

## CALIFORNIA COASTAL COMMISSION

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



## RECORD PACKET COPY

Filed: 6/8/04  
180th day 12/5/04  
Staff: J. Johnson  
Staff Report: 9/22/04  
Hearing Date: 10/15/04  
Comm. Action

**STAFF REPORT: PERMIT AMENDMENT****APPLICATION NO.:** 5-89-963-A-1**APPLICANT:** MRG Realty**AGENT:** Lynn Heacox**PROJECT LOCATION:** 1807 Latigo Canyon Road, Malibu, Los Angeles County

**DESCRIPTION OF PROJECT PREVIOUSLY APPROVED:** Construct a 7,950 sq. ft. two-story, single family dwelling with a 738 sq. ft. pool house/guest house, swimming pool and septic system. Total grading of 3,550 cubic yards (2,891 cubic yards cut and 659 cubic yards fill) is proposed.

**DESCRIPTION OF AMENDMENT:** Remove an unpermitted vineyard approximately one acre in size, remove unpermitted perimeter fencing, and restore and revegetate disturbed area with native vegetation. In addition, the project includes a request for after-the-fact approval for an unpermitted 785 sq. ft. two car garage above an approved 1,280 sq. ft. four car garage, an unpermitted driveway extension/reconfiguration of as-built driveway and turnaround area, two as-built retaining walls, an as-built trellis patio cover on top of garage, and 482 cubic yards of as-built grading in addition to the 3,550 cubic yards of grading that was previously approved for a total of 4,032 cubic yards of grading on site.

Lot Area: 6.16 acres  
Building Coverage: 4,572 sq. ft.  
Pavement Coverage: 12,827 sq. ft.

**SUMMARY OF STAFF RECOMMENDATION:**

Staff recommends that the Commission determine that the proposed project with special conditions addressing a native vegetation restoration/revegetation plan, revised landscape and fuel modification plan, and condition compliance, is consistent with the requirements of the California Coastal Act. A previous owner had constructed the residence approved by Coastal Permit No. 5-89-963 with additional and modified development. A second unpermitted garage was constructed along a slope on top of the approved four-car garage with an unpermitted trellis patio cover on top of second garage. The approved driveway, turnaround area and retaining walls were extended with additional unpermitted grading to access the residence. The applicant has

asserted that the as-built changes to the driveway/turnaround were required to comply with Los Angeles County Fire Department access requirements.

In addition, about an acre of native coastal sage scrub and chaparral vegetation on the hillside, in a designated wildlife corridor, was removed and a vineyard planted surrounded by perimeter fencing without a coastal permit. The new owner proposes to obtain a coastal permit for the restoration of the vineyard to native coastal sage scrub and chaparral plant species. Special Conditions addressing Native Vegetation Restoration / Revegetation Plan, and Condition Compliance have been required to ensure that the applicant's proposal to remove the vineyard and restore/revegetate the disturbed portion of the site is adequately implemented.

**LOCAL APPROVALS RECEIVED:** Los Angeles County Department of Regional Planning dated 10/10/1989.

**SUBSTANTIVE FILE DOCUMENTS:** Coastal Permit No. 5-89-963 (Roit); Coastal Permit No. 4-03-116 (Giacomazzi).

**STAFF RECOMMENDATION:**

**MOTION:** I move that the Commission approve the proposed amendment to Coastal Development Permit No. 5-89-963-A1 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.

**I. Resolution for Approval with Conditions**

The Commission hereby approves a coastal development permit amendment for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit amendment 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. Approval with Conditions**

Staff Note: All standard and special conditions attached to the original permit as amended shall remain in effect and are attached in **Exhibit A** and incorporated herein.

## **III. Special Conditions**

### **5. NATIVE VEGETATION RESTORATION / REVEGETATION PLAN**

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and approval of the Executive Director, two (2) sets of final restoration / revegetation plans. The plan shall be prepared by a prepared by a qualified landscape architect or environmental resource specialist to restore the area on the subject parcel where vegetation removal occurred and shall include a temporary irrigation plan. The restoration and revegetation plan shall include, but not be limited to, the following criteria:

- (a) The plan shall include temporary erosion control measures such as geofabrics, silt fencing, sandbag barriers, or other measures to control erosion until revegetation of the restored slope is completed.
- (b) A revegetation program, prepared by a qualified landscape architect or environmental resource specialist with credentials acceptable to the Executive Director, that utilizes only native plant species that have been obtained from local Santa Monica Mountains genetic stock, and are consistent with the surrounding native plant community. Native seeds shall be collected from areas as close to the restoration site as possible. The plan shall specify the preferable time of year to carry out the restoration and describe the supplemental watering requirements that will be necessary, including a detailed irrigation plan. The plan shall also specify performance standards to judge the success of the restoration effort. The revegetation plan shall identify the species, location, and extent of all plant materials and shall use a mixture of seeds and container plants to increase the potential for successful revegetation. The plan shall include a description of technical and performance standards to ensure the successful revegetation of the restored slope. A temporary irrigation system may be used until the plants are established, as determined by the qualified landscape architect or environmental resource specialist, but in no case shall the irrigation system be in place longer than two (2) years.
- (c) The restoration plan shall be implemented within ninety (90) days of the issuance of this permit. Revegetation shall provide ninety percent (90%) coverage within five (5) years and shall be repeated, if necessary, to provide such coverage. The Executive Director may extend this time period for good cause. Plantings shall be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the revegetation requirements.
- (d) A monitoring program, prepared by a qualified landscape architect or environmental resource specialist. The monitoring program shall demonstrate how the approved revegetation and restoration performance standards prepared

pursuant to section (b) above shall be implemented and evaluated for compliance with this Special Condition. The program shall require the applicant to 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 an environmental resource specialist, indicating the success or failure of the restoration project. The annual reports shall include further recommendations and requirements for additional restoration activities in order for the project to meet the criteria and performance standards listed 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. 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 plantings. If these inputs are required beyond the first four (4) years, then the monitoring program shall be extended for a sufficient length of time so that the success and sustainability of the project is ensured. Successful site restoration shall be determined if the revegetation of native plant species on-site is adequate to provide ninety percent (90%) coverage by the end of the five (5) year monitoring period are surviving, and all vegetation is able to survive without additional outside inputs, such as supplemental irrigation.

- (e) At the end of the five year period, a final detailed report shall be submitted, for the review and approval of the Executive Director, that indicates whether the on-site landscaping is in conformance with the revegetation / restoration plan approved pursuant to this Special Condition. The final report shall include photographic documentation of plant species and plant coverage. If this report indicates that the restoration project has in part, or in whole, been unsuccessful, based on the approved performance standards, the applicants shall be required to submit a revised or supplemental restoration program to compensate for those portions of the original plan that were not successful. The revised, or supplemental, restoration program shall be processed by the applicant/landowner as an amendment to this Coastal Development Permit.

## **6. CONDITION COMPLIANCE**

Within 90 days of Commission action on this coastal development permit application, or within such additional time as the Executive Director may grant for good cause, the applicant shall satisfy all requirements specified in the conditions hereto that the applicant is required to satisfy prior to issuance of this permit. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

## **IV. Findings and Declarations**

### **A. Project Description and Background**

This application for removal and restoration of the unpermitted vineyard was submitted in response to direction by Commission enforcement staff after discovery of the

unpermitted development. The project site is located within the inland area of the Santa Monica Mountains about four miles inland at 1807 Latigo Canyon Road (Exhibit 1). The 6.16-acre parcel includes a completed two-story residence, four-car garage, pool/spa, driveway and turnaround area with retaining walls, and a septic system. The pool house/guest house approved in Coastal Permit No. 5-89-963 was not constructed (Exhibit 2, Original Permitted Plan). In addition, the parcel includes existing unpermitted development consisting of the removal of about one acre of native vegetation for a vineyard (the vineyard is now removed), a 785 sq. ft. two car garage located along a slope on top of the approved 1,280 sq. ft. subterranean garage, a trellis patio cover on top of two car garage, an approximate 60 foot long extension of approved driveway, turnaround area, and a 150 foot long 3-6 foot high extension of a retaining wall along Latigo Canyon Road and an approximate 60 foot long extension of a one foot high retaining wall, and an increase of 482 cubic yards of grading from the 3,550 cubic yards of previously approved grading to a new total of 4,032 cubic yards of grading (Exhibits 3, As Built Graded Plan - 4, As Built Garage Plan). The additional grading was necessary in order to construct the as-built changes to the driveway which the applicant has asserted were required to ensure consistency with Los Angeles County Fire Department access requirements. The applicant proposes to restore the recently removed vineyard site to the former chaparral vegetation and has proposed a draft restoration plan (Exhibits 5 and 6).

Regarding scenic and visual issues, the unpermitted two car garage is located along the slope leading to the two story residence and on top of the approved four car garage. The unpermitted patio trellis is located on top of the two car garage at an elevation that is below the grade of the residence. Since this two story garage and trellis are located below the grade of the two story 28 foot high residence the public visibility of this garage and trellis is limited from Latigo Canyon Road and will not result in an adverse impact on visual resources or result in significant landform alteration on site.

The adjoining properties located to the south and east include residential development; the property located to the west and north is relatively undisturbed chaparral.

## **B. Environmentally Sensitive Resource Areas**

Section 30250(a) of the Coastal Act provides that new development be located within or near existing developed areas able to accommodate it, or in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources:

**New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.**

Section 30105.5 of the Coastal Act defines the term "cumulatively," as it is used in Section 30250(a), to mean that:

**the incremental effects of an individual project shall be reviewed in conjunction with the effects of past projects, the effects of other current projects, and the effects of probable future projects.**

Section 30231 of the Coastal Act is designed to protect and enhance, or restore where feasible the biologic productivity and quality of coastal waters, including streams. Section 30231 of the Coastal Act states that:

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

In addition, Section 30240 of the Coastal Act states that environmentally sensitive habitat areas must be protected against disruption of habitat values:

**(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.**

Section 30231 of the Coastal Act require that the biological productivity and the quality of coastal waters and streams be maintained and, where feasible, restored through among other means, minimizing adverse effects of waste water discharge and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flows, maintaining natural buffer areas that protect riparian habitats, and minimizing alteration of natural streams. In addition, Sections 30107.5 and 30240 of the Coastal Act state that environmentally sensitive habitat areas must be protected against disruption of habitat values. Therefore, when considering any area, such as the Santa Monica Mountains, with regard to an ESHA determination one must focus on three main questions:

- 1) Is a habitat or species rare or especially valuable?
- 2) Does the habitat or species have a special nature or role in the ecosystem?

- 3) Is the habitat or species easily disturbed or degraded by human activities and developments?

The Coastal Commission has found that the Mediterranean Ecosystem in the Santa Monica Mountains is itself rare, and valuable because of its relatively pristine character, physical complexity, and resultant biological diversity. Therefore, habitat areas that provide important roles in that ecosystem are especially valuable and meet the second criterion for the ESHA designation. In the Santa Monica Mountains, coastal sage scrub and chaparral have many important roles in the ecosystem, including the provision of critical linkages between riparian corridors, the provision of essential habitat for species that require several habitat types during the course of their life histories, the provision of essential habitat for local endemics, the support of rare species, and the reduction of erosion, thereby protecting the water quality of coastal streams. For these and other reasons discussed in the Staff Report for Coastal Permit No. 5-89-963 (Roit), which is incorporated herein by reference, the Commission finds that large contiguous, relatively pristine stands of coastal sage scrub and chaparral in the Santa Monica Mountains meet the definition of ESHA. This is consistent with the Commission's past findings on the Malibu LCP<sup>1</sup>.

For any specific property within the Santa Monica Mountains, it is necessary to meet three tests in order to assign the ESHA designation. First, is the habitat properly identified, for example as coastal sage scrub or chaparral? Second, is the habitat undeveloped and otherwise relatively pristine? Third, is the habitat part of a large, contiguous block of relatively pristine native vegetation?

The project site drains into Ramirez Canyon Creek which flows between Latigo Canyon Road and Kanan Durne Road. Within this Creek corridor is riparian habitat which requires protection from siltation from site drainage and erosion in the watershed.

The applicant planted a grape vineyard on the slope without the necessary coastal development permits. The slope leads from an existing access driveway to the drainage at the base of the slope; the drainage lead to Ramirez Canyon Creek. The applicant proposes to restore a hillside area west of the residence by restoring and revegetating it with native coastal sage and chaparral plant species that once existed on site. This coastal sage scrub creates a habitat that is rare within California and is considered especially valuable within the Santa Monica Mountains. The upper portion of this slope is located within the 200 foot Fuel Modification Area surrounding the garages and residence. This replanted area within the fuel modification area may be thinned consistent with this Fuel Modification Plan.

A review of the Commission's historic aerial photographs from 1997 and 2002 indicates that the site once included coastal sage scrub and chaparral plant species. These photographs also indicate that this vegetation is part of a large contiguous block of relatively pristine native vegetation in the area located to the west and north. Therefore, the native vegetation that once existed on the site is considered ESHA.

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<sup>1</sup> Revised Findings for the City of Malibu Local Coastal Program (as adopted on September 13, 2002) adopted on February 6, 2003.



To ensure that the applicant completes the proposed site restoration on the hillside area by restoring and revegetating it with native plants, **Special Condition No. Five**, Native Vegetation Restoration / Revegetation Plan, has been required. Although the applicant has submitted preliminary restoration plans (Exhibits 5 - 6), the submitted plans do not identify the staging and replacement plant stockpiling areas, the details of the erosion control measures to be implemented on site prior to and concurrent with the restoration measures and be maintained throughout the process to minimize erosion and sediment runoff waters during construction. In order to ensure that the approximately one acre area where unpermitted vegetation clearance occurred is adequately revegetated, the restoration/revegetation plan must be revised, as required by **Special Condition No. Five**, to include a description of the supplemental watering requirements including a detailed irrigation plan with a time limit, a description of technical and performance standards to ensure successful revegetation of the restored slopes and ensure that the restored area will be planted within ninety days of the issuance of this permit, provide ninety percent coverage within five years and shall be repeated if necessary to provide such coverage. A monitoring program is required on an annual basis for five years, including the final fifth year report indicating the success or failure of the restoration project including additional revegetation if plan implementation is not successful.

Therefore for the reasons set forth above, the Commission finds that the proposed project, as conditioned, is consistent with Coastal Act Sections 30231 and 30240.

### **C. Violation**

Development has occurred on the subject site without the required coastal development permit, including an unpermitted vineyard and fencing, an unpermitted 785 sq. ft. two car garage above an approved 1,280 sq. ft. four car garage, an unpermitted extension/reconfiguration of approved driveway/turnaround area two unpermitted retaining walls, an unpermitted trellis patio cover on top of garage, and 482 cubic yards of additional as-built grading in addition to 3,550 cubic yards of grading that was approved pursuant to the underlying permit for a total of 4,032 cubic yards of grading on site.

This application provides for the complete removal of the unpermitted vineyard with fencing and restoration/revegetation of the disturbed area to the former native coastal sage scrub and chaparral vegetation. **Special Condition No. Five** (Native Vegetation Restoration / Revegetation Plan) has been required to ensure that the applicant's proposal to remove the unpermitted vineyard and restore/revegetate the disturbed portion of the site are properly implemented. It appears that the applicant planted the vineyard in the past couple years. To address the unpermitted structural development on the site, the applicant is requesting after-the-fact approval for the remainder of the above referenced as-built development.

In order to ensure that the unpermitted development component of this application is resolved in a timely manner, the Commission finds it necessary to require the applicant to fulfill all of the Special Conditions as a prerequisite to the issuance of this permit, as



required by **Special Condition No. Six** within 120 days of Commission action. Only as conditioned, is the proposed development consistent with the Coastal Act.

Although construction has taken place prior to submission of this permit application, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Approval of this permit does not constitute a waiver of any legal action with regard to any alleged violations nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal permit.

#### **D. Local Coastal Program**

Section 30604 of the Coastal Act states that:

**a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a local program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).**

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the proposed project will be in conformity with the provisions of Chapter 3 if certain conditions are incorporated into the project and accepted by the applicant. As conditioned, the proposed development will not create adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the County of Los Angeles's ability to prepare a Local Coastal Program for this area of the Santa Monica Mountains that is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

#### **E. California Environmental Quality Act**

The Coastal Commission's permit process has been designated as the functional equivalent of CEQA. Section 13096(a) of the California Coastal Commission's Code of Regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the project, as conditioned by any conditions of approval, to be consistent with any applicable requirements of 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 that would substantially lessen any significant adverse effects that the activity may have on the environment.

As explained in the findings set forth above in this Staff Report, and incorporated fully herein, all feasible mitigation measures have been adopted to avoid or reduce any significant adverse effects the project may have on the environment. In addition, the Commission finds that there are no other feasible alternatives available that would avoid or substantially reduce any significant adverse effects the project may have on the environment, considering the applicants right to use their property. The County has determined that this project is exempt relative to CEQA and that no approval in concept by the County of Los Angeles was required to address a Building and Safety Department Violation action. Therefore, the proposed project, as conditioned, is consistent with the applicable requirements of CEQA.

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EXHIBIT A  
APPLICATION No. 5-89-963-A1

COASTAL DEVELOPMENT PERMIT

Page 1 of 4  
Permit No. 5-89-963

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

SPECIAL CONDITIONS:

1. Grading and Landscaping Plan

Prior to transmittal of the Coastal Development Permit, the applicant shall submit a landscaping plan prepared by a licensed landscape/architect for review and approval by the Executive Director. The plans shall incorporate the following criteria:

- (a) All graded areas on the subject site shall be planted and maintained for erosion control and visual enhancement purposes. To minimize the need for irrigation and to screen or soften the visual impact of development all landscaping shall consist primarily of native, drought-resistant plants as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled, Recommended Native Plant Species for Landscaping Wildland Corridors in the Santa Monica Mountains.

dated November 23, 1988. Invasive, non-indigenous plant species which tend to supplant native species shall not be used.

- (b) Should grading take place during the rainy season (November 1 - March 31), sediment basins (including debris basins, desilting basins, or silt raps) shall be required on the project site prior to or concurrent with the initial grading operations and maintained through the development process to minimize sediment from run-off waters during construction. All sediment should be retained on-site unless removed to an appropriate approved dumping location.
- (c) Cut and fill slopes shall be stabilized with planting at the completion of final grading. Planting should be of native species using accepted planting procedures, consistent with fire safety requirements. Such planting shall be adequate to provide 90 percent coverage within 90 days and shall be repeated, if necessary, to provide such coverage. This requirement shall apply to all disturbed soils.
- (d) Vegetation within 30 feet of the proposed house may be removed to mineral earth, vegetation within a 100' radius of the main structure may be selectively thinned in order to reduce fire hazard. However, such thinning shall only occur in accordance with an approved, long-term fuel modification plan submitted pursuant to this special condition. The fuel modification plan shall include details regarding the types, sizes and location of plant materials to be removed, and how often thinning is to occur.

## **2. Cut Material Dump Site**

Prior to transmittal of the Coastal Development Permit, the applicant shall submit to the Executive Director, the location of the proposed dump site for the cut material consisting of 2,232 cubic yards. Should the dump site be located in the Coastal Zone, a permit shall be required.

## **3. Geologist's Recommendations**

All recommendations contained in the geotechnical engineering report prepared by Brian A. Robinson & Associates, Inc., dated December 4, 1988, shall be incorporated into all final design and construction including foundations, grading and drainage and all plans must be reviewed and approved by the consultant prior to commencement of development. Prior to transmittal 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.

- dated November 23, 1988. Invasive, non-indigenous plant species which tend to supplant native species shall not be used.
- (b) Should grading take place during the rainy season (November 1 - March 31), sediment basins (including debris basins, desilting basins, or silt raps) shall be required on the project site prior to or concurrent with the initial grading operations and maintained through the development process to minimize sediment from run-off waters during construction. All sediment should be retained on-site unless removed to an appropriate approved dumping location.
  - (c) Cut and fill slopes shall be stabilized with planting at the completion of final grading. Planting should be of native species using accepted planting procedures, consistent with fire safety requirements. Such planting shall be adequate to provide 90 percent coverage within 90 days and shall be repeated, if necessary, to provide such coverage. This requirement shall apply to all disturbed soils.
  - (d) Vegetation within 30 feet of the proposed house may be removed to mineral earth, vegetation within a 100' radius of the main structure may be selectively thinned in order to reduce fire hazard. However, such thinning shall only occur in accordance with an approved, long-term fuel modification plan submitted pursuant to this special condition. The fuel modification plan shall include details regarding the types, sizes and location of plant materials to be removed, and how often thinning is to occur.

## **2. Cut Material Dump Site**

Prior to transmittal of the Coastal Development Permit, the applicant shall submit to the Executive Director, the location of the proposed dump site for the cut material consisting of 2,232 cubic yards. Should the dump site be located in the Coastal Zone, a permit shall be required.

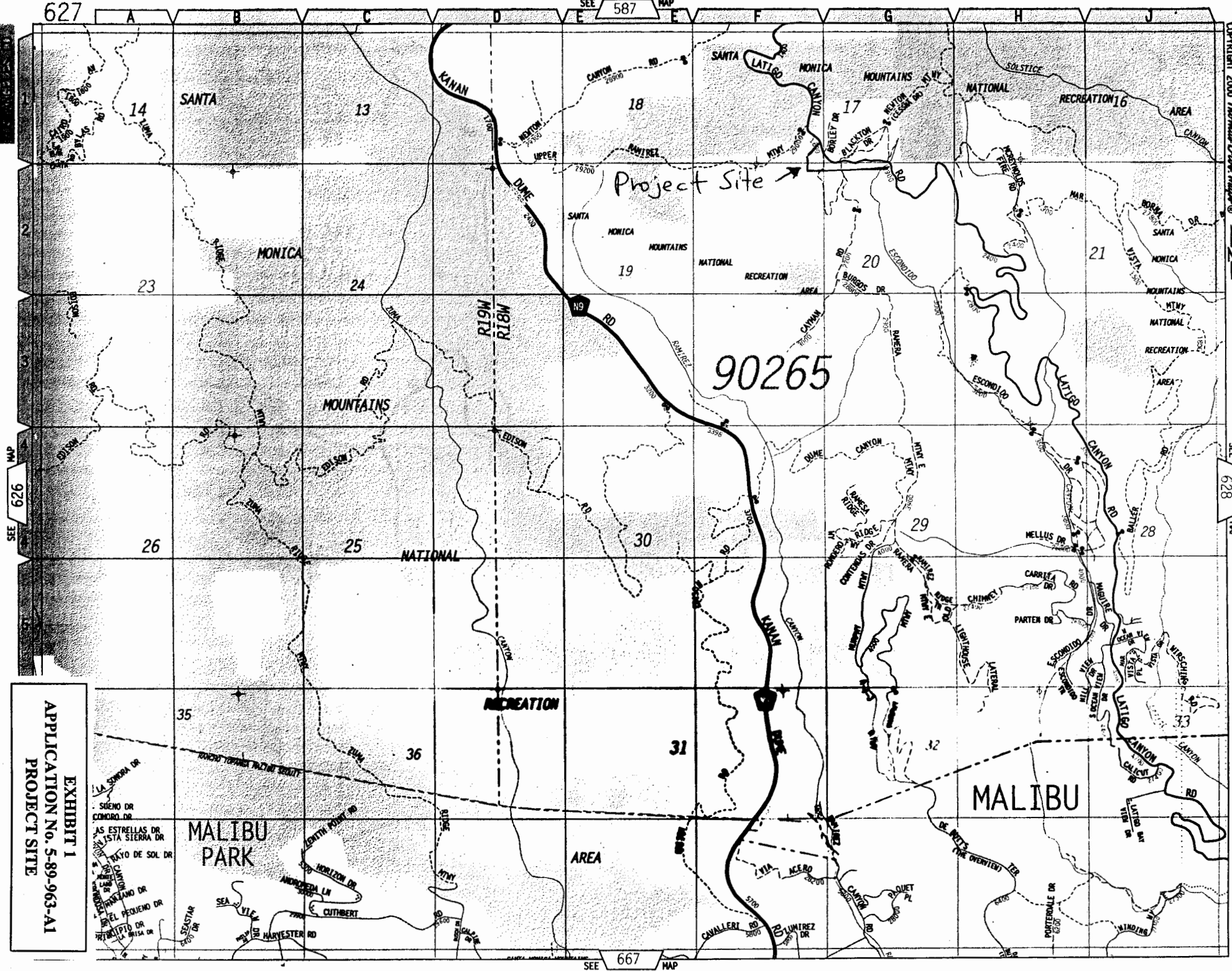
## **3. Geologist's Recommendations**

All recommendations contained in the geotechnical engineering report prepared by Brian A. Robinson & Associates, Inc., dated December 4, 1988, shall be incorporated into all final design and construction including foundations, grading and drainage and all plans must be reviewed and approved by the consultant prior to commencement of development. Prior to transmittal 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.

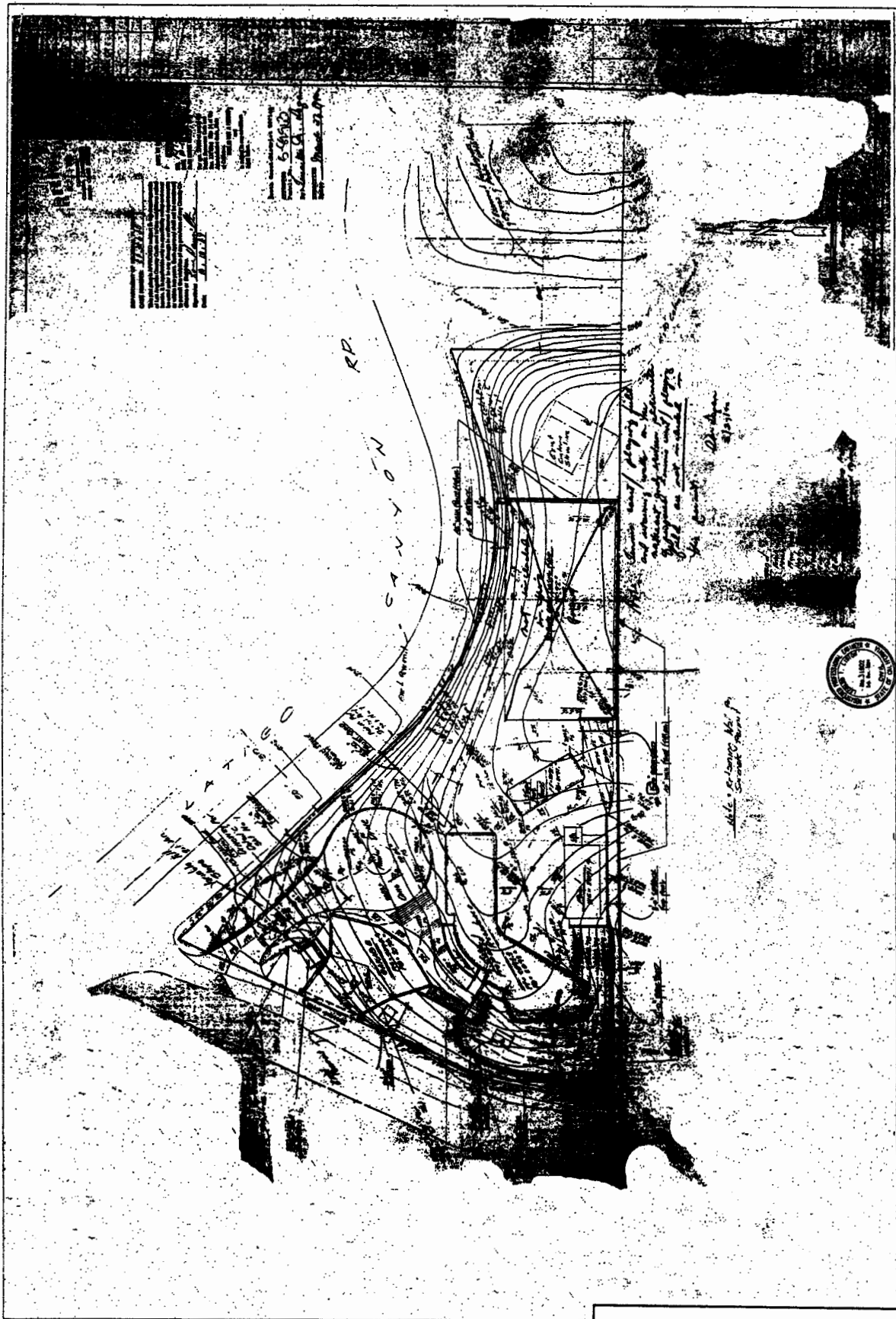
The final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission relative to construction, grading and drainage. Any substantial changes in the proposed development approved by the Commission which may be required by the consultant shall require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

4. Future Improvements

Prior to transmittal of the Coastal Development Permit, the applicant, as landowner, shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall provide that Coastal Development Permit, 5-89-963, is for the proposed development only and that any future additions or improvements to the property, including clearing of vegetation, grading, and structural additions, will require a permit from the Commission or its successor agency. 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.





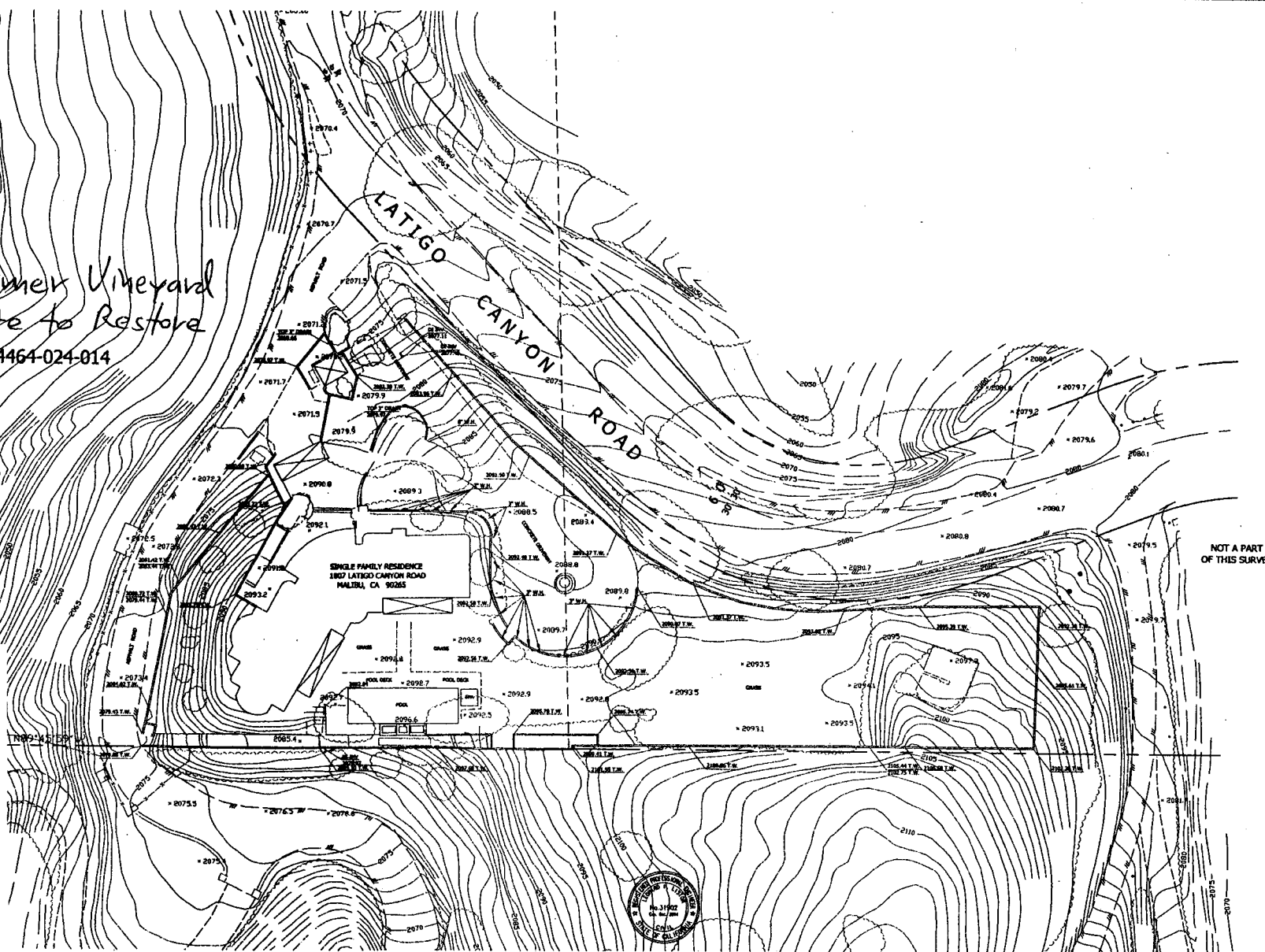


**EXHIBIT 2**  
**APPLICATION No. 5-89-963-A1**  
**ORIGINAL PERMITTED PLAN**

COUNTY OF LOS ANGELES 4986		ORIGINAL PERMITTED PLAN MATTHEW 1807 LATIGO CANYON ROAD MALIBU, CA 90263	
DATE: _____ TIME: _____ BY: _____	DATE: _____ TIME: _____ BY: _____	DATE: _____ TIME: _____ BY: _____	DATE: _____ TIME: _____ BY: _____

~~A.P.N. 4464-024-014~~

**EXHIBIT 3**  
**APPLICATION No. 5-89-963-A1**  
**AS GRADED PLAN**



NOT A PART  
OF THIS SURVEY

SCALE: 1

SCALE: 1"=20'

**GR**

**DESIGN ENGINEER**  
 **L. Liston & Associates, Inc.**

2/6/64

DESIGNED <u>EM</u>	DRAWN <u>HE</u>	CHECKED _____
PREP. ENG. _____ _____		RECOMMENDED _____ APPROVED _____

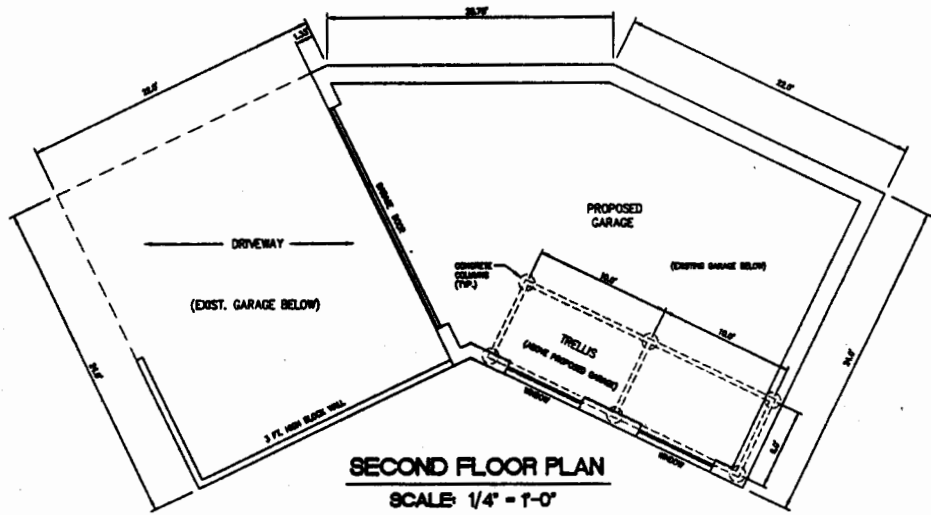
**COUNTY OF LOS ANGELES**

SPIN. NO.
FILE NO.
<b>4966</b>

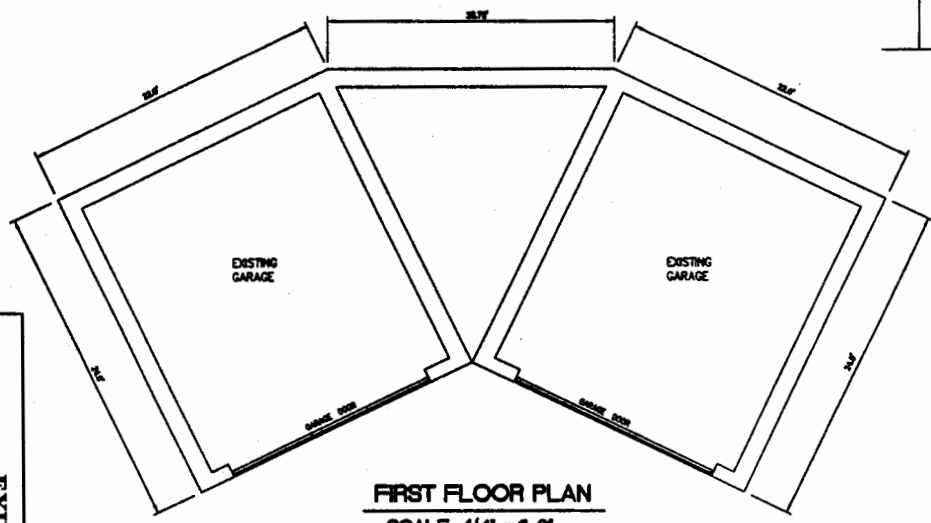
**AS-GRADED (BUILT) PLAN**  
MARTY GUBB  
1807 LATIGO CANYON ROAD  
MALIBU, CA. 90263

3  
 5  
 8

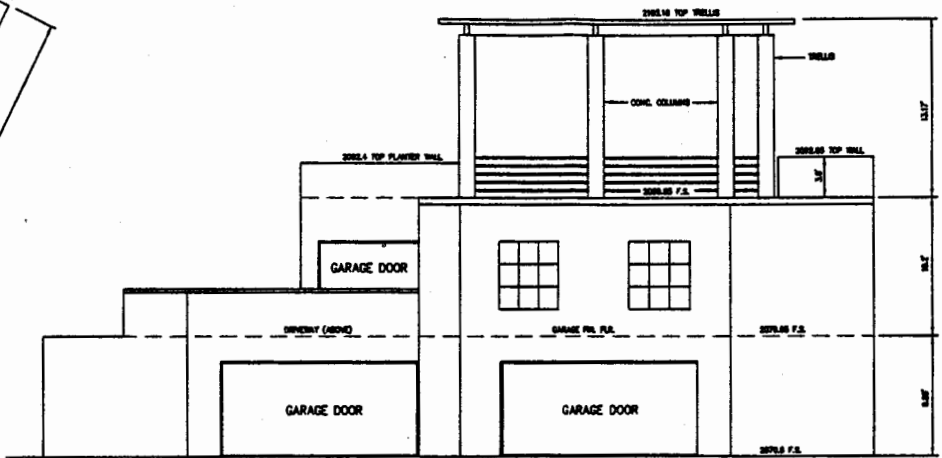
EXHIBIT 4  
APPLICATION No. 5-89-963-A1  
AS BUILT GARAGE PLAN



SECOND FLOOR PLAN  
SCALE: 1/4" = 1'-0"



FIRST FLOOR PLAN  
SCALE: 1/4" = 1'-0"



FRONT ELEVATION  
SCALE: 1/4" = 1'-0"

BUILDING AREAS	
EXISTING GARAGES (FIRST FLOOR)	1200 S.F.
PROPOSED GARAGE (SECOND FLOOR)	705 S.F.
TOTAL AREA	2005 S.F.

As Built

THE LAND & WATER COMPANY (714) 963-1622		THE LAND & WATER COMPANY	
BEDROCK ENGINEERING (714) 375-0877		GARAGE PLAN FOR 1807 LATIGO CANYON ROAD	
DESIGNED BY: [blank]	DATE: 1/10/89	MAUBU	CALIFORNIA
CHECKED BY: [blank]	DATE: 1/10/89	04-475	
PREPARED UNDER THE SUPERVISION OF:			
REV. NO.	DATE	BY	REVISION

<b>Sheet</b> <b>#1</b> <b>scale: 1"=40'</b>	<b>Martin Gubb Residence</b> <b>1807 Latigo Canyon Road</b> <b>Malibu, Ca. 90265</b>	<b>Restoration Plan</b> <b>Violation V-4-03-009</b>	<b>Schmitz and Associates, Inc.</b> <b>29350 PCH #12</b> <b>Malibu, Ca. 90265</b> <b>(310) 589-0773</b>
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# Restoration Plan

The goals of the restoration plan are to restore the property to the condition it was in prior to the undertaking of the development activity that is the subject of this order.

## 1. Restoration, Regeneration and Monitoring Plan. This plan has been prepared by Steve Mulvihill, Landscape Architect #4774 with a resume of credentials attached.

- a) Goals and Performance Standards. Sheet #1 illustrates the removal of all detailed elements.

2. Regeneration of the vineyard area is shown on sheet #1. The work shown on the plans and in specified heretofore will accomplish regeneration so that these areas have a similar plant density, total cover and species composition of the vineyard area within five years from the initiation of the regeneration activities. Species of plants to be planted will be based on an evaluation of the species composition of the vineyard area. Density of the species to be planted in the regeneration area will be based on an evaluation of the surrounding area, and be designed to result in a similar plant density and total cover as that in the reference area within five years from the initiation of the regeneration activities.

3. Regeneration of the vineyard area is illustrated on sheet #1 by seeding with the approved erosion control seed mix and container plants. The work shown on the plans and in specified heretofore will accomplish regeneration so that these areas are vegetated with native plants and, within 5 years from the initiation of regeneration activities, the plant density and total cover are similar to nearby vineyard areas which have similar species composition.

4. Remove all non-native vegetation from the areas of regeneration and areas temporarily disturbed by the restoration activities will be accomplished by application of glyphosate herbicide.

5. Artificial inputs such as watering and fertilizers shall be minimized. Fertilizers will not be needed for the seedling areas or the container plants. Irrigation will only be utilized if there are insufficient rains to support the required growth of plant materials. The existing vineyard irrigation system will be utilized for the establishment period as needed. The regeneration areas must meet the performance standards for at least two years without maintenance or artificial inputs other than non-native species removal.

6. Soils shall be stabilized as needed to ensure that soil is not exposed into channels or riparian habitat outside of the regeneration area.

## Performance Standards:

The success of the regeneration efforts can probably best be evaluated by sampling methodology and comparison to the reference area. There will be photos taken once a year to illustrate the success of the regeneration program. These locations of where these photos are to be taken from are shown on sheet #1. From these same locations, photos will be taken of the adjacent native vegetation for comparison purposes.

Reference sites shall be selected by the restoration ecologist and shall be located within 2000 feet of the regeneration site. The reference site shall exhibit the typical native vegetation of the area before any disturbance occurred. The reference site shall be visited after the five year regeneration period.

b) Restoration and Regeneration Methodology describes the methods to be used to remove the detailed development, stabilize the soils and regenerate the impacted area.

1. Sheet #1 delineates the limits of work for the restoration of the vineyard area. The contractor shall stake out and flag this limits before any restoration activities are commenced.

The vineyard area is to be accessed from the existing access road. After plant establishment, Contractor shall remove the fence to be relocated and/or removed, and remove the irrigation system components.

The restoration ecologist shall inspect the site after the removal of irrigation and fencing.

2. The species specified are those identified by the restoration ecologist. The species shall be collected 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 regeneration area. Suppliers shall specify the source of the plants and seeds.

3. Non-native plants will be removed from the area to be regenerated. The restoration ecologist will identify those plants to be removed to the contractor. No herbicide will be used. Water will only be used if insufficient rainfall occurs to continue to irrigate. Water used will be the minimum required to ensure healthy plant material.

4. Sensitive species are to be protected during the restoration process. The restoration ecologist will visit the site to determine if there are any listed or sensitive species which are threatened or endangered or which are designated as candidates for such listing. (c) California species of special concern; (d) Rare, threatened or "sensitive" species; (e) Native, threatened, or of limited distribution by the California Native Plant Society.

## (g) Monitoring and Maintenance methodology:

1. A written report shall be submitted, on an annual basis for five years (by December 31st each year), for the review and approval of the Executive Director, prepared by a qualified restoration ecologist, evaluating compliance with the performance standards. The report shall include any recommendations in order to meet the goals and performance standards as specified in the Restoration Plan. These reports shall also include the photos taken from the locations as shown on sheet #1, indicating the progress in recovery in those areas.

2. During the monitoring period, artificial inputs such as the application of fertilizer and/or irrigation shall be minimized except for the purpose of providing seed-source correction or maintenance to ensure the long-term survival of the project site. Any artificial inputs after the first two years of restoration activities shall extend the length of the monitoring program. The monitoring program shall extend to three years after artificial inputs have ended.

3. After five years of restoration, a final report shall be submitted for review and approval by the Executive Director. The report shall propose a supplemental restoration plan for any portion of the original plan which has been in part, or in whole unsuccessful in meeting the goals and approved performance standards.

(d) Remove for restoration ecologist to conduct with the substantial paperwork.

## EXHIBIT 6 APPLICATION No. 5-89-963-A1 DRAFT RESTORATION PLAN NOTES

Schmitz and Associates, Inc.  
29350 PCH #12  
Malibu, Ca. 90265  
(310) 589-0773

Restoration Plan  
Violation V-4-03-009

Martin Gubb Residence  
1807 Latigo Canyon Road  
Malibu, Ca. 90265

Sheet  
#2