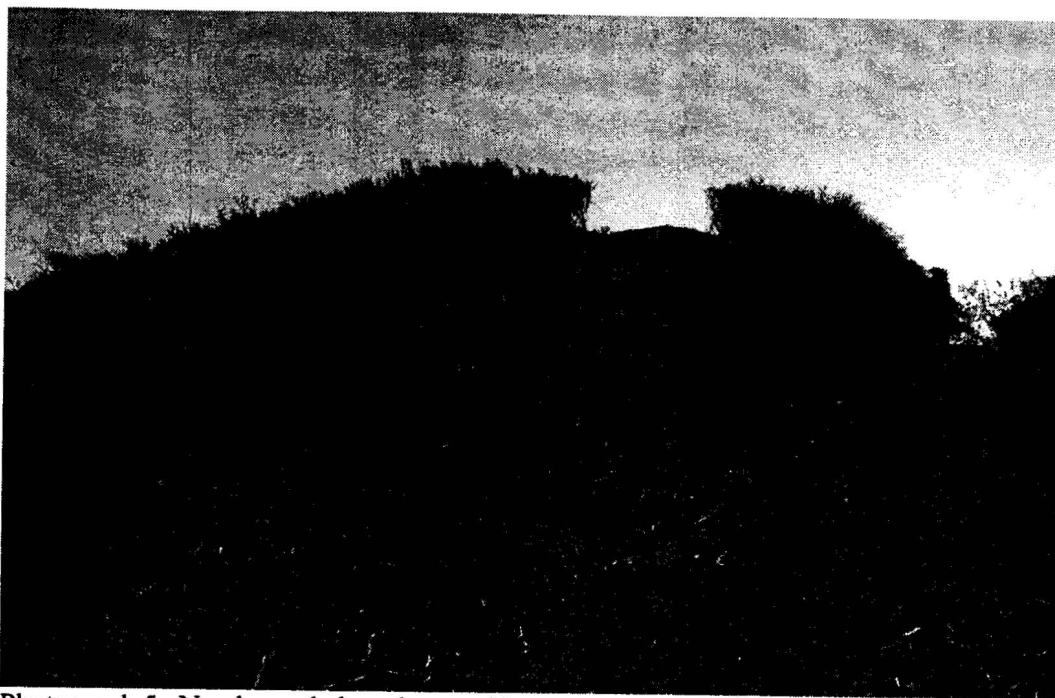
Photograph 2. View looking generally south on subject property showing newly graded road and steep slope that has been cleared of vegetation.



Photograph 3. View looking up steep slope on subject property where vegetation has been cleared.



Photograph 4. View of steep slope and ridgeline area where vegetation has been cleared. For scale note person standing at the top of the ridge.



Photograph 5. Newly graded roads on subject property leading up steeply sloped areas.



Photograph 6. View looking uphill along newly graded road at subject property.

## CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA  
89 SOUTH CALIFORNIA ST., SUITE 200  
SANTA ANA, CA 92701  
585-1800



NOTICE OF VIOLATION OF THE CALIFORNIA COASTAL ACT  
REGULAR AND CERTIFIED MAIL (P 436 853 573)

April 9, 2002

Raymond Munro  
3040 Munro Circle  
Los Angeles, CA 90068

Violation File Number: V-4-MAL-02-032

Property location: 2210 Mar Vista Ridge Road and adjoining vacant property - Assessor's Parcel Numbers 4465-006-046 and 4461-001-005.

Unpermitted Development: Unpermitted Vegetation Removal; Grading Of Roads And Building Pads; Unpermitted Subdivisions Of Land And An Unpermitted Water Well.

Dear Mr. Munro,

Thank you for speaking with me during our telephone conversation on April 5, 2002. As you were informed during our conversation, our staff has confirmed that development consisting of unpermitted vegetation removal, grading of roads and building pads, and an unpermitted water well, has occurred on parcels 4461-001-005 and 4465-006-046, which are both located within the coastal zone. In addition, Parcel 4461-001-005 has apparently been subdivided into four separate lots (APNs: 4461-001-23, 24, 25, and 26) without the required Coastal Development Permit. Commission staff has researched our permit files and concluded that no Coastal Development Permits have been issued for any of the above development. Pursuant to Section 30600 (a) of the Coastal Act, any person wishing to perform or undertake development in the Coastal Zone must obtain a Coastal Development Permit, in addition to any other permit required by law. "Development" is defined by Section 30106 of the Coastal Act as:

*"Development" means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of the use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvest of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations....*

The above-mentioned unpermitted grading, removal of vegetation, installation of at least one water well and unpermitted subdivisions of land constitutes development under the



Coastal Act and, therefore, requires a Coastal Development Permit. Any development activity conducted in the coastal zone without a valid Coastal Development Permit constitutes a violation of the Coastal Act. During our telephone conversation last Friday morning, April 5, 2002, I informed you that you should immediately stop all unpermitted development on your property and that any additional development on your property will constitute a knowing and intentional violation of the Coastal Act. During our conversation, you stated that you agree to cease all further grading, vegetation removal, and other unpermitted development on the property and work with Commission staff to resolve these violations by submitting an application for a coastal development permit to either restore the site or authorize the development after-the-fact.

In most cases, violations involving unpermitted development may be resolved administratively by removal of the unpermitted development and restoration of any damaged resources or by obtaining a Coastal Development Permit authorizing the development after-the-fact. However, although you are entitled to submit a permit application to authorize the above referenced unpermitted development after-the-fact, because the components of your violation involving unpermitted vegetation removal and grading have resulted in the potential for increased erosion on site, it is necessary to resolve this situation immediately through revegetation and stabilization of the site. If you apply to authorize the unpermitted grading and vegetation removal after-the-fact and fail to obtain a permit for this development in a timely manner, then our enforcement staff would work to resolve this violation through the restoration of the site and possible monetary payments. Therefore, in order to expedite resolution this violation, staff recommends that you submit an application for the immediate restoration and revegetation of the site.

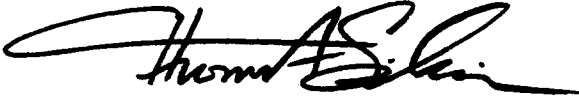
In order to resolve this matter in a timely manner and avoid the possibility of a monetary penalties and fines, we are requesting that you submit a complete Coastal Development Permit Application by May 7, 2002, for either: (1) complete restoration of the properties, (2) authorize the development after-the-fact, or (3) a combination of these two actions to approve those portions of the unpermitted development that are consistent with Chapter 3 of the Coastal Act and remove the remaining unpermitted development and restore the site. For your convenience, a Coastal Development Permit Application has been enclosed. Please contact me by no later than April 23, 2002, regarding how you intend to resolve this violation.

We hope that you will choose to cooperate in resolving this violation by submitting a permit application by May 7, 2002. If you do not, we may pursue additional enforcement action against you. You should be aware that the Coastal Act Section 30820 (a) provides that any person who violates any provision of the Coastal Act may be subject to a penalty of up to \$30,000. In addition, to such penalty, Section 30820 (b) states that a person who intentionally and knowingly undertakes development that is in violation of the Coastal Act may be civilly liable in an amount which shall not be less than \$1,000 and not more than \$15,000 per day for each day in which the violation persists.



Thank you for your attention to this matter. Should you have questions regarding this letter or the pending enforcement case, please contact me immediately.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Sinclair", with a stylized, flowing script.

Tom Sinclair  
Enforcement Officer

cc: Steve Hudson, Southern California Enforcement Supervisor  
Jack Ainsworth, Permitting Supervisor, South Central Coast District  
Melanie Hale, Permitting Supervisor, South Central Coast District

Enclosures: Coastal Development Permit Application

**CALIFORNIA COASTAL COMMISSION**

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



**NOTICE OF VIOLATION OF THE CALIFORNIA COASTAL ACT**  
**REGULAR AND CERTIFIED MAIL (P 436 853 576)**

May 31, 2002

Raymond Munro  
3040 Munro Circle  
Los Angeles, CA 90068

Violation File Number: V-4-MAL-02-032

Property location: 2210 Mar Vista Ridge Road and adjoining vacant property - Assessor's Parcel Numbers 4465-006-046 and 4461-001-005.

Unpermitted Development: Unpermitted Vegetation Removal; Grading Of Roads And Building Pads; Unpermitted Subdivisions Of Land And An Unpermitted Water Well.

Dear Mr. Munro:

Thank you for meeting with Steve Hudson and myself at 2210 Mar Vista Road on May 29, 2002. Per our discussion, we have verified that you are in receipt of our letter to you dated April 9, 2002, which informed you that: (1) unpermitted development has occurred on your property and (2) in order to resolve this matter administratively and avoid the possibility of court-imposed fines and penalties, the deadline for you to submit a complete Coastal Development Permit Application to either authorize the as-built development or remove the unpermitted development and restore the site was May 7, 2002. Per our discussion yesterday, our office has not received an application for the unpermitted development on parcel 4461-001-005, and the application for parcel 4461-001-024 remains incomplete.

As previously stated, the unpermitted development consisting of vegetation removal, grading of roads and building pads, and an unpermitted water well, and the subdivision of parcel 4461-001-05 into parcels 4461-001-23, 24, 25, and 26, requires a Coastal Development Permit. Section 30600(a) of the Coastal Act states that in addition to obtaining any other permit required by law, any person wishing to perform or undertake any development in the coastal zone must obtain a Coastal Development Permit. Any development performed without a coastal development permit constitutes a violation of the California Coastal Act.

In most cases, violations involving unpermitted development may be resolved administratively, avoiding the possibility of court-imposed fines and penalties, by removal of the unpermitted development and restoration of any damaged resources or

by obtaining a Coastal Development Permit authorizing the development after-the-fact. Removal of the development and restoration of the site requires a Coastal Development Permit.

In order to resolve this matter administratively, you were previously requested to submit an application by May 7, 2002, to either approve the unpermitted development or to remove the unpermitted development and restore the site to its previous condition. To date, you have not submitted an application to address the violations on parcel 4461-001-05 (a.k.a. parcels 4461-001-23, 24, 25, and 26).

Although you are entitled to submit a permit application to retain the unpermitted development consisting of vegetation removal, grading of roads and building pads, and the subdivision of parcel 4461-001-05 into parcels 4461-001-23, 24, 25, and 26, please note that the above noted development on parcel 4461-001-005 does not appear to be consistent with the Chapter Three policies of the Coastal Act of 1976. Therefore, our staff is likely to recommend denial of this project. If the Commission denies the project, our enforcement staff would work to resolve this violation through the restoration of the site and possible monetary payments. Therefore, as we discussed during our meeting, in order to expedite resolution this violation, staff is requesting that you immediately submit an application for the restoration parcel 4461-001-005 by no later than **June 5, 2002**. In order to resolve the violation on the separate parcel 4465-006-046, please complete your currently pending coastal permit application for the unpermitted development on that property by no later than **July 1, 2002**.

Although Commission staff would still prefer to resolve this matter administratively, please be aware that if such resolution is not reached in a timely manner, Coastal Act sections 30803 and 30805 authorize the Commission to initiate litigation to seek injunctive relief and civil penalties in response to any violation of the Coastal Act. Section 30820(a) provides that any person who violates any provision of the Coastal Act may be subject to a penalty amount not to exceed \$30,000. Section 30820(b) states that, in addition to any other penalties, any person who "knowingly and intentionally" performs any development in violation of the Coastal Act could be subject to a civil penalty of not less than \$1,000 nor more than \$15,000 for each day in which the violation persists.

Coastal Act Sections 30809 and 30810 state that if the Executive Director or the Commission determine that any person has undertaken development activity that requires a permit from the Commission without securing a permit, either can issue an order directing that person to cease and desist. A cease and desist order may be subject to terms and conditions that are necessary to avoid irreparable injury to the area or to ensure compliance with the Coastal Act. A violation of a cease and desist order can result in civil fines of up to \$6,000 for each day in which the violation persists.

In order to resolve the violation on your property in a timely manner and reduce the likelihood of a court-imposed monetary penalty or fine, please submit a complete Coastal Development Permit Application by no later than **Wednesday, June 5, 2002**, for removal of the unpermitted development and restoration of the site. Please contact

me by no later than **Wednesday, June 5, 2002**, regarding how you intend to resolve this violation. We hope that you will choose to cooperate in resolving this violation by submitting a permit application by **Wednesday, June 5, 2002**. If you do not, we will pursue additional enforcement action against you.

Thank you for your attention to this matter. Should you have questions regarding this letter or the pending enforcement case, please contact me immediately.

Sincerely,



Tom Sinclair  
Enforcement Officer

cc: Steve Hudson, Southern California Enforcement Supervisor  
Jack Ainsworth, Permitting Supervisor, South Central Coast District  
Melanie Hale, Permitting Supervisor, South Central Coast District

Enclosures: Coastal Development Permit Application

## CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA  
89 SOUTH CALIFORNIA STREET, SUITE 200  
VENTURA, CA 93001  
(805) 585-1800



DATE: July 3, 2002

Raymond Munro  
3040 Munro Circle  
Los Angeles, CA 90068

RE: Application No. 4-02-142

Dear Mr./Ms. Munro:

Your Coastal Commission application is incomplete and cannot be filed or processed until the following items have been received. These items must be received in our office by October 3, 2002.

PLEASE SEE ATTACHED CORRESPONDENCE

If you have any questions regarding your application, please contact me at the address and phone number listed above.

Sincerely,

A handwritten signature in cursive script, appearing to read "Julie Reveles".

JULIE REVELES  
Office Technician

## CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA

99 SOUTH CALIFORNIA ST., SUITE 200

VENTURA, CA 93001

(805) 585-1800

4-02-142

(File No.)

Raymond Munro

(Applicant)

APN 4461-001-005, Mc Reynolds & Mar  
Vista Ridge Road, Malibu

(Project Street and City)

*Please See Staff Comments, pg 5.*

Your coastal permit application has been reviewed and is incomplete. Before it can be accepted for filing, the information indicated below must be submitted.

- ☒ 1. Filing fee is \$1,600.00. Payable by check or money order to the California Coastal Commission. Amount due \$1400.00. (*\$600 Subdivision Fee + \$200 Grading Fee + Doubled After The Fact application fee for unpermitted development*) See Staff Notes pg. 5
- ☐ 2. Proof of the applicant's legal interest in the property. (A copy of any of the following will be acceptable: current tax bill, recorded deed, signed Offer-to-Purchase along with a receipt of deposit, signed final escrow document, or current policy of title insurance. Preliminary title reports will not be accepted.)
- ☐ 3. Assessor's parcel number as indicated on a property tax statement. The property legal description as contained in a Grant Deed is not the assessor's parcel number. See page 2, item 1 of the application packet.
- ☐ 4. Assessor's parcel map(s) showing the applicant's property and all other properties within 100 feet (excluding roads) of the property lines of the project site. (Available from the County Assessor). Drawings or facsimiles are not acceptable.
- ☐ 5. Stamped envelopes addressed to each property owner and occupant of property situated within 100 feet of the property lines of the project site (excluding roads), along with a list containing the names, addresses and assessor's parcel numbers of same. The envelopes must be plain (i.e., no return address), and regular business size (9 1/2 x 4 1/8"). Include a first class postage stamp on each one. Metered envelopes are not acceptable. Mailing list must be on the format shown on page C-1 of the application packet.
- ☐ 6. Enclose appropriate map(s) indicating location of property in relation to the coastline. Thomas Brothers map, road map or area maps prepared by local governments may provide a suitable base map.

- ☐ 7. Cost valuation by city/county or contractor for the development.
- ☒ 8. Copies of required local approvals for the proposed project, including zoning variances, use permits, etc. Include minutes of any public hearing.
- ☐ 9. Verification of all other permits, permissions or approvals applied for or granted by public agencies (e.g., Dept. of Fish and Game, State Lands Commission, U.S. Army Corps of Engineers, U.S. Coast Guard).
- ☐ 10. Where septic systems are proposed, percolation test prepared by a qualified sanitarian or soils engineer.
- ☐ 11. County or City Health Department review of septic system.
- ☐ 12. Where water wells are proposed, evidence of County or City review and approval.
- ☐ 13. 2 set(s) of project drawings including site plans, floor plans, and all elevations. Drawing must be to scale with dimensions shown. Trees to be removed must be marked on the site plan. All oak trees and riparian vegetation (canopy), streams and drainages, wetlands, easements, and public hiking and equestrian trails (including existing offers to dedicate trails) must be identified on the site plan. Plans must be approved by the planning department and stamped "Approval-in-Concept." We need 2 more set(s).
- ☒ 14. 2 set(s) of detailed grading and drainage plans with cross-sections and quantitative breakdown of grading amounts (cubic yards of cut and fill). Plans must be to scale and prepared by a registered engineer. *See Staff Comments, pg. 5*
- ☒ 15. Two copies of a comprehensive, current (not more than 1 year old), site-specific geology and soils report (including maps) prepared in accordance with the Guidelines for Engineering Geologic Reports, prepared by the State Board of Registration for Geologists & Geophysicists (11/93). Copies of the guidelines are available from the Coastal Commission District Office. *Also, See page 4.*
- ☐ 16. A current (not more than 1 year old) City or County "Approved" Geologic Review Sheet.
- ☒ 17. "Approval-in-Concept" form completed by the planning department or other responsible department.
- ☒ 18. Current zoning for project site. *Please include land use designation and density requirements.*
- ☒ 19. A reduced set of legible drawings to 8 1/2 x 11" in size. The reduced set shall include a site plan, grading plan, elevations and topography if required for submittal. *Also, Please submit for additional plans requested herein.*

- ☐ 20. For projects which include demolition, two copies of a site plan and elevations or photographs of the structure to be demolished. Demolition must be included in the "Approval-in-Concept" project description.
- ☐ 21. Remodel projects must include percent of walls to be demolished (interior and exterior), and indicate walls to be demolished and retained on-site plans.
- ☒ 22. City or County Environmental Review Board Approval.
- ☐ 23. A copy of any Final Negative Declaration, Draft of Final Environmental Impact Report (FIR) or Final Environmental Impact Statement (FEES) prepared, for the project. Comments of all reviewing agencies and responses to comments must be included.
- ☐ 24. All projects in or adjacent to a Stream, Wetland, or possible Wetland - California Department of Fish and Game and U.S. Fish and Wildlife Service approvals.
- ☐ 25. Fire Department approved fuel (vegetation) modification plans.
- ☐ 26. Driveways, access roads, and turn-around areas - preliminary Fire Department Approval.
- ☐ 27. Preliminary approval from the Regional Water Quality Control Board. Single family dwellings and additions to existing structures are excluded.
- ☐ 28. An archaeological report developed by a qualified archaeologist regarding the presence and significance of archaeological and cultural resources.

#### THE APPLICATION FORM

- ☐ 1. The application must be signed by the applicant (original signature) and the applicant's representative. If representative is authorized to represent applicant.
- ☐ 2. If application is not signed by the applicant(s), a letter executed by the applicant(s) which authorizes the representative to act in his /her behalf and to bind the applicant(s) in all matters concerning his/her application or the authorization page of the application form must be completed by the applicant.
- ☐ 3. Number 7 page 3 of the application must be completed.



### DEVELOPMENT ON A BEACH OR BLUFF

1. All projects on a beach require State Lands Commission determination of location of most landward property line. (State Lands Commission, 100 Howe Street, Suite 100, Sacramento, CA 95825-8202, phone (916) 574-1800. Please make reference to your Coastal Development Permit file number when contacting the State Lands Commission.
2. For projects on a coastal bluff or shoreline - a stringline map showing the existing, adjacent structures, decks and bulkheads in relation to the proposed development. The stringline is to be prepared in accordance with the Coastal Commission's Interpretive Guidelines.
3. For shoreline development and/or protective devices (seawalls, bulkheads, groins & rock blankets) - project plans with cross-sections prepared by a registered engineer. The project plans must show the project foot-print in relation to the applicant's property boundaries (include surveyed benchmarks), septic system, Mean High Tide Line (winter and summer), and the Wave Uprush Limit Line.
4. For shoreline protective devices a geotechnical report and wave uprush study prepared in accordance with the Commission guidelines. Copies of guidelines are available from the District Office.

### SUBDIVISION OF PROPERTY

- X 1. Approved tentative tract/parcel maps with list of conditions and minutes for subdivisions and condominium projects. Maps must include location of proposed building sites (2 copies).
- X 2. Comprehensive site specific geologic/soils report indicating that all lots are buildable. For Malibu/Santa Monica Mountains, must have a current (not more than one year old) Geologic Review Sheet from the city or county and two copies of a geologic and/or soils report.
- X 3. Detailed grading and drainage plans with cross-sections showing all roads, building pads, and remedial grading with a quantitative break down of grading amounts.
- X 4. Map showing all parcels and their sizes within a 1/4 mile radius of the property.
- X 5. Percolation test results indicating lots are capable of accommodating a septic system.

## DEVELOPMENT IN SMALL LOT SUBDIVISIONS

1. Surveyed topography map and gross structural area calculations for Malibu/Santa Monica Mountains small lot subdivisions. See Policy 271(b)(2) of the Malibu/Santa Monica Mountains Land Use Plan-copies available from district office.
2. Statement of Water Service and Access Certificate for Building Permit signed by Los Angeles County Fire Department. If Fire Department requirements include road or water installation or modifications, submit plans stamped and approved by Los Angeles County Fire Department (not required for minor additions to single family dwellings).

## STAFF COMMENTS

Under certain circumstances, additional material, not previously indicated, may be required before an application can be deemed complete. The following additional material is required for the completion of this application:

- 1. Please submit 2 sets of grading plans with sections showing natural and proposed (finished) grades, and quantitative breakdown of grading amounts (cut/fill), drawn to scale with contours which clearly illustrate the following:*
  - *Original topography of the subject site prior to any grading disturbance.*
  - *Approximate date, amount and locations of all previously graded areas.*
  - *As-built contours (including any permitted/unpermitted grading completed at the site).*
  - *Any new, proposed grading, in addition to grading previously conducted at the site.*
  - *Development footprint area (sq. ft. of any proposed access roads, driveways, building areas, etc.)*
- 2. Habitat Map/Revegetation Plans:*
  - *Please indicate whether any significant and/or sensitive resources exist on or adjacent to project site and submit a vegetation survey with an inventory of biological resources, both existing on the site and potential or expected resources, accounting for seasonal variations, including maps & photographs depicting the location of any biological resources. Survey should also include a discussion of the physical characteristics of the site, including, but not limited to, topography, soil types, microclimate, and wildlife migration corridors, and an identification of rare, threatened, or endangered species, as designated under State or Federal Law, and identification of rare plants designated "IB" by the California Native Plant Society that are present or expected on the project site.*

- *Please provide an analysis of the potential impacts of the proposed development on the identified habitat or species.*
- *Please submit project plans for areas of proposed revegetation, include information on types, location, irrigation and maintenance requirements for areas to be revegetated.*

FAILURE TO PROMPTLY SUBMIT THE INFORMATION REQUESTED ABOVE  
WILL RESULT IN THE DELAY OF YOUR PROJECT. PLEASE ADD ANY  
COMMENTS TO THE BACK OF THIS SHEET.

Thank you: April Verbanac

Date: 07/03/02

**CALIFORNIA COASTAL COMMISSION**

SOUTH CENTRAL COAST AREA  
89 SOUTH CALIFORNIA ST., SUITE 200  
VENTURA, CA 93001  
(805) 585 - 1800



October 10, 2002

Mr. Raymond Munro  
3040 Munro Circle  
Los Angeles, CA 90068

**SUBJECT: Return of Coastal Development Permit Application No. 4-02-142**

Dear Mr. Munro,

We are returning herewith the above referenced application for reason of incompleteness.

Our office received the above referenced application on June 10, 2002. In a letter dated July 3, 2002 you were notified that your application had been determined to be incomplete and that you must submit twelve (12) different items (listed in detail in the same letter) necessary to complete the file. Staff requested that you submit the information as detailed in the Incomplete Notice, dated July 3, 2002 (attached), so that staff could complete a review of the necessary application materials and schedule the item for a Commission hearing. Our letter also informed you that the deadline for you to submit all requested items was October 3, 2002.

On October 3, 2002, you submitted one of the twelve required items. However, as of this date, none of the other 11 requested items have been submitted. In addition, the one item that you submitted, the Restoration Program/Proposal dated September 30, 2002, does not include project plans that completely address all disturbed areas on the site, and is therefore inadequate to satisfy the requirement for submittal of a restoration plan. Further, several of the items requested in the Incomplete Notice, including the balance of the application fee, evidence of local approval of the proposed project, project plans indicating the limits of grading conducted at the site and the areas proposed for restoration, geology review, evidence of lot legality for the subdivided parcel, and other minor filing requirements (see attached letter), were not submitted. Submittal of only one of the 12 previously required items is not satisfactory to complete your application.

Therefore, having not received the appropriate materials and information necessary to complete the file, we are returning the application along with the application fee received and referring this matter to the Commission's Enforcement Unit. Please call if you have any questions regarding this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "April Verbanac".

April Verbanac  
Coastal Program Analyst

cc: Steve Hudson, Enforcement Supervisor  
Sheila Ryan, Enforcement Officer

**CALIFORNIA COASTAL COMMISSION**

45 FREMONT STREET, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
VOICE AND TDD (415) 804-5200

**VIA REGULAR AND CERTIFIED MAIL**

October 21, 2002

Raymond Munro  
3040 Munro Circle  
Los Angeles, CA 90068

**SUBJECT: Coastal Act Violation File No. V-4-02-032- unpermitted grading of roads and pads and removal of significant vegetation at 2210 Mar Vista Road, Los Angeles County (APNs 4465-006-046 and 4461-001-005)**

Dear Mr. Munro:

This letter is to notify you that the California Coastal Commission intends to commence proceedings to issue a Restoration Order to address unpermitted development on your property (APNs 4465-006-046 and 4461-001-005) at 2210 Mar Vista Road in Los Angeles County, California, pursuant to Section 30811 of the California Public Resources Code (PRC).

Commission staff has determined that you have undertaken development (as that term is defined in Section 30106 of the California Coastal Act) without a Coastal Development Permit, in violation of Section 30600 of the California Coastal Act. This development consists of grading of roads and pads and removal of significant vegetation. We are informed and believe that the activity occurred from approximately late May through early April 2002. As the Commission has previously indicated to you in letters dated April 9, 2002 and May 31, 2002, significant vegetation removal and grading of roads and pads requires a Coastal Development Permit (CDP). Your failure to obtain a CDP prior to construction activities constitutes a violation of the Coastal Act. If issued by the Commission, the Restoration Order will order you to restore the site to its pre-development condition.

**History of the Violation Investigation**

The Commission staff first learned of the alleged violation on your property on April 4, 2002. Since that time staff has attempted to resolve this matter with you administratively as an alternative to commencement of formal enforcement proceedings.

**Permitting**

Pursuant to these efforts, on June 10, 2002, you submitted Coastal Development Permit application No. 4-02-142 to the South Central Coast District office. Among other things, the application sought after-the-fact approval of the above-described unpermitted development. On July 3, 2002, District staff notified you that twelve items (listed in detail in that same letter) were necessary in order for staff to determine your application to be complete, and instructed you to submit them by October 3, 2002. As of the filing deadline of October 3, 2002, you had submitted only one of the twelve requested items, and the one item you submitted regarding a restoration plan did not provide the complete information necessary for that

one item. Accordingly, on October 10, 2002, staff returned your incomplete application to you. Although you applied for 1) approval of as-built driveways, 2) revegetation and 3) approval of subdivision of parcel 4461-001-005, the Commission is not addressing the subdivision issue for the purpose of this Restoration Order. At this time, staff intends to commence Restoration Order proceedings to address the unpermitted development of roads and pads and vegetation removal on your property.

### Resource Damage

Because of the absence of any erosion control measures on the site, during the rainy season, adverse impacts to water quality and marine resources are likely to occur as a result of the violations. The removal of native vegetation has continuing adverse impacts on wildlife.

### Steps in the Restoration Order Process

Pursuant to Coastal Act Section 30811, the Commission has the authority to order restoration of a site if the Commission, after a public hearing, determines that "development has occurred without a coastal development permit...and the development is causing continuing resource damage." An order issued pursuant to Section 30811 would require that you restore the site to its pre-violation condition within a specified period of time.

Please be advised that if the Commission issues a Restoration Order, Section 30821.6(a) of the Coastal Act authorizes the Commission to seek monetary daily penalties of up to \$6,000 per day for any intentional or negligent violation of the order for each day in which the violation persists.

**At this time, the Commission is tentatively planning to hold a hearing on the issuance of a Restoration Order on this matter at the Commission meeting that is scheduled for the week of December 9, 2002 in San Francisco, California.**

In accordance with the California Code of Regulations, Title 14, Section 13191(a), you have the opportunity to respond to the staff's allegations as set forth in this notice by completing the enclosed Statement of Defense form. **The completed Statement of Defense form must be received by this office no later than November 12, 2002.** Please contact Sheila Ryan at (415) 597-5894 if you have any questions about the Statement of Defense form.

Sincerely,



Peter Douglas  
Executive Director

Encl.: Statement of Defense form

cc (without enclosure): Lisa Haage, Chief of Enforcement  
Steve Hudson, Southern California Supervisor, Enforcement Program  
John Bowers, Staff Counsel  
John Ainsworth, Planning Supervisor, South Central Coast District  
Chuck Damm, South Central Coast District Senior Deputy Director

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**STATEMENT OF DEFENSE FORM**

**DEPENDING ON THE OUTCOME OF FURTHER DISCUSSIONS THAT OCCUR WITH THE COMMISSION ENFORCEMENT STAFF AFTER YOU HAVE COMPLETED AND RETURNED THIS FORM, (FURTHER) ADMINISTRATIVE OR LEGAL ENFORCEMENT PROCEEDINGS MAY NEVERTHELESS BE INITIATED AGAINST YOU. IF THAT OCCURS, ANY STATEMENTS THAT YOU MAKE ON THIS FORM WILL BECOME PART OF THE ENFORCEMENT RECORD AND MAY BE USED AGAINST YOU.**

**YOU MAY WISH TO CONSULT WITH OR RETAIN AN ATTORNEY BEFORE COMPLETING THIS FORM OR OTHERWISE CONTACT THE COMMISSION ENFORCEMENT STAFF.**

This form is accompanied by either a restoration order issued by the Executive Director or a notice of intent to initiate restoration order proceedings before the Coastal Commission. This document indicates that you are or may be responsible for, or in some way involved in, either a violation of the Coastal Act or a permit issued by the Commission. This form asks you to provide details about the (possible) violation, the responsible parties, the time and place the violation (may have) occurred, and other pertinent information about the (possible) violation.

This form also provides you the opportunity to respond to the (alleged) facts contained in the document, to raise any affirmative defenses that you believe apply, and to inform the staff of all facts that you believe may exonerate you of any legal responsibility for the (possible) violation or may mitigate your responsibility. You must also enclose with the completed statement of defense form copies of all written documents, such as letters, photographs, maps, drawings, etc. and written declarations under penalty of perjury that you want the commission to consider as part of this enforcement hearing.

You must complete the form (please use additional pages if necessary) and return it no later than **November 12, 2002** to the Commission's enforcement staff at the following address:

Sheila Ryan  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105

If you have any questions, please contact Sheila Ryan at 415-597-5894.

- 1. Facts or allegations contained in the restoration order or the notice of intent that you admit (with specific reference to the paragraph number in the order):**

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2. Facts or allegations contained in the restoration order or notice of intent that you deny (with specific reference to paragraph number in the order):

3. Facts or allegations contained in the restoration order or notice of intent of which you have no personal knowledge (with specific reference to paragraph number in the order):

*Raymond Munro responding for Pacific Alliance Holdings.*

*1) without our approval the fire Dept. was using the property for training prisoners to do brush clearances. When we became aware of that, we spoke to firemen Spencer and Ray Perez, we were told that if there was any problem they could be contacted at*



4. Other facts which may exonerate or mitigate your possible responsibility or otherwise explain your relationship to the possible violation (be as specific as you can; if you have or know of any document(s), photograph(s), map(s), letter(s), or other evidence that you believe is/are relevant, please identify it/them by name, date, type, and any other identifying information and provide the original(s) or (a) copy(ies) if you can:

fire Camp 13 (310) 457-6700 and their supervisor was Captain Davis.

Their no. was provided to Coastal staff.

2) I was aware that some test was going to be conducted and some minor access road would be needed.

3) When we became aware of the problem we tried to resolve it by applying for a

5. Any other information, statement, etc. that you want to offer or make:

Coastal Development permit application NO 4-02-142. Staff requested twelve items. Some of these items would take a long time to produce so it was suggested that a restoration plan under an emergency permit would be more appropriate.

6. Documents, exhibits, declarations under penalty of perjury or other materials that you have attached to this form to support your answers or that you want to be made part of the administrative record for this enforcement proceeding (Please list in chronological order by date, author, and title, and enclose a copy with this completed form):

On Tuesday September 10, 2002 I met with Jack Ainsworth and Klaus Radtke at the site. It was conclude that the best way was restoration under an emergency permit.

Since then a restoration plan was prepared by Klaus Radtke and application for emergency permit was filed. Restoration will start as soon as the permit is issued.

