

CALIFORNIA COASTAL COMMISSION

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

Filed: 01/04/03
180th Day: 07/03/03
Staff: JLA-V
Staff Report: 02/13/03
Hearing Date: 03/04/03



RECORD PACKET COPY

STAFF REPORT: PERMIT AMENDMENT

APPLICATION NO.: 5-86-293-A4

APPLICANT: Topanga Pacific Land Company **Agent:** Laurel Stanley

PROJECT LOCATION: 3300 Sweetwater Mesa Road, City of Malibu

DESCRIPTION OF PROJECT PREVIOUSLY APPROVED: Subdivision of 3 lots (184 acres) into four lots; clearing and grading of four building sites and access road with total grading not to exceed 40,000 cubic yards.

Previously amended in **5-86-293-A1** to:

Construct four single-family homes on the four parcels (tract 16779) each with a 750 sq. ft. guesthouse, swimming pool, access driveway, water well & tank and septic system. Lot one (1) included a tennis court, 4,000 sq. ft. barn, 16,700 sq. ft. pond and 108,800 sq. ft. fenced pasture. The project also included 2,500 cu. yds. of restorative grading; 11,842 cu. yds. of new grading; habitat restoration & revegetation plan; 24-acre fee dedication area; 105.8-acre open space deed restriction; installation of utilities and a lot line adjustment.

Previously amended in **5-86-293-A2** to:

Construct bench drains on cut slope adjacent to access road on lot three (3) of the tract 16779 with a total of 533 cubic yards of grading (all cut).

Previously amended in **5-86-293-A3** to:

Modify the language special condition number 8 - Open Space Easement acknowledging the existence of a non-specific ingress/egress access easement within the area designated as open space.

DESCRIPTION OF AMENDMENT (5-86-293-A4): Supplemental revegetation program to complete revegetation of areas disturbed by unpermitted grading activities, as required pursuant to Special Conditions 6 and 14 of Coastal Development Permit 5-86-293-A1.

LOCAL APPROVALS RECEIVED: None Required

SUBSTANTIVE FILE DOCUMENTS: Coastal Development Permit 4-86-293; Site Evaluation & Supplemental Restoration Plan Sweetwater Mesa Project Malibu CA 90265, Dr. Klaus Radtke, September 10, 2002; Certified Malibu LCP.

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 applicants or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material. 14 Cal. Code of Regulations Section 13166. In this case, the Executive Director has determined that the proposed amendment is a material change to the project and has the potential to affect conditions required for the purpose of protecting a coastal resource.

Summary and Staff Recommendation:

Staff recommends approval of the proposed permit amendment with two special conditions related to monitoring and maintenance of revegetated areas; and implementation of the supplemental restoration plan. The applicant is proposing a supplemental revegetation and restoration program to complete revegetation of areas disturbed by previous unpermitted grading activities. Permit amendment 5-86-293-A1 required that the disturbed areas be revegetated pursuant to Special conditions 6 and 14. The supplemental program includes a comprehensive site evaluation, technical restoration specifications, goals and performance standards and a five-year monitoring program to ensure the success of the restoration program. The proposed amendment, as conditioned, is consistent with the Malibu Local Coastal program.

I. STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

MOTION: *I move that the Commission approve the proposed amendment to Coastal Development Permit No. 5-86-293-A4 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the amendment as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE A PERMIT AMENDMENT:

The Commission hereby approves the coastal development permit amendment on the ground that the development as amended and subject to conditions, will be in conformity with the Malibu Local Coastal Program. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD AND SPECIAL CONDITIONS

Unless specifically altered by the amendment, all standard and special conditions previously applied to Coastal Development Permit 5-86-293 A1 continue to apply. In addition, the following special conditions are hereby imposed as a condition upon the proposed project as amended pursuant to CDP 5-86-293-A4.

SPECIAL CONDITIONS

15. Restoration Monitoring and Maintenance Plan

To implement the applicant's proposal to monitor and maintain the revegetation areas, as specified in the Site Evaluation & Supplemental Restoration Plan, prepared by Dr. Klaus Radtke, dated September 10, 2002, the applicant shall submit on an annual basis for a period of five years a written report, for the review and approval of the Executive Director, prepared by a qualified resource specialist, evaluating compliance with the goals and performance standards performance standards outlined in supplemental restoration plan. The annual reports shall include further recommendations and

requirements, if necessary, to meet the goals and performance standards specified in the supplemental 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. 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 the 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 an amendment to this coastal development permit.

16. Implementation of Supplemental Restoration Plan

Within 90 days of issuance of this permit amendment, or within such additional time as the Executive Director may grant for good cause, the applicant shall implement the Site Evaluation & Supplemental Restoration Plan, prepared by Dr. Klaus Radtke, dated September 10, 2002. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

III. FINDINGS AND DECLARATION

The Commission hereby finds and declares:

A. Project Description and Background

The applicant is proposing a supplemental restoration plan to complete the revegetation of disturbed and graded areas required to be restored through Special Condition 6 and 14 of coastal development permit (CDP) 5-86-293-A1 (Exhibits 3-4). The supplemental program includes a comprehensive site evaluation, technical restoration specifications, goals and performance standards and a five-year monitoring program to ensure the success of the restoration program.

On July 10, 1986 the Commission approved CDP 5-86-293 for the subdivision of three parcels total 184 acres into four parcels. The permit authorized clearing and grading of four building sited not to exceed 40,000 cubic yards of grading. However, approximately 600,000 cubic yards of grading was done impacting some 50 acres of the site in violation of the CDP. The Commission entered into a settlement agreement with the applicant that resolved the outstanding grading violation.

In May of 1992, the Commission approved an amendment (5-86-293-A1) to the permit for new grading that equaled 16,881 cubic yards; a lot line adjustment of parcels 2-4 which resulted in a 24 acre fee dedication area; installation of utilities; paving a 4,600

foot long road; installation of drainage and erosion control facilities; and a restoration and revegetation program for 38.30 acres of disturbed areas outside of the approved developed portions of the site (Exhibit 5). This permit amendment was subject to special conditions regarding the adequacy of the water supply and road to meet local standards, revised site and building plans, landscaping, structure and roof color restrictions, future development restriction, revegetation program, restorative grading program, open space easement, trail dedication and improvement, plans conforming to geologic recommendations, bridging of stream and condition compliance. The conditions of the amendment were complied with and the amendment was issued on July 15, 1994. Two subsequent amendments were also approved by the Commission involving the construction of bench drains on a cut slope (5-86-293-A2) and authorization for a previously existing ingress and egress access easement within the open space easement area (5-86-293-A3).

Special Condition 6 of permit amendment 5-86-293-A1 required the applicant prepare a revegetation program for the areas disturbed by unpermitted grading activities and also required annual monitoring reports addressing the success or failure of the revegetation program. In addition, Special Condition 14 of the permit amendment required that at the end of the five year monitoring period if the restoration specialist indicated that the restoration and revegetation program, was been in part or in whole unsuccessful, based on the approved performance standards, the applicant was be required to submit a revised or supplemental restoration program to compensate for those portions of the original program which were not successful. The revised or supplemental restoration program was required to be processed as an amendment to the permit. The applicant did submit a comprehensive restoration program, prepared by Environmental Science Associates, dated July 22, 1992. However, this restoration plan was never fully implemented and no annual monitoring or finial monitoring report was ever submitted by the applicant.

The proposed supplemental restoration program addresses those disturbed areas that have not fully revegetated to the approved performance standards outlined in the original 1992 restoration plan.

The subject site is a 184 acres located inland of Pacific Coast highway in the general vicinity of the Serra Retreat area of Malibu (Exhibit 1). Access to all four lots, which comprise the site, is from Sweetwater Mesa Drive, a narrow private road that serves a number of single-family homes.

B. Environmentally Sensitive Resources and Water Quality

The Malibu LCP provides for the protection of environmentally sensitive habitat areas and water quality. The policies require that new development protects, and where feasible, enhances and restores wetlands, streams, and groundwater recharge areas.

Section 30231 of the Coastal Act, which is incorporated as a policy of the Malibu LCP, 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, which is incorporated as a policy of the Malibu LCP, states that:

(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 areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

Furthermore, the following water quality LCP policies are applicable in this case:

3.8 *Environmentally Sensitive Habitat Areas (ESHAs) shall be protected against significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.*

3.11 *Applications for development of a non-resource dependent use within ESHA or for development that is not consistent with all ESHA policies and standards of the LCP shall demonstrate the extent of ESHA on the property.*

3.14 *New development shall be sited and designed to avoid impacts to ESHA. If there is no feasible alternative that can eliminate all impacts, then the alternative that would result in the fewest or least significant impacts shall be selected. Impacts to ESHA that cannot be avoided through the implementation of siting and design alternatives shall be fully mitigated, with priority given to on-site mitigation. Off-site mitigation measures shall only be approved when it is not feasible to fully mitigate impacts on-site or where off-site mitigation is more protective in the context of a Natural Community Conservation Plan that is certified by the Commission as an amendment to the LCP. Mitigation shall not substitute for implementation of the project alternative that would avoid impacts to ESHA.*

3.15 *Mitigation measures for impacts to ESHA that cannot be avoided through the implementation of siting and design alternatives, including habitat restoration and/or enhancement shall be monitored for a period of no less than five years following completion. Specific mitigation objectives and performance standards shall be designed to measure the success of the restoration and/or enhancement. Mid-course*

corrections shall be implemented if necessary. Monitoring reports shall be provided to the City annually and at the conclusion of the five-year monitoring period that document the success or failure of the mitigation. If performance standards are not met by the end of five years, the monitoring period shall be extended until the standards are met. However, if after ten years, performance standards have still not been met, the applicant shall submit an amendment proposing alternative mitigation measures.

- 3.18** *The use of insecticides, herbicides, or any toxic chemical substance which has the potential to significantly degrade Environmentally Sensitive Habitat Areas, shall be prohibited within and adjacent to ESHAs, where application of such substances would impact the ESHA, except where necessary to protect or enhance the habitat itself, such as eradication of invasive plant species, or habitat restoration. Application of such chemical substances shall not take place during the winter season or when rain is predicted within a week of application.*
- 3.23** *Development adjacent to ESHAs shall minimize impacts to habitat values or sensitive species to the maximum extent feasible. Native vegetation buffer areas shall be provided around ESHAs to serve as transitional habitat and provide distance and physical barriers to human intrusion. Buffers shall be of a sufficient size to ensure the biological integrity and preservation of the ESHA they are designed to protect. All buffers shall be a minimum of 100 feet in width, except for the case addressed in Policy 3.27.*
- 3.25** *New development, including, but not limited to, vegetation removal, vegetation thinning, or planting of non-native or invasive vegetation shall not be permitted in required ESHA or park buffer areas, except for that case addressed in Policy 3.27. Habitat restoration and invasive plant eradication may be permitted within required buffer areas if designed to protect and enhance habitat values.*
- 3.30** *Protection of ESHA and public access shall take priority over other development standards and where there is any conflict between general development standards and ESHA and/or public access protection, the standards that are most protective of ESHA and public access shall have precedence.*
- 3.31** *Permitted development located within or adjacent to ESHA and/or parklands that adversely impact those areas may include open space or conservation restrictions or easements over ESHA, ESHA buffer, or parkland buffer in order to protect resources.*
- 3.42** *New development shall be sited and designed to minimize impacts to ESHA by:*
- Minimizing grading and landform alteration, consistent with Policy 6.8*
 - Minimizing the removal of natural vegetation, both that required for the building pad and road, as well as the required fuel modification around structures.*
 - Limiting the maximum number of structures to one main residence, one second residential structure, and accessory structures such as, stable, corral, pasture, workshop, gym, studio, pool cabana, office, or tennis court, provided that such accessory structures are located within the approved development area and structures are clustered to minimize required fuel modification.*
 - Minimizing the length of the access road or driveway, except where a longer roadway can be demonstrated to avoid or be more protective of resources.*

- **Grading for access roads and driveways should be minimized; the standard for 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 City Planning Commission, upon recommendation of the Environmental Review Board and the determination that adverse environmental impacts will not be incurred. Such approval shall constitute a conditional use to be processed consistent with the LIP provisions.**
 - **Prohibiting earthmoving operations during the rainy season, consistent with Policy 3.47.**
 - **Minimizing impacts to water quality, consistent with Policies 3.94-3.155**
- 3.45 All new development shall be sited and designed so as to minimize grading, alteration of physical features, and vegetation clearance in order to prevent soil erosion, stream siltation, reduced water percolation, increased runoff, and adverse impacts on plant and animal life and prevent net increases in baseline flows for any receiving waterbody.**
- 3.46 Grading or earthmoving exceeding 50 cubic yards shall require a grading permit. Grading plans shall meet the requirements of the local implementation plan with respect to maximum quantities, maximum cuts and fills, remedial grading, grading for safety purposes, and maximum heights of cut or fill. Grading proposed in or adjacent to an ESHA shall be minimized to the maximum extent feasible.**
- 3.50 Cut and fill slopes and other areas disturbed by construction activities (including areas disturbed by fuel modification or brush clearance) shall be landscaped or revegetated at the completion of grading. Landscape plans shall provide that:**
- **Plantings shall be native, drought-tolerant plant species, and blend with the existing natural vegetation and natural habitats on the site, except as noted below.**
 - **Invasive plant species that tend to supplant native species and natural habitats shall be prohibited.**
 - **Non-invasive ornamental plants and lawn may be permitted in combination with native, drought-tolerant species within the irrigated zone(s) required for fuel modification nearest approved residential structures.**
 - **Landscaping or revegetation shall provide 90 percent coverage within five years, or that percentage of ground cover demonstrated locally appropriate for a healthy stand of the particular native vegetation type chosen for restoration. Landscaping or revegetation that is located within any required fuel modification thinning zone (Zone C, if required by the Los Angeles County Fire Department) shall provide 60 percent coverage within five years.**
 - **Any landscaping, or revegetation shall be monitored for a period of at least five years following the completion of planting. Performance criteria shall be designed to measure the success of the plantings. Mid-course corrections shall be implemented if necessary. If performance standards are not met by the end of five years, the monitoring period shall be extended until the standards are met.**

- 3.51 Disturbed areas ESHAs shall not be further degraded, and if feasible, restored. If new development removes or adversely impacts native vegetation, measures to restore any disturbed or degraded habitat on the property shall be included as mitigation.**
- 3.59 All new development shall be sited and designed to minimize required fuel modification and brushing to the maximum extent feasible in order to minimize habitat disturbance or destruction, removal or modification of natural vegetation, and irrigation of natural areas, while providing for fire safety, as required by Policies 4.45 through 4.54. Development shall utilize fire resistant materials and incorporate alternative fuel modification measures, such as firewalls (except where this would have impacts on visual resources), and landscaping techniques, where feasible, to minimize the total area modified. All development shall be subject to applicable federal, state and county fire protection requirements.**
- 3.60 As required by Policy 4.49, applications for new development shall include a fuel modification plan for the project site, approved by the County Fire Department. Additionally, applications shall include a site plan depicting the brush clearance, if any, that would be required on adjacent properties to provide fire safety for the proposed structures.**
- 3.61 Applications for new development shall include a quantification of the acreage of natural vegetation that would be removed or made subject to thinning, irrigation, or other modification by the proposed project, including building pad and road/driveway areas, as well as required fuel modification on the project site and brush clearance on adjacent properties.**
- 3.62 All new development shall include mitigation for unavoidable impacts to ESHA from the removal, conversion, or modification of natural habitat for new development, including required fuel modification and brush clearance.**
- 3.119 New development shall be sited and designed to protect water quality and minimize impacts to coastal waters by incorporating measures designed to ensure the following:**
- Protecting areas that provide important water quality benefits, areas necessary to maintain riparian and aquatic biota and/or that are susceptible to erosion and sediment loss.**
 - Limiting increases of impervious surfaces.**
 - Limiting land disturbance activities such as clearing and grading, and cut-and-fill to reduce erosion and sediment loss.**
 - Limiting disturbance of natural drainage features and vegetation.**
- 3.120 New development shall not result in the degradation of the water quality of groundwater basins or coastal surface waters including the ocean, coastal streams, or wetlands. Urban runoff pollutants shall not be discharged or deposited such that they adversely impact groundwater, the ocean, coastal streams, or wetlands, consistent with the requirements of the Los Angeles Regional Quality Control Board's municipal stormwater permit and the California Ocean Plan.**

Section 30231 of the Coastal Act, which is part of the Malibu LCP, requires that the biological productivity and the quality of... streams,...be maintained and where feasible

be restored... In addition, Section 30240 requires that ESHA be protected from significant disruption of habitat values and only uses dependent on such resources shall be allowed in such areas. Furthermore, the Malibu LCP requires that environmentally sensitive habitat areas and water quality be protected and restored where feasible. The areas proposed to be restored pursuant to the restoration plan drain directly into streams and drainages on the property that contain riparian vegetation and are considered Environmentally Sensitive Habitat. In addition, the surrounding undisturbed habitat on the site is characterized as a coastal sage scrub habitat that is also considered ESHA. The goal of the proposed restoration plan is to reestablish the coastal sage scrub community on the disturbed slopes that are outside of the 200-foot fuel modification zones surrounding the four proposed residences and a 10-foot fuel modification zone along each side of the access road through the property.

Many areas that were previously disturbed by unpermitted grading activities have revegetated with coastal sage scrub vegetation through natural succession and comply with the requirements proposed in the original 1992 restoration plan. The proposed restoration program focuses on those areas that have not successfully revegetate (Exhibit 4). The restoration plan includes detail technical specifications regarding the plant palette, planting techniques, irrigation, pest control, and invasive weed control. In addition, the restoration program includes detailed performance standards to measure the success of the restoration program. Furthermore, the restoration program includes a five year monitoring program to ensure the success of ~~the~~ restoration. The monitoring program includes an annual reporting requirement to the Executive Director outlining the progress of the restoration and will include further recommendations for additional restoration activities, if necessary, to meet the approved performance standards. In order to implement the applicant's proposed maintenance and monitoring program the Commission finds that **Special Condition 15** is required.

The proposed restoration program will restore the coastal sage plant community in areas previously disturbed by unpermitted grading activities. The revegetation of these slopes will minimize erosion and reduce the potential for sedimentation of streams and drainages on the site. Sedimentation of streams can adversely impact the biological productivity of streams and adversely impact the environmentally sensitive riparian system. In addition, the proposed restoration program will help to reestablish the environmentally sensitive coastal sage habitat on the slopes disturbed by unpermitted grading. Therefore, the Commission finds that the proposed supplemental restoration program, as conditioned, is consistent with the ESHA and water quality policies of the Malibu LCP.

C. Violation

The proposed supplemental restoration plan will complete restoration and revegetation of areas previously disturbed by unpermitted grading activities. The restoration plan approved in May of 1992 under CDP 5-86-293-A1 was never fully implemented and

therefore portions of the areas disturbed by unpermitted grading have never fully revegetated.

The subject permit amendment application addresses the restoration of these disturbed areas. In order to ensure the proposed supplemental restoration program is implemented in a timely manner, **Special Condition 16** requires that the supplemental restoration program be implemented with 90 days of issuance of the coastal development permit amendment 5-86-293-A3, or within such additional time as the Executive Director may grant for good cause.

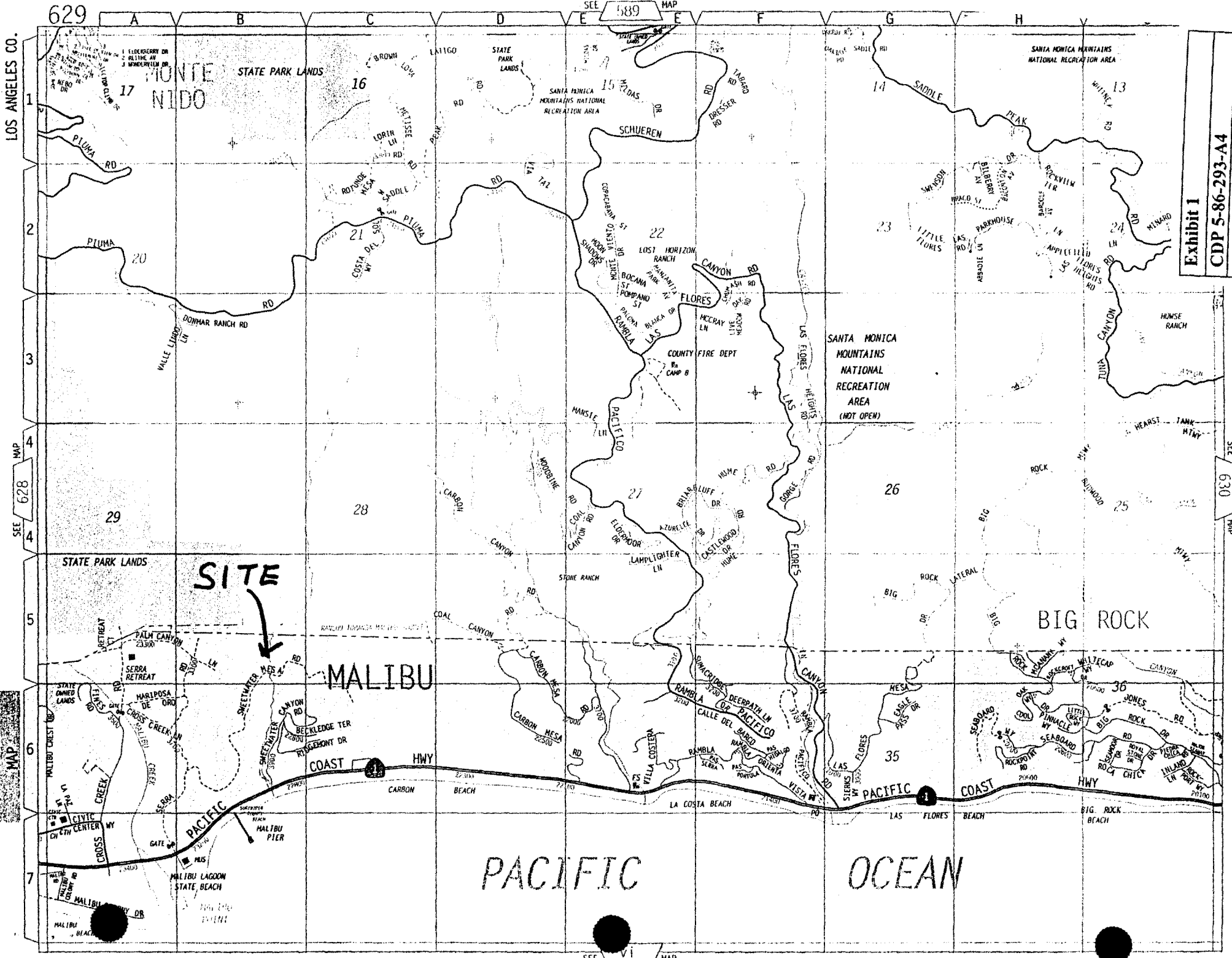
Consideration of this application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Review of this permit does not constitute a waiver of any legal action with regard to the alleged violation nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal permit.

D. California Environmental Quality Act

Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit Amendment application to be supported by a finding showing the application 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 amendment would not cause significant, adverse environmental effects. Therefore, the proposed amendment, as conditioned, is found consistent with CEQA and with the policies of the Coastal Act.





LOS ANGELES CO.

SEE MAP 628

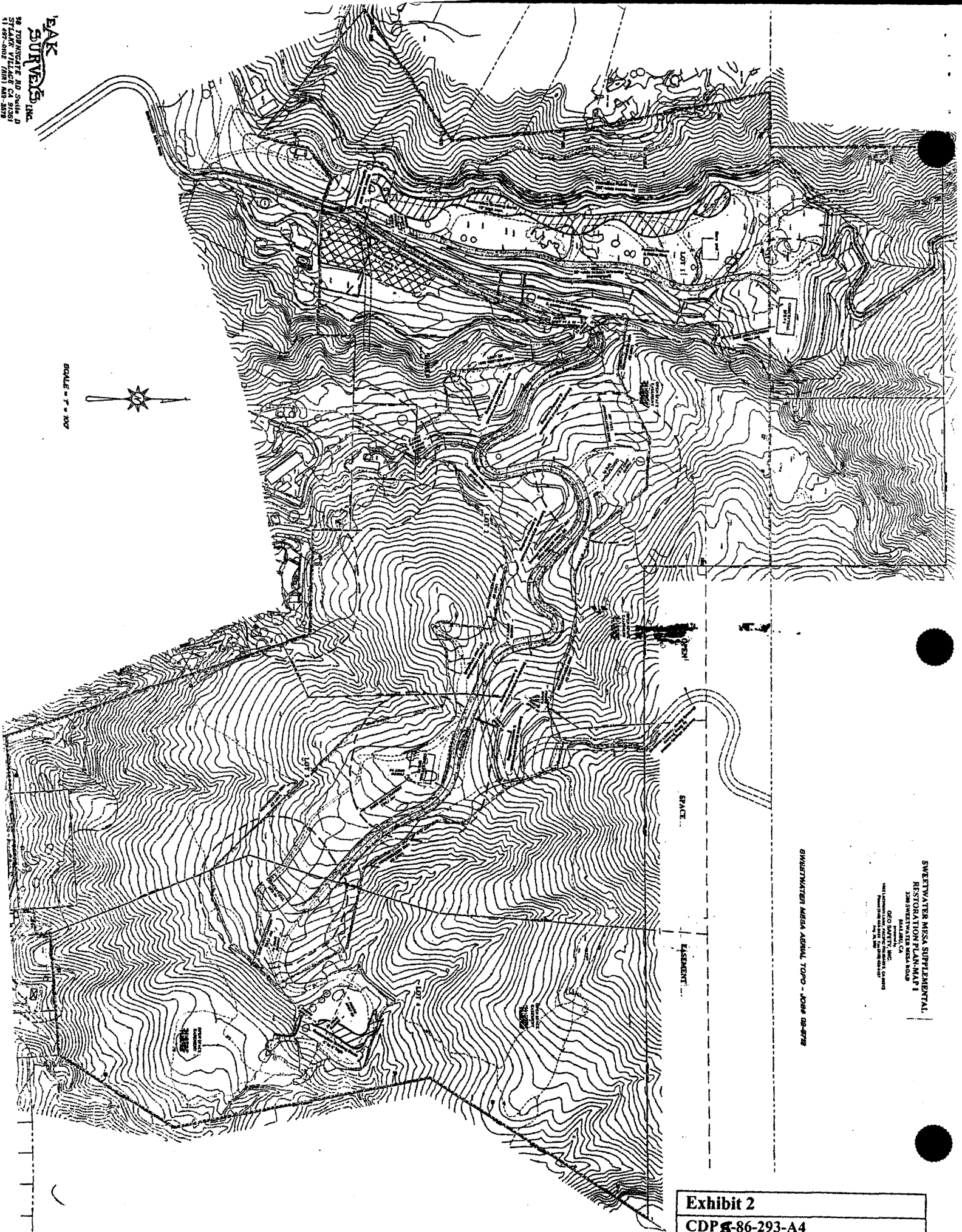
MAP

SEE MAP VI


Exhibit 1
CDP 5-86-293-A4
Location Map

SEE MAP 630

1 2 3 4 5 6 7



BEAK
 SURVEYS, INC.
 20 THOMPSONITE RD SUITE 10
 STAMFORD, CT 06907
 203-348-8888
 FAX 203-348-8889

SCALE = 1" = 700'


SWEETWATER MESA SUPPLEMENTAL
 RESTORATION PLAN (MAP 1)
 238 SWEETWATER MESA ROAD
 MOUNTAIN VIEW, CA
 94039
 OGD SURVEY, INC.
 1000 SWEETWATER MESA ROAD
 MOUNTAIN VIEW, CA 94039
 TEL: 925-938-1111
 FAX: 925-938-1112

Exhibit 2
CDP 86-293-A4
Site Restoration Plan

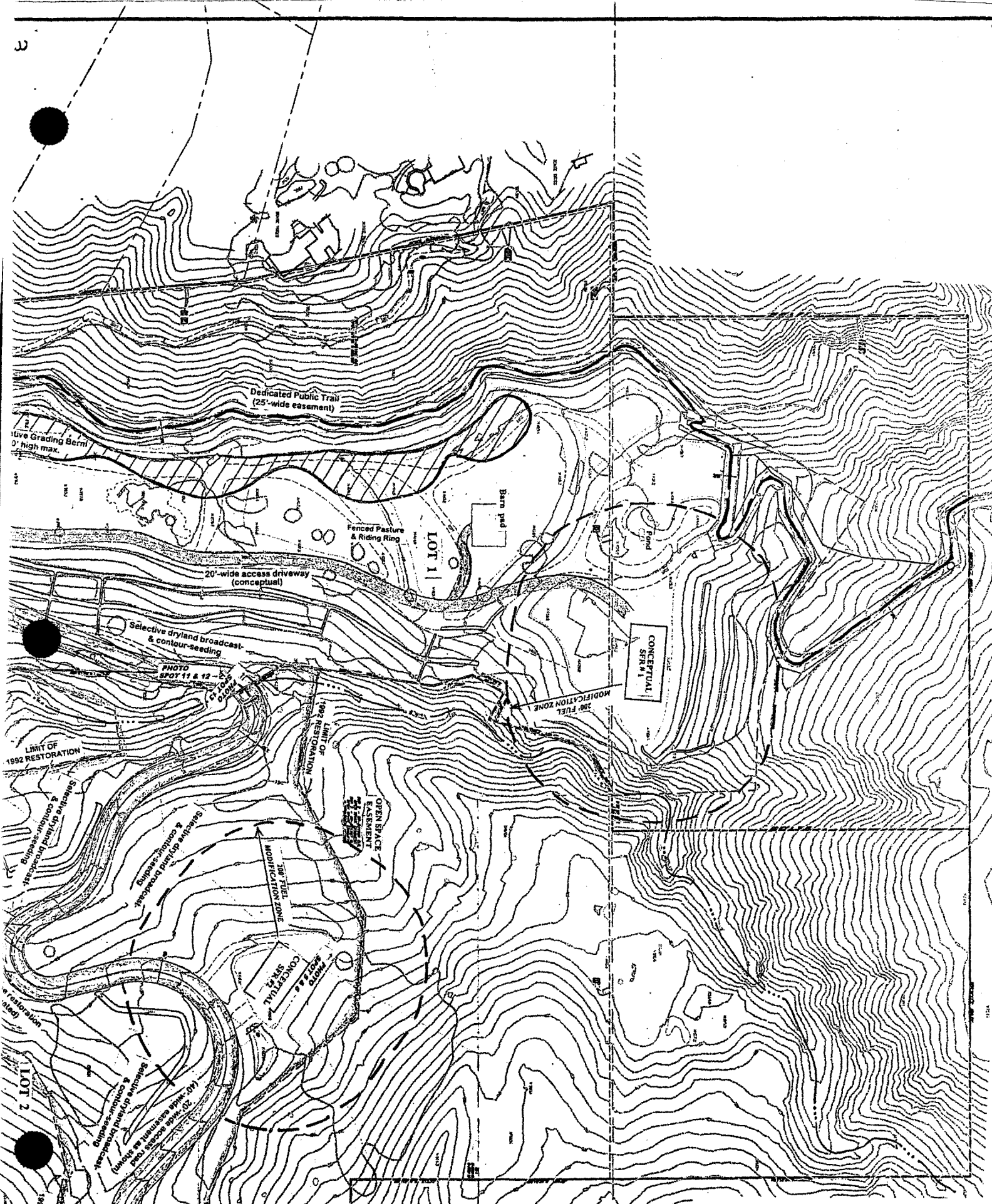
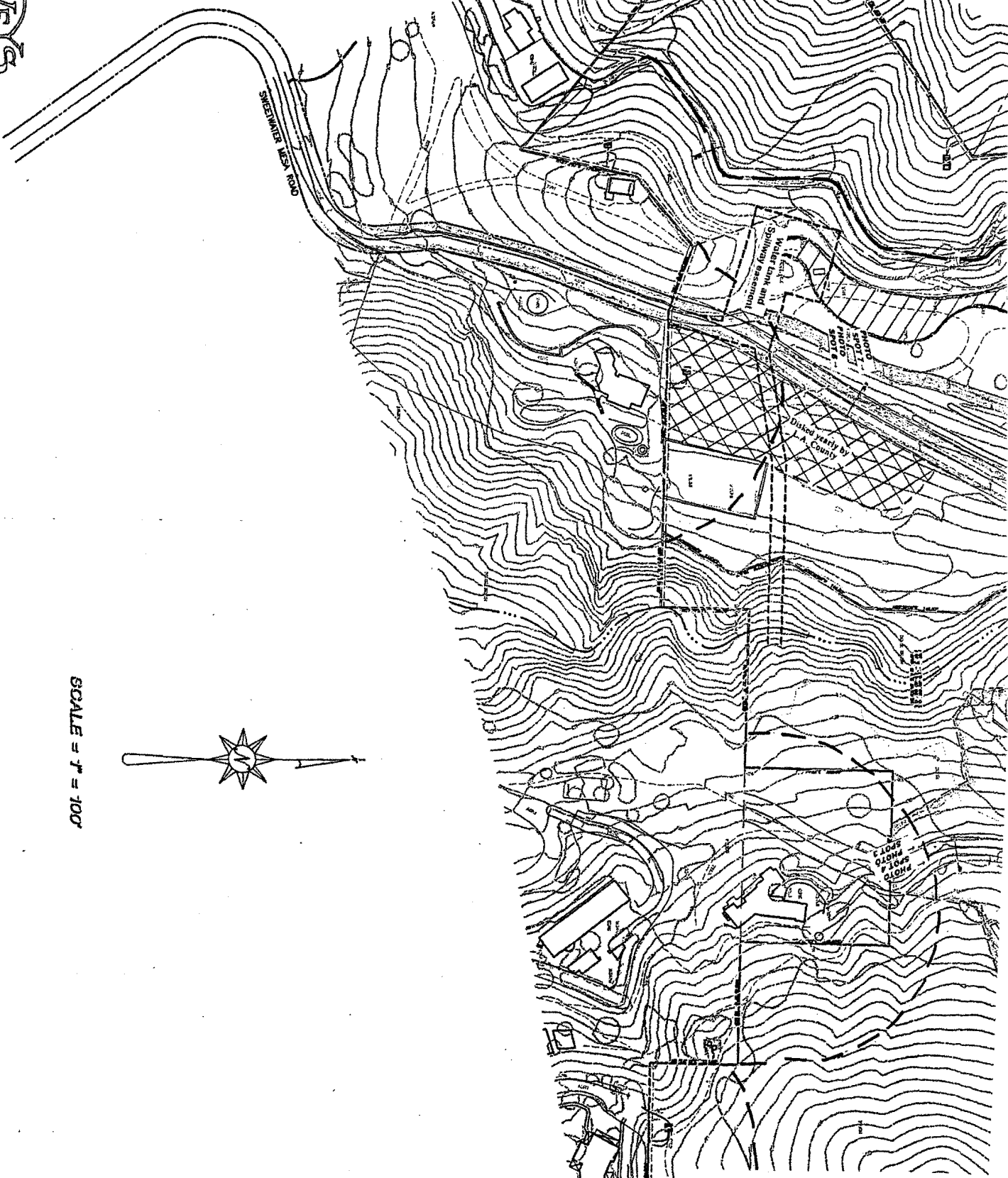


Exhibit 3
CDP 4-86-293-A4
Enlargement of Site Restoration Plan

2488 TOWNSCAPE RD Suite D
WESTLAKE VILLAGE CA 91361
(805) 497- (818) 889-3679

PEAK
SURVEYS INC.



SCALE = 1" = 100'

Exhibit 3 Cont.
CDP 5-86-293-A4
Enlargement of Site Restoration Plan

**SWEETWATER MESA SUPPLEMENTAL
RESTORATION PLAN-MAP 1**

3300 SWEETWATER MESA ROAD
MALIBU, CA

prepared by

GEO SAFETY, INC.

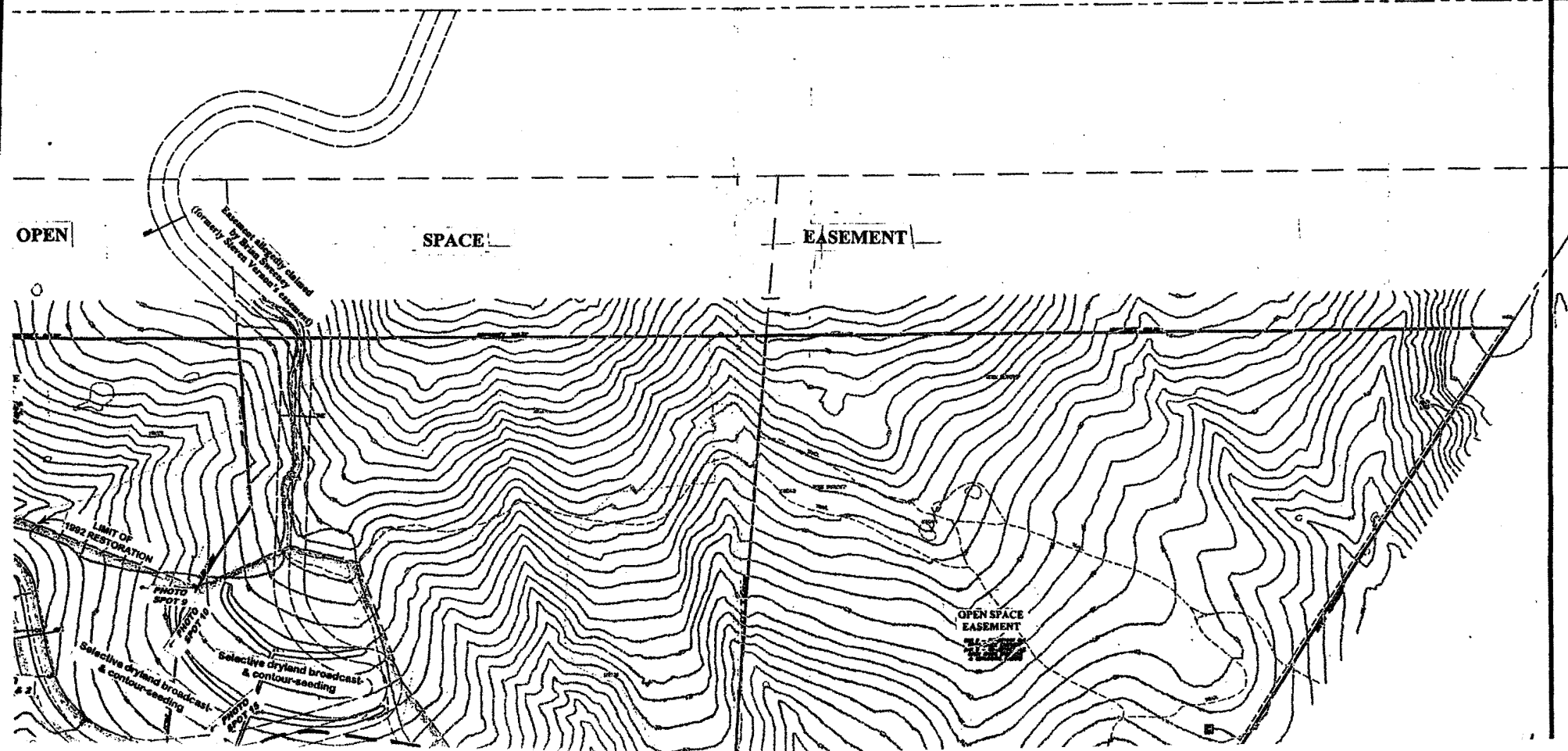
1462 LACHMAN LANE, PACIFIC PALISADES, CA 90272
Phone (310) 459-9453 Fax (310) 469-6187
Aug. 30, 2002

Exhibit 3 Cont.

CDP 4-86-293-A4

Enlargement of Site Restoration
Plan

SWEETWATER MESA AERIAL TOPO - JOB# 02-3712





GEO SAFETY, INC.

1462 Lachman Lane Pacific Palisades, California 90272 U.S.A. (310) 459-9453 Fax (310) 459-6187

Site Evaluation

&

Supplemental Restoration Plan

Sweetwater Mesa Project, Malibu CA 90265

**In compliance with
Coastal Development Permit
No. 5-86-293A**

September 10, 2002

prepared by

Klaus Radtke, Ph.D.
Wildland Resource Sciences

RECEIVED

DEC 05 2002

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Exhibit 4
CDP 5-86-293-A4
Restoration Plan

1. Foreword

Condition 14 of Amendment A to Coastal Development Permit No. 5-86-293 issued July 15, 1994, required that a resource specialist review the success of the restoration program for restoring about 38 acres as outlined in the approved restoration report dated July 22, 1992¹. It stated "If the resource specialist indicates that the restoration and revegetation program has been, in part in whole unsuccessful, based on the approved performance standards, the applicant shall be required to submit a revised or supplemental restoration program to compensate for those portions of the original program which were not successful. The revised or supplemental restoration program shall be processed as an amendment to this coastal development permit."

This site evaluation consists of three parts: a) the written report/evaluation, b) a comprehensive photo site evaluation, and c) a site map showing the project site with its four parcels with the restoration as required in the 1992 report clearly indicated and the sites that require further restoration clearly marked as to their requirements.

2. Site Evaluation

A comprehensive photo-documented site evaluation was carried out by this author of the four parcels of the project site in August 2002, which included the approximately 38 acres that were to be revegetated/recontoured within these four parcels.

The vegetative restoration project, described in the very technical 1992 restoration report that required the timely input of about a dozen experts from multiple agencies, had largely not yet been initiated. However, the four parcels had been graded as permitted under the underlying permit and Amendment A with final restoration grading of the berms on Lots 1 and 4 being initiated and the bridge across Sweetwater Mesa Creek (connecting Lots 1 and 2) being installed.

Some areas such as easterly facing fill slopes on Lot 1 had been generally successfully revegetated. Vegetation on the more harsher cut and fill slopes to be restored consists largely of annual grasses such as brome and oat grasses and more sparse native vegetation such as Buckwheat, Deerweed, and Laurel Sumac that, however, generally form an effective surface erosion control cover. Since the native Coastal Sage Scrub vegetation meets or exceeds native plant planting requirements specified in 1992, no further containerized planting is required nor recommended. However, it is acknowledged that the above listed native plant species comprise but a small number of the species found in the Coastal Sage Scrub plant community. Further broadcast- as well as selective contour-seeding is therefore recommended with the seed mixes as generally specified in the 1992 Restoration Plan as shown in Appendix 2 in order to establish greater species diversity on the slopes and speed up the recovery of the Coastal Sage Scrub plant community. The two Coast Live Oaks initially specified per lot should be planted within the expanded 200-foot fuel modification zone.

¹ Environmental Science Associates, *Restoration Plan: Sweetwater Mesa Project Malibu, CA*, 48 pp., July 22, 1992.

The exceptions to having been provided with a minimum soil erosion control cover to date are a) a few cut slopes with exposed bedrock, b) areas where the four-wheel-drive vehicles of the surveyors have been cutting across regraded portions of slopes, c) shoulders along the access road that is being/had just been fine graded in preparation of paving, d) the disturbed area around the bridge across Sweetwater Creek that had just been installed on Lot 2, and e) dirt stockpiled in preparation of the berm restoration work on Lots 1 and 4. Harsh cut slope areas largely devoid of vegetation are characterized by exposed bedrock and will be very difficult to revegetate. Such is the case with the two cut slopes on Lot 2 where attempts will nevertheless be made to revegetate them by initially providing a temporary irrigation system for the lower cut while the upper cut (adjacent to lot 3) shall be provided with supplemental watering for the first year after restoration broadcast- and contour-seeding has been completed.

Excluded from further restoration work will be all areas within 200 feet of the approximate building footprint on each of the four lots as well as 200 feet from surrounding SFR's overlapping onto the lots.² The revised County of Los Angeles Fire Department Brush Clearance Ordinance now requires 200 feet clearance around buildings instead of 100 feet as was the law in 1992. Additionally, the code does not permit Coastal Sage Scrub species such as Buckwheat, Sages, Sagebrush, and Chamise to remain within the 200-foot fuel modification zone, thus effectively eliminating the Coastal Sage Scrub plant community from this zone (Appendix 1). Landscaping and revegetation in this area must be addressed by a Landscape and Fuel Modification Plan required of each property owner during the permitting process of a SFR.

Excluded from the Coastal Sage Scrub revegetation/reestablishment requirements were also the access road and access driveways and areas within twenty feet of these roads. The Fire Department requires a minimum clearance distance of 10 feet on either side of such roads but, because of the reality of the overall steep terrain, greater clearance distances are generally desired and carried out. Excluded from further revegetation requirements are also all areas where further development had been approved such as barns and their pads, ponds, pasture areas such as the 2.5-acre pasture on Lot 1, and areas that were shown on the small scale map of the 1992 Restoration Plan as being graded, but, after further inspection, were noted to have not been altered (Lots 3, 4). However, most of these areas fall within the 200-foot fuel modification zone where no further restoration would have been required. As indicated on the map, this reduces the actual acreage on which further restoration is recommended to approximately 12 acres.

3. Proposed Restoration & Technical Specifications

Since existing native vegetation generally meets the planting restoration requirements proposed in 1992, further restoration efforts should now concentrate on effective dryland seeding. The locations of these proposed 'fill-in' restoration efforts are indicated on Map 1. The map also indicates the photographer's location for all photographs shown in the photo section of this report.

² Compliance with and the work being carried out under the State of California Department of Fish & Game Permit #R5-2001-0016 and any extensions inclusive of monitoring for installation of the bridge across Sweetwater Mesa between Lots 1 and 2 is not part of this report.

Further selective restoration efforts should consist of a) broadcast seeding the seed mixes, b) selectively hand contouring the slope areas by pick or mattock to a depth of about three to four inches and partially backfilling the contour with a loose soil/mulch mixture, c) contour seeding the furrows by hand with the required seed mix, d) lightly covering the seeds with the soil/mulch mix and spreading an approximately 1" thick layer of weed-free, rich mulch such as Gromulch directly over the contours. If desired, the soil can be premixed with the mulch.

For the dry site restoration to be more successful, one half of the seed mix should consist of pregerminated seeds and the other half of dry seeds. Pregerminated seeds should be soaked in water for 24 hours with the water changed several times during this time period and the seed mix rinsed off at the end of this 24-hour soaking period so that leachate from the seeds does not inhibit the germination process.

Contouring should be done after the ground has been moistened by rainfall to a depth of about 6 inches and should be completed by December 15. This assures that the contours are furrowed deep enough into moist soil, that the seeds are covered with moist soil, and that there is (hopefully) enough time for seedling establishment before the onset of the extended summer drought period. Seeding should ideally be done when there is a 50% or greater chance of receiving one inch or greater rainfall within a 24-hour period. If rain is uncertain, the seeds should be watered-in. This can readily be done cost-effectively with sprinkler cans or garden hoses.

Depending on the rainfall pattern and further soil disturbance, heavy exotic annual/perennial weed crops such as Mustard (Brassica spp.), Bromes (Bromus spp.) and Oats (Avena sativa) that may heavily compete with and choke out the native seeded stock can be expected and shall be eliminated as much as feasible. Such weeds shall be removed by hand prior to setting seeds.

Pest control shall include the year-round control of gophers and ground squirrels before they can do damage to the seeded planting stock.

A temporary irrigation system shall be installed for up to five years for the lower cut slope on Lot 2.

4. Project Evaluation and Performance Standards

Plants must appear healthy. Unhealthy looking or dying plants shall not be included in the ground cover estimates. Except for the bedrock cut slopes on Lot 2, native plants shall provide 30-40% ground cover within two years of seeding, 50% groundcover within 3 years, and 75% within 5 years. Non-native vegetation such as exotic annuals shall not exceed 15% of the total shoot crown cover. It is desired that 50% Buckwheat cover be provided on the two cut slopes on Lot 2 at the end of the five year maintenance period.

5. Monitoring

A 5-year monitoring program shall be initiated that assists the owners and restoration maintenance contractor in meeting the performance standards.

On an annual basis (see timetable below), a written report shall be issued on a lot-by-lot basis indicating the success or failure of the restoration project. This report shall be prepared by an environmental resource specialist acceptable to the Executive Director.

Photographs shall be taken by the project biologist/environmental resource specialist from pre-designated photo spots as indicated on the restoration map. Photographs shall be taken prior to the start of the restoration, after restorative seeding/planting has been completed, and at the end of April 2003, 2004, 2005, 2006, and 2007. The photographs shall be annotated to the written professional restoration reports and the reports forwarded for the review and approval of the Executive Director of the Coastal Commission no later than May 31, 2003, 2005, 2006 and 2007 (However, it is acknowledged that the lots are being sold and that vegetative restorative may not start/continue on all lots during the winter rainy season 2002-2003).

The reports shall also include further recommendations for additional restoration activities in order for the project to meet the criteria and performance standards as listed above.

At the end of the five-year period but no later than May 31, 2007, a final detailed report shall be submitted. 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 program to compensate for the portions of the original program which were not successful. The revised, or supplemental program shall be processed as an amendment to the original coastal development permit.

By the end of the second year of the monitoring period, all artificial inputs (e.g., water, fertilizer) shall be gradually removed except for the purposes of providing midcourse corrections or maintenance to ensure the long-term survival of the restoration project. The exception will be the harsh lower cut slope on Lot 2 where watering up to five years shall be carried out to assist the plant in becoming established and softening the bedrock for plant growth. Restoration sites shall not be considered successful until they are able to survive without artificial inputs.

Photo-documented Site Evaluation & Restoration Recommendations.

Lot 1



Photo 1: The upper easterly facing fill slopes on Lot 1 above the access road leading to the bridge are considered to be adequately revegetated with Coastal Sage Scrub vegetation.

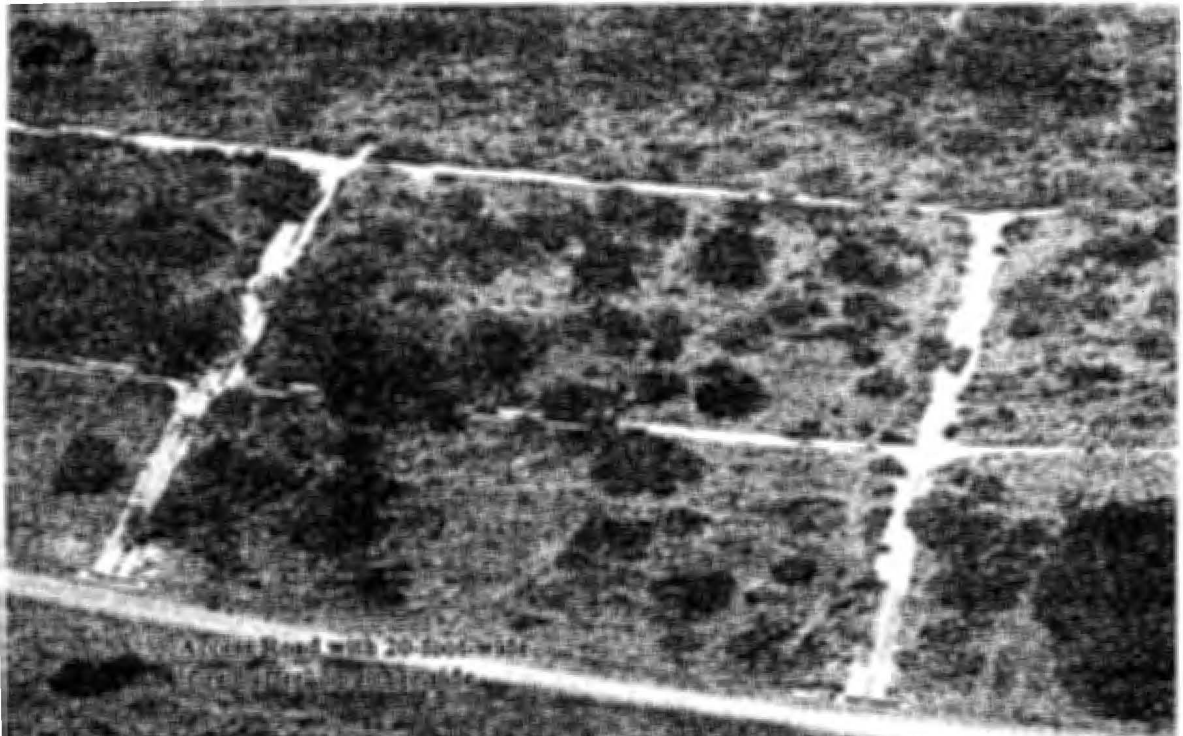


Photo 2: When a 20-foot-wide 'fire clearance/thinning buffer' on either side of the access road is deducted from the restoration requirements, the lower section of the slope is also considered adequately revegetated by woody plants such as Buckwheats, Sages, and Laurel Sumac (as can be identified in this photograph) as well as herbaceous plants.



Photo 3: The easterly facing fill slope on Lot 1 above the bridge that crosses onto Lot 2 is also adequately revegetated except in a few areas where selective broadcast- and contour seeding shall be done as indicated by the red arrows. The access road across Lot 1 and the outlet for the bench drains of Lot 1 are shown in the lower section of the photograph.



Photo 4: The easterly fill slope on Lot 1 northerly of the bridge is generally also adequately revegetated with Coastal Sage Scrub vegetation except as indicated by the red arrows. Required restoration for a portion of Lot 2 is also indicated by red arrows.



Photo 5: While the harsh, southerly facing cut slope above the Lot 1 pad is not adequately vegetated but the easterly facing bench drain slope is, both ~~are~~ excluded from further restoration as they are within the 200-foot-fuel modification zone whose landscaping will be addressed under the landscape and fuel modification plan for the 9,893 sq.ft. SFR.

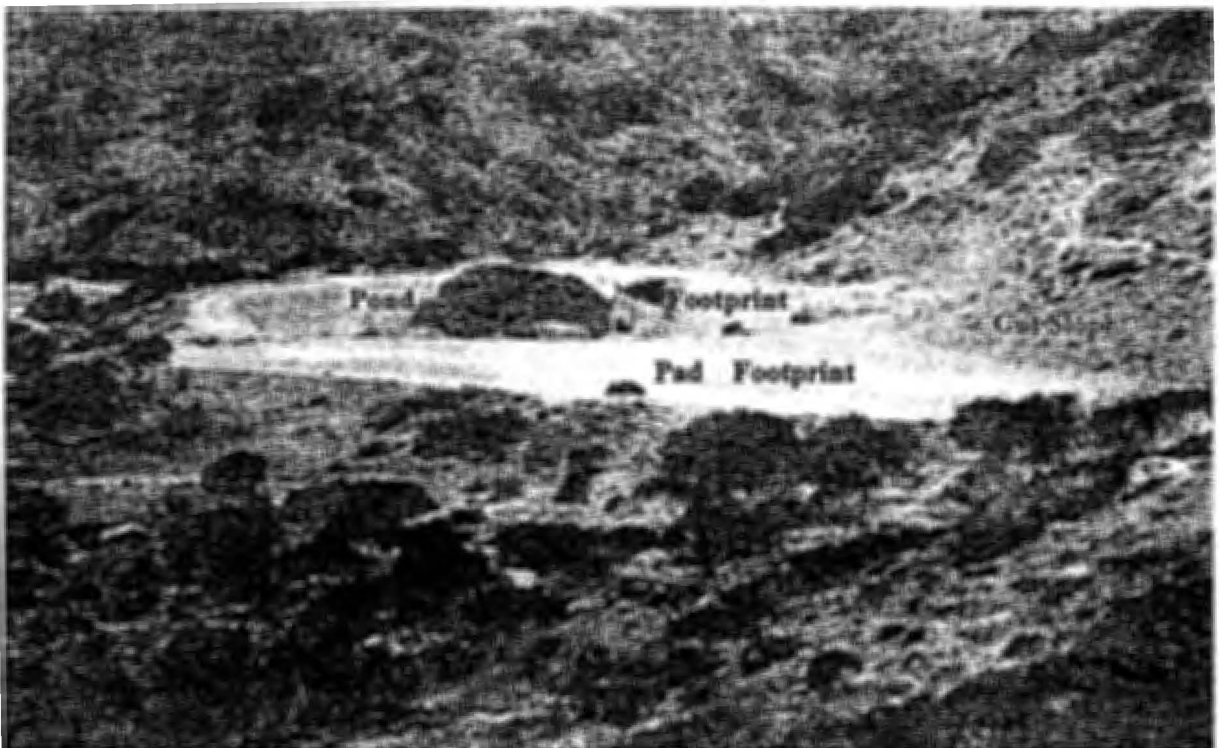


Photo 6: Close-up of the pad for the SFR and guest house and 0.38-acre pond area.

Lot 2

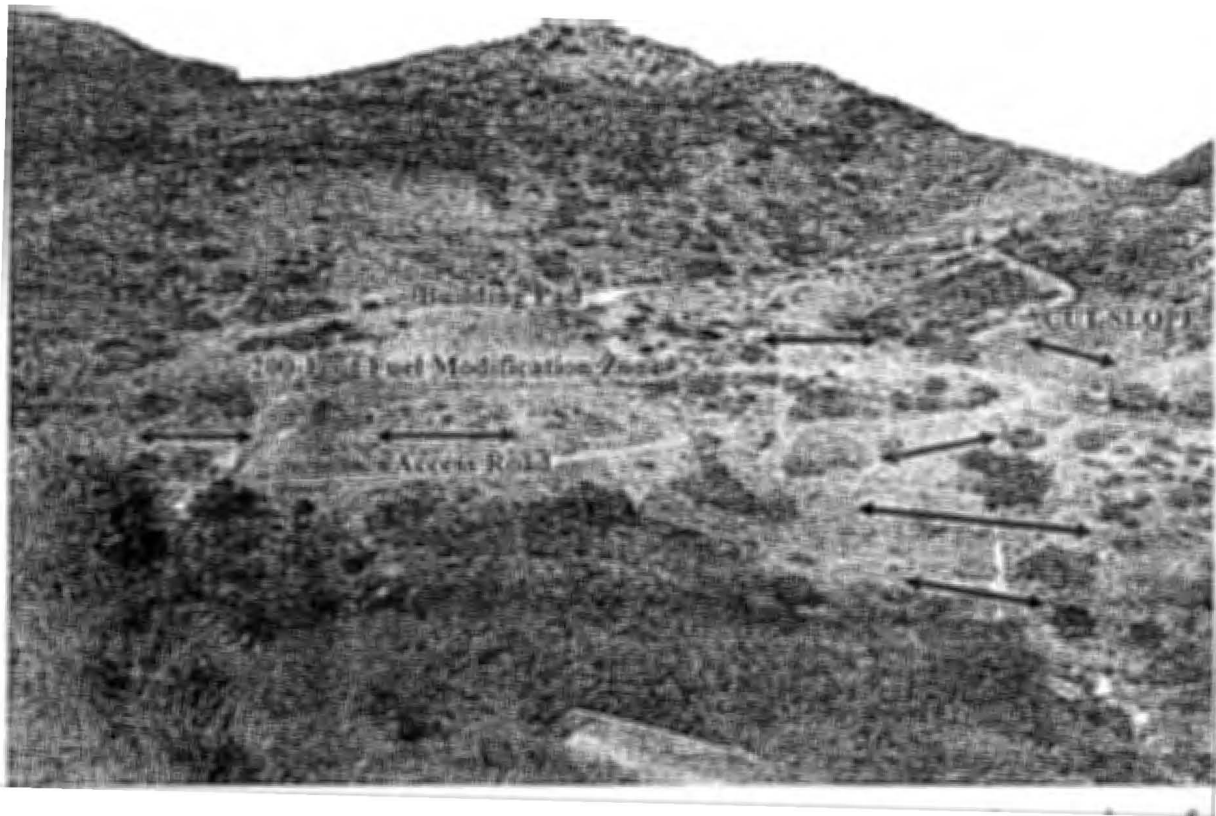


Photo 8 (see below)

Photo 7: This photograph shows Lot 2 with its building pad and the downslope sections of its 200-foot fuel modification zone. Red arrows indicate proposed selective contour seeding.



SFR

Photo 8: This photograph is a panoramic extension in a southerly direction of photograph 7. Red arrows also indicate proposed selective seed row contouring.

EXHIBIT 4.0.1.2



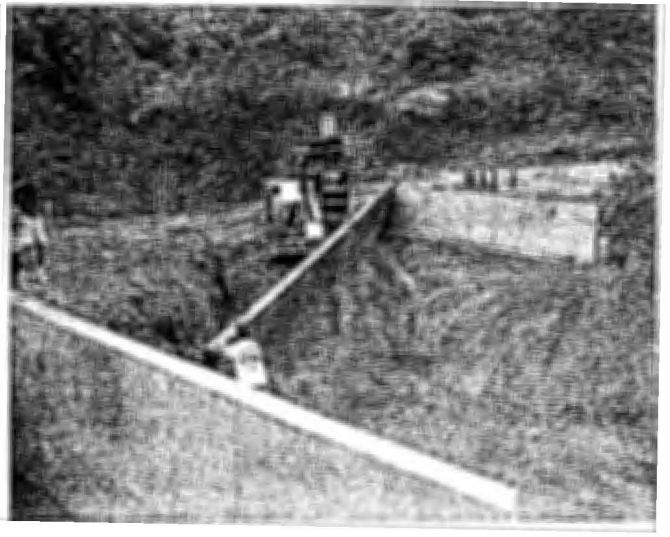
Photo 9: Looking from east to west across Lot 2, its building pad, and the access road to lots 3 and 4. Lot 1 is visible in the background. Red arrows indicate restoration areas.



Photo 10: This northeasterly facing 'bedrock' cut slope on Lot 2 presents a special challenge. It should receive supplemental watering during the first year seedling establishment period.

9/13 Supplemental Restoration Program: Sweetwater Mesa, Malibu

EXHIBIT 4 CONT.



Photos 11, 12: Building the bridge across Sweetwater Mesa Creek posed a small engineering challenge but restoration challenges are still ahead. The creek banks shall be stabilized in compliance with State of California Department of Fish & Game Permit #R5-2-10016. In addition the slopes shall be broadcast-seeded with the specified riparian native plant seed mix and thereafter contour-seeded with alternate rows of pregerminated, recycled barley and a 50/50 dry/wet riparian seed mix. Slope distances between contour rows shall not exceed 3 feet.



Photo 13: Slope stabilization methods must go hand in hand with vegetative restoration in order to stabilize this slope partially undercut when a temporary road was required around the permitted bridge that is being constructed.



Photo 14: This view is looking northerly from the building pad of Lot 3 across the access road to Lot 4. Selective restorative broadcast- and contour- seeding should be carried out on the easterly facing bench drain-dissected cut slope and more intensive restoration contouring along the access road cut into the hillside by the 4-wheel-drive vehicles of the surveying crew.



Photo 15: As is evident from this photograph, this fine-graded northerly facing cut slope and the surveyor's access road to the knoll need to be revegetated. This road is the approximate boundary between Lots 2 and 3 (compare with Photo 10). The undermined outlet dissipater should be repaired.

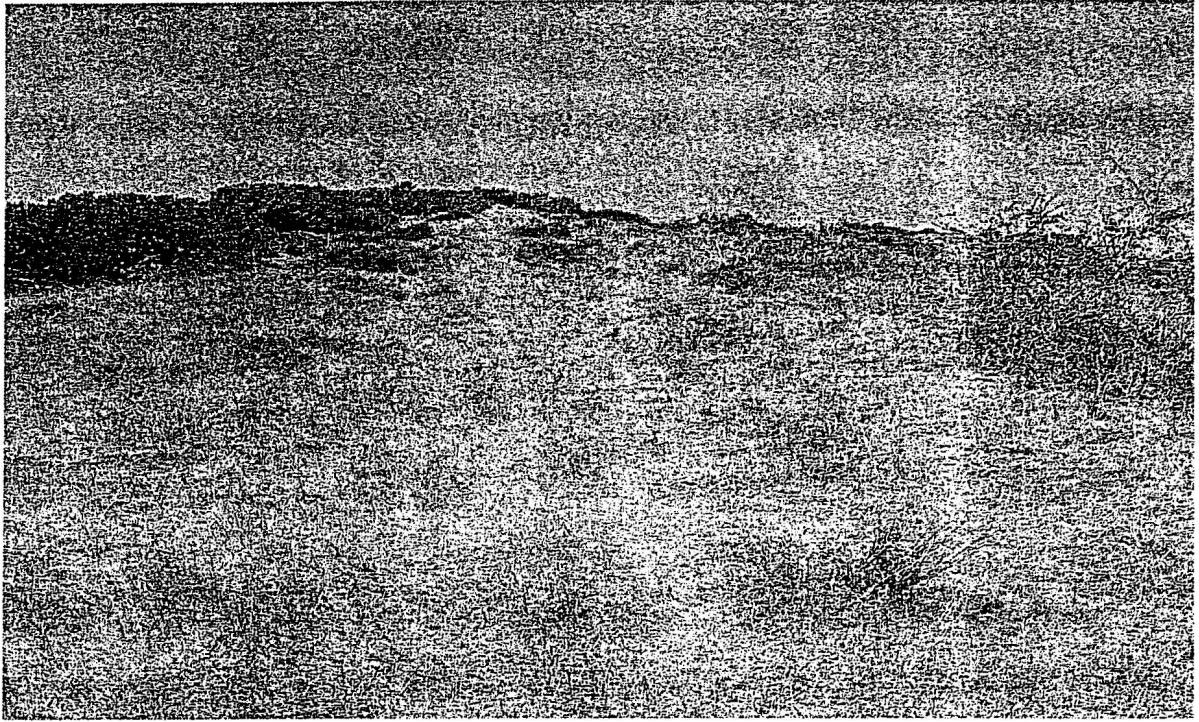


Photo 16: This view is looking westerly across the still ungraded but previously cleared area for the building pad of Lot 4. Coastal Development Permit 5-06-293 permits a 9,721 sq.ft. SFR, three car garage, 750 sq.ft. guest house, water well and tank, swimming pool, 240-foot long by 20-foot wide access driveway, and 4,000 cu. yds. of grading. No restoration is necessary in this area.



Photo 17: However, in the filled drainage area at the east end of Lot 4, intensive restoration efforts are necessary and have been initiated with the stockpiling of soil for the restorative grading consisting of establishing berms along the fill to give the appearance of more natural topography as well as a drainage swale. Rocks in the foreground will be used for rip-rap.

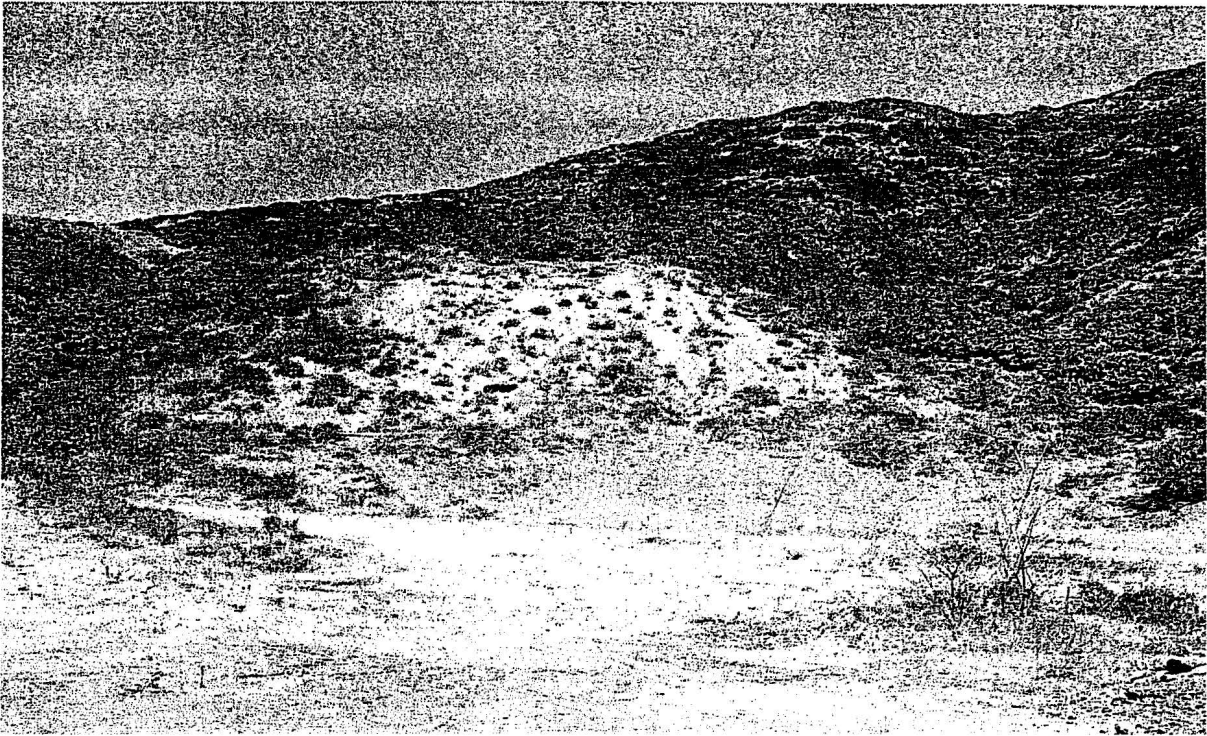


Photo 18: As this photograph indicates, further contour restoration seeding along this southeasterly facing cut slope adjacent to the culvert inlet (that directs the runoff under the filled-in creek channel) is also required.



Photo 19: As indicated by red arrows, only minor selective contour restoration seeding is necessary along the slopes of the service road to the graded-out creek channel. Purple Needlegrass is a component of the woody chaparral vegetation shown here and should be flagged before any restorative contouring is done. However, intensive restoration is required in the filled-in creek channel shown in the foreground.

APPENDIX 1

Los Angeles County Fire Department

Standard Fuel Modification Plan Notes in Effect September 2002

Zone A – Setback Zone

- Minimum of 20 feet beyond the edge of combustible structure, attached accessory structure, or appendages and projections.
- Most vegetation in this zone is limited to ground covers, green lawns, and limited number of selected ornamental species.
- Irrigation by automatic or manual system to maintain healthy vegetation with high moisture content.
- Plants in this zone shall be highly fire resistant and selected from the approved plant list for the setback zone and given geographical area (see Appendix II) unless otherwise approved.
- Target trees, including Eucalyptus, Juniper, Cypress, and Pine, are not allowed within ten feet of combustible structures. Other tree species may be allowed pursuant to the Fire Code regarding clearance of brush and vegetative growth, but are not recommended.
- Except for dwarf varieties or mature trees small in stature, trees are generally not recommended within Zone A for reasons which go beyond fire issues and are therefore not included in the planting guide.
- No vines or combustible plants on combustible structures.

Zone B – Irrigated Zone

- Extends from the outermost edge of Zone A to 100' or property line.
- Irrigation by automatic or manual system to maintain healthy vegetation with high moisture content.
- Any plants selected for planting in this zone will be chosen from the approved plant list for the setback or irrigated zone and given geographical area (see Appendix II) unless otherwise approved.

Zone C - Thinning Zone

- Extends from outer edge of Zone B to 200' or property line.
- Predominantly existing vegetation with removal of the majority of undesirable plant species including chamise, redshank, California sagebrush, common buckwheat, and sage (Appendix 1).
- Reduce fuel loading by reducing the fuel in each remaining shrub or tree without substantial decrease in the canopy cover or removal of soil-holding root systems.
- Some replacement planting with ornamental or less flammable native species to meet minimum slope coverage requirements of city or county public works, landscape or hillside ordinances.
- Natural vegetation is thinned by reduced amounts as the zone moves away from the development.
- Removal of all dead vegetation, all fine fuels reduced to 3 inches in height.
- Any plant selected for planting from this zone will be chosen from the approved plant list for the setback, irrigated, or thinning zone, and given geographical area (see Appendix II).

Maintenance

- Requires annual removal and/or thinning of undesirable combustible vegetation, dead or dying fire resistant plantings, maintenance of the operational integrity and programming of the irrigation system.
- Pruning of foliage to reduce fuel load, vertical continuity, and removal of plant litter and dead wood.
- Regular trimming to prevent ladder fuels. Prune lower branches of trees and tree-form shrubs up to 1/3 of their height (up to a maximum of 6' above the ground).

-
-
-
-
- Debris and trimmings produced by thinning and pruning shall be removed from the site or chipped and eventually dispersed in the same area to a maximum depth of 5 inches.
- Recommended maximum spacing is 20-30 feet between canopies of trees and 15 feet or three times the diameter of individual crowns for large shrubs.
- Groundcovers shall be maintained at a height not to exceed 18 inches.
- All grasses shall be maintained at a height not to exceed 3 inches. Compliance with fire code is a year-round responsibility. Enforcement will occur following inspection by the Fire Department annually or as needed. Annual inspections are generally conducted following natural drying of fine fuels. This occurs between the months of April and June.
- All future plantings shall be in accordance with the County of Los Angeles Fire Department Fuel Modification guidelines.

Fire Access Road

- Clear and remove flammable growth for a minimum 10 feet on each side of access road (F.C.1117.10).
- Fire access roads, driveways and turnarounds shall be maintained in accordance with the Fire Code. Fire access roads shall have unobstructed vertical clearance to the sky (F.C. 902.2.2.1).
- Within the 10 foot clearance zone it is recommended that proposed plantings be appropriately spaced and maintained at a height not to exceed 18 inches.
- Proposed trees should be planted outside the 10-foot clearance zone.

Long Term Maintenance Agreement

The homeowner(s) agree to be responsible for the long-term maintenance of this fuel modification plan, as described herein.

_____	_____
Homeowner(s)	Date
_____	_____
Homeowner(s)	Date

APPENDIX 2

The seed mixes shown on the following two pages were recommended in the Restoration Plan prepared by Environmental Associates on July 22, 1992.

The recommendations should be used as a reference document for dry-site seeding with the amount of Deer Weed (increases soil fertility) increased to at least 5 lbs./acre and Quail Bush and California Poppy eliminated.

TABLE 3. MESIC (NORTH/EAST AND LEVEL) SEED MIX

**SWEETWATER MESA PROJECT
MALIBU, CALIFORNIA**

COMMON NAME	SPECIES NAME	SEEDS/LB	% PLS	SEEDS/ SQFT	SEED RATE lbs (pls)/ac	SEED RATE actual lbs/ac
Graminoids						
California Brome	<i>Bromus carinatus</i>	100,000	76	7	4.01	5.28
Western Rye Grass	<i>Elymus glaucus</i>	110,000	72	5	2.75	3.82
Creeping Wildrye	<i>Elymus triticoides</i>	50,000	72	2	2.42	3.36
Meadow Barley	<i>Hordeum brachyantherum</i>	85,000	72	2	1.42	1.98
Foothill Needlegrass	<i>Stipa lepida</i>	415,000	36	0.5	0.15	0.40
Forbs						
California Encelia	<i>Encelia californica</i>	175,000	24	1	1.04	4.32
Golden Yarrow	<i>Eriophyllum confertifolium</i>	2,750,000	18	5	0.44	2.44
California Poppy	<i>Eschscholzia californica</i>	375,000	74	2	0.43	0.58
Blue Field Gilia	<i>Gilia capitata</i>	1,000,000	74	3	0.18	0.24
Lupine	<i>Lupinus hirsutissimus</i>	20,000	67	0.1	0.33	0.49
Parry's Phacelia	<i>Phacelia parryii</i>	2,400,000	67	3	0.08	0.12
Shrubs						
Chamise	<i>Adenostoma fasciculatum</i>	580,000	10	1	0.75	7.51
California Sagebrush	<i>Artemisia californica</i>	6,500,000	8	2	0.17	2.09
Ceanothus	<i>Ceanothus megacarpus</i>	14,000	64	0.2	0.97	1.52
Mountain Mahogany	<i>Cercocarpus betuloides</i>	30,000	20	0.1	0.73	3.63
California Buckwheat	<i>Eriogonum fasciculatum</i>	450,000	6	0.5	0.81	13.44
Toyon	<i>Heteromeles arbutifolia</i>	68,000	38	1	1.69	4.44
Deer Weed	<i>Lotus scoparius</i>	450,000	54	4	0.72	1.33 5.00
Laurel Sumac	<i>Rhus laurina</i>	100,000	57	4	3.06	5.36
Sugar Bush	<i>Rhus ovata</i>	10,000	48	0.2	1.82	3.78
Gray Sage (Purple)	<i>Salvia leucophylla</i>	425,000	49	3	0.63	1.28
Totals				46.6	24.57	67.42

13

EXHIBIT 4 COM 7.

TABLE 5. XERIC SLOPE (SOUTH/WEST) SEED MIX (and cut slopes) KR.

SWEETWATER MESA PROJECT
MALIBU, CALIFORNIA

COMMON NAME	SPECIES NAME	SEEDS/LB	% PLS	SEEDS/ SQFT	SEED RATE lbs (pls)/ac	SEED RATE actual lbs/ac
Graminoids						
California Brome	<i>Bromus carinatus</i>	100,000	76	4	2.29	3.02
Western Rye Grass	<i>Elymus glaucus</i>	110,000	72	2	1.10	1.53
Creeping Wildrye	<i>Elymus triticoides</i>	50,000	72	1	1.21	1.68
Chaparral Melica	<i>Melica imperfecta</i>	475,000	54	2	0.34	0.63
Foothill Needlegrass	<i>Stipa lepida</i>	415,000	36	2	0.58	1.62
Zorro Fescue	<i>Vulpia megalura</i>	825,000	72	2	0.15	0.20
Forbs						
California Encelia	<i>Encelia californica</i>	175,000	24	2	2.07	8.64
California Poppy	<i>Eschscholzia californica</i>	275,000	74	2	0.43	0.58
Lupine	<i>Lupinus hirsutissimus</i>	20,000	67	0.2	0.65	0.97
Nuttall's Annual Lupine	<i>Lupinus truncatus</i>	20,000	67	0.5	1.63	2.43
Parry's Phacelia	<i>Phacelia parryi</i>	2,400,000	67	3	0.08	0.12
Shrubs						
Chamise	<i>Adenostoma fasciculatum</i>	580,000	10	2	1.50	15.02
California Sagebrush	<i>Artemisia californica</i>	6,500,000	8	2	0.17	2.09
Quailbush	<i>Atriplex lentiformis</i>	500,000	45	3	0.58	1.20
Ceanothus	<i>Ceanothus megacarpus</i>	14,000	64	0.2	0.97	1.52
California Buckwheat	<i>Eriogonum fasciculatum</i>	450,000	6	4	6.45	107.56
Deer Weed	<i>Lotus scoparius</i>	450,000	54	5	0.90	1.665.00
Laurel Sumac	<i>Rhus laurina</i>	100,000	57	5	3.82	6.70
Gray Sage (Purple)	<i>Salvia leucophylla</i>	425,000	49	2	0.42	0.85
Totals				43.9	25.34	158.11

31

EXHIBIT 4 CONT.

CALIFORNIA COASTAL COMMISSION

5-86-293A

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., 2ND FLOOR
VENTURA, CA 93001
(805) 641-0142

AMENDMENT TO COASTAL DEVELOPMENT PERMIT

Date: July 15, 1994

Permit Number: 5-86-293 issued to Topanga Pacific Land Company, et. al

On July 10, 1986, the Commission approved CDP 5-86-293 for the resubdivision of a three-lot 184 acre site into four parcels. The project also included the clearing and grading of four building and pasture sites and the improvement of an access road across the site with total grading not to exceed 40,000 cubic yards. In July, 1986, the Commission staff approved grading plans as part of condition compliance which included one building pad site; a proposed bridge at Sweetwater Creek which had a length of 80 feet and a maximum height of 55 feet; an equestrian trail along the north-south ridge of Parcel 1; and one road transecting along the north-south ridge of Parcel 1; and another eastward and then southeastward through Parcels 2, 3, and 4. (See Exhibit original permit report findings).

at 3300 Sweetwater Mesa Road, City of Malibu, Los Angeles County

has been amended to include the following change:

PROJECT DESCRIPTION: See Attached.

This amendment will become effective upon return of a signed copy of this form to the Commission office. Please note that the original permit conditions unaffected by this amendment are still in effect.

PETER M. DOUGLAS
Executive Director


By: John Ainsworth
Coastal Program Analyst

ACKNOWLEDGMENT

I have read and understand the above amendment and agree to be bound by the conditions as amended of Permit No. 5-86-293.

Date _____

Signature _____

1602C

Exhibit 5

CDP 5-86-293-A4

Permit Amendment 4-02-293-A1-

AMENDMENT TO COASTAL DEVELOPMENT PERMIT

Page 2 of 9
Permit No. 5-86-293A

DESCRIPTION OF AMENDMENT:

All Parcels (1-4)

- Total project area - 181.10 acres
- Total new grading - +16,881 cubic yards
 - +2,500 cubic yards of restorative grading
 - +11,842 cubic yards of additional new grading
- Total developed area - 13 acres
- Total disturbed area to be revegetated/recontoured - 38.30 acres
- Total undisturbed area to be subject to open space deed restriction - 105.80 acres
- Area to be dedicated in fee - 24.00 acres

Project also includes a lot line adjustment of parcels 2-4 for the 24 acre fee dedication across the northern portion of these lots, installation of utilities, paving a 4,600 foot long 20 foot wide private access road, installation of drainage and erosion control facilities, and a restoration and revegetation program for all disturbed areas outside developed area.

Individual Parcel - Amendment Description:

LOT 1 - 37.70 acres

- Two story 9,893 sq. ft. single family residence with attached 1,500 sq. ft. 4 car garage.
- One story 750 sq. ft. guest house.
- 4,000 sq. ft. barn.
- Swimming pool and pool house.
- 7,200 sq. ft. tennis court.
- 16,700 square foot pond.
- Septic system.
- 1700 foot long 20 foot wide access driveway.
- 108,800 sq. ft. fenced pasture area including a fenced riding ring.
- 2071 cubic yards of new grading (1,751 cu. yds. cut, 320 cu. yds. fill) for driveway and building pad improvements.
- 2,000 cubic yards of restorative grading.

LOT 2 - 49.20 acres

- 9,924 sq. ft. single family residence with an attached 779 sq. ft. 3 car garage
- Swimming pool
- 340 ft. long 20 ft. wide access driveway

EXHIBIT 5 cont.

AMENDMENT TO COASTAL DEVELOPMENT PERMIT

Page 3 of 9
Permit No. 5-86-293A

- Water well and tank
- Septic system
- 2,994 cubic yards of additional new grading (2,042 cu. yds. cut, 952 cu. yds. fill) for driveway and building pad improvements.
- 500 cubic yards of restorative grading.

LOT 3 - 36.10 acres

- 9,948 sq. ft. single family residence with an attached 750 sq. ft. 3 car garage.
- One story 750 sq. ft. guest house
- 7,200 sq. ft. tennis court
- 180 foot long 20 ft. wide access driveway
- Water well and tank
- Septic system
- 2,779 cu. yds. of new grading (794 cu. yds. cut, 1,985 cu. yds. fill) for driveway and building pad improvements.
- Swimming pool

LOT 4 - 34.10 acres

- 9,721 sq. ft. single family residence with an attached 768 sq. ft. 3 car garage.
- Swimming pool
- One story 750 sq. ft. guest house
- Water well and tank
- Septic system
- 240 foot long 20 wide access driveway
- 3,998 cubic yards of new grading (3,608 cu. yds. cut, 90 cu. yds. fill) for driveway and building pad improvements.

Special Conditions

1. Adequacy of Water Supply & Road to Meet Local Standards

Prior to the issuance of the Coastal Development Permit, the applicant shall submit evidence, subject to the review and approval of the Executive Director, that on site water supplies, including storage, are adequate to accommodate the proposed development and the needs of the revegetation program consistent with local standards. A water conservation plan which includes the use of low flow fixtures and methods to conserve landscape irrigation water shall be submitted. Evidence shall also be submitted for review and approval indicating the proposed access road, as approved by this permit, also meets local requirements.

EXH 017 5 CONT.

AMENDMENT TO COASTAL DEVELOPMENT PERMIT

Page 4 of 9
Permit No. 5-86-293A

2. Revise Site and Building Plans

Prior to issuance of the Coastal Development Permit, the applicant shall submit revised site and building plans, subject to the review and approval of the Executive Director, which indicate the following:

1. Relocation and deletion of accessory uses and residences as illustrated on Exhibit C, and as described in the findings below. A tennis court may be constructed on the graded pad on parcel 3 if it can be sited on the pad and not exceed the 3,000 cubic yards of additional grading approved on parcel 3 under this permit amendment.
2. Revised building and grading plans for relocated residences on parcels 2 & 3. Building heights shall not exceed 28 feet in height. Additional finish grading on the building sites (lots 2-3) shall not exceed 3,000 cubic yards and shall not extend beyond the existing disturbed areas. Any additional grading over and above this amount shall require an amendment to this permit.

3. Landscaping Plan

Prior to the issuance of the Coastal Development Permit, the applicant shall submit a landscaping plan prepared by a licensed landscaping architect for the review and approval of the Executive Director. The plan should identify the species, extent and location of all plant materials, irrigation system, and all erosion control measures within a 100 foot ornamental zone around the residential structures. The plan shall also include vertical elements which break-up the line of the proposed residence. Invasive plant species which tend to supplant native species, shall not be used.

4. Structure and Roof Color Restriction

Prior to the issuance of the coastal development permit, the applicant shall execute and record deed restrictions on each parcel in a form and content acceptable to the Executive Director, which restricts the color of the subject structures to natural earth tones, compatible with the surrounding environment. White tones will not be acceptable. In addition, the deed restrictions shall indicate that only non-glare glass shall be used in the residential structures. The deed restrictions shall run with the land binding all successors and assigns for the life of the structure approved in this permit, and shall be recorded free of prior liens.

AMENDMENT TO COASTAL DEVELOPMENT PERMIT

Page 5 of 9
Permit No. 5-86-293A

5. Future Development

Prior to the transmittal of a coastal development permit, the applicant shall execute and record a document for each lot, 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. 5-86-293 and 5-86-293A; and that any future additions or improvements to the property, including but not limited to structural additions, grading, and clearing of vegetation, will require a permit from the Coastal Commission or its successor agency. Clearing of vegetation as required by Los Angeles County 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. Revegetation Program

Prior to issuance of the Coastal Development Permit, the applicant shall submit a final revegetation plan, subject to the review and approval of the Coastal Commission that includes but is not limited to the following:

1. Ripping of compacted surfaces to provide suitable substrate.
2. Identification of specific species, sources and methods to be used for re-introduction of native plants.
3. Methods for the identification and suppression of undesirable exotic species.
4. An analysis of the efficacy of using soil amendments to increase the fertility of areas of disturbed soils.
5. A plan to increase soil fertility if recommended by the analysis required by the above portion of the condition.
6. On an annual basis, for a minimum of five years, provide the Commission with a written report prepared by a qualified biologist or related resource specialist, indicating the success or failure of the restoration effort and provide requirements for additional restoration efforts (if any) to assure successful restoration. The program shall include criteria to be used to determine the quality and extent of revegetation efforts, which shall include, but not be limited to survival rate and species composition.
7. An analysis and identification of the criteria to be used to determine the successful completion of the revegetation effort pursuant to the restoration plan, including but not limited to survival rate and species composition. The successful completion of the restoration effort to be verified by the restoration consultant (a qualified biologist or related resource specialist mutually agreeable to the Executive Director and the Applicant) according to the criteria identified in the restoration plan.

EXHIBIT 5 CONT.

AMENDMENT TO COASTAL DEVELOPMENT PERMIT

Page 6 of 9
Permit No. 5-86-293A

8. Prior to construction or upon the sale of each lot in the subdivision, the applicant shall execute and record a deed restriction on each lot which will provide for the posting of a performance bond in an amount 1-1/2 times the estimated cost of implementation of the revegetation program on that lot to ensure its implementation in accordance with the restoration plan.

7. Restorative Grading Program

Prior to issuance of the Coastal Development Permit, the applicant shall submit a revised restoration grading plan, subject to the review and approval of the Coastal Commission which includes the following additions:

1. Revised restorative grading plan which redesigns and increases the height and bulk of the proposed knolls on Parcel 1 and grading details for the remedial grading and restoration of the filled drainages on parcel 4. The restorative grading shall attempt to recreate a more natural topographic expression of the western slope of the north south trending ridge on parcel 1 and the drainages on parcel 4.
2. A visual analysis of the re-contouring and revegetation program on parcel 1 by a qualified professional. The analysis shall emphasize the effects of the program on views from public roads (i.e., Pacific Coast Highway, Malibu Canyon Road) and public recreational areas. Special attention should also be focused on the size and placement of knolls on proposed Parcel 1 and an analysis of their ability to screen development on the large graded pad area and blend with the existing topography of the western slope of the ridge. The analysis should include recommendations for any revisions to the restoration plan or to the design of the structures to enhance the mitigation of impacts on scenic resources.
3. A qualified monitor agreed upon by the applicant and the Executive Director shall be retained at the applicants expense and shall be present on site whenever any grading is undertaken. The monitor shall ensure that approved grading plans are followed, shall have the authority to stop work at any time and shall issue weekly progress reports to the Executive Director.

8. Open Space Easement

Prior to issuance of the Coastal Development Permit, the applicant shall execute and record a document, in 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

EXHIBIT 5 CONT.

AMENDMENT TO COASTAL DEVELOPMENT PERMIT

Page 7 of 9
Permit No. 5-86-293A

easement for open space, view preservation and habitat protection. The area covered by the easement shall be as shown on Exhibit K. Uses within the portion of the site within the easement shall be limited to approved necessary utilities, water wells and tanks, public trails, fences which will not disrupt the natural flow of native wildlife species, and vegetation removal as required by Fire Department.

9. Trail Dedication and Improvement

Prior to issuance of the permit, the following actions shall be taken to ensure that public use of the hiking and equestrian trails (Saddle Peak Trail & Sweetwater Mesa Trail) that previously existed on the site shall be promptly re-established.

- o Applicant shall submit plans for the trail which locate the ~~Sweetwater Mesa trail on the flat portion of the grade pad on parcel 1.~~ The trail route shall be approved by the County Engineer, County Park Department staff responsible for trails in the Santa Monica Mountains and the Malibu/Santa Monica Mountains Trails Council. These plans shall be subject to the review and approval of the Executive Director. As an alternative to the above recommended trail ~~route~~ the applicant may submit plans for an alternative trail location acceptable to the County Parks Department and the Executive Director.
- o Within 30 days of approval of the plans by the Executive Director, construction shall begin on the trail. Delay in the commencement of construction may be granted by the Executive Director for good cause. Construction shall be completed and the trail shall be available for public use prior to commencement of construction on any of the dwellings approved by this permit.
- o Applicant shall submit an irrevocable offer to dedicate a public access trail easement over the trail route approved by the Los Angeles County Parks Department, Malibu Trails Council and Executive Director. The trail easement shall be a minimum of 25' in width.
- o The irrevocable offer shall be of a form and content approved by the Executive Director, free of prior encumbrances except for tax liens, providing the public the right to pass and repass over the noted route limited to hiking and equestrian uses only. The offer shall run with the land in favor of the State of California binding successors and assigns of the applicant or landowner. The offer of dedication shall be irrevocable for a period of 21 years, such period running from the date of recording.

EXHIBIT 5 CONT.

AMENDMENT TO COASTAL DEVELOPMENT PERMIT

Page 8 of 9
Permit No. 5-86-293A

10. Plans Conforming to Geologic Recommendations

All recommendations contained in the Geotechnical Investigations dated 4/9/90, by Geo Systems, Inc., and subsequent report dated 3/23/92, by Mountain Geology, Inc. shall be incorporated into all final design and construction including grading and drainage, all plans must be reviewed and approved by the consultant prior to commencement of development. Prior to the issuance of the 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 construction, grading, and drainage. Any substantial changes in the proposed development approved by the Commission which may be required by the consultants shall require an amendment to the permit or a new coastal permit.

11. Bridging of Stream

Prior to issuance of Coastal Development Permit the applicant shall submit revised plans, for the review and approval of the Executive Director, which indicate the removal of the fill and culvert from and the bridging of the blue line stream at the boundary of lots 1 and 2.

12. 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 180 days of Commission action on this permit application. Failure to comply with this requirement within the time period specified, or within such additional time as may be granted by the Executive Director for good cause, will result in the nullification of this amendment approval.

13. Stream Channel Monitoring

Prior to the issuance of the Coastal Development Permit the applicant shall submit for the review and approval of the Executive Director, an amended restoration plan that includes a two year erosion monitoring program for the stream channel on lot 4. The program shall include that on an annual basis, for a minimum of two years, the applicant shall provide the Executive Director, a written report addressing the overall condition of the recreated stream channel, particularly in regards to erosion, on Lot 4. If additional remedial grading or work on the stream channel is required the applicant shall amend the coastal development permit.

AMENDMENT TO COASTAL DEVELOPMENT PERMIT

Page 9 of 9
Permit No. 5-86-293A

14. Restoration Plan Performance

Prior to the issuance of the permit the applicant shall amend the restoration plan to add a provision which indicates that if at the end of the five year monitoring program, the resource specialist indicates the restoration and revegetation program has been, in part or in whole unsuccessful, based on the approved performance standards, the applicant shall be required to submit a revised or supplemental restoration program to compensate for those portions of the original program which were not successful. The revised or supplemental restoration program shall be processed as an amendment to this coastal development permit.

NOTE: All special conditions attached to the coastal development permit 5-86-293 remain in effect, unless otherwise specified by this amendment.

1602C
JA/kp

EXHIBIT 5 CONT.