CALIFORNIA COASTAL COMMISSION

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Th 18.3 & 18.5

ADDENDUM

Click here to go to the original staff report.

July 11, 2012

TO: Coastal Commissioners and Interested Parties

FROM: Lisa Haage, Chief of Enforcement

SUBJECT: ADDENDUM TO **ITEM NOS. 18.3 & 18.5** – CONSENT CEASE AND DESIST ORDER CCC-12-CD-05 AND RESTORATION ORDER CCC-12-RO-05 (UNITED WORLD OF THE UNIVERSE FOUNDATION) FOR THE COMMISSION MEETING OF July 12, 2012

Documents Received:

Documents included in this addendum are: two letters in support of the Consent Cease and Desist and Restoration Orders, and the revised Mitigation Plan.

- 1. Letter from Lorenza Fong, Acting Superintendent, National Parks Service, dated July 10, 2012 in support of the proposed Consent Orders.
- 2. Letter from Sarah Abramson Sikich, Coastal Resources Director, Heal the Bay, dated July 11, 2012 in support of the proposed Consent Orders.
- 3. *Conceptual Habitat Restoration Plan for the Mitigation of Development*, which shall supersede and replace Attachment 11 to the Consent Cease and Desist and Restoration Orders.

Changes to staff report / Recommendations and Findings for CCC-12-CD-05 AND CCC-12-RO-05:

Commission staff hereby revises its June 28, 2012 staff report and, thereby, its recommended findings in support of the Consent Cease and Desist Order & Restoration Order. Language to be added is shown in *italic and underlined*, as shown below, and deletions are shown in strikeout:

1. <u>Page 2, paragraph 1, sentence 1</u> should read as follows:

"This matter pertains to development in the Santa Monica Mountains on 120 acres of property, all of which is considered environmentally sensitive habitat area, and which is currently used as a treatment facility."

2. <u>Page 11, paragraph 4, sentence 1</u> should read as follows:

"On the property, the hills rising northeast of the tributary streams are covered with a large swath of grassland and chaparral, which is designated as an environmentally sensitive habitat area in the LUP and has been protected by the Commission in past action. <u>The Commission has found in past actions that large</u> contiguous areas of chaparral in the Santa Monica Mountains constitute <u>Environmentally Sensitive Habitat Areas.</u>

3. <u>Page 19</u>, paragraph 2, sentence 2 should read as follows:

"Given the large contiguous coverage of chaparral and oak woodlands occupying much of the property not subject to this initial ESHA designation, it is probable that, pursuant to Policy 57 of the LUP, a current biotic review process would result in designation of much <u>a portion</u> of the remainder of the property as ESHA."

4. <u>Page 19, paragraph 2, sentence 4 should read as follows:</u>

"Wildlife Migration Corridors and Significant Watershed Areas are both designated as ESHA <u>Sensitive Environmental Resources</u> under the Land Use Plan."

5. <u>Page 25, finding #1, sentence 3</u> should read as follows and be supplemented by a new fourth sentence as follows:

"The property is located within the Coastal Zone, <u>and portions</u> of <u>it have</u> which and has been designated as <u>containing</u> various types of ESHA. <u>It is probable that</u> <u>a current biotic review process would result in designation of a portion of the</u> <u>remainder of the property as ESHA</u>.

Changes to Consent Cease and Desist and Restoration Orders:

Replace Attachment 11 with the updated *Conceptual Habitat Restoration Plan for the Mitigation of Development* included herewith. Respondents are in agreement with this change.



United States Department of the Interior

NATIONAL PARK SERVICE Santa Monica Mountains National Recreation Area 401 West Hillcrest Drive Thousand Oaks, California 91360-4207

In reply refer to: L76/ 121-82, 121-25

July 10, 2012

California Coastal Commission South Central Coast Area 89 S. California St., Suite 200 Ventura, CA 93001

Re: Commission Hearing July 12, 2012 Agenda Item 18.3: Consent Cease and Desist and Order No. CCC-12-CD-05 Agenda Item 18.5: Consent Restoration Order No. CCC-12-RO-05

Dear Commissioners:

The National Park Service has reviewed the Coastal Commission's staff report for the abovereferenced Consent Orders. The Consent Orders address development undertaken in violation of the Coastal Act on property located at 2900 Kanan Dume Road, including Assessor Parcel Numbers (APN) 4465-002-021, 4465-001-036, and 4465-001-028. The 120-acre site is currently being used as an addiction treatment center. The unauthorized construction includes illegal roads, structures adjacent to riparian habitat and within a Significant Oak Woodland, a bridge and hardscaped paths, several residences and ancillary structures, barns, and landscaping. All development is within designated environmentally sensitive habitat area (ESHA). The Consent Restoration Order calls for removal and restoration of several structures, paths, and roads. The areas would then be revegetated according to the previously present habitat: coastal sage scrub, chaparral, native grassland, oak woodland, and riparian woodland.

The National Park Service (NPS) appreciates the opportunity to participate in the public review process for the Consent Orders. We provide comments on the effects of private and public land development in the Santa Monica Mountains at the invitation of state and local units of government with authority to prevent or minimize adverse uses. We assume a neutral position and do not support or oppose land development. We offer the following comments on the Consent Orders. Overall, we find the staff report's recommendation to carry out the proposed Consent Orders would be consistent with NPS's management goals and objectives for Santa Monica Mountains National Recreation Area.

Project Location

The project area lies fully within the boundary of the Santa Monica Mountains National Recreation Area (SMMNRA). The site borders NPS-managed federal parkland to the north of APN 4465-001-028. The western boundary abuts the nearly 7,000-acre federally owned parkland core habitat area of Zuma and Trancas Canyons. The site straddles Ramirez Creek in upper Ramirez Canyon Watershed. The NPS's SMMNRA General Management Plan (2003) envisions the Ramirez Canyon area as a "Low Intensity Area," emphasizing predominantly natural and National Park Service, Tract Nos. 121-25 (por.), 121-82 Coastal Commission Hearing July 12, 2012, Items 18.3, 18.5 CCC-12-CD-05, CCC-12-RO-05

cultural resource protection and a sense of being immersed in a natural and wild landscape, with sights and sounds of nature more prevalent than that of humans.

The NPS's 1984 Land Protection Plan designates the cluster of parcels in the upper watershed for future NPS fee acquisition, the highest level of resource protection. The reason for recommending NPS acquisition in this area has been habitat connectivity and scenic views between the large parkland areas of Zuma and Trancas Canyons and Malibu Creek State Park. Federal land acquisition is subject to funding and a willing seller. NPS was actively acquiring land in this area in the early 2000s when funding was available. Funding currently has not been available.

The Coastal staff report provides an accurate description of the resource sensitivity within which the project lies. The NPS concurs with the staff report's statement that the Mediterranean ecosystem in the Santa Monica Mountains is relatively undegraded, physically complex, and features great biological diversity. Attesting to the site's importance to wildlife movement, the NPS's mountain lion tracking program has documented the movement of at least seven radiocollared lions through the Ramirez Canyon area. The lions move through either as part of their home range or to reach the large parkland areas to the east and west, within which these large carnivores spend more time. The NPS's annual stream surveys on federal parkland south of the site have found the upper reaches of Ramirez Creek free of non-native aquatic invasive species.

The Congressional law establishing the SMMNRA states that "the State of California and its local units of government have authority to prevent or minimize adverse uses of the Santa Monica Mountains and adjacent coastline area and can, to a great extent, protect the health, safety, and general welfare by the use of such authority" (16 U.S.C. 460kk, Section 507(3)). The NPS finds the Coastal Commission's Consent Orders consistent with the park's establishing legislation. The restoration would be consistent with NPS management goals for Ramirez Canyon and the adjacent protected Zuma and Trancas Canyons. The restoration would benefit wildlife movement through the area and restore several native plant communities upon which the wildlife depend. Importantly, the restoration also benefits the landowners who enjoy and financially benefit from the site's beautiful coastal canyon setting that is emotionally restorative for their clients.

Thank you for the opportunity to comment. If you have questions, please call Melanie Beck, Outdoor Recreation Planner, at (805) 370-2346.

Sincerely,

Lorenza Fong Acting Superintendent

- cc: Joe Edmiston, Executive Director, Santa Monica Mountains Conservancy Craig Sap, Acting Superintendent, Angeles District, State Department of Parks and Recreation
 - Clark Stevens, Executive Officer, Resource Conservation District of the Santa Monica Mountains



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July 11, 2012

California Coastal Commission 45 Fremont, Suite 2000 San Francisco, CA 94105-2219 Via fax: (415) 904-5400

Re: Support Cease and Desist Order No. CCC-12-CD-05 and Restoration Order No. CCC-12-RO-05

Dear Coastal Commissioners:

Heal the Bay has reviewed the Cease and Desist Order No. CCC-12-CD-05 and Restoration Order No. CCC-12-RO-05 ("Cease and Desist and Restoration Orders") related to the unpermitted development located on the United World of the Universe Foundation and the Canyon at Peace Park properties in the Santa Monica Mountains. Heal the Bay supports the staff report and proposed Cease and Desist and Restoration Orders, and urges the Coastal Commission to approve these enforcement actions.

As stated in the staff report, the unpermitted development on this site conflicts with policies in the California Coastal Act, as well as the Malibu/Santa Monica Mountains Land Use Plan ("LUP"). We are particularly concerned about the unpermitted culverts and hardscape within the blue-line streams on the property which are tributaries to Ramirez Creek. These streams and associated riparian habitat are designated as environmentally sensitive habitat area ("ESHA") in the LUP.¹ Section 30240 of the Coastal Act requires that both ESHA and ESHA buffers be protected from development and activities that cause degradation, and Section 30231 requires protection of the biological productivity of coastal waters. Streambank and in-stream hardening negatively impacts and changes a stream's natural morphology, hydrologic balance, sediment regime, habitat provision, species composition, and natural chemical and biological processes.² Armored streambanks are one of three major causes of downstream bank erosion and sedimentation, based on Heal the Bay's Stream Team mapping efforts in the Malibu Creek Watershed. As such, we are supportive of the restoration order to remove the culverts and hardened streambank at this site.

Furthermore, we are pleased that the property owners have been cooperating with Coastal Commission staff to address the unpermitted development on the site, and that they are in agreement to the terms

¹ Santa Monica Mountains Land Use Plan, certified on December 11, 1986. Available at: <u>http://planning.lacounty.gov/assets/upl/data/pd_lup_malibu.pdf</u>.

² J. Craig Fischenich, 2003, "The Effects of Riprap on Riverine and Riparian Ecosystems" a report published by the US Army Corps of Engineers, Engineer Research and Development Center.



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of the Cease and Desist and Restoration Orders. We encourage the Commission to approve the proposed orders and move forward with restoration as soon as possible.

Sincerely,

Sarah Abramson Sikich Coastal Resources Director

CONSENT RESTORATION ORDER CCC-12-RO-05

CONCEPTUAL HABITAT RESTORATION PLAN

FOR THE MITIGATION OF DEVELOPMENT ASSOCIATED WITH

PARKING LOT 13.3(C), PUMP HOUSE 13.3(B), A-FRAME 13.3(H), A-FRAME ROAD 13.2(A), WOMEN'S HOUSE NORTHWEST ROAD 13.2(B), FOOTPATH 13.2(C), TWO STRUCTURES 13.3(I), TREE HOUSE 13.3(E) & 13.3(J) AND WOMEN'S HOUSE LANDSCAPING 13.3(F)(7)

INCLUDING RESTORATION OF OAK WOODLAND, COASTAL SAGE SCRUB, AND CHAPARRAL

2900 KANAN DUME ROAD, MALIBU UNINCORPORATED LOS ANGELES COUNTY, CALIFORNIA

JUNE 2012

Prepared for:

The Canyon at Peace Park 2900 South Kanan Dume Road Malibu, California90265 Contact: Kathleen Bigsby Telephone: (310) 457-3209

and

Latham and Watkins LLP 355 South Grand Avenue Los Angeles, California90071-1560 Contact: Rick Zbur and Beth Gordie Telephone: (213) 485-1234 Fax: (213) 891-8763

Prepared by:

Glenn Lukos Associates, Inc. 29 Orchard Lake Forest, California92630 Contact: Tony Bomkamp Telephone: (949) 837-0404 Fax (949) 837-5834

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EXHIBITS

1. Re	gional Map
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- 2. Vicinity Map
- 3. Mitigation Area Map
- 4. Mitigation Area 1
- 5. Mitigation Areas 2 and 3
- 6. Mitigation Area 4
- 7. Mitigation Areas 5 and 6
- 8. Mitigation Area 7

I. PROJECT DESCRIPTION and SUMMARY

This Conceptual Habitat Restoration Plan, herein known as the "Mitigation Plan," outlines the revegetation activities and monitoring activities required by Consent Restoration Order CCC-12-RO-05 ("CRO") associated with restoration of chaparral, coastal sage scrub, and oak woodland as mitigation for impacts to native habitats associated with development installed at The Canyon at Peace Park to be removed and revegetated pursuant to the CRO.

Site-specific restoration of the areas set forth below have been addressed in a series of sitespecific development Restoration Plans that address restoration for each area affected by the development including the following:

- Guest House Road $13.1(A)^1$
- Tree House 13.3(E), Bride and Footpath $13.3(J)^2$
- A-Frame 13.3(H), A-Frame Road 13.2(A), and Women's House Northwest Road 13.2(B)³
- Parking Lot $13.3(C)^4$
- Women's House Landscaping 13.3(F)(7)⁵
- Two Structures 13.3(I), Footpath 13.2(C), and Overlook Road 13.1(B)⁶
- Pump House $13.3(B)^7$

Each of these areas are located at The Canyon at Peace Park property located at 2900 South Kanan Dume Road near Malibu in unincorporated Los Angeles County, California [Exhibits 1 and 2] ("Property"). In addition to removal of each of the areas of development (i.e., structures and roads), the referenced Restoration Plans set forth detailed plans for restoring each area to the native habitat that occurred in each area prior to the development.

In addition to the site-specific restoration requirements for each area, Section 8.10 of the CRO requires submittal of a "Mitigation Plan" to outline proposed mitigation to be undertaken onsite. The Guest House Road and the Overlook Road are not subject to the Mitigation Plan described herein because the Guest House Road and the Overlook Road development have already been

¹ Glenn Lukos Associates, June 2012. Restoration Plan for the Removal of the Guest House Road. Prepared for: The Canyon at Peace Park, 2900 South Kanan Dume Road, Malibu, California 90265.

² Glenn Lukos Associates, June 2012. Restoration Plan for the Removal of the Tree House Prepared for: The Canyon at Peace Park, 2900 South Kanan Dume Road, Malibu, California 90265.

³ Glenn Lukos Associates, June 2012. Restoration Plan for the Removal of the A-Frame, the A-Frame Road, and Women's House Northwest Road. Prepared for: The Canyon at Peace Park, 2900 South Kanan Dume Road, Malibu, California 90265.

⁴ Glenn Lukos Associates, June 2012. Restoration Plan for the Removal of the Parking Area Extension . Prepared for: The Canyon at Peace Park, 2900 South Kanan Dume Road, Malibu, California 90265.

⁵ Glenn Lukos Associates, June 2012. Restoration Plan for the Removal of the Women's House Landscaping. Prepared for: The Canyon at Peace Park, 2900 South Kanan Dume Road, Malibu, California 90265.

⁶ Glenn Lukos Associates, June 2012. Restoration Plan for the Removal of the Two Structures, Footpath, and Overlook Road. Prepared for: The Canyon at Peace Park, 2900 South Kanan Dume Road, Malibu, California 90265.

⁷ Glenn Lukos Associates, June 2012. Restoration Plan for the Removal of a Portion of the Pump House Foundation and Concrete Slab. Prepared for: The Canyon at Peace Park, 2900 South Kanan Dume Road, Malibu, California 90265.

mitigated pursuant to a mitigation program imposed by CDP 5-89-743. As such, the Guest House Road and Overlook Road are not further discussed in this Mitigation Plan.

The area of development subject to this Mitigation Plan totals 1.89 acres. This Mitigation Plan includes six habitat Mitigation Areas totaling 3.16 acre, which collectively are referred to as the "Mitigation Area."

A. Respondents

United World of the Universe Foundation 500 Broadway Santa Monica, CA 90401 Contact: Michael Segal Telephone: (310) 394-8989

The Canyon at Peace Park 2900 South Kanan Dume Road Malibu, California 90265 Contact: Kathleen Bigsby Telephone: (310) 457-3209

II. GENERAL PROVISIONS

A. Qualifications of the Project Biologist

Glenn Lukos Associates, Inc. (GLA) prepared this Mitigation Plan. Mr. Tony Bomkamp, Senior Biologist with GLA, is the point of contact and project manager. Mr. Bomkamp is a field biologist and wetlands ecologist with an extensive background in restoration of wetland, riparian, and upland scrub habitats in Southern California. As a botanist, Mr. Bomkamp has diverse field experience including restoration work extending back over 30 years in all of the major vegetation communities in Southern California. Mr. Bomkamp earned a B.A. in Biology in 1976, and an M.S. in Environmental Studies in 1993, both from California State University, Fullerton.

Mr. Bomkamp will lead a staff of restoration ecologists in the implementation of this Mitigation Plan. The individuals responsible for preparing and implementing this plan have extensive experience designing and installing revegetation and restoration projects in Southern California. This experience provides a strong basis for confidence in the success of the restoration proposed herein. A qualified habitat restoration specialist or other individual knowledgeable in native plant revegetation, hereinafter referred to as the "Project Biologist", will supervise the implementation, maintenance, and five-year monitoring of the Mitigation Plan. The Project Biologist shall be onsite during all phases of the restoration.

B. Qualifications of the Landscape Contractor

A qualified landscape contractor, hereinafter referred to as the "Landscape Contractor", with experience in coastal sage scrub and chaparral habitat projects, shall perform restoration and maintenance activities within the Mitigation Area. The Landscape Contractor shall possess a C-27 contractor's license, and a California license Pest Control Advisor (PCA) for the application of herbicides and pesticides. The Landscape Contractor will be supervised by the Project Biologist.

C. Summary of Impacts to Resources Due to Development

Table 1 below provides a summary of the impacts to native habitats according to habitat type (i.e., oak woodland, sycamore riparian, chaparral, etc.) for each of the areas subject to the mitigation requirement of the CRO. The area covered by each development area were determined based on a combination of aerial photographs and onsite surveys of each of the subject areas. Area totals were generated using GIS.

Development Area	Oak Woodland (square feet/acres)	Oak Woodland Understory (square feet/acres)	Sycamore Riparian (square feet/acres)	Coastal Sage/ Chaparral (square feet/acres)	Chaparral (square feet/acres)	Non- Native Grassland (square feet/acres)	Total Impacts (square feet/acres)
Parking Lot		871/ 0.02	1,742/ 0.04	-	9,148/ 0.21	4,356/ 0.10	16,117/ 0.37
Pump House	871/ 0.02						871/ 0.02
A-Frame and A-Frame Road				11,761/ 0.27			11,761/ 0.27
Women's House Northwest Road				13,939/ 0.32			13,939/ 0.32
Footpath				4,791/.11			4,791/.11
Two Structures				1,742/ 0.04			1,742/ 0.04
Tree House	1,307/ 0.03						1,307/ 0.03
Women's House Landscaping				31,799/ 0.73			31,799/ 0.73
Total Impacts (square feet/acres)	2178/ 0.05	871/ 0.02	1,742/ 0.04	64,033/ 1.47	9,148/ 0.21	4,356/ 0.10	82,328/ 1.89

Table 1: Development Requiring Mitigation

D. Mitigation Area

Based on a review of aerial photographs and site-specific surveys, a total of 3.16 acres comprised of six Mitigation Areas have been identified on the site as depicted on Exhibit 3 and summarized by Table 2 below. Because the vast majority of the Property has been maintained as natural habitat, including coast live oak woodland, coastal sage scrub, and chaparral, opportunities for restoration and enhancement are limited, and only 3.16 acres of potential mitigation could be identified on the Property. The Mitigation Area is located approximately 0.2 mile west of South Kanan Dume Road, approximately 3.0 miles north of Pacific Coast Highway.

Mitigation	Square	Habitat Type
Area	feet/Acres	
1	11,326/0.26	Mixed Coastal Sage Scrub/Chaparral Restoration
2	19,809/0.45	Oak Woodland Creation
3	56,192/1.29	Oak Woodland Enhancement
4	4,792/0.11	Mixed Coastal Sage Scrub/Chaparral Restoration
5	16,781/0.39	Mixed Coastal Sage Scrub/Chaparral Restoration
6	19,602/0.45	Oak Woodland Creation
7	9148/0.21	Oak Woodland Creation
Total	137,650/3.16	

Table 2: Mitigation Areas

E. Existing Condition of Mitigation Area

Mitigation Areas 1, 4, and 5, which are proposed for restoration of mixed coastal sage scrub/chaparral, and Mitigation Areas 2, 6, and 7, which are proposed for creation of oak woodland, support a predominance of non-native annual grasses and forbs including wild oats (*Avena fatua*), soft chess (*Bromus hordeaceus*), ripgut (*Bromus diandrus*). Mitigation Area 3, which is proposed for oak woodland enhancement, consists of existing oak woodlands that lack native understory and that would benefit from introduction of native understory elements. No native habitat would be converted to other types of habitat nor would native habitat be impacted to implement the onsite Mitigation Plan totaling 3.16 acres.

F. Implementation Timeline and Schedule of Activities

Upon approval of the CRO by the Coastal Commission, Respondents shall fully implement each phase of the Mitigation Plan consistent with all of its terms. Respondents shall commence implementation of all work described in the Mitigation Plan within 120 days of the effective date of the CRO, or if Los Angeles County approval is necessary to undertake the Mitigation Plan Respondents shall inform Coastal Commission staff and this deadline shall commence within 120 days of approval by Los Angeles County. Respondents shall complete all elements of the Mitigation Plan, excepting the Monitoring Plan, no later than 120 days from commencing implementation of the Mitigation Plan. The Executive Director may grant an extension of these deadlines upon a showing of good cause, either if the Executive Director determines that Respondents have diligently worked to comply with their obligations under the Mitigation Plan,

but cannot meet deadlines due to unforeseen circumstances beyond their control, or if the Executive Director determines that the Mitigation Plan's schedule should be extended if additional time would benefit the success of the Mitigation Plan from an ecological or biological perspective pursuant to Section 19.0 of the CRO.

Implementation of the Revegetation Plan will begin during the optimal planting period (generally October 15th to March 1), unless implementation of the Revegetation Plans for the site-specific Restoration Plans referenced above occurs outside of the optimal planting period, in which case planting of the Mitigation Area may occur concurrently. Implementation of the Monitoring Plan shall begin immediately following planting installation.

Habitat restoration at the Mitigation Area will include the following components: (1) site preparation including non-native species removal and installation of an irrigation system; and (2) restoration of coastal sage scrub and chaparral vegetation and enhancement of oak woodland vegetation.

The restored mixed coastal sage scrub and chaparral and enhanced oak woodland will exhibit habitat functions consistent with adjacent areas of oak woodland and mixed coastal sage scrub and chaparral, including foraging and cover for birds, insects, and small mammals.

G. Parties Responsible for Conducting the Mitigation Plan

Respondents:	United World of the Universe Foundation
-	500 Broadway
	Santa Monica, CA 90401
	Contact: Michael Segal
	Telephone: (310) 394-8989
	The Canyon at Peace Park
	2900 South Kanan Dume Road
	Malibu, California 90265
	Contact: Kathleen Bigsby
	Telephone: (310) 457-3209

H. Parties the Respondents have Identified for Conducting the Mitigation Plan

Project Biologist:	Glenn Lukos Associates, Inc. 29 Orchard Lake Forest, California92630 Contact: Tony Bomkamp Telephone (949) 837-0404
Project Engineer:	Pacific Coast Civil, Inc. 30141 Agoura Road, Suite 200 Agoura Hills, CA 91301 Contact: Richard Doss

Telephone: (818) 865-4168

Landscape Contractor:

To be determined; work will be supervised by the Project Biologist.

I. Equipment to Be Used

1. Necessity of Mechanized Tools and Assurance of No Impact

Mechanized tool use will be limited to a mechanized augering device, which may include either a handheld power auger or auger attachment mounted on a Bobcat, for excavating planting holes as described in the Revegetation Plan.

The use of mechanized tools will not impact resources protected under the Coastal Act, including but not limited to: geological stability, integrity of landforms, freedom from erosion, and the existing native vegetation.

Staging areas for equipment and materials would be located within existing developed areas depicted on Exhibit 3.

The use of a mechanized auger, including a Bobcat with an auger attachment, within the limits of the environmental fencing, would not impact any sensitive biological resources within or adjacent to the Mitigation Area, as the Mitigation Area is disturbed and does not support native vegetation, with the exception of Mitigation Area 3, which supports some coast live oaks. Within Mitigation Area 3, care will be taken to ensure that planting hole excavation does not disturb the oak tree roots, and that the equipment does not damage overhanging branches. No state or federally listed species occur within the vicinity; therefore, none would be affected.

Additionally, as the use of the mechanized equipment will be limited to developed areas and the disturbed Mitigation Area, and will not disturb the ground surface other than to dig holes for one-gallon container stock, there is no potential for impacts to landforms and geological stability.

2. Limits on the Use of Mechanized Tools and Contingency Plan

Use of mechanized tools will be limited to the hours of 7:00 am to 7:00 pm Monday through Saturday.

Should impacts occur from equipment use, including disruption of areas where revegetation occurs, the areas will be remediated according to the terms of this Restoration Plan. Any potential fuel spills or other hazardous releases that result from the use of mechanized equipment will be stopped immediately and contained within the site. The Respondents will notify the Executive Director of the Coastal Commission within 24 hours (excluding weekend or holiday days or days which the Coastal Commission is closed) of any spills of fuel or other hazardous waste, and remove the contaminated materials according to current regulations for the type of waste.

J. Staging Areas and Storage of Construction Materials

The staging areas for equipment and materials required for the Mitigation Plan will be located on areas devoid of vegetation, such as existing access roads that will not be removed and revegetated.

No materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters, or a storm drain, or be subject to wind or runoff erosion and dispersion. All stockpiles and construction materials will be covered, enclosed on all sides, be located as far as possible from drain inlets, and will not be stored in contact with the soil.

K. Location of Disposal Site

All materials removed from the Property and all waste generated during implementation of the Mitigation Plan will be disposed of in a proper and legal manner at a sanitary landfill or other appropriate site outside of the Coastal Zone.

L. Soil Stabilization Methods

As no development will be removed and no grading performed, soil stabilization will not be necessary.

M. Identification and Delineation of Mitigation Area

Mitigation activities shall occur in all of the areas indicated on the Mitigation Areas Map [Exhibit 3]. Prior to initiation of the Mitigation Plan, the Project Biologist shall flag the limits of the Mitigation Area using temporary measures such as fencing stakes, colored flags, or colored tape. All delineation materials shall be removed when no longer needed and verification of such removal will be provided in the annual reporting that corresponds to the reporting period during which the removal occurred.

N. Nesting Bird Surveys

In order to avoid disturbance of nesting birds, there shall generally be no use of mechanized equipment during the breeding season (generally February 15 through August 31), or any time that bird courtship, breeding, or nesting is observed. If use of mechanized equipment must be conducted during the nesting bird season, a biological monitor will conduct a survey to determine the presence of any nesting behaviors, nest building, egg incubation, or brood rearing activities within a minimum of 150 feet of proposed work limits. If nesting birds are detected within 100 feet of proposed grading areas, nest monitoring will be initiated and use of mechanized equipment within 100 feet of active nests will be postponed until the nest(s) are determined to be inactive by the biological monitor.

III. REVEGETATION PLAN

A. Natural Habitat Types to Be Revegetated

1. Mixed Coastal Sage Scrub/Chaparral

Existing vegetation in the vicinity of Mitigation Areas 1, 4, and 5 consist of a mix of coastal sage scrub and chaparral. The relative abundance of each species within surrounding mixed coastal sage scrub/chaparral was estimated in the field in order to determine the appropriate abundance of each species in Mitigation Areas 1, 4, and 5 [see Tables 3, 6, and 7 below], which will be revegetated with the same species planted at the same relative abundance as in the surrounding mixed coastal sage scrub/chaparral.

2. Coast Live Oak Woodland Enhancement

Existing vegetation within Mitigation Area 3 consists of oak woodland from which the understory has been cleared. The relative abundance of each understory species in adjacent intact oak woodland was estimated in the field in order to determine the appropriate abundance of each species in Mitigation Area 3 [see Table 5 below], which will be revegetated with the same species planted at the same relative abundance as in adjacent oak woodland.

3. Coast Live Oak Woodland Creation

Existing vegetation in the vicinity of Mitigation Areas 2 and 6 consist of a mix of coast live oak woodland and Area 7 consists of a mix of oak woodland and chaparral. Because Mitigation Areas 2 and 6 currently consist of non-native grasslands but are adjacent to coast live oak woodland, habitat creation is appropriate. Area 7 will include planting of oaks within disturbed areas dominated by mustard and non-native grasses with typical oak woodland understory. The relative abundance of each species within surrounding oak woodland areas was estimated in the field in order to determine the appropriate abundance of each species in Mitigation Areas 2, 6 and 7 [see Table 4 and 8 below], which will be revegetated with the same species planted at the same relative abundance as in the surrounding mixed coastal sage scrub/chaparral. The "Sweat Lodge" facility is located in close proximity to the southwest edge of Mitigation Area 6, and as such, vegetation on the southwest edge of Mitigation Area 6 may need to be thinned and/or trees trimmed as requested by the Los Angeles County Fire Department to ensure the continued, safe operation of the Sweat Lodge.

B. Mitigation Goals and Objectives

The goal of the Mitigation Plan is to create, restore, and enhance native habitats that provide the full range of functions and values as the surrounding reference habitats. Because vegetation within the Mitigation Area will be revegetated to conditions present previously at and/or adjacent to the Mitigation Area, it is fully expected that the mixed coastal sage scrub/chaparral and created and enhanced coast live oak woodland will thrive following restoration implementation. The proposed plant palette includes native species that exist adjacent to the Mitigation Area, and are known to favor the proposed physical conditions at the site. The plant communities were

selected using information gathered during site visits and from general knowledge of local plant communities.

C. Plant Palettes

All of the plants included in the plant palettes are able to tolerate hot, dry summer conditions, taking advantage of associated groundwater during the winter and spring rainy season. The plant palettes detailed in Tables 3, 4, 5, 6, 7, 8, and 9 are based on onsite observations of the adjacent areas of native vegetation, and the "percent per acre" provided in the plant palette tables are based on onsite estimates of relative abundance of native species on the adjacent slopes. In some cases, the number of plants to be installed for a given species exceed the proportion observed in adjacent native vegetation to account for potential mortality. Additionally, the percent per acre accounts for percent cover, so for small plants (i.e. bunch grasses), the number of plants does not correspond exactly with the percent per acre.

TABLE 3 MITIGATION AREA 1 -- COASTAL SAGE SCRUB/CHAPARRAL MIXTURE PLANT PALETTE -- 0.26 ACRE

			Plant	Percent	Total
Botanic Name	Common Name	Stock Type	Spacing	per Acre	Number
Artemisia californica	California sagebrush	one-gallon	8' o.c.	2	8
Ceanothus spinosus	greenbark ceanothus	one-gallon	8' o.c.	15	62
Encelia californica	bush sunflower	one-gallon	8' o.c.	2	8
Eriogonum cinereum	coastal buckwheat	one-gallon	8' o.c.	20	82
Eriogonum fasciculatum	California buckwheat	one-gallon	8' o.c.	2	8
Hazardia squarrosa	sawtooth goldenbush	one-gallon	8' o.c.	2	8
Hesperoyucca whipplei	chaparrral yucca	one-gallon	8' o.c.	2	8
Juglans californica	California walnut	one-gallon	15' o.c.	2	8
Malosma laurina	laurel sumac	one-gallon	15' o.c.	10	40
Rhamnus ilicifolia	holly-leaf redberry	one-gallon	15' o.c.	1	8
Rhus ovata	sugarbush	one-gallon	15' o.c.	30	122
Salvia leucophylla	purple sage	one-gallon	8' o.c.	10	40
Salvia mellifera	black sage	one-gallon	8' o.c.	2	8
Total				100	410
Seed Species		Seed		lbs/acre	Total lbs.
Artemisia californica	California sagebrush	seed		3	1.6
Encelia californica	bush sunflower	seed		3	1.6
Eriogonum cinereum	coastal buckwheat	seed		5	2.6
Eriogonum fasciculatum	California buckwheat	seed		3	1.6
Hazardia squarrosa	sawtooth goldenbush	seed		3	1.6
Salvia leucophylla	purple sage	seed		5	2.6
Salvia mellifera	black sage	seed		3	1.6
Stipa pulchra	purple needlegrass	seed		3	1.6
Total Seed				28	14.8

TABLE 4 MITIGATION AREA 2 -- COAST LIVE OAK WOODLAND CREATION PLANT PALETTE --45 ACRE

			Plant	Percent	Total
Botanic Name	Common Name	Stock Type	Spacing	per Acre	Number
CANOPY LAYER					
Quercus agrifolia	coast live oak	one-gallon	16' o.c.	80	18
Platanus racemosa	western sycamore	one-gallon	16' o.c.	5	3
Juglans californica	California walnut	one-gallon	8' o.c.	5	3
Sambucus mexicana	blue elderberry	one-gallon	8' o.c.	5	3
Heteromeles arbutifolia	toyon	one-gallon	8' o.c.	5	3
Total				100	30
UNDERSTORY LAYER					
	fuschia-flowered				
Ribes speciosum	gooseberry	one-gallon	8' o.c.	10	18
Elymus condensatus	giant wild rye	one-gallon	8' o.c.	10	18
Rhamnus ilicifolia	holly-leaf redberry	one-gallon	8' o.c.	10	18
Lonicera subspicata	honeysuckle	one-gallon	8' o.c.	10	18
Salvia spathacea	hummingbird sage	one-gallon	8' o.c.	10	18
Malosma laurina	laurel sumac	one-gallon	15' o.c.	10	18
Rhamnus californica	California coffeberry	one-gallon	15' o.c.	30	18
Melica imperfecta	Coast Range melic	one-gallon	8' o.c.	5	18
Stipa pulchra	purple needlegrass	one-gallon	8' o.c.	5	18
Total				100	162
Seed Species		Seed		lbs/acre	Total lbs.
Artemisia californica	California sagebrush	seed		3	1.4
Encelia californica	bush sunflower	seed		3	1.4
Eriogonum cinereum	coastal buckwheat	seed		5	2.2
Eriogonum fasciculatum	California buckwheat	seed		3	1.4
Hazardia squarrosa	sawtooth goldenbush	seed		3	1.4
Total Seed				17	7.8

TABLE 5 MITIGATION AREA 3 -- COAST LIVE OAK WOODLAND ENHANCEMENT PLANT PALETTE -- 1.29 ACRE

			Plant	Percent	Total
Botanic Name	Common Name	Stock Type	Spacing	per Acre	Number
	fuschia-flowered				
Ribes speciosum	gooseberry	one-gallon	8' o.c.	10	31
Rosa californica	Califonia wild rose	one-gallon	8' o.c.	20	62
Rubus ursinus	California blackberry	one-gallon	8' o.c.	20	62
Elymus condensatus	giant wild rye	one-gallon	8' o.c.	20	62
Rhamnus ilicifolia	holly-leaf redberry	one-gallon	8' o.c.	5	16
Lonicera subspicata	honeysuckle	one-gallon	8' o.c.	5	16
Salvia spathacea	hummingbird sage	one-gallon	8' o.c.	10	31
Malosma laurina	laurel sumac	one-gallon	15' o.c.	10	31
Total				100	311

TABLE 6 MITIGATION AREA 4 -- COASTAL SAGE SCRUB/CHAPARRAL MIXTURE PLANT PALETTE -- 0.11 ACRE

			Plant	Percent	Total
Botanic Name	Common Name	Stock Type	Spacing	per Acre	Number
Artemisia californica	California sagebrush	one-gallon	8' o.c.	2	3
Ceanothus spinosus	greenbark ceanothus	one-gallon	8' o.c.	15	25
Encelia californica	bush sunflower	one-gallon	8' o.c.	2	3
Eriogonum cinereum	coastal buckwheat	one-gallon	8' o.c.	20	33
Eriogonum fasciculatum	California buckwheat	one-gallon	8' o.c.	2	3
Hazardia squarrosa	sawtooth goldenbush	one-gallon	8' o.c.	2	3
Hesperoyucca whipplei	chaparrral yucca	one-gallon	8' o.c.	2	3
Juglans californica	California walnut	one-gallon	15' o.c.	2	3
Malosma laurina	laurel sumac	one-gallon	15' o.c.	10	16
Rhamnus ilicifolia	holly-leaf redberry	one-gallon	15' o.c.	1	3
Rhus ovata	sugarbush	one-gallon	15' o.c.	30	50
Salvia leucophylla	purple sage	one-gallon	8' o.c.	10	16
Salvia mellifera	black sage	one-gallon	8' o.c.	2	3
Total				100	164
Seed Species		Seed		lbs/acre	Total lbs.
Artemisia californica	California sagebrush	seed		3	0.3
Encelia californica	bush sunflower	seed		3	0.3
Eriogonum cinereum	coastal buckwheat	seed		5	0.6
Eriogonum fasciculatum	California buckwheat	seed		3	0.3
Hazardia squarrosa	sawtooth goldenbush	seed		3	0.3
Salvia leucophylla	purple sage	seed		5	0.6
Salvia mellifera	black sage	seed		3	0.3
Stipa pulchra	purple needlegrass	seed		3	0.3
Total Seed				28	3.0

TABLE 7 MITIGATION AREA 5 -- COASTAL SAGE SCRUB/CHAPARRAL MIXTURE PLANT PALETTE -- 0.39 ACRE

			Plant	Percent	Total
Botanic Name	Common Name	Stock Type	Spacing	per Acre	Number
Artemisia californica	California sagebrush	one-gallon	8' o.c.	2	12
Ceanothus spinosus	greenbark ceanothus	one-gallon	8' o.c.	15	90
Encelia californica	bush sunflower	one-gallon	8' o.c.	2	12
Eriogonum cinereum	coastal buckwheat	one-gallon	8' o.c.	20	118
Eriogonum fasciculatum	California buckwheat	one-gallon	8' o.c.	2	12
Hazardia squarrosa	sawtooth goldenbush	one-gallon	8' o.c.	2	12
Hesperoyucca whipplei	chaparrral yucca	one-gallon	8' o.c.	2	12
Juglans californica	California walnut	one-gallon	15' o.c.	2	12
Malosma laurina	laurel sumac	one-gallon	15' o.c.	10	58
Rhamnus ilicifolia	holly-leaf redberry	one-gallon	15' o.c.	1	12
Rhus ovata	sugarbush	one-gallon	15' o.c.	30	176
Salvia leucophylla	purple sage	one-gallon	8' o.c.	10	58
Salvia mellifera	black sage	one-gallon	8' o.c.	2	12
Total				100	596
Seed Species		Seed		lbs/acre	Total lbs.
Artemisia californica	California sagebrush	seed		3	1.2
Encelia californica	bush sunflower	seed		3	1.2
Eriogonum cinereum	coastal buckwheat	seed		5	2.0
Eriogonum fasciculatum	California buckwheat	seed		3	1.2
Hazardia squarrosa	sawtooth goldenbush	seed		3	1.2
Salvia leucophylla	purple sage	seed		5	2.0
Salvia mellifera	black sage	seed		3	1.2
Stipa pulchra	purple needlegrass	seed		3	1.2
Total Seed				28	11.2

TABLE 8 MITIGATION AREA 6-- COAST LIVE OAK WOODLAND CREATION PLANT PALETTE -- 0.45 ACRE

CANOPY LAYER						
Quercus agrifolia	coast live oak	one-gallon	ne-gallon 16' o.c.		18	
Platanus racemosa	western sycamore	one-gallon	16' o.c.	5	3	
Juglans californica	California walnut	one-gallon	8' o.c.	5	3	
Sambucus mexicana	blue elderberry	elderberry one-gallon 8' o.c.		5	3	
Heteromeles arbutifolia	toyon	one-gallon 8' o.c.		5	3	
Total	100 30					
UNDERSTORY LAYER						
	fuschia-flowered					
Ribes speciosum	gooseberry	one-gallon 8' o.c.		10	18	
Elymus condensatus	giant wild rye	one-gallon	8' o.c.	10	18	
Rhamnus ilicifolia	holly-leaf redberry	one-gallon	one-gallon 8' o.c.		18	
Lonicera subspicata	honeysuckle	one-gallon	one-gallon 8' o.c.		18	
Salvia spathacea	hummingbird sage	one-gallon	8' o.c.	10	18	
Malosma laurina	laurel sumac	one-gallon	ne-gallon 15' o.c.		18	
Rhamnus californica	California coffeberry	one-gallon	one-gallon 15' o.c.		55	
Melica imperfecta	Coast Range melic	one-gallon	8' o.c.	5	36	
Stipa pulchra	purple needlegrass	one-gallon 8' o.c.		5	15	
Total				100	214	
Seed Species		Seed		lbs/acre	Total lbs.	
Artemisia californica	California sagebrush	seed		3	1.4	
Encelia californica	bush sunflower	seed		3	1.4	
Eriogonum cinereum	coastal buckwheat	seed		5	2.3	
Eriogonum fasciculatum	California buckwheat	seed		3	1.4	
Hazardia squarrosa	sawtooth goldenbush	seed		3	1.4	
Total Seed				17	7.9	

TABLE 9 MITIGATION AREA 7 -- COAST LIVE OAK WOODLAND CREATION PLANT PALETTE - 0.21 ACRE

CANOPY LAYER						
Quercus agrifolia	coast live oak	one-gallon	ne-gallon 16' o.c.		8	
Platanus racemosa	western sycamore	one-gallon	16' o.c.	5	2	
Juglans californica	California walnut	one-gallon	8' o.c.	5	2	
Sambucus mexicana	blue elderberry	one-gallon	one-gallon 8' o.c.		2	
Heteromeles arbutifolia	toyon	one-gallon 8' o.c.		5	2	
Total	100 16					
UNDERSTORY LAYER						
	fuschia-flowered					
Ribes speciosum	gooseberry	one-gallon 8' o.c.		10	8	
Elymus condensatus	giant wild rye	one-gallon	8' o.c.	10	8	
Rhamnus ilicifolia	holly-leaf redberry	one-gallon	ne-gallon 8' o.c.		8	
Lonicera subspicata	honeysuckle	one-gallon	8' o.c.	10	8	
Salvia spathacea	hummingbird sage	one-gallon	8' o.c.	10	8	
Malosma laurina	laurel sumac	one-gallon	15' o.c.	10	8	
Rhamnus californica	California coffeberry	one-gallon	15' o.c.	30	8	
Melica imperfecta	Coast Range melic	one-gallon	8' o.c.	5	8	
Stipa pulchra	purple needlegrass	one-gallon	one-gallon 8' o.c.		8	
Total				100	72	
Seed Species		Seed		lbs/acre	Total lbs.	
Artemisia californica	California sagebrush	seed		3	0.7	
Encelia californica	bush sunflower	seed		3	0.7	
Eriogonum cinereum	coastal buckwheat	seed		5	1.0	
Eriogonum fasciculatum	California buckwheat	seed		3	0.7	
Hazardia squarrosa	sawtooth goldenbush	seed		3	0.7	
Total Seed				17	3.8	

D. Site Preparation Methodology

Site preparation shall consist of clearing and controlling all non-native plant species within the Mitigation Area footprint, installation of irrigation components, preparing planting holes, and doing any other work necessary to make ready the area for planting. All site preparation will be conducted with hand tools only, except for digging planting holes with a mechanical auger. Installation of irrigation and plant materials shall occur following removal of development, and during the optimal planting period (generally October 15th to March 1), unless implementation of the Revegetation Plans for the site-specific Restoration Plans referenced above occurs outside of the optimal planting period, in which case planting of the Mitigation Area may occur concurrently.

If deemed necessary, a "grow and kill" cycle will be established following installation of the irrigation system and prior to installation of restoration plantings. "Grow and kill" is a cycle of

applying water, germinating the non-native, invasive species, and spraying the plants with the appropriate herbicide. This allows a large portion of the seed load currently present in the soil to be eradicated. Removing the competition early in the life cycle of native plants helps to ensure more rapid growth and cover of the native species. If a "grow and kill" cycle is deemed necessary, Respondents shall inform the Executive Director in writing at least 15 days prior regarding the type and quantity of herbicide proposed to be used.

All undesirable exotic plants will be eradicated. The Project Biologist will direct the Landscape Contractor regarding the selection of target weed species, their location, and the timing of weed control operations to ensure that native plants are avoided to the extent possible.

E. Planting Plan and Methodology

Planting shall consist of planting container stock and seeding either via hand broadcast or hydroseeding. No planting shall be done in any area until the area has been prepared in accordance with the plans and presents an appearance satisfactory to the Project Biologist. The Project Biologist shall be on-site the first day of each phase of plant installation and every other day after that.

1. Source of Plant Materials

It is preferred that the source of all propagules and seed used at the Mitigation Area be from the site or adjacent scrub and chaparral areas. If not available, the remainder of the propagules and seed required will be from wild sources within the Malibu area of Los Angeles County, and collected as close to the Mitigation Area as possible to preserve regional genetic integrity.

Plant material for revegetation shall be derived from cuttings, materials salvaged from disturbed areas, and/or seeds obtained from randomly selected native shrubs occurring locally. Any replacement tree or shrub stock that cannot be grown from cuttings or seeds shall be obtained from a native plant nursery, be ant-free, and shall not be inoculated to prevent heart rot. If any materials must be obtained from other than onsite sources, the Project Biologist shall provide the Coastal Commission with a list of all such materials, and shall ensure that they are of local origin (i.e., the Santa Monica Mountains), and are not cultivars.

2. Contract Growing

Contract growing of all container plants shall be by a local experienced native plant nursery. Substitution of plant material at the time of planting depends solely upon the discretion of the Project Biologist. Any approved substitutions will be documented in the annual report prepared as part of the Monitoring Plan.

3. Container Stock

Tree, shrub, and grass species will be installed as container stock. Planting and seeding will generally occur between October 15 and March 1 to take advantage of the winter rainy season, dormancy of foliage, and the winter rooting period to ensure optimum survival of plantings.

One-gallon container stock shall be utilized for the revegetation of coastal sage scrub and chaparral and oak woodland plant communities. All plant materials will be inspected by the Project Biologist and approved as healthy, disease free, and of proper size prior to planting. Overgrown, root-bound container stock will be rejected.

4. Mycorrhizal Fungi

Mycorrhizae are specialized fungi found on plant roots. A symbiotic relationship exists between plant roots and mycorrhizae wherein the plants benefit from the increased ability to take up nutrients and withstand drought when mycorrhizae are present. This relationship is essential to the growth rate, well-being, and longevity of native plant communities. Plant utilization of mycorrhizal fungi markedly increases the success of revegetation on disturbed or degraded lands. The native plant nursery shall inoculate all appropriate container-grown plants, except those known to be non-host species, with mycorrhizal fungi prior to delivery to the job site.

5. Plant Placement

Container stock will be laid out in such a manner that mimics natural plant distribution (i.e., in clusters and islands) to emulate regional reference sites. The Project Biologist will monitor and confirm that trees and shrubs have been placed at the designed elevation relative to the water source supporting them, such as ground water. All plants shall be in randomly spaced, naturally clumped patterns. The average planting densities shall meet the criteria specified in the Plant Palettes [Tables 3-9].

6. Planting Method for Container Stock and Seed Application

Container stock will be thoroughly watered by the nursery the day before planting. One-gallon container stock will be planted in a hole measuring at least twice the diameter of the container and twice the depth. The excavated hole will be filled with water and allowed to completely drain prior to installation of the plant.

One teaspoon (0.3 oz.) of Osmocote 14-14-14 (or equal) will be placed one-inch below the root zone and backfilled with native soil to the proper planting depth. The container plant will be upended into the palm of the hand to avoid damage to the root structure and placed in the planting hole. The top of the root ball will be set one-inch above finished grade. The planting hole will be backfilled with native soil.

A three-inch high, hand-compacted earth berm, approximately 24 inches in diameter, will then be constructed around each container plant to utilize as a watering basin. Container stock will be watered immediately after installation. This watering basin will be maintained until the plants are no longer irrigated. Coarse mulch shall be placed around plantings to minimize water loss and discourage weed growth. Mulch will be applied as a top dressing, two to three inches thick, and must not come in contact with the stem of the plan. Grass species will have a plant protection device (plastic mesh screens or wire screens) installed around each plant to protect the grasses from herbivory. The Contractor will remove the plant protection device after approximately six months or upon approval by the Project Biologist.

Seed will be applied either through hydroseeding or hand broadcast at the discretion of the Project Biologist.

7. Pruning and Staking

There will be no pruning or staking of any vegetation. Diseased or insect-damaged foliage, if sufficient to require pruning, will serve as a benchmark for rejection of plant materials. A small amount of selective trimming of native species is allowed to prevent overspray of herbicide from reaching their branches, if herbicide is necessary. If herbicide is to be employed, Respondents shall inform the Executive Director in writing at least 15 days prior regarding the type and quantity of herbicide proposed to be used. Native vegetation may only be trimmed; individual plants shall not be removed.

F. Performance Standards

The success of habitat restoration is defined as the restoration of a functional ecosystem. Success is usually measured by percent coverage by target species. While a fully successful revegetation plan might be viewed as one that results in 100-percent coverage, such coverage is unlikely. Natural habitats rarely exhibit 100-percent coverage, but rather include a considerable proportion of open spaces. While this monitoring program uses percent coverage criteria, it is noted that determination of successful coverage is expected to be relative to other similar native habitats typical of the region, and as such, the percent coverage criteria are defined relative to an undisturbed reference site of similar habitat composition.

The means of determining successful restoration for this site will be through a series of measurements for natural recruitment, exotic species cover, cover by native species, and species richness and diversity. All of these, except non-native species cover, should increase over time. Cover by non-native species should be the opposite; it should decrease with time, particularly because one of the primary goals of the Mitigation Plan is to substantially reduce or eliminate non-native species from the site.

After the initial non-native species eradication and associated planting effort has been completed, the Mitigation Area will be monitored by the Project Biologist on a monthly basis for the next 18 months and quarterly thereafter for the remainder of the monitoring period. Qualitative surveys, consisting of a general site walkover and habitat characterization, will be completed during each monitoring visit. General observations, such as fitness and health of the planted species, pest problems, weed persistence/establishment, mortality, and drought stress, will be noted in each site walkover. The Project Biologist will determine remedial measures necessary to facilitate compliance with performance standards.

Quantitative data will be collected annually using accepted vegetative sampling methods in order to evaluate survivorship, species coverage, and species composition.

In the event that plantings should fail to meet the specified requirements, compliance will be ensured by the performance of either or both of the following remedial procedures by the Landscape Contractor on an as-needed basis as directed by the Project Biologist: (1) replacing unsuccessful plantings with appropriately sized stock or seed mixes to meet stated cover or survival requirements, and /or (2) performing maintenance procedures to ensure the site conditions are appropriate (e.g., non-native species removal). Remedial actions in planting areas shall be based on detailed investigations (such as soil tests and excavations of failed plantings to examine root development) to determine causes of failure. If substantial non-compliance with the performance occurs, Respondents or Respondents' representative will consult the Coastal Commission to determine whether corrective measures and an extension of the five-year monitoring period will be necessary.

1. Reference Sites

Reference sites shall be established in adjacent areas that correspond with the habitat types to be restored, and sampled to provide a basis of comparison for the performance standards discussed herein. The reference site shall be located within undisturbed sections of habitat adjacent to the Mitigation Areas.

2. Standard Vegetation Monitoring Performance Standards

Coastal Sage Scrub and Chaparral

First-Year Monitoring

Success Standard: 40-percent coverage of native species (five-percent deviation allowed) relative to the reference site;

At least 80-percent of the number of planted species will be represented in the Mitigation Area (native recruit species not in the plant palette may be counted); No more than 10-percent coverage by non-native plant species.

Second-Year Monitoring

Success Standard: 50-percent coverage of native species (<five-percent deviation allowed) relative to the reference site;

At least 80-percent of the number of planted species will be represented in the Mitigation Area (native recruits not in the plant palette may be counted); No more than five-percent coverage by non-native species.

Third-Year Monitoring

Success Standard: 65-percent of native species (<five-percent deviation allowed) relative to the reference site;

At least 80-percent of the number of planted species will each attain at least five-percent cover of the total native cover (native recruits not in the plant palette may be counted);

No more than five-percent coverage by non-native species.

Fourth-Year Monitoring

Success Standard: 80-percent coverage of native species (<five-percent deviation allowed) relative to the reference site;

At least 80-percent of the number of planted species will each attain at least five-percent cover of the total native cover (native recruits not in the plant palette maybe counted);

No more than five-percent coverage by non-native plant species.

Fifth-Year Monitoring

Success Standard: 90-percent coverage of native species (<five-percent deviation allowed) relative to the reference site;

At least 80-percent of the number of planted species will each attain at least five-percent cover of the total native cover (native recruits not in the plant palette may be counted);

No more than five-percent coverage by non-native plant species.

Coast Live Oak Woodland

First-Year Monitoring

Success Standard: 30-percent coverage of native species (five-percent deviation allowed) relative to the reference site;

At least 80-percent of the planted species will be represented in the Mitigation Area (native recruits not in the plant palette may be counted);

No more than 10-percent coverage by non-native plant species.

Second-Year Monitoring

Success Standard: 40-percent coverage of native species (<five-percent deviation allowed) relative to the reference site;

At least 80-percent of the planted species will be represented in the Mitigation Area (native recruits not in the plant palette may be counted);

No more than five-percent coverage by non-native species.

Third-Year Monitoring

Success Standard: 55-percent of native species (<five-percent deviation allowed) relative to the reference site;

At least 80-percent of the planted species will each attain at least five-percent cover of the total native cover (native recruits not in the plant palette may be counted);

No more than five-percent coverage by non-native species.

Fourth-Year Monitoring

Success Standard: 70-percent coverage of native species (<five-percent deviation allowed) relative to the reference site;

At least 80-percent of the planted species will each attain at least five-percent cover of the total native cover (native recruits not in the plant palette maybe counted);

No more than five-percent coverage by non-native plant species.

Fifth-Year Monitoring

Success Standard: 80-percent coverage of native species (<five-percent deviation allowed) relative to the reference site; At least 80-percent of the planted species will each attain at least five-percent cover of the total native cover (native recruits not in the plant palette may be counted); No more than five-percent coverage by non-native plant species.

G. Proposed Use of Artificial Inputs

1. Irrigation Plan

The Landscape Contractor shall provide irrigation for the Mitigation Area when natural moisture conditions are inadequate to ensure the survival of plants. Irrigation shall be provided for a maximum of 3 years from plant installation or until the revegetation has become established, whichever comes first. Irrigation shall be phased out during the fall/winter of the second year unless unusually severe conditions threaten survival of the plants. All plants must survive and grow for at least two years without supplemental water for the Mitigation Plan final success criteria to have been met.

Supplemental irrigation is to be used solely for establishing the plants at the Mitigation Area and is of a temporary nature. The goal of the irrigation program is to obtain germination and growth with the least amount of irrigation. Frequent irrigation encourages weed invasion and leaches nutrients from the soil.

The Mitigation Area will initially be supported by a short-term automatic irrigation system. The container stock will be irrigated as long as necessary to establish the root systems in the native soils, usually through two or three summers. All irrigation lines will be installed above-grade for ease of removal and inspection.

The critical period for irrigation is during the first winter and early spring following planting. During this time, roots are not well established, and an unseasonable drought can cause high mortality. During dry periods after plant installation, the Project Biologist and the Landscape Contractor will regularly inspect soil moisture. Supplemental irrigation during the summer dry season will occur as frequently as required.

After the initial plant establishment period, water will be applied infrequently and only as required to prevent the mortality of plants and seedlings. The irrigation methods employed will attempt to mimic wet rainfall years by incorporating evenly spaced, infrequent, deep applications of water.

When the plantings are sufficiently established, and no longer require supplementary irrigation, the Project Biologist shall notify the Landscape Contractor to remove all irrigation system components from the Mitigation Area. In the event irrigation system components are removed,

but it is later determined by the Project Biologist that supplemental irrigation may be necessary to meet the success standards herein, the irrigation system component may be reintroduced and then removed when the necessity for supplemental irrigation has ceased.

The Landscape Contractor shall be responsible for applying sufficient irrigation water to adequately establish new plant materials, and germinate and establish the applied seed. Irrigation water shall be applied in such a way as to encourage deep root growth (periodic deep irrigation versus frequent light irrigation). The Landscape Contractor will allow soil to dry down to approximately 50- to 60-percent of field capacity (in the top six or 10 inches of soil after germination and during seedling establishment) before the next irrigation cycle. Wetting of the full root zone and drying of the soil between irrigation events is essential to the maintenance of the plants and the promotion of the deep root zone that will support the vegetation in the years after establishment. Irrigation systems may need to be on for as long as six to eight hours at a time in order to get complete water penetration to the lower soil horizons to encourage deep root growth. A soil probe or shovel shall be used to examine soil moisture and rooting depth directly.

Irrigation will be used as necessary to enhance establishment of the vegetation and will be discontinued at the end of three years. If it is determined that it is necessary to continue irrigation beyond three years, Respondents shall request an extension in writing, outlining the need for an extension of the duration of the irrigation.

2. Herbicide

The use of herbicide is not proposed at this time; however, if it becomes necessary to use herbicide, Respondents will notify the Executive Director at least 15 days in advance with the type and quantity of herbicide to be used. The minimum amount of herbicide necessary to support the plantings will be used. If herbicide use is deemed necessary and approved by the Executive Director, it shall be administered by a licensed PCA.

3. Fertilizer

No fertilizer use is proposed following initial use of Osmocote 14-14-14 in the planting holes at the time of planting as described above.

IV. MONITORING PLAN

A. Maintenance Activities During the Monitoring Period

The purpose of this program is to ensure the success of the mitigation plantings. Maintenance will occur over the five-year life of the Monitoring Plan. The Project Biologist will monitor all aspects of the revegetation in an effort to detect any problems at an early state. Potential problems could arise from irrigation failure, erosion and failure of erosion control measures, vandalism, competition from weeds and invasive species, and unacceptable levels of disease and predation.

These maintenance guidelines are specifically tailored for native plant establishment. The maintenance personnel will be fully informed regarding the habitat establishment program so they understand the goals of the effort and the maintenance requirements. A Landscape Contractor with experience and knowledge in native plant habitat restoration will supervise all maintenance personnel.

For a period of 120 days following completion of plant installation, the initial Landscape Contractor will be responsible for the care of the plantings. The purpose of the 120-day establishment period is to ensure continuity between the installation of the plant material and its short-term maintenance. The installation Landscape Contractor's presence during this 120-day period is proven to increase Mitigation Plan success. The Landscape Contractor will control the spread of weedy species, and identify any efforts needed to ensure the health and survival of the plantings.

Following the 120-day establishment period, the project will be evaluated for the health of plant materials, and if judged satisfactory by the Project Biologist, the establishment period will be considered concluded and the long-term habitat maintenance program will begin. If plant health is not determined to be satisfactory, an additional 60 days will be allowed for the Landscape Contractor to implement remedial measures, including plant replacement. A different Landscape Contractor may implement the long-term maintenance program; however, the Project Biologist will continue to monitor the Mitigation Plan success.

Damage to plants, irrigation systems, erosion control structures/measures, and other facilities occurring as a result of unusual weather or vandalism will be repaired or replaced immediately.

1. General Maintenance

The Landscape Contractor will perform the following tasks as general maintenance duties:

- Plant inspection;
- Weed control;
- Irrigation water volume and frequency;
- General maintenance of the irrigation system;
- Trash and debris removal;
- Pest control; and
- Plant replacement.

2. Plant and Mitigation Area Inspection

During the 120-day establishment period, and into the long-term habitat maintenance period, the Project Biologist will inspect the Mitigation Area on a monthly basis for 18 months. The plants and conditions at Mitigation Area shall be inspected on a quarterly basis thereafter until achievement of performance standards for the Mitigation Area. The Project Biologist will conduct inspections for the purpose of maintaining at a minimum, the following: all erosion control measures, non-native species eradication, trash and debris removal, and the health and abundance of the original and/or replacement plantings.

3. Weed Control

The Mitigation Area shall be maintained free of weeds during the monitoring period. Weed eradication will minimize competition that could prevent the establishment of native species. All maintenance personnel will be trained to distinguish weed species from native vegetation to ensure only weedy species are removed. The use of herbicide is not proposed at this time; however, if it becomes necessary to use herbicide, Respondents will notify the Executive Director at least 15 days in advance with the type and quantity of herbicide to be used. The minimum amount of herbicide necessary to support the plantings will be used.

Weeds shall be manually removed before they can attain a height of three inches (3") at intervals of not more than 30 days for the first two years of the Monitoring Plan. All portions of the plant will be removed, including the roots. The Project Biologist shall direct the Landscape Contractor regarding the selection of target weed species, their location, and the timing of weed control operations to ensure that native plants are avoided to the extent possible. Pulled weeds will be placed on a "mantilla" or other type of tarp to prevent any seeds from coming in contact with the ground.

Weed removal shall be done at least monthly for the first two years, and at least monthly during the rainy season (January through April) and quarterly from May through December for years three through five. As weeds become apparent, they should be immediately removed by hand or controlled with an appropriate herbicide if determined necessary by a licensed PCA and as approved by the Executive Director. Weed debris shall be removed from the Mitigation Area on the same day as weed removal and disposed of as permitted by law.

A space cleared of weeds within the watering basin shall be maintained around each container plant to minimize competition from other plant species. Two-inch thick mulch within the watering basin shall be maintained throughout the maintenance period.

4. General Maintenance of the Irrigation System

The Landscape Contractor will be responsible for the regular maintenance and repair of all aspects of the irrigation system. Poorly functioning or non-functioning parts shall be replaced immediately so as to not endanger the plantings.

General system checks shall be conducted no less than weekly the first month after installation to assure the system is functioning correctly, and monthly thereafter, except during periods when the irrigation system is not in operation as recommended by the Project Biologist.

Any erosion or slippage of soil caused by the Landscape Contractor's inadequate maintenance or operation of irrigation facilities shall be repaired by the Landscape Contractor at his/her expense.

5. Trash and Debris Removal

The Mitigation Area shall be well maintained in order to deter vandalism and dumping of trash. The Landscape Contractor is responsible for avoiding impacts to plantings during trash removal activities. Landscape Contractor shall, during routine maintenance, manually remove weeds, litter, trash, and debris from the Mitigation Area and dispose of off-site as permitted by law.

6. Pest Control

Young trees and shrubs will be monitored for signs of disease, insect, and/or predator damage, and treated as necessary. Badly damaged plants will be pruned to prevent spreading of the pestilence or replaced in kind if removed. Excessive foraging by predators will necessitate protective screening around plants. The Project Biologist will be consulted on any pest control measures to be implemented.

7. Plant Replacement

The Landscape Contractor responsible for the installation of container stock plants will be responsible for replacement of all terminally diseased or dead plants during the 120-day establishment period. During the long-term maintenance period, the Landscape Contractor will be responsible for the replacement of any dead and/or declining plants in the winter months as recommended by the Project Biologist. Replacement plants shall be paid for and installed by the Landscape Contractor.

Replacement plants shall conform to the species, size requirements, and spacing as specified for the plants being replaced. The replacement plants shall be purchased from inventory at the same native plant nursery as were the contract-grown plant stock.

8. Pruning

No pruning is necessary unless otherwise specified by the Project Biologist as described above.

9. Responsible Party for Maintenance

Respondents will be responsible for financing. The Project Biologist will be responsible for periodic inspections and communicating maintenance needs to the Landscape Contractor. The Landscape Contractor will be responsible for carrying out maintenance activities.

10. Maintenance Schedule

The Monitoring Plan will continue for five years following the completion of plant installation or until performance criteria are met.

Table 9 below indicates the schedule of maintenance activities and inspections.

TABLE 10 MAINTENANCE SCHEDULE								
Maintenance Task		Year						
	1	2	3	4	5			
Plant Inspection	Monthly first 12 months	Monthly through 18th month; quarterly thereafter	Quarterly	Quarterly	Quarterly			
Irrigation System Inspection	Monthly, or more frequently if required	Monthly	As Required	N/A	N/A			
Trash and Debris Removal	Monthly	Quarterly	Quarterly	Quarterly	Quarterly			
Weed Control	Minimum of Monthly	Monthly	Monthly from January to April; Quarterly from May to December	Monthly from January to April; Quarterly from May to December	Monthly from January to April; Quarterly from May to December			
Pest Control	Monthly	Bi-monthly	Quarterly	Quarterly	Quarterly			
Plant Replacement	Annually	Annually	Annually	Annually	Annually			

B. Monitoring Methods

Monitoring will assess the attainment of annual and final success criteria and identify the need to implement contingency measures in the event of failure. Monitoring methods include field-sampling techniques that are based upon the California Native Plant Society field sampling protocol.⁸ Please refer to *A Manual of California Vegetation* for further details on this sampling method.

1. Monitoring

Quantitative monitoring shall be conducted during the active growing season in June of every year. A qualified habitat restoration specialist, biologist, or horticulturist with appropriate credentials and experience in native habitat restoration shall perform the annual monitoring. Continuity within the personnel and methodology of monitoring shall be maintained insofar as possible to ensure comparable assessments. Records will be kept of mortality and other problems, such as insect damage. The Project Biologist will also identify other potential site problems, such as weed infestation and soil loss. Remedial measures undertaken will be referenced in the annual report to the Coastal Commission.

⁸ Sawyer, John O. and Todd Keeler-Wolf. 1995. *A Manual of California Vegetation*. California Native Plant Society.

a. Standard Vegetation Sampling Techniques

Quantitative sampling within the Mitigation Area will be performed using one-meter quadrats that will be placed randomly throughout the site. Placement of quadrats will be determined using random number tables to provide two coordinates, one that indicates the distance along a longitudinal centerline bisecting the site and one that determines the distance from the line. Plots will be placed on alternating sides of the centerline and perpendicular to the centerline. Vegetative cover will be visually estimated within the quadrat for each species present, and recorded on a data sheet. Any species observed during the sampling that does not fall within a quadrat will be recorded and included on the list of species for the Mitigation Area. At least 30 replicates will be initially sampled.

Sample variance from data collection in years one through three will be used to determine if 30 samples is adequate. If a power analysis indicates that more than 30 samples are required, additional quadrats will be added. If a power analysis indicates that fewer than 30 samples are required, the number of quadrats will be reduced. Sampling will be conducted with sufficient replication to detect a 10-percent difference in absolute ground cover between the mean of the restoration and the success standard with 90-percent power at an alpha level of 0.10. The mean native cover for the Mitigation Area will be compared to the performance criteria at the end of five years using an appropriate inferential test such as a single-sample t-test. The mean cover for the Mitigation Area will be considered to meet the performance criteria if the resulting alpha level is greater than 0.10.

2. Photo-Documentation

Several permanent stations for photo-documentation will be established [Exhibits 4-8]. Photos shall be taken each monitoring period from the same vantage point and in the same direction each year, and shall reflect material discussed in the annual monitoring report. The locations from which photographs are taken shall not change over the course of the monitoring period unless recommended changes are approved by the Executive Director.

3. Annual Reports

At the end of each of the five monitoring period growing seasons, an annual report will be prepared submitted during the same one-month period of each year (no later than December 31st of the first year), for five (5) years from the completion of implementation of the Revegetation Plan, for the review and approval of the Executive Director, evaluating compliance with the approved Mitigation Plan. These reports will include the following:

- a list of names, titles, and companies of all persons who prepared the content of the annual report and participated in monitoring activities for that year;
- an analysis of all qualitative monitoring data;
- copies of monitoring photographs taken at the same time each year from the same locations as identified in Exhibits 4-8; and

• maps identifying monitoring areas, quadrats, planting zones, etc. as appropriate.

4. Final Success Criteria Resolution and Revised Mitigation Plan

Final success criteria will not be considered to have been met until a minimum of two years after all human support (excluding routine weeding), including irrigation, has ceased. Should the revegetation effort meet all goals prior to the end of the five-year monitoring period, the Coastal Commission may, at its discretion, terminate the Mitigation Plan.

Respondents recognize that failure to meet success criteria may result in the requirement to replace that portion of failed creation, unless the failure was the result of an "Act of God" (e.g., fire, flood, etc.) that would likely have destroyed the original vegetation for which restoration is being performed.

If all success criteria are met at the end of the five-year monitoring period, the Mitigation Plan will be considered a success.

If periodic inspections or the monitoring reports indicate that the revegetation or a portion thereof is not in conformance with the Mitigation Plan or has failed to meet the goals and/or performance standards specified herein, Respondents shall submit a revised or supplemental Mitigation Plan ("Revised Mitigation Plan") for review and approval by the Executive Director. The Project Biologist shall prepare the Revised Mitigation Plan and shall specify measures to correct those portions of the restoration that have failed or are not in conformance with the original approved Mitigation Plan. After the Revised Mitigation Plan has been approved, these measures, and any subsequent measures necessary to carry out the original approved Mitigation Plan have been met. Following completion of the Revised Mitigation Plan's implementation, the duration of the monitoring period shall be extended for at least a period of time equal to that during which the project remained out of compliance, but in no case less than two annual monitoring periods.

C. Notification of Completion and End of Five Years Report

At the end of the five year monitoring period (or other duration, if the monitoring period is extended because the project is not in conformance with the Mitigation Plan), Respondents shall submit a final detailed report for the review and approval of the Executive Director. If this report indicates that the restoration has in part, or in whole, been unsuccessful, based on the requirements of the approved Mitigation Plan, Respondents shall submit a Revised Mitigation Plan, and the monitoring program shall be revised accordingly.

D. Agency Confirmation

Following receipt of the final report, Respondents will, at the request of the Coastal Commission, provide access and guidance through the Mitigation Area to confirm the adequate completion of the restoration effort.
E. Written Reports Following Completion of Each Phase

Within 30 days of the completion of the work described in the Revegetation Plan, the Project Biologist shall submit a written report for the review and approval of the Executive Director, documenting all restoration work pursuant to the each phase of the Mitigation Plan. This report shall include a summary of dates when work was performed and photographs taken from the predesignated locations documenting implementation of the respective components of the Mitigation Plan, as well as photographs of each Mitigation Area before the work commenced and after it was completed.

F. Submission of Documents

All plans, reports, photographs and other materials required by the CRO shall be sent to:

California Coastal Commission Attn: Heather Johnston 45 Fremont Street, Ste 2000 San Francisco, CA 94105

With a copy sent to: California Coastal Commission Attn: N. Patrick Veesart 89 S. California Street, Ste 200 Ventura, California 93001

S:476-17/The Canyon_Compensatory_Restoration Plan_060412.doc



Adapted from USGS Point Dume, CA quadrangle



1,000 2,000 4,000 Feet

 \circ

NORTH



Legend

Mixed Coastal Sage Scrub/Chaparral

Oak Woodland Creation

Oak Woodland Enhancement

Development Removal Subject to Mitigation

A-Frame 13.3(H) and A-Frame Road 13.2(A) - Subject to Mitigation Parking Lot 13.3(C) - Subject to Mitigation Tree House 13.3(E) & 13.3(J) - Subject to Mitigation Two Structures 13.3(I) - Subject to Mitigation Women's House Landscaping 13.3(F)(7) - Subject to Mitigation Women's House Northwest Road 13.2(B) - Subject to Mitigation Pump House 13.3(B) - Subject to Mitigation Footpath 13.2(C) – Subject to Mitigation



200 100 Feet

CONSENT CEASE AND DESIST ORDER CCC-12-CD-05 AND CONSENT RESTORATION ORDER CCC-12-RO-05 MITIGATION

Mitigation Areas Map



Exhibit 3 X:\0363-THE REST\0476-17REST\476-17_GIS\476-17Exhibit3.mxd May 29, 2012

400



	PLANT PALETTE 0.26 ACRE					
ame	Common Name	Stock Type	Plant Spacing	Percent per Acre	Total Number	
nica	California sagebrush	one-gallon	8' o.c.	2	8	
osus	greenbark ceanothus	one-gallon	8' o.c.	15	62	
ca	bush sunflower	one-gallon	8' o.c.	2	8	
eum	coastal buckwheat	one-gallon	8' o.c.	20	82	
culatum	California buckwheat	one-gallon	8' o.c.	2	8	
osa	sawtooth goldenbush	one-gallon	8' o.c.	2	8	
hipplei	chaparrral yucca	one-gallon	8' o.c.	2	8	
са	California walnut	one-gallon	15' o.c.	2	8	
	laurel sumac	one-gallon	15' o.c.	10	40	
а	holly-leaf redberry	one-gallon	15' o.c.	1	8	
	sugarbush	one-gallon	15' o.c.	30	122	
la	purple sage	one-gallon	8' o.c.	10	40	
	black sage	one-gallon	8' o.c.	2	8	
				100	410	
	SEED S	SPECIES				
				lbs/acre	Total lbs.	
nica	California sagebrush	seed		3	1.6	
ca	bush sunflower	seed		3	1.6	
eum	coastal buckwheat	seed		5	2.6	
culatum	California buckwheat	seed		3	1.6	
osa	sawtooth goldenbush	seed		3	1.6	
la	purple sage	seed		5	2.6	
	black sage	seed		3	1.6	
	purple needlegrass	seed		3	1.6	
				28	14.8	



MITIGATION AREA 2 -- COAST LIVE OAK WOODLAND CREATION PLANT PALETTE - 0.45 ACRE

		Plant	Percent	Total
mmon Name	Stock Type	Spacing	per Acre	Number
st live oak	one-gallon	16' o.c.	80	18
stern sycamore	one-gallon	16' o.c.	5	3
ifornia walnut	one-gallon	8' o.c.	5	3
e elderberry	one-gallon	8' o.c.	5	3
on	one-gallon	8' o.c.	5	3
			100	30
chia-flowered				
seberny	one-gallon	8' o.c.	10	18
nt wild rye	one-gallon	8' o.c.	10	18
y-leaf redberry	one-gallon	8' o.c.	10	18
eysuckle	one-gallon	8' o.c.	10	18
nmingbird sage	one-gallon	8' o.c.	10	18
el sumac	one-gallon	15' o.c.	10	18
ifornia coffeberry	one-gallon	15' o.c.	30	18
ast Range melic	one-gallon	8' o.c.	5	18
ole needlegrass	one-gallon	8' o.c.	5	18
			100	162
	Seed		lbs/acre	Total lbs.
iforniasagebrush	seed		3	1.4
h sunflower	seed		3	1.4
stal buckwheat	seed		5	2.2
ifornia buckwheat	seed		3	1.4
/tooth goldenbush	seed		3	1.4
			17	7.8



(6)

Oak Woodland Creation

Oak Woodland Enhancement

Permanent Photo Location



Feet

CONSENT CEASE AND DESIST ORDER CCC-12-CD-05 AND CONSENT RESTORATION ORDER CCC-12-RO-05 MITIGATION

Mitigation Areas 2 & 3

GLENN LUKOS ASSOCIATES

<u>____//_</u>____

120

Exhibit 5



MITIGATION AREA 4 -- MIXED COASTAL SAGE SCRUB/CHAPARRAL PLANT PALETTE -- 0.11 ACRE

c Name	Common Name	Stock Type	Plant Spacing	Percent per Acre	Total Number
ornica	California sagebrush	one-gallon	8' o.c.	2	3
inosus	greenbark ceanothus	one-gallon	8' o.c.	15	25
nica	bush sunflower	one-gallon	8' o.c.	2	3
ereum	coastal buckwheat	one-gallon	8' o.c.	20	33
ciculatum	California buckwheat	one-gallon	8' o.c.	2	3
rrosa	sawtooth goldenbush	one-gallon	8' o.c.	2	3
whipplei	chaparrral yucca	one-gallon	8' o.c.	2	3
nica	California walnut	one-gallon	15' o.c.	2	3
na	laurel sumac	one-gallon	15' o.c.	10	16
olia	holly-leaf redberry	one-gallon	15' o.c.	1	3
	sugarbush	one-gallon	15' o.c.	30	50
ylla	purple sage	one-gallon	8' o.c.	10	16
а	black sage	one-gallon	8' o.c.	2	3
				100	164
	Seed S	pecies			
		Seed		lbs/acre	Total lbs.
ornica	California sagebrush	seed		3	0.3
nica	bush sunflower	seed		3	0.3
ereum	coastal buckwheat	seed		5	0.6
ciculatum	California buckwheat	seed		3	0.3
rrosa	sawtooth goldenbush	seed		3	0.3
ylla	purple sage	seed		5	0.6
a	black sage	seed		3	0.3
	purple needlegrass	seed		3	0.3
				28	3



(7)

Mixed Coastal Sage Scrub/Chaparral

Permanent Photo Location



0

20



CONSENT CEASE AND DESIST ORDER CCC-12-CD-05 AND CONSENT RESTORATION ORDER CCC-12-RO-05 MITIGATION

Mitigation Area 4





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Exhibit 6 X:\0363-THE REST\0476-17REST\476-17_GIS\476-17Exhibit6.mxc May 29, 2012

MITIGATION AREA 5 -- COASTAL SAGE SCRUB/CHAPARRAL MIXTURE PLANT PALETTE -- 0.39 ACRE MITIGATION AREA 6-- COAST LIVE OAK WOODLAND CREATION PLANT PALETTE -- 0.45 ACRE

and the second				PALETTE	0.39 ACR	E			
		Charles and	Botanic Name	Common Name	Stock Type	Plant Spacing	Percent per Acre	Total Number	CANO Quercus ag
	8		Artemisia californica	California sagebrush	one-gallon	8' o.c.	2	12	Platanus ra
	1 - C - C -		Ceanothus spinosus	greenbark ceanothus	one-gallon	8' 0.C. 8' 0.C	15	90	Juglans call
2010 2012023	A TOTAL		Eriogonum cinereum	coastal buckwheat	one-gallon	8' o.c.	20	118	Heteromele
Contraction of the second seco		ALC: NOT THE OWNER OF	Eriogonum fasciculatum	California buckwheat	one-gallon	8' 0.C.	2	12	Total
· · · ·		the second second second	Hazardia squarrosa	sawtooth goldenbush	one-gallon	8' o.c.	2	12	
A CARLE AND A CARLE		A CONTRACTOR OF A CONTRACTOR O	Hesperoyucca whipplei	chaparrral yucca	one-gallon	8' 0.C.	2	12	UNDERSIC
		STATISTICS AND ADDRESS	Jugians californica Malosma laurina		one-gallon	15 0.C.	2 10	58	Ribes spec
		Sector Sector Sector	Rhamnus ilicifolia	holly-leaf redberry	one-gallon	15 0.c.	1	12	Elymus con
		Contraction and the second second second	Rhus ovata	sugarbush	one-gallon	15' o.c.	30	176	Rhamnus il
		1 Contraction States of	Salvia leucophylla	purple sage	one-gallon	8' o.c.	10	58	Salvia spat
		El Ser al Although	Salvia mellifera	black sage	one-gallon	8' o.c.	2	12	Malosma la
A (50) 7 101 10 A 215 (50) 4205			l otal				100	596	Rhamnus c
		Constant of the second second	Seed Species		Seed		lbs/acre	Total lbs.	Melica impe
			Artemisia californica	California sagebrush	seed		3	1.2	Stipa pulchi
	and a second	A REAL PROPERTY AND A REAL	Encelia californica	bush sunflower	seed		3	1.2	
A BUNCH AND AND		Charles and the second	Eriogonum cinereum	coastal buckwheat	seed		5	2.0	Seed Spec
	Contraction of the second second	Example and a sum Child	Eriogonum fasciculatum	California buckwheat	seed		3	1.2	Artemisia c
	100	the second s	Hazardia squarrosa	sawtooth goldenbush	seed		3	1.2	Encelia cali
	Area 5	A CONTRACT OF THE OWNER	Salvia leucophylla	purple sage	seed		5 3	2.0	Eriogonum
Carlos Manager		A CARLES AND A CARLES	Stipa pulchra	purple needlearass	seed		3	1.2	Enogonum i Hazardia so
A Martine		and the second second second second	Total Seed		3000		28	11.2	Total Seed
			1						
	Area 6	9						からいとう	
	2								

2.0.101

The state of the second states

PY LAYER					
rifolia	coast live oak	one-gallon	16' o.c.	80	18
cemosa	western sycamore	one-gallon	16' o.c.	5	3
ifornica	California walnut	one-gallon	8' o.c.	5	3
mexicana	blue elderberry	one-gallon	8' o.c.	5	3
s arbutifolia	toyon	one-gallon	8' o.c.	5	3
				100	30
ORY LAYER					
	fuschia-flowered				
iosum	gooseberry	one-gallon	8' o.c.	10	18
densatus	giant wild rye	one-gallon	8' o.c.	10	18
icifolia	holly-leaf redberry	one-gallon	8' o.c.	10	18
Ibspicata	honeysuckle	one-gallon	8' o.c.	10	18
hacea	hummingbird sage	one-gallon	8' o.c.	10	18
urina	laurel sumac	one-gallon	15' o.c.	10	18
alifornica	California coffeberry	one-gallon	15' o.c.	30	55
erfecta	Coast Range melic	one-gallon	8' o.c.	5	36
ra	purple needlegrass	one-gallon	8' o.c.	5	15
				100	214
ies		Seed		lbs/acre	Total lbs
alifornica	California sagebrush	seed		3	1.4
fornica	bush sunflower	seed		3	1.4
cinereum	coastal buckwheat	seed		5	2.3
fasciculatum	California buckwheat	seed		3	1.4
quarrosa	sawtooth goldenbush	seed		3	1.4
				17	7.9

Legend

Mixed Coastal Sage Scrub/Chaparral

Oak Woodland Creation

9

Permanent Photo Location







Feet

Mitigation Areas 5 & 6

GLENN LUKOS ASSOCIATES



Exhibit 7 X:\0363-THE REST\0476-17REST\476-17_GIS\476-17Exhibit7.mx May 29, 2012

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MITIGATION AREA 7 -- COAST LIVE OAK WOODLAND CREATION PLANT PALETTE – 0.21 ACRE

coast live oak	one-gallon	16' o.c.	80	8
western sycamore	one-gallon	16' o.c.	5	2
California walnut	one-gallon	8' o.c.	5	2
blue elderberry	one-gallon	8' o.c.	5	2
toyon	one-gallon	8' o.c.	5	2
			100	16
			100	10
				10
				10
fuschia-flowered				
fuschia-flowered gooseberry	one-gallon	8' o.c.	10	8
fuschia-flowered gooseberry giant wild rye	one-gallon one-gallon	8' o.c. 8' o.c.	10 10 10	8 8
fuschia-flowered gooseberry giant wild rye holly-leaf redberry	one-gallon one-gallon one-gallon	8' 0.C. 8' 0.C. 8' 0.C.	10 10 10	8 8 8

IONEYSUCKIE	Unc-galion	0 0.0.	10	0
nummingbird sage	one-gallon	8' o.c.	10	8
aurel sumac	one-gallon	15' o.c.	10	8
California coffeberry	one-gallon	15' o.c.	30	8
Coast Range melic	one-gallon	8' o.c.	5	8
ourple needlegrass	one-gallon	8' o.c.	5	8
			100	72
	Seed		lbs/acre	Total lbs.
California sagebrush	Seed seed		Ibs/acre 3	Total Ibs. 0.7
California sagebrush bush sunflower	Seed seed seed		Ibs/acre 3 3	Total lbs. 0.7 0.7
California sagebrush bush sunflower poastal buckwheat	Seed seed seed seed		Ibs/acre 3 3 5	Total Ibs. 0.7 0.7 1.0
California sagebrush oush sunflower xoastal buckwheat California buckwheat	Seed seed seed seed seed		Ibs/acre 3 3 5 3	Total lbs. 0.7 0.7 1.0 0.7
California sagebrush bush sunflower poastal buckwheat California buckwheat sawtooth goldenbush	Seed seed seed seed seed seed		Ibs/acre 3 3 5 3 3 3	Total lbs. 0.7 0.7 0.7 0.7 0.7 0.7 0.7









120

Feet

CONSENT CEASE AND DESIST ORDER CCC-12-CD-05 AND CONSENT RESTORATION ORDER CCC-12-RO-05 MITIGATION

Mitigation Area 7

GLENN LUKOS ASSOCIATES

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Exhibit 8 X:\0363-THE REST\0476-17REST\476-17_GIS\REV1\476-17Exhibit8 REV1.mxd May 29, 2012

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000 SAN FRANCISCO, CA 94105-2219 VOICE (415) 904-5200 FAX (415) 904-5400 TDD (415) 597-5885



Th 18.3 & 18.5

Staff: Staff Report: Hearing Date: H. Johnston-SF 6/28/12 7/12/12

STAFF REPORT: Recommendations and Findings for Consent Cease and Desist and Consent Restoration Orders

Cease and Desist Order No.:	CCC-12-CD-05
Restoration Order No.:	CCC-12-RO-05
Related Violation File:	V-4-08-054
Property Owner:	United World of the Universe Foundation
Location:	2900 Kanan Dume Road, Malibu, unincorporated Los Angeles County; Los Angeles County Assessor's Parcel Numbers 4465-001-036, 4465-001-028, and 4465-002-021.
Violation Description:	Unpermitted development including, but not limited to: cut and fill of slopes; installation of two stream culverts and placement of concrete within a stream channel; placement of a bridge and hardscaped paths; construction of a parking lot and fire department access; construction of multiple residential structures without permits; installation of invasive, non-native vegetation; placement of structures; conversion of a pump house into a residence; and unpermitted grading and paving of roads in ESHA.
Persons Subject to these Orders:	United World of the Universe Foundation and The Canyon at Peace Park
Substantive File Documents:	 Public documents in the Cease and Desist and Restoration Order files No. CCC-12-CD-05 and CCC- 12-RO-05

2. Appendix A, and Attachments 1 through 12 thereto, and Exhibits 1 through 12 of this staff report

CEQA Status:

Exempt (CEQA Guidelines (CG) §§ 15060(c)(2) and (3)) and Categorically Exempt (CG §§ 15061(b)(2), 15307, 15308, and 15321)

SUMMARY OF STAFF RECOMMENDATION

A) **OVERVIEW**

This matter pertains to development in the Santa Monica Mountains on 120 acres of property, all of which is considered environmentally sensitive habitat area, and which is currently used as a treatment facility. Staff recommends that the Commission approve proposed Consent Cease and Desist Order No. CCC-12-CD-05 and Consent Restoration Order No. CCC-12-RO-05 (collectively, the 'Consent Orders') to address development undertaken in violation of the Coastal Act on property located at 2900 Kanan Dume Road, Malibu, unincorporated Los Angeles County¹ ('the property' or 'the subject property') (Exhibit #1). The proposed Consent Orders, approved and executed by Robert Waggener for the lessee, The Canyon at Peace Park, and Michael Segal for the owner, United World of the Universe Foundation, are included as Appendix A of this staff report.

The persons subject to the proposed Consent Orders (collectively 'Respondents') are the property owner United World of the Universe Foundation, and lessee The Canyon at Peace Park, which occupies the property and operates a treatment facility thereon. The development at issue in this matter (hereinafter referred to as the 'Unpermitted Development') includes, but may not be limited to: failure to restore a road with native vegetation as required by CDP 5-89-743, and re-grading of a road previously restored pursuant to CDP 5-89-743; installation of an unpermitted structure adjacent to a riparian corridor; placement of a bridge and hardscaped paths; conversion of a previously-permitted pump house into a residential structure; grading, paving, and installation of culverts to extend a previously-permitted parking lot into a riparian area; construction of a residence within an ESHA area designated as a Significant Oak Woodland (SOW); construction of an unpermitted residence with garage, guesthouse, and landscaping; changed nature of facility, use, and configuration of permitted barns; and construction of an additional unpermitted residential structure. A significant portion of this unpermitted development, including three of the residential structures, is located on portions of the property covered by open space easements expressly designed for view preservation, habitat protection, and the protection of watershed and wildlife corridors.

¹ The property subject to the proposed Consent Orders is identified as Los Angeles County Assessor's Parcel Numbers 4465-002-021, 4465-001-036, and 4465-001-028.

As described more completely below, in Section V(B), unpermitted development on the subject property originally began in the 1980s. Prior to the effective date of the Coastal Act, a dirt road had been pioneered across hillsides; unpermitted development in the 1980s expanded these roads by extending, paving, and widening them. As part of the resolution of a prior enforcement action, the Commission issued CDP 5-89-743 in 1991 to comprehensively address unpermitted development on six contiguous parcels (including the three at issue here) totaling 240 acres, while simultaneously delineating the areas on each of those parcels within which future development could be undertaken, after the appropriate authorization (including a coastal development permit) had been secured. Shortly after this CDP was issued, new unpermitted development was recommenced with the grading of roads and pads, and the construction of residences without permits. The proposed Consent Orders pertain to the westernmost three of those six parcels, which comprise approximately 120 acres, or one half of the land to which CDP 5-89-743 applied. Unpermitted development on the eastern 120 acres will be addressed in a separate forthcoming action.

Commission staff has worked closely with the Respondents to reach agreement on the proposed Consent Orders, attached to this staff report as Attachment #1, and appreciates their cooperation. Through the proposed Consent Orders, the Respondents have agreed to resolve all Coastal Act violation matters addressed herein, including resolving claims for injunctive relief, through restoration, mitigation, the payment of penalties, and an enforceable commitment not to undertake unpermitted development in the future and to comply with previously issued permits.

B) <u>DESCRIPTION OF PROPERTY</u>

The property subject to the Consent Orders is located at 2900 Kanan Dume Road in upper Ramirez Canyon within the Santa Monica Mountains, in unincorporated Los Angeles County, and is comprised of three parcels, each of which is approximately 40 acres (Exhibit #2). The United World of the Universe Foundation owns the subject property, which The Canyon at Peace Park leases for the operation of a treatment center. The Santa Monica Mountains comprise the largest, most pristine, and ecologically complex example of a Mediterranean ecosystem in coastal southern California. California's coastal sage scrub, chaparral, oak woodlands, and associated riparian areas have analogues in four other areas of the world with similar climate. Worldwide, only 18 percent of Mediterranean ecosystems remain undisturbed, with their specially adapted vegetation and wildlife having suffered severe loss and degradation from human development. The Commission has thus found in past actions² that the Santa Monica Mountains Mediterranean Ecosystem is rare and especially valuable because of its relatively undegraded character, physical complexity, and resultant biological diversity.

The entire property is within a wildlife corridor, identified as a link between Malibu Canyon and Zuma Canyon in the certified Malibu/Santa Monica Mountains Land Use Plan (LUP). Connectivity among habitats within an ecosystem and connectivity among ecosystems is very important for the preservation of species and ecosystem integrity. The species most directly affected by large-scale connectivity are those that require large areas or a variety of habitats such

² See, e.g., Revised Findings for the City of Malibu Local Coastal Program (certified on September 13, 2002), adopted on February 6, 2003.

as gray fox, cougar, bobcat, badger, steelhead trout, and mule deer. Whereas large spatially connected habitats tend to be more stable and have less frequent extinctions than habitats without extended spatial structure, fragmentation and disturbance can cause habitat conversion; unexpected and irreversible changes to new and completely different types of ecosystems.

Two major state and national parks are situated on either side of the property: the Zuma Canyon portion of the Santa Monica Mountains National Recreation Area beyond a ridge to the west, and Malibu Creek State Park beyond a major ridge to the east. The western portion of the property consists of a geologically unstable east-facing 2:1 slope, extending from Kanan Dume Road down to a blue line stream at the canyon floor. This east-facing slope and the north-facing slope on the southern portion of the property are identified as Significant Oak Woodlands, in the Malibu/Santa Monica Mountains LUP.

Flowing south on the property are three blue-line streams; tributaries to Ramirez Creeks, which enter the Pacific Ocean at Paradise Cove. The lands immediately adjacent to these streams are identified as Environmentally Sensitive Habitat Areas (ESHAs) in the LUP and are comprised of a rich and diverse habitat, including willow, oak, and sycamore vegetation. North and east of the streams are gently sloping hills, comprised mostly of grassland, which rise steeply into chaparral covered ridges.

C) SUMMARY OF VIOLATION AND PROPOSED RESOLUTION

Prior to the effective date of the Coastal Act, the sole development on the property was an unpaved road accessing the property's major knolls from Kanan Dume Road. Over time, unpermitted development was undertaken on the subject property, and the proposed Consent Orders address both unpermitted development and development that is inconsistent with a previously issued coastal development permit.

As described more completely below in Section IV, unpermitted development on the subject property of which Commission staff is aware began in the 1980s. Marking the culmination of an enforcement action, the Commission addressed this unpermitted development through the issuance of CDP 5-89-743, revised findings for which were issued on May 10, 1990. As further explicated below, this permit was designed to bring the subject property into compliance with the Coastal Act, and outline how it could remain so by both delineating areas where permitted future development could occur, and by requiring restoration of several areas impacted by the unpermitted development, including restoration of roads not necessary to access extant or planned future development areas. This permit additionally authorized the construction of a residence (now known as the 'Men's Facility') and a guesthouse within two of the prescribed development areas.

The violations currently on site, and which are the subjects of these Consent Orders, fall within three basic categories: previously undertaken unpermitted development which was to be restored pursuant to CDP 5-89-743, but which remains intact; new unpermitted development within areas delineated as open space, and therefore specifically precluding future development; and finally, new unpermitted development within areas which were previously delineated as potentially appropriate for development, yet lacking the required coastal development permits.

CDP 5-89-743 required that a substantial portion of the pioneered dirt road accessing the knoll overlooking the Men's Facility be restored. This road was not restored, and by 1994 an unpermitted structure was erected along the portion of the pioneered which was allowed to remain pursuant to CDP 5-89-743. The unpermitted development at issue also includes the conversion of the previously-permitted pump housing, without permit, into a residential structure (Exhibit #3); the construction of a large unpermitted residence with garage, guesthouse, and landscaping ('Women's Facility') approximately within what was delineated as Development Area 3 in CDP 5-89-743; re-grading of a previously-restored road on the slope beneath the permitted guest house; installation of a bridge and hardscaped paths; unpermitted extension, to the northwest, of a road which had previously terminated at the Women's Facility; grading of a spur road to the northeast of the Women's Facility; constructing a residence within and adjacent to a riparian area to extend a parking area (Exhibit #4); grading and paving within and adjacent to a riparian area to extend a parking area (Exhibit #5); and installation of a residence without permit northeast of the Women's Facility. All of the Unpermitted Development at issue herein remains on the property at present.

By signing the proposed Consent Orders, Respondents have agreed to, among other things: 1) cease and desist from conducting any further unpermitted development on the subject property; 2) remove specified Unpermitted Development; 3) restore the areas impacted by Unpermitted Development that is to be removed under these Consent Orders; 4) apply for a coastal development permit to obtain permanent authorization for limited, specified development that may be consistent with the Coastal Act and the prior permit issued for the property; 5) apply to amend CDP 5-89-743 to more accurately reflect the extant ecological and developed condition of the property; 6) mitigate for the temporal habitat and ecosystem services losses brought about by the Unpermitted Development by undertaking onsite mitigation at a ratio of 1.66:1 (area of restoration to area impacted by unpermitted development) and by purchasing 2.33 acres in the Santa Monica Mountains Recreation and Conservation Authority's Mitigation Bank; and 7) make payments of a penalty of \$525,000.

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ATTACHMENTS TO CONSENT ORDERS

Attachment 1	Restoration Plan for the Removal of a Portion of the Pump House
Attachment 2	Restoration and Concrete Slab and the Restoration of the Oak Woodland Restoration Plan for the Removal of the Tree House and the Restoration of Oak Woodland
Attachment 3	Restoration Plan for the Removal of the A-Frame, A-Frame Road, and Women's House Northwest Road and the Restoration of Coastal Sage Scrub and Chaparral
Attachment 4	Restoration Plan for the Removal of the Two Structures, Footpath, and Overlook Road and the Restoration of Coastal Sage Scrub/Chaparral
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Attachment 11	Conceptual Habitat Restoration Plan for the Mitigation of Development
Attachment 12	Proposed Development Area Options

I. MOTION AND RESOLUTION

Motion 1:

I move that the Commission **issue** Consent Cease and Desist Order No. CCC-12-CD-05 pursuant to the staff recommendation.

Staff recommends a **YES** vote on the foregoing motion. Passage of this motion will result in the issuance of the Consent Cease and Desist Order. The motion passes only by an affirmative vote of a majority of Commissioners present.

Resolution to Issue Consent Cease and Desist Order:

The Commission hereby issues Consent Cease and Desist Order No. CCC-12-CD-05, as set forth below, and adopts the findings set forth below on grounds that development, conducted and maintained by Respondents, has occurred on property owned and operated by Respondents without a coastal development permit and inconsistent with a previously issued permit, in violation of the Coastal Act, and that the requirements of the Consent Order are necessary to ensure compliance with the Coastal Act.

Motion 2:

I move that the Commission **issue** Consent Restoration Order No. CCC-12-RO-05 pursuant to the staff recommendation.

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

Resolution to Issue Consent Restoration Order:

The Commission hereby issues Consent Restoration Order No. CCC-12-RO-05, as set forth below, and adopts the findings set forth below on the grounds that 1) development has occurred on the subject property without a coastal development permit, and inconsistent with a previously issued permit, 2) the development is inconsistent with the Coastal Act, and 3) the development is causing continuing resource damage.

II. JURISDICTION

While the postal address depicts the property subject to the proposed Consent Orders as within the City of Malibu, it is in fact located outside of the City limits within the Santa Monica Mountains, in unincorporated Los Angeles County. As Los Angeles County does not have a certified Local Coastal Plan, the Commission retains primary enforcement and permitting jurisdiction, and the standard of review for development on the property is the Chapter 3 policies of the Coastal Act.

The policies of the certified Malibu–Santa Monica Mountains Land Use Plan (LUP) serve as additional guidance in review of proposed development. The LUP was certified by the Commission on December 11, 1986. While an Implementation Plan has yet to be certified by the Commission for the Santa Monica Mountains, the LUP has been consistently used as guidance by the Commission for consideration of new development.

III. COMMISSION'S AUTHORITY

The Commission can issue a Cease and Desist Order under Section 30810 of the Coastal Act in cases where it finds that the activity that is the subject of the order has occurred either without a required CDP or in violation of a previously granted CDP. The Commission can issue a Restoration Order under section 30811 of the Coastal Act if it finds that development 1) has occurred without a CDP, 2) is inconsistent with the Coastal Act, and 3) is causing continuing resource damage. These criteria are all met in this case, as summarized briefly here, and discussed in more detail in Section V, below.

The unpermitted activity that has occurred on the subject property clearly meets the definition of "development" set forth in Section 30106 of the Coastal Act. Development is defined broadly under the Coastal Act, and includes, among many other actions, the "placement of any solid material or structure; grading, removing, dredging, mining, or extraction of any materials;...change in the density or intensity of use of land;...construction, reconstruction, demolition or alteration of the size of any structure...; and the removal or harvesting of major vegetation other than for agricultural purposes..." (emphasis added). All non-exempt development in the Coastal Zone requires a CDP. No exemption from the permit requirement applies here. The development was undertaken without a CDP and is also inconsistent with a previously issued CDP. CDP 5-89-743 required specified roads to be restored, and additionally required the recordation of offers to dedicate open space easements on the property in all areas outside of the permitted development areas. A number of roads to be restored were not restored or were re-graded after restoration, contrary to CDP 5-89-743. Furthermore, numerous elements of the unpermitted development on the property are located in areas subject to the open space easement, which specifically forbade most types of development, and therefore are violative of Coastal Act Section 30600. Furthermore, the Unpermitted Development is: 1) inconsistent with the policies in Chapter 3 of the Coastal Act, including Section 30231 (protecting the biological productivity of coastal waters), Section 30253 (minimization of adverse impacts of new development), Section 30240 (protecting environmentally sensitive habitat areas), Section 30250 (limiting the location of new development), and Section 30236 (limiting alterations of rivers and streams), which require protection of coastal resources within the Coastal Zone; and 2) causing continuing resource damage, as discussed more fully in Section V below.

Much of the Unpermitted Development subject to these Consent Orders is within and adjacent to riparian, chaparral, and oak woodland ecosystems in the Santa Monica Mountains, and has altered and adversely impacted the resources associated with these sensitive habitat-types. Such impacts meet the definition of "damage" provided in Section 13190(b) of Title 14 of the California Code of Regulations ("14 CCR"), which defines "damage" as "any degradation or other reduction in quality, abundance, or other quantitative or qualitative characteristic of the resource as compared to the condition the resource was in before it was disturbed by unpermitted development." If the Unpermitted Development, including, but not limited to, grading and paving of roads, construction of residences, placement of culverts within a stream, removal of major vegetation, and placement of structures, is allowed to remain unrestored and unmitigated, further adverse impacts are expected to result (including the temporal continuation of the existing impacts) to resources protected under Chapter 3 of the Coastal Act.

The Unpermitted Development and the impacts therefrom remain on the subject property. The continued presence of the Unpermitted Development, as described below, will exacerbate and/or prolong the adverse impacts to riparian, chaparral, and oak woodland habitat and the water quality and biological productivity of this area. The continued presence of the unpermitted development on the subject property is causing continuing resource damage, as defined in 14 CCR Section 13190. Thus, the Commission has the authority to issue both a Cease and Desist and a Restoration Order in this matter.

IV. HEARING PROCEDURES

The procedures for a hearing on a Cease and Desist Order and Restoration Order are outlined in 14 CCR Section 13185 and 14 CCR Section 13195.

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

The Commission will receive, consider, and evaluate evidence in accordance with the same standards it uses in its other quasi-judicial proceedings, as specified in 14 CCR Sections 13195 and 13186, incorporating by reference Section 13065. The Chair will close the public hearing after the presentations are completed. The Commissioners may ask questions to any speaker at any time during the hearing or deliberations, including, if any Commissioner so chooses, any questions proposed by any speaker in the manner noted above. Finally, the Commission shall determine, by a majority vote of those present and voting, whether to issue the Cease and Desist Order and Restoration Order, either in the form recommended by the Executive Director, or as amended by the Commission. Passage of the motion above, per the Staff recommendation or as amended by the Commission, will result in issuance of the Cease and Desist Order and Restoration Order.

V. FINDINGS FOR CEASE AND DESIST ORDER NO. CCC-12-RO-05 AND RESTORATION ORDER CCC-12-RO-05³

A. <u>DESCRIPTION OF PROPERTY</u>

The property subject to the proposed Consent Orders is located at 2900 Kanan Dume Road in the central Santa Monica Mountains within unincorporated Los Angeles County, and forms the westernmost half of a 240-acre compound of six parcels purchased by Fred Segal in the early 1980s. All properties have since been transferred to two separate not-for-profit organizations,

³ These findings also hereby incorporate by reference Section I of the June 28, 2012 staff report ("Staff Report: Recommendations and Findings for Consent Cease and Desist and Consent Restoration Orders") in which these findings appear, which section is entitled "Summary of Staff Recommendation."

the eastern portion having been transferred to The Scholarship Camp, and the western half to the United World of the Universe Foundation, which has leased those parcels to The Canyon at Peace Park for the operation of a treatment facility. The western three parcels are the subjects of the proposed Consent Orders.

Inland from the City of Malibu, and approximately four miles from the Pacific Ocean, the property is situated in sparsely developed upper Ramirez Canyon. Immediately contiguous with the eastern boundary of the six-parcel compound as a whole is an approximately 40-acre lot held by the National Parks Service (NPS), for the protection of the wildlife migration corridor that traverses both the NPS property and the property subject to the proposed Consent Orders. The expansive Zuma/Trancas Canyon National Park lies immediately west of the property, across Kanan Dume Road, while publicly held lands are additionally found to the north. These parklands remain in a predominately natural state, with the native chaparral and riparian vegetation interrupted sparingly for visitor-serving amenities.

Access to the property is afforded by Kanan Dume Road, from which a paved road navigates down a steep oak woodland-covered slope to a stream at the canyon bottom. Riparian vegetation predominates along this stream, which follows the topography of the canyon bottom, and along the two streams that flow into it from the eastern portion of the property. The willow, sycamore, and oak predominated riparian biota supports immense biodiversity and plays an essential role in filtration of water that subsequently flows into Ramirez Creek. Ramirez Creek flows into the Pacific Ocean at Paradise Cove, an area home to sensitive kelp beds and heavily used for recreation. Furthermore, Paradise Cove Beach is listed by the California Water Resources Control Board as a 303(d) impaired water body. Improving water quality at Paradise Cove Beach and within Ramirez Creek, including through improving runoff filtration by reestablishment of degraded riparian corridors, therefore is considered an important objective to enhance nearshore biological productivity and recreation quality.

On the property, the hills rising northeast of the tributary streams are covered with a large swath of grassland and chaparral, which is designated as an environmentally sensitive habitat area in the LUP and has been protected by the Commission in past action. The entire property is in a wildlife corridor, identified as a link between Malibu Canyon and Zuma Canyon in the certified Malibu Santa Monica Mountains LUP. The property subject to the proposed Consent Orders is therefore intrinsically valuable from an ecological standpoint in terms of the biodiversity supported and the ecosystem services provided, as well as in its proximity to publicly held/protected lands and downstream coastal resources.

B. DESCRIPTION OF COASTAL ACT VIOLATION

The development at issue in this matter (hereinafter referred to as the 'Unpermitted Development') includes, but may not be limited to: failure to restore a road with native vegetation as required by CDP 5-89-743, and re-grading of a road previously restored pursuant to CDP 5-89-743; installation of an unpermitted structure adjacent to a riparian corridor; placement of a bridge and hardscaped paths; conversion of a previously-permitted pump house into a residential structure; grading, paving, and installation of culverts to extend a previously-permitted parking lot into a riparian area; construction of a residence within an ESHA area

designated as a Significant Oak Woodland; construction of an unpermitted residence with garage, guesthouse, and landscaping; changed nature of facility, use, and configuration of permitted barns; and construction of an additional unpermitted residential structure. A substantial portion of this development was undertaken on parts of the property subject to one of two conservation easements recorded on the property: an easement for open space, view preservation and habitat protection, which precludes all development except for development explicitly approved in CDP 5-89-743; and an easement for protection of watershed and wildlife corridors and view protection, which precludes 'urban and residential development' but allows for limited rural development including planting fruit trees, construction of trails and similar low intensity uses.

C. HISTORY OF DEVELOPMENT AND COMMISSION ACTION ON SUBJECT PROPERTY

1) HISTORIC DEVELOPMENT

Prior to the effective date of the Coastal Act, the property subject to this enforcement action consisted for the most part of pristine native habitat; development was limited in both scope and nature. By 1976, the sole development on the property was an unpaved access road that traversed the subject property from Kanan Dume road to the bottom of the south-flowing USGS blue line stream and from the stream bottom continued northeasterly to the major knolls. This road was created before 1977 when the Commission assumed permitting jurisdiction in this area, at a time when no approvals were needed for roads that required no cuts deeper than three feet. At this time, roads and associated disturbance were limited to the southwestern reaches of the property – no disturbance was existent along the lower boundary of the oak woodland where it encountered the stream to the east, nor in the areas currently occupied by the women's facility and A-frame.

The parcels comprising the subject property were purchased by Fred Segal from 1984 to 1987. By 1986, without requisite permits, the aforementioned access road had been widened; a pad graded for the guest house; a road cut running north along and through the eastern periphery of the oak woodland; and the roads, with exception of the road along the lower bound of the oak woodland, had been paved. The remaining dirt road is proximate to the oak woodland, which provides access to the extant locations of the Men's and Women's facilities, was cut and pad grading performed, all without coastal development permits.

2) COASTAL DEVELOPMENT PERMIT 5-89-743

An enforcement action was initiated by Commission staff in the late 1980s in response to the aforementioned unpermitted development, culminating in the Commission's issuance of CDP 5-89-743 to Fred Segal on May 10, 1990. In an effort to address the violation and accommodate anticipated future development, this permit addressed the property as a whole and delineated a master development footprint for all of the six adjacent 40 acre lots. Further, this CDP authorized specific, limited physical development in the form of a 7,346 sq ft single family house, pool, pond, pump house, three barns, stables and an 850 sq ft guest house on APN 4465-002-021; and construction of an 800 sq ft caretakers unit and stables on APN 4465-002-012, which is immediately east of 4465-002-021. Additional development identified and approved by

this permit included the installation of two cement picnic areas, grading and paving of a parking area adjacent to Kanan Dume Road, the drilling of wells, extending pads for the guest house, the building of culverts and the installation of rock facing on stream banks.

However, the permit did not authorize any physical development beyond that noted above, including within any of the areas that it designated as potential future development sites. In fact, Special Condition 6 expressly provided, "Prior to transmittal of the permit, the applicant shall record a deed restriction, in a form and content acceptable to the Executive Director, [sic]... The deed restriction shall also provide that Coastal Development Permit No. 5-89-743 is for the approved development only and that any future improvements or additions on the property including erecting fences, clearing of vegetation, brushing or grading (except as described below) will require a new Coastal Development Permit for its successor agency."

Development Areas

In order to establish a long term development plan for the six contiguous 40 acre parcels, CDP 5-89-743 identified six "development areas", areas slated for future development, and restricted permissible development within each area to a maximum of one single family residence, one guest house, and appurtenant structures (Exhibit # 6). More importantly, Special Condition 6 prohibited residential development, pools, stables, tennis courts, fencing or other appurtenant structures from being located outside of development areas. While the development areas were mapped, and construction within them was expressly limited, again, the permit also made it clear that any other permissible development was not to take place in the absence of a subsequent coastal development permit, as explicitly provided in Special Condition 6: "[a]ll development shall be subject to Coastal Development Permits."

Roads

While approximately 2.5 miles of existing dirt roads had been widened and paved pursuant to the 1989 permit, Special Condition 1 of CDP 5-89-743 also mandated that, "[a]ll roads that do not serve approved wells and residential development areas shall be restored [with native vegetation]." It appears that restoration work was undertaken pursuant to Special Condition 1; however, two of the roads demarcated as 'superfluous' and slated for restoration pursuant to the permit remain unrestored or were restored and re-graded.

Environmentally Sensitive Habitat and Open Space

In light of the fact that the primary access road for the property begins at Kanan Dume Road and must necessarily cross at least one stream to access the expanse of the property, the Commission permitted culvert crossings. However, as mitigation for the development authorized in the CDP, including the installation of culverts and rock work in Environmentally Sensitive Habitat Areas (ESHAs) and streams, the permit also provided that stream corridors on the subject property not then mapped as ESHA should be restored to ESHA on an acre for acre basis.

The Commission-issued permit additionally required the recordation of offers to dedicate two open space easements: an easement over ESHA and Significant Oak Woodland, as mapped in

the LUP and including aforementioned restored ESHA areas, and an easement for protection of the watershed and wildlife corridors.

The ESHA/SOW easement was to be for open space, view preservation, and habitat protection, and the permit condition restricted development (and required the easement to restrict development) within the easement area to only that which was explicitly approved in the CDP 5-89-743. Thinning of chaparral and removal of dead wood was to be allowed only within 100 feet of enclosed structures with hand tools – no thinning was to be allowed beyond 100 feet.

The watershed and wildlife corridor easement was intended to protect watershed and wildlife corridors, and views, and it limited development: it specifically excluded urban and residential development, including mechanical grading, construction of roads, residential dwelling units, or appurtenant structures such as fences, tennis courts or stables or any other development within the area it covered. The permit does provide that, if approved pursuant to a coastal development permit, limited types of rural development could be undertaken within the easement area, including removal of vegetation for agricultural purposes, planting of fruit trees, construction of trails, construction of public monuments or pubic or private picnic areas or similar low intensity uses. These uses were to be permitted only upon a Commission finding that the development is consistent with the preservation of watershed cover and wildlife corridors and is otherwise consistent with the Coastal Act, and when authorized by a CDP.

Public Access

Special Condition 3 of CDP 5-89-743 further required that the offer to dedicate an open space easement over the land provide for controlled public pedestrian access from Kanan Dume Road along the primary access road through the Significant Oak Woodland, down the eastern slope, and over interior roads connecting to any public monument or picnic area approved by the Commission.

3) EXISTING DEVELOPMENT AND EXTANT COASTAL ACT VIOLATIONS

Unpermitted development addressed in the proposed Consent Orders commenced shortly after Commission action on CDP 5-89-743, and arose over a number of years as detailed below in roughly the same chronological order in which the violations were undertaken.

By 1994 a number of the unpermitted roads were allowed to overgrow and return to a more natural state, however the spur road from to a knoll overlooking the Men's Facility, which was to be restored under the prior CDP, remained unrestored. The guest house, Men's Facility, and caretaker's trailers had been constructed and placed pursuant to the 1989 CDP. Additionally, however, a structure was erected on the westerly spur road, which emanates from the east of the Men's Facility and terminates on a knoll overlooking the Men's Facility. This construction is inconsistent with Special Condition 6 of CDP 5-89-743, which explicitly provides: "[t]he [future development] deed restriction shall also provide that Coastal Development Permit No. 5-89-743 is for the approved development only and that any future improvements or additions on the property including erecting fences, clearing vegetation, brushing or grading will require a new Coastal Development Permit from the Commission or its successor agency." An unpermitted

path leading from the Men's Facility to the aforementioned knoll was additionally cleared and hardscaped around this time.

By 2001 the pump enclosure northwest of the guesthouse was converted into a two-story 1,250 sq ft residential structure, and two trailers were placed on the road adjacent to Kanan Dume Road, where barns and corrals were to be located pursuant to the 1989 CDP. Furthermore, by 2001 a large unpermitted house, garage, and guesthouse were built approximately within the prescribed development pad, which lies to the northwest of the Men's Facility (Exhibit #7). An application for a house ('Women's Facility') in this approximate location had been anticipated in the 1989 permit, which noted that, "[t]he applicant has...proposed a second house of approximately 4,000sq ft (to be approved by a subsequent action)...." However, no such required permit action was ever undertaken however, and the Women's Facility was constructed without Coastal Act authorization.

An unpermitted road was subsequently graded to the west of the Women's Facility, along the riparian corridor, with an additional unpermitted road graded to the north of the Women's Facility. In addition, a small residence ('A-Frame') was constructed at the terminus of this road and a water tower erected on the uphill slope of the road, both without permits (Exhibit #8). Surrounding the Women's Facility, native vegetation was also removed and replaced with demarcated paths and non-native and invasive plant species.

Recently, a small residence was also constructed without coastal permit; within the mapped Significant Oak Woodland in an area subject to an ESHA open space easement ('Tree House'). An unpermitted bridge and path were installed to cross the stream and provide access this residence. Lastly, approximately 16,000 sq ft of grading and paving were added to the permitted parking area adjacent to the Men's Facility (at some point prior to 2008). This unpermitted extension was added within and adjacent to a stream and riparian area, including the installation of two culverts in the stream, and within the protected area of several oak trees.

Commission staff sent a Notice of Violation letter to Respondents on October 19, 2010, after being notified by Los Angeles County that development had been undertaken without the benefit of a permit within and adjacent to a stream (Exhibit #9). After the lessee, The Canyon at Peace Park, indicated a desire to attempt to resolve the violations enumerated in the Notice of Violation letter through the permitting process, Commission staff suspended enforcement pending the permit processing. As this permit application was not completed for filing, Commission staff again sent a notice of violation on June 2, 2011 (Exhibit #10), which included additional violations that staff had since discovered in the course of reviewing the property. Staff, including a Commission biologist, met with Respondents on the property on June 14, 2011 and August 2, 2011 to discuss permitted and other existing development, as well as to review potential resource impacts associated therewith. Staff followed these visits with letters confirming the meeting and the steps then to be taken towards resolution (Exhibit #11a & 11b). Staff sent Respondents Notice of Intent to Commence Cease and Desist and Restoration Order Proceedings on March 19, 2012 and has been working concertedly with Respondents for several months to resolve these violations and appreciates their commitment to restoration and agreeing to provisions ensuring current and future development on site is consistent with Coastal Act resource protection policies (Exhibit #12).

D. <u>BASIS FOR ISSUANCE OF ORDERS</u>

1) STATUTORY PROVISIONS

(a) Cease and Desist Order

The statutory authority for issuance of this Cease and Desist Order is provided in Coastal Act Section 30810, which states, in relevant part:

(a) If the commission, after public hearing, determines that any person or governmental agency has undertaken, or is threatening to undertake, any activity that (1) requires a permit from the commission without securing the permit or (2) is inconsistent with any permit previously issued by the commission, the commission may issue an order directing that person or governmental agency to cease and desist....

...

(b) The cease and desist order may be subject to such terms and conditions as the Commission may determine are necessary to ensure compliance with this division, including immediate removal of any development or material...

(b) Restoration Order

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

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

The following paragraphs set forth the basis for the issuance of the proposed Consent Cease and Desist and Restoration Orders by providing substantial evidence that the development meets all of the required grounds listed in Section 30810 and 30811 for the Commission to issue a Cease and Desist and Restoration Order.

2) APPLICATION TO FACTS

(a) Development has occurred without a Coastal Development Permit and in violation of CDP 5-89-743, which the Commission Previously Issued

As previously presented in Section III of this report, the activities at issue in this matter constitute 'development' as defined in the Coastal Act and are therefore subject to permitting requirements. Staff has verified that the cited development on the subject property was

conducted without a CDP. In addition, because CDP 5-89-743 required restoration of roads and the recordation of an open space easement over all areas outside of those specifically delineated for development, and the Unpermitted Development includes the failure to restore a road as required, the re-grading of a previously restored road, and a variety of development within the open space easement, the Unpermitted Development is also in violation of a permit previously issued by the Commission.

(b) The Unpermitted Development at Issue is Inconsistent with the Coastal Act

The Unpermitted Development described herein is not consistent with Section 30231 (protection of biological productivity of coastal waters and water quality), Section 30240 (ESHA protection), Section 30236 (limiting alteration of waterways), Section 30253 (limiting adverse impacts of new development), and Section 30250 (limiting the location of new development) of the Coastal Act. In addition, the Malibu/Santa Monica Mountains LUP provides policy guidance regarding the protection of environmentally sensitive habitats.

i) Protection of Biological Productivity, Water Quality, and ESHA

Coastal Act Section 30231:

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 and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of streams.

Coastal Act Section 30107.5:

'Environmentally sensitive area' means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

Coastal Act Section 30240:

(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.

LUP Policy 79:

To maintain natural vegetation buffer areas that protect all sensitive riparian habitats as

required by Section 30231 of the Coastal Act, all development other than driveways and walkways should be set back at least 50 feet from the outer limit of designated environmentally sensitive riparian vegetation.

LUP Policy 67:

Any project or use which cannot mitigate significant adverse impacts as defined in the California Environmental Quality Act on sensitive environmental resources (as depicted on Figure 6) shall be denied.

LUP Policy 68:

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...

LUP Policy 69:

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

The property subject to the Consent Orders occupies a canyon populated with oak woodlands, chaparral, and riparian vegetation associated with three blue-line streams which traverse the property. Riparian habitats and their associated streams form important links in the Santa Monica Mountains by connecting biological communities from the highest elevation chaparral to the sea with a unidirectional flowing water system. This flow carries nutrients through the ecosystem to the benefit of many different species along the way.

Riparian communities are the most species-rich habitats to be found in the Santa Monica Mountains; the multi-layered vegetation, available water supply, vegetative cover and adjacency to shrubland habitats renders them attractive to many native wildlife species⁴. During the warm dry Mediterranean-climate summers, these communities serve as a wildlife oasis, while the streams themselves provide refuge for sensitive species including: the coast range newt, the Pacific pond turtle, and the steelhead trout. Meanwhile, the ecosystem health of the stream is dependent upon ecological functions of adjacent riparian woodlands.

A substantial swath of the property subject to the Consent Orders is covered by riparian woodlands, mapped in the Santa Monica Mountains LUP, which are associated with the several streams also found on the property. Much of the Unpermitted Development addressed in the proposed Consent Orders is located immediately within or adjacent to riparian corridors and oak woodlands. This development interrupts the ecologically beneficial interface between the oak woodland and riparian area, which includes the provision of large woody debris for habitat, shading that controls water temperature, and the input of leaf detritus that provides the foundation for the stream trophic structure.

⁴ Walter, Hartmut. Bird use of Mediterranean habitats in the Santa Monica Mountains, Coastal Commission Workshop on the Significance of Native Habitats in the Santa Monica Mountains. CCC Hearing, June 13, 2002, Queen Mary Hotel.

Not only are oak woodlands essential to maintaining salubrious riparian habitat; they additionally support a high diversity of birds⁵, and provide refuge for many species of sensitive bats⁶. Typical wildlife in this habitat includes acorn woodpeckers, scrub jays, plain titmice, northern flickers, cooper's hawks, western screech owls, mule deer, gray foxes, ground squirrels, jackrabbits and several species of sensitive bats.

In the Santa Monica Mountains LUP, the creek beds on this property and portions of the oak woodland on the slope between the creek and the road are identified as Environmentally Sensitive Habitat Areas ('ESHAs'). Given the large contiguous coverage of chaparral and oak woodlands occupying much of the property not subject to this initial ESHA designation, it is probable that, pursuant to Policy 57 of the LUP, a current biotic review process would result in designation of much of the remainder of the property as ESHA. Furthermore, the subject property is located almost entirely within a designated Wildlife Migration Corridor and partially within the Solstice Canyon Significant Watershed Area, as designated in the certified Malibu/Santa Monica Mountains Land Use Plan. Wildlife Migration Corridors and Significant Watershed Areas are both designated as ESHAs under the Land Use Plan. Section 30240 Coastal Act and Policies 67-69 of the LUP severely limit development within and adjacent to areas designated as Environmentally Sensitive Habitat Areas. These policies require development to be sited and designed to minimize adverse impacts on Environmentally Sensitive Habitat Areas.

Furthermore, Section 30231 of the Coastal Act states that biological productivity and coastal water quality shall be protected and where possible restored. The property subject to the proposed Consent Orders houses a critical mosaic of habitats required by many species of birds, mammals and other groups of wildlife. Destruction of riparian, chaparral, and oak woodland vegetation through the Unpermitted Development damages the habitat available for wildlife, reduces ecosystem services, and can increase erosion of steep slopes found on the property. The increased erosion resulting from hardscaping and vegetation removal impairs riparian corridors, streams and, ultimately, shallow marine waters by increased sedimentation. Increased sediment loads in streams and coastal waters can increase turbidity, thereby reducing light transmission necessary for photosynthetic processes, reducing the growth of aquatic plants. Deposition of sediment can additionally harm benthic organisms by changing the composition of the streambed habitat, burying invertebrates, and reducing feeding and nesting success by loss of nesting habitat and smothering of eggs.

Therefore, Unpermitted Development on the subject property within and adjacent to riparian areas and associated oak woodland are inconsistent with the Coastal Act and causing continuing resource damage in contravention of the Coastal Act and the Santa Monica Mountains LUP

⁵ Cody, M.L. 1977. Birds. Pp. 223–231 *in* Thrower, N.J.W., and D.E. Bradbury (eds.). *Chile-California Mediterranean scrub atlas.* US/IBP Synthesis Series 2. Dowden, Hutchinson & Ross, Stroudsburg, Pennsylvania. National Park Service. 1993. A checklist of the birds of the Santa Monica Mountains National Recreation Area. Southwest Parks and Monuments Assoc., 221 N. Court, Tucson, AZ. 85701

⁶ Miner, K.L., and D.C. Stokes. 2000. Status, conservation issues, and research needs for bats in the south coast bioregion. Paper presented at *Planning for biodiversity: bringing research and management together*, February 29, California State University, Pomona, California.

policies protecting environmentally sensitive habitat areas, biological productivity, and water quality.

Additionally, Unpermitted Development on the property additionally impacts chaparral, and is inconsistent with several sections of the Coastal Act. In past Commission actions, contiguous swaths of chaparral in the Santa Monica Mountains has been found to rise to the level of ESHA. Chaparral within the Santa Monica Mountains provides critical linkages among riparian corridors, provides essential habitat for species that require several habitat types during the course of their life histories, provides essential habitat for sensitive species, and stabilizes steep slopes and reduces erosion, thereby protecting the water quality of coastal streams. Therefore, removal of chaparral ESHA would inherently contradict Section 30240 of the Coastal Act, which protects ESHA, but would also deleteriously impact soil stability and habitat function, in contradiction of water quality and biological productivity protections afforded by Section 30231 of the Coastal Act.

Removal of unpermitted structures and roads, and revegetation of areas impacted by Unpermitted Development will be undertaken pursuant to the proposed Consent Orders. This restoration work will ensure that habitat connectivity will be restored and ecosystem services reestablished.

ii) Alteration of Waterways

Coastal Act Section 30236

Channelizations, dams or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.

LUP Policy 76

In accordance with Section 30236 of the Coastal Act, channelizations, dams or other substantial alterations of stream courses shown as blue line streams on the latest available USGS map should incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.

Unpermitted Development on the property subject to the proposed Consent Orders includes the installation of culverts and hardscaping within a stream. Coastal Act Section 30236 and LUP Policy 76 both preclude the alteration of streams and rivers except under certain limited circumstances, not here applicable. Development within the stream physically removes and obstructs available riparian habitat, and can lead to increased in-stream water velocity. This can change the physical shape of the stream, increase sedimentation, and reduce detritus habitat and

food base for wildlife. Streams on the subject property are tributaries to Ramirez Creek, which flows into the Pacific Ocean at Paradise Cove, which is heavily used for recreation and which is contiguous with an expanse of productive nearshore kelp forests.

Restoration of the streambed and riparian areas impacted by Unpermited Development is required by the proposed Consent Orders.

iii) Location of New Development

Coastal Act Section 30250:

(a) 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. In addition, land divisions...outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average sized of surrounding parcels.

Coastal Act Section 30253

New development shall:

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

LUP Policy 74

New development shall be located as close as feasible to existing roadways, services, and existing development to minimize the effects on sensitive environmental resources.

LUP Policy 88

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

LUP Policy 82

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

LUP Policy 91

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

The Coastal Act and the Santa Monica Mountains LUP both require that development be sited so as to minimize grading and impacts to sensitive resources. The property subject to the proposed Consent Orders is comprised in part of riparian woodlands, which are primary contributors to the high biodiversity of the Santa Monica Mountains. The ecological integrity of those riparian habitats not only requires wildlife dispersal along the streams, but also depends on the ability of animals to move from one riparian area to another. Such movement requires that the riparian corridors be connected by suitable habitat, a function fulfilled in the Santa Monica Mountains by coastal sage scrub and chaparral.

As the interconnectivity of various habitat types is essential to sustaining wildlife populations, siting new development in a manner that least intrudes upon this connectivity is essential; structures should be clustered together and in proximity to extant infrastructure. A number of the unpermitted structures were constructed in theretofore undisturbed areas of woodland or chaparral, outside of approved development areas and at a distance from existing approved development. Furthermore, the grading for access roads to these structures appears to be greater than would likely be approved through a permit action. As no permit was obtained for the development subject to the proposed Consent Orders, the Commission was deprived of the opportunity to ensure that development was clustered so as to minimize impacts to coastal resources.

Through the proposed Consent Orders, Respondents will remove the majority of the Unpermitted Development, restore the impacted areas, and apply for a permit to retain select items of development potentially consistent with the Coastal Act. This process will ensure that the Commission has the opportunity to review the development remaining on the subject properties for consistency with Chapter 3 of the Coastal Act.

(c) Unpermitted Development is Causing Continuing Resource Damage

The unpermitted development is causing 'continuing resource damage', as those terms are defined by Section 13190 of the Commission's regulations.

(i) Definition of Continuing Resource Damage

Section 13190(a) of the Commission's regulations defines the term 'resource' as it is used in Section 30811 of the Coastal Act as follows:

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

The term 'damage' in the context of Restoration Order proceedings is defined in Section 13190(b) as follows:

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

In this case, the resources affected include the habitat and ecosystem functions provided by the impacted native chaparral, oak woodlands, and riparian corridors; the biological productivity and water quality of the waterways; and the integrity of the existing waterways. The damage includes the degradation and removal of the chaparral, oak woodland, and riparian habitat, including ESHA, which is caused by the unpermitted development on the subject property; the degradation of water quality and biological productivity; and the alteration of the waterways, as described in the Section V, above.

The term 'continuing' is defined by Section 13190(c) of the Commission's regulations as follows:

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

As of this time, the unpermitted development that is the subject of these proceedings and the results thereof remain at the subject property. As described above, the unpermitted development results in impacts to coastal resources, including the habitat provided by native chaparral vegetation, oak woodland habitat, and riparian corridors; the biological productivity and quality of waterways; and the physical integrity of those waterways. The grading and fill of riparian corridors, removal of native chaparral, and placement of structures and roads continues to impact the coastal resources, both by continuing to prevent the native ecosystem from existing or functioning and thereby disrupting the biological productivity of these areas, and by continuing to introduce pollutants into the waterways.

As described above, the unpermitted development is causing adverse impacts to resources protected by the Coastal Act that continue to occur as of the date of this proceeding, and therefore damage to resources is "continuing" for purposes of Section 30811 of the Coastal Act. The damage caused by the unpermitted development, which is described in the above paragraphs, satisfies the regulatory definition of "continuing resource damage." The third and final criterion for issuance of a Restoration Order is therefore satisfied.

(d) Orders are Consistent with Chapter 3 of the Coastal Act

The Consent Cease and Desist and Restoration Orders attached to this staff report as Appendix A are consistent with the resource protection policies found in Chapter 3 of the Coastal Act. The Consent Orders require Respondents to remove unpermitted development from the subject property, apply for authorization to retain certain specified items of development that may be consistent with the Coastal Act, restore the subject property using restorative grading and planting of vegetation native to oak woodlands and Mediterranean type ecosystems, mitigate for temporal losses, and cease and desist from conducting any further unpermitted development on the subject property. Respondents submitted the restoration and mitigation plans required by the Consent Orders in advance of this hearing, for staff review and approval, conditioned upon

approval of the Consent Orders; therefore, the approved plans are appended as attachments to the Consent Orders and will begin to be implemented upon Commission action on the proposed Consent Orders. The Consent Orders require Respondents to plant native plant species to be compatible with the surrounding chaparral and oak woodland habitat, and to ensure that non-native, invasive plant species do not colonize the newly restored site and spread from there to supplant the surrounding native habitat. Failure to revegetate the site would lead to potential invasion of non-native plant species, thus decreasing the biological productivity of this habitat, inconsistent with the resource protection policies of the Coastal Act. The primary function of the native vegetation project is the restoration and improvement of water quality, biological productivity, and environmentally sensitive resources; therefore the proposed use is consistent with Sections 30231 and 30240. The proposed project will improve water quality and biological resources by removing physical development and thereby increasing ecosystem resource cycling. Further, by restoring native vegetation, the proposed project will increase environmentally sensitive habitat area and restore riparian ecosystem functions.

Therefore, the Consent Cease and Desist and Restoration Orders are consistent with the Chapter 3 policies of the Coastal Act.

E. CONSENT AGREEMENT: SETTLEMENT

Chapter 9, Article 2, of the Coastal Act provides that violators may be civilly liable for a variety of penalties for violations of the Coastal Act, including daily penalties for knowingly and intentionally undertaking development in violation of the Coastal Act. Respondents have clearly stated their willingness to completely resolve the violations at issue herein, including any civil liability, administratively and amicably, through a settlement process. To that end, Respondents have committed to comply with all terms and conditions of the Consent Orders, including the provisions regarding monetary penalties, and not to contest the issuance or implementation of the Consent Orders.

F. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The Commission finds that issuance of these Consent Orders to compel compliance with the Coastal Act, to restore resources impacted by the Unpermitted Development activities, and to mitigate the impacts that resulted from the Unpermitted Development are exempt from any applicable requirements of the California Environmental Quality Act of 1970 (CEQA), Cal. Pub. Res. Code §§ 21000 et seq., and will not have significant adverse effects on the environment, within the meaning of CEQA. The Consent Orders are exempt from the requirement for the preparation of an Environmental Impact Report, based on Sections 15060(c)(2) and (3), 15061(b)(2), 15307, 15308 and 15321 of CEQA Guidelines, which are also in 14 CCR.

G. SUMMARY OF FINDINGS OF FACT

1. The United World of the Universe Foundation is the owner of the properties located at 2900 Kanan Dume Road, Malibu, CA 90265. The portion of that property at issue herein is identified by the Los Angeles County Assessor's Office as APNs 4465-002-036, 4465-001-

028, and 4465-002-021. The property is located within the Coastal Zone and has been designated as various types of ESHA.

- 2. The Canyon at Peace Park are the lessees of the property specified in Finding 1 and have committed jointly with the United World of the Universe Foundation to undertake the removal, restoration, and payment of penalties pursuant to the Consent Cease and Desist and Restoration Orders.
- 3. The United World of the Universe Foundation knowingly undertook development, as defined by Coastal Act Section 30106, without a coastal development permit, and in violation of a previously issued coastal development permit, on the subject property.
- 4. The Canyon at Peace Park undertook, by placing and maintaining, unpermitted development.
- 5. The Unpermitted Development is inconsistent with Chapter 3 of the Coastal Act and is causing "continuing resource damage" within the meaning of Coastal Act Section 30811 and Title 14, California Code of Regulations, Section 13190.
- 6. Coastal Action Section 30810 authorizes the Commission to issue a cease and desist order in these circumstances. Coastal Act Section 30811 authorizes the Commission to issue a restoration order in these circumstances.
- 7. The work to be performed under these Consent Orders, if completed in compliance with the Orders and the plans required therein, will be consistent with Chapter 3 of the Coastal Act.

<u>CONSENT CEASE AND DESIST ORDER CCC-12-CD-05 AND CONSENT</u> <u>RESTORATION ORDER CCC-12-RO-05</u>

- 1.0 **Consent Cease and Desist Order CCC-12-CD-05**. Pursuant to its authority under California Public Resources Code ('PRC') Section 30810, the California Coastal Commission ('Commission') hereby orders and authorizes the United World of the Universe Foundation and The Canyon at Peace Park and all their successors and assigns (hereinafter collectively referred to as 'Respondents') and those officers and employees of Respondents, or other individuals acting on behalf of Respondents to:
 - 1.1 Cease and desist from engaging in any further development, as that term is defined in PRC Section 30106, that would normally require a coastal development permit on any of the property identified in Section 12.0 below ('Subject Properties'), unless authorized pursuant to the Coastal Act, PRC Sections 30000-30900, which includes through these Consent Orders.
 - 1.2 Cease and desist from maintaining on the Subject Properties any of the following: (a) any Unpermitted Development (defined in Section 13.0, below), including any of the unpermitted physical structures and materials on the Subject Properties, or other unpermitted changes in the intensity of use to the Subject Properties, resulting therefrom; or (b) development inconsistent with Commission Coastal Development Permit ('CDP') 5-89-743.
 - 1.3 Remove, subject to the terms in these Consent Orders and pursuant to an attached removal plan or a removal plan consistent with Section 8.0 below, and pursuant to the terms and conditions set forth herein, all physical items placed or allowed to come to rest on the Subject Properties as a result of Unpermitted Development, including, but not necessarily limited to:

Graded roads, non-native invasive vegetation, residences and appurtenant structures, accessory structures including water tanks, trailers, pavement, landscaping, culverts, and fill/paving within and along streams.

Through the execution of Consent Cease and Desist Order CCC-12-CD-05, below, Respondents agree to comply with its terms and conditions. Respondents shall comply with this Order and shall cause its agents, contractors, and employees to comply with this Order, including by, among other things, distributing copies to any aforementioned parties undertaking activities relevant to this Order, and incorporating a provision in contracts to undertake activities relevant to this Order requiring such parties to comply with the terms and conditions of this Order.

2.0 **Consent Restoration Order CCC-12-RO-05**. Pursuant to its authority under PRC Section 30811, the Commission hereby orders and authorizes Respondents to restore the Subject Properties as described in Sections 4.0, 5.0, 6.0, and 8.0 below. Through the execution of Consent Restoration Order No. CCC-12-RO-05, below, Respondents agree to comply with its terms and conditions.

<u>Provisions Common to Both Orders.</u> CCC-12-CD-05 and CCC-12-RO-05 are hereinafter collectively referred to as 'the Consent Orders'.

- 3.0 <u>Definitions</u>.
 - 3.1 **'Pump House**' The approximately 10 foot by 10 foot structure on APN 4465-002-021, authorized pursuant to CDP 5-89-743 for the purpose of housing a pump, and which has since been converted into an approximately 1,500 sq foot unpermitted residence. Coastal Commission Waiver De Minimis Number 4-11-064 authorized the removal of the 1,250 sq foot structure constructed around and on top of the authorized Pump House.
 - 3.2 **'Tree House'** The unpermitted structure located in the southwestern portion of APN 4465-001-036, located within a designated Significant Oak Woodland and within an area subject to the easement for open space, view preservation, and habitat protection.
 - 3.3 **'A-Frame'** The unpermitted structure on APN 4465-001-028, north of the Women's Facility, located within an area subject to an easement for protection of watershed and wildlife corridors, and view protection.
 - 3.4 **'Men's Facility'** The 7,346 sq foot residence, and appurtenant garage, pool, and pond, which occupies the northwest portion of APN 4465-002-021, and which was authorized by CDP 5-89-743.
 - 3.5 **'Women's Facility'** The 4,971 sq foot residence, constructed without the benefit of a CDP, and 500 sq foot garage, constructed in 1997 on APN 4465-001-036, which is principally located within Development Area 3, as identified in CDP 5-89-743.
- 4.0 <u>Removal and Restoration of Impacted Areas</u>. Respondents shall implement the applicable approved Restoration Plans, consistent with Section 8.0 of these Consent Orders and attached hereto, for removal and restoration of each of the
elements of unpermitted development enumerated in this Section. Respondents shall commence implementation of each of the Restoration Plans within one hundred and twenty (120) days of the effective date of these Consent Orders, or if Los Angeles County approval is necessary to undertake any subject Restoration Plan, Respondents shall inform Commission staff and this deadline shall commence within one hundred and twenty (120) days of approval by Los Angeles County for any subject Restoration Plan requiring Los Angeles County approval. Respondents shall complete all elements of each Restoration Plan, excepting each associated Monitoring Plan, no later than one hundred and twenty (120) days from commencing implementation of any subject Restoration Plan. The Monitoring Plan shall be implemented consistent with the terms of each subject Monitoring Plan. The Executive Director may extend the deadlines or modify the approved schedule for good cause pursuant to Section 19.0 of these Consent Orders.

- 4.1 **The Pump House**. The Pump House shall be removed and restored pursuant to the Attachment 1, the 'Restoration Plan for the Removal of a Portion of the Pump House Foundation and Concrete Slab'.
 - (A) Removal and restoration shall not apply to: the underlying permitted housing which covers the pump, an apron around the housing, and an access path to the propane tank as depicted in Attachment 1, the 'Restoration Plan for the Removal of a Portion of the Pump House Foundation and Concrete Slab'.
 - (B) Respondents agree that any repair and maintenance exemptions, including pursuant to Sections 13252 and 13250 of the Commission's Regulations, that might otherwise apply will not be applicable to the retaining wall located adjacent to the Pump House. Any repair, maintenance, replacement, or redevelopment of said retaining wall shall require a CDP, and failure to obtain a CDP for such activities will constitute a violation of these Consent Orders.
- 4.2 **Tree House.** The Tree House structure and surrounding impacted area, including the footbridge across the stream on APN 4465-001-036 and any physical development demarcating the footpath through the adjacent woodland, shall be removed and restored pursuant to Attachment 2, the 'Restoration Plan for the Removal of the Tree House'.
- 4.3 **A-Frame and Road.** The A-Frame structure on APN 4465-001-028 and access road on APNs 4465-001-028 and 4465-001-036 shall be removed and restored pursuant to Attachment 3, the 'Restoration Plan for the

Removal of the A-Frame, A-Frame Road, and Women's House Northwest Road'.

- 4.4 **Structure, Footpath, and Overlook Road.** The two structures located adjacent to the riparian corridor on APN 4465-001-028 north of the parking area, the spur road accessing the knoll on APN 4465-001-028, which provides access to overlook the 'Men's Facility' from the riparian corridor to the east, and any physical development demarcating the footpath originating at the Men's Facility and terminating at the knoll shall be restored pursuant to Attachment 4, the 'Restoration Plan for the Removal of the Two Structures, Footpath, and Overlook Road'.
- 4.5 **Parking Area Extension.** The parking area extension, including the paving and the installation of culverts placed within a stream, not approved by CDP 5-89-743 or existing prior to the Coastal Act, shall be removed and restored with native vegetation pursuant to Attachment 5, the 'Restoration Plan for the Removal of the Parking Area Extension'.
- 4.6 **Landscaping and Road**. The road emanating to the northwest from the Women's Facility along the riparian corridor on APN 4465-001-036 shall be removed and restored pursuant to Attachment 3, the 'Restoration Plan for the Removal of the A-Frame, A-Frame Road, and Women's House Northwest Road', and the non-native landscaping around the Women's Facility shall be removed pursuant to Attachment 6, the 'Restoration Plan for the Removal of Women's House Landscaping'.
- 4.7 **Guest House Road.** The road originating at the guest house on APN 4465-002-021, progressing east and then west along the hillside below the guest house shall be restored pursuant to Attachment 7, the 'Restoration Plan for the Removal of the Guest House Road'.
- 4.8 **Peace Pagoda.** Respondents shall submit for the review and approval of the Commission's Executive Director, a Removal, Erosion Control, Restoration, Revegetation, and Monitoring Plan for the removal of the Peace Pagoda and associated paths if the permit amendment mentioned in Section 6.1(B), below, does not result in the situation of a development area within 200-feet of the Peace Pagoda and paths. This Restoration Plan shall be consistent with the provisions set forth in Section 8.0, below, and shall be submitted to Commission staff within ninety (90) days of final Commission action on the permit amendment mentioned below in Section 6.1(B).
- 5.0 <u>Submittal of After-the-Fact Coastal Development Permit Application.</u>

5.1 **Communications Facility.**

- (A) Within ninety (90) days of the effective date of these Consent Orders, Respondents shall submit, and shall not withdraw or impede final Commission action in any way on, a 'complete' coastal development permit application for after-the-fact approval of the Communications Facility situated on the knoll overlooking the Men's Facility, should they wish to retain said Communications Facility. Where a Los Angeles County approval is required for the coastal development permit application to be 'complete', Respondents are diligently working to obtain County approval, and County review is still pending, Respondents may request an extension, pursuant to Section 19.0, of deadlines necessarily affected.
- (B) Respondents shall comply with the terms and conditions of any permit issued pursuant to the application submitted under Section 5.1(A), above, within two (2) years of final Commission action.
- (C) Within ninety (90) days of the effective date of these Consent Orders, Respondents shall submit, for the review and approval of the Commission's Executive Director, a Removal, Erosion Control, Restoration, Revegetation, and Monitoring Plan for the removal of the Communications Facility if Respondents do not apply to retain in the permit application required by Section 5.1(A), above. This Restoration Plan shall be consistent with the provisions set forth in Section 8.0, below.

5.2 Women's Facility.

- (A) Within ninety (90) days of the effective date of these Consent Orders, Respondents shall submit, and shall not withdraw or impede final Commission action in any way on, a 'complete' coastal development permit application for after-the-fact approval of any of the following development that Respondents wish to retain within APN 4465-001-036. Where a Los Angeles County approval is required for the coastal development permit application to be 'complete', Respondents are diligently working to obtain County approval, and County review is still pending, Respondents may request an extension, pursuant to Section 19.0, of deadlines necessarily affected.
 - (1) The Women's Facility, garage guesthouse, solar panels, accessory structures, water tank, the road accessing the

water tank, and accessory development within or near Development Area 3; and

- (2) The climbing wall and the maintenance, trash, and recycling facility within or near Development Area 3 or which Respondents may seek to retain within or near Development Area 3, or to relocate within another Development Area on the Subject Properties.
 - (a) Development in Section 5.2(A)(2) may be temporarily located to a previously disturbed area within the development area adjacent to Kanan Dume Road on APN 4465-002-021 during the pendency of the above-mentioned permit application.
- (B) The permit application must include information necessary to evaluate all grading and landform alteration associated with the development mentioned in Section 5.2(A)(1-2).
- (C) Respondents shall comply with the terms and conditions of any permit issued pursuant to the application submitted under Section 5.2(A), above, within two (2) years of final Commission action.
- (D) Within ninety (90) days of the effective date of these Consent Orders, Respondents shall submit, for the review and approval of the Commission's Executive Director, a Removal, Erosion Control, Restoration, Revegetation, and Monitoring Plan for removal of any development listed in Section 5.2(A)(1 or 2) that Respondents do not apply to retain in the permit application required by that Section. This Restoration Plan shall be consistent with the provisions set forth in Section 8.0, below.

6.0 Coastal Development Permit Amendment

- 6.1 Concurrent with the permit application of Section 5.0, Respondents shall submit, and not withdraw or impede final Commission action in any way on, an application to amend CDP 5-89-743 in the following manner:
 - (A) To include any portion of the two meditation trailers, shed, and associated development located east of Kanan Dume Road which they wish to retain.

- (B) To amend the location of the development area on APN 4465-001-028 to one of two approximate locations depicted on Attachment 12.
 - (1) Should the development area, as amended, be partially or wholly situated on APN 4465-001-036, Respondents shall submit, as part of the coastal development permit application discussed in Section 5.0, an application to adjust the lot line between APN 4465-001-036, and APN 4465-001-028 such that each resulting lot contains one development area.
 - (2) Respondents shall comply with the terms and conditions of the above-described amendment and permit within two (2) years of final Commission action.
 - (3) Should the development area, as amended, be partially or wholly situated on APN 4465-001-036, and should Respondents fail to apply to the Commission for a lot line adjustment, or should the Commission deny the abovedescribed lot line adjustment, Respondents shall submit, for the review and approval of the Commission's Executive Director, a Removal, Erosion Control, Restoration, Revegetation, and Monitoring Plan for the removal of the Peace Pagoda and restoration of areas impacted by the development. This Restoration Plan shall be submitted within thirty (30) days of final action on said denial, or within ninety (90) days of the effective date of these Consent Orders.
- (C) To amend the location of the development area on APN 4465-001-036.
- (D) To correct the legal description of the development area on APN 4465-002-021 to render it consistent with CDP 5-89-743.
- (E) Respondents shall comply with the terms and conditions of any permit issued pursuant to the application submitted under Sections 6.1(A-D), above, within two years of final Commission action.
- 7.0 <u>Denial of Development.</u> Respondents shall submit, for the review and approval of the Commission's Executive Director, a Removal, Erosion Control, Restoration, Revegetation, and Monitoring Plan for the removal of development and restoration of areas impacted by the development, for any development for which

these Consent Orders provide for application to the Commission, and for which the Commission denies authorization. This Restoration Plan shall be submitted within ninety (90) days of final action on said denial, and shall be consistent with the provisions set forth in Section 8.0, below.

8.0 <u>Restoration Plan.</u> These Consent Orders require the preparation and implementation of a Restoration Plan to remove unpermitted development and to restore impacted areas on the Subject Properties. Respondents shall submit any Restoration Plan required by Sections 5.0, 6.0, and 7.0 of these Consent Orders, for review and approval of the Commission's Executive Director, within the deadlines set forth in these Consent Orders. The Restoration Plans provided for in Section 4.0, and attached hereto, have been approved by the Executive Director as consistent with the requirements of Section 8.0 set forth below, and do not require further approval unless modified or amended. The Restoration Plan shall outline all proposed removal activities, proposed remedial grading, and proposed revegetation activities and mitigation, in the subject area, as well as monitoring plans, and shall include the following elements and requirements.

8.1 General Provisions.

- (A) The Restoration Plan shall be prepared by a qualified restoration ecologist(s), resource specialist(s), and/or engineer ('Specialist'). Prior to the preparation of the Restoration Plan, Respondents shall submit for the Executive Director's review and approval the qualification of the proposed Specialist, including a description of the proposed Specialist's educational background, training and experience related to the preparation and implementation of the Restoration Plan described herein. If the Executive Director determines that the qualifications of Respondents' resource specialist is not adequate to conduct such restoration work, he/she shall notify Respondents and, within 10 days of such notification, Respondents shall submit for the Executive Director's review and approval a different Specialist.
- (B) The Restoration Plan shall include a schedule/timeline of activities, the procedures to be used, and identification of the parties who will be conducting the restoration activities.
- (C) The Restoration Plan shall include a detailed description of all equipment to be used. All tools utilized shall be hand tools unless the Specialist demonstrates to the satisfaction of the Executive Director that mechanized equipment is needed and will not impact resources protected under the Coastal Act, including, but not

limited to: geological stability, integrity of landforms, freedom from erosion, and the existing native vegetation.

- (1) If the use of mechanized equipment is proposed, the Restoration Plan shall include limitations on the hours of operations for all equipment and a contingency plan that addresses, at a minimum: 1) impacts from equipment use;
 2) potential spills of fuel or other hazardous releases that may result from the use of mechanized equipment and responses thereto; and 3) any water quality concerns. The Restoration Plan shall designate areas for staging of any construction equipment and materials, including receptacles and temporary stockpiles of graded materials, all of which shall be covered on a daily basis.
- (D) The Restoration Plan shall specify that no demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wind or runoff erosion and dispersion.
 - (1) All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil.
- (E) The Restoration Plan shall identify the location of the disposal site(s) for the off-site disposal of all materials removed from the Subject Properties and all waste generated during restoration activities pursuant to these Consent Orders. If a disposal site is located in the Coastal Zone and is not an existing sanitary landfill, a coastal development permit is required for such disposal. All hazardous waste must be disposed of at a suitable licensed disposal facility.
- (F) The Restoration Plan shall specify the methods to be used during and after restoration to stabilize the soil and make it capable of supporting native vegetation. Such methods shall not include the placement of retaining walls or other permanent structures, grout, geogrid or similar materials. Any soil stabilizers identified for erosion control shall be compatible with native plant recruitment and establishment. The Restoration Plan shall also include all measures that will be installed on the Subject Properties and maintained until the impacted areas have been revegetated to minimize erosion and the transport of sediment.

(G) The Restoration Plan shall identify all areas on which the Restoration Plan are to be implemented, and upon which the restoration will occur ('Restoration Area'). The Restoration Plan shall also state that prior to the initiation of any restoration or removal activities, the boundaries of the Restoration Area shall be physically delineated in the field, using temporary measures such as fencing stakes, colored flags, or colored tape. The Restoration Plan shall state further that all delineation materials shall be removed when no longer needed and verification of such removal shall be provided in the annual monitoring report that corresponds to the reporting period during which the removal occurred.

8.2 Erosion Control Plan.

- (A) Respondents shall submit an Erosion Control Plan, prepared by a qualified Specialist, approved pursuant to Section 8.1(A), as part of the Restoration Plan, to address ground disturbance during any construction or restoration activities, and during the establishment of the vegetation planted pursuant to Section 8.5, below.
 - (1) The erosion control measures are required to be installed and fully functional on the Restoration Area prior to or concurrent with the initial removal and restoration activities required by these Consent Orders and maintained throughout the removal/restoration process to minimize erosion across the site and sedimentation of streams, tributaries, drains and culverts.
- (B) The Erosion Control Plan shall: 1) include a narrative report describing all temporary run-off and erosion control measures to be used during removal/restoration activities; 2) identify and delineate on a site or grading plan the locations of all temporary erosion control measures; and 3) specify that the removal work and construction of the permanent erosion control features shall take place only during the dry season (April 1- November 1). This period may be extended for a limited period pursuant to the provisions of Section 19.0, below.
 - (1) All temporary construction related erosion control materials shall be comprised of bio-degradable materials and shall be removed from the construction site once the permanent erosion control features are established.

(C) In those areas where erosion control measures may be immediately necessary, Respondents shall install said measures in a timely manner to as to avoid further resource impacts.

8.3 Removal Plan.

- (A) As part of the Restoration Plan, Respondents shall submit a Removal Plan, prepared by a qualified Specialist, approved pursuant to Section 8.1(A), to govern the removal and off-site disposal of all unpermitted development required to be removed pursuant to these Consent Orders, unpermitted development for which no authorization is sought by the deadlines established in these Consent Orders, and unpermitted development for which authorization is denied by the Commission.
 - (1) The Removal Plan shall include a site plan showing the location and identity of all Unpermitted Development to be removed from the Subject Properties.
- (B) The Removal Plan shall indicate that removal activities shall not disturb areas outside of the removal and restoration area. Measures for the restoration of any area disturbed by the removal activities shall be included within the Revegetation Plan. These measures shall include the restoration of the areas from which the unpermitted development was removed, and any areas disturbed by those removal activities.

8.4 **Remedial Grading Plan.**

- (A) As part of the Restoration Plan, Respondents shall submit a Remedial Grading Plan prepared by a qualified Specialist approved pursuant to Section 8.1(A) for the review and approval of the Commission's Executive Director. The Remedial Grading Plan shall include sections showing original and finished grades, and a quantitative breakdown of grading amounts (cut/fill), drawn to scale with contours that clearly illustrate, as accurately as possible, the pre-development and the current, unpermitted topography. The Remedial Grading Plan shall demonstrate how the proposed remedial grading will restore the Subject Properties to their original, pre-violation topography, as determined in consultation with Commission staff biologist and engineer.
- (B) If the Specialist determines that alterations to the original topography are necessary to ensure a successful restoration of the

riparian and chaparral habitat, the Remedial Grading Plan shall also include this proposed topography and a narrative report that explains the justification for needing to alter the topography from the original contours.

8.5 **Revegetation Plan.**

- (A) Respondents shall submit a Revegetation Plan, prepared by a qualified Specialist, as approved under Section 8.1(A), above, as part of the Restoration Plan, outlining the measures necessary to revegetate the Restoration Area. The Revegetation Plan shall include detailed descriptions, including graphic representations, narrative reports, and photographic evidence as necessary, submitted pursuant to requirements of Section 8.6(B), of vegetation in the Restoration Area prior to any Unpermitted Development undertaken on the Subject Properties, and the current state of the Subject Properties. The Revegetation Plan shall demonstrate that the areas impacted by the Unpermitted Development on the Subject Properties will be restored using plant species endemic to and appropriate for the area in which the unpermitted activities occurred.
- (B) The Revegetation Plan shall identify the natural habitat type that is the model for the restoration and describe the desired relative abundance of particular species in each vegetation layer. This section shall explicitly lay out the restoration goals and objectives for the revegetation. Based on these goals, the plan shall identify the species that are to be planted, and provide a rationale for and describe the size and number of container plants and the rate and method of seed application. The Revegetation Plan shall indicate that plant propagules and seeds must come from local, native stock of the Santa Monica Mountains.
 - (1) If plants, cuttings, or seed are obtained from a nursery, the nursery must certify that they are of local origin (Santa Monica Mountains) and are not cultivars. The Revegetation Plan shall provide specifications for preparation of nursery stock. Technical details of planting methods (e.g. spacing, micorrhyzal inoculation, etc.) shall be included.
- (C) The Revegetation Plan shall include a detailed description of the methods that shall be utilized to restore the Restoration Area to the condition that existed prior to the unpermitted development occurring.

- (D) The Revegetation Plan shall include a map showing the type, size, and location of all plant materials that will be planted in the Restoration Area; the location of all non-native plants to be removed from the Restoration Area; the topography of all other landscape features on the site; and the location of photographs of the Restoration Areas that will provide reliable photographic evidence for annual monitoring reports, as described in Section 8.6(B), below.
- (E) The Revegetation Plans shall include a detailed explanation of the performance standards that will be utilized to determine the success of the restoration. The performance standards shall identify that 'x' native species appropriate to the habitat should be present, each with at least 'y' percent cover or with a density of at least 'z' individuals per square meter. The description of restoration success shall be described in sufficient detail to enable an independent specialist to duplicate it.
- (F) The Revegetation Plans shall include a schedule for installation of plants and removal of non-native plants. Respondents shall not employ non-native plant species, which could supplant native plant species in the Restoration Area.
 - (1) If the planting schedule requires planting to occur at a certain time of year beyond deadlines set forth herein, the Executive Director may, at the written request of Respondents, extend the deadlines as set forth in Section 19.0 of these Consent Orders in order to achieve optimal growth of the vegetation.
 - (2) The Revegetation Plan shall demonstrate that all non-native vegetation within the Restoration Area will be eradicated prior to any remedial grading and revegetation activities on the Subject Properties. In addition, the Revegetation Plan shall specify that non-native vegetation removal shall occur year round, including on a monthly basis during the rainy season (January through April) for the duration of the restoration project, as defined in Section 8.6.
- (G) The Revegetation Plan shall describe the proposed use of artificial inputs, such as irrigation, fertilizer or herbicides, including the full range of amounts of the inputs that may be utilized. The minimum amount necessary to support the establishment of the plantings for

successful restoration shall be utilized. No permanent irrigation system is allowed in the Restoration Area. Temporary above ground irrigation to provide for the establishment of plantings is allowed for a maximum of three (3) years or until the revegetation has become established, whichever comes first.

(1) If, after the three (3) year time limit, the vegetation planted pursuant to the Revegetation Plan has not become established, the Executive Director may, upon receipt of a written request from Respondents, allow for the continued use of the temporary irrigation system. The written request shall outline the need for and duration of the proposed extension.

8.6 Monitoring Plan.

- (A) The plan shall indicate that Respondents shall submit a Monitoring Plan, as part of the Restoration Plan, that describes the monitoring and maintenance methodology, including sampling procedures, sampling frequency, and contingency plans to address potential problems with restoration activities or unsuccessful restoration of the area. The Monitoring Plan shall specify that the restoration Specialist shall conduct at least four site visits annually for the duration of the monitoring period set forth in Section 8.6(B), at intervals specified in the Restoration Plan, for the purposes of inspecting and maintaining, at a minimum, the following: all erosion control measures; non-native species eradication; trash and debris removal; and the health and abundance of original and/or replacement plantings.
- (B) Respondents shall submit, on an annual basis and during the same one-month period of each year (no later than December 31st of the first year), for five (5) years from the completion of implementation of the Revegetation Plan, according to the procedure set forth under Section 8.9, a written report, for the review and approval of the Executive Director, prepared by the qualified Specialist, evaluating compliance with the approved Restoration Plan. These reports shall also include photographs taken during the periodic site inspections pursuant to Section 8.6(A), at the same time of year, from the same pre-designated locations (as identified on the map submitted pursuant to Section 8.5(D)) indicating the progress of recovery in the Restoration Areas.

- The locations from which the photographs are taken shall not change over the course of the monitoring period unless recommended changes are approved by the Executive Director, pursuant to Section 19.0 of these Consent Orders.
- (C) If periodic inspections or the monitoring reports indicate that the restoration project or a portion thereof is not in conformance with the Restoration Plan, or these Consent Orders, or has failed to meet the goals and/or performance standards specified in the Restoration Plan, Respondents shall submit a revised or supplemental Restoration Plan ('Revised Restoration Plan') for review and approval by the Executive Director. The Revised Restoration Plan shall be prepared by a qualified Specialist, approved by the Executive Director, and shall specify measures to correct those portions of the restoration that have failed or are not in conformance with the original approved Restoration Plan, or these Consent Orders. The Executive Director will then determine whether the Revised Restoration Plan must be processed as a modification of these Consent Orders, a new Restoration Order, or a new or amended coastal development permit. After the Revised Restoration Plan has been approved, these measures, and any subsequent measures necessary to carry out the original approved Restoration Plan, shall be undertaken by Respondents as required by Executive Director until the goals of the original approved Restoration Plan have been met. Following completion of the Revised Restoration Plan's implementation, the duration of the monitoring period, set forth in Section 8.6(D), shall be extended for at least a period of time equal to that during which the project remained out of compliance, but in no case less than two annual reporting periods.
- (D) At the end of the five (5) year monitoring period (or other duration, if the monitoring period is extended pursuant to Section 8.6(C)), Respondents shall submit, according to the procedure set forth under Section 8.9, a final detailed report prepared by a qualified Specialist for the review and approval of the Executive Director.
 - (1) If this report indicates that the restoration has in part, or in whole, been unsuccessful, based on the requirements of the approved Restoration Plans, Respondents shall submit a Revised Restoration Plan, in accordance with the requirements of Section 8.6(C) of the Consent Orders, and the monitoring program shall be revised accordingly.

- 8.7 Upon approval of the Restoration Plan (including the Removal, Remedial Grading, Revegetation, and Monitoring Plans) by the Executive Director, Respondents shall commence implementation of the Restoration Plan within one hundred and twenty (120) days after the Restoration Plan is approved, or if Los Angeles County approval is necessary to undertake any subject Restoration Plan, Respondents shall inform Commission staff and this deadline shall commence within no later than one hundred and twenty (120) days of approval by Los Angeles County. Respondents shall inform Commission staff if Los Angeles County approval is required within thirty (30) days of notification of such. Respondents shall complete all elements of the Restoration Plan, excepting the Monitoring Plan, no later than one hundred and twenty (120) days from commencing implementation of the Restoration Plan. The Monitoring Plan shall be implemented consistent with the terms of each subject Monitoring Plan. The Executive Director may extend this deadline or modify the approved schedule for good cause pursuant to Section 19.0 of these Consent Orders.
- 8.8 Within thirty (30) days of the completion of the work described pursuant to each phase (Removal Plan, Remedial Grading Plan, and Revegetation Plan), Respondents shall submit, according to the procedures set forth under Section 8.9, a written report, prepared by a qualified Specialist, for the review and approval of the Executive Director, documenting all restoration work performed on the Subject Properties pursuant to the specific component of the Restoration Plan. This report shall include a summary of dates when work was performed and photographs taken from the pre-designated locations (as identified on the map submitted pursuant to Section 8.5(D)) documenting implementation of the respective components of the Restoration Plan, as well as photographs of the Subject Properties before the work commenced and after it was completed.
- 8.9 All plans, reports, photographs and other materials required by these Consent Orders shall be sent to:

California Coastal Commission Attn: Heather Johnston 45 Fremont Street, Ste 2000 San Francisco, CA 94105

With a copy sent to:

California Coastal Commission Attn: N. Patrick Veesart 89 S. California Street, Ste 200 Ventura, California 93001

8.10 Mitigation.

- (A) Within one hundred and twenty (120) days of the effective date of these Consent Orders, Respondents shall begin implementation of the Mitigation Plan (Attachment 11), or if Los Angeles County approval is necessary to undertake the Mitigation Plan, Respondents shall inform Commission staff and this deadline shall commence within one hundred and twenty (120) days of approval by Los Angeles County. Respondents shall complete all elements of the Mitigation Plan, excepting subpart 'Monitoring Plan', no later than one hundred and twenty (120) days from beginning implementation. The Monitoring Plan shall be implemented consistent with the terms of the Monitoring Plan. The Executive Director may extend the deadlines or modify the approved schedule for good cause pursuant to Section 19.0 of these Consent Orders. The Mitigation Plan outlines the proposed 3.16 acres of mitigation to be undertaken on-site, reflecting a mitigation ratio of 1.67:1 (mitigation: damaged resources).
- (B) Within sixty (60) days of the effective date of these Consent Orders, Respondents shall purchase 2.33 acres in the Santa Monica Mountains Recreation and Conservation Authority's Mitigation Bank at a rate of \$12,000 per acre.

Additional Provisions Common to Both Orders.

- 9.0 Nothing in these Consent Orders shall preclude future proposals to develop or modify the Subject Properties if consistent with these Consent Orders and authorized pursuant to Coastal Act, PRC Sections 30000-30900. Any future development proposed on the Subject Properties will need to comply with all relevant Coastal Act standards.
- 10.0 **Revision of Deliverables.** The Executive Director may require revisions to future deliverables under these Consent Orders, not including the approved Restoration Plans and the Mitigation Plan documents attached hereto. The Respondents shall revise any such future deliverables consistent with the Executive Director's specifications, and resubmit them for further review and approval by the Executive Director, by the deadline established by the modification request from the Executive Director. The Executive Director may extend the deadline for submittals upon a written request and a showing of good cause, pursuant to Section 19.0 of these Consent Orders.

- 11.0 **Persons Subject to these Orders.** The United World of the Universe Foundation owns the properties subject to these Consent Orders, and The Canyon at Peace Park leases and operates a portion thereof. Collectively the aforementioned parties have stated their intentions to take responsibility for the violations alleged in Section 13.0, below. By executing these Consent Orders, Respondents attest that they have authority to conduct the work on the Subject Properties required by these Consent Orders, and agree to obtain all necessary permissions (access, etc.) to conduct and complete the work required to resolve the violations addressed herein. Respondents are jointly and severally subject to all the requirements of these Consent Orders. Respondents agree to undertake the work required herein, and agree to cause their current and future agents, contractors, and employees to comply with the terms and conditions of these Consent Orders, including by distributing copies of these Consent Orders to aforementioned parties undertaking activities relevant to the Consent Orders, and by incorporating a provision in contracts to undertake activities relevant to the Consent Orders requiring agents and contractors to comply with the terms and conditions of the Consent Orders.
- 12.0 **Identification of the Subject Properties.** The property that is the subject to these Consent Orders is located at 2900 Kanan Dume Road, Los Angeles County, California, which is also identified by Los Angeles County Assessor's Parcel Numbers 4465-002-021; 4465-001-036; and 4465-001-028.

13.0 **Description of the Unpermitted Development.**^{1 2}

- 13.1 Failure to restore native vegetation in, removal of native vegetation from, and re-grading of, roads previously restored or required to be restored pursuant to Special Condition 1 of CDP 5-89-743 including:
 - (A) The unpaved road originating at the guest house on APN 4465-002-021, progressing east and then west along the hillside below the residence (Attachment 8); and
 - (B) The unpaved spur road accessing the knoll on APN 4465-001-028, which overlooks the 'Men's Facility' from the riparian corridor to the east (Attachment 9).

¹ The description herein of the violation at issue is not necessarily a complete list of all development on the Subject Properties that is in violation of the Coastal Act and/or that may be of concern to the Commission. Accordingly, Commission's silence regarding (or failure to address) other development on the Subject Properties is not indicative of the Commission's acceptance of, or acquiescence in, any such development. ² The Notice of Intent to Commence Cease and Desist and Restoration Order Proceedings ('NOI'), dated March 19, 2012, addressed unpermitted development on seven contiguous parcels of land, known by the Los Angeles County Assessors Office as APNs 4465-002-021, 4465-001-036, 465-001-028, 4465-001-029, 4465-002-012, 4465-001-028, 4465-002-021, which are owned by the United World of the Universe Foundation. The unpermitted development referenced in the NOI on the remaining four parcels will be addressed separately in a subsequent action.

- 13.2 Native vegetation removal, including removal of ESHA, and grading and paving to create roads and cleared areas, including:
 - (A) The road from the Women's Facility in Development Area 3 extending northeast to the A-Frame (Attachment 10) on APN 4465-001-036 and 4465-001-028; and
 - (B) The road emanating to the northwest from the Women's Facility along the riparian corridor (Attachment 10) on APN 4465-001-036, which widens into a graded node in the center and a graded node at the northwestern terminus, both of which are used for intermittent parking and storage of vehicles.
 - (C) Native vegetation removal and landform alteration associated with clearing and construction of a footpath on APNs 4465-002-021 and 4465-001-028 to the knoll accessed by the road referenced in Section 13.1(B) above (Attachment 9).
- 13.3 Installation of unpermitted development, including:
 - (A) Change of use of two structures, associated cement pads, and appurtenant development on previously-cleared area of APN 4465-002-021 immediately east of Kanan Dume Road (Attachment 8).
 - (B) Native vegetation removal, grading, and conversion of an approximately ten foot by ten foot pump house into a single family residence with associated development on APN 4465-002-021 adjacent to the guest house authorized in CDP 5-89-743 (Attachment 8).
 - (C) Expansion of a parking area (approved by CDP 5-89-743) near the Men's Facility by 16,000 square feet, within and adjacent to riparian ESHA on APN 4465-002-021, including:
 - (1) Removal of riparian and native chaparral vegetation;
 - (2) Grading and paving, including within the dripline of several oak trees; and
 - (3) Installation of two culverts within the stream corridor (Attachment 9).
 - (D) Placement of a communications facility on the knoll above the Men's Facility located on APN 4465-002-021 (Attachment 9).

- (E) Removal of native vegetation, grading, and construction of a 'Tree House' structure on APN 4465-001-036 in riparian ESHA with associated access ways and appurtenant development (Attachment 10).
- (F) Removal of native vegetation, grading, and construction of a 5,000 square foot 'Women's Facility' on APN 4465-001-036 with associated:
 - (1) Garage;
 - (2) Climbing wall;
 - (3) Guest house;
 - (4) Solar panels;
 - (5) Water tank;
 - (6) Maintenance, trash, and recycling facility; and
 - (7) Non-native/Invasive landscaping and walkways extending onto APN 4465-001-028 (Attachment 10), and providing access to the structure mentioned in Section 13.3(G), below.
- (G) Native vegetation removal and construction of the Peace Pagoda on APN 4465-001-028 with associated non-native/invasive landscaping (Attachment 10).
- (H) Native vegetation removal, grading, and construction of an 'A-Frame' structure on APN 4465-001-028, accessed by the road referenced in Section 13.2(A), above (Attachment 10).
- (I) Native vegetation removal, grading, and placement of two structures along the riparian corridor on APN 4465-001-028 north of the parking area referenced in Section 13.3(C), above (Attachment 9).
- (J) Placement of a bridge and decomposed granite footpath across the stream located on APN 4465-001-036 (Attachment 10).
- 14.0 **Commission Jurisdiction.** The Commission has jurisdiction over resolution of these alleged Coastal Act violations pursuant to PRC Section 30810 and 30811. In light of the desire of the parties to settle these matters, Respondents agree not to contest the Commission's jurisdiction to issue or enforce these Consent Orders.
- 15.0 **Resolution of Matter Via Settlement.** In light of the intent of the parties to resolve these matters in settlement, Respondents have not submitted a "Statement of Defense" form as provided for in Sections 13181 and 13191 of Title 14 of the

California Code of Regulations and have agreed not to contest the legal and factual bases, the terms, or the issuance of these Consent Orders, including the allegations of Coastal Act violations contained in the Notice of Intent to Commence Cease and Desist and Restoration Oder Proceedings dated March 19, 2012. Specifically, Respondents have agreed not to contest the issuance or enforcement of these Consent Orders at a public hearing or any other proceeding.

- 16.0 **Effective Date and Terms of the Consent Orders.** The effective date of these Consent Orders is the date these Consent Orders are issued by the Commission. These Consent Orders shall remain in effect permanently unless and until rescinded by the Commission.
- 17.0 **Findings.** These Consent Orders are issued on the basis of the findings adopted by the Commission, as set forth in the document entitled "<u>Staff Report and</u> <u>Findings for Consent Cease and Desist Order No. CCC-12-CD-05 and Consent</u> <u>Restoration Order No. CCC-12-RO-05</u>." The activities authorized and required in these Consent Orders are consistent with the resource protection policies set forth in Chapter 3 of the Coastal Act. The Commission has authorized the activities required in these Consent Orders as being consistent with the resource protection policies set forth in Chapter 3 of the Coastal Act.

18.0 Settlement/Compliance Obligation.

- 18.1 In light of the intent of the parties to resolve these matters in settlement, Respondents have agreed to pay a monetary settlement in the amount of \$525,000. Payment shall be made in two equal installments of \$262,500 each, with the first installment due ninety (90) days from the effective date of these Consent Orders, and the second due one year and ninety days from the effective date of the Consent Orders. The settlement monies shall be deposited in the Violation Remediation Account of the California Coastal Conservancy Fund (see PRC Section 30823), or into such other public account as authorized by applicable California law at the time of the payment, and as designated by the Executive Director. The settlement payments shall be submitted to the Commission's San Francisco Office, at the address provided in Section 8.9, to the attention of Heather Johnston of the Commission, payable to the account designated under the Coastal Act, and include a reference to the numbers of these Consent Orders.
- 18.2 Strict compliance with these Consent Orders by all parties subject thereto is required. Failure to comply with any term or condition of these Consent Orders, including any deadline contained in these Consent Orders, unless the Executive Director grants an extension under Section 19.0, will constitute a violation of these Consent Orders and shall result in Respondents being liable for stipulated penalties in the amount of \$1,000

per day per violation. Respondents shall pay stipulated penalties regardless of whether Respondents have subsequently complied. If Respondents violate these Consent Orders, nothing in this agreement shall be construed as prohibiting, altering, or in any way limiting the ability of the Commission to seek any other remedies available, including imposition of civil penalties and other remedies pursuant to PRC Sections 30820, 30821.6, and 30822 as a result of the lack of compliance with the Consent Orders and for the underlying Coastal Act violations described herein.

- 19.0 **Deadlines.** Prior to the expiration of the deadlines established by these Consent Orders, Respondents may request from the Executive Director an extension of the deadlines. Such a request shall be made in writing, 10 days in advance of the deadline, and directed to the Executive Director, care of Heather Johnston, in the San Francisco office of the Commission. The Executive Director may grant an extension of deadlines upon a showing of good cause, either if the Executive Director determines that Respondents have diligently worked to comply with their obligations under these Consent Orders, but cannot meet deadlines due to unforeseen circumstances beyond their control, or if the Executive Director determines that any deadlines should be extended if additional time would benefit the success of the obligations under the Consent Orders from an ecological or biological perspective.
- 20.0 **Severability.** Should any provision of these Consent Orders be found invalid, void or unenforceable, such illegality or unenforceability shall not invalidate the whole, but the Consent Orders shall be construed as if the provision(s) containing the illegal or unenforceable part were not a part hereof.
- 21.0 Site Access. Respondents shall provide Commission staff and any other agency having jurisdiction over the work being performed under these Consent Orders with access to the Subject Properties to inspect the restoration activities and areas potentially affected by the restoration activities at all reasonable times, upon twenty four (24) hours notice, when the Executive Director determines feasible, having been provided to the appropriate representatives(s) of Respondents, who shall be designated for this purpose in the Restoration Plans. Nothing in these Consent Orders is intended to limit in any way the right of entry or inspection that any agency may otherwise have by operation of any law. The Commission staff may enter and move freely about the portions of the Subject Properties on which the violations are located, and on adjacent areas of the Subject Properties on which the impacted areas are located, and on adjacent areas of the Subject Properties to view the areas where development is being performed pursuant to the requirements of the Consent Orders for purposes, including, but not limited to: inspecting records; operating logs and contracts relating to the site; and overseeing, inspecting and reviewing the progress of Respondents'

implementation of the Restoration Plan and compliance with these Consent Orders.

- 22.0 **Government Liabilities.** Neither the State of California, the Commission, nor its employees shall be liable for injuries or damages to persons or property resulting from acts or omissions by Respondents in carrying out activities pursuant to these Consent Orders, nor shall the State of California, the Commission or its employees be held as a party to any contract entered into by Respondents or their agents in carrying out activities pursuant to these Consent Orders.
- 23.0 **Settlement via Consent Orders.** In light of the desire to settle this matter via these Consent Orders and avoid litigation, pursuant to the agreement of the parties as set forth in these Consent Orders, Respondents hereby waive whatever right they may have to seek a stay pursuant to PRC section 30803(b) or to challenge the issuance and enforceability of these Consent Orders in a court of law or equity.
- 24.0 **Settlement of Claims.** The Commission and Respondents agree that these Consent Orders settle the Commission's monetary claims for relief from Respondents for the violations of the Coastal Act alleged in the Notice of Intent dated March 19, 2012 ("NOI"), occurring prior to the date of these Consent Orders, (specifically including claims for civil penalties, fines, or damages under the Coastal Act, including under PRC Sections 30805, 30820, and 30822), with the exception that, if Respondents fail to comply with any term or condition of these Consent Orders, the Commission may seek monetary or other claims for both the underlying violations of the Coastal Act and for the violation of these Consent Orders. In addition, these Consent Orders do not limit the Commission from taking enforcement action due to Coastal Act violations on the Subject Properties beyond those that are the subject of the NOI.
- 25.0 **Successors and Assigns.** These Consent Orders shall run with the land, binding Respondents, including successors in interest, heirs, assigns, and future owners of the Subject Properties. Respondents agree that they shall provide notice to all successors, assigns, and potential purchasers of the Subject Properties of any remaining obligations under these Consent Orders. These Consent Orders are a personal legal obligation and Respondents are responsible for the work required by these Consent Orders without regard to the ownership of their property adjacent to the Subject Properties.
- 26.0 **Modifications and Amendments.** Except as provided in Section 19.0, and other minor non-substantive modifications, subject to agreement between the Executive Director and Respondents, these Consent Orders may be amended or modified only in accordance with the standards and procedures set forth in Section 13188(b) and Section 13197 of the Commission's administrative regulations.

27.0 **Government Jurisdiction.** These Consent Orders shall be interpreted, construed, governed, and enforced under and pursuant to the laws of the State of California.

28.0 Limitation of Authority.

- 28.1 Except as expressly provided herein, nothing in these Consent Orders shall limit or restrict the exercise of the Commission's enforcement authority pursuant to Chapter 9 of the Coastal Act, including the authority to require and enforce compliance with these Consent Orders.
- 28.2 Correspondingly, Respondents have entered into these Consent Orders and waived their right to contest the factual and legal bases for issuance of these Consent Orders, and the enforcement thereof according to its terms. Respondents have agreed not to contest the Commission's jurisdiction to issue and enforce these Consent Orders.
- 29.0 **Integration.** These Consent Orders constitute the entire agreement between the parties and may not be amended, supplemented, or modified except as provided in these Consent Orders.
- 30.0 **Stipulation.** Respondents and their representatives attest that they have reviewed the terms of these Consent Orders and understand that their consent is final and stipulate to its issuance by the Commission.

IT IS SO STIPULATED AND AGREED: On behalf of Respondents:

Michael Segal for Upried World of the Universe Foundation

Robert Waggener for The Canyon at Peace Park

6-28-12

Date

Date

Executed in ______ on behalf of the California Coastal Commission:

Charles Lester, Executive Director

Date

310-395-8857

IT IS SO STIPULATED AND AGREED: On behalf of Respondents:

Michael Segal for United World of the Universe Foundation

Ganyon at Peace Park Robert Waggener fo

Date

6/28/12 Date

Executed in ______ on behalf of the California Coastal Commission:

Charles Lester, Executive Director

Date

United World of the Universe Consent Cease and Desist and Restoration Orders CCC-12-CD-05 & CCC-12-RO-05 Page 25 of 25



Exhibit 1 CCC-12-CD-05 CCC-12-RO-05 (United World of the Universe) Page 1 of 1



CCC-12-CD-05 CCC-12-RO-05 (United World of the Universe) Page 1 of 1



Exhibit 3 CCC-12-CD-05 CCC-12-RO-05 (United World of the Universe) Page 1 of 1



CCC-12-CD-05 CCC-12-RO-05 (United World of the Universe) Page 1 of 1

UNPERMITTED EXTENSION OF PARKING AREA INTO RIPARIAN CORRIDOR



Exhibit 5 CCC-12-CD-05 CCC-12-RO-05 (United World of the Universe) Page 1 of 1



DEVELOPMENT AREA DEMARCATION EXHIBIT FROM CDP 5-89-743



Exhibit 7 CCC-12-CD-05 CCC-12-RO-05 (United World of the Universe) Page 1 of 1

UNPERMITTED WOMEN'S FACILITY



Exhibit 8 CCC-12-CD-05 CCC-12-RO-05 (United World of the Universe) Page 1 of 1 STATE OF CALIFORNIA - NATURAL RESOURCES AGENCY

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



NOTICE OF VIOLATION OF THE CALIFORNIA COASTAL ACT REGULAR AND CERTIFIED MAIL

October 19, 2010

The Canyon at Peace Park 2900 S. Kanan Dume Road Malibu CA 90265

United World of the Universe Foundation/ Fred Segal Trust 500 S. Broadway Santa Monica CA 90401

Subject:

Unpermitted grading including engaging in the cutting and filling of slopes; installation of two stream culverts; installation of a guardrail; construction of a parking lot and fire department access; and placement of concrete within a stream channel, resulting in material damage to native vegetation

Property location:

2900.S. Kanan Dume Road, Malibu, Unincorporated Los Angeles County, CA 90401, APN 4465-002-021

Dear Canyon at Peace Park and Mr. Segal:

The California Coastal Act¹ was enacted by the State Legislature in 1976 to provide long-term protection of California's 1,100-mile coastline through implementation of a comprehensive planning and regulatory program designed to manage conservation and development of coastal resources. The California Coastal Commission ("Commission") is the state agency created by, and charged with administering, the Coastal Act of 1976. In making its permit and land use planning decisions, the Commission carries out Coastal Act policies, which, amongst other goals, seek to protect and restore sensitive habitats such as chaparral and oak woodlands; protect natural landforms; protect scenic

Exhibit 9 CCC-12-CD-05 CCC-12-RO-05 (United World of the Universe) Page 1 of 5

¹ The Coastal Act is codified in sections 30,000 to 30,900 of the California Public Resources Code. All further section references are to that code, and thus, to the Coastal Act, unless otherwise indicated.

Page 2 of 5

landscapes and views of the sea; protect against loss of life and property from coastal hazards; and provide maximum public access to the sea.

Our staff is in receipt of information that unpermitted development has occurred at 2900 S. Kanan Dume Road, Malibu, Los Angeles County, which is located within the Coastal Zone. Based upon our information and from documents that you submitted in support of Coastal Development Permit Application Number 4-10-023,² this development includes cutting, filling, and grading of slopes in a riparian corridor, as well as installation of a guardrail, and construction of a parking lot and fire department access without the benefit of a Coastal Development Permit. This information additionally indicates that two culverts have been installed in an intermittent blue line stream, and that concrete has been placed within the stream channel, resulting in damage to native vegetation including chaparral as well as sycamore and oak trees.

We have searched our files and determined that a coastal development permit ("CDP") has not been issued authorizing the above mentioned development. Any development activity conducted in the Coastal Zone without a valid CDP, or which does not substantially conform to a previously issued permit, constitutes a violation of the Coastal Act.

Moreover, this development appears to be inconsistent with condition of a previously issued CDP. Special Condition 3 of CDP 5-89-743 required that the permitee execute and record an offer to dedicate an easement for open space, view preservation and habitat protection. This easement was to include all portions of the permitee's property that were identified as within the Significant Oak Woodland (SOW) and Environmentally Sensitive Habitat Area (ESHA) as demarcated in Exhibit 5 to the staff report. This easement limited permissible development in the designated areas to that which was explicitly approved in the permit, specifically stating, *[I]here shall be no new subdivision, construction or expansion of roads, construction, grading, landscaping...vegetation removal or placement of structures other than paths and picnic tables explicitly permitted in this permit within the easement area.* As the grading, construction of a parking lot, and streambed alteration ostensibly occurred in an area designated as SOW /ESHA, this work additionally constitutes a violation of the terms of CDP 5-89-743.

Notably, the unpermitted development that is the subject of this letter is distinct from the earlier violations sought to be addressed through CDP 5-89-743. These previous violations, while similar in nature in that they also involved grading, paving, and streambed alteration in ESHA, occurred in the late 1980s and were disposed of through the completion of CDP 5-89-743 and the payment of settlement monies. The extant violations on the subject property appear to have originated some time during or before 2008, and were acknowledged and delineated in the submission materials for CDP 4-10-023. As this application was returned for incompleteness, the unpermitted development sought to be addressed by the permit application persists as a Coastal Act violation.

The Santa Monica Mountains, where the subject property is located, comprise the largest, most pristine, and ecologically complex example of a Mediterranean ecosystem in coastal southern California. California's coastal sage scrub, chaparral, oak woodlands, and associated riparian areas have analogues in just a few areas of the world with similar climate. Mediterranean ecosystems with their wet winters and warm dry summers are only found in five localities (the Mediterranean coast,

Exhibit 9 CCC-12-CD-05 CCC-12-RO-05 (United World of the Universe) Page 2 of 5

² In a filing status letter dated April 14, 2010, Commission staff informed you that the CDP application is incomplete and listed the items necessary to complete the application. However, as of July 28, 2010, none of the items had been submitted and the application was returned to you.

Page 3 of 5

California, Chile, South Africa, and south and southwest Australia). Throughout the world, this ecosystem with its specially adapted vegetation and wildlife has suffered severe loss and degradation from human development. Worldwide, only 18 percent of the Mediterranean community type remains undisturbed³. However, within the Santa Monica Mountains, this ecosystem is remarkably intact.

Therefore, the Commission has found that the Santa Monica Mountains ecosystem is itself rare and especially valuable because of its special nature as the largest, most pristine, physically complex, and biologically diverse example of a Mediterranean ecosystem in coastal southern California. The Commission has further found that because of the rare and special nature of the Santa Monica Mountains ecosystem, the ecosystem roles of substantially intact areas of the constituent plant communities are "especially valuable" under the Coastal Act and are thus considered Environmentally Sensitive Habitat Areas.

Portions of the subject property located at 2900 S. Kanan Dume Road, including the area affected by the unpermitted grading and construction, are comprised of coastal chaparral. Because of their rarity and ecological value, areas supporting species of chaparral or coastal scrub are considered Environmentally Sensitive Areas (ESHA) under the Coastal Act. Allowable development within ESHA is limited because such areas are fragile and adversely impacted by any form of development.

It is important to the survival of these ecosystems that proposed development be limited to areas outside a buffer zone designed to minimize the impact of human intrusion. Because of the damage that could be done by grading and construction to both the coastal chaparral and riparian ecosystems, it is imperative that you obtain the necessary permits before commencing development. The permit process is designed to determine and implement the best practices for preserving the sensitive habitats indigenous to the area.

Additionally, the development on the subject property is visible from Kanan Dume Road, a designated scenic highway in the Santa Monica Mountains/Malibu Land Use Plan. Section 30251 of the Coastal Act state that the permitting of development in such areas is to be effected in a manner that endeavors to minimize the alteration of natural land forms and to be visually compatible with the character of surrounding areas. New development in highly scenic areas is subordinate to the character of its setting.

Pursuant to Section 30600 (a) of the Coastal Act, any person wishing to perform or undertake development in the Coastal Zone must obtain a coastal development permit, in addition to any other permit required by law. "Development" is defined by Section 30106 of the Coastal Act as:

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

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Exhibit 9 CCC-12-CD-05 CCC-12-RO-05 (United World of the Universe) Page 3 of 5

³ National Park Service. 2000. Draft general management plan & environmental impact statement. Santa Monica Mountains National Recreation Area – California.

including any facility of any private, public, or municipal utility; and the removal or harvest of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations....

The grading, placement of concrete within a stream, installation of culverts and guardrails, and construction of a parking lot constitute development under the Coastal Act and, therefore, require a CDP. As noted above, any development activity conducted in the Coastal Zone without a valid CDP, or which does not substantially conform to a previously issued permit, constitutes a violation of the Coastal Act.

In most cases, violations involving unpermitted development may be resolved administratively by removal of the unpermitted development and restoration of any damaged resources. Removal of the development and restoration of the site also requires a coastal development permit. Therefore, in order to resolve this matter administratively, you must submit a <u>complete</u> coastal development permit application to authorize the development after-the-fact or to remove the unpermitted development and restore the site to its previous condition.

In order to resolve this matter in a timely manner and avoid formal enforcement action, including imposition of a monetary penalty or fine, we are requesting that you submit a complete coastal development permit application by November 10, 2010 to authorize the development after-the-fact or to remove the unpermitted development and restoration of the site. For your convenience, a coastal development permit application can be downloaded at our website (coastal.ca.gov). Please contact me by no later than November 4, 2010 regarding how you intend to resolve this violation.

While we are hopeful that we can resolve this matter amicably, we note that Coastal Act Section 30809 states that if the Executive Director of the Commission determines that any person has undertaken, or is threatening to undertake, any activity that may require a permit from the Coastal Commission without first securing a permit, the Executive Director may issue an order directing that person to cease and desist. Coastal Act section 30810 states that the Coastal Commission may also issue a cease and desist order. A cease and desist order may be subject to terms and conditions that are necessary to avoid irreparable injury to the area or to ensure compliance with the Coastal Act. A violation of a cease and desist order can result in civil fines of up to \$6,000 for each day in which each violation persists. Pursuant to Section 30811, the Commission may also order restoration of the property.

In addition, we remind you that Sections 30803 and 30805 of the Coastal Act authorize the Commission to initiate litigation to seek injunctive relief and an award of civil fines in response to any violation of the Coastal Act. Section 30820(a)(1) of the Coastal Act provides that any person who violates any provision of the Coastal Act may be subject to a penalty amount that shall not exceed \$30,000 and shall not be less than \$500 per violation. Coastal Act section 30820(b) states that, in addition to any other penalties, any person who "knowingly and intentionally" performs or undertakes any development in violation of the Coastal Act can be subject to a civil penalty of not less than \$15,000 for each day in which each violation persists.

Finally, the Executive Director is authorized, after providing notice and the opportunity for a hearing as provided for in Section 30812 of the Coastal Act, to record a Notice of Violation against your property.

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Exhibit 9 CCC-12-CD-05 CCC-12-RO-05 (United World of the Universe) Page 4 of 5
Page 5 of 5

Thank you for your attention to this matter, we look forward to hearing from you. If you have any questions regarding this letter or the pending enforcement case, please feel free to contact me at (805) 585-1800.

Sincerely eatu.

Heather D. Johnston, Enforcement Officer

cc:

Lisa Haage, Chief of Enforcement N. Patrick Veesart, Enforcement Supervisor Steve Hudson, District Manager Barbara Carey, Supervisor, Planning and Regulation

> Exhibit 9 CCC-12-CD-05 CCC-12-RO-05 (United World of the Universe) Page 5 of 5

STATE OF CALIFORNIA -- NATURAL RESOURCES AGENOY

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



NOTICE OF VIOLATION OF THE CALIFORNIA COASTAL ACT REGULAR AND CERTIFIED MAIL

June 2, 2011

United World of the Universe Foundation/ Fred Segal Trust 500 S. Broadway Santa Monica CA 90401

Violation File No.:

V-4-08-054

Subject:

Unpermitted development including, but not limited to, cut and fill of slopes; installation of two stream culverts; installation of a guardrail; construction of a parking lot and fire department access; placement of concrete within a stream channel; construction of multiple residences without permits; conversion of a pump house into a residence; and unpermitted grading and paving of roads in ESHA.

Property location:

2900 S. Kanan Dume Road, Malibu, unincorporated Los Angeles County; APNs 4465-002-021, 4465-001-036, 4465-001-028, 4465-002-012.

Dear Mr. Segal and United World of the Universe Foundation:

The California Coastal Act¹ was enacted by the State Legislature in 1976 to provide long-term protection of California's 1,100-mile coastline through implementation of a comprehensive planning and regulatory program designed to manage conservation and development of coastal resources. The California Coastal Commission ("Commission") is the state agency created by, and charged with administering, the Coastal Act of 1976. In making its permit and land use planning decisions, the Commission carries out Coastal Act policies, which, amongst other goals, seek to protect and restore sensitive habitats such as chaparral and oak woodlands; protect natural landforms; protect scenic landscapes and views of the sea; protect against loss of life and property from coastal hazards; and provide maximum public access to the sea.

Our staff has confirmed that unpermitted development has occurred on your property at 2900 S. Kanan Dume Road, Malibu, Los Angeles County Assessor's Parcel Nos. 4465-001-036, 4465-001-

¹The Coastal Act is codified in sections 30,000 to 30,900 of the California Public Resources Code. All further section references are to that code, and thus, to the Coastal Act, unless otherwise indicated.

Exhibit 10 CCC-12-CD-05 CCC-12-RO-05 (United World of the Universe) Page 1 of 5 028, 4465-001-021, and 4465-001-012, which is located within the Coastal Zone. This development includes, but is not limited to, the following:²

- 1. Cutting, filling, and grading of slopes in a riparian corridor;
- 2. Installation of a guardrail;
- 3. Construction of a parking lot;
- 4. Construction of an access road;
- 5. Installation of two unpermitted culverts in an intermittent blue line stream;
- 6. Placement of concrete within the stream channel, resulting in damage to native vegetation; including chaparral as well as sycamore and oak trees;
- 7. Construction of an unpermitted single family residence on APN 4465-001-021 on a portion of the property subject to an open space deed restriction which you recorded pursuant to Special Condition 3 of CDP 5-89-743;
- 8. Construction of two residences on APN 4465-001-036, one of which is located in a riparian area that is subject to a deed restriction describing the area as an ESHA mitigation area as part of the aforementioned permit;
- 9. Grading and paving of roads in ESHA and open space;
- 10. Conversion and enlargement of a small pump shed into a two-story residence which extends into designated ESHA.

We have searched our files and determined that a coastal development permit ("CDP") has not been issued authorizing any of the above mentioned development. Any development activity conducted in the Coastal Zone without a valid CDP, or which does not substantially conform to a previously issued permit, constitutes a violation of the Coastal Act.

Moreover, this development appears to be inconsistent with the conditions of a previously issued CDP. Special Condition 3 of CDP No. 5-89-743, issued on April 17, 1991 required that the permittee execute and record an offer to dedicate an easement for open space, view preservation and habitat protection. This easement was recorded on August 16, 1990 as Instrument No. 91 203066. The easement includes all portions of the subject property that were identified as within the Significant Oak Woodland (SOW) and Environmentally Sensitive Habitat Area (ESHA) as demarcated in Exhibit 5 to the staff report. This easement limits permissible development in the designated areas to that which was explicitly approved in the permit, specifically stating:

'[I]bere shall be no new subdivision, construction or expansion of roads, construction, grading, landscaping...vegetation removal or placement of structures other than paths and picnic tables explicitly permitted in this permit within the easement area.'

As the grading, construction of a parking lot, streambed alteration, paving, and construction of residences occurred in an areas designated as SOW/ESHA, this work additionally constitutes a violation of the terms of CDP No. 5-89-743. Please be advised that non-compliance with the terms and conditions of an approved permit constitute a violation of the Coastal Act.

Exhibit 10 CCC-12-CD-05 CCC-12-RO-05 (United World of the Universe) Page 2 of 5

²Please note that the description herein of the violation at issue is not necessarily a complete list of all development on the subject property that is in violation of the Coastal Act and/or that may be of concern to the Commission. Accordingly, you should not treat the Commission's silence regarding (or failure to address) other development on the subject property as indicative of Commission acceptance of, or acquiescence in, any such development.

Please note that the unpermitted development that is the subject of this letter is distinct from earlier violations which were resolved through CDP No. 5-89-743. The previous violations, while similar in nature in that they also involved grading, paving, and streambed alteration in ESHA, occurred in the late 1980s and were addressed through the completion of CDP No. 5-89-743 and the payment of settlement monies. The extant violations on the subject property appear to have originated some time during or before 2008, and were acknowledged and delineated in the submission materials for CDP No. 4-10-023, which was returned for incompleteness. Therefore, the unpermitted development sought to be addressed by CDP No. 4-10-023 persists as a Coastal Act violation.

The Santa Monica Mountains, where the subject property is located, comprise the largest, most pristine, and ecologically complex example of a Mediterranean ecosystem in coastal southern California. California's coastal sage scrub, chaparral, oak woodlands, and associated riparian areas have analogues in just a few areas of the world with similar climate. Mediterranean ecosystems with their wet winters and warm dry summers are only found in five localities (the Mediterranean coast, California, Chile, South Africa, and south and southwest Australia). Throughout the world, this ecosystem with its specially adapted vegetation and wildlife has suffered severe loss and degradation from human development. Worldwide, only 18 percent of the Mediterranean community type remains undisturbed¹. However, within the Santa Monica Mountains, this ecosystem is remarkably intact.

Therefore, the Commission has found that the Santa Monica Mountains ecosystem is itself rare and especially valuable because of its special nature as the largest, most pristine, physically complex, and biologically diverse example of a Mediterranean ecosystem in coastal southern California. The Commission has further found that because of the rare and special nature of the Santa Monica Mountains ecosystem, the ecosystem roles of substantially intact areas of the constituent plant communities are "especially valuable" under the Coastal Act and are thus considered Environmentally Sensitive Habitat Areas..

Portions of the subject property located at 2900 S. Kanan Dume Road, including the area affected by the unpermitted grading and construction, are comprised of coastal chaparral. Because of their rarity and ecological value, areas supporting species of chaparral or coastal scrub are considered Environmentally Sensitive Areas (ESHA) under the Coastal Act. Allowable development within ESHA is limited because such areas are fragile and adversely impacted by any form of development.

It is important to the survival of these ecosystems in the Santa Monica Mountains that proposed development be limited and buffered to minimize the impacts of human intrusion. Because of the damage that could be done by grading and construction to both the coastal chaparral and riparian ecosystems, it is imperative that you obtain the necessary permits before commencing development. The permit process is designed to determine and implement the best practices for preserving the sensitive habitats indigenous to the area.

Additionally, the development on the subject property is visible from Kanan Dume Road, a designated scenic highway in the Santa Monica Mountains/Malibu Land Use Plan. Section 30251 of

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¹ National Park Service. 2000. Draft general management plan & environmental impact statement. Santa Monica Mountains National Recreation Area – California.

the Coastal Act requires that the permitting of development in such areas is to be effected in a manner that minimizes the alteration of natural land forms and is visually compatible with the character of surrounding areas. New development in highly scenic areas is subordinate to the character of its setting.

Pursuant to Section 30600 (a) of the Coastal Act, any person wishing to perform or undertake development in the Coastal Zone must obtain a coastal development permit, in addition to any other permit required by law. "Development" is defined by Section 30106 of the Coastal Act as:

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

The above described development which includes, but is not limited to, grading, paving, placement of concrete within a stream, installation of culverts and guardrails, construction of a parking lot, and construction of residences, constitutes development under the Coastal Act and, therefore, requires a CDP. As noted above, any development activity conducted in the Coastal Zone without a valid CDP, or which does not substantially conform to a previously issued permit, constitutes a violation of the Coastal Act.

Resolution

In some cases, violations involving unpermitted development may be resolved by removal of the unpermitted development and restoration of any damaged resources. Removal of the development and restoration of the site generally will require formal approval under the Coastal Act. We would like to work with you to resolve these issues and would like to discuss with you options to do so. **Please immediately stop all unpermitted development activity on the subject property** and contact me by **June 27, 2011** to discuss resolution of this matter. Please note that violations of the Coastal Act are the responsibility of the owner of the real property upon which the violations occur.

While we are hopeful that we can resolve this matter amicably, please be advised that the Coastal Act has a number of potential remedies to address such violations of the Coastal Act including the following:

Section 30809 states that if the Executive Director of the Commission determines that any person has undertaken, or is threatening to undertake, any activity that may require a permit from the Coastal Commission without first securing a permit, the Executive Director may issue an order directing that person to cease and desist. Section 30810 states that the Coastal Commission may also issue a cease and desist order. A cease and desist order may be subject to terms and conditions that are necessary to avoid irreparable injury to the area or to ensure compliance with the Coastal Act. A violation of a cease and desist order can result in civil fines of up to \$6,000 for each day in

> Exhibit 10 CCC-12-CD-05 CCC-12-RO-05 (United World of the Universe) Page 4 of 5

which each violation persists. Pursuant to Section 30811, the Commission may also order restoration of the property.

Additionally, Sections 30803 and 30805 authorize the Commission to initiate litigation to seek injunctive relief and an award of civil fines in response to any violation of the Coastal Act. Section 30820(a)(1) provides that any person who violates any provision of the Coastal Act may be subject to a penalty amount that shall not exceed \$30,000 and shall not be less than \$500 per violation. Section 30820(b) states that, in addition to any other penalties, any person who "knowingly and intentionally" performs or undertakes any development in violation of the Coastal Act can be subject to a civil penalty of not less than \$1,000 nor more than \$15,000 for each day in which each violation persists. Because notice was posted on site informing you that removal of major vegetation requires a permit under the Coastal Act, any additional unpermitted vegetation removal, grading, or development could be construed as a 'knowing and intentional' violation of the Coastal Act.

Finally, the Executive Director is authorized, after providing notice and the opportunity for a hearing as provided for in Section 30812, to record a Notice of Violation against your property.

Thank you, in advance, for your prompt attention to this matter. We look forward to hearing from you by June 27, 2011. If you have any questions regarding this letter or the pending enforcement case, please feel free to contact me at (805) 585-1800.

Sincerely. ମ୍ପୋର୍ଚ୍ଚାଟୀ

Heather Johnston South Central Coast District Enforcement Officer

cc: Lisa Haage, Chief of Enforcement, CCC N. Patrick Veesart, Enforcement Supervisor, CCC Steve Hudson, District Manager, CCC Barbara Carey, Supervisor, Planning and Regulation, CCC Alex Helperin, Staff Counsel, CCC

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STATE OF CALIFORNIA - NATURAL RESOURCES AGENCY

CALIFORNIA COASTAL COMMISSION SOUTH CENTRAL COASTAREA 89 SOUTH CALIFORNIA ST., SUITE 200 VENTURA, CA. 93001 (805) 585-1800





July 21, 2011

Fred Segal United World of the Universe Foundation/ Fred Segal Trust 500 S. Broadway Santa Monica CA 90401

Violation File No.:

V-4-08-054

Violation:

Unpermitted development including, but not limited to, cut and fill of slopes; installation of two stream culverts; installation of a guardrail; construction of a parking lot and fire department access; placement of concrete within a stream channel; construction of multiple residences without permits; conversion of a pump house into a residence; and unpermitted grading and paving of roads in ESHA.

Property location:

2900 S. Kanan Dume Road, Malibu, unincorporated Los Angeles County; APNs 4465-002-021, 4465-001-036, 4465-001-028, 4465-002-012.

Dear Mr. Segal:

Thank you and your wife for taking the time to meet with Commission staff (Patrick Veesatt and Heather Johnston) at 2900 Kanan Dume Road on June 14, 2011. We appreciate your cooperation and expressed willingness to work with us to resolve Coastal Act violations on the subject site. During the above-mentioned site visit we discussed the permitting history of the properties and reviewed the extant condition and extent of development. The purpose of this letter is to delineate, for the purposes of facilitating resolution, the Coastal Act violations on the subject properties based upon information synthesized from Commission files, historic aerial photographs, previous site inspections, and our meeting.² Since this case involves multiple properties, large acreages, and a large amount of unpermitted development undertaken over time in various locations, in order to help delineate the options for resolution of each, we have divided the subject unpermitted development into discrete sections in this letter. For the reasons stated above, the most efficient way

²Please note that the description herein of the violation at issue is not necessarily a complete list of all development on the subject property that is in violation of the Coastal Act and/or that may be of concern to the Commission. Accordingly, you should not treat the Commission's silence regarding (or failure to address) other development on the subject property as indicative of Commission acceptance of, or acquiescence in, any such development.

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to address the subject violations will likely be in the form of a comprehensive Consent Cease and Desist and Restoration Order (discussed further in the "Resolution" section of this letter).

<u>CDP 5-89-743</u>

During our meeting you suggested that you have permits for six residences and guest houses on six delineated development areas across the subject properties pursuant to Coastal Development Permit ("CDP") 5-89-743. However, CDP No. 5-89-743 did not in fact permit six residences and guest houses; rather, it delineated six development areas within which development could potentially occur at some point in the future, after such development was authorized by the required coastal development permit.

CDP No. 5-89-743 was approved by the Commission on April 17, 1991 and applied to APN Nos. 4465-002-021, 4465-001-028, 4465-001-029, 4465-002-012, 4465-005-032, and 4465-001-036. This permit was to resolve violations on the subject properties at that time as well as to permit one 7,346 sq ft single family residence and guest house on APN 4465-002-021. To address Coastal Act violations at the time, which included the extensive unpermitted grading of roads in Environmentally Sensitive Habitat Area (ESHA), CDP No. 5-89-743 delineated the six development areas across the six parcels that would be the least environmentally damaging locations to build, and allowed the unpermitted roads that accessed these areas to remain while requiring the unpermitted roads that would not be used to access these development areas to be restored.

Special Condition 3 of CDP No. 5-89-743 required that the permitee execute and record an offer to dedicate an easement for open space, view preservation and habitat protection. This easement was recorded on August 16, 1990 as Instrument No. 91 203066. The casement includes all portions of the subject property that were identified as within the Significant Oak Woodland (SOW) and Environmentally Sensitive Habitat Area (ESHA) as demarcated in Exhibit 5 to the staff report. This easement limits permissible development in the designated areas to that which was explicitly approved in the permit, specifically stating:

[t]here shall be no new subdivision, construction or expansion of roads, construction, grading, landscaping...vegetation removal or placement of structures other than paths and picnic tables explicitly permitted in this permit within the easement area.

Thus CDP No. 5-89-743 circumscribed the development areas and, pursuant to Special Condition 3, required that the permittee deed restrict the remainder of the properties such that no future development could occur in these areas, and specifically to avoid any potential development in these protected areas. Special Condition 6 further details the permitting status of future development within the designated development areas:

Within each of these single family development areas the applicant shall be restricted to no more than one single family house, one guest house, and appurtenant structures, which shall be permitted only in accordance with the Policies of Chapter 3 of the Coastal Act and the certified Malibu Land Use Plan. No residential development, pools, stables, tennis courts, fencing or other appurtenant structures

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V-4-08-054 (Segal) Page 3 of 7

shall be located outside of these single family development areas. All development shall be subject to coastal Development Permits [emphasis added].

Additionally, CDP No. 5-89-743 authorized the construction of one 7,345 sq ft single family residence, pool, pond, pump house, and 850 sq foot guest house on APN 4465-002-021, as well as the construction of an 800 sq ft caretaker trailer; stables; gardens; and kennels. As no CDPs have been approved and effectuated since this original permit, any development undertaken that is inconsistent with this permit or was not specifically approved by it constitutes a violation of the Coastal Act.

The Women's Facility'

It appears that Los Angeles County Building and Safety issued a building permit, on March 6, 1997, for the construction of a 4,971 sq ft house and garage on APN 4465-001-036, and that this development was subsequently completed and "finaled" on August 13, 1999. As you are aware, this permit provided authorization for the development by Los Angeles County Building and Safety, it did not however relieve the requirement that a CDP also be obtained prior to construction. Unfortunately, there was no legal authorization sought under the Coastal Act and its permit requirements. Staff has searched Commission records and has been unable to find a CDP authorizing this development. It appears that this unpermitted residence and associated structures may be located within a delineated development area (as detailed above) and thus could potentially be authorized, "after-the fact", under the coastal development permitting process if found to be consistent with the provisions of the Coastal Act, In any event, retention (or removal, for that matter) of the residence and appurtenant structures requires a CDP, which you do not have. One purpose of requiring CDPs under the Coastal Act is to provide for analysis of development prior to its construction and to condition said development to ensure consistency with pertinent Coastal Act requirements. Since no such permit was obtained for this development, we cannot say with certainty whether the extant development would be approvable as it is, but this matter could potentially be resolved by obtaining "after-the fact" authorization under the Coastal Act for said development.

The 'Tree House'

The small house also located on APN 4465-001-036 west of the stream from the so-called 'Women's Facility' is located outside of any of the six development areas delineated pursuant to CDP No. 5-89-743. Unfortunately, this structure is additionally within an ESHA/Significant Oak Woodland (SOW) mitigation area that is subject to an irrevocable open space deed restriction prohibiting any development. A review of Commission records and Los Angeles County Building and Safety records failed to produce any evidence that this development was ever permitted by either the Commission or Los Angeles County. Additionally, the development is located within a riparian/oak woodland area and therefore does not comply with the normally required 100 ft setback. It is therefore unlikely that the Commission would find this development consistent with the ESHA protection policies enumerated in Chapter 3 of the Coastal Act (or with the previously issued CDP), and Staff would thus be unable to recommend after-the-fact approval of this residence. This matter could be resolved by removal of the unpermitted development and restoration of the affected area to its pre-violation condition. Said removal and restoration will require authorization under the Coastal Act.

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The 'A-Frame'

Also on APN 4465-001-036, located northeast of the women's facility, the 'A-frame' residence is additionally situated outside of any delineated development area in an area subject to an open space deed restriction. Special Condition 4 of CDP No. 5-89-743 provides that within these areas subject only to open space deed restrictions (as opposed to ESHA/SOW mitigation area open space deed restrictions as mentioned above),

The applicant <u>may apply for a coastal development permit</u> to carry out limited rural development including the removal of vegetation for agricultural purposes, planting fruit trees, the construction of trails, construction of public monuments or public or private picnic areas or similar low intensity uses [emphasis added].

As with the Tree House, review of Commission records and Los Angeles County Building and Safety records failed to produce any evidence that this development was ever permitted by either the Commission or Los Angeles County. Moreover, because the A-frame residence is located within the area subject to the open space easement and does not conform to the type of allowable uses specifically delineated in both the permit and the deed restriction, Commission staff would be unable to recommend after-the-fact approval of this structure.

Additionally, the paved road that is used to access the A-frame from the women's facility was not permitted in CDP No. 5-89-743. Review of aerial photographs reveals that the road was graded sometime after 1994 and was paved after 2005. This road is therefore unpermitted, and, because its sole function is to access an unpermitted residence, it is unlikely that it could be permitted as it would not be found consistent with Chapter 3 policies of the Coastal Act or the previously issued CDP. Therefore, this matter could be resolved by removal of the unauthorized structure and road and restoration of the affected area to its pre-violation condition. Said removal and restoration will require authorization under the Coastal Act.

Storage Container and Associated Road/Pad

Located on the same parcel as the aforementioned unpermitted development (APN 4465-001-036), continuing northwest from the women's facility, is a paved road that accesses a cleared area upon which a storage container is located. This road was not listed as an approved road in Exhibit 3 of CDP No. 5-89-743 and, therefore, was approved pursuant to that permit. The road, cleared area, and storage container are also located within the open space easement. Therefore, to be permittable, this development would need to be demonstrated to be consistent with Special Condition 4 of CDP No. 5-89-743 and Chapter 3 of the Coastal Act. If such a showing cannot be made, this road, pad, and storage container would need to be removed and the affected area restored; subject to authorization under the Coastal Act.

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Pump House

CDP No. 5-89-743 authorized a small pump shed on APN 4465-002-021 adjacent to the guest house. This shed has since been enlarged and converted into a two-story residence which extends into designated ESHA subject to the ESHA/SOW mitigation open space deed restriction. Commission records indicate that this conversion and enlargement was never permitted. Because this structure is located within ESHA and therefore does not conform to the normally required 100 ft setback, the Commission would be unlikely to be able to find this residence consistent with the ESHA protection policies in Chapter 3 of the Coastal Act and staff would, therefore, be unable to recommend after-the-fact approval. This matter can be resolved by removal of all development not authorized by CDP No. 5-89-743 and restoration of the affected area to its pre-violation condition; subject to authorization under the Coastal Act.

Meditation Trailers

Also located on APN 4465-002-021, southeast of the Guest House and Pump House, are two meditation trailers. These trailers are located outside of any of the delineated development areas and in an area subject to the open space deed restriction. The approved plans for CDP No. 5-89-743 indicate that a horse corral and three small barns were permitted in the approximate location that the trailers are now located. In order to obtain after-the-fact approval of these trailers, a showing would need to be made that they substantially conform with the approved plans, are consistent with Special Condition 4 of CDP 5-89-743, and are consistent with the policies enumerated in Chapter 3 of the Coastal Act. Failure to make such a showing would necessitate removal of the subject development and restoration of the affected area; subject to authorization under the Coastal Act.

Parking Area

Also on APN 4465-002-021, southwest of the men's facility, a 16,000 sq ft addition was made to the parking area sometime during 2008. This addition was made within the riparian canopy of a blue-line stream and involved cutting, filling and grading adjacent to the stream; removal of (and damage to) native vegetation, including sycamore and oak trees; the placement of concrete within the stream channel; and the installation of two culverts within the stream. This development is located within riparian ESHA, and partially within an area subject to the ESHA/SOW mitigation area open space deed restriction. Because the parking area and associated development is within the riparian canopy and therefore does not conform to requisite ESHA setback, the Commission is not likely to find it consistent with Chapter 3 ESHA protection policies of the Coastal Act, or with the previously issued CDP. Staff would, therefore, be unable to recommend after-the-fact approval. Resolution of this matter will necessarily involve removal of the unpermitted development and restoration of the affected area to its pre-violation condition; subject to Coastal Act authorization.

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Resolution

Since the violations on the subject properties (that are the subject of this letter) involve both development that could possibly be conditionally authorized "after-the-fact" in some form, and development that is likely not approvable at all because it is inconsistent with the terms and conditions of a previously issued CDP and/or inconsistent with the Coastal Act (and, therefore, requires removal and restoration); and since retention of approvable development and/or removal and restoration of development not approvable require authorization under the Coastal Act, the most expeditious way of resolving this matter would likely be through a comprehensive Consent Cease and Desist Order and a Consent Restoration Order ("consent order"). A consent order is similar to a settlement agreement. A consent order would provide you with an opportunity to resolve this matter comprehensively and consensually and to have input into both the approval process and timing of removal of the unpermitted development and restoration of the subject property. A consent order would also allow you to negotiate a penalty amount with Commission staff. We would like to discuss this option with you.

In any event, we would like to work with you to resolve these issues and would like to discuss with you options to do so. <u>Please immediately stop all unpermitted development activity on the subject</u> property and contact me by **August 12, 2011** to discuss resolution of this violation.

While we are hopeful that we can resolve this matter amicably and ate pleased with your cooperation thus far, , please be advised that the Coastal Act has a number of potential remedies to address such violations of the Coastal Act including the following:

Section 30809 states that if the Executive Director of the Commission determines that any person has undertaken, or is threatening to undertake, any activity that may require a permit from the Coastal Commission without first securing a permit, the Executive Director may issue an order directing that person to cease and desist. Section 30810 states that the Coastal Commission may also issue a cease and desist order. A cease and desist order may be subject to terms and conditions that are necessary to avoid irreparable injury to the area or to ensure compliance with the Coastal Act. Pursuant to Section 30811, the Commission may also order restoration of the property. A violation of a cease and desist order or restoration order can result in civil fines of up to \$6,000 for each day in which the violation persists.

Additionally, Sections 30803 and 30805 authorize the Commission to initiate litigation to seek injunctive relief and an award of civil fines in response to any violation of the Coastal Act. Section 30820(a)(1) provides that any person who violates any provision of the Coastal Act may be subject to a penalty amount that shall not exceed \$30,000 and shall not be less than \$500 per violation. Section 30820(b) states that, in addition to any other penalties, any person who "knowingly and intentionally" performs or undertakes any development in violation of the Coastal Act can be subject to a civil penalty of not less than \$1,000 nor more than \$15,000 for each day in which each violation persists. Because notice was posted on site informing you that removal of major vegetation requires a permit under the Coastal Act, any additional unpermitted vegetation removal, grading, or development could be construed as a 'knowing and intentional' violation of the Coastal Act.

Exhibit 11a CCC-12-CD-05 CCC-12-RO-05 (United World of the Universe) Page 6 of 7 Finally, the Executive Director is authorized, after providing notice and the opportunity for a hearing as provided for in Section 30812, to record a Notice of Violation against your property.

Thank you for your prompt attention to, and cooperation in, this matter. We look forward to hearing from you by August 12, 2011. If you have any questions regarding this letter or the pending enforcement case, please feel free to contact me at (805) 585-1800.

Sincerely, acotten Tros

Heather Johnston South Central Coast District Enforcement Officer

Lisa Haage, Chief of Enforcement, CCC
 N. Patrick Veesart, Enforcement Supervisor, CCC
 Steve Hudson, District Manager, CCC
 Barbara Carey, Supervisor, Planning and Regulation, CCC
 Alex Helperin, Staff Counsel, CCC
 Kevin Petrowsky, Los Angeles County Building and Safety
 Cindy Wood, California Department of Fish and Game
 Sean Skeries, Los Angeles County Regional Planning

Exhibit 11a CCC-12-CD-05 CCC-12-RO-05 (United World of the Universe) Page 7 of 7

STATE OF CALIFORNIA - NATURAL RESOURCES AGENCY

EDMUND G. BROWN, JR., Governor

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



August 15, 2011

Michael Segal United World of the Universe Foundation 500 S. Broadway Santa Monica CA 90401

Rick Zbur Latham & Watkins 355 South Grand Avenue Los Angeles CA 90071-1560

RE: V-4-08-054, 2900 S. Kanan Dume Road, Malibu, unincorporated Los Angeles County; APNs 4465-002-021, 4465-001-036, 4465-001-028, 4465-002-012, 4465-005-032

Dear Messers Segal and Zbur:

Thank you for meeting with me on August 2^{nd} , 2011 at 2900 Kanan Dume Road, Malibu ('subject property'). I appreciate your time and expressed willingness to work with staff to rectify Coastal Act violations on the subject property. The intent of this letter is to detail, for the purposes of facilitating resolution, the materials which Commission staff consider necessary to achieve a complete understanding of the subject development, on site operation, and impacts associated therewith.

As previously explained, the most efficient way to address the subject violations will likely be in the form of a comprehensive Consent Cease and Desist and Restoration Order ('Consent Order'). When the below described materials have been prepared and aggregated, we would like to schedule a meeting in our office, with both permitting and enforcement staff, to discuss terms and conditions of the Consent Order and associated coastal development permit.

1. Women's Facility

Staff has previously related to you that all existing development on the subject property requires a coastal development permit (CDP), or, absent a permit must be removed and the area restored. As you have expressed a desire to seek after-the-fact authorization to retain the single family residence on APN 4465-001-036 ('women's facility'), to obtain a permit for this development you will need to prepare the plans and materials requisite for a complete CDP application. An agreed-upon time-frame for the completion of this CDP application will be delineated in the Consent Order.

However, in order to ensure that this Consent Order accurately captures all elements and impacts of this development, staff requests certain materials be provided for review in advance of the CDP

> Exhibit 11b CCC-12-CD-05 CCC-12-RO-05 (United World of the Universe) Page 1 of 3

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application. As such, please submit to staff scaled as-built plans of the women's facility, as well as plans detailing grading undertaken to create the pad upon which the facility sits and the adjacent graded slopes, including cut and fill. These plans are necessary to ensure that the Consent Order accurately characterizes the development for which after-the-fact approval is being sought.

Please bear in mind that in evaluating whether existing, unpermitted development is approvable, Commission staff will assess the proposed development in light of extant review criterion. In the Santa Monica Mountains, where the subject property is located, the Commission has, in past permit actions, typically limited development areas to a maximum of 10,000 sq ft. This figure includes the flat graded pad, and the graded slope adjacent to the pad, including accessory structures but excluding the driveway and fire department turnaround. Moreover, development is required to be situated in a location that is the least ecologically damaging given the topography, vegetation, hydrology and geology of the developable area.

Providing the above-mentioned materials for the women's facility will allow staff to analyze existing development to ensure consistency with the standards enumerated in Chapter 3 of the Coastal Act.

2. Operations

In addition to the plans for the women's facility, please provide staff with a characterization of the Canyon at Peace Park rehabilitation operation which occupies the subject property. This description should detail the use and operation of the facility, including the number of full-time staff, part-time staff, maximum capacity of guests, as well as septic and parking requirements.

The purpose of this enumeration is to ensure that the Consent Order accounts for and adequately mitigates for additional ecological impacts, if any, associated with the operation of the rehabilitation facility in lieu of single family residences on the subject property.

3. Parking

In light of the expressed desire of the Canyon at Peace Park to have an on-site parking lot, please provide staff with information on the nature of the proposed development. This should include proposed alternative locations, the size of the parking area, as well as appropriate mitigation to offset development impacts.

4. Lot Legality

Finally, at the time CDP 5-89-743 was issued in May 10, 1990, the lots currently known as APN Nos. 4465-005-036 and 4465-005-037 were a unified parcel identified as APN 4465-005-032. Please provide staff with evidence that these lots were legally created pursuant to applicable laws, including the Coastal Act, in effect at the time the lot was subdivided.

Resolution

Once the aforementioned materials have been aggregated and provided to staff, we can then meet to discuss the terms and conditions of both a consent order. A consent order is similar to a settlement

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agreement. A consent order would provide you with an opportunity to address penalties associated with this violation. A consent order would additionally resolve this matter comprehensively and consensually and to have input into the approval process, timing of removal of the unpermitted development, restoration of the subject property, and requisite mitigation.

Please contact me by August 29, 2011 to discuss timing. We would like to keep this moving along and would like to receive the above materials and schedule a meeting to discuss the details of resolving this matter as soon as possible.

Thank you for your prompt attention to, and cooperation in, this matter. We look forward to hearing from you. If you have any questions regarding this letter or the pending enforcement case, please feel free to contact me at (805) 585-1800.

Sincerely,

eater our

Heather Johnston South Central Coast District Enforcement Officer

cc: Lisa Haage, Chief of Enforcement, CCC
 N. Patrick Veesart, Enforcement Supervisor, CCC
 Steve Hudson, District Manager, CCC
 Barbara Carey, Supervisor, Planning and Regulation, CCC
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Exhibit 11b CCC-12-CD-05 CCC-12-RO-05 (United World of the Universe) Page 3 of 3

STATE OF CALIFORNIA-NATURAL RESOURCES AGENCY

CALIFORNIA COASTAL COMMISSION

45 FREMONT STREET, SUITE 2000 SAN FRANCISCO, CA 94105-2219 VOICE (415) 904-5200 FAX (415) 904-5400 TDD (415) 597-5885

.

Via Certified and Regular Mail

March 19, 2012

Rick Zbur Latham & Watkins LLP 355 South Grand Avenue Los Angeles, CA 90071 (Certified Receipt No. 7010 2780 0001 3432 9557)

Fred Segal 500 S. Broadway Santa Monica CA 90401 (Certified Receipt No. 7010 2780 0001 3432 9984)

United World of the Universe Foundation 500 S. Broadway Santa Monica CA 90401 (Certified Receipt No. 7010 2780 0001 3432 9991)

Michael Segal 500 S. Broadway Santa Monica CA 90401 (Certified Receipt No. 7005 0390 0001 2128 0446)

Fred Segal Scholarship Camp 500 S. Broadway Santa Monica CA 90401 (Certified Receipt No. 7005 0390 0001 2128 0453)

Subject:	Notice of Intent to Commence Cease and Desist Order and Restoration Order Proceedings	12 20-05 20-05
Location:	2900 S. Kanan Dume Road, Malibu, unincorporated Los Angeles County; APNs 4465-002-021; 4465-001-036; 4465-001-028; 4465- 002-012; 4465-005-036 and 4465-005-037 (formerly collectively known as 4465-005-032); and 4465-001-029.	Exhibit ccc-12-0 ccc-12-6
Violation Description:	Unpermitted development including, but not limited to, cut and fill of slopes; installation of two stream culverts; installation of a guardrail; expansion of a parking lot and creation of a fire department access; placement of concrete within a stream channel; placement of structures along riparian corridor; unpermitted subdivision;	l



EDMUND G. BROWN, JR., GOVERNOR

United World of the Universe)

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construction of multiple residences; conversion of a pump house into a residence; placement of meditation trailers; and grading and paving of roads in areas containing environmentally sensitive habitat.

Dear Messers Segal and Zbur:

I am directing this notice to Michael Segal as the registered agent of the United World of the Universe Foundation and the Fred Segal Scholarship Camp, as the personal representative of Fred Segal; and to Rick Zbur as counsel for the Canyon at Peace Park (lessee of a portion of the subject properties). Commission Staff appreciates the efforts of the aforementioned parties thus far to work cooperatively towards a resolution of the alleged Coastal Act violations on the properties described above, as identified in our letters dated June 2, 2011, and July 21, 2011, and in our conversations. As we have stated in previous correspondence and communications, we would like to continue to work with you to resolve these issues amicably and remain willing and ready to discuss options that could involve agreeing to a consensual resolution to the Coastal Act violations on the properties at issue, such as entering into consent cease and desist and restoration orders. The purpose of this letter is to notify you of my intent, as the Executive Director of the California Coastal Commission ("Commission"), to commence proceedings for issuance of cease and desist and restoration orders to address unpermitted development, development inconsistent with a permit, and failure to take actions required by a permit, in order to resolve the aforementioned Coastal Act violations through formal enforcement actions, either through a consent or regular order proceeding, and to continue the process of discussions that my staff and you have already begun.

Commission staff has confirmed that unpermitted development and development inconsistent with coastal development permit ("CDP") No. 5-89-743 has been undertaken; and conversely, actions required by that permit have not occurred; on seven parcels at 2900 S. Kanan Dume Road, Malibu, described as Los Angeles County Assessor's Parcel Numbers 4465-002-021; 4465-001-036; 4465-001-028; 4465-002-012; 4465-005-036 and 4465-005-037 (formerly jointly known as 4465-005-032)¹; and 4465-001-029 (collectively, "Subject Property").

This unpermitted development includes, but may not be limited to: cutting, filling, and grading of slopes in a riparian corridor; expansion of a parking lot and creation of a fire department turn around; construction of an access road; installation of two culverts in an intermittent blue line stream; subdivision of one parcel into two; installation of guardrails; placement of concrete within the stream channel, resulting in damage to native vegetation, including chaparral as well as sycamore and oak trees; conversion of an approximately 10-foot by 10-foot pump house into a single family residence on APN 4465-001-021; placement of structures along the riparian corridor north of the single family residence permitted in the 1989 CDP; construction of two residences on APN 4465-001-036; construction of a residence on APN 4465-001-028 ; and grading and paving of roads in an environmentally sensitive habitat area ("ESHA"). In addition to being unpermitted, much of this development also occurred in areas of the property subject to open space or ESHA/Significant Oak Woodland (SOW) mitigation area casements recorded pursuant to Special Condition 3 of CDP 5-

Exhibit 12

¹ The Commission uses the current County APNs herein for convenience but does not, thereby, agree that the areas currently designated as APNs 4465-005-036 and 4465-005-037 constitute separate legal lots.

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89-743. Finally, the permittee and successors-in-interest have also failed to take actions required by the conditions of CDP No. 5-89-743 as necessary for its approval.

The parties subject to these proceedings are the United World of the Universe Foundation, Fred Segal, Michael Segal, the Fred Segal Scholarship Camp, and the Canyon at Peace Park, as summarized in Table 1.

Table 1

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PARCEL	UNPERMITTED DEVELOPMENT	OWNER(S)
NUMBER	Construction of an uppermitted	United World of the
4405-001-028	 Construction of an unpermitted residence ("A Frame") in an area subject to an open space easement. Failure to restore 'superfluous' roads as required by Special Condition 1 of CDP 5-89-843 Grading and paving of a road to the unpermitted residence Construction of a "grotto" Placement of structures along riparian corridor north of Men's Facility 	Universe Foundation
4465-005-037	 Illegal creation of lot designated 4465- 005-037 via unpermitted subdivision of 'parent' lot, previously designated as 4465-005-032, into this lot and the one designated 4465-005-036. 	Fred Segal Scholarship Camp
4465-005-036	 Illegal creation of lot designated 4465- 005-036 via unpermitted subdivision of 'parent' lot, previously designated as 4465-005-032, into this lot and the one designated 4465-005-037. 	Fred Segal
4465-002-012	 Failure to restore 'superfluous' roads as required by Special Condition 1 of CDP 5-89-843 	Fred Segal Scholarship Camp
4465-002-021	 Unpermitted addition to, and conversion of, a pump house into a residence Grading and paving of a parking area within riparian ESHA Installation of two culverts into a blue line stream Expansion of a parking lot within a riparian area 	Fred Segal
		Exhibit 12

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	 Construction of a fire department turn around Installation of a guardrail Placement of meditation trailers near Kanan Dume Road 	
4465-001-036	 Construction of an unpermitted residence and associated landscaping ("Women's Facility") Grading of a road northwest of the unpermitted residence Construction of unpermitted residence within a designated significant oak woodland ("Tree House") 	United World of the Universe Foundation
4465-001-029	 Failure to restore 'superfluous' road pursuant to Special Condition 1 of CDP 5-89-843 	Fred Segal

Pursuant to Section 30600 (a) of the Coastal Act, with limited exceptions not applicable here, any person wishing to perform or undertake development in the Coastal Zone must obtain a coastal development permit, in addition to any other permit required by law. "Development" is defined by Section 30106 of the Coastal Act as set forth below:

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

The above described instances of development include, but are not limited to, grading, paving, placement of concrete within a stream, installation of culverts and guardrails, expansion of a parking lot and construction of a fire department turn around, subdivision of land, and construction of residences, each of which constitutes development under the above definition from the Coastal Act and, therefore, requires a CDP. As noted above, development activity conducted in the Coastal Zone without a valid CDP constitutes a violation of the Coastal Act. In addition, some of the development at issue was subject to requirements of previously issued CDPs and is inconsistent with their terms. Finally, the permittee and successors-in-interest have failed to take actions required by the conditions of CDP No. 5-89-743 as necessary for its approval. Development that is inconsistent

Exhibit 12 CCC-12-CD-05 CCC-12-RO-05 (United World of the Universe) Page 4 of 10 with, and failure to take actions required by, previously issued permit whose benefits the permittee has enjoyed are also violations of the Coastal Act.

The Santa Monica Mountains, where the Subject Property is located, comprise the largest, most pristine, and ecologically complex example of a Mediterranean ecosystem in coastal southern California. California's coastal sage scrub, chaparral, oak woodlands, and associated riparian areas have analogues in just a few areas of the world with similar climate. Throughout the world, this ecosystem with its specially adapted vegetation and wildlife has suffered severe loss and degradation from human development. Worldwide, only 18 percent of the Mediterranean community type remains undisturbed. However, within the Santa Monica Mountains, this ecosystem is remarkably intact, despite the fact that it is closely surrounded by some 17 million people. Therefore, the Commission has found, in numerous permit and enforcement actions, that the Mediterranean ecosystem in the Santa Monica Mountains, and especially riparian areas occurring therein, is rare and particularly valuable because of its relatively pristine character, physical complexity, and resultant biological diversity.

The purpose of these enforcement proceedings is to address development on the Subject Property that was not authorized pursuant to the Coastal Act, and permit requirements that were not performed. The proceedings will propose to address these matters through the issuance of Cease and Desist and Restoration Orders ("Orders") that will direct the owner(s) and lessee of the Subject Property to: 1) cease from performing any additional unpermitted development activity (development not authorized pursuant to, or exempt from, the Coastal Act), 2) remove unpermitted development according to an approved removal plan, and 3) restore the impacted area pursuant to an approved restoration of the remainder of the violation via the settlement of monetary claims, and whether it is appropriate and consistent with the Coastal Act to allow the applicant to apply to the Commission to retain limited elements of development, in which case the Orders will set a schedule for such an application.

Violation History

The Commission granted CDP 5-89-743 to Fred Segal on May 10, 1990. In an effort to address past violations on the Subject Property and plan for anticipated future development, this permit was somewhat unusual in that it treated the property as a whole and thus not only approved development on APN 4465-002-021, but also delineated a development plan, as well as some identified development preclusions, for the five² adjacent 40 acre lots. Development authorized by the permit included the construction of a single family residence ("Men's Facility") with a pool, pond, and guest house; the installation of a caretaker's trailer and stables, gardens, and kennels; the grading and paving of roads used to access the abovementioned residences, and the installation of rock work and culverts into a riparian area.

One of those 40-acre lots was designated as APN 4465-005-032. Parcel maps from 1985 depict APN 4465-005-032 as a single parcel, and CDP 5-89-743 did not authorize its division. In fact, it

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² As discussed more comprehensively below, when this permit was issued the subject property was comprised of six parcels. In the intervening years since 1990 however, an attempt was made to subdivide APN 4465-005-032 into 4465-005-036 and 4465-005-037.

required the recordation of open space easements on the aforementioned parcel. However, by 1992 when a title report was submitted to Commission staff to assess compliance with permit conditions, the parcel had been illegally subdivided into two parcels known now as APNs 4465-005-036 and 4465-005-037.

It appears that by 1994 a small number of the unpermitted roads were allowed to overgrow and return to a more natural state. The guesthouse, Men's facility, and caretakers' trailers had been constructed and placed pursuant to the 1989 CDP. Additionally, however, an unpermitted structure was crected along the riparian corridor on the westerly spur road, which emanates from the east of the Men's facility and terminates on a knoll overlooking the Men's facility.

By 2001 a water tank had been installed adjacent to the guest house, and the small "pump enclosure" northwest of the guesthouse had been converted into a two-story 1,250 sq ft residence. Additionally, a water-tank and three trailers were now placed on the road adjacent to Kanan Dume Road, where barns and corrals were to be located pursuant to the 1989 CDP. Further, by this time, the road that had theretofore provided access along the oak woodland from the Men's Facility to the graded development area to the west was now paved. This road was additionally extended further west as an unpaved, graded segment continuing to follow the border of the oak woodland. A road stretching approximately 800ft was also graded and paved from this development area north along the base of a hill to a flattened area. Finally, by 2001 a large unpermitted house, garage, and guest house were built approximately within the prescribed development pad which lies to the west of the Men's Facility and from which emanate the above mentioned unpermitted roads. All of this development was done without the benefit of the required CDPs.

In 2008, Commission staff received reports of violations on the Subject Property indicating that a parking lot had been extended within a riparian area, and within the protected area of oak trees. Additionally, violation reports indicated that culverts had been placed in the blue-line stream adjacent to the parking area. None of the activities had received a CDP. In 2010, the Canyon at Peace Park (lessees of a portion of the Subject Property) submitted an incomplete coastal development permit application (CDP 4-10-023) for after-the-fact authorization of development including cutting, filling, and grading of slopes in a riparian corridor, as well as installation of a guardrail, and construction of a parking lot and fire department access. Because this CDP application contained unpermitted development, was determined to be incomplete, and was therefore returned to the applicant, Commission enforcement staff followed up on the returned application to ascertain how the unpermitted development would be addressed.

On October 19, 2010, Commission staff sent Notice of Violation letters to the Canyon at Peace Park, Fred Segal Scholarship Camp, and the United World of the Universe Foundation requesting the submittal of a complete permit application for the unpermitted development. These letters explained that the subject unpermitted activities constitute "development" under the Coastal Act and that development without a CDP is in violation of the Coastal Act, and they requested the parties contact Commission staff to discuss their willingness to resolve the violations. At the request of the Canyon at Peace Park, Commission staff stayed enforcement action to allow for the processing of a then-pending permit application with Los Angeles County, which would have addressed a portion of the unpermitted development. This application was never completed.

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Commission staff sent an additional Notice of Violation to the United World of the Universe Foundation and the Fred Segal Trust on June 2, 2011, requesting that unpermitted development be ceased and that Commission staff be contacted to discuss resolution. Commission staff met with Mr. Segal on June 14, 2011 on the Subject Property to discuss the unpermitted development and possible mechanisms for resolving the Coastal Act violations.

Commission staff again met regarding this matter and toured the Subject Property on August 2, 2011, with Mr. Segal, his representatives, and Los Angeles County staff in order to observe the nature and extent of the unpermitted development and document the extent and composition of vegetation surrounding impacted areas. As Commission staff has discussed with you, to comprehensively address the various components of unpermitted development and sensitive resources on the Subject Property, it is appropriate and expeditious to resolve this matter through the cease and desist and restoration order process.

Cease and Desist Order

The Commission's authority to issue Cease and Desist Orders is set forth in Section 30810(a) of the Coastal Act, which states, in part, the following:

If the commission, after public hearing, determines that any person or governmental agency has undertaken, or is threatening to undertake, any activity that (1) requires a permit from the commission without securing the permit or (2) is inconsistent with any permit previously issued by the commission, the commission may issue an order directing that person or governmental agency to cease and desist.

Section 30810(b) of the Coastal Act states that the Cease and Desist Order may be subject to such terms and conditions as the Commission may determine are necessary to ensure compliance with the Coastal Act- including removal of any unpermitted development or material.

As previously discussed, Section 30600(a) of the Coastal Act states that, in addition to obtaining any other permit by law, any person wishing to perform or undertake any development in the Coastal Zone must obtain a CDP. "Development" is defined by Section 30106 of the Coastal Act as follows:

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

The unpermitted development described herein clearly constitutes "development" within the meaning of the above-quoted definition, is not otherwise exempt from permitting requirements under the Coastal Act, and therefore is subject to the permit requirement of Section 30600(a). A CDP was not issued to authorize the subject unpermitted development. Therefore, the activities at

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Exhibit 12

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issue required a permit from the Commission and none was obtained, so the criteria of Section 30810(a) of the Coastal Act have been met. Moreover, as discussed above, some of the unpermitted development is also inconsistent with permits previously issued by the Commission, and so also qualifies under that subsection of section 30810 as well. For these reasons, I am issuing this Notice of Intent to commence Cease and Desist Order proceedings. The procedures for the issuance of cease and desist orders are described in Sections 13180 through 13188 of the Commission's regulations, which are codified in Title 14 of the California Code of Regulations.

The proposed Cease and Desist Order will direct Michael Segal, Fred Segal, the United World of the Universe Foundation, the Fred Segal Scholarship Camp, and the Canyon at Peace Park and others subject to the control and/or in a legal relationship with the aforementioned parties to 1) cease and desist from maintaining any development on the Subject Property not authorized pursuant to the Coastal Act; 2) cease and desist from engaging in any further development on the Subject Property unless authorized pursuant to the Coastal Act; and 3) take all steps, as identified, necessary to comply with the Coastal Act.

Restoration Order

Section 30811 authorizes the Commission to order restoration of a site in the following terms:

In addition to any other authority to order restoration, the commission...may, after a public hearing, order restoration of a site if it finds that the development has occurred without a coastal development permit from the commission..., the development is inconsistent with this division, and the development is causing continuing resource damage.

Pursuant to Section 13191 of the Commission's regulations, I have determined that the specified activities meet the criteria of Section 30811 of the Coastal Act, based on the following:

- 1) Unpermitted development has occurred, including, but not limited to, grading and paving of roads; removal of native and riparian vegetation; illegal lot subdivision; construction of unpermitted residence in riparian ESHA; grading and paving for an expanded parking lot within and adjacent to a blue-line stream; installation of culverts in a blue-line stream; construction of unpermitted residence in a significant oak woodland (as mapped in the 1986 Santa Monica Mountains Land Use Plan); construction of unpermitted residence and appurtenant structures; failure to restore unpermitted roads as mandated by coastal development permit (CDP) 5-89-743; placement of structures; and installation of invasive, non-native vegetation.
- 2) This development is inconsistent with the resource protection policies of the Coastal Act, including, but not limited to the following:
 - a. 30240 (protecting and limiting the use of environmentally sensitive habitat areas, or ESHA, and limiting ESHA adjacent development)
 - b. 30231 (protecting biological productivity and water quality)
 - c. 30236 (limiting alteration of watercourses)
- 3) The unpermitted development remains in place and is thereby causing continuing resource damage, as defined by Section 13190 of the Commission's regulations. The impacts from the unpermitted development remain unmitigated; therefore, the damage to resources protected by the Coastal Act is continuing.

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For the reasons stated above, I have decided to commence proceedings for the Commission's issuance of a Restoration Order to restore the Subject Property. The procedures for the issuance of Restoration Orders are described in Sections 13190 through 13197 of the Commission's regulations, which are codified in Title 14 of the California Code of Regulations.

Response Procedure

In accordance with Section 13181(a) and 13191(a) of the Commission's Regulations, you have the opportunity to respond to the Commission staff's allegations as set forth in this notice of intent to commence Cease and Desist and Restoration Order proceedings by completing the enclosed Statement of Defense (SOD) form. The SOD form must be returned to the Commission's San Francisco office, directed to the attention of Heather Johnston, no later than, April 10, 2012. However, should this matter be resolved via a settlement agreement, a statement of defense form would not be necessary. In any case, and in the interim, staff would be happy to accept any information you wish to share regarding this matter.

Commission staff currently intends to schedule the hearings for the Cease and Desist and Restoration Order during the Commission's June 2012 Huntington Beach hearing.

Civil Liability/ Exemplary Damages

You should be aware that the Coastal Act includes a number of penalty provisions for unpermitted development. Section 30820(a)(1) provides for civil liability to be imposed on any person who performs or undertakes development without a CDP and/or that is inconsistent with any CDP previously issued by the Commission in an amount that shall not exceed \$30,000 and shall not be less than \$500 for each instance of development that is in violation of the Coastal Act. Section 30820(b) provides that additional civil liability may be imposed on any person who performs or undertakes development without a CDP and/or that is inconsistent with any CDP previously issued by the Commission intentionally and knowingly performs or undertakes such development, in an amount not less than \$1,000 and not more than \$15,000 per day for each day in which each violation persists. Section 30821.6 provides that a violation of a cease and desist order, including an EDCDO, or a restoration order can result in civil fines of up to \$6,000 for each day in which the violation persists. Section 30822 provides for additional exemplary damages.

Resolution

As we have stated in previous correspondence and communications, we would like to work with you to resolve these issues amicably, and to continue the discussions we have had in the past regarding this matter. One option that you may want to consider is agreeing to consent orders. Consent cease and desist and restoration orders would provide you with an opportunity to have more input into the process and timing of restoration of the Subject Property and mitigation of the damages caused by the unpermitted activity, and could potentially allow you to negotiate a penalty amount with the Commission staff in order to resolve the complete violation without any further formal legal action. Consent cease and desist and restoration orders would provide for a permanent resolution of this matter and restoration of the Subject Property. If you are interested in discussing the possibility of agreeing to consent orders, please contact or send correspondence to the attention of Heather Johnston in the Commission's San Francisco office by no later than April 10, 2012, to discuss

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options to resolve this case. Again, should we settle this matter, you do not need to expend the time and resources to fill out and return the SOD form mentioned above.

Should you have any questions regarding any of the above items, please contact Heather Johnston at (415) 904-5293.

Sincerely,

CHARLES LESTER Executive Director California Coastal Commission

Enclosure: Statement of Defense Form

cc:

. .

Lisa Haage, Chief of Enforcement, CCC N. Patrick Veesart, Enforcement Supervisor, CCC Steve Hudson, District Manager, CCC Barbara Carey, Supervisor, Planning and Regulation, CCC Alex Helperin, Staff Counsel, CCC Heather Johnston, Statewide Enforcement Analyst, CCC Michael Noyes, Deputy-in-Charge Office of the District Attorney, LA County Code Enforcement Sean Skeries, Zoning Enforcement, LA County Regional Planning

> Exhibit 12 CCC-12-CD-05 CCC-12-RO-05 (United World of the Universe) Page 10 of 10

ATTACHMENT 1

RESTORATION PLAN FOR THE

REMOVAL OF A PORTION OF THE PUMP HOUSE FOUNDATION AND CONCRETE SLAB AND THE RESTORATION OF OAK WOODLAND

CONSENT RESTORATION ORDER CCC-12-RO-05

RESTORATION PLAN

FOR THE

REMOVAL OF A PORTION OF THE PUMP HOUSE FOUNDATION AND CONCRETE SLAB AND THE RESTORATION OF OAK WOODLAND

2900 KANAN DUME ROAD, MALIBU UNINCORPORATED LOS ANGELES COUNTY, CALIFORNIA

JUNE 2012

Prepared for:

The Canyon at Peace Park 2900 South Kanan Dume Road Malibu, California90265 Contact: Kathleen Bigsby Telephone: (310) 457-3209

and

Latham and Watkins LLP 355 South Grand Avenue Los Angeles, California90071-1560 Contact: Rick Zbur and Beth Gordie Telephone: (213) 485-1234 Fax: (213) 891-8763

Prepared by:

Glenn Lukos Associates, Inc. 29 Orchard Lake Forest, California92630 Contact: Tony Bomkamp Telephone: (949) 837-0404 Fax (949) 837-5834

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- 1. Regional Map
- 2. Vicinity Map
- 3. Development, Access and Staging Area Map
- 4. Oak Woodland Restoration Map

I. PROJECT DESCRIPTION and SUMMARY

This Restoration Plan outlines the erosion control, removal activities, revegetation activities, and monitoring activities required by Consent Restoration Order CCC-12-RO-05 ("CRO") associated with the Pump House, designated as Pump House 13.3(B) in the CRO, referred to herein as the "Pump House", located at The Canyon at Peace Park property located at 2900 South Kanan Dume Road near Malibu in unincorporated Los Angeles County, California [Exhibits 1 and 2] ("Property"). The Pump House area is referred to as the "Restoration Area."

A. Location of Restoration Area

The Restoration Area comprises approximately 0.02 acre within the Property. The Restoration Area is located approximately 0.10 mile west of Kanan Dume Road and approximately 3.0 miles north of Pacific Coast Highway. The restoration site is located within APN 4465-002-021.

B. Brief Summary of Restoration Plan

Portions of the Pump House foundation and concrete slab will be removed and restored as set forth in this Restoration Plan¹. Revegetation will be to oak woodland habitat. Development to be removed includes a portion of the Pump House foundation and concrete slab. [Exhibit 3]. Development to be retained includes a concrete apron around the Pump House approximately five feet wide plus a five-foot-wide concrete access path to the propane tank located behind the Pump House, and the retaining wall immediately east of the Pump House. Retention of the retaining wall is important biologically as removal of the retaining wall would result in impacts of up to four coast live oaks and one California walnut due to grading that would be required to ensure the structural integrity of the retained Pump House and associated five-foot access apron. Following removal of the development, restoration activities will include planting with appropriate native oak woodland species. The total area to be revegetated covers approximately 0.02 acre. [Exhibit 4]. The Pump House Restoration Area will be restored in a manner that will ensure that the erosion control and revegetation are successful.

This Restoration Plan consists of several components including the Erosion Control Plan, the Removal Plan, the Remedial Grading Plan, the Revegetation Plan, and the Monitoring Plan.

¹ Coastal Development Permit ("CDP") 5-89-743 approved the Pump House. The originally constructed Pump House was subsequently enlarged and converted into an approximately 1,250 square foot two-story structure constructed around and on top of the originally constructed Pump House. On February 8, 2012, Coastal Commission Waiver De Minimis Number 4-11-064 authorized the removal of the 1,250 square foot structure constructed around and on top of the originally constructed Pump House. The Canyon at Peace Park is currently seeking approvals from Los Angeles County for the removal activities. Once the County approvals are obtained, The Canyon at Peace Park will remove the 1,250 square foot structure constructed Pump House pursuant to the Waiver, the County Approvals, and the Oak Tree and Sensitive Resource Avoidance Plan for the Demolition of the Unpermitted Portion of the Pump House dated November 2011 prepared by Glenn Lukos Associates, Inc. The originally constructed 200 square foot pump room will remain. This Restoration Plan only address the removal of portions of the Pump House foundation and concrete slab.

C. Respondents

United World of the Universe Foundation 500 Broadway Santa Monica, CA 90401 Contact: Michael Segal Telephone: (310) 394-8989

The Canyon at Peace Park 2900 South Kanan Dume Road Malibu, California 90265 Contact: Kathleen Bigsby Telephone: (310) 457-3209

II. GENERAL PROVISIONS

A. Qualifications of the Project Biologist

Glenn Lukos Associates, Inc. (GLA) prepared this Restoration Plan. Mr. Tony Bomkamp, Senior Biologist with GLA, is the point of contact and project manager. Mr. Bomkamp is a field biologist and wetlands ecologist with an extensive background in restoration of wetland, riparian, and upland scrub habitats in Southern California. As a botanist, Mr. Bomkamp has diverse field experience including restoration work extending back over 30 years in all of the major vegetation communities in Southern California. Mr. Bomkamp earned a B.A. in Biology in 1976, and an M.S. in Environmental Studies in 1993, both from California State University, Fullerton.

Mr. Bomkamp will lead a staff of restoration ecologists in the implementation of this Restoration Plan. The individuals responsible for preparing and implementing this plan have extensive experience designing and installing revegetation and restoration projects in Southern California. This experience provides a strong basis for confidence in the success of the restoration proposed herein. A qualified habitat restoration specialist or other individual knowledgeable in native plant revegetation, hereinafter referred to as the "Project Biologist", will supervise the implementation, maintenance, and five-year monitoring of the Restoration Plan. The Project Biologist shall be on-site during all phases of the restoration.

B. Qualifications of the Landscape Contractor

A qualified landscape contractor, hereinafter referred to as the "Landscape Contractor", with experience in oak woodland habitat projects, shall perform restoration and maintenance activities within the Restoration Area. The Landscape Contractor shall possess a C-27 contractor's license, and a California license Pest Control Advisor (PCA) for the application of herbicides and pesticides. The Landscape Contractor will be supervised by the Project Biologist.

C. Qualifications of Site Restoration Contractor

In addition to the Landscape Contractor, qualified contractor(s), hereinafter referred to the "Site Restoration Contractor(s)" will be retained to complete the work described in the Erosion Control Plan, the Removal Plan, and the Remedial Grading Plan. The Site Restoration Contractor(s) will be licensed in their various fields. The Site Restoration Contractor will be supervised by the Project Biologist.

D. Description of Restoration Area to be Restored

Mr. Bomkamp has conducted three site visits to the Property: November 14, 2011, December 7, 2011, and May 8, 2012. On November 14 and December 7, Mr. Bomkamp conducted a detailed vegetation assessment and site-specific surveys of the Restoration Area and locations within the vicinity of the Restoration Area to confirm that no listed or other special-status species are present within the Restoration Area. Additionally, Mr. Bomkamp met with the project planner and operator responsible for demolition activities, and examined all potential work areas as identified by the planner and operator that may be utilized and/or impacted by demolition activities, including ingress/egress routes, equipment staging areas, temporary storage areas, and the perimeter of the development to be demolished. On May 8, 2012, Mr. Bomkamp conducted additional site-specific surveys, and further refined the planning plan for the Restoration Site.

Development to be removed totals 0.02 acre and includes portions of the Pump House foundation and concrete slab as depicted on Exhibit 3. The understory of the oak woodland surrounding the Pump House appears to be periodically maintained to control the growth of vegetation. The understory consists of numerous coast live oak (*Quercus agrifolia*) seedlings and re-sprouted and seedling native grasses including foothill needlegrass (*Stipa lepida*) and giant wild rye (*Elymus condensatus*).

Habitat restoration at the Restoration Area will include the following components: (1) removal of portions of the Pump House foundation and concrete slab (an apron approximately five feet wide plus a five-foot-wide concrete access path to the propane tank located behind the Pump House will remain as will the retaining wall immediately east of the Pump House to ensure preservation of up to four coast live oaks and one California walnut); (2) deep ripping of compacted soils beneath the Pump House foundation and concrete slab to be removed; (3) installation of an irrigation system; and (4) restoration of oak woodland vegetation. A total of approximately 0.02-acre of native habitat will be restored on-site, all of which consists of oak woodland².

The existing retaining wall immediately adjacent of the eastern limits of the Pump House will be retained in order to ensure structural integrity of the Pump House, the apron approximately five feet wide around the Pump House, the five-foot-wide concrete access path to the propane tank, and the propane tank. Moreover, removal of the retaining wall exhibits potential for impacts to up to four coast live oaks and one California walnut. Currently these coast live oaks and the California walnut exhibit only moderate habitat value due to their occurrence within an existing

² The Restoration Area lies within the Fuel Modification Zone for the Cliff House, pursuant to Los Angeles County Fire Department's *Fuel Modification Plan Guidelines* and the Restoration Area will be maintained consistent with the *Guidelines*.

residential area that includes the Cliff House and associated driveway and decking as well as the Pump House. Removal of the retaining wall would not change the overall character of the habitat value of the coast live oaks given that the other residential uses, including the Pump House, would be left in place.

Types of habitat impacted by development and types to be restored are set forth in Table 1 below.

TABLE 1	
DEVELOPMENT TO BE RESTORE	D BY HABITAT TYPE

Type of Habitat Impacted	Acre	Habitat to be Restored	Acre
Coast Live Oak Woodland	0.02	Coast Live Oak Woodland	0.02

The restored oak woodland will exhibit habitat functions consistent with adjacent areas of oak woodland, including foraging and cover for birds, insects, and small mammals.

E. Implementation Timeline and Schedule of Activities

Upon approval of the CRO by the Coastal Commission, Respondents shall fully implement each phase of the Restoration Plan consistent with all of its terms. Respondents shall commence implementation of all work described in the Restoration Plan within 120 days of the effective date of the CRO, or if Los Angeles County approval is necessary to undertake the Restoration Plan Respondents shall inform Coastal Commission staff and this deadline shall commence within 120 days of approval by Los Angeles County. Respondents shall complete all elements of the Restoration Plan, excepting the Monitoring Plan, no later than 120 days from commencing implementation of the Restoration Plan. The Executive Director may grant an extension of these deadlines upon a showing of good cause, either if the Executive Director determines that Respondents have diligently worked to comply with their obligations under the Restoration Plan, but cannot meet deadlines due to unforeseen circumstances beyond their control, or if the Executive Director determines that the Restoration Plan's schedule should be extended if additional time would benefit the success of the Restoration Plan from an ecological or biological perspective pursuant to Section 19.0 of the CRO.

Implementation of the Revegetation Plan will begin during the optimal planting period (generally October 15th to March 1), unless development removal will be completed well before the start of the optimal planting period, in which case the Revegetation Plan may be implemented outside of the optimal planting period. Implementation of the Monitoring Plan shall begin immediately following planting installation.

Within one year of the completion of plant installation, it is expected that immature oak woodland canopy structure will exist such that insects, small mammals, and birds will utilize the Restoration Area for foraging and roosting.

F. Parties Responsible for Conducting The Restoration Plan

Respondents: United World of the Universe Foundation 500 Broadway Santa Monica, CA 90401 Contact: Michael Segal Telephone: (310) 394-8989

> The Canyon at Peace Park 2900 South Kanan Dume Road Malibu, California 90265 Contact: Kathleen Bigsby Telephone: (310) 457-3209

G. Parties the Respondents have Identified for Conducting the Restoration Plan

Project Biologist:	Glenn Lukos Associates, Inc. 29 Orchard Lake Forest, California92630 Contact: Tony Bomkamp Telephone (949) 837-0404
Project Engineer:	Pacific Coast Civil, Inc. 30141 Agoura Road, Suite 200 Agoura Hills, CA 91301 Contact: Richard Doss Telephone: (818) 865-4168
Landscape Contractor:	To be determined; work will be supervised by the Project Biologist
Site Restoration Contractor:	To be determined; work will be supervised by the Project Biologist.

H. Equipment to Be Used

1. Necessity of Mechanized Tools and Assurance of No Impact

Mechanized tools must be used for hauling large pieces of demolition debris that are too heavy or unwieldy to carry by hand, for breaking up the concrete slab adjacent to the Pump House, for deep ripping of compacted soils, and for digging planting holes for container stock. Mechanized equipment proposed to be used includes mechanized hand tools for demolition, a loader or backhoe to haul large pieces of debris to the staging area, a backhoe-mounted jackhammer and bucket for breaking up the concrete foundation, a backhoe to remove large sections of concrete debris, and dump trucks to collect the materials and transport them from the Restoration Area. Additionally, the loader or other earthmover will be used for deep ripping of compacted soils, and a mechanized auger, such as a hand-held power auger or Bobcat with auger attachment, will be used to dig planting holes.

The use of mechanized tools will not impact resources protected under the Coastal Act, including but not limited to: geological stability, integrity of landforms, freedom from erosion, and the existing native vegetation.

Staging areas for construction equipment and materials, including receptacles and temporary stockpiles of demolition debris, would be located within existing developed areas, adjacent to the Cliff House and away from native vegetation.

With the use of hand tools, power hand tools, and mechanized heavy equipment within the limits of the environmental fencing, the demolition would be possible with no impacts to native oak woodland other native shrubs, trees or native bunchgrasses, including no trimming of tree limbs. The nearest oak tree trunk is approximately 14 feet from the structure at the eastern end of the Pump House. There are additional oaks to the west and north of the Pump House with the distance between the tree trunks and the concrete slab to be removed, ranging from a few feet to more than 20 feet; however, impacts to these trees will be avoided with careful demolition. The use of a loader for hauling large pieces of demolition debris that are too heavy or unwieldy to carry by hand will not result in any impacts to any coast live oak trees as the loader will be limited to the existing developed access way and will not approach the oak trees nearest the Pump House. Use of a mechanized auger will not damage oak trees, as care will be taken to ensure that planting hole excavation does not disturb the oak tree roots. No state or federally listed species occur within the vicinity; therefore, none would be affected. The demolition would not impact any sensitive biological resources.

Additionally, as the use of the mechanized equipment will be limited to developed areas and graded roads, with implementation of the Erosion Control Plan discussed below, there is no potential for impacts to landforms and geological stability.

2. Limits on the Use of Mechanized Tools and Contingency Plan

Use of mechanized tools will be limited to the hours of 7:00 am to 7:00 pm Monday through Saturday.

Should impacts occur from equipment use, including disruption of areas where revegetation and/or restorative grading occurs, the areas will be remediated according to the terms of this Restoration Plan. Any potential fuel spills or other hazardous releases that result from the use of mechanized equipment will be stopped immediately and contained within the site. The Respondents will notify the Executive Director of the Coastal Commission within 24 hours (excluding weekend or holiday days or days which the Coastal Commission is closed) of any spills of fuel or other hazardous waste, and remove the contaminated materials according to current regulations for the type of waste.
I. Staging Areas and Storage of Construction Materials

The staging area for construction equipment and materials, including receptacles and temporary stockpiles of graded materials, will be located on an area devoid of vegetation, such as the existing driveway between the Cliff House and the Pump House that will not be removed and revegetated.

No demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters, or a storm drain, or be subject to wind or runoff erosion and dispersion. All stockpiles and construction materials will be covered, enclosed on all sides, be located as far as possible from drain inlets, and will not be stored in contact with the soil.

J. Location of Disposal Site

All materials removed from the Property and all waste generated during restoration activities will be disposed of in a proper and legal manner at a sanitary landfill or other appropriate site outside of the Coastal Zone.

K. Soil Stabilization Methods

Removal activities shall not disturb native vegetation outside the Restoration Area to the greatest extent practicable. Once removal of the development is completed, the Project Biologist will examine the site and identify any areas of disturbance. Any disturbance due to removal activities shall be restored as soon as reasonably practicable. If any removal activities occur within the rainy season, BMPs for erosion and water quality purposes (e.g., sandbags, straw wattles, silt fences) shall be installed as needed to protect and address water quality concerns. Any BMP installation shall be reviewed by the Project Biologist and shall, to the greatest extent practicable, be placed on areas where no native vegetation is growing.

L. Identification and Delineation of Areas to be Restored

Removal activities shall occur in all of the areas indicated on the Development Map [Exhibit 3]. Prior to initiation of the removal activities, the Project Biologist shall identify the materials to be removed. The Project Biologist shall flag the limits of the Restoration Area using temporary measures such as fencing stakes, colored flags, or colored tape. All delineation materials shall be removed when no longer needed and verification of such removal will be provided in the annual reporting that corresponds to the reporting period during which the removal occurred.

M. Nesting Bird Surveys

In order to avoid disturbance of nesting birds, there shall generally be no use of mechanized equipment during the breeding season (generally February 15 through August 31), or any time that bird courtship, breeding, or nesting is observed. If use of mechanized equipment must be conducted during the nesting bird season, a biological monitor will conduct a survey to determine the presence of any nesting behaviors, nest building, egg incubation, or brood rearing activities within a minimum of 150 feet of proposed work limits. If nesting birds are detected

within 100 feet of proposed grading areas, nest monitoring will be initiated and use of mechanized equipment within 100 feet of active nests will be postponed until the nest(s) are determined to be inactive by the biological monitor.

III. EROSION CONTROL PLAN

No permanent erosion control measures will be employed, although the planting, seeding, and mulching described in the Restoration Plan will serve as natural erosion control measures once the plantings begin to establish themselves. Work that may disturb soil is limited to the Pump House foundation and concrete slab, which is generally level and at grade with the surrounding area. As no remedial grading is necessary or proposed, and it is not anticipated that soil stabilization will be necessary, no temporary erosion control measures are proposed. However, if temporary erosion control measures such as fiber rolls/straw wattles, fiber matting, and/or silt fence become necessary, a narrative description of proposed temporary erosion control measures and the graphical plan illustrating the location of the proposed erosion control measures will be submitted to the Executive Director for approval.

Removal work shall take place only during the dry season (April 1- November 1). This period also may be extended for a limited period pursuant to the provisions of Section 19.0 of the CRO.

IV. REMOVAL PLAN

The purpose of the Removal Plan is to govern the removal and off-site disposal of all development to be removed. The Development Map depicting all development to be removed is enclosed as Exhibit 3 and includes (1) demolition of a portion of the Pump House foundation and concrete slab; and (2) deep ripping of the compacted soils beneath the portions of the Pump House foundation and adjacent concrete slab that will be removed. An approximately five-foot-wide apron will be allowed to remain for purposes of access around the retained Pump House along with a concrete pathway that provides access to the propane tank located behind the Pump House that serves the Cliff House. In retaining the five-foot concrete apron and access path to the propane tank, it may be necessary to conduct repairs, including laying concrete, on these areas following demolition activities, to ensure structural integrity. In addition, the retaining wall is important biologically as removal of the retaining wall would result in impacts of up to four coast live oaks and one California walnut due to grading that would be required to ensure the structural integrity of the retained Pump House and associated five-foot access apron.

A. Limits of Removal Area

Removal of development shall not disturb areas outside of the Restoration Area. Removal activities will be limited to the areas of development depicted by Exhibit 3. Ingress/egress routes, equipment staging areas, and temporary storage areas, will be located within existing developed areas associated with the Cliff House.

1. Mitigation for Impacts

Any area disturbed by the removal activities shall be restored according to the provisions of the Revegetation Plan below. These measures shall include the restoration of the areas from which the development was removed, and any areas disturbed by those removal activities.

B. Contractor Education Program

Prior to the commencement of demolition work, the Project Biologist will conduct an on-site meeting with the Site Restoration Contractor(s), project supervisors, and demolition crew to discuss onsite sensitive resources and avoidance measures, including demarcation of "off-limits" areas around the work area.

C. Biological Monitoring

The Project Biologist shall be onsite the first day of work to conduct the pre-construction meeting with the Site Restoration Contractor(s) supervisor and crew and will monitor all demolition work. Following the first day of demolition work, the Project Biologist will visit the site twice a week for the duration of work. During monitoring visits, the Project Biologist will be responsible for confirming the work limits and reviewing protective fencing or staking as well as ensuring that no wildlife is harmed during the demolition.

Should impacts occur to sensitive resources as a result of the Removal Plan, Respondents will notify the Executive Director of the Coastal Commission within 24 hours (excluding weekend or holiday days or days which the Coastal Commission is closed) and a Restoration Plan will be developed for the impacted area. Should spills of fuel or other hazardous releases that may result from the use of mechanized equipment occur, work will be stopped immediately and the spill contained within the site. Respondents will notify the Executive Director of the Coastal Commission within 24 hours of any spills of fuel or other hazardous waste and remove the contaminated materials according to current regulations for the type of waste.

V. REMEDIAL GRADING PLAN

No remedial grading is necessary or proposed for the Restoration Area, as the area is generally at grade in its current condition.

Construction of the Pump House did not alter drainage patterns within the watershed, other than a slight increase in discharge due to the slight increase in impervious surface. With removal of the impervious surfaces and restoration to native vegetation, the original runoff patterns will be restored.

VI. REVEGETATION PLAN

A. Natural Habitat Type to Be Revegetated

Existing vegetation immediately surrounding the Pump House is best characterized as southern coast live oak woodland. The understory consists of numerous coast live oak (*Quercus agrifolia*) seedlings and re-sprouted and seedling native grasses including foothill needlegrass (*Stipa lepida*), giant wild rye (*Elymus condensatus*), along with typical coast live oak woodland understory and appears to be periodically maintained to control the growth of vegetation. As the oak woodland immediately surrounding the Pump House has been modified through vegetation control activities, the plant palette for the Restoration Area was determined based upon surveys of the larger surrounding areas of oak woodland. A determination of the number of oaks, sycamores and other plants to be utilized in the restoration was made by examining plant densities in adjacent areas. For the oaks, it was determined that the oak woodlands in an adjacent area of approximately two acres contained 55 coast live oaks per acre and 17 western sycamores per acre. Based on a restoration area of 0.02 acre, two oaks and one sycamore would provide the required density. To allow for possible mortality, the number of oaks and sycamores has been increased. Similarly, density for oak woodland understory shrubs and grasses are based on relative densities in areas of adjacent oak woodland [see Table 2 below].

B. Restoration Goals and Objectives

Because vegetation will be restored to the conditions present prior to disturbance, it is fully expected that the restored oak woodland will thrive following restoration implementation. The proposed plant palette includes native species that exist adjacent to the Restoration Area, and are known to favor the proposed physical conditions at the site. The plant communities were selected using information gathered during site visits and from general knowledge of local plant communities.

C. Plant Palette

All of the plants included in the plant palettes are able to tolerate hot, dry summer conditions, taking advantage of associated groundwater during the winter and spring rainy season.

After the demolition of a portion of the Pump House foundation and concrete slab, the 0.02-acre of land available for restoration will be restored to oak woodland as set forth in Table 2 below. Dominant species among these plant communities include coast live oak (*Quercus agrifolia*), western sycamore (*Platanus racemosa*), toyon (*Heteromeles arbutifolia*), fuschia-flowered gooseberry (*Ribes speciosum*), California wild rose (*Rosa californica*), California coffeeberry (*Rhamnus califonica*), hummingbird sage (*Salvia spathacea*), giant wild rye (*Elymus condensatus*), foothill needlegrass (*Stipa lepida*), and purple needlegrass (*Stipa pulchra*).

0.02 Acre Oak Woodland Restoration				
Plant Species	Container Size	Percent per Acre	Total Number	
Coast live oak Quercus agrifolia	1 Gallon	8	12	
Western sycamore Platanus racemosa	1 Gallon	2	3	
Toyon Heteromeles arbutifolia	1 Gallon	5	7	
Fuschia-flowered gooseberry <i>Ribes speciosum</i>	1 Gallon	8	12	
California wild rose Rosa californica	1 Gallon	5	7	
California coffeberry Rhamnus californica	1 Gallon	8	12	
Hummingbird sage Salvia spathacea	1 Gallon	11	16	
Giant wild rye Elymus condensatus	1 Gallon	11	16	
Foothill needlegrass Stipa lepida	1 Gallon	21	30	
Purple needlegrass Stipa pulchra	1 Gallon	21	30	
Total		100	145	

TABLE 2 SOUTHERN COAST LIVE OAK WOODLAND PLANT PALETTE

D. Site Preparation Methodology

Site preparation shall consist of clearing and controlling all non-native plant species within the Restoration Area footprint, installation of irrigation components, preparing planting holes, and doing any other work necessary to make ready the area for planting. All site preparation will be conducted with hand tools only, except for a mechanized auger for digging planting holes for container stock and a bobcat for ripping the compacted soil beneath the concrete slabs to be removed. Installation of irrigation and plant materials shall occur following removal of development, and during the optimal planting period if possible (generally October 15th to March 1). However, planting may occur outside of the optimal planting period if development removal would be completed a significant amount of time prior to the start of the optimal planting period, provided that sufficient irrigation is applied to support establishment of the plantings.

If deemed necessary, a "grow and kill" cycle will be established following installation of the irrigation system and prior to installation of restoration plantings. "Grow and kill" is a cycle of applying water, germinating the non-native, invasive species, and spraying the plants with the appropriate herbicide. This allows a large portion of the seed load currently present in the soil to be eradicated. Removing the competition early in the life cycle of native plants helps to ensure more rapid growth and cover of the native species. If a "grow and kill" cycle is deemed necessary, Respondents shall inform the Executive Director in writing at least 15 days prior regarding the type and quantity of herbicide proposed to be used.

All undesirable exotic plants will be eradicated. The Project Biologist will direct the Landscape Contractor regarding the selection of target weed species, their location, and the timing of weed control operations to ensure that native plants are avoided to the extent possible.

E. Planting Plan and Methodology

Planting shall consist of planting container stock and seeding either via hand broadcast or hydroseeding. No planting shall be done in any area until the area has been prepared in accordance with the plans and presents an appearance satisfactory to the Project Biologist. The Project Biologist shall be on-site the first day of each phase of plant installation and every other day after that.

1. Source of Plant Materials

It is preferred that the source of all propagules and seed used at the Restoration Area be from the site or adjacent scrub and chaparral areas. If not available, the remainder of the propagules and seed required will be from wild sources within the Malibu area of Los Angeles County, and collected as close to the Restoration Area as possible to preserve regional genetic integrity.

Plant material for revegetation shall be derived from cuttings, materials salvaged from disturbed areas, and/or seeds obtained from randomly selected native shrubs occurring locally. Any replacement tree or shrub stock that cannot be grown from cuttings or seeds shall be obtained from a native plant nursery, be ant-free, and shall not be inoculated to prevent heart rot. If any materials must be obtained from other than on-site sources, the Project Biologist shall provide the Coastal Commission with a list of all such materials, and shall ensure that they are of local origin (i.e., the Santa Monica Mountains), and are not cultivars.

2. Contract Growing

Contract growing of all container plants shall be by a local experienced native plant nursery. Substitution of plant material at the time of planting depends solely upon the discretion of the Project Biologist. Any approved substitutions will be documented in the annual report prepared as part of the Monitoring Plan.

3. Container Stock

Tree, shrub, and grass species will be installed as container stock. Planting and seeding will generally occur between October 15 and March 1 to take advantage of the winter rainy season, dormancy of foliage, and the winter rooting period to ensure optimum survival of plantings, unless development removal will be completed well before the start of the optimal planting period, in which case the Revegetation Plan may be implemented outside of the optimal planting period. One-gallon container stock shall be utilized for the revegetation of oak woodland plant communities. All plant materials will be inspected by the Project Biologist and approved as healthy, disease free, and of proper size prior to planting. Overgrown, root-bound container stock will be rejected.

4. Mycorrhizal Fungi

Mycorrhizae are specialized fungi found on plant roots. A symbiotic relationship exists between plant roots and mycorrhizae wherein the plants benefit from the increased ability to take up nutrients and withstand drought when mycorrhizae are present. This relationship is essential to the growth rate, well-being, and longevity of native plant communities. Plant utilization of mycorrhizal fungi markedly increases the success of revegetation on disturbed or degraded lands. The native plant nursery shall inoculate all appropriate container-grown plants, except those known to be non-host species, with mycorrhizal fungi prior to delivery to the job site.

5. Plant Placement

Container stock will be laid out in such a manner that mimics natural plant distribution (i.e., in clusters and islands) to emulate regional reference sites. The Project Biologist will monitor and confirm that trees and shrubs have been placed at the designed elevation relative to the water source supporting them, such as ground water. All plants shall be in randomly spaced, naturally clumped patterns. The average planting densities shall meet the criteria specified in the Plant Palette [Table 2].

6. Planting Method for Container Stock and Seed Application

Container stock will be thoroughly watered by the nursery the day before planting. One-gallon container stock will be planted in a hole measuring at least twice the diameter of the container and twice the depth. The excavated hole will be filled with water and allowed to completely drain prior to installation of the plant.

One teaspoon (0.3 oz.) of Osmocote 14-14-14 (or equal) will be placed one-inch below the root zone and backfilled with native soil to the proper planting depth. The container plant will be upended into the palm of the hand to avoid damage to the root structure and placed in the planting hole. The top of the root ball will be set one-inch above finished grade. The planting hole will be backfilled with native soil.

A three-inch high, hand-compacted earth berm, approximately 24 inches in diameter, will then be constructed around each container plant to utilize as a watering basin. Container stock will be

watered immediately after installation. This watering basin will be maintained until the plants are no longer irrigated. Coarse mulch shall be placed around plantings to minimize water loss and discourage weed growth. Mulch will be applied as a top dressing, two to three inches thick, and must not come in contact with the stem of the plant. Mulch will not be applied to the watering basins of the native grasses.

Grass species will have a plant protection device (plastic mesh screens or wire screens) installed around each plant to protect the grasses from herbivory. The Landscape Contractor will remove the plant protection device after approximately six months or upon approval by the Project Biologist.

Seed will be applied either through hydroseeding or hand broadcast at the discretion of the Project Biologist.

7. Pruning and Staking

There will be no pruning or staking of any vegetation. Diseased or insect-damaged foliage, if sufficient to require pruning, will serve as a benchmark for rejection of plant materials. A small amount of selective trimming of native species is allowed to prevent overspray of herbicide from reaching their branches, if herbicide is necessary. If herbicide is to be employed, Respondents shall inform the Executive Director in writing at least 15 days prior regarding the type and quantity of herbicide proposed to be used. Native vegetation may only be trimmed; individual plants shall not be removed.

F. Performance Standards

The success of habitat restoration is defined as the restoration of a functional ecosystem. Success is usually measured by percent coverage by target species. While a fully successful restoration plan might be viewed as one that results in 100-percent coverage, such coverage is unlikely. Natural habitats rarely exhibit 100-percent coverage, but rather include a considerable proportion of open spaces. While this monitoring program uses percent coverage criteria, it is noted that determination of successful coverage is expected to be relative to other similar native habitats typical of the region, and as such, the percent coverage criteria are defined relative to an undisturbed reference site of similar habitat composition.

The means of determining successful restoration for this site will be through a series of measurements for natural recruitment, exotic species cover, cover by native species, and species richness and diversity. All of these, except non-native species cover, should increase over time. Cover by non-native species should be the opposite; it should decrease with time, particularly because one of the primary goals of the Restoration Plan is to substantially reduce or eliminate non-native species from the site.

After the initial non-native species eradication and associated planting effort has been completed, the Restoration Area will be monitored by the Project Biologist on a monthly basis for the next 18 months and quarterly thereafter for the remainder of the monitoring period. Qualitative surveys, consisting of a general site walkover and habitat characterization, will be completed during each

monitoring visit. General observations, such as fitness and health of the planted species, pest problems, weed persistence/establishment, mortality, and drought stress, will be noted in each site walkover. The Project Biologist will determine remedial measures necessary to facilitate compliance with performance standards.

Quantitative data will be collected annually using accepted vegetative sampling methods in order to evaluate survivorship, species coverage, and species composition.

In the event that plantings should fail to meet the specified requirements, compliance will be ensured by the performance of either or both of the following remedial procedures by the Landscape Contractor on an as-needed basis as directed by the Project Biologist: (1) replacing unsuccessful plantings with appropriately sized stock or seed mixes to meet stated cover or survival requirements, and /or (2) performing maintenance procedures to ensure the site conditions are appropriate (e.g., non-native species removal). Remedial actions in planting areas shall be based on detailed investigations (such as soil tests and excavations of failed plantings to examine root development) to determine causes of failure. If substantial non-compliance with the performance occurs, Respondents or Respondents' representative will consult the Coastal Commission to determine whether corrective measures and an extension of the five-year monitoring period will be necessary.

1. Reference Site

A reference site shall be established and sampled to provide a basis of comparison for the performance standards discussed herein. The reference site shall be located within the undisturbed oak woodland area in the vicinity of the Pump House. As noted above, because the area to be restored is located within Zone B of the Cliff House Fuel Modification Zone, total cover will not be allowed to exceed 50 percent as reflected in the performance standards below. The plant palette detailed in Table 2 is based on onsite observations of the adjacent areas of native vegetation, and the "percent per acre" provided in the plant palette table is based on onsite estimates of relative abundance of native species on the adjacent slopes.

2. Standard Vegetation Monitoring Performance Standards

First-Year Monitoring

Success Standard:	20-percent coverage of native species (five-percent deviation allowed)
	relative to the reference site;
	At least 80-percent of the planted species will be represented in the
	Restoration Area (native recruits not in the plant palette may be counted);
	No more than 10-percent coverage by non-native plant species

Second-Year Monitoring

Success Standard:	25-percent coverage of native species (< five-percent deviation allowed)
	relative to the reference site;
	At least 80-percent of the planted species will be represented in the
	Restoration Area (native recruits not in the plant palette may be counted);
	No more than five-percent coverage by non-native plant species

Third-Year Monitoring

Success Standard: 30-percent coverage of native species (<five-percent deviation allowed) relative to the reference site; At least 80-percent of the planted species will each attain at least fivepercent cover of the total native cover (native recruits not in the plant palette may be counted);

No more than five-percent coverage by non-native plant species

Fourth-Year Monitoring

Success Standard: 40-percent coverage of native species (<five-percent deviation allowed) relative to the reference site; At least 80-percent of the planted species will each attain at least fivepercent cover of the total native cover (native recruits not in the plant palette may be counted); No more than five-percent coverage by non-native plant species

Fifth-Year Monitoring

Success Standard: 50-percent coverage of native species (<five-percent deviation allowed) relative to the reference site; At least 80-percent of the planted species will each attain at least fivepercent cover of the total native cover (native recruits not in the plant palette may be counted); No more than five-percent coverage by non-native plant species

G. Proposed Use of Artificial Inputs

1. Irrigation Plan

The Landscape Contractor shall provide irrigation for the Restoration Area when natural moisture conditions are inadequate to ensure the survival of plants. Irrigation shall be provided for a maximum of 3 years from plant installation or until the revegetation has become established, whichever comes first. Irrigation shall be phased out during the fall/winter of the second year unless unusually severe conditions threaten survival of the plants. All plants must survive and grow for at least two years without supplemental water for the Restoration Plan final success criteria to have been met.

Supplemental irrigation is to be used solely for establishing the plants at the Restoration Area and is of a temporary nature. The goal of the irrigation program is to obtain germination and growth with the least amount of irrigation. Frequent irrigation encourages weed invasion and leaches nutrients from the soil.

The Restoration Area will initially be supported by a short-term automatic irrigation system. The container stock will be irrigated as long as necessary to establish the root systems in the native soils, usually through two or three summers. All irrigation lines will be installed abovegrade for ease of removal and inspection. The critical period for irrigation is during the first winter and early spring following planting. During this time, roots are not well established, and an unseasonable drought can cause high mortality. During dry periods after plant installation, the Project Biologist and the Landscape Contractor will regularly inspect soil moisture. Supplemental irrigation during the summer dry season will occur as frequently as required.

After the initial plant establishment period, water will be applied infrequently and only as required to prevent the mortality of plants and seedlings. The irrigation methods employed will attempt to mimic wet rainfall years by incorporating evenly spaced, infrequent, deep applications of water.

When the plantings are sufficiently established, and no longer require supplementary irrigation, the Project Biologist shall notify the Landscape Contractor to remove all irrigation system components from the Restoration Area. In the event irrigation system components are removed, but it is later determined by the Project Biologist that supplemental irrigation may be necessary to meet the success standards herein, the irrigation system component may be reintroduced and then removed when the necessity for supplemental irrigation has ceased.

The Landscape Contractor shall be responsible for applying sufficient irrigation water to adequately establish new plant materials, and germinate and establish the applied seed. Irrigation water shall be applied in such a way as to encourage deep root growth (periodic deep irrigation versus frequent light irrigation). The Landscape Contractor will allow soil to dry down to approximately 50- to 60-percent of field capacity (in the top six or 10 inches of soil after germination and during seedling establishment) before the next irrigation cycle. Wetting of the full root zone and drying of the soil between irrigation events is essential to the maintenance of the plants and the promotion of the deep root zone that will support the vegetation in the years after establishment. Irrigation systems may need to be on for as long as six to eight hours at a time in order to get complete water penetration to the lower soil horizons to encourage deep root growth. A soil probe or shovel shall be used to examine soil moisture and rooting depth directly.

Irrigation will be used as necessary to enhance establishment of the vegetation and will be discontinued at the end of three years. If it is determined that it is desirable to continue irrigation beyond three years, Respondents shall request an extension in writing, outlining the need for an extension of the duration of the irrigation.

2. Herbicide

The use of herbicide is not proposed at this time; however, if it becomes necessary to use herbicide, Respondents will notify the Executive Director at least 15 days in advance with the type and quantity of herbicide to be used. The minimum amount of herbicide necessary to support the plantings will be used. If herbicide use is deemed necessary and approved by the Executive Director, it shall be administered by a licensed PCA.

3. Fertilizer

No fertilizer use is proposed following initial use of Osmocote 14-14-14 in the planting holes at the time of planting as described above.

VII. MONITORING PLAN

A. Maintenance Activities During the Monitoring Period

The purpose of this program is to ensure the success of the restoration plantings. Maintenance will occur over the five-year life of the Monitoring Plan. The Project Biologist will monitor all aspects of the revegetation in an effort to detect any problems at an early state. Potential problems could arise from irrigation failure, erosion and failure of erosion control measures, vandalism, competition from weeds and invasive species, and unacceptable levels of disease and predation.

These maintenance guidelines are specifically tailored for native plant establishment. The maintenance personnel will be fully informed regarding the habitat establishment program so they understand the goals of the effort and the maintenance requirements. A Landscape Contractor with experience and knowledge in native plant habitat restoration will supervise all maintenance personnel.

For a period of 120 days following completion of plant installation, the initial Landscape Contractor will be responsible for the care of the plantings. The purpose of the 120-day establishment period is to ensure continuity between the installation of the plant material and its short-term maintenance. The installation Landscape Contractor's presence during this 120-day period is proven to increase Restoration Plan success. The Landscape Contractor will control the spread of weedy species, and identify any efforts needed to ensure the health and survival of the plantings.

Following the 120-day establishment period, the project will be evaluated for the health of plant materials, and if judged satisfactory by the Project Biologist, the establishment period will be considered concluded and the long-term habitat maintenance program will begin. If plant health is not determined to be satisfactory, an additional 60 days will be allowed for the Landscape Contractor to implement remedial measures, including plant replacement. A different Landscape Contractor may implement the long-term maintenance program; however, the Project Biologist will continue to monitor the Restoration Plan success.

Damage to plants, irrigation systems, erosion control structures/measures, and other facilities occurring as a result of unusual weather or vandalism will be repaired or replaced immediately.

1. General Maintenance

The Landscape Contractor will perform the following tasks as general maintenance duties:

- Plant inspection;
- Weed control;

- Irrigation water volume and frequency;
- General maintenance of the irrigation system;
- Trash and debris removal;
- Pest control; and
- Plant replacement.

2. Plant and Restoration Area Inspection

During the 120-day establishment period, and into the long-term habitat maintenance period, the Project Biologist will inspect the Restoration Area on a monthly basis for 18 months. The plants and conditions at Restoration Area shall be inspected on a quarterly basis thereafter until achievement of performance standards for the Restoration Area. The Project Biologist will conduct inspections for the purpose of maintaining at a minimum, the following: all erosion control measures, non-native species eradication, trash and debris removal, and the health and abundance of the original and/or replacement plantings.

3. Weed Control

The Restoration Area shall be maintained free of weeds during the monitoring period. Weed eradication will minimize competition that could prevent the establishment of native species. All maintenance personnel will be trained to distinguish weed species from native vegetation to ensure only weedy species are removed. The use of herbicide is not proposed at this time; however, if it becomes necessary to use herbicide, Respondents will notify the Executive Director at least 15 days in advance with the type and quantity of herbicide to be used. The minimum amount of herbicide necessary to support the plantings will be used.

Weeds shall be manually removed before they can attain a height of three inches (3") at intervals of not more than 30 days for the first two years of the Monitoring Plan. All portions of the plant will be removed, including the roots. The Project Biologist shall direct the Landscape Contractor regarding the selection of target weed species, their location, and the timing of weed control operations to ensure that native plants are avoided to the extent possible. Pulled weeds will be placed on a "mantilla" or other type of tarp to prevent any seeds from coming in contact with the ground.

Weed removal shall be done at least monthly for the first two years, and at least monthly during the rainy season (January through April) and quarterly from May through December for years three through five. As weeds become apparent, they should be immediately removed by hand or controlled with an appropriate herbicide if determined necessary by a licensed PCA and as approved by the Executive Director. Weed debris shall be removed from the Restoration Area the same day as weed removal and disposed of as permitted by law.

A space cleared of weeds within the watering basin shall be maintained around each container plant to minimize competition from other plant species. Two-inch thick mulch within the watering basin shall be maintained throughout the maintenance period.

4. General Maintenance of the Irrigation System

The Landscape Contractor will be responsible for the regular maintenance and repair of all aspects of the irrigation system. Poorly functioning or non-functioning parts shall be replaced immediately so as to not endanger the plantings.

General system checks shall be conducted no less than weekly the first month after installation to assure the system is functioning correctly, and monthly thereafter, except during periods when the irrigation system is not in operation as recommended by the Project Biologist.

Any erosion or slippage of soil caused by the Landscape Contractor's inadequate maintenance or operation of irrigation facilities shall be repaired by the Landscape Contractor at his/her expense.

5. Trash and Debris Removal

The Restoration Area shall be well maintained in order to deter vandalism and dumping of trash. The Landscape Contractor is responsible for avoiding impacts to plantings during trash removal activities. Landscape Contractor shall, during routine maintenance, manually remove weeds, litter, trash, and debris from the Restoration Area and dispose of off-site as permitted by law.

6. Pest Control

Young trees and shrubs will be monitored for signs of disease, insect, and/or predator damage, and treated as necessary. Badly damaged plants will be pruned to prevent spreading of the pestilence or replaced in kind if removed. Excessive foraging by predators will necessitate protective screening around plants. The Project Biologist will be consulted on any pest control measures to be implemented.

7. Plant Replacement

The Landscape Contractor responsible for the installation of container stock plants will be responsible for replacement of all terminally diseased or dead plants during the 120-day establishment period. During the long-term maintenance period, the Landscape Contractor will be responsible for the replacement of any dead and/or declining plants in the winter months as recommended by the Project Biologist. Replacement plants shall be paid for and installed by the Landscape Contractor.

Replacement plants shall conform to the species, size requirements, and spacing as specified for the plants being replaced. The replacement plants shall be purchased from inventory at the same native plant nursery as were the contract-grown plant stock.

8. Pruning

No pruning is necessary unless otherwise specified by the Project Biologist as described above.

9. Responsible Party for Maintenance

Respondents will be responsible for financing. The Project Biologist will be responsible for periodic inspections and communicating maintenance needs to the Landscape Contractor. The Landscape Contractor will be responsible for carrying out maintenance activities.

10. Maintenance Schedule

The Monitoring Plan will continue for five years following the completion of plant installation or until performance criteria are met.

TABLE 3 MAINTENANCE SCHEDULE					
Maintenance Task Year					
	1	2	3	4	5
Plant Inspection	Monthly first 12 months	Monthly through 18th month; quarterly thereafter	Quarterly	Quarterly	Quarterly
Irrigation System Inspection	Monthly, or more frequently if required	Monthly	As Required	N/A	N/A
Trash and Debris Removal	Monthly	Quarterly	Quarterly Monthly from	Quarterly Monthly from	Quarterly Monthly from
Weed Control	Minimum of Monthly	Monthly	January to April; Quarterly from May to December	January to April; Quarterly from May to December	January to April; Quarterly from May to December
Pest Control	Monthly	Bi-monthly	Quarterly	Quarterly	Quarterly
Plant Replacement	Annually	Annually	Annually	Annually	Annually

Table 3 below indicates the schedule of maintenance activities and inspections.

B. Monitoring Methods

Monitoring will assess the attainment of annual and final success criteria and identify the need to implement contingency measures in the event of failure. Monitoring methods include field-sampling techniques that are based upon the California Native Plant Society field sampling protocol.³ Please refer to *A Manual of California Vegetation* for further details on this sampling method.

³ Sawyer, John O. and Todd Keeler-Wolf. 1995. *A Manual of California Vegetation*. California Native Plant Society.

1. Monitoring

Quantitative monitoring shall be conducted during the active growing season in June of every year. A qualified habitat restoration specialist, biologist, or horticulturist with appropriate credentials and experience in native habitat restoration shall perform the annual monitoring. Continuity within the personnel and methodology of monitoring shall be maintained insofar as possible to ensure comparable assessments. Records will be kept of mortality and other problems, such as insect damage. The Project Biologist will also identify other potential site problems, such as weed infestation and soil loss. Remedial measures undertaken will be referenced in the annual report to the Coastal Commission.

a. Standard Vegetation Sampling Techniques

Quantitative sampling within the Restoration Area will be performed using one-meter quadrats that will be placed randomly throughout the site. Placement of quadrats will be determined using random number tables to provide two coordinates, one that indicates the distance along a longitudinal centerline bisecting the site and one that determines the distance from the line. Plots will be placed on alternating sides of the centerline and perpendicular to the centerline. Vegetative cover will be visually estimated within the quadrat for each species present, and recorded on a data sheet. Any species observed during the sampling that does not fall within a quadrat will be recorded and included on the list of species for the Restoration Area. At least 30 replicates will be initially sampled.

Sample variance from data collection in years one through three will be used to determine if 30 samples is adequate. If a power analysis indicates that more than 30 samples are required, additional quadrats will be added. If a power analysis indicates that fewer than 30 samples are required, the number of quadrats will be reduced. Sampling will be conducted with sufficient replication to detect a 10-percent difference in absolute ground cover between the mean of the restoration and the success standard with 90-percent power at an alpha level of 0.10. The mean native cover for the Restoration Area will be compared to the performance criteria at the end of five years using an appropriate inferential test such as a single-sample t-test. The mean cover for the Restoration Area will be considered to meet the performance criteria if the resulting alpha level is greater than 0.10.

2. Photo-Documentation

Several permanent stations for photo-documentation will be established [Exhibit 4]. Photos shall be taken each monitoring period from the same vantage point and in the same direction each year, and shall reflect material discussed in the annual monitoring report. The locations from which photographs are taken shall not change over the course of the monitoring period unless recommended changes are approved by the Executive Director.

3. Annual Reports

At the end of each of the five monitoring period growing seasons, an annual report will be prepared submitted during the same one-month period of each year (no later than December 31st of the first

year), for five (5) years from the completion of implementation of the Revegetation Plan, for the review and approval of the Executive Director, evaluating compliance with the approved Restoration Plan. These reports will include the following:

- a list of names, titles, and companies of all persons who prepared the content of the annual report and participated in monitoring activities for that year;
- an analysis of all qualitative monitoring data;
- copies of monitoring photographs taken at the same time each year from the same locations as identified in Exhibit 4; and
- maps identifying monitoring areas, quadrats, planting zones, etc. as appropriate.

4. Final Success Criteria Resolution and Revised Restoration Plan

Final success criteria will not be considered to have been met until a minimum of two years after all human support (excluding routine weeding), including irrigation, has ceased. Should the revegetation effort meet all goals prior to the end of the five-year monitoring period, the Coastal Commission may, at its discretion, terminate the Monitoring Plan.

Respondents recognize that failure to meet success criteria may result in the requirement to replace that portion of failed creation, unless the failure was the result of an "Act of God" (e.g., fire, flood, etc.) that would likely have destroyed the original vegetation for which restoration is being performed.

If all success criteria are met at the end of the five-year monitoring period, the Restoration Plan will be considered a success.

If periodic inspections or the monitoring reports indicate that the restoration project or a portion thereof is not in conformance with the Restoration Plan or has failed to meet the goals and/or performance standards specified herein, Respondents shall submit a revised or supplemental Restoration Plan ("Revised Restoration Plan") for review and approval by the Executive Director. The Project Biologist shall prepare the Revised Restoration Plan and shall specify measures to correct those portions of the restoration that have failed or are not in conformance with the original approved Restoration Plan. The Executive Director will then determine whether the Revised Restoration Plan must be processed as a modification of the CRO, a new Restoration Plan or a new or amended coastal development permit. After the Revised Restoration Plan has been approved, these measures, and any subsequent measures necessary to carry out the original approved Restoration Plan, shall be undertaken by Respondents as required by the Executive Director until the goals of the original approved Restoration of the monitoring period shall be extended for at least a period of time equal to that during which the project remained out of compliance, but in no case less than two annual monitoring periods.

C. Notification of Completion and End of Five Years Report

At the end of the five year monitoring period (or other duration, if the monitoring period is extended because the project is not in conformance with the Restoration Plan), Respondents shall submit a final detailed report for the review and approval of the Executive Director. If this report indicates that the restoration has in part, or in whole, been unsuccessful, based on the requirements of the approved Restoration Plan, Respondents shall submit a Revised Restoration Plan, and the monitoring program shall be revised accordingly.

D. Agency Confirmation

Following receipt of the final report, Respondents will, at the request of the Coastal Commission, provide access and guidance through the Restoration Area to confirm the adequate completion of the restoration effort.

E. Written Reports Following Completion of Each Phase

Within 30 days of the completion of the work described pursuant to each phase (Removal Plan, Remedial Grading Plan, and Revegetation Plan), the Project Biologist shall submit a written report for the review and approval of the Executive Director, documenting all restoration work pursuant to the each phase of the Restoration Plan. This report shall include a summary of dates when work was performed and photographs taken from the pre-designated locations documenting implementation of the respective components of the Restoration Plan, as well as photographs of the Restoration Area before the work commenced and after it was completed.

F. Submission of Documents

All plans, reports, photographs and other materials required by the CRO shall be sent to:

California Coastal Commission Attn: Heather Johnston 45 Fremont Street, Ste 2000 San Francisco, CA 94105

With a copy sent to: California Coastal Commission Attn: N. Patrick Veesart 89 S. California Street, Ste 200 Ventura, California 93001

S:The Canyon_Pump House_Restoration Plan_062012.doc



Adapted from USGS Point Dume, CA quadrangle

NORTH

1,000

2,000

4,000

Feet



THE PUMP HOUSE Vicinity Map

GLENN LUKOS ASSOCIATES



Exhibit 2





ATTACHMENT 2

RESTORATION PLAN FOR THE

REMOVAL OF THE TREE HOUSE AND THE RESTORATION OF OAK WOODLAND

CONSENT RESTORATION ORDER CCC-12-RO-05

RESTORATION PLAN

FOR THE

REMOVAL OF THE TREE HOUSE AND THE RESTORATION OF OAK WOODLAND

2900 KANAN DUME ROAD, MALIBU UNINCORPORATED LOS ANGELES COUNTY, CALIFORNIA

JUNE 2012

Prepared for:

The Canyon at Peace Park 2900 South Kanan Dume Road Malibu, California90265 Contact: Kathleen Bigsby Telephone: (310) 457-3209

and

Latham and Watkins LLP 355 South Grand Avenue Los Angeles, California90071-1560 Contact: Rick Zbur and Beth Gordie Telephone: (213) 485-1234 Fax: (213) 891-8763

Prepared by:

Glenn Lukos Associates, Inc. 29 Orchard Lake Forest, California92630 Contact: Tony Bomkamp Telephone: (949) 837-0404 Fax (949) 837-5834

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- 1. Regional Map
- 2. Vicinity Map
- 3. Development Map
- 4. Restoration Map
- 5. Access and Staging Area Map

I. PROJECT DESCRIPTION and SUMMARY

This Restoration Plan outlines the erosion control, removal activities, revegetation activities, and monitoring activities required by Consent Restoration Order CCC-12-RO-05 ("CRO") associated with the Tree House, designated as Tree House 13.3(E) in the CRO, as well as the Bridge and Footpath, designated as Bridge and Footpath 13.3(J) in the CRO, collectively referred to herein as the "Tree House", located at The Canyon at Peace Park property located at 2900 South Kanan Dume Road near Malibu in unincorporated Los Angeles County, California [Exhibits 1 and 2] ("Property"). The Tree House area is referred to as the "Restoration Area."

A. Location of Restoration Area

The Restoration Area comprises approximately 0.03 acre within the Property. The Restoration Area is located approximately 0.10 mile west of Kanan Dume Road and approximately 3.0 miles north of Pacific Coast Highway. The restoration site is located within APN 4465-001-036.

B. Brief Summary of Restoration Plan

The Tree House will be removed and restored as set forth in this Restoration Plan. Revegetation will be to oak woodland habitat. Development to be removed includes the Tree House, its foundation, steps and porch as well as concrete pathways and associated bridges that lead to the Tree House. [Exhibit 3]. Following removal of the development, restoration activities will include planting with appropriate native oak woodland species. Additional cleared areas immediately southeast of the Tree House and immediately northwest of the Tree House will also be replanted with native vegetation. The total area to be revegetated covers approximately 0.03 acre. [Exhibit 4]. The Tree House Restoration Area will be restored in a manner that will ensure that the erosion control and revegetation are successful.

This Restoration Plan consists of several components including the Erosion Control Plan, the Removal Plan, the Remedial Grading Plan, the Revegetation Plan, and the Monitoring Plan.

C. Respondents

United World of the Universe Foundation 500 Broadway Santa Monica, CA 90401 Contact: Michael Segal Telephone: (310) 394-8989

The Canyon at Peace Park 2900 South Kanan Dume Road Malibu, California 90265 Contact: Kathleen Bigsby Telephone: (310) 457-3209

II. GENERAL PROVISIONS

A. Qualifications of the Project Biologist

Glenn Lukos Associates, Inc. (GLA) prepared this Restoration Plan. Mr. Tony Bomkamp, Senior Biologist with GLA, is the point of contact and project manager. Mr. Bomkamp is a field biologist and wetlands ecologist with an extensive background in restoration of wetland, riparian, and upland scrub habitats in Southern California. As a botanist, Mr. Bomkamp has diverse field experience including restoration work extending back over 30 years in all of the major vegetation communities in Southern California. Mr. Bomkamp earned a B.A. in Biology in 1976, and an M.S. in Environmental Studies in 1993, both from California State University, Fullerton.

Mr. Bomkamp will lead a staff of restoration ecologists in the implementation of this Restoration Plan. The individuals responsible for preparing and implementing this plan have extensive experience designing and installing revegetation and restoration projects in Southern California. This experience provides a strong basis for confidence in the success of the restoration proposed herein. A qualified habitat restoration specialist or other individual knowledgeable in native plant revegetation, hereinafter referred to as the "Project Biologist", will supervise the implementation, maintenance, and five-year monitoring of the Restoration Plan. The Project Biologist shall be on-site during all phases of the restoration.

B. Qualifications of the Landscape Contractor

A qualified landscape contractor, hereinafter referred to as the "Landscape Contractor", with experience in oak woodland habitat projects, shall perform restoration and maintenance activities within the Restoration Area. The Landscape Contractor shall possess a C-27 contractor's license, and a California license Pest Control Advisor (PCA) for the application of herbicides and pesticides. The Landscape Contractor will be supervised by the Project Biologist.

C. Qualifications of Site Restoration Contractor

In addition to the Landscape Contractor, qualified contractor(s), hereinafter referred to the "Site Restoration Contractor(s)" will be retained to complete the work described in the Erosion Control Plan, the Removal Plan, and the Remedial Grading Plan. The Site Restoration Contractor(s) will be licensed in their various fields. The Site Restoration Contractor will be supervised by the Project Biologist.

D. Description of Restoration Area to be Restored

Mr. Bomkamp has conducted three site visits to the Property: November 14, 2011, December 7, 2011, and May 8, 2012. On November 14 and December 7, Mr. Bomkamp conducted a detailed vegetation assessment and site-specific surveys of the Restoration Area and locations within the vicinity of the Restoration Area to confirm that no listed or other special-status species are present within the Restoration Area. Additionally, Mr. Bomkamp met with the project planner and operator responsible for demolition activities, and examined all potential work areas as identified by the planner and operator that may be utilized and/or impacted by demolition

activities, including ingress/egress routes, equipment staging areas, temporary storage areas, and the perimeter of the development to be demolished. On May 8, 2012, Mr. Bomkamp conducted additional site-specific surveys, and further refined the planting plan for the Restoration Site.

Development to be removed totals 0.03 acre and includes the Tree House, its foundation, steps and porch as well as concrete pathways and associated bridges that lead to the Tree House, and two patches of non-native weedy vegetation in front of and behind the Tree House, which is located within southern coast live oak woodland. The understory of the oak woodland surrounding the Tree House appears to be periodically maintained to control the growth of vegetation. The understory consists of numerous coast live oak (*Quercus agrifolia*) seedlings and re-sprouted and seedling native grasses including foothill needlegrass (*Stipa lepida*) and giant wild rye (*Elymus condensatus*). An additional area immediately southeast of the Tree House has also been cleared of oak trees, and supports foothill needlegrass and sweet alyssum (*Lobularia maritima*) and will be restored. An area northwest of the Tree House that supports occasional oak seedlings and giant ryegrass will be planted with coast live oaks and associated oak woodland species. There are picnic tables located in the vicinity of the Tree House that will remain.

Habitat restoration at the Restoration Area will include the following components: (1) removal of the Tree House, including the porch, steps, and foundation, concrete pathways and associated bridges that lead to the Tree House; (2) deep ripping of compacted soils beneath the Tree House; (3) installation of an irrigation system; and (4) restoration of oak woodland vegetation. A total of approximately 0.03-acre of native habitat will be restored on-site, all of which consists of oak woodland¹.

Types of habitat impacted by development and types to be restored are set forth in Table 1 below.

Type of Habitat Impacted	Acre	Habitat to be Restored	Acre
Coast Live Oak Woodland	0.03	Coast Live Oak Woodland	0.03

TABLE 1DEVELOPMENT TO BE RESTORED BY HABITAT TYPE

The restored oak woodland will exhibit habitat functions consistent with adjacent areas of oak woodland, including foraging and cover for birds, insects, and small mammals.

E. Implementation Timeline and Schedule of Activities

Upon approval of the CRO by the Coastal Commission, Respondents shall fully implement each phase of the Restoration Plan consistent with all of its terms. Respondents shall commence implementation of all work described in the Restoration Plan within 120 days of the effective date of the CRO, or if Los Angeles County approval is necessary to undertake the Restoration

¹ The Restoration Area lies within the Fuel Modification Zone C for the Women's House, pursuant to Los Angeles County Fire Department's *Fuel Modification Plan Guidelines*. Zone C is a native brush-thinning zone. The restored vegetation within Zone C will be maintained consistent with the Zone C requirements.

Plan Respondents shall inform Coastal Commission staff and this deadline shall commence within 120 days of approval by Los Angeles County. Respondents shall complete all elements of the Restoration Plan, excepting the Monitoring Plan, no later than 120 days from commencing implementation of the Restoration Plan. The Executive Director may grant an extension of these deadlines upon a showing of good cause, either if the Executive Director determines that Respondents have diligently worked to comply with their obligations under the Restoration Plan, but cannot meet deadlines due to unforeseen circumstances beyond their control, or if the Executive Director determines that the Restoration Plan's schedule should be extended if additional time would benefit the success of the Restoration Plan from an ecological or biological perspective pursuant to Section 19.0 of the CRO.

Implementation of the Revegetation Plan will begin during the optimal planting period (generally October 15th to March 1), unless development removal will be completed well before the start of the optimal planting period, in which case the Revegetation Plan may be implemented outside of the optimal planting period. Implementation of the Monitoring Plan shall begin immediately following planting installation.

Within one year of the completion of plant installation, it is expected that immature oak woodland canopy structure will exist such that insects, small mammals, and birds will utilize the Restoration Area for foraging and roosting.

F. Parties Responsible for Conducting The Restoration Plan

Respondents:

United World of the Universe Foundation 500 Broadway Santa Monica, CA 90401 Contact: Michael Segal Telephone: (310) 394-8989

The Canyon at Peace Park 2900 South Kanan Dume Road Malibu, California 90265 Contact: Kathleen Bigsby Telephone: (310) 457-3209

G. Parties the Respondents have Identified for Conducting the Restoration Plan

Project Biologist:	Glenn Lukos Associates, Inc. 29 Orchard	
	Lake Forest, California92630	
	Contact: Tony Bomkamp	
	Telephone (949) 837-0404	
Project Engineer:	Pacific Coast Civil, Inc.	
0	30141 Agoura Road, Suite 200	
	Agoura Hills, CA 91301	
	Contact: Richard Doss	

	Telephone: (818) 865-4168
Landscape Contractor:	To be determined; work will be supervised by the Project Biologist
Site Restoration Contractor:	To be determined; work will be supervised by the Project Biologist.

H. Equipment to Be Used

1. Necessity of Mechanized Tools and Assurance of No Impact

Mechanized tools must be used for hauling large pieces of demolition debris that are too heavy or unwieldy to carry by hand, for breaking up the concrete slab under the Tree House, for deep ripping of compacted soils, and for digging planting holes for container stock. Mechanized equipment proposed to be used includes mechanized hand tools for demolition, a loader or backhoe to haul large pieces of debris to the staging area, a backhoe-mounted jackhammer and bucket for breaking up the concrete foundation, a backhoe to remove large sections of concrete debris, and dump trucks to collect the materials and transport them from the Restoration Area. Additionally, the loader or other earthmover will be used for deep ripping of compacted soils, and a mechanized auger, such as a hand-held power auger or Bobcat with auger attachment, will be used to dig planting holes.

The use of mechanized tools will not impact resources protected under the Coastal Act, including but not limited to: geological stability, integrity of landforms, freedom from erosion, and the existing native vegetation.

Staging areas for construction equipment and materials, including receptacles and temporary stockpiles of demolition debris, would be located within existing developed areas depicted on Exhibit 5, and away from native vegetation.

With the use of hand tools, power hand tools, and mechanized heavy equipment within the limits of the environmental fencing, the demolition would be possible with no impacts to native oak woodland other native shrubs, trees or native bunchgrasses, including no trimming of tree limbs. The nearest oak tree trunk is approximately three feet from the structure at the southern end of the Tree House porch. There are three oaks to the west of the Tree House with the distance between the tree trunks and the structure ranging from 12 to 15 feet; however, impacts to these trees will be avoided with careful demolition. There are no oaks that would be affected by removal of the concrete pathways or associated bridges. While the footings for the bridges are outside the stream banks, care must be taken when removing the footings to ensure fill is not inadvertently placed within the stream. To ensure that no fill is placed in the stream, removal of the footings will be directed and monitored by the Project Biologist. The use of a loader for hauling large pieces of demolition debris that are too heavy or unwieldy to carry by hand will not result in any impacts to any coast live oak trees as the loader will be limited to the existing developed access way and will not approach the oak trees nearest the Tree House. Use of a mechanized auger will not damage oak trees, as care will

be taken to ensure that planting hole excavation does not disturb the oak tree roots. No state or federally listed species occur within the vicinity; therefore, none would be affected. The demolition would not impact any sensitive biological resources.

Additionally, as the use of the mechanized equipment will be limited to developed areas and graded roads, with implementation of the Erosion Control Plan discussed below, there is no potential for impacts to landforms and geological stability.

2. Limits on the Use of Mechanized Tools and Contingency Plan

Use of mechanized tools will be limited to the hours of 7:00 am to 7:00 pm Monday through Saturday.

Should impacts occur from equipment use, including disruption of areas where revegetation and/or restorative grading occurs, the areas will be remediated according to the terms of this Restoration Plan. Any potential fuel spills or other hazardous releases that result from the use of mechanized equipment will be stopped immediately and contained within the site. The Respondents will notify the Executive Director of the Coastal Commission within 24 hours (excluding weekend or holiday days or days which the Coastal Commission is closed) of any spills of fuel or other hazardous waste, and remove the contaminated materials according to current regulations for the type of waste.

I. Staging Areas and Storage of Construction Materials

The staging area for construction equipment and materials, including receptacles and temporary stockpiles of graded materials, will be located on an area devoid of vegetation, such as the portion of the access road between the Women's House and the Tree House that will not be removed and revegetated [Exhibit 5].

No demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters, or a storm drain, or be subject to wind or runoff erosion and dispersion. All stockpiles and construction materials will be covered, enclosed on all sides, be located as far as possible from drain inlets, and will not be stored in contact with the soil.

J. Location of Disposal Site

All materials removed from the Property and all waste generated during restoration activities will be disposed of in a proper and legal manner at a sanitary landfill or other appropriate site outside of the Coastal Zone.

K. Soil Stabilization Methods

Removal activities shall not disturb native vegetation outside the Restoration Area to the greatest extent practicable. Once removal of the development is completed, the Project Biologist will examine the site and identify any areas of disturbance. Any disturbance due to removal activities shall be restored as soon as reasonably practicable. If any removal activities occur within the

rainy season, BMPs for erosion and water quality purposes (e.g., sandbags, straw wattles, silt fences) shall be installed as needed to protect and address water quality concerns. Any BMP installation shall be reviewed by the Project Biologist and shall, to the greatest extent practicable, be placed on areas where no native vegetation is growing.

L. Identification and Delineation of Areas to be Restored

Removal activities shall occur in all of the areas indicated on the Development Map [Exhibit 3]. Prior to initiation of the removal activities, the Project Biologist shall identify the materials to be removed. The Project Biologist shall flag the limits of the Restoration Area using temporary measures such as fencing stakes, colored flags, or colored tape. All delineation materials shall be removed when no longer needed and verification of such removal will be provided in the annual reporting that corresponds to the reporting period during which the removal occurred.

M. Nesting Bird Surveys

In order to avoid disturbance of nesting birds, there shall generally be no use of mechanized equipment during the breeding season (generally February 15 through August 31), or any time that bird courtship, breeding, or nesting is observed. If use of mechanized equipment must be conducted during the nesting bird season, a biological monitor will conduct a survey to determine the presence of any nesting behaviors, nest building, egg incubation, or brood rearing activities within a minimum of 150 feet of proposed work limits. If nesting birds are detected within 100 feet of proposed grading areas, nest monitoring will be initiated and use of mechanized equipment within 100 feet of active nests will be postponed until the nest(s) are determined to be inactive by the biological monitor.

III. EROSION CONTROL PLAN

No permanent erosion control measures will be employed, although the planting, seeding, and mulching described in the Restoration Plan will serve as natural erosion control measures once the plantings begin to establish themselves. Work that may disturb soil is limited to the Tree House, which is generally level and at grade with the surrounding area as are the concrete footpaths. Removal of the bridge footings will require temporary soil disturbance; however, the ground surface will be restored to original contours using hand tools (e.g., shovels and rakes). As no remedial grading is necessary or proposed, and it is not anticipated that soil stabilization will be necessary, no temporary erosion control measures are proposed. However, if temporary erosion control measures such as fiber rolls/straw wattles, fiber mats, and/or silt fencing become necessary, such temporary erosion control measures will be installed at the direction and supervision of the Project Biologist.

Removal work shall take place only during the dry season (April 1- November 1). This period also may be extended for a limited period pursuant to the provisions of Section 19.0 of the CRO.

IV. REMOVAL PLAN

The purpose of the Removal Plan is to govern the removal and off-site disposal of all development to be removed. The Development Map depicting all development to be removed is enclosed as Exhibit 3 and includes (1) demolition of the Tree House, porch, stairs, foundation, concrete pathways and associated bridges that lead to the Tree House; and (2) concrete, earthen fill, and debris removal from demolition of the Tree House.; and (3) deep ripping of the compacted soils beneath the Tree House foundation.

A. Limits of Removal Area

Removal of development shall not disturb areas outside of the Restoration Area. Removal activities will be limited to the areas of development depicted by Exhibit 3. Ingress/egress routes, equipment staging areas, and temporary storage areas, will be located within existing developed areas depicted on Exhibit 5.

1. Mitigation for Impacts

Any area disturbed by the removal activities shall be restored according to the provisions of the Revegetation Plan below. These measures shall include the restoration of the areas from which the development was removed, and any areas disturbed by those removal activities.

B. Contractor Education Program

Prior to the commencement of demolition work, the Project Biologist will conduct an on-site meeting with the Site Restoration Contractor(s), project supervisors, and demolition crew to discuss onsite sensitive resources and avoidance measures, including demarcation of "off-limits" areas around the work area.

C. Biological Monitoring

The Project Biologist shall be onsite the first day of work to conduct the pre-construction meeting with the Site Restoration Contractor(s) supervisor and crew and will monitor all demolition work. Following the first day of demolition work, the Project Biologist will visit the site twice a week for the duration of work. During monitoring visits, the Project Biologist will be responsible for confirming the work limits and reviewing protective fencing or staking as well as ensuring that no wildlife is harmed during the demolition.

Should impacts occur to sensitive resources as a result of the Removal Plan, Respondents will notify the Executive Director of the Coastal Commission within 24 hours (excluding weekend or holiday days or days which the Coastal Commission is closed) and a Restoration Plan will be developed for the impacted area. Should spills of fuel or other hazardous releases that may result from the use of mechanized equipment occur, work will be stopped immediately and the spill contained within the site. Respondents will notify the Executive Director of the Coastal Commission within 24 hours of any spills of fuel or other hazardous waste and remove the contaminated materials according to current regulations for the type of waste.

V. REMEDIAL GRADING PLAN

No remedial grading is necessary or proposed for the Restoration Area, as the area is generally at grade in its current condition.

Construction of the Tree House, concrete pathways, and associated bridges did not alter drainage patterns within the watershed, other than a slight increase in discharge due to the slight increase in impervious surface. With removal of the impervious surfaces and restoration to native vegetation, the original runoff patterns will be restored.

VI. REVEGETATION PLAN

A. Natural Habitat Type to Be Revegetated

Existing vegetation immediately surrounding the Tree House is best characterized as southern coast live oak woodland. The understory consists of numerous coast live oak (*Quercus agrifolia*) seedlings and re-sprouted and seedling native grasses including foothill needlegrass (*Stipa lepida*) and giant wild rye (*Elymus condensatus*), and non-native herbaceous species such as sweet alyssum (*Lobularia maritima*), and appears to be periodically maintained to control the growth of vegetation. As the oak woodland immediately surrounding the Tree House has been modified through vegetation control activities, the plant palette for the Restoration Area was determined based upon surveys of the larger surrounding areas of oak woodland. A determination of the number of oaks, sycamores and other plants to be utilized in the restoration was made by examining plant densities in adjacent areas. For the oaks, it was determined that the oak woodlands in an adjacent area of approximately two acres contained 55 coast live oaks per acre and 17 western sycamores per acre. Based on a restoration area of 0.03 acre, two oaks and one sycamore would provide the required density. To allow for possible mortality, the number of oaks and sycamores has been increased. Similarly, density for oak woodland understory shrubs and grasses are based on relative densities in areas of adjacent oak woodland [see Table 2 below].

B. Restoration Goals and Objectives

Because vegetation will be restored to the conditions present prior to disturbance, it is fully expected that the restored oak woodland will thrive following restoration implementation. The proposed plant palette includes native species that exist adjacent to the Restoration Area, and are known to favor the proposed physical conditions at the site. The plant communities were selected using information gathered during site visits and from general knowledge of local plant communities.

C. Plant Palette

All of the plants included in the plant palettes are able to tolerate hot, dry summer conditions, taking advantage of associated groundwater during the winter and spring rainy season.

After the demolition of the Tree House, the 0.03-acre of land available for restoration will be restored to oak woodland as set forth in Table 2 below. Dominant species among these plant communities include coast live oak (*Quercus agrifolia*), western sycamore (*Platanus racemosa*), toyon (*Heteromeles arbutifolia*), fuschia-flowered gooseberry (*Ribes speciosum*), California wild rose (*Rosa californica*), California coffeeberry (*Rhamnus califonica*), hummingbird sage (*Salvia spathacea*), giant wild rye (*Elymus condensatus*), foothill needlegrass (*Stipa lepida*), and purple needlegrass (*Stipa pulchra*).

TABLE 2
SOUTHERN COAST LIVE OAK WOODLAND PLANT PALETTE

0.03 Acre Oak Woodland Restoration				
Plant Species	Container Size	Percent per Acre	Total Number	
Coast live oak Quercus agrifolia	1 Gallon	8	12	
Western sycamore Platanus racemosa	1 Gallon	2	3	
Toyon Heteromeles arbutifolia	1 Gallon	5	7	
Fuschia-flowered gooseberry <i>Ribes speciosum</i>	1 Gallon	8	12	
California wild rose Rosa californica	1 Gallon	5	7	
California coffeberry Rhamnus californica	1 Gallon	8	12	
Hummingbird sage Salvia spathacea	1 Gallon	11	16	
Giant wild rye Elymus condensatus	1 Gallon	11	16	
Foothill needlegrass Stipa lepida	1 Gallon	21	30	
Purple needlegrass Stipa pulchra	1 Gallon	21	30	
Total		100	145	

D. Site Preparation Methodology

Site preparation shall consist of clearing and controlling all non-native plant species within the Restoration Area footprint, installation of irrigation components, preparing planting holes, and doing any other work necessary to make ready the area for planting. All site preparation will be conducted with hand tools only, except for a mechanized auger for digging planting holes for
container stock. Installation of irrigation and plant materials shall occur following removal of development, and during the optimal planting period if possible (generally October 15th to March 1). However, planting may occur outside of the optimal planting period if development removal would be completed a significant amount of time prior to the start of the optimal planting period, provided that sufficient irrigation is applied to support establishment of the plantings.

The cleared area southeast of the Tree House is currently vegetated with a mix of foothill needlegrass and sweet alyssum. Prior to planting, all sweet alyssum and any other non-native species will be removed from the area by hand, or by a "grow and kill" cycle if deemed necessary. The area beneath the foundation and the area to the northwest of the Tree House does not support non-native species based on recent surveys. If any non-native species are detected at the time of site preparation, such species will be removed.

If deemed necessary, a "grow and kill" cycle will be established following installation of the irrigation system and prior to installation of restoration plantings. "Grow and kill" is a cycle of applying water, germinating the non-native, invasive species, and spraying the plants with the appropriate herbicide. This allows a large portion of the seed load currently present in the soil to be eradicated. Removing the competition early in the life cycle of native plants helps to ensure more rapid growth and cover of the native species. If a "grow and kill" cycle is deemed necessary, Respondents shall inform the Executive Director in writing at least 15 days prior regarding the type and quantity of herbicide proposed to be used.

All undesirable exotic plants will be eradicated. The Project Biologist will direct the Landscape Contractor regarding the selection of target weed species, their location, and the timing of weed control operations to ensure that native plants are avoided to the extent possible.

E. Planting Plan and Methodology

Planting shall consist of planting container stock and seeding either via hand broadcast or hydroseeding. No planting shall be done in any area until the area has been prepared in accordance with the plans and presents an appearance satisfactory to the Project Biologist. The Project Biologist shall be on-site the first day of each phase of plant installation and every other day after that.

1. Source of Plant Materials

It is preferred that the source of all propagules and seed used at the Restoration Area be from the site or adjacent scrub and chaparral areas. If not available, the remainder of the propagules and seed required will be from wild sources within the Malibu area of Los Angeles County, and collected as close to the Restoration Area as possible to preserve regional genetic integrity.

Plant material for revegetation shall be derived from cuttings, materials salvaged from disturbed areas, and/or seeds obtained from randomly selected native shrubs occurring locally. Any replacement tree or shrub stock that cannot be grown from cuttings or seeds shall be obtained from a native plant nursery, be ant-free, and shall not be inoculated to prevent heart rot. If any

materials must be obtained from other than on-site sources, the Project Biologist shall provide the Coastal Commission with a list of all such materials, and shall ensure that they are of local origin (i.e., the Santa Monica Mountains), and are not cultivars.

2. Contract Growing

Contract growing of all container plants shall be by a local experienced native plant nursery. Substitution of plant material at the time of planting depends solely upon the discretion of the Project Biologist. Any approved substitutions will be documented in the annual report prepared as part of the Monitoring Plan.

3. Container Stock

Tree, shrub, and grass species will be installed as container stock. Planting and seeding will generally occur between October 15 and March 1 to take advantage of the winter rainy season, dormancy of foliage, and the winter rooting period to ensure optimum survival of plantings, unless development removal will be completed well before the start of the optimal planting period, in which case the Revegetation Plan may be implemented outside of the optimal planting period. One-gallon container stock shall be utilized for the revegetation of oak woodland plant communities. All plant materials will be inspected by the Project Biologist and approved as healthy, disease free, and of proper size prior to planting. Overgrown, root-bound container stock will be rejected.

4. Mycorrhizal Fungi

Mycorrhizae are specialized fungi found on plant roots. A symbiotic relationship exists between plant roots and mycorrhizae wherein the plants benefit from the increased ability to take up nutrients and withstand drought when mycorrhizae are present. This relationship is essential to the growth rate, well-being, and longevity of native plant communities. Plant utilization of mycorrhizal fungi markedly increases the success of revegetation on disturbed or degraded lands. The native plant nursery shall inoculate all appropriate container-grown plants, except those known to be non-host species, with mycorrhizal fungi prior to delivery to the job site.

5. Plant Placement

Container stock will be laid out in such a manner that mimics natural plant distribution (i.e., in clusters and islands) to emulate regional reference sites. The Project Biologist will monitor and confirm that trees and shrubs have been placed at the designed elevation relative to the water source supporting them, such as ground water. All plants shall be in randomly spaced, naturally clumped patterns. The average planting densities shall meet the criteria specified in the Plant Palette [Table 2].

6. Planting Method for Container Stock and Seed Application

Container stock will be thoroughly watered by the nursery the day before planting. One-gallon container stock will be planted in a hole measuring at least twice the diameter of the container

and twice the depth. The excavated hole will be filled with water and allowed to completely drain prior to installation of the plant.

One teaspoon (0.3 oz.) of Osmocote 14-14-14 (or equal) will be placed one-inch below the root zone and backfilled with native soil to the proper planting depth. The container plant will be upended into the palm of the hand to avoid damage to the root structure and placed in the planting hole. The top of the root ball will be set one-inch above finished grade. The planting hole will be backfilled with native soil.

A three-inch high, hand-compacted earth berm, approximately 24 inches in diameter, will then be constructed around each container plant to utilize as a watering basin. Container stock will be watered immediately after installation. This watering basin will be maintained until the plants are no longer irrigated. Coarse mulch shall be placed around plantings to minimize water loss and discourage weed growth. Mulch will be applied as a top dressing, two to three inches thick, and must not come in contact with the stem of the plant. Mulch will not be applied to the watering basins of the native grasses.

Grass species will have a plant protection device (plastic mesh screens or wire screens) installed around each plant to protect the grasses from herbivory. The Landscape Contractor will remove the plant protection device after approximately six months or upon approval by the Project Biologist.

Seed will be applied either through hydroseeding or hand broadcast at the discretion of the Project Biologist.

7. Pruning and Staking

There will be no pruning or staking of any vegetation. Diseased or insect-damaged foliage, if sufficient to require pruning, will serve as a benchmark for rejection of plant materials. A small amount of selective trimming of native species is allowed to prevent overspray of herbicide from reaching their branches, if herbicide is necessary. If herbicide is to be employed, Respondents shall inform the Executive Director in writing at least 15 days prior regarding the type and quantity of herbicide proposed to be used. Native vegetation may only be trimmed; individual plants shall not be removed.

F. Performance Standards

The success of habitat restoration is defined as the restoration of a functional ecosystem. Success is usually measured by percent coverage by target species. While a fully successful restoration plan might be viewed as one that results in 100-percent coverage, such coverage is unlikely. Natural habitats rarely exhibit 100-percent coverage, but rather include a considerable proportion of open spaces. While this monitoring program uses percent coverage criteria, it is noted that determination of successful coverage is expected to be relative to other similar native habitats typical of the region, and as such, the percent coverage criteria are defined relative to an undisturbed reference site of similar habitat composition.

The means of determining successful restoration for this site will be through a series of measurements for natural recruitment, exotic species cover, cover by native species, and species richness and diversity. All of these, except non-native species cover, should increase over time. Cover by non-native species should be the opposite; it should decrease with time, particularly because one of the primary goals of the Restoration Plan is to substantially reduce or eliminate non-native species from the site.

After the initial non-native species eradication and associated planting effort has been completed, the Restoration Area will be monitored by the Project Biologist on a monthly basis for the next 18 months and quarterly thereafter for the remainder of the monitoring period. Qualitative surveys, consisting of a general site walkover and habitat characterization, will be completed during each monitoring visit. General observations, such as fitness and health of the planted species, pest problems, weed persistence/establishment, mortality, and drought stress, will be noted in each site walkover. The Project Biologist will determine remedial measures necessary to facilitate compliance with performance standards.

Quantitative data will be collected annually using accepted vegetative sampling methods in order to evaluate survivorship, species coverage, and species composition.

In the event that plantings should fail to meet the specified requirements, compliance will be ensured by the performance of either or both of the following remedial procedures by the Landscape Contractor on an as-needed basis as directed by the Project Biologist: (1) replacing unsuccessful plantings with appropriately sized stock or seed mixes to meet stated cover or survival requirements, and /or (2) performing maintenance procedures to ensure the site conditions are appropriate (e.g., non-native species removal). Remedial actions in planting areas shall be based on detailed investigations (such as soil tests and excavations of failed plantings to examine root development) to determine causes of failure. If substantial non-compliance with the performance occurs, Respondents or Respondents' representative will consult the Coastal Commission to determine whether corrective measures and an extension of the five-year monitoring period will be necessary.

1. Reference Site

A reference site shall be established and sampled to provide a basis of comparison for the performance standards discussed herein. The reference site shall be located within the undisturbed oak woodland area in the vicinity of the Tree House. As noted above, because the area to be restored is located within Zone C of the Women's House Fuel Modification Zone, total cover will not be allowed to exceed 50 percent as reflected in the performance standards below. The plant palette detailed in Table 2 is based on onsite observations of the adjacent areas of native vegetation, and the "percent per acre" provided in the plant palette table is based on onsite estimates of relative abundance of native species on the adjacent slopes.

2. Standard Vegetation Monitoring Performance Standards

First-Year Monitoring

Success Standard: 20-percent coverage of native species (five-percent deviation allowed) relative to the reference site; At least 80-percent of the planted species will be represented in the Restoration Area (native recruits not in the plant palette may be counted); No more than 10-percent coverage by non-native plant species

Second-Year Monitoring

Success Standard: 25-percent coverage of native species (<five-percent deviation allowed) relative to the reference site; At least 80-percent of the planted species will be represented in the Restoration Area (native recruits not in the plant palette may be counted); No more than five-percent coverage by non-native plant species

Third-Year Monitoring

Success Standard: 30-percent coverage of native species (<five-percent deviation allowed) relative to the reference site; At least 80-percent of the planted species will each attain at least fivepercent cover of the total native cover (native recruits not in the plant palette may be counted); No more than five-percent coverage by non-native plant species

Fourth-Year Monitoring

Success Standard: 40-percent coverage of native species (<five-percent deviation allowed) relative to the reference site; At least 80-percent of the planted species will each attain at least fivepercent cover of the total native cover (native recruits not in the plant palette may be counted); No more than five-percent coverage by non-native plant species

Fifth-Year Monitoring

Success Standard:50-percent coverage of native species (<five-percent deviation allowed)
relative to the reference site;
At least 80-percent of the planted species will each attain at least five-
percent cover of the total native cover (native recruits not in the plant
palette may be counted);
No more than five-percent coverage by non-native plant species

G. Proposed Use of Artificial Inputs

1. Irrigation Plan

The Landscape Contractor shall provide irrigation for the Restoration Area when natural moisture conditions are inadequate to ensure the survival of plants. Irrigation shall be provided

for a maximum of 3 years from plant installation or until the revegetation has become established, whichever comes first. Irrigation shall be phased out during the fall/winter of the second year unless unusually severe conditions threaten survival of the plants. All plants must survive and grow for at least two years without supplemental water for the Restoration Plan final success criteria to have been met.

Supplemental irrigation is to be used solely for establishing the plants at the Restoration Area and is of a temporary nature. The goal of the irrigation program is to obtain germination and growth with the least amount of irrigation. Frequent irrigation encourages weed invasion and leaches nutrients from the soil.

The Restoration Area will initially be supported by a short-term automatic irrigation system. The container stock will be irrigated as long as necessary to establish the root systems in the native soils, usually through two or three summers. All irrigation lines will be installed above-grade for ease of removal and inspection.

The critical period for irrigation is during the first winter and early spring following planting. During this time, roots are not well established, and an unseasonable drought can cause high mortality. During dry periods after plant installation, the Project Biologist and the Landscape Contractor will regularly inspect soil moisture. Supplemental irrigation during the summer dry season will occur as frequently as required.

After the initial plant establishment period, water will be applied infrequently and only as required to prevent the mortality of plants and seedlings. The irrigation methods employed will attempt to mimic wet rainfall years by incorporating evenly spaced, infrequent, deep applications of water.

When the plantings are sufficiently established, and no longer require supplementary irrigation, the Project Biologist shall notify the Landscape Contractor to remove all irrigation system components from the Restoration Area. In the event irrigation system components are removed, but it is later determined by the Project Biologist that supplemental irrigation may be necessary to meet the success standards herein, the irrigation system component may be reintroduced and then removed when the necessity for supplemental irrigation has ceased.

The Landscape Contractor shall be responsible for applying sufficient irrigation water to adequately establish new plant materials, and germinate and establish the applied seed. Irrigation water shall be applied in such a way as to encourage deep root growth (periodic deep irrigation versus frequent light irrigation). The Landscape Contractor will allow soil to dry down to approximately 50- to 60-percent of field capacity (in the top six or 10 inches of soil after germination and during seedling establishment) before the next irrigation cycle. Wetting of the full root zone and drying of the soil between irrigation events is essential to the maintenance of the plants and the promotion of the deep root zone that will support the vegetation in the years after establishment. Irrigation systems may need to be on for as long as six to eight hours at a time in order to get complete water penetration to the lower soil horizons to encourage deep root growth. A soil probe or shovel shall be used to examine soil moisture and rooting depth directly.

Irrigation will be used as necessary to enhance establishment of the vegetation and will be discontinued at the end of three years. If it is determined that it is desirable to continue irrigation beyond three years, Respondents shall request an extension in writing, outlining the need for an extension of the duration of the irrigation.

2. Herbicide

The use of herbicide is not proposed at this time; however, if it becomes necessary to use herbicide, Respondents will notify the Executive Director at least 15 days in advance with the type and quantity of herbicide to be used. The minimum amount of herbicide necessary to support the plantings will be used. If herbicide use is deemed necessary and approved by the Executive Director, it shall be administered by a licensed PCA.

3. Fertilizer

No fertilizer use is proposed following initial use of Osmocote 14-14-14 in the planting holes at the time of planting as described above.

VII. MONITORING PLAN

A. Maintenance Activities during the Monitoring Period

The purpose of this program is to ensure the success of the restoration plantings. Maintenance will occur over the five-year life of the Monitoring Plan. The Project Biologist will monitor all aspects of the revegetation in an effort to detect any problems at an early state. Potential problems could arise from irrigation failure, erosion and failure of erosion control measures, vandalism, competition from weeds and invasive species, and unacceptable levels of disease and predation.

These maintenance guidelines are specifically tailored for native plant establishment. The maintenance personnel will be fully informed regarding the habitat establishment program so they understand the goals of the effort and the maintenance requirements. A Landscape Contractor with experience and knowledge in native plant habitat restoration will supervise all maintenance personnel.

For a period of 120 days following completion of plant installation, the initial Landscape Contractor will be responsible for the care of the plantings. The purpose of the 120-day establishment period is to ensure continuity between the installation of the plant material and its short-term maintenance. The installation Landscape Contractor's presence during this 120-day period is proven to increase Restoration Plan success. The Landscape Contractor will control the spread of weedy species, and identify any efforts needed to ensure the health and survival of the plantings.

Following the 120-day establishment period, the project will be evaluated for the health of plant materials, and if judged satisfactory by the Project Biologist, the establishment period will be considered concluded and the long-term habitat maintenance program will begin. If plant health

is not determined to be satisfactory, an additional 60 days will be allowed for the Landscape Contractor to implement remedial measures, including plant replacement. A different Landscape Contractor may implement the long-term maintenance program; however, the Project Biologist will continue to monitor the Restoration Plan success.

Damage to plants, irrigation systems, erosion control structures/measures, and other facilities occurring as a result of unusual weather or vandalism will be repaired or replaced immediately.

1. General Maintenance

The Landscape Contractor will perform the following tasks as general maintenance duties:

- Plant inspection;
- Weed control;
- Irrigation water volume and frequency;
- General maintenance of the irrigation system;
- Trash and debris removal;
- Pest control; and
- Plant replacement.

2. Plant and Restoration Area Inspection

During the 120-day establishment period, and into the long-term habitat maintenance period, the Project Biologist will inspect the Restoration Area on a monthly basis for 18 months. The plants and conditions at Restoration Area shall be inspected on a quarterly basis thereafter until achievement of performance standards for the Restoration Area. The Project Biologist will conduct inspections for the purpose of maintaining at a minimum, the following: all erosion control measures, non-native species eradication, trash and debris removal, and the health and abundance of the original and/or replacement plantings.

3. Weed Control

The Restoration Area shall be maintained free of weeds during the monitoring period. Weed eradication will minimize competition that could prevent the establishment of native species. All maintenance personnel will be trained to distinguish weed species from native vegetation to ensure only weedy species are removed. The use of herbicide is not proposed at this time; however, if it becomes necessary to use herbicide, Respondents will notify the Executive Director at least 15 days in advance with the type and quantity of herbicide to be used. The minimum amount of herbicide necessary to support the plantings will be used.

Weeds shall be manually removed before they can attain a height of three inches (3") at intervals of not more than 30 days for the first two years of the Monitoring Plan. All portions of the plant will be removed, including the roots. The Project Biologist shall direct the Landscape Contractor regarding the selection of target weed species, their location, and the timing of weed control operations to ensure that native plants are avoided to the extent possible. Pulled weeds will be placed on a "mantilla" or other type of tarp to prevent any seeds from coming in contact with the ground.

Weed removal shall be done at least monthly for the first two years, and at least monthly during the rainy season (January through April) and quarterly from May through December for years three through five. As weeds become apparent, they should be immediately removed by hand or controlled with an appropriate herbicide if determined necessary by a licensed PCA and as approved by the Executive Director. Weed debris shall be removed from the Restoration Area the same day as weed removal and disposed of as permitted by law.

A space cleared of weeds within the watering basin shall be maintained around each container plant to minimize competition from other plant species. Two-inch thick mulch within the watering basin shall be maintained throughout the maintenance period.

4. General Maintenance of the Irrigation System

The Landscape Contractor will be responsible for the regular maintenance and repair of all aspects of the irrigation system. Poorly functioning or non-functioning parts shall be replaced immediately so as to not endanger the plantings.

General system checks shall be conducted no less than weekly the first month after installation to assure the system is functioning correctly, and monthly thereafter, except during periods when the irrigation system is not in operation as recommended by the Project Biologist.

Any erosion or slippage of soil caused by the Landscape Contractor's inadequate maintenance or operation of irrigation facilities shall be repaired by the Landscape Contractor at his/her expense.

5. Trash and Debris Removal

The Restoration Area shall be well maintained in order to deter vandalism and dumping of trash. The Landscape Contractor is responsible for avoiding impacts to plantings during trash removal activities. Landscape Contractor shall, during routine maintenance, manually remove weeds, litter, trash, and debris from the Restoration Area and dispose of off-site as permitted by law.

6. Pest Control

Young trees and shrubs will be monitored for signs of disease, insect, and/or predator damage, and treated as necessary. Badly damaged plants will be pruned to prevent spreading of the pestilence or replaced in kind if removed. Excessive foraging by predators will necessitate protective screening around plants. The Project Biologist will be consulted on any pest control measures to be implemented.

7. Plant Replacement

The Landscape Contractor responsible for the installation of container stock plants will be responsible for replacement of all terminally diseased or dead plants during the 120-day establishment period. During the long-term maintenance period, the Landscape Contractor will be responsible for the replacement of any dead and/or declining plants in the winter months as

recommended by the Project Biologist. Replacement plants shall be paid for and installed by the Landscape Contractor.

Replacement plants shall conform to the species, size requirements, and spacing as specified for the plants being replaced. The replacement plants shall be purchased from inventory at the same native plant nursery as were the contract-grown plant stock.

8. Pruning

No pruning is necessary unless otherwise specified by the Project Biologist as described above.

9. Responsible Party for Maintenance

Respondents will be responsible for financing. The Project Biologist will be responsible for periodic inspections and communicating maintenance needs to the Landscape Contractor. The Landscape Contractor will be responsible for carrying out maintenance activities.

10. Maintenance Schedule

The Monitoring Plan will continue for five years following the completion of plant installation or until performance criteria are met.

Table	3 below	indicates th	e schedule of	maintenance	activities a	nd inspections
I able	2 DEIOW	mulcales u	e schedule of	mannenance	activities a	nu mspecuons.

TABLE 3 MAINTENANCE SCHEDULE							
Maintenance Task	Year						
	1	2	3	4	5		
Plant Inspection	Monthly first 12 months	Monthly through 18th month; quarterly thereafter	Quarterly	Quarterly	Quarterly		
Irrigation System Inspection	Monthly, or more frequently if required	Monthly	As Required	N/A	N/A		
Trash and Debris Removal	Monthly	Quarterly	Quarterly	Quarterly	Quarterly		
Weed Control	Minimum of Monthly	Monthly	Monthly from January to April; Quarterly from May to December	Monthly from January to April; Quarterly from May to December	Monthly from January to April; Quarterly from May to December		
Pest Control	Monthly	Bi-monthly	Quarterly	Quarterly	Quarterly		
Plant Replacement	Annually	Annually	Annually	Annually	Annually		

B. Monitoring Methods

Monitoring will assess the attainment of annual and final success criteria and identify the need to implement contingency measures in the event of failure. Monitoring methods include field-sampling techniques that are based upon the California Native Plant Society field sampling protocol.² Please refer to *A Manual of California Vegetation* for further details on this sampling method.

1. Monitoring

Quantitative monitoring shall be conducted during the active growing season in June of every year. A qualified habitat restoration specialist, biologist, or horticulturist with appropriate credentials and experience in native habitat restoration shall perform the annual monitoring. Continuity within the personnel and methodology of monitoring shall be maintained insofar as possible to ensure comparable assessments. Records will be kept of mortality and other problems, such as insect damage. The Project Biologist will also identify other potential site problems, such as weed infestation and soil loss. Remedial measures undertaken will be referenced in the annual report to the Coastal Commission.

a. Standard Vegetation Sampling Techniques

Quantitative sampling within the Restoration Area will be performed using one-meter quadrats that will be placed randomly throughout the site. Placement of quadrats will be determined using random number tables to provide two coordinates, one that indicates the distance along a longitudinal centerline bisecting the site and one that determines the distance from the line. Plots will be placed on alternating sides of the centerline and perpendicular to the centerline. Vegetative cover will be visually estimated within the quadrat for each species present, and recorded on a data sheet. Any species observed during the sampling that does not fall within a quadrat will be recorded and included on the list of species for the Restoration Area. At least 30 replicates will be initially sampled.

Sample variance from data collection in years one through three will be used to determine if 30 samples is adequate. If a power analysis indicates that more than 30 samples are required, additional quadrats will be added. If a power analysis indicates that fewer than 30 samples are required, the number of quadrats will be reduced. Sampling will be conducted with sufficient replication to detect a 10-percent difference in absolute ground cover between the mean of the restoration and the success standard with 90-percent power at an alpha level of 0.10. The mean native cover for the Restoration Area will be compared to the performance criteria at the end of five years using an appropriate inferential test such as a single-sample t-test. The mean cover for the Restoration Area will be considered to meet the performance criteria if the resulting alpha level is greater than 0.10.

² Sawyer, John O. and Todd Keeler-Wolf. 1995. *A Manual of California Vegetation*. California Native Plant Society.

2. Photo-Documentation

Several permanent stations for photo-documentation will be established [Exhibit 4]. Photos shall be taken each monitoring period from the same vantage point and in the same direction each year, and shall reflect material discussed in the annual monitoring report. The locations from which photographs are taken shall not change over the course of the monitoring period unless recommended changes are approved by the Executive Director.

3. Annual Reports

At the end of each of the five monitoring period growing seasons, an annual report will be prepared submitted during the same one-month period of each year (no later than December 31st of the first year), for five (5) years from the completion of implementation of the Revegetation Plan, for the review and approval of the Executive Director, evaluating compliance with the approved Restoration Plan. These reports will include the following:

- a list of names, titles, and companies of all persons who prepared the content of the annual report and participated in monitoring activities for that year;
- an analysis of all qualitative monitoring data;
- copies of monitoring photographs taken at the same time each year from the same locations as identified in Exhibit 4; and
- maps identifying monitoring areas, quadrats, planting zones, etc. as appropriate.

4. Final Success Criteria Resolution and Revised Restoration Plan

Final success criteria will not be considered to have been met until a minimum of two years after all human support (excluding routine weeding), including irrigation, has ceased. Should the revegetation effort meet all goals prior to the end of the five-year monitoring period, the Coastal Commission may, at its discretion, terminate the Monitoring Plan.

Respondents recognize that failure to meet success criteria may result in the requirement to replace that portion of failed creation, unless the failure was the result of an "Act of God" (e.g., fire, flood, etc.) that would likely have destroyed the original vegetation for which restoration is being performed.

If all success criteria are met at the end of the five-year monitoring period, the Restoration Plan will be considered a success.

If periodic inspections or the monitoring reports indicate that the restoration project or a portion thereof is not in conformance with the Restoration Plan or has failed to meet the goals and/or performance standards specified herein, Respondents shall submit a revised or supplemental Restoration Plan ("Revised Restoration Plan") for review and approval by the Executive Director. The Project Biologist shall prepare the Revised Restoration Plan and shall specify

measures to correct those portions of the restoration that have failed or are not in conformance with the original approved Restoration Plan. The Executive Director will then determine whether the Revised Restoration Plan must be processed as a modification of the CRO, a new Restoration Plan or a new or amended coastal development permit. After the Revised Restoration Plan has been approved, these measures, and any subsequent measures necessary to carry out the original approved Restoration Plan, shall be undertaken by Respondents as required by the Executive Director until the goals of the original approved Restoration Plan have been met. Following completion of the Revised Restoration Plan's implementation, the duration of the monitoring period shall be extended for at least a period of time equal to that during which the project remained out of compliance, but in no case less than two annual monitoring periods.

C. Notification of Completion and End of Five Years Report

At the end of the five year monitoring period (or other duration, if the monitoring period is extended because the project is not in conformance with the Restoration Plan), Respondents shall submit a final detailed report for the review and approval of the Executive Director. If this report indicates that the restoration has in part, or in whole, been unsuccessful, based on the requirements of the approved Restoration Plan, Respondents shall submit a Revised Restoration Plan, and the monitoring program shall be revised accordingly.

D. Agency Confirmation

Following receipt of the final report, Respondents will, at the request of the Coastal Commission, provide access and guidance through the Restoration Area to confirm the adequate completion of the restoration effort.

E. Written Reports Following Completion of Each Phase

Within 30 days of the completion of the work described pursuant to each phase (Removal Plan, Remedial Grading Plan, and Revegetation Plan), the Project Biologist shall submit a written report for the review and approval of the Executive Director, documenting all restoration work pursuant to the each phase of the Restoration Plan. This report shall include a summary of dates when work was performed and photographs taken from the pre-designated locations documenting implementation of the respective components of the Restoration Plan, as well as photographs of the Restoration Area before the work commenced and after it was completed.

F. Submission of Documents

All plans, reports, photographs and other materials required by the CRO shall be sent to:

California Coastal Commission Attn: Heather Johnston 45 Fremont Street, Ste 2000 San Francisco, CA 94105 With a copy sent to: California Coastal Commission Attn: N. Patrick Veesart 89 S. California Street, Ste 200 Ventura, California 93001

S:476-13/The Canyon_Tree House_Restoration Plan_061912.doc



Adapted from USGS Point Dume, CA quadrangle

NORTH

0

1,000

2,000

4,000

Feet



Vicinity Map

Exhibit 2



Legend



Development to be Removed







0.03 Acre Oak Woodland Restoration						
Plant Species	Container Size	Percent per Acre	Total Number			
Coast live oak	1 Gallon	8	12			
Quercus agrifolia						
Vestern sycamore	1 Gallon	2	3			
Platanus racemosa						
oyon	1 Gallon	5	7			
leteromeles arbutifolia						
uschia-flowered gooseberry	1 Gallon	8	12			
Ribes speciosum						
California wild rose	1 Gallon	5	7			
Rosa californica						
California coffeberry	1 Gallon	8	12			
Rhamnus californica						
lummingbird sage	1 Gallon	11	16			
Salvia spathacea						
Giant wild rye	1 Gallon	11	16			
Elymus condensatus						
oothill needlegrass	1 Gallon	21	30			
Stipa lepida						
Purple needlegrass	1 Gallon	21	30			
Stipa pulchra						
otal		100	145			

Legend

(2)

Oak Woodland Restoration Permanent Photo Location



CONSENT CEASE AND DESIST ORDER CCC-12-CD-05 AND CONSENT RESTORATION ORDER CCC-12-RO-05 TREE HOUSE Restoration Area Map GLENN LUKOS ASSOCIATES

X:\0363-THE REST\0476-13TREE\476-13_GIS\476-13Exhibit4Restoration.mxd May 17, 2012

Exhibit 4

M// -M/



CONSENT CEASE AND DESIST ORDER CCC-12-CD-05 AND CONSENT RESTORATION ORDER CCC-12-RO-05 TREE HOUSE

Access and Staging Area Map





ATTACHMENT 3

RESTORATION PLAN FOR THE

REMOVAL OF THE A-FRAME, THE A-FRAME ROAD, AND WOMEN'S HOUSE NORTHWEST ROAD AND THE RESTORATION OF COASTAL SAGE SCRUB AND CHAPARRAL

CONSENT RESTORATION ORDER CCC-12-RO-05

RESTORATION PLAN

FOR THE

REMOVAL OF THE A-FRAME, THE A-FRAME ROAD, AND WOMEN'S HOUSE NORTHWEST ROAD AND THE RESTORATION OF COASTAL SAGE SCRUB AND CHAPARRAL

2900 KANAN DUME ROAD, MALIBU UNINCORPORATED LOS ANGELES COUNTY, CALIFORNIA

JUNE 2012

Prepared for:

The Canyon at Peace Park 2900 South Kanan Dume Road Malibu, California90265 Contact: Kathleen Bigsby Telephone: (310) 457-3209

and

Latham and Watkins LLP 355 South Grand Avenue Los Angeles, California90071-1560 Contact: Rick Zbur and Beth Gordie Telephone: (213) 485-1234 Fax: (213) 891-8763

Prepared by:

Glenn Lukos Associates, Inc. 29 Orchard Lake Forest, California92630 Contact: Tony Bomkamp Telephone: (949) 837-0404 Fax (949) 837-5834

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- 1. Regional Map
- 2. Vicinity Map
- 3. Development Map
- 4. Restoration Map

ATTACHMENTS

- 1. Erosion Control Measures Plan
- 2. Remedial Grading Plan

I. PROJECT DESCRIPTION and SUMMARY

This Restoration Plan outlines the erosion control, removal activities, remedial grading, revegetation activities, and monitoring activities required by Consent Restoration Order CCC-12-RO-05 ("CRO") associated with the A-Frame, designated as A-Frame 13.3(H) in the CRO and referred to herein as the "A-Frame"; the A-Frame's associated access driveway, designated as A-Frame Road 13.2(A) in the CRO and referred to herein as the "A-Frame Road"; and a segment of the road emanating to the northwest from the Women's House, designated as Women's House Northwest Road 13.2(B) in the CRO and referred to herein as the "Women's House Northwest Road", located at The Canyon at Peace Park property located at 2900 South Kanan Dume Road near Malibu in unincorporated Los Angeles County, California [Exhibits 1 and 2] ("Property"). Collectively, the A-Frame, the A-Frame Road, and the Women's House Northwest Road are referred to as the "Restoration Area."

A. Location of Restoration Area

The Restoration Area comprises approximately 0.59 acre within the Property. The Restoration Area is located approximately 0.2 mile west of South Kanan Dume Road, approximately 3.0 miles north of Pacific Coast Highway at UTM coordinates latitude 34.065490° and longitude – 118.805174° at an elevation of approximately 1,250 feet.

B. Brief Summary of Restoration Plan

The A-Frame, the A-Frame Road, and the Women's House Northwest Road will be removed and restored as set forth in this Restoration Plan and will be restored to mixedcoastal sage scrub and chaparral habitats. Development to be removed includes the A-Frame and its foundations, which accounts for approximately 0.02 acre; the A-Frame Road, which extends from the Women's House water tower to the A-Frame and accounts for 0.25 acre and the Women's House Northwest Road, which covers approximately 0.32 acre [Exhibit 3]. The 0.32-acre Women's House Northwest Road includes an area occupied by the climbing wall and an area occupied by maintenance, trash, and recycling facilities that will be relocated on the Property. The areas currently occupied by the climbing wall and the maintenance, trash, and recycling facilities will be restored. Following removal of the development, restoration activities will include deep ripping through the compacted soils, and planting with appropriate coastal sage scrub and chaparral species.

Pursuant to CRO Section 5.2(A)(2)(a) the climbing wall and the maintenance, trash, and recycling facilities may be temporarily relocated to the development area adjacent to Kanan Dume Road pending the approval or denial of a Coastal Development Permit for the permanent relocation of the climbing wall and the maintenance, trash, and recycling facilities.

This Restoration Plan consists of several components including the Erosion Control Plan, the Removal Plan, the Remedial Grading Plan, the Revegetation Plan, and the Monitoring Plan.

C. Respondents

United World of the Universe Foundation 500 Broadway Santa Monica, CA 90401 Contact: Michael Segal Telephone: (310) 394-8989

The Canyon at Peace Park 2900 South Kanan Dume Road Malibu, California 90265 Contact: Kathleen Bigsby Telephone: (310) 457-3209

II. GENERAL PROVISIONS

A. Qualifications of the Project Biologist

Glenn Lukos Associates, Inc. (GLA) prepared this Restoration Plan. Mr. Tony Bomkamp, Senior Biologist with GLA, is the point of contact and project manager. Mr. Bomkamp is a field biologist and wetlands ecologist with an extensive background in restoration of wetland, riparian, and upland scrub habitats in Southern California. As a botanist, Mr. Bomkamp has diverse field experience including restoration work extending back over 30 years in all of the major vegetation communities in Southern California. Mr. Bomkamp earned a B.A. in Biology in 1976, and an M.S. in Environmental Studies in 1993, both from California State University, Fullerton.

Mr. Bomkamp will lead a staff of restoration ecologists in the implementation of this Restoration Plan. The individuals responsible for preparing and implementing this plan have extensive experience designing and installing revegetation and restoration projects in Southern California. This experience provides a strong basis for confidence in the success of the restoration proposed herein. A qualified habitat restoration specialist or other individual knowledgeable in native plant revegetation, hereinafter referred to as the "Project Biologist", will supervise the implementation, maintenance, and five-year monitoring of the Restoration Plan. The Project Biologist shall be on-site during all phases of the restoration.

B. Qualifications of the Landscape Contractor

A qualified landscape contractor, hereinafter referred to as the "Landscape Contractor", with experience in coastal sage scrub and chaparral habitat projects, shall perform restoration and maintenance activities within the Restoration Area. The Landscape Contractor shall possess a C-27 contractor's license, and a California license Pest Control Advisor (PCA) for the application of herbicides and pesticides. The Landscape Contractor will be supervised by the Project Biologist.

C. Qualifications of Site Restoration Contractor

In addition to the Landscape Contractor, qualified contractor(s), hereinafter referred to the "Site Restoration Contractor(s)" will be retained to complete the work described in the Erosion Control Plan, the Removal Plan, and the Remedial Grading Plan. The Site Restoration Contractor(s) will be licensed in their various fields. The Site Restoration Contractor will be supervised by the Project Biologist.

D. Description of Restoration Area to be Restored

Mr. Bomkamp has conducted three site visits to the Property: November 14, 2011, December 7, 2011, and May 8, 2012. On November 14 and December 7, Mr. Bomkamp conducted a detailed vegetation assessment and site-specific surveys of the Restoration Area and locations within the vicinity of the Restoration Area to confirm that no listed or other special-status species are present within the Restoration Area. Additionally, Mr. Bomkamp met with the project planner and operator responsible for demolition activities, and examined all potential work areas as identified by the planner and operator that may be utilized and/or impacted by demolition activities, including ingress/egress routes, equipment staging areas, temporary storage areas, and the perimeter of the development to be demolished. On May 8, 2012, Mr. Bomkamp conducted additional site-specific surveys, with an emphasis on the Women's House Northwest Road, and further refined the planning plan for the Restoration Site.

Development to be removed includes the A-Frame, which covers approximately 0.02 acre; the A-Frame Road, accounting for 0.25 acre; and Women's House Northwest Road that accounts for 0.32 acre. Existing vegetation east and west of the A-Frame and A-Frame Road, and along the Women's House Northwest Road is mixed coastal sage scrub and chaparral plant communities, with some ornamental succulent plantings.

The adjacent dense sage scrub/chaparral habitats includes California sagebrush (*Artemisia californica*), purple sage (*Salvia leucophylla*), black sage (*S. mellifera*), laurel sumac (*Malosma laurina*), chaparral yucca (*Hesperoyucca whipplei*), sawtooth goldenbush (*Hazardia squarrosa*), California buckwheat (*Eriogonum fasciculatum*), coastal buckwheat (*E. cinereum*), California walnut (*Juglans californica*), sugarbush (*Rhus ovata*), bush sunflower (*Encelia californica*), holly-leaf redberry (*Rhamnus ilicifolia*), and greenbark ceanothus (*Ceanothus spinosus*).

Habitat restoration at the Restoration Area will include the following components: (1) removal of the A-Frame; (2) removal of concrete and earthen fill associated with the A-Frame and A-Frame Road, and removal of gravel and asphalt from the Women's House Northwest Road, including removal of the climbing wall and the maintenance, trash, and recycling facilities for purposes of relocation on the Property; (3) remedial grading of the A-Frame Road and Women's House Northwest Road; (4) deep ripping of the disturbed land to restore soil pore space and permeability for water infiltration; (5) installation of an irrigation system; and (6) restoration of coastal sage scrub and chaparral vegetation. A total of approximately 0.59-acre of native habitat

will be restored on-site, all of which consists of mixed coastal sage scrub and chaparral vegetation¹.

Types of habitat impacted by development and types to be restored are set forth in Table 1 below.

TABLE 1DEVELOPMENT TO BE RESTORED BY HABITAT TYPE

Type of Habitat Impacted	Acre	Habitat to be Restored	Acre
Mixed oastal sage scrub/chaparral	0.59	Mixed coastal sage scrub/chaparral	0.59

The restored mixed coastal sage scrub and chaparral will exhibit habitat functions consistent with adjacent areas of mixed coastal sage scrub and chaparral, including foraging and cover for birds, insects, and small mammals.

E. Implementation Timeline and Schedule of Activities

Upon approval of the CRO by the Coastal Commission, Respondents shall fully implement each phase of the Restoration Plan consistent with all of its terms. Respondents shall commence implementation of all work described in the Restoration Plan within 120 days of the effective date of the CRO, or if Los Angeles County approval is necessary to undertake the Restoration Plan Respondents shall inform Coastal Commission staff and this deadline shall commence within 120 days of approval by Los Angeles County. Respondents shall complete all elements of the Restoration Plan, excepting the Monitoring Plan, no later than 120 days from commencing implementation of the Restoration Plan. The Executive Director may grant an extension of these deadlines upon a showing of good cause, either if the Executive Director determines that Respondents have diligently worked to comply with their obligations under the Restoration Plan, but cannot meet deadlines due to unforeseen circumstances beyond their control, or if the Executive Director determines that the Restoration Plan's schedule should be extended if additional time would benefit the success of the Restoration Plan from an ecological or biological perspective pursuant to Section 19.0 of the CRO.

Implementation of the Revegetation Plan will begin during the optimal planting period (generally October 15th to March 1), unless development removal will be completed well before the start of the optimal planting period, in which case the Revegetation Plan may be implemented outside of the optimal planting period. Implementation of the Monitoring Plan shall begin immediately following planting installation.

Within one year of the completion of plant installation, it is expected that immature sage scrub and chaparral structure will exist such that insects, small mammals, and birds will utilize the Restoration Area for foraging and roosting.

¹ A portion of the Restoration Area lies within the Fuel Modification Zone C for the Women's House, pursuant to Los Angeles County Fire Department's *Fuel Modification Plan Guidelines*. Zone C is a native brush-thinning zone. The restored vegetation within Zone C will be maintained consistent with the Zone C requirements.

F. Parties Responsible for Conducting the Restoration Plan

Respondents:

United World of the Universe Foundation 500 Broadway Santa Monica, CA 90401 Contact: Michael Segal Telephone: (310) 394-8989

The Canyon at Peace Park 2900 South Kanan Dume Road Malibu, California 90265 Contact: Kathleen Bigsby Telephone: (310) 457-3209

G. Parties the Respondents have Identified for Conducting the Restoration Plan

Project Biologist:	Glenn Lukos Associates, Inc. 29 Orchard Lake Forest, California92630 Contact: Tony Bomkamp Telephone (949) 837-0404
Project Engineer:	Pacific Coast Civil, Inc. 30141 Agoura Road, Suite 200 Agoura Hills, CA 91301 Contact: Richard Doss Telephone: (818) 865-4168
Landscape Contractor:	To be determined; work will be supervised by the Project Biologist.
Site Restoration Contractor:	To be determined; work will be supervised by the Project Biologist.

H. Equipment to Be Used

1. Necessity of Mechanized Tools and Assurance of No Impact

Mechanized tools must be used for hauling large pieces of demolition debris that are too heavy or unwieldy to carry by hand, for breaking up the concrete slab under the A-Frame and asphalt roads, for remedial grading of the A-Frame Road and Women's House Northwest Road, for deep ripping of compacted soils, and for digging planting holes for container stock. Mechanized equipment proposed to be used includes mechanized hand tools for demolition, a small loader or backhoe to haul large pieces of debris to the staging area, a backhoe-mounted jackhammer and bucket for breaking up concrete and asphalt, a backhoe to remove concrete and asphalt debris and gravel, a backhoe or other small earthmover with a shank tool for remedial grading, and dump trucks to collect the materials and transport them from the Restoration Area. Additionally, the loader or backhoe will be used for deep ripping of compacted soils, and a mechanized auger, such as a hand-held power auger or Bobcat with auger attachment, will be used to dig planting holes.

The use of mechanized tools will not impact resources protected under the Coastal Act, including but not limited to: geological stability, integrity of landforms, freedom from erosion, and the existing native vegetation.

Staging areas for construction equipment and materials, including receptacles and temporary stockpiles of demolition debris, would be located within existing developed areas depicted on Exhibit 3, and away from native vegetation.

With the use of hand tools, power hand tools, and mechanized heavy equipment within the limits of the environmental fencing, the demolition would be possible with no impacts to native chaparral and coastal sage scrub. No oak trees occur within the vicinity of the portions of the A-Frame, A-Frame Road to be demolished and restored, so there will be no impacts to any oak trees from the use of heavy mechanized equipment. Some oak trees occur in the vicinity of Women's House Northwest Road to the northwest of the climbing wall; however, as work on the Women's House Northwest Road would be limited to gravel and asphalt removal, removal of the climbing wall, removal of the maintenance, trash, and recycling facilities, remedial grading with a small earthmover, and deep ripping of the road surface, there would be no potential for impacts to oak trees. The use of a loader for hauling large pieces of demolition debris that are too heavy or unwieldy to carry by hand will not result in any impacts to any native chaparral or coast live oak trees as no oak trees occur within or overhang the areas where the loader will be used. Use of a mechanized auger will not damage native vegetation, as auger use will be restricted to the cleared and prepared areas subject to the Revegetation Plan. No State or federally listed species occur within the vicinity; therefore, none would be affected. The demolition, remedial grading, and site preparation would not impact any sensitive biological resources.

Additionally, as the use of the mechanized equipment will be limited to developed areas and graded roads, with implementation of the Erosion Plan discussed below, there is no potential for impacts to landforms and geological stability.

2. Limits on the Use of Mechanized Tools and Contingency Plan

Use of mechanized tools will be limited to the hours of 7:00 am to 7:00 pm Monday through Saturday.

Should impacts occur from equipment use, including disruption of areas where revegetation and/or restorative grading occurs, the areas will be remediated according to the terms of this Restoration Plan. Any potential fuel spills or other hazardous releases that result from the use of mechanized equipment will be stopped immediately and contained within the site. The Respondents will notify the Executive Director of the Coastal Commission within 24 hours (excluding weekend or holiday days or days which the Coastal Commission is closed) of any spills of fuel or other hazardous waste, and remove the contaminated materials according to current regulations for the type of waste. With the installation of the erosion control measures and best management practices ("BMPs") discussed below, any potential hazardous releases would be contained within the Restoration Area and would not impact water quality.

I. Staging Areas and Storage of Construction Materials

The staging area for construction equipment and materials, including receptacles and temporary stockpiles of graded materials, will be located on an area devoid of vegetation, such as the portion of the access road between the Women's House and the water tower that will not be removed and revegetated.

No demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters, or a storm drain, or be subject to wind or runoff erosion and dispersion. All stockpiles and construction materials will be covered, enclosed on all sides, be located as far as possible from drain inlets, and will not be stored in contact with the soil.

J. Location of Disposal Site

All materials removed from the Property and all waste generated during restoration activities will be disposed of in a proper and legal manner at a sanitary landfill or other appropriate site outside of the Coastal Zone.

K. Soil Stabilization Methods

Removal activities shall not disturb native vegetation outside the Restoration Area to the greatest extent practicable. Once removal of the development is completed, the Project Biologist will examine the site and identify any areas of disturbance. Any disturbance due to removal activities shall be restored as soon as reasonably practicable. If any removal activity occurs within the rainy season, BMPs for erosion and water quality purposes (e.g., sandbags, straw wattles, silt fences) shall be installed as needed to protect and address water quality concerns. Any BMP installation shall be reviewed by the Project Biologist and shall, to the greatest extent practicable, be placed on areas where no native vegetation is growing.

L. Identification and Delineation of Areas to be Restored

Removal activities shall occur in all of the areas indicated on the Development Map [Exhibit 3]. Prior to initiation of the removal activities, the Project Biologist shall identify the materials to be removed. The Project Biologist shall flag the limits of the Restoration Area using temporary measures such as fencing stakes, colored flags, or colored tape. All delineation materials shall be removed when no longer needed and verification of such removal will be provided in the annual reporting that corresponds to the reporting period during which the removal occurred.

M. Nesting Bird Surveys

In order to avoid disturbance of nesting birds, there shall generally be no grading or use of mechanized equipment during the breeding season (generally February 15 through August 31), or any time that bird courtship, breeding, or nesting is observed. If grading or use of mechanized equipment must be conducted during the nesting bird season, a biological monitor will conduct a survey to determine the presence of any nesting behaviors, nest building, egg incubation, or brood rearing activities within a minimum of 150 feet of proposed work limits. If nesting birds are detected within 100 feet of proposed grading areas, nest monitoring will be initiated and use of mechanized equipment within 100 feet of active nests will be postponed until the nest(s) are determined to be inactive by the biological monitor.

III. EROSION CONTROL PLAN

Areas of disturbed soils shall be stabilized to reduce erosion potential using temporary erosion control measures as depicted by the attached Erosion Control Measures Plan [Attachment 1]. No permanent erosion control measures will be employed, although the planting, seeding, and mulching described in the Restoration Plan will serve as natural erosion control measures once the plantings begin to establish themselves. Any installation of temporary erosion control measures not described in the Restoration Plan shall be coordinated with the Executive Director.

Removal work shall take place during the dry season (generally April 1- November 1) and will be coordinated with the Executive Director. The Executive Director may extend this deadline or modify the approved schedule if additional time would benefit the success of the Restoration Plan from an ecological or biological perspective. This period may also be extended for a limited period pursuant to the provisions of Section 19.0 of the CRO. Temporary erosion control measures may be installed at any time.

A. Timing of Erosion Control Measures

The temporary erosion control measures will be installed and fully functional on the Restoration Area prior to or concurrent with the initial removal and restoration activities and maintained throughout the removal/restoration process to minimize erosion across the site and sedimentation of streams, tributaries, drains and culverts. The location of all temporary erosion control measures is depicted by Attachment 1.

B. Temporary Construction Related Erosion Control Measures

All temporary construction related erosion control materials shall be comprised of biodegradable materials and shall be removed from the construction site once the installed revegetation plantings are established to the extent that they effectively control soil erosion. Proposed temporary construction-related erosion control measures may include placement of geotextiles and fiber mats, placement of silt fence, fiber rolls, gravel bag berms, and sandbag barriers. Biodegradable fiber mats may be permanently left in place after installation of revegetation plantings if the mats become vegetated.

IV. REMOVAL PLAN

The purpose of the Removal Plan is to govern the removal and off-site disposal of all development to be removed. The Development Map depicting all development to be removed is enclosed as Exhibit 3 and includes (1) demolition of the A-Frame and A-Frame Road; (2) concrete, earthen fill, and debris removal from demolition of the A-Frame and A-Frame Road; (3), removal of gravel from the Women's House Northwest Road and the climbing wall and maintenance, trash, and recycling facilities for purposes of relocation on the Property; and (4) remedial grading and deep ripping of the compacted area including the A-Frame Road and Women's House Northwest Road.

A. Limits of Removal Area

Removal of development shall not disturb areas outside of the Restoration Area. Removal activities will be limited to the areas of development depicted by Exhibit 3. Ingress/egress routes, equipment staging areas, and temporary storage areas, will be located within existing developed areas depicted on Exhibit 3.

1. Mitigation for Impacts

Any area disturbed by the removal activities shall be restored according to the provisions of the Revegetation Plan below. These measures shall include the restoration of the areas from which the development was removed, and any areas disturbed by those removal activities.

B. Contractor Education Program

Prior to the commencement of demolition work, the Project Biologist will conduct an on-site meeting with the Site Restoration Contractor(s), project supervisors, and demolition crew to discuss onsite sensitive resources and avoidance measures, including demarcation of "off-limits" areas around the work area.

C. Biological Monitoring

The Project Biologist shall be onsite the first day of work to conduct the pre-construction meeting with the Site Restoration Contractor(s) supervisor and crew and will monitor all demolition work. Following the first day of demolition work, the Project Biologist will visit the site twice a week for the duration of work. During monitoring visits, the Project Biologist will be responsible for confirming the work limits and reviewing protective fencing or staking as well as ensuring that no wildlife is harmed during the demolition.

Should impacts occur to sensitive resources as a result of the Removal Plan, Respondents will notify the Executive Director of the Coastal Commission within 24 hours (excluding weekend or holiday days or days which the Coastal Commission is closed) and a Restoration Plan will be developed for the impacted area. Should spills of fuel or other hazardous releases that may result from the use of mechanized equipment occur, work will be stopped immediately and the spill contained within the site. Respondents will notify the Executive Director of the Coastal Commission within 24 hours of

any spills of fuel or other hazardous waste and remove the contaminated materials according to current regulations for the type of waste.

V. REMEDIAL GRADING PLAN

Minor grading work will be conducted upon removal of the A-Frame, the A-Frame Road, and the Women's House Northwest Road to ensure proper Restoration Area drainage and to minimize erosion, as depicted by the attached Remedial Grading Plan, which includes both the remedial grading in plan view and cross section [Attachment 2]. This work will be performed as needed and will be directed by the Project Biologist and Project Engineer to ensure that the potential for erosion is minimized while the potential for habitat restoration is optimized.

Construction of the A-Frame and A-Frame Road did not alter drainage patterns within the watershed, other than a slight increase in discharge due to the slight increase in impervious surface. With removal of the impervious surfaces and restoration to native vegetation, the original runoff patterns will be restored.

The Women's House Northwest Road is a dirt road, expanding to a flat earthen pad at the location of the climbing wall and the maintenance, trash, and recycling facilities, which will be removed for purposes of relocation on the property. This area currently drains in the same manner as before construction activities were performed and with revegetation, as proposed, the area would exhibit minimal potential for erosion and no overall change in runoff amounts or patterns. As depicted on the attached Erosion Control Measures Plan [Attachment 1] BMPs will be installed to prevent erosion during the Restoration Plan.

Restoration of original topography at the A-Frame and A-Frame Road would result in additional impacts to native vegetation due to the extensive grading that would be required to re-contour the slopes in a manner that restores the original topography. It would be necessary to grade beyond the current limits of the previously disturbed areas in order to ensure that the area is geotechnically stable. The minor recontouring described above will prevent additional impact to native vegetation, and ensure a successful restoration of native chaparral and coastal sage scrub habitat.

VI. REVEGETATION PLAN

A. Natural Habitat Type to Be Revegetated

Existing vegetation east and west of the A-Frame, A-Frame Road, and along the Women's House Northwest Road is best characterized as a dense mix of coastal sage scrub and chaparral. Component species include California sagebrush (*Artemisia californica*), purple sage (*Salvia leucophylla*), black sage (*S. mellifera*), laurel sumac (*Malosma laurina*), chaparral yucca (*Hesperoyucca whipplei*), sawtooth goldenbush (*Hazardia squarrosa*), California buckwheat (*Eriogonum fasciculatum*), coastal buckwheat (*E. cinereum*), California walnut (*Juglans californica*), sugarbush (*Rhus ovata*), bush sunflower (*Encelia californica*), holly-leaf redberry (*Rhamnus ilicifolia*), and greenbark ceanothus (*Ceanothus spinosus*). The relative abundance of each species was estimated in the field in order to determine the appropriate abundance of each

species in the Restoration Area [see Table 2 below]. The Restoration Area will be revegetated with the same species planted at the same relative abundance as in the surrounding mixed coastal sage scrub/chaparral.

B. Restoration Goals and Objectives

Because vegetation will be restored to the conditions present prior to disturbance, it is fully expected that the mixed coastal sage scrub and chaparral will thrive following restoration implementation. The proposed plant palette includes native species that exist adjacent to the Restoration Area, and are known to favor the proposed physical conditions at the site. The plant communities were selected using information gathered during site visits and from general knowledge of local plant communities.

C. Plant Palette

All of the plants included in the plant palettes are able to tolerate hot, dry summer conditions, taking advantage of associated groundwater during the winter and spring rainy season.

After the demolition of the A-Frame, A-Frame Road, and Women's House Northwest Road, the 0.59-acre of land available for restoration will be restored to chaparral and coastal sage scrub habitat as set forth in Table 2 below. Dominant species among these plant communities include sugarbush (*Rhus ovata*), greenbark ceanothus (*Ceanothus spinosus*), coastal buckwheat (*Eriogonum cinereum*), laurel sumac (*Malosma laurina*), and purple sage (*Salvia leucophylla*). Incidental plant species include chaparral yucca (*Hesperoyucca whipplei*), California walnut (*Juglans californica*), black sage (*Salvia mellifera*), California sagebrush (*Artemisia californica*), California buckwheat (*Eriogonum fasciculatum*), sawtooth goldenbush (*Hazardia squarrosa*), holly-leaf redberry (*Rhamnus ilicifolia*), and bush sunflower (*Encelia californica*).

			Plant	Percent	Total
Botanic Name	Common Name	Stock Type	Spacing	per Acre	Number
Artemisia californica	California sagebrush	one-gallon	8' o.c.	2	10
Ceanothus spinosus	greenbark ceanothus	one-gallon	8' o.c.	15	80
Encelia californica	bush sunflower	one-gallon	8' o.c.	2	10
Eriogonum cinereum	coastal buckwheat	one-gallon	8' o.c.	20	106
Eriogonum fasciculatum	California buckwheat	one-gallon	8' o.c.	2	10
Hazardia squarrosa	sawtooth goldenbush	one-gallon	8' o.c.	2	10
Hesperoyucca whipplei	chaparrral yucca	one-gallon	8' o.c.	2	10
Juglans californica	California walnut	one-gallon	15' o.c.	2	10
Malosma laurina	laurel sumac	one-gallon	15' o.c.	10	52
Rhamnus ilicifolia	holly-leaf redberry	one-gallon	15' o.c.	1	10
Rhus ovata	sugarbush	one-gallon	15' o.c.	30	160
Salvia leucophylla	purple sage	one-gallon	8' o.c.	10	52
Salvia mellifera	black sage	one-gallon	8' o.c.	2	10
Total				100	530
Seed Species		Seed		lbs/acre	Total lbs.
Artemisia californica	California sagebrush	seed		3	2.0
Encelia californica	bush sunflower	seed		3	2.0
Eriogonum cinereum	coastal buckwheat	seed		5	2.0
Eriogonum fasciculatum	California buckwheat	seed		3	2.0
Hazardia squarrosa	sawtooth goldenbush	seed		3	2.0
Salvia leucophylla	purple sage	seed		5	3.3
Salvia mellifera	black sage	seed		3	2.0
Stipa pulchra	purple needlegrass	seed		3	2.0
Total Seed				28	17.3

 TABLE 2

 MIXED COASTAL SAGE SCRUB/CHAPARRAL PLANT PALETTE

D. Site Preparation Methodology

Site preparation shall consist of clearing and controlling all non-native plant species within the Restoration Area footprint, installation of irrigation components, preparing planting holes, and doing any other work necessary to make ready the area for planting. All site preparation will be conducted with hand tools only, except for a mechanized auger for digging planting holes for container stock. Installation of irrigation and plant materials shall occur following removal of development, and during the optimal planting period if possible (generally October 15th to March 1). However, planting may occur outside of the optimal planting period if development removal would be completed a significant amount of time prior to the start of the optimal planting period, provided that sufficient irrigation is applied to support establishment of the plantings.

If deemed necessary, a "grow and kill" cycle will be established following installation of the irrigation system and prior to installation of restoration plantings. "Grow and kill" is a cycle of applying water, germinating the non-native, invasive species, and spraying the plants with the

appropriate herbicide. This allows a large portion of the seed load currently present in the soil to be eradicated. Removing the competition early in the life cycle of native plants helps to ensure more rapid growth and cover of the native species. If a "grow and kill" cycle is deemed necessary, Respondents shall inform the Executive Director in writing at least 15 days prior regarding the type and quantity of herbicide proposed to be used.

All undesirable exotic plants will be eradicated. The Project Biologist will direct the Landscape Contractor regarding the selection of target weed species, their location, and the timing of weed control operations to ensure that native plants are avoided to the extent possible.

E. Planting Plan and Methodology

Planting shall consist of planting container stock and seeding either via hand broadcast or hydroseeding. No planting shall be done in any area until the area has been prepared in accordance with the plans and presents an appearance satisfactory to the Project Biologist. The Project Biologist shall be on-site the first day of each phase of plant installation, and every other day after that.

1. Source of Plant Materials

It is preferred that the source of all propagules and seed used at the Restoration Area be from the site or adjacent scrub and chaparral areas. If not available, the remainder of the propagules and seed required will be from wild sources within the Malibu area of Los Angeles County, and collected as close to the Restoration Area as possible to preserve regional genetic integrity.

Plant material for revegetation shall be derived from cuttings, materials salvaged from disturbed areas, and/or seeds obtained from randomly selected native shrubs occurring locally. Any replacement tree or shrub stock that cannot be grown from cuttings or seeds shall be obtained from a native plant nursery, be ant-free, and shall not be inoculated to prevent heart rot. If any materials must be obtained from other than on-site sources, the Project Biologist shall provide the Coastal Commission with a list of all such materials, and shall ensure that they are of local origin (i.e., the Santa Monica Mountains), and are not cultivars.

2. Contract Growing

Contract growing of all container plants shall be by a local experienced native plant nursery. Substitution of plant material at the time of planting depends solely upon the discretion of the Project Biologist. Any approved substitutions will be documented in the annual report prepared as part of the Monitoring Plan.

3. Container Stock

Tree, and shrub, and grass species will be installed as container stock. Planting and seeding will generally occur between October 15 and March 1 to take advantage of the winter rainy season, dormancy of foliage, and the winter rooting period to ensure optimum survival of plantings, unless development removal will be completed well before the start of the optimal planting
period, in which case the Revegetation Plan may be implemented outside of the optimal planting period. One-gallon container stock shall be utilized for the revegetation of coastal sage scrub and chaparral plant communities. All plant materials will be inspected by the Project Biologist and approved as healthy, disease free, and of proper size prior to planting. Overgrown, root-bound container stock will be rejected.

4. Mycorrhizal Fungi

Mycorrhizae are specialized fungi found on plant roots. A symbiotic relationship exists between plant roots and mycorrhizae wherein the plants benefit from the increased ability to take up nutrients and withstand drought when mycorrhizae are present. This relationship is essential to the growth rate, well-being, and longevity of native plant communities. Plant utilization of mycorrhizal fungi markedly increases the success of revegetation on disturbed or degraded lands. The native plant nursery shall inoculate all appropriate container-grown plants, except those known to be non-host species, with mycorrhizal fungi prior to delivery to the job site.

5. Plant Placement

Container stock will be laid out in such a manner that mimics natural plant distribution (i.e., in clusters and islands) to emulate regional reference sites. The Project Biologist will monitor and confirm that trees and shrubs have been placed at the designed elevation relative to the water source supporting them, such as ground water. All plants shall be in randomly spaced, naturally clumped patterns. The average planting densities shall meet the criteria specified in the Plant Palette [Table 2].

6. Planting Method for Container Stock and Seed Application

Container stock will be thoroughly watered by the nursery the day before planting. One-gallon container stock will be planted in a hole measuring at least twice the diameter of the container and twice the depth. The excavated hole will be filled with water and allowed to completely drain prior to installation of the plant.

One teaspoon (0.3 oz.) of Osmocote 14-14-14 (or equal) will be placed one-inch below the root zone and backfilled with native soil to the proper planting depth. The container plant will be upended into the palm of the hand to avoid damage to the root structure and placed in the planting hole. The top of the root ball will be set one-inch above finished grade. The planting hole will be backfilled with native soil.

A three-inch high, hand-compacted earth berm, approximately 24 inches in diameter, will then be constructed around each container plant to utilize as a watering basin. Container stock will be watered immediately after installation. This watering basin will be maintained until the plants are no longer irrigated. Coarse mulch shall be placed around plantings to minimize water loss and discourage weed growth. Mulch will be applied as a top dressing, two to three inches thick, and must not come in contact with the stem of the plant. Mulch will not be applied to the watering basins of the native grasses. Grass species will have a plant protection device (plastic mesh screens or wire screens) installed around each plant to protect the grasses from herbivory. The Landscape Contractor will remove the plant protection device after approximately six months or upon approval by the Project Biologist.

Seed will be applied either through hydroseeding or hand broadcast at the discretion of the Project Biologist.

7. Pruning and Staking

There will be no pruning or staking of any vegetation. Diseased or insect-damaged foliage, if sufficient to require pruning, will serve as a benchmark for rejection of plant materials. A small amount of selective trimming of native species is allowed to prevent overspray of herbicide from reaching their branches, if herbicide is necessary. If herbicide is to be employed, Respondents shall inform the Executive Director in writing at least 15 days prior regarding the type and quantity of herbicide proposed to be used. Native vegetation may only be trimmed; individual plants shall not be removed.

F. Performance Standards

The success of habitat restoration is defined as the restoration of a functional ecosystem. Success is usually measured by percent coverage by target species. While a fully successful restoration plan might be viewed as one that results in 100-percent coverage, such coverage is unlikely. Natural habitats rarely exhibit 100-percent coverage, but rather include a considerable proportion of open spaces. While this monitoring program uses percent coverage criteria, it is noted that determination of successful coverage is expected to be relative to other similar native habitats typical of the region, and as such, the percent coverage criteria are defined relative to an undisturbed reference site of similar habitat composition.

The means of determining successful restoration for this site will be through a series of measurements for natural recruitment, exotic species cover, cover by native species, and species richness and diversity. All of these, except non-native species cover, should increase over time. Cover by non-native species should be the opposite; it should decrease with time, particularly because one of the primary goals of the Restoration Plan is to substantially reduce or eliminate non-native species from the site.

After the initial non-native species eradication and associated planting effort has been completed, the Restoration Area will be monitored by the Project Biologist on a monthly basis for the next 18 months and quarterly thereafter for the remainder of the monitoring period. Qualitative surveys, consisting of a general site walkover and habitat characterization, will be completed during each monitoring visit. General observations, such as fitness and health of the planted species, pest problems, weed persistence/establishment, mortality, and drought stress, will be noted in each site walkover. The Project Biologist will determine remedial measures necessary to facilitate compliance with performance standards.

Quantitative data will be collected annually using accepted vegetative sampling methods in order to evaluate survivorship, species coverage, and species composition.

In the event that plantings should fail to meet the specified requirements, compliance will be ensured by the performance of either or both of the following remedial procedures by the Landscape Contractor on an as-needed basis as directed by the Project Biologist: (1) replacing unsuccessful plantings with appropriately sized stock or seed mixes to meet stated cover or survival requirements, and /or (2) performing maintenance procedures to ensure the site conditions are appropriate (e.g., non-native species removal). Remedial actions in planting areas shall be based on detailed investigations (such as soil tests and excavations of failed plantings to examine root development) to determine causes of failure. If substantial non-compliance with the performance occurs, Respondents or Respondents' representative will consult the Coastal Commission to determine whether corrective measures and an extension of the five-year monitoring period will be necessary.

1. Reference Site

A reference site shall be established in adjacent areas, north of the Restoration Area for the coastal sage scrub and chaparral plant communities, and sampled to provide a basis of comparison for the performance standards discussed herein. The reference site shall be located within the undisturbed section of coastal sage scrub and chaparral habitat adjacent to the Restoration Area. The plant palette detailed in Table 2 is based on onsite observations of the adjacent areas of native vegetation, and the "percent per acre" provided in the plant palette table is based on onsite estimates of relative abundance of native species on the adjacent slopes.

2. Standard Vegetation Monitoring Performance Standards

Coastal Sage Scrub and Chaparral

First-Year Monitoring

Success Standard: 40-percent coverage of native species (five-percent deviation allowed) relative to the reference site;

At least 80-percent of the number of planted species will be represented in the Restoration Area (native recruit species not in the plant palette may be counted);

No more than 10-percent coverage by non-native plant species.

Second-Year Monitoring

Success Standard: 50-percent coverage of native species (<five-percent deviation allowed) relative to the reference site;

At least 80-percent of the number of planted species will be represented in the Restoration Area (native recruits not in the plant palette may be counted); No more than five-percent coverage by non-native species.

Third-Year Monitoring

Success Standard: 65-percent of native species (<five-percent deviation allowed) relative to the reference site;

At least 80-percent of the number of planted species will each attain at least five-percent cover of the total native cover (native recruits not in the plant palette may be counted);

No more than five-percent coverage by non-native species.

Fourth-Year Monitoring

Success Standard: 80-percent coverage of native species (<five-percent deviation allowed) relative to the reference site;

At least 80-percent of the number of planted species will each attain at least five-percent cover of the total native cover (native recruits not in the plant palette maybe counted);

No more than five-percent coverage by non-native plant species.

Fifth-Year Monitoring

Success Standard: 90-percent coverage of native species (<five-percent deviation allowed) relative to the reference site; At least 80-percent of the number of planted species will each attain at least five-percent cover of the total native cover (native recruits not in the plant palette may be counted);

No more than five-percent coverage by non-native plant species.

G. Proposed Use of Artificial Inputs

1. Irrigation Plan

The Landscape Contractor shall provide irrigation for the Restoration Area when natural moisture conditions are inadequate to ensure the survival of plants. Irrigation shall be provided for a maximum of 3 years from plant installation or until the revegetation has become established, whichever comes first. Irrigation shall be phased out during the fall/winter of the second year unless unusually severe conditions threaten survival of the plants. All plants must survive and grow for at least two years without supplemental water for the Restoration Plan final success criteria to have been met.

Supplemental irrigation is to be used solely for establishing the plants at the Restoration Area and is of a temporary nature. The goal of the irrigation program is to obtain germination and growth with the least amount of irrigation. Frequent irrigation encourages weed invasion and leaches nutrients from the soil.

The Restoration Area will initially be supported by a short-term automatic irrigation system. The container stock will be irrigated as long as necessary to establish the root systems in the native soils, usually through two or three summers. All irrigation lines will be installed above-grade for ease of removal and inspection.

The critical period for irrigation is during the first winter and early spring following planting. During this time, roots are not well established, and an unseasonable drought can cause high mortality. During dry periods after plant installation, the Project Biologist and the Landscape Contractor will regularly inspect soil moisture. Supplemental irrigation during the summer dry season will occur as frequently as required.

After the initial plant establishment period, water will be applied infrequently and only as required to prevent the mortality of plants and seedlings. The irrigation methods employed will attempt to mimic wet rainfall years by incorporating evenly spaced, infrequent, deep applications of water.

When the plantings are sufficiently established, and no longer require supplementary irrigation, the Project Biologist shall notify the Landscape Contractor to remove all irrigation system components from the Restoration Area. In the event irrigation system components are removed, but it is later determined by the Project Biologist that supplemental irrigation may be necessary to meet the success standards herein, the irrigation system component may be reintroduced and then removed when the necessity for supplemental irrigation has ceased.

The Landscape Contractor shall be responsible for applying sufficient irrigation water to adequately establish new plant materials, and germinate and establish the applied seed. Irrigation water shall be applied in such a way as to encourage deep root growth (periodic deep irrigation versus frequent light irrigation). The Landscape Contractor will allow soil to dry down to approximately 50- to 60-percent of field capacity (in the top six or 10 inches of soil after germination and during seedling establishment) before the next irrigation cycle. Wetting of the full root zone and drying of the soil between irrigation events is essential to the maintenance of the plants and the promotion of the deep root zone that will support the vegetation in the years after establishment. Irrigation systems may need to be on for as long as six to eight hours at a time in order to get complete water penetration to the lower soil horizons to encourage deep root growth. A soil probe or shovel shall be used to examine soil moisture and rooting depth directly.

Irrigation will be used as necessary to enhance establishment of the vegetation and will be discontinued at the end of three years. If it is determined that it is desirable to continue irrigation beyond three years, Respondents shall request an extension in writing, outlining the need for an extension of the duration of the irrigation.

2. Herbicide

The use of herbicide is not proposed at this time; however, if it becomes necessary to use herbicide, Respondents will notify the Executive Director at least 15 days in advance with the type and quantity of herbicide to be used. The minimum amount of herbicide necessary to support the plantings will be used. If herbicide use is deemed necessary and approved by the Executive Director, it shall be administered by a licensed PCA.

3. Fertilizer

No fertilizer use is proposed following initial use of Osmocote 14-14-14 in the planting holes at the time of planting as described above.

VII. MONITORING PLAN

A. Maintenance Activities During the Monitoring Period

The purpose of this program is to ensure the success of the restoration plantings. Maintenance will occur over the five-year life of the Monitoring Plan. The Project Biologist will monitor all aspects of the revegetation in an effort to detect any problems at an early state. Potential problems could arise from irrigation failure, erosion and failure of erosion control measures, vandalism, competition from weeds and invasive species, and unacceptable levels of disease and predation.

These maintenance guidelines are specifically tailored for native plant establishment. The maintenance personnel will be fully informed regarding the habitat establishment program so they understand the goals of the effort and the maintenance requirements. A Landscape Contractor with experience and knowledge in native plant habitat restoration will supervise all maintenance personnel.

For a period of 120 days following completion of plant installation, the initial Landscape Contractor will be responsible for the care of the plantings. The purpose of the 120-day establishment period is to ensure continuity between the installation of the plant material and its short-term maintenance. The installation Landscape Contractor's presence during this 120-day period is proven to increase Restoration Plan success. The Landscape Contractor will control the spread of weedy species, and identify any efforts needed to ensure the health and survival of the plantings.

Following the 120-day establishment period, the project will be evaluated for the health of plant materials, and if judged satisfactory by the Project Biologist, the establishment period will be considered concluded and the long-term habitat maintenance program will begin. If plant health is not determined to be satisfactory, an additional 60 days will be allowed for the Landscape Contractor to implement remedial measures, including plant replacement. A different Landscape Contractor may implement the long-term maintenance program; however, the Project Biologist will continue to monitor the Restoration Plan success.

Damage to plants, irrigation systems, erosion control structures/measures, and other facilities occurring as a result of unusual weather or vandalism will be repaired or replaced immediately.

1. General Maintenance

The Landscape Contractor will perform the following tasks as general maintenance duties:

- Plant inspection;
- Weed control;

- Irrigation water volume and frequency;
- General maintenance of the irrigation system;
- Trash and debris removal;
- Pest control; and
- Plant replacement.

2. Plant and Restoration Area Inspection

During the 120-day establishment period, and into the long-term habitat maintenance period, the Project Biologist will inspect the Restoration Area on a monthly basis for 18 months. The plants and conditions at Restoration Area shall be inspected on a quarterly basis thereafter until achievement of performance standards for the Restoration Area. The Project Biologist will conduct inspections for the purpose of maintaining at a minimum, the following: all erosion control measures, non-native species eradication, trash and debris removal, and the health and abundance of the original and/or replacement plantings.

3. Weed Control

The Restoration Area shall be maintained free of weeds during the monitoring period. Weed eradication will minimize competition that could prevent the establishment of native species. All maintenance personnel will be trained to distinguish weed species from native vegetation to ensure only weedy species are removed. The use of herbicide is not proposed at this time; however, if it becomes necessary to use herbicide, Respondents will notify the Executive Director at least 15 days in advance with the type and quantity of herbicide to be used. The minimum amount of herbicide necessary to support the plantings will be used.

Weeds shall be manually removed before they can attain a height of three inches (3") at intervals of not more than 30 days for the first two years of the Monitoring Plan. All portions of the plant will be removed, including the roots. The Project Biologist shall direct the Landscape Contractor regarding the selection of target weed species, their location, and the timing of weed control operations to ensure that native plants are avoided to the extent possible. Pulled weeds will be placed on a "mantilla" or other type of tarp to prevent any seeds from coming in contact with the ground.

Weed removal shall be done at least monthly for the first two years, and at least monthly during the rainy season (January through April) and quarterly from May through December for years three through five. As weeds become apparent, they should be immediately removed by hand or controlled with an appropriate herbicide if determined necessary by a licensed PCA and as approved by the Executive Director. Weed debris shall be removed from the Restoration Area the same day as weed removal and disposed of as permitted by law.

A space cleared of weeds within the watering basin shall be maintained around each container plant to minimize competition from other plant species. Two-inch thick mulch within the watering basin shall be maintained throughout the maintenance period.

4. General Maintenance of the Irrigation System

The Landscape Contractor will be responsible for the regular maintenance and repair of all aspects of the irrigation system. Poorly functioning or non-functioning parts shall be replaced immediately so as to not endanger the plantings.

General system checks shall be conducted no less than weekly the first month after installation to assure the system is functioning correctly, and monthly thereafter, except during periods when the irrigation system is not in operation as recommended by the Project Biologist.

Any erosion or slippage of soil caused by the Landscape Contractor's inadequate maintenance or operation of irrigation facilities shall be repaired by the Landscape Contractor at his/her expense.

5. Trash and Debris Removal

The Restoration Area shall be well maintained in order to deter vandalism and dumping of trash. The Contractor is responsible for avoiding impacts to plantings during trash removal activities. Contractor shall, during routine maintenance, manually remove weeds, litter, trash, and debris from the Restoration Area and dispose of off-site as permitted by law.

6. Pest Control

Young trees and shrubs will be monitored for signs of disease, insect, and/or predator damage, and treated as necessary. Badly damaged plants will be pruned to prevent spreading of the pestilence or replaced in kind if removed. Excessive foraging by predators will necessitate protective screening around plants. The Project Biologist will be consulted on any pest control measures to be implemented.

7. Plant Replacement

The Landscape Contractor responsible for the installation of container stock plants will be responsible for replacement of all terminally diseased or dead plants during the 120-day establishment period. During the long-term maintenance period, the Landscape Contractor will be responsible for the replacement of any dead and/or declining plants in the winter months as recommended by the Project Biologist. Replacement plants shall be paid for and installed by the Landscape Contractor.

Replacement plants shall conform to the species, size requirements, and spacing as specified for the plants being replaced. The replacement plants shall be purchased from inventory at the same native plant nursery as were the contract-grown plant stock.

8. Pruning

No pruning is necessary unless otherwise specified by the Project Biologist as described above.

9. **Responsible Party for Maintenance**

Respondents will be responsible for financing. The Project Biologist will be responsible for periodic inspections and communicating maintenance needs to the Landscape Contractor. The Landscape Contractor will be responsible for carrying out maintenance activities.

10. Maintenance Schedule

The Monitoring Plan will continue for five years following the completion of plant installation or until performance criteria are met.

TABLE 3 MAINTENANCE SCHEDULE							
Maintenance Task Year							
	1	2	3	4	5		
Plant Inspection	Monthly first 12 months	Monthly through 18th month; quarterly thereafter	Quarterly	Quarterly	Quarterly		
Irrigation System Inspection	gation System Inspection Monthly, or more frequently if Monthly		As Required	N/A	N/A		
Trash and Debris Removal	Monthly	Quarterly	Quarterly	Quarterly	Quarterly		
Weed Control	Minimum of Monthly	Monthly	Monthly from January to April; Quarterly from May to December	Monthly from January to April; Quarterly from May to December	Monthly from January to April; Quarterly from May to December		
Pest Control	Monthly	Bi-monthly	Quarterly	Quarterly	Quarterly		
Plant Replacement	Annually	Annually	Annually	Annually	Annually		

Table 3 below indicates the schedule of maintenance activities and inspections.

B. Monitoring Methods

Monitoring will assess the attainment of annual and final success criteria and identify the need to implement contingency measures in the event of failure. Monitoring methods include field-sampling techniques that are based upon the California Native Plant Society field sampling

protocol.² Please refer to *A Manual of California Vegetation* for further details on this sampling method.

1. Monitoring

Quantitative monitoring shall be conducted during the active growing season in June of every year. A qualified habitat restoration specialist, biologist, or horticulturist with appropriate credentials and experience in native habitat restoration shall perform the annual monitoring. Continuity within the personnel and methodology of monitoring shall be maintained insofar as possible to ensure comparable assessments. Records will be kept of mortality and other problems, such as insect damage. The Project Biologist will also identify other potential site problems, such as weed infestation and soil loss. Remedial measures undertaken will be referenced in the annual report to the Coastal Commission.

a. Standard Vegetation Sampling Techniques

Quantitative sampling within the Restoration Area will be performed using one-meter quadrats that will be placed randomly throughout the site. Placement of quadrats will be determined using random number tables to provide two coordinates, one that indicates the distance along a longitudinal centerline bisecting the site and one that determines the distance from the line. Plots will be placed on alternating sides of the centerline and perpendicular to the centerline. Vegetative cover will be visually estimated within the quadrat for each species present, and recorded on a data sheet. Any species observed during the sampling that does not fall within a quadrat will be recorded and included on the list of species for the Restoration Area. At least 30 replicates will be initially sampled.

Sample variance from data collection in years one through three will be used to determine if 30 samples is adequate. If a power analysis indicates that more than 30 samples are required, additional quadrats will be added. If a power analysis indicates that fewer than 30 samples are required, the number of quadrats will be reduced. Sampling will be conducted with sufficient replication to detect a 10-percent difference in absolute ground cover between the mean of the restoration and the success standard with 90-percent power at an alpha level of 0.10. The mean native cover for the Restoration Area will be compared to the performance criteria at the end of five years using an appropriate inferential test such as a single-sample t-test. The mean cover for the Restoration Area will be considered to meet the performance criteria if the resulting alpha level is greater than 0.10.

² Sawyer, John O. and Todd Keeler-Wolf. 1995. *A Manual of California Vegetation*. California Native Plant Society.

2. Photo-Documentation

Several permanent stations for photo-documentation will be established [Exhibit 4]. Photos shall be taken each monitoring period from the same vantage point and in the same direction each year, and shall reflect material discussed in the annual monitoring report. The locations from which photographs are taken shall not change over the course of the monitoring period unless recommended changes are approved by the Executive Director.

3. Annual Reports

At the end of each of the five monitoring period growing seasons, an annual report will be prepared submitted during the same one-month period of each year (no later than December 31st of the first year), for five (5) years from the completion of implementation of the Revegetation Plan, for the review and approval of the Executive Director, evaluating compliance with the approved Restoration Plan. These reports will include the following:

- a list of names, titles, and companies of all persons who prepared the content of the annual report and participated in monitoring activities for that year;
- an analysis of all qualitative monitoring data;
- copies of monitoring photographs taken at the same time each year from the same locations as identified in Exhibit 4; and
- maps identifying monitoring areas, quadrats, planting zones, etc. as appropriate.

4. Final Success Criteria Resolution and Revised Restoration Plan

Final success criteria will not be considered to have been met until a minimum of two years after all human support (excluding routine weeding), including irrigation, has ceased. Should the revegetation effort meet all goals prior to the end of the five-year monitoring period, the Coastal Commission may, at its discretion, terminate the Monitoring Plan.

Respondents recognize that failure to meet success criteria may result in the requirement to replace that portion of failed creation, unless the failure was the result of an "Act of God" (e.g., fire, flood, etc.) that would likely have destroyed the original vegetation for which restoration is being performed.

If all success criteria are met at the end of the five-year monitoring period, the Restoration Plan will be considered a success.

If periodic inspections or the monitoring reports indicate that the restoration project or a portion thereof is not in conformance with the Restoration Plan or has failed to meet the goals and/or performance standards specified herein, Respondents shall submit a revised or supplemental Restoration Plan ("Revised Restoration Plan") for review and approval by the Executive Director. The Project Biologist shall prepare the Revised Restoration Plan and shall specify

measures to correct those portions of the restoration that have failed or are not in conformance with the original approved Restoration Plan. The Executive Director will then determine whether the Revised Restoration Plan must be processed as a modification of the CRO, a new Restoration Plan or a new or amended coastal development permit. After the Revised Restoration Plan has been approved, these measures, and any subsequent measures necessary to carry out the original approved Restoration Plan, shall be undertaken by Respondents as required by the Executive Director until the goals of the original approved Restoration Plan have been met. Following completion of the Revised Restoration Plan's implementation, the duration of the monitoring period shall be extended for at least a period of time equal to that during which the project remained out of compliance, but in no case less than two annual monitoring periods.

C. Notification of Completion and End of Five Years Report

At the end of the five year monitoring period (or other duration, if the monitoring period is extended because the project is not in conformance with the Restoration Plan), Respondents shall submit a final detailed report for the review and approval of the Executive Director. If this report indicates that the restoration has in part, or in whole, been unsuccessful, based on the requirements of the approved Restoration Plan, Respondents shall submit a Revised Restoration Plan, and the monitoring program shall be revised accordingly.

D. Agency Confirmation

Following receipt of the final report, Respondents will, at the request of the Coastal Commission, provide access and guidance through the Restoration Area to confirm the adequate completion of the restoration effort.

E. Written Reports Following Completion of Each Phase

Within 30 days of the completion of the work described pursuant to each phase (Removal Plan, Remedial Grading Plan, and Revegetation Plan), the Project Biologist shall submit a written report for the review and approval of the Executive Director, documenting all restoration work pursuant to the each phase of the Restoration Plan. This report shall include a summary of dates when work was performed and photographs taken from the pre-designated locations documenting implementation of the respective components of the Restoration Plan, as well as photographs of the Restoration Area before the work commenced and after it was completed.

F. Submission of Documents

All plans, reports, photographs and other materials required by the CRO shall be sent to:

California Coastal Commission Attn: Heather Johnston 45 Fremont Street, Ste 2000 San Francisco, CA 94105 With a copy sent to: California Coastal Commission Attn: N. Patrick Veesart 89 S. California Street, Ste 200 Ventura, California 93001

S:476-12/The Canyon_A-Frame_Restoration Plan_061912.doc



Adapted from USGS Point Dume, CA quadrangle

NORTH



4,000

Feet



Legend



A-Frame and A-Frame Road Development to be Removed



Women's House Northwest Road Development to be Removed





160

80 Feet

40



X:\0363-THE REST\0476-12FRAME\476-12_GIS\REV1_GIS\476-17Exhibit3ImpactsREV1.mxd May 9, 2012



		Plant	Percent	Total
Common Name	Stock Type	Spacing	per Acre	Number
California sagebrush	one-gallon	8' o.c.	2	10
greenbark ceanothus	one-gallon	8' o.c.	15	80
bush sunflower	one-gallon	8' o.c.	2	10
coastal buckwheat	one-gallon	8' o.c.	20	106
California buckwheat	one-gallon	8' o.c.	2	10
sawtooth goldenbush	one-gallon	8' o.c.	2	10
chaparrral yucca	one-gallon	8' o.c.	2	10
California walnut	one-gallon	15' o.c.	2	10
laurel sumac	one-gallon	15' o.c.	10	52
holly-leaf redberry	one-gallon	15' o.c.	1	10
sugarbush	one-gallon	15' o.c.	30	160
purple sage	one-gallon	8' o.c.	10	52
black sage	one-gallon	8' o.c.	2	10
			100	530
	Seed		lbs/acre	Total lbs.
California sagebrush	seed		3	2.0
bush sunflower	seed		3	2.0
coastal buckwheat	seed		5	2.0
California buckwheat	seed		3	2.0
sawtooth goldenbush	seed		3	2.0
purple sage	seed		5	3.3
black sage	seed		3	2.0
purple needlegrass	seed		3	2.0
			28	17.3
	Common Name California sagebrush greenbark ceanothus bush sunflower coastal buckwheat California buckwheat Sawtooth goldenbush chaparrral yucca California walnut laurel sumac holly-leaf redberry sugarbush purple sage black sage California sagebrush bush sunflower coastal buckwheat California buckwheat California buckwheat California buckwheat Sawtooth goldenbush purple sage black sage purple needlegrass	Common Name Stock Type California sagebrush one-gallon greenbark ceanothus one-gallon bush sunflower one-gallon coastal buckwheat one-gallon California buckwheat one-gallon castoth goldenbush one-gallon chaparrral yucca one-gallon California walnut one-gallon claifornia walnut one-gallon holly-leaf redberry one-gallon bush sunflower one-gallon bush sugarbush one-gallon black sage one-gallon California sagebrush seed California sagebrush seed California buckwheat seed California buckwheat seed coastal buckwheat seed coastal buckwheat seed purple sage seed bush sunflower seed coastal buckwheat seed purple sage seed purple sage seed purple sage seed	Common NameStock TypePlant SpacingCalifornia sagebrushone-gallon8' o.c.greenbark ceanothusone-gallon8' o.c.bush sunflowerone-gallon8' o.c.coastal buckwheatone-gallon8' o.c.California buckwheatone-gallon8' o.c.castoth goldenbushone-gallon8' o.c.california buckwheatone-gallon8' o.c.california buckwheatone-gallon8' o.c.california buckwheatone-gallon8' o.c.california walnutone-gallon15' o.c.laurel sumacone-gallon15' o.c.holly-leaf redberryone-gallon15' o.c.black sageone-gallon15' o.c.black sageone-gallon8' o.c.California sagebrushseedbush sunflowerseedcoastal buckwheatseedcalifornia buckwheatseedcoastal buckwheatseedsawtooth goldenbushseedpurple sageseedbush sunflowerseedcoastal buckwheatseedpurple sageseedpurple sageseedpurple sageseedpurple sageseedpurple sageseedpurple sageseedpurple sageseedpurple needlegrassseedpurple needlegrassseedpurple needlegrassseed	Common NameStock TypePlant SpacingPercent per AcreCalifornia sagebrushone-gallon8' o.c.2greenbark ceanothusone-gallon8' o.c.15bush sunflowerone-gallon8' o.c.2coastal buckwheatone-gallon8' o.c.20California buckwheatone-gallon8' o.c.2castoth goldenbushone-gallon8' o.c.2california buckwheatone-gallon8' o.c.2california walnutone-gallon8' o.c.2california walnutone-gallon15' o.c.1bugarbushone-gallon15' o.c.1bugarbushone-gallon15' o.c.10black sageone-gallon8' o.c.2California sagebrushone-gallon8' o.c.2black sageone-gallon8' o.c.100California sagebrushseed33bush sunflowerseed33coastal buckwheatseed33purple sageseed33purple sageseed33bush sunflowerseed33purple sageseed33purple sageseed33purple sageseed33purple sageseed33purple needlegrassseed33purple needlegrassseed33purple needlegrassseed <t< td=""></t<>

MIXED COASTAL SAGE SCRUB/CHAPARRAL PLANT PALETTE



Legend

A-Frame and A-Frame Road CSS/Chaparral Restoration



Women's House Northwest Road CSS/Chaparral Restoration





Permanent Photo Location





Remove non-building structures and compost pile & restore to natural conditions.

> Restore earthen path to natural conditions.

WE-1

BMP NOTES

THE FOLLOWING BMPS AS OUTLINED IN, BUT NOT LIMITED TO, THE BEST MANAGEMENT PRACTICE HANDBOOK, CALIFORNIA STORMWATER QUALITY TASK FORCE, SACRA-MENTO, CALIFORNIA 2003, OR THE LATEST REVISED EDITION, MAY APPLY DURING THE CONSTRUCTION OF THIS PROJECT (ADDITIONAL MEASURES MAY BE REQUIRED IF DEEMED APPROPRIATE BY COUNTY INSPECTORS):

EROSION CONTROL

EC1 - SCHEDULING EC2 - PRESERVATION OF EXISTING VEGETATION EC7 - GEOTEXTILES AND MATS EC15 - SOIL PREPARATION/ROUGHENING

WIND EROSION CONTROL WE1 - WIND EROSION CONTROL

PLANNING BEST MANAGEMENT PRACTICES SC60 - HOUSEKEEPING PRACTICES

TEMPORARY SEDIMENT CONTROL SE1 - SILT FENCE SE5 - FIBER ROLLS SE6 - GRAVEL BAG BERM SE8 - SANDBAG BARRIER

WASTE MANAGEMENT AND MATERIAL POLLUTION CONTROL WM3 - STOCKPILE MANAGEMENT WM5 - SOLID WASTE MANAGEMENT WM9 - SANITARY MANAGMENT



PROFESSION CONTRACTOR

Pacific Coast Civil, Inc. 30141 Agoura Road, Suite 200 Agoura Hills, CA 91301 (818) 865-4168 www.pacificcoastcivil.com

EROSION CONTROL MEASURES PLAN

A-frame structure and adjacent improvements to be deconstructed & removed. All utility connections abandoned.

- SE-1

Remove gravel path/asphalt paving, regrade towards creek beds & restore to natural conditions. Break up slab and asphalt paving using a backhoe-mounted jack hammer and bucket. Broken material to be removed by truck to county authorized disposal location.

200

ATTACHMENT 1

Remove non-building structures and compost pile & restore to natural conditions.

> Restore earthen path to natural conditions.

Using a backhoe / small earthen mover with a shank tool, reverse the cut slope to drain outward to it's natural condition. Compact slope to allow for planting of native species per the biologist's recommendations.

Remove gravel pad and climbing tower. 6"-12" tall earthen berm to be graded, compacted and to remain. V02°13'26"I

Sawcut line and redwood header to be employed,

Remove gravel path/asphalt paving & restore to natural conditions. Break up slab and asphalt paving using a backhoe-mounted jack hammer and bucket. Broken material to be removed by truck to county authorized disposal location.

6"-12" tall earthen berm to be graded, compacted and to remain.



Pacific Coast Civil, Inc. 30141 Agoura Road, Suite 200 Agoura Hills, CA 91301 (818) 865-4168 www.pacificcoastcivil.com

RESTORATION ENGINEERING PLANS

A-frame structure and adjacent improvements to be deconstructed & removed. All utility connections abandoned.

Remove gravel path/asphalt paving, regrade towards creek beds & restore to natural conditions. Break up slab and asphalt paving using a backhoe-mounted jack hammer and bucket. Broken material to be removed by truck to county authorized disposal location.

200

ATTACHMENT 2







Pacific Coast Civil, Inc. 30141 Agoura Road, Suite 200 Agoura Hills, CA 91301 (818) 865-4168 www.pacificcoastcivil.com

RESTORATION ENGINEERING PLANS

Grading Cross Sections

ATTACHMENT 2

ATTACHMENT 4

RESTORATION PLAN FOR THE

REMOVAL OF THE TWO STRUCTURES, FOOTPATH, AND OVERLOOK ROAD AND THE RESTORATION OF COASTAL SAGE SCRUB/CHAPARRAL

CONSENT RESTORATION ORDER CCC-12-RO-05

RESTORATION PLAN

FOR THE

REMOVAL OF THE TWO STRUCTURES, FOOTPATH, AND OVERLOOK ROAD AND THE RESTORATION OF COASTAL SAGE SCRUB/CHAPARRAL

2900 KANAN DUME ROAD, MALIBU UNINCORPORATED LOS ANGELES COUNTY, CALIFORNIA

JUNE 2012

Prepared for:

The Canyon at Peace Park 2900 South Kanan Dume Road Malibu, California90265 Contact: Kathleen Bigsby Telephone: (310) 457-3209

and

Latham and Watkins LLP 355 South Grand Avenue Los Angeles, California90071-1560 Contact: Rick Zbur and Beth Gordie Telephone: (213) 485-1234 Fax: (213) 891-8763

Prepared by:

Glenn Lukos Associates, Inc. 29 Orchard Lake Forest, California92630 Contact: Tony Bomkamp Telephone: (949) 837-0404 Fax (949) 837-5834

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EXHIBITS

- 1. Regional Map
- 2. Vicinity Map
- 3. Development Map
- 4. Restoration Map

I. PROJECT DESCRIPTION and SUMMARY

This Restoration Plan outlines the erosion control, removal activities, remedial grading, revegetation activities, and monitoring activities required by Consent Restoration Order CCC-12-RO-05 ("CRO") associated with the Two Structures designated as Two Structures 13.3(I) in the CRO and referred to herein as the "Two Structures", the Footpath designated as Footpath 13.2(C) in the CRO and referred to herein as the "Footpath", and the Overlook Road designated as Overlook Road 13.1(B) in the CRO and referred to herein as the "Footpath", and the Overlook Road", located at The Canyon at Peace Park property located at 2900 South Kanan Dume Road near Malibu in unincorporated Los Angeles County, California [Exhibits 1 and 2] ("Property"). Collectively, the Two Structures, Footpath, and Overlook Road are referred to as the "Restoration Area." As set forth below, while the physical demarcations of the Footpath will be removed, the Footpath will not be actively restored.

A. Location of Restoration Area

The Restoration Area comprises approximately 0.40 acre within the Property that includes 0.29 acre associated with the Overlook Road and Two Structures, which will be revegetated with coastal sage scrub/chaparral. The Restoration Area also includes 0.11 acre associated with the Footpath from which development will be removed but, as noted, will not be subject to active habitat restoration. The Restoration Area is located approximately 0.2 mile west of South Kanan Dume Road, approximately 3.0 miles north of Pacific Coast Highway at coordinates latitude 34.068572° and longitude –118.803566° at an elevation of approximately 1,234 feet.

B. Brief Summary of Restoration Plan

The Two Structures and Overlook Road will be removed and restored as set forth in this Restoration Plan, which consists of mixed coastal sage scrub and chaparral habitats. The physical demarcations of the Footpath including steps will be removed; however this area will not be actively restored. Development to be removed includes the Two Structures and their foundations, which account for approximately 0.04 acre; the Footpath and associated steps covering 0.11 acre, and the Overlook Road, which accounts for 0.25 acre [Exhibit 3]. Following removal of the development, restoration activities will include deep ripping through the compacted soils beneath the Two Structures and planting with appropriate coastal sage scrub and chaparral species on the Overlook Road [Exhibit 4]. The Two Structures and Overlook Road will be restored in a manner that will ensure that the erosion control and revegetation are successful, The removal of the physical demarcations of the Footpath will also be performed in such a manner that will ensure that the erosion control is appropriately addressed.

This Restoration Plan consists of several components including the Erosion Control Plan, the Removal Plan, the Remedial Grading Plan, the Revegetation Plan, and the Monitoring Plan.

C. Respondents

United World of the Universe Foundation 500 Broadway Santa Monica, CA 90401 Contact: Michael Segal Telephone: (310) 394-8989

The Canyon at Peace Park 2900 South Kanan Dume Road Malibu, California 90265 Contact: Kathleen Bigsby Telephone: (310) 457-3209

II. GENERAL PROVISIONS

A. Qualifications of the Project Biologist

Glenn Lukos Associates, Inc. (GLA) prepared this Restoration Plan. Mr. Tony Bomkamp, Senior Biologist with GLA, is the point of contact and project manager. Mr. Bomkamp is a field biologist and wetlands ecologist with an extensive background in restoration of wetland, riparian, and upland scrub habitats in Southern California. As a botanist, Mr. Bomkamp has diverse field experience including restoration work extending back over 30 years in all of the major vegetation communities in Southern California. Mr. Bomkamp earned a B.A. in Biology in 1976, and an M.S. in Environmental Studies in 1993, both from California State University, Fullerton.

Mr. Bomkamp will lead a staff of restoration ecologists in the implementation of this Restoration Plan. The individuals responsible for preparing and implementing this plan have extensive experience designing and installing revegetation and restoration projects in Southern California. This experience provides a strong basis for confidence in the success of the restoration proposed herein. A qualified habitat restoration specialist or other individual knowledgeable in native plant revegetation, hereinafter referred to as the "Project Biologist", will supervise the implementation, maintenance, and five-year monitoring of the Restoration Plan. The Project Biologist shall be on-site during all phases of the restoration.

B. Qualifications of the Landscape Contractor

A qualified landscape contractor, hereinafter referred to as the "Landscape Contractor", with experience in coastal sage scrub and chaparral habitat projects, shall perform restoration and maintenance activities within the Restoration Area. The Landscape Contractor shall possess a C-27 contractor's license, and a California license Pest Control Advisor (PCA) for the application of herbicides and pesticides. The Landscape Contractor will be supervised by the Project Biologist

C. Qualifications of Site Restoration Contractor

In addition to the Landscape Contractor, qualified contractor(s), hereinafter referred to the "Site Restoration Contractor(s)" will be retained to complete the work described in the Erosion Control Plan, the Removal Plan, and the Remedial Grading Plan. The Site Restoration Contractor(s) will be licensed in their various fields. The Site Restoration Contractor will be supervised by the Project Biologist.

D. Description of Restoration Area to be Restored

Mr. Bomkamp conducted a site visit to the Property on May 8, 2012. During the site visit, Mr. Bomkamp conducted a detailed vegetation assessment and site-specific surveys of the Restoration Area and locations within the vicinity of the Restoration Area to confirm that no listed or other special-status species are present within the Restoration Area. Additionally, Mr. Bomkamp met with the project planner and operator responsible for demolition activities, and examined all potential work areas as identified by the planner and operator that may be utilized and/or impacted by demolition activities, including ingress/egress routes, equipment staging areas, temporary storage areas, and the perimeter of the development to be demolished.

Development to be removed includes the Two Structures, which cover approximately 0.04 acre; the physical demarcation of the Footpath, which covers approximately 0.11 acre, and the Overlook Road, accounting for 0.25 acre. Existing vegetation surrounding the Two Structures consists of mixed coastal sage scrub and chaparral plant communities. Similarly, the Overlook Road traverses areas of mixed coastal sage scrub and chaparral as does the Footpath; however, to allow continuing access to the knoll, the Footpath will not be restored to native scrub vegetation.

The adjacent dense sage scrub/chaparral habitats includes California sagebrush (*Artemisia californica*), purple sage (*Salvia leucophylla*), black sage (*S. mellifera*), laurel sumac (*Malosma laurina*), chaparral yucca (*Hesperoyucca whipplei*), sawtooth goldenbush (*Hazardia squarrosa*), California buckwheat (*Eriogonum fasciculatum*), coastal buckwheat (*E. cinereum*), California walnut (*Juglans californica*), sugarbush (*Rhus ovata*), bush sunflower (*Encelia californica*), holly-leaf redberry (*Rhamnus ilicifolia*), and greenbark ceanothus (*Ceanothus spinosus*).

Habitat restoration at the Restoration Area will include the following components: (1) removal of the Two Structures; (2) removal of debris associated with demolition of the Two Structures; (3) deep ripping of the disturbed land beneath the Two Structures to restore soil pore space and permeability for water infiltration;¹ (4) installation of an irrigation system; (5) restoration of coastal sage scrub and chaparral vegetation; and (6) removal of the steps associated with the Footpath along with any other physical demarcations of the Footpath. A total of approximately 0.29-acre of native habitat will be restored on-site, all of which consists of mixed coastal sage scrub and chaparral vegetation.

¹ No deep ripping is proposed or necessary for the Knoll Superfluous Road, as it currently supports some native chaparral and scrub species that have re-colonized the area, indicating that soil is not compacted to an extent that would prevent native vegetation growth.

Types of habitat impacted by development of the Overlook Road and Two Structures and types of habitat to be restored are set forth in Table 1 below (as noted, while development will be removed from the Footpath, the area will not be subject to active habitat restoration to allow continuing access to the knoll).

TABLE 1DEVELOPMENT TO BE RESTORED BY HABITAT TYPE

Type of Habitat Impacted	Acre	Habitat to be Restored	Acre
Mixed coastal sage scrub/chaparral	0.29	Mixed coastal sage scrub/chaparral	0.29

The restored mixed coastal sage scrub and chaparral will exhibit habitat functions consistent with adjacent areas of mixed coastal sage scrub and chaparral, including foraging and cover for birds, insects, and small mammals.

E. Implementation Timeline and Schedule of Activities

Upon approval of the CRO by the Coastal Commission, Respondents shall fully implement each phase of the Restoration Plan consistent with all of its terms. Respondents shall commence implementation of all work described in the Restoration Plan within 120 days of the effective date of the CRO, or if Los Angeles County approval is necessary to undertake the Restoration Plan Respondents shall inform Coastal Commission staff and this deadline shall commence within 120 days of approval by Los Angeles County. Respondents shall complete all elements of the Restoration Plan, excepting the Monitoring Plan, no later than 120 days from commencing implementation of the Restoration Plan. The Executive Director may grant an extension of these deadlines upon a showing of good cause, either if the Executive Director determines that Respondents have diligently worked to comply with their obligations under the Restoration Plan, but cannot meet deadlines due to unforeseen circumstances beyond their control, or if the Executive Director determines that the Restoration Plan's schedule should be extended if additional time would benefit the success of the Restoration Plan from an ecological or biological perspective pursuant to Section 19.0 of the CRO.

OverlookImplementation of the Revegetation Plan will begin during the optimal planting period (generally October 15th to March 1), unless development removal will be completed well before the start of the optimal planting period, in which case the Revegetation Plan may be implemented outside of the optimal planting period. Implementation of the Monitoring Plan shall begin immediately following planting installation.

Within one year of the completion of plant installation, it is expected that immature sage scrub and chaparral structure will exist such that insects, small mammals, and birds will utilize the Restoration Area for foraging and roosting.

F. Parties Responsible for Conducting the Restoration Plan

Respondents: United World of the Universe Foundation 500 Broadway Santa Monica, CA 90401 Contact: Michael Segal Telephone: (310) 394-8989

> The Canyon at Peace Park 2900 South Kanan Dume Road Malibu, California 90265 Contact: Kathleen Bigsby Telephone: (310) 457-3209

G. Parties the Respondents have Identified for Conducting the Restoration Plan

Project Biologist:	Glenn Lukos Associates, Inc. 29 Orchard Lake Forest, California92630 Contact: Tony Bomkamp Telephone (949) 837-0404
Project Engineer:	Pacific Coast Civil, Inc. 30141 Agoura Road, Suite 200 Agoura Hills, CA 91301 Contact: Richard Doss Telephone: (818) 865-4168
Landscape Contractor:	To be determined; work will be supervised by the Project Biologist.
Site Restoration Contractor:	To be determined; work will be supervised by the Project Biologist.

H. Equipment to Be Used

1. Necessity of Mechanized Tools and Assurance of No Impact

Mechanized tools must be used for hauling large pieces of demolition debris that are too heavy or unwieldy to carry by hand, for breaking up the concrete slab under the Two Structures, and for digging planting holes for container stock. Mechanized equipment proposed to be used includes mechanized hand tools for demolition, a loader or backhoe to haul large pieces of debris to the staging area, a backhoe-mounted jackhammer and bucket for breaking up concrete and asphalt, a backhoe to remove asphalt, and dump trucks to collect the materials and transport them from the Restoration Area. Additionally, the loader or backhoe, or other small earth mover, will be used for deep ripping of compacted soils, and a mechanized auger, such as a hand-held power auger or Bobcat with auger attachment, will be used to dig planting holes.

The use of mechanized tools will not impact resources protected under the Coastal Act, including but not limited to: geological stability, integrity of landforms, freedom from erosion, and the existing native vegetation.

Staging areas for construction equipment and materials, including receptacles and temporary stockpiles of demolition debris, would be located within existing developed areas depicted on Exhibit 3, such as the entry road for the Two Structures, and away from native vegetation.

With the use of hand tools, power hand tools, and mechanized heavy equipment within the limits of the environmental fencing, the demolition would be possible with no impacts to native plant communities. No oak trees occur within the immediate vicinity of the portions of the Two Structures to be demolished and restored or the Overlook Road to be revegetated so there will be no impacts to any oak trees. There are no oaks that would be affected by removing the steps and physical demarcations of the Footpath. The use of a loader for hauling large pieces of demolition debris that are too heavy or unwieldy to carry by hand and use of a mechanized auger for digging planting holes will not result in any impacts to any native chaparral or coastal sage scrub vegetatation, as equipment use will be strictly limited to the area inside of the environmental fencing. No state or federally listed species occur within the vicinity; therefore, none would be affected. The demolition would not impact any sensitive biological resources.

Additionally, as the use of the mechanized equipment will be limited to developed areas and graded roads, there is no potential for impacts to landforms and geological stability.

2. Limits on the Use of Mechanized Tools and Contingency Plan

Use of mechanized tools will be limited to the hours of 7:00 am to 7:00 pm Monday through Saturday.

Should impacts occur from equipment use, including disruption of areas where revegetation and/or restorative grading occurs, the areas will be remediated according to the terms of this Restoration Plan. Any potential fuel spills or other hazardous releases that result from the use of mechanized equipment will be stopped immediately and contained within the site. The Respondents will notify the Executive Director of the Coastal Commission within 24 hours of any spills of fuel or other hazardous waste, and remove the contaminated materials according to current regulations for the type of waste.

I. Staging Areas and Storage of Construction Materials

The staging area for construction equipment and materials, including receptacles and temporary stockpiles of graded materials, will be located on an area devoid of vegetation, such as a portion of the access road to the Two Structures.

No demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters, or a storm drain, or be subject to wind or runoff erosion and dispersion. All stockpiles and construction materials will be covered, enclosed on all sides, be located as far as possible from drain inlets, and will not be stored in contact with the soil.

J. Location of Disposal Site

All materials removed from the Property and all waste generated during restoration activities will be disposed of in a proper and legal manner at a sanitary landfill or other appropriate site outside of the Coastal Zone.

K. Soil Stabilization Methods

Removal activities shall not disturb native vegetation outside the Restoration Area to the greatest extent practicable. Once removal of the development is completed, the Project Biologist will examine the site and identify any areas of disturbance. Any disturbance due to removal activities shall be restored as soon as reasonably practicable. If any removal activity occurs within the rainy season, BMPs for erosion and water quality purposes (e.g., sandbags, straw wattles, silt fences) shall be installed as needed to protect and address water quality concerns. Any BMP installation shall be reviewed by the Project Biologist and shall, to the greatest extent practicable, be placed on areas where no native vegetation is growing.

L. Identification and Delineation of Areas to be Restored

Removal activities shall occur in all of the areas indicated on the Development Map [Exhibit 3]. Prior to initiation of the removal activities, the Project Biologist shall identify the materials to be removed. The Project Biologist shall flag the limits of the Restoration Area using temporary measures such as fencing stakes, colored flags, or colored tape. All delineation materials shall be removed when no longer needed and verification of such removal will be provided in the annual reporting that corresponds to the reporting period during which the removal occurred.

M. Nesting Bird Surveys

In order to avoid disturbance of nesting birds, there shall generally be no use of mechanized equipment during the breeding season (generally February 15 through August 31), or any time that bird courtship, breeding, or nesting is observed. If use of mechanized equipment must be conducted during the nesting bird season, a biological monitor will conduct a survey to determine the presence of any nesting behaviors, nest building, egg incubation, or brood rearing activities within a minimum of 150 feet of proposed work limits. If nesting birds are detected within 100 feet of proposed grading areas, nest monitoring will be initiated and use of

mechanized equipment within 100 feet of active nests will be postponed until the nest(s) are determined to be inactive by the biological monitor.

III. EROSION CONTROL PLAN

It is not anticipated that erosion control measures will be necessary, as work that may disturb soil is limited to the Two Structures area, which is generally level and at grade with the immediately surrounding area. Work at the Overlook Road will be limited to digging planting holes Work on the Footpath will be limited to removal of the steps, hand re-contouring, and removal of any other physical demarcations. No permanent erosion control measures will be employed, although the planting, seeding, and mulching described in the Restoration Plan will serve as natural erosion control measures once the revegetation plantings are established to the extent that they effectively control soil erosion.

However, if temporary erosion control measures such as fiber rolls/straw wattles, fiber mats, and/or silt fencing become necessary, such temporary erosion control measures will be installed at the direction and supervision of the Project Biologist.

IV. REMOVAL PLAN

The purpose of the Removal Plan is to govern the removal and off-site disposal of all development to be removed. The Development Map depicting all development to be removed is enclosed as Exhibit 3 and includes (1) demolition of the Two Structures including the foundation; (2) concrete debris removal from demolition of the Two Structures; (3), deep ripping of the compacted area beneath the Two Structures; and (4) removal of the steps and any other physical demarcations on the Footpath. No deep ripping is proposed or necessary for the Overlook Road or Footpath. The Overlook Road currently supports some native chaparral and scrub species that have re-colonized the area, indicating that soil is not compacted to an extent that would prevent native vegetation growth.

A. Limits of Removal Area

Removal of development shall not disturb areas outside of the Restoration Area. Removal activities will be limited to the areas of development depicted by Exhibit 3. Ingress/egress routes, equipment staging areas, and temporary storage areas, will be located within existing developed areas depicted on Exhibit 3.

1. Mitigation for Impacts

Any area disturbed by the removal activities shall be restored according to the provisions of the Revegetation Plan below. These measures shall include the restoration of the areas from which the development was removed, and any areas disturbed by those removal activities.

B. Contractor Education Program

Prior to the commencement of demolition work, the Project Biologist will conduct an on-site meeting with the Site Restoration Contractor(s), project supervisors, and demolition crew to discuss onsite sensitive resources and avoidance measures, including demarcation of "off-limits" areas around the work area.

C. Biological Monitoring

The Project Biologist shall be onsite the first day of work to conduct the pre-construction meeting with the Site Restoration Contractor(s) supervisor and crew and will monitor all demolition work. Following the first day of demolition work, the Project Biologist will visit the site twice a week for the duration of work. During monitoring visits, the Project Biologist will be responsible for confirming the work limits and reviewing protective fencing or staking as well as ensuring that no wildlife is harmed during the demolition.

Should impacts occur to sensitive resources as a result of the Removal Plan, Respondents will notify the Executive Director of the Coastal Commission within 24 hours (excluding weekend or holiday days or days which the Coastal Commission is closed) and a Restoration Plan will be developed for the impacted area. Should spills of fuel or other hazardous releases that may result from the use of mechanized equipment occur, work will be stopped immediately and the spill contained within the site. Respondents will notify the Executive Director of the Coastal Commission within 24 hours of any spills of fuel or other hazardous waste and remove the contaminated materials according to current regulations for the type of waste.

V. REMEDIAL GRADING PLAN

No remedial grading is necessary or proposed for the Restoration Area, as the area is generally at grade in its current condition.

Construction of the Two Structures, Footpath, and Overlook Road did not alter drainage patterns within the watershed, other than a slight increase in discharge due to the slight increase in impervious surface. With removal of the impervious surfaces and restoration to native vegetation, the original runoff patterns will be restored.

VI. REVEGETATION PLAN

A. Natural Habitat Type to Be Revegetated

Existing vegetation surrounding the Two Structures consists of mixed coastal sage scrub and chaparral plant communities. Similarly, the Overlook Road traverses areas of mixed coastal sage scrub and chaparral. The adjacent dense sage scrub/chaparral habitats includes California sagebrush (*Artemisia californica*), purple sage (*Salvia leucophylla*), black sage (*S. mellifera*), laurel sumac (*Malosma laurina*), chaparral yucca (*Hesperoyucca whipplei*), sawtooth goldenbush (*Hazardia squarrosa*), California buckwheat (*Eriogonum fasciculatum*), coastal buckwheat (*E. cinereum*), California walnut (*Juglans californica*), sugarbush (*Rhus ovata*), bush

sunflower (*Encelia californica*), holly-leaf redberry (*Rhamnus ilicifolia*), and greenbark ceanothus (*Ceanothus spinosus*). The relative abundance of each species was estimated in the field in order to determine the appropriate abundance of each species in the Restoration Area [see Table 2 below]. The Restoration Area will be revegetated with the same species planted at the same relative abundance as in the surrounding mixed coastal sage scrub/chaparral.

B. Restoration Goals and Objectives

Because vegetation will be restored to the conditions present prior to disturbance, it is fully expected that the mixed coastal sage scrub and chaparral will thrive following restoration implementation. The proposed plant palette includes native species that exist adjacent to the Restoration Area, and are known to favor the proposed physical conditions at the site. The plant communities were selected using information gathered during site visits and from general knowledge of local plant communities.

C. Plant Palette

All of the plants included in the plant palettes are able to tolerate hot, dry summer conditions, taking advantage of associated groundwater during the winter and spring rainy season.

After the demolition of the Two Structures, the 0.29-acre of land available for scrub restoration will be restored to chaparral and coastal sage scrub habitat as set forth in Table 2 below. Dominant species among these plant communities include sugarbush (*Rhus ovata*), greenbark ceanothus (*Ceanothus spinosus*), coastal buckwheat (*Eriogonum cinereum*), laurel sumac (*Malosma laurina*), and purple sage (*Salvia leucophylla*). Incidental plant species include chaparral yucca (*Hesperoyucca whipplei*), California walnut (*Juglans californica*), black sage (*Salvia mellifera*), California sagebrush (*Artemisia californica*), California buckwheat (*Eriogonum fasciculatum*), sawtooth goldenbush (*Hazardia squarrosa*), holly-leaf redberry (*Rhamnus ilicifolia*), and bush sunflower (*Encelia californica*).

			Plant	Percent	Total
Botanic Name	Common Name	Stock Type	Spacing	per Acre	Number
Artemisia californica	California sagebrush	one-gallon	8' o.c.	2	5
Ceanothus spinosus	greenbark ceanothus	one-gallon	8' o.c.	15	35
Encelia californica	bush sunflower	one-gallon	8' o.c.	2	5
Eriogonum cinereum	coastal buckwheat	one-gallon	8' o.c.	20	46
Eriogonum fasciculatum	California buckwheat	one-gallon	8' o.c.	2	5
Hazardia squarrosa	sawtooth goldenbush	one-gallon	8' o.c.	2	5
Hesperoyucca whipplei	chaparrral yucca	one-gallon	8' o.c.	2	5
Juglans californica	California walnut	one-gallon	15' o.c.	2	5
Malosma laurina	laurel sumac	one-gallon	15' o.c.	10	23
Rhamnus ilicifolia	holly-leaf redberry	one-gallon	15' o.c.	1	2
Rhus ovata	sugarbush	one-gallon	15' o.c.	30	69
Salvia leucophylla	purple sage	one-gallon	8' o.c.	10	23
Salvia mellifera	black sage	one-gallon	8' o.c.	2	5
Total				100	233
Seed Species		Seed		lbs/acre	Total lbs.
Artemisia californica	California sagebrush	seed		3	0.9
Encelia californica	bush sunflower	seed		3	0.9
Eriogonum cinereum	coastal buckwheat	seed		5	1.5
Eriogonum fasciculatum	California buckwheat	seed		3	0.9
Hazardia squarrosa	sawtooth goldenbush	seed		3	0.9
Salvia leucophylla	purple sage	seed		5	1.5
Salvia mellifera	black sage	seed		3	0.9
Stipa pulchra	purple needlegrass	seed		3	0.9
Total Seed				28	8.4

 TABLE 2

 MIXED COASTAL SAGE SCRUB/CHAPARRAL PLANT PALETTE

D. Site Preparation Methodology

Site preparation shall consist of clearing and controlling all non-native plant species within the Restoration Area footprint, installation of irrigation components, preparing planting holes, and doing any other work necessary to make ready the area for planting. All site preparation will be conducted with hand tools only except for a mechanized auger for digging planting holes for container stock. Installation of irrigation and plant materials shall occur following removal of development, and during the optimal planting period if possible (generally October 15th to March 1). However, planting may occur outside of the optimal planting period if development removal would be completed a significant amount of time prior to the start of the optimal planting period, provided that sufficient irrigation is applied to support establishment of the plantings.

If deemed necessary, a "grow and kill" cycle will be established following installation of the irrigation system and prior to installation of restoration plantings. "Grow and kill" is a cycle of applying water, germinating the non-native, invasive species, and spraying the plants with the appropriate herbicide. This allows a large portion of the seed load currently present in the soil to

be eradicated. Removing the competition early in the life cycle of native plants helps to ensure more rapid growth and cover of the native species. If a "grow and kill" cycle is deemed necessary, Respondents shall inform the Executive Director in writing at least 15 days prior regarding the type and quantity of herbicide proposed to be used.

All undesirable exotic plants will be eradicated. The Project Biologist will direct the Landscape Contractor regarding the selection of target weed species, their location, and the timing of weed control operations to ensure that native plants are avoided to the extent possible.

E. Planting Plan and Methodology

Planting shall consist of planting container stock and seeding either via hand broadcast or hydroseeding. No planting shall be done in any area until the area has been prepared in accordance with the plans and presents an appearance satisfactory to the Project Biologist. The Project Biologist shall be on-site the first day of each phase of plant installation and every other day after that.

1. Source of Plant Materials

It is preferred that the source of all propagules and seed used at the Restoration Area be from the site or adjacent scrub and chaparral areas. If not available, the remainder of the propagules and seed required will be from wild sources within the Malibu area of Los Angeles County, and collected as close to the Restoration Area as possible to preserve regional genetic integrity.

Plant material for revegetation shall be derived from cuttings, materials salvaged from disturbed areas, and/or seeds obtained from randomly selected native shrubs occurring locally. Any replacement tree or shrub stock that cannot be grown from cuttings or seeds shall be obtained from a native plant nursery, be ant-free, and shall not be inoculated to prevent heart rot. If any materials must be obtained from other than on-site sources, the Project Biologist shall provide the Coastal Commission with a list of all such materials, and shall ensure that they are of local origin (i.e., the Santa Monica Mountains), and are not cultivars.

2. Contract Growing

Contract growing of all container plants shall be by a local experienced native plant nursery. Substitution of plant material at the time of planting depends solely upon the discretion of the Project Biologist. Any approved substitutions will be documented in the annual report prepared as part of the Monitoring Plan.

3. Container Stock

Tree, shrub, and grass species will be installed as container stock. Planting and seeding will generally occur between October 15 and March 1 to take advantage of the winter rainy season, dormancy of foliage, and the winter rooting period to ensure optimum survival of plantings, unless development removal will be completed well before the start of the optimal planting period, in which case the Revegetation Plan may be implemented outside of the optimal planting
period. One-gallon container stock shall be utilized for the revegetation of coastal sage scrub and chaparral plant communities. All plant materials will be inspected by the Project Biologist and approved as healthy, disease free, and of proper size prior to planting. Overgrown, rootbound container stock will be rejected.

4. Mycorrhizal Fungi

Mycorrhizae are specialized fungi found on plant roots. A symbiotic relationship exists between plant roots and mycorrhizae wherein the plants benefit from the increased ability to take up nutrients and withstand drought when mycorrhizae are present. This relationship is essential to the growth rate, well-being, and longevity of native plant communities. Plant utilization of mycorrhizal fungi markedly increases the success of revegetation on disturbed or degraded lands. The native plant nursery shall inoculate all appropriate container-grown plants, except those known to be non-host species, with mycorrhizal fungi prior to delivery to the job site.

5. Plant Placement

Container stock will be laid out in such a manner that mimics natural plant distribution (i.e., in clusters and islands) to emulate regional reference sites. The Project Biologist will monitor and confirm that trees and shrubs have been placed at the designed elevation relative to the water source supporting them, such as ground water. All plants shall be in randomly spaced, naturally clumped patterns. The average planting densities shall meet the criteria specified in the Plant Palette [Table 2].

6. Planting Method for Container Stock and Seed Application

Container stock will be thoroughly watered by the nursery the day before planting. One-gallon container stock will be planted in a hole measuring at least twice the diameter of the container and twice the depth. The excavated hole will be filled with water and allowed to completely drain prior to installation of the plant.

One teaspoon (0.3 oz.) of Osmocote 14-14-14 (or equal) will be placed one-inch below the root zone and backfilled with native soil to the proper planting depth. The container plant will be upended into the palm of the hand to avoid damage to the root structure and placed in the planting hole. The top of the root ball will be set one-inch above finished grade. The planting hole will be backfilled with native soil.

A three-inch high, hand-compacted earth berm, approximately 24 inches in diameter, will then be constructed around each container plant to utilize as a watering basin. Container stock will be watered immediately after installation. This watering basin will be maintained until the plants are no longer irrigated. Coarse mulch shall be placed around plantings to minimize water loss and discourage weed growth. Mulch will be applied as a top dressing, two to three inches thick, and must not come in contact with the stem of the plant. Mulch will not be applied to the watering basins of the native grasses. Grass species will have a plant protection device (plastic mesh screens or wire screens) installed around each plant to protect the grasses from herbivory. The Landscape Contractor will remove the plant protection device after approximately six months or upon approval by the Project Biologist.

Seed will be applied either through hydroseeding or hand broadcast at the discretion of the Project Biologist.

7. Pruning and Staking

There will be no pruning or staking of any vegetation. Diseased or insect-damaged foliage, if sufficient to require pruning, will serve as a benchmark for rejection of plant materials. A small amount of selective trimming of native species is allowed to prevent overspray of herbicide from reaching their branches, if herbicide is necessary. If herbicide is to be employed, Respondents shall inform the Executive Director in writing at least 15 days prior regarding the type and quantity of herbicide proposed to be used. Native vegetation may only be trimmed; individual plants shall not be removed.

F. Performance Standards

The success of habitat restoration is defined as the restoration of a functional ecosystem. Success is usually measured by percent coverage by target species. While a fully successful restoration plan might be viewed as one that results in 100-percent coverage, such coverage is unlikely. Natural habitats rarely exhibit 100-percent coverage, but rather include a considerable proportion of open spaces. While this monitoring program uses percent coverage criteria, it is noted that determination of successful coverage is expected to be relative to other similar native habitats typical of the region, and as such, the percent coverage criteria are defined relative to an undisturbed reference site of similar habitat composition.

The means of determining successful restoration for this site will be through a series of measurements for natural recruitment, exotic species cover, cover by native species, and species richness and diversity. All of these, except non-native species cover, should increase over time. Cover by non-native species should be the opposite; it should decrease with time, particularly because one of the primary goals of the Restoration Plan is to substantially reduce or eliminate non-native species from the site.

After the initial non-native species eradication and associated planting effort has been completed, the Restoration Area will be monitored by the Project Biologist on a monthly basis for the next 18 months and quarterly thereafter for the remainder of the monitoring period. Qualitative surveys, consisting of a general site walkover and habitat characterization, will be completed during each monitoring visit. General observations, such as fitness and health of the planted species, pest problems, weed persistence/establishment, mortality, and drought stress, will be noted in each site walkover. The Project Biologist will determine remedial measures necessary to facilitate compliance with performance standards.

Quantitative data will be collected annually using accepted vegetative sampling methods in order to evaluate survivorship, species coverage, and species composition.

In the event that plantings should fail to meet the specified requirements, compliance will be ensured by the performance of either or both of the following remedial procedures by the Landscape Contractor on an as-needed basis as directed by the Project Biologist: (1) replacing unsuccessful plantings with appropriately sized stock or seed mixes to meet stated cover or survival requirements, and /or (2) performing maintenance procedures to ensure the site conditions are appropriate (e.g., non-native species removal). Remedial actions in planting areas shall be based on detailed investigations (such as soil tests and excavations of failed plantings to examine root development) to determine causes of failure. If substantial non-compliance with the performance occurs, Respondents or Respondents' representative will consult the Coastal Commission to determine whether corrective measures and an extension of the five-year monitoring period will be necessary.

1. Reference Site

A reference site shall be established in adjacent areas, north of the Restoration Area for the coastal sage scrub and chaparral plant communities, and sampled to provide a basis of comparison for the performance standards discussed herein. The reference site shall be located within the undisturbed section of coastal sage scrub and chaparral habitat adjacent to the Restoration Area. The plant palette detailed in Table 2 is based on onsite observations of the adjacent areas of native vegetation, and the "percent per acre" provided in the plant palette table is based on onsite estimates of relative abundance of native species on the adjacent slopes.

2. Standard Vegetation Monitoring Performance Standards

Coastal Sage Scrub and Chaparral

First-Year Monitoring

Success Standard: 40-percent coverage of native species (five-percent deviation allowed) relative to the reference site;

At least 80-percent of the number of planted species will be represented in the Restoration Area (native recruit species not in the plant palette may be counted);

No more than 10-percent coverage by non-native plant species.

Second-Year Monitoring

Success Standard: 50-percent coverage of native species (<five-percent deviation allowed) relative to the reference site;

At least 80-percent of the number of planted species will be represented in the Restoration Area (native recruits not in the plant palette may be counted); No more than five-percent coverage by non-native species.

Third-Year Monitoring

Success Standard: 65-percent of native species (<five-percent deviation allowed) relative to the reference site;

At least 80-percent of the number of planted species will each attain at least five-percent cover of the total native cover (native recruits not in the plant palette may be counted);

No more than five-percent coverage by non-native species.

Fourth-Year Monitoring

Success Standard: 80-percent coverage of native species (<five-percent deviation allowed) relative to the reference site;

At least 80-percent of the number of planted species will each attain at least five-percent cover of the total native cover (native recruits not in the plant palette maybe counted);

No more than five-percent coverage by non-native plant species.

Fifth-Year Monitoring

Success Standard: 90-percent coverage of native species (<five-percent deviation allowed) relative to the reference site; At least 80-percent of the number of planted species will each attain at least five-percent cover of the total native cover (native recruits not in the plant palette may be counted); No more than five percent coverage by non-pative plant species

No more than five-percent coverage by non-native plant species.

G. Proposed Use of Artificial Inputs

1. Irrigation Plan

The Landscape Contractor shall provide irrigation for the Restoration Area when natural moisture conditions are inadequate to ensure the survival of plants. Irrigation shall be provided for a maximum of 3 years from plant installation or until the revegetation has become established, whichever comes first. Irrigation shall be phased out during the fall/winter of the second year unless unusually severe conditions threaten survival of the plants. All plants must survive and grow for at least two years without supplemental water for the Restoration Plan final success criteria to have been met.

Supplemental irrigation is to be used solely for establishing the plants at the Restoration Area and is of a temporary nature. The goal of the irrigation program is to obtain germination and growth with the least amount of irrigation. Frequent irrigation encourages weed invasion and leaches nutrients from the soil.

The Restoration Area will initially be supported by a short-term automatic irrigation system. The container stock will be irrigated as long as necessary to establish the root systems in the native soils, usually through two or three summers. All irrigation lines will be installed above-grade for ease of removal and inspection.

The critical period for irrigation is during the first winter and early spring following planting. During this time, roots are not well established, and an unseasonable drought can cause high mortality. During dry periods after plant installation, the Project Biologist and the Landscape Contractor will regularly inspect soil moisture. Supplemental irrigation during the summer dry season will occur as frequently as required.

After the initial plant establishment period, water will be applied infrequently and only as required to prevent the mortality of plants and seedlings. The irrigation methods employed will attempt to mimic wet rainfall years by incorporating evenly spaced, infrequent, deep applications of water.

When the plantings are sufficiently established, and no longer require supplementary irrigation, the Project Biologist shall notify the Landscape Contractor to remove all irrigation system components from the Restoration Area. In the event irrigation system components are removed, but it is later determined by the Project Biologist that supplemental irrigation may be necessary to meet the success standards herein, the irrigation system component may be reintroduced and then removed when the necessity for supplemental irrigation has ceased.

The Landscape Contractor shall be responsible for applying sufficient irrigation water to adequately establish new plant materials, and germinate and establish the applied seed. Irrigation water shall be applied in such a way as to encourage deep root growth (periodic deep irrigation versus frequent light irrigation). The Landscape Contractor will allow soil to dry down to approximately 50- to 60-percent of field capacity (in the top six or 10 inches of soil after germination and during seedling establishment) before the next irrigation cycle. Wetting of the full root zone and drying of the soil between irrigation events is essential to the maintenance of the plants and the promotion of the deep root zone that will support the vegetation in the years after establishment. Irrigation systems may need to be on for as long as six to eight hours at a time in order to get complete water penetration to the lower soil horizons to encourage deep root growth. A soil probe or shovel shall be used to examine soil moisture and rooting depth directly.

Irrigation will be used as necessary to enhance establishment of the vegetation and will be discontinued at the end of three years. If it is determined that it is desirable to continue irrigation beyond three years, Respondents shall request an extension in writing, outlining the need for an extension of the duration of the irrigation.

2. Herbicide

The use of herbicide is not proposed at this time; however, if it becomes necessary to use herbicide, Respondents will notify the Executive Director at least 15 days in advance with the type and quantity of herbicide to be used. The minimum amount of herbicide necessary to support the plantings will be used. If herbicide use is deemed necessary and approved by the Executive Director, it shall be administered by a licensed PCA.

3. Fertilizer

No fertilizer use is proposed following initial use of Osmocote 14-14-14 in the planting holes at the time of planting as described above.

VII. MONITORING PLAN

A. Maintenance Activities During the Monitoring Period

The purpose of this program is to ensure the success of the restoration plantings. Maintenance will occur over the five-year life of the Monitoring Plan. The Project Biologist will monitor all aspects of the revegetation in an effort to detect any problems at an early state. Potential problems could arise from irrigation failure, erosion and failure of erosion control measures, vandalism, competition from weeds and invasive species, and unacceptable levels of disease and predation.

These maintenance guidelines are specifically tailored for native plant establishment. The maintenance personnel will be fully informed regarding the habitat establishment program so they understand the goals of the effort and the maintenance requirements. A Landscape Contractor with experience and knowledge in native plant habitat restoration will supervise all maintenance personnel.

For a period of 120 days following completion of plant installation, the initial Landscape Contractor will be responsible for the care of the plantings. The purpose of the 120-day establishment period is to ensure continuity between the installation of the plant material and its short-term maintenance. The installation Landscape Contractor's presence during this 120-day period is proven to increase Restoration Plan success. The Landscape Contractor will control the spread of weedy species, and identify any efforts needed to ensure the health and survival of the plantings.

Following the 120-day establishment period, the project will be evaluated for the health of plant materials, and if judged satisfactory by the Project Biologist, the establishment period will be considered concluded and the long-term habitat maintenance program will begin. If plant health is not determined to be satisfactory, an additional 60 days will be allowed for the Landscape Contractor to implement remedial measures, including plant replacement. A different Landscape Contractor may implement the long-term maintenance program; however, the Project Biologist will continue to monitor the Restoration Plan success.

Damage to plants, irrigation systems, erosion control structures/measures, and other facilities occurring as a result of unusual weather or vandalism will be repaired or replaced immediately.

1. General Maintenance

The Landscape Contractor will perform the following tasks as general maintenance duties:

- Plant inspection;
- Weed control;

- Irrigation water volume and frequency;
- General maintenance of the irrigation system;
- Trash and debris removal;
- Pest control; and
- Plant replacement.

2. Plant and Restoration Area Inspection

During the 120-day establishment period, and into the long-term habitat maintenance period, the Project Biologist will inspect the Restoration Area on a monthly basis for 18 months. The plants and conditions at Restoration Area shall be inspected on a quarterly basis thereafter until achievement of performance standards for the Restoration Area. The Project Biologist will conduct inspections for the purpose of maintaining at a minimum, the following: all erosion control measures, non-native species eradication, trash and debris removal, and the health and abundance of the original and/or replacement plantings.

3. Weed Control

The Restoration Area shall be maintained free of weeds during the monitoring period. Weed eradication will minimize competition that could prevent the establishment of native species. All maintenance personnel will be trained to distinguish weed species from native vegetation to ensure only weedy species are removed. The use of herbicide is not proposed at this time; however, if it becomes necessary to use herbicide, Respondents will notify the Executive Director at least 15 days in advance with the type and quantity of herbicide to be used. The minimum amount of herbicide necessary to support the plantings will be used.

Weeds shall be manually removed before they can attain a height of three inches (3") at intervals of not more than 30 days for the first two years of the Monitoring Plan. All portions of the plant will be removed, including the roots. The Project Biologist shall direct the Landscape Contractor regarding the selection of target weed species, their location, and the timing of weed control operations to ensure that native plants are avoided to the extent possible. Pulled weeds will be placed on a "mantilla" or other type of tarp to prevent any seeds from coming in contact with the ground.

Weed removal shall be done at least monthly for the first two years, and at least monthly during the rainy season (January through April) and quarterly from May through December for years three through five. As weeds become apparent, they should be immediately removed by hand or controlled with an appropriate herbicide if determined necessary by a licensed PCA and as approved by the Executive Director. Weed debris shall be removed from the Restoration Area the same day as weed removal and disposed of as permitted by law.

A space cleared of weeds within the watering basin shall be maintained around each container plant to minimize competition from other plant species. Two-inch thick mulch within the watering basin shall be maintained throughout the maintenance period.

4. General Maintenance of the Irrigation System

The Landscape Contractor will be responsible for the regular maintenance and repair of all aspects of the irrigation system. Poorly functioning or non-functioning parts shall be replaced immediately so as to not endanger the plantings.

General system checks shall be conducted no less than weekly the first month after installation to assure the system is functioning correctly, and monthly thereafter, except during periods when the irrigation system is not in operation as recommended by the Project Biologist.

Any erosion or slippage of soil caused by the Landscape Contractor's inadequate maintenance or operation of irrigation facilities shall be repaired by the Landscape Contractor at his/her expense.

5. Trash and Debris Removal

The Restoration Area shall be well maintained in order to deter vandalism and dumping of trash. The Landscape Contractor is responsible for avoiding impacts to plantings during trash removal activities. Landscape Contractor shall, during routine maintenance, manually remove weeds, litter, trash, and debris from the Restoration Area and dispose of off-site as permitted by law.

6. Pest Control

Young trees and shrubs will be monitored for signs of disease, insect, and/or predator damage, and treated as necessary. Badly damaged plants will be pruned to prevent spreading of the pestilence or replaced in kind if removed. Excessive foraging by predators will necessitate protective screening around plants. The Project Biologist will be consulted on any pest control measures to be implemented.

7. Plant Replacement

The Landscape Contractor responsible for the installation of container stock plants will be responsible for replacement of all terminally diseased or dead plants during the 120-day establishment period. During the long-term maintenance period, the Landscape Contractor will be responsible for the replacement of any dead and/or declining plants in the winter months as recommended by the Project Biologist. Replacement plants shall be paid for and installed by the Landscape Contractor.

Replacement plants shall conform to the species, size requirements, and spacing as specified for the plants being replaced. The replacement plants shall be purchased from inventory at the same native plant nursery as were the contract-grown plant stock.

8. Pruning

No pruning is necessary unless otherwise specified by the Project Biologist as described above.

9. **Responsible Party for Maintenance**

Respondents will be responsible for financing. The Project Biologist will be responsible for periodic inspections and communicating maintenance needs to the Landscape Contractor. The Landscape Contractor will be responsible for carrying out maintenance activities.

10. Maintenance Schedule

The Monitoring Plan will continue for five years following the completion of plant installation or until performance criteria are met.

TABLE 3 MAINTENANCE SCHEDULE						
Maintenance Task	Maintenance Task Year					
	1	2	3	4	5	
Plant Inspection	Monthly first 12 months	Monthly through 18th month; quarterly thereafter	Quarterly	Quarterly	Quarterly	
Irrigation System Inspection	Monthly, or more frequently if required	Monthly	As Required	N/A	N/A	
Trash and Debris Removal	Monthly	Quarterly	Quarterly	Quarterly	Quarterly	
Weed Control	Minimum of Monthly	Monthly	Monthly from January to April; Quarterly from May to December	Monthly from January to April; Quarterly from May to December	Monthly from January to April; Quarterly from May to December	
Pest Control	Monthly	Bi-monthly	Quarterly	Quarterly	Quarterly	
Plant Replacement	Annually	Annually	Annually	Annually	Annually	

Table 3 below indicates the schedule of maintenance activities and inspections.

B. Monitoring Methods

Monitoring will assess the attainment of annual and final success criteria and identify the need to implement contingency measures in the event of failure. Monitoring methods include field-sampling techniques that are based upon the California Native Plant Society field sampling

protocol.² Please refer to *A Manual of California Vegetation* for further details on this sampling method.

1. Monitoring

Quantitative monitoring shall be conducted during the active growing season in June of every year. A qualified habitat restoration specialist, biologist, or horticulturist with appropriate credentials and experience in native habitat restoration shall perform the annual monitoring. Continuity within the personnel and methodology of monitoring shall be maintained insofar as possible to ensure comparable assessments. Records will be kept of mortality and other problems, such as insect damage. The Project Biologist will also identify other potential site problems, such as weed infestation and soil loss. Remedial measures undertaken will be referenced in the annual report to the Coastal Commission.

a. Standard Vegetation Sampling Techniques

Quantitative sampling within the Restoration Area will be performed using one-meter quadrats that will be placed randomly throughout the site. Placement of quadrats will be determined using random number tables to provide two coordinates, one that indicates the distance along a longitudinal centerline bisecting the site and one that determines the distance from the line. Plots will be placed on alternating sides of the centerline and perpendicular to the centerline. Vegetative cover will be visually estimated within the quadrat for each species present, and recorded on a data sheet. Any species observed during the sampling that does not fall within a quadrat will be recorded and included on the list of species for the Restoration Area. At least 30 replicates will be initially sampled.

Sample variance from data collection in years one through three will be used to determine if 30 samples is adequate. If a power analysis indicates that more than 30 samples are required, additional quadrats will be added. If a power analysis indicates that fewer than 30 samples are required, the number of quadrats will be reduced. Sampling will be conducted with sufficient replication to detect a 10-percent difference in absolute ground cover between the mean of the restoration and the success standard with 90-percent power at an alpha level of 0.10. The mean native cover for the Restoration Area will be compared to the performance criteria at the end of five years using an appropriate inferential test such as a single-sample t-test. The mean cover for the Restoration Area will be considered to meet the performance criteria if the resulting alpha level is greater than 0.10.

2. Photo-Documentation

Several permanent stations for photo-documentation will be established [Exhibit 4]. Photos shall be taken each monitoring period from the same vantage point and in the same direction each year, and shall reflect material discussed in the annual monitoring report. The locations from which photographs are taken shall not change over the course of the monitoring period unless recommended changes are approved by the Executive Director.

² Sawyer, John O. and Todd Keeler-Wolf. 1995. *A Manual of California Vegetation*. California Native Plant Society.

3. Annual Reports

At the end of each of the five monitoring period growing seasons, an annual report will be prepared submitted during the same one-month period of each year (no later than December 31st of the first year), for five (5) years from the completion of implementation of the Revegetation Plan, for the review and approval of the Executive Director, evaluating compliance with the approved Restoration Plan. These reports will include the following:

- a list of names, titles, and companies of all persons who prepared the content of the annual report and participated in monitoring activities for that year;
- an analysis of all qualitative monitoring data;
- copies of monitoring photographs taken at the same time each year from the same locations as identified in Exhibit 4; and
- maps identifying monitoring areas, quadrats, planting zones, etc. as appropriate.

4. Final Success Criteria Resolution and Revised Restoration Plan

Final success criteria will not be considered to have been met until a minimum of two years after all human support (excluding routine weeding), including irrigation, has ceased. Should the revegetation effort meet all goals prior to the end of the five-year monitoring period, the Coastal Commission may, at its discretion, terminate the Monitoring Plan.

Respondents recognize that failure to meet success criteria may result in the requirement to replace that portion of failed creation, unless the failure was the result of an "Act of God" (e.g., fire, flood, etc.) that would likely have destroyed the original vegetation for which restoration is being performed.

If all success criteria are met at the end of the five-year monitoring period, the Restoration Plan will be considered a success.

If periodic inspections or the monitoring reports indicate that the restoration project or a portion thereof is not in conformance with the Restoration Plan or has failed to meet the goals and/or performance standards specified herein, Respondents shall submit a revised or supplemental Restoration Plan ("Revised Restoration Plan") for review and approval by the Executive Director. The Project Biologist shall prepare the Revised Restoration Plan and shall specify measures to correct those portions of the restoration that have failed or are not in conformance with the original approved Restoration Plan. The Executive Director will then determine whether the Revised Restoration Plan must be processed as a modification of the CRO, a new Restoration Plan or a new or amended coastal development permit. After the Revised Restoration Plan has been approved, these measures, and any subsequent measures necessary to carry out the original approved Restoration Plan, shall be undertaken by Respondents as required by the Executive Director until the goals of the original approved Restoration Plan, the duration of

the monitoring period shall be extended for at least a period of time equal to that during which the project remained out of compliance, but in no case less than two annual monitoring periods.

C. Notification of Completion and End of Five Years Report

At the end of the five year monitoring period (or other duration, if the monitoring period is extended because the project is not in conformance with the Restoration Plan), Respondents shall submit a final detailed report for the review and approval of the Executive Director. If this report indicates that the restoration has in part, or in whole, been unsuccessful, based on the requirements of the approved Restoration Plan, Respondents shall submit a Revised Restoration Plan, and the monitoring program shall be revised accordingly.

D. Agency Confirmation

Following receipt of the final report, Respondents will, at the request of the Coastal Commission, provide access and guidance through the Restoration Area to confirm the adequate completion of the restoration effort.

E. Written Reports Following Completion of Each Phase

Within 30 days of the completion of the work described pursuant to each phase (Removal Plan, Remedial Grading Plan, and Revegetation Plan), the Project Biologist shall submit a written report for the review and approval of the Executive Director, documenting all restoration work pursuant to the each phase of the Restoration Plan. This report shall include a summary of dates when work was performed and photographs taken from the pre-designated locations documenting implementation of the respective components of the Restoration Plan, as well as photographs of the Restoration Area before the work commenced and after it was completed.

F. Submission of Documents

All plans, reports, photographs and other materials required by the CRO shall be sent to:

California Coastal Commission Attn: Heather Johnston 45 Fremont Street, Ste 2000 San Francisco, CA 94105

With a copy sent to: California Coastal Commission Attn: N. Patrick Veesart 89 S. California Street, Ste 200 Ventura, California 93001

S:476-16/The Canyon_Knoll and 2 Structure_Plan_062012.doc



Adapted from USGS Point Dume, CA quadrangle

NORTH

 \circ

1,000

2,000

4,000

Feet



Vicinity Map

Exhibit 2





Legend



Overlook Road 13.1(B) -Development to be Removed

Two Structures 13.3(I) -Development to be Removed

Footpath 13.2(C) Development to be Removed



250

Feet

CONSENT CEASE AND DESIST ORDER CCC-12-CD-05 AND CONSENT RESTORATION ORDER CCC-12-RO-05 TWO STRUCTURES, FOOTPATH, AND OVERLOOK ROAD Development Map GLENN LUKOS ASSOCIATES Exhibit 3

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COASTAL SAGE SCRUB PLANT PALETTE					
	Stock Type	Plant Spacing	Percent per Acre	Total Number	
rush	one-gallon	8' o.c.	2	5	
thus	one-gallon	8' o.c.	15	35	
	one-gallon	8' o.c.	2	5	
at	one-gallon	8' o.c.	20	46	
heat	one-gallon	8' o.c.	2	5	
bush	one-gallon	8' o.c.	2	5	
	one-gallon	8' o.c.	2	5	
	one-gallon	15' o.c.	2	5	
	one-gallon	15' o.c.	10	23	
у	one-gallon	15' o.c.	1	2	
	one-gallon	15' o.c.	30	69	
	one-gallon	8' o.c.	10	23	
	one-gallon	8' o.c.	2	5	
			100	233	
	Seed		lbs/acre	Total lbs.	
rush	seed		3	0.9	
	seed		3	0.9	
at	seed		5	1.5	
heat	seed		3	0.9	
bush	seed		3	0.9	
	seed		5	1.5	
	seed		3	0.9	
ISS	seed		3	0.9	



Legend

Mixed Coastal Sage Scrub/ Chaparral Restoration

Undemarcated Footpath (No Restoration Proposed)



Staging Area

Permanent Photo Location



CONSENT CEASE AND DESIST ORDER CCC-12-CD-05 AND CONSENT RESTORATION ORDER CCC-12-RO-05 TWO STRUCTURES, FOOTPATH, AND OVERLOOK ROAD

Restoration Area Map

GLENN LUKOS ASSOCIATES



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ATTACHMENT 5

RESTORATION PLAN FOR THE

REMOVAL OF THE PARKING AREA EXTENSION, RECONSTRUCTION OF THE PREVIOUSLY APPROVED LOOP ROAD, AND THE RESTORATION OF RIPARIAN WOODLAND, NATIVE GRASSLAND, AND CHAPARRAL

CONSENT RESTORATION ORDER CCC-12-RO-05

RESTORATION PLAN

FOR THE

REMOVAL OF THE PARKING AREA EXTENSION, RECONSTRUCTION OF THE PREVIOUSLY APPROVED LOOP ROAD, AND THE RESTORATION OF RIPARIAN WOODLAND, NATIVE GRASSLAND, AND CHAPARRAL

2900 KANAN DUME ROAD, MALIBU UNINCORPORATED LOS ANGELES COUNTY, CALIFORNIA

JUNE 2012

Prepared for:

The Canyon at Peace Park 2900 South Kanan Dume Road Malibu, California90265 Contact: Kathleen Bigsby Telephone: (310) 457-3209

and

Latham and Watkins LLP 355 South Grand Avenue Los Angeles, California90071-1560 Contact: Rick Zbur and Beth Gordie Telephone: (213) 485-1234 Fax: (213) 891-8763

Prepared by:

Glenn Lukos Associates, Inc. 29 Orchard Lake Forest, California92630 Contact: Tony Bomkamp Telephone: (949) 837-0404 Fax (949) 837-5834

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EXHIBITS

1.	Regional Map
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- 2. Vicinity Map
- 3. Development Map
- 4. Restoration Map

- 5. Erosion Control Measures Plan
- 6. Remedial Grading Plan/Restoration Site Plan and Cross Sections

I. PROJECT DESCRIPTION and SUMMARY

This Restoration Plan outlines the erosion control, removal activities, remedial grading, reconstruction activities, revegetation activities, and monitoring activities required by Consent Restoration Order CCC-12-RO-05 ("CRO") associated with the Parking Lot, designated as Parking Area 13.3(C) in the CRO and referred to herein as the "Parking Lot", located at The Canyon at Peace Park property located at 2900 South Kanan Dume Road near Malibu in unincorporated Los Angeles County, California [Exhibits 1 and 2] ("Property"). Collectively, the Parking Lot and stream are referred to as the "Restoration Area."

A. Location of Restoration Area

The Restoration Area comprises approximately 0.37 acre within the Property. The Restoration Area is located approximately 0.20 miles west of Kanan Dume Road approximately 3.0 miles north of Pacific Coast Highway. The Parking Lot and subject reach of the stream are located within APN 4465-002-021, and the coordinates are approximately 34.064222 latitude and –118.805811 longitude at an elevation of approximately 1,295 feet.

B. Brief Summary of Restoration Plan

The Parking Lot and certain development within the stream will be removed and restored as set forth in this Restoration Plan. The "Loop Road" previously approved by the Coastal Commission as part of Coastal Development Permit 5-89-743 will be reconstructed, and the areas subject to development removal will be restored to riparian woodland, native grassland, and chaparral habitats. Development to be removed includes grouted rock within and on the banks of the stream located upstream of the original Loop Road, a culverted footbridge, a parking area constructed of asphalt and covered in a decorative concrete dust (except for where the Parking Lot coincides with the Loop Road alignment), and a culverted vehicle crossing, which cover a total of approximately 0.37 acre [Exhibit 3]. Development to remain in place includes the Loop Road, grouted rock fill downstream (south) of the Loop Road, and the Arizona-style crossing associated with the Loop Road, all of which were previously approved by the Coastal Commission as part of Coastal Development Permit 5-89-743. Any other development not specified herein and constructed prior to the Coastal Act will also remain. The original Loop Road will be reconstructed as depicted on Exhibits 3 and 6, which will require saw cutting and installation of redwood headers along the original alignment of the Loop Road through the current Parking Lot pavement area and regrading of the alignment where necessary to create a drivable profile, followed by installation of a porous pavement system in the regraded area. Remedial grading of the Parking Lot area will utilize as fill excess spoil materials that were deposited in the sloping field to the south of the Parking Lot during Parking Lot construction. Following removal of the development, remedial grading, and reconstruction of the Loop Road, restoration activities will include planting with appropriate riparian woodland, native grassland, and chaparral species. The Parking Lot and stream will be restored in a manner that will ensure that the erosion control and revegetation are successful.

This Restoration Plan consists of several components including the Erosion Control Plan, the Removal Plan, the Remedial Grading Plan, the Revegetation Plan, and the Monitoring Plan.

C. Respondents

United World of the Universe Foundation 500 Broadway Santa Monica, CA 90401 Contact: Michael Segal Telephone: (310) 394-8989

The Canyon at Peace Park 2900 South Kanan Dume Road Malibu, California 90265 Contact: Kathleen Bigsby Telephone: (310) 457-3209

II. GENERAL PROVISIONS

A. Qualifications of the Project Biologist

Glenn Lukos Associates, Inc. (GLA) prepared this Restoration Plan. Mr. Tony Bomkamp, Senior Biologist with GLA, is the point of contact and project manager. Mr. Bomkamp is a field biologist and wetlands ecologist with an extensive background in restoration of wetland, riparian, and upland scrub habitats in Southern California. As a botanist, Mr. Bomkamp has diverse field experience including restoration work extending back over 30 years in all of the major vegetation communities in Southern California. Mr. Bomkamp earned a B.A. in Biology in 1976, and an M.S. in Environmental Studies in 1993, both from California State University, Fullerton.

Mr. Bomkamp will lead a staff of restoration ecologists in the implementation of this Restoration Plan. The individuals responsible for preparing and implementing this plan have extensive experience designing and installing revegetation and restoration projects in Southern California. This experience provides a strong basis for confidence in the success of the restoration proposed herein. A qualified habitat restoration specialist or other individual knowledgeable in native plant revegetation, hereinafter referred to as the "Project Biologist", will supervise the implementation, maintenance, and five-year monitoring of the Restoration Plan. The Project Biologist shall be on-site during all phases of the restoration.

B. Qualifications of the Landscape Contractor

A qualified landscape contractor, hereinafter referred to as the "Landscape Contractor", with experience in riparian, chaparral, and native grassland habitat projects, shall perform restoration and maintenance activities within the Restoration Area. The Landscape Contractor shall possess a C-27 contractor's license, and a California license Pest Control Advisor (PCA) for the application of herbicides and pesticides. The Landscape Contractor will be supervised by the Project Biologist.

C. Qualifications of Site Restoration Contractor

In addition to the Landscape Contractor, qualified contractor(s), hereinafter referred to the "Site Restoration Contractor(s)" will be retained to complete the work described in the Erosion Control Plan, the Removal Plan, and the Remedial Grading Plan. The Site Restoration Contractor(s) will be licensed in their various fields. The Site Restoration Contractor(s) will be supervised by the Project Biologist.

D. Description of Restoration Area to be Restored

Mr. Bomkamp has conducted three site visits to the Property: November 14, 2011, December 7, 2011, and May 8, 2012. On November 14 and December 7, Mr. Bomkamp conducted a detailed vegetation assessment and site-specific surveys of the Restoration Area and locations within the vicinity of the Restoration Area to confirm that no listed or other special-status species are present within the Restoration Area. Additionally, Mr. Bomkamp met with the project planner and operator responsible for demolition activities, and examined all potential work areas as identified by the planner and operator that may be utilized and/or impacted by demolition activities, including ingress/egress routes, equipment staging areas, temporary storage areas, and the perimeter of the development to be demolished. On May 8, 2012, Mr. Bomkamp conducted additional site-specific surveys, including surveys of the previously deposited spoils pile located south of the Restoration Area, and further refined the planting plan for the Restoration Area. The spoils pile is vegetated with non-native grasses and ruderal vegetation, and does not support any sensitive biological resources.¹

Development to be removed includes grouted rock and concrete within and on the banks of the stream, a culverted footbridge, a concrete parking area, and a culverted vehicle crossing, all of which cover approximately 0.37 acre

Development within the stream can be described as follows from the downstream (south) to upstream (north) portions of the subject reach of the stream. The downstream end begins with the stream fully channelized with rock and concrete extending two to three feet up the slope, as previously authorized by CDP 5-89-743. Vegetation within the most southerly section of the subject reach of stream consists of a nearly 100-percent canopy cover of coast live oak (*Quercus agrifolia*) with little understory other than a few oak seedlings and a single western sycamore (*Platanus racemosa*). Approximately 66 feet upstream from the beginning of the channelized section, there is a 42-foot wide concrete Arizona-style crossing, which serves as the stream crossing for the Loop Road, as previously authorized by CDP 5-89-743, and which will be retained and reconstructed as necessary following removal of the Parking Lot. At this point, the canopy consists of approximately 50-percent cover of coast live oak and 50-percent cover of western sycamore. Immediately upstream of the Arizona crossing, the streambed is no longer

¹ Following removal of soil from the spoils pile for remedial grading of the Parking Lot, the area will be restored as outlined in Glenn Lukos Associates, June 2012. Conceptual Habitat Restoration Plan for the Mitigation of Development Associated with Parking Lot 12.3(F), A-Frame 12.3(J), A-Frame Road 12.3(A), Women's House Northwest Road 12.3(B), Two Structures 12.3(K), Tree House 12.3(G), And Women's House Landscaping 12.3(H) Including Restoration of Oak Woodland, Coastal Sage Scrub, and Chaparral. Prepared for: The Canyon at Peace Park, 2900 South Kanan Dume Road, Malibu, California 90265.

channelized, and is instead earthen with earthen slopes, although the terrace above the eastern stream bank is covered with grouted rock fill and asphalt contiguous with the Parking Lot. Approximately 30 feet upstream there is a culverted footbridge to be removed. The culvert is approximately 15 feet long and grouted with large rocks that extend approximately 6 feet beyond the culvert into the earthern channel on the upstream end. The earthen channel then extends approximately 240 feet upstream to a culverted vehicle crossing to be removed, with a concrete road and parking area that runs parallel and adjacent to the stream. Vegetative cover within the upper 240 feet consists of approximately 50-percent coast live oak and 50-percent western sycamore overstory with understory species including laurel sumac (*Malosma laurina*), greenbark lilac (*Ceanothus spinosus*), California wild rose (*Rosa californica*), California blackberry (*Rubus ursinus*), giant wild rye (*Elymus condensatus*), and oak and sycamore seedlings. The Parking Lot is unvegetated and consists of asphalt pavement that has been covered in a decorative concrete dust.

Habitat restoration at the Restoration Area will include the following components: (1) removal of the Parking Lot with the exception of a portion of the asphalt that coincides with the Loop Road alignment; (2) removal of the subject culverted stream crossings; (3) remedial grading of the Parking Lot area utilizing fill material excavated during Parking Lot construction and stockpiled south of the Parking Lot; (4) reconstruction of the Loop Road; (5) installation of an irrigation system; and (6) restoration of native grassland, riparian woodland, and chaparral vegetation. A total of approximately 0.37-acre of native habitat will be restored.

Types of habitat impacted by development and types to be restored are set forth in Table 1 below.

Habitat/Land Cover	Acres	Habitat/Land Cover to be	Acres
Impacted		Restored	
Non-Native Grassland	0.10	Native Grassland	0.10
Coast Live Oak Riparian*	0.00	Coast Live Oak Riparian	0.00
Sycamore Riparian	0.04	Sycamore Riparian	0.04
Chaparral	0.21	Chaparral	0.21
Oak Woodland	0.02	Oak Woodland Understory	0.02
Understory**			
Total	0.37	Total	0.37

 Table 1. Habitats Types Impacted by Development and to Be Rehabilitated

* No coast live oak trees were impacted by placement of fill in the stream, as the fill was placed so as to avoid the tree trunks.

**Oak woodland understory plants are assumed to have been growing on the banks of the stream prior to placement of fill material.

E. Specific Functions and Values of Habitat Types to be Restored

As noted, the following habitats will be restored: 0.10 acre of non-native grassland (to native grassland), 0.04 acre of western sycamore riparian forest, 0.21 acre of chaparral, and 0.02 acre of oak woodland understory, which has a canopy of coast live oak riparian and where there were no

canopy impacts. The area currently covered by the Parking Lot will be restored as set forth in this Restoration Plan, which will require removal of the asphalt and concrete dust pavement, and replacement of fill originally excavated for Parking Lot construction, and replanting.

The two segments of ephemeral stream where culverted crossings are currently located and that will be restored will, in the post-restoration condition, exhibit functions and values consistent with segments of the drainage immediately upstream and downstream. The primary hydrologic function will be conveyance of discharge during substantial storm events when the watershed generates surface flows. The primary biogeochemical function will be transport of organic materials and sediments to downstream waters, and the primary habitat component will consist of oak-sycamore riparian habitat with a limited understory. The channel itself will support very little vegetation, based on a review of undisturbed upstream areas.

The restored chaparral and native grassland will exhibit habitat functions consistent with adjacent areas of chaparral, including foraging and cover for birds, insects, and small mammals.

F. Implementation Timeline and Schedule of Activities

Upon approval of the CRO by the Coastal Commission, Respondents shall fully implement each phase of the Restoration Plan consistent with all of its terms. Respondents shall commence implementation of all work described in the Restoration Plan within 120 days of the effective date of the CRO, or if Los Angeles County approval is necessary to undertake the Restoration Plan Respondents shall inform Coastal Commission staff and this deadline shall commence within 120 days of approval by Los Angeles County. Respondents shall complete all elements of the Restoration Plan, excepting the Monitoring Plan, no later than 120 days from commencing implementation of the Restoration Plan. The Executive Director may grant an extension of these deadlines upon a showing of good cause, either if the Executive Director determines that Respondents have diligently worked to comply with their obligations under the Restoration Plan, but cannot meet deadlines due to unforeseen circumstances beyond their control, or if the Executive Director determines that the Restoration Plan's schedule should be extended if additional time would benefit the success of the Restoration Plan from an ecological or biological perspective pursuant to Section 19.0 of the CRO.

Implementation of the Revegetation Plan will begin during the optimal planting period (generally October 15th to March 1), unless development removal will be completed well before the start of the optimal planting period, in which case the Revegetation Plan may be implemented outside of the optimal planting period. Implementation of the Monitoring Plan shall begin immediately following planting installation.

Within one year of the completion of plant installation, it is expected that immature riparian woodland, native grassland, and chaparral structure will exist such that insects, small mammals, and birds will utilize the Restoration Area for foraging and roosting.

G. Parties Responsible for Conducting the Restoration Plan

Respondents: United World of the Universe Foundation 500 Broadway Santa Monica, CA 90401 Contact: Michael Segal Telephone: (310) 394-8989

> The Canyon at Peace Park 2900 South Kanan Dume Road Malibu, California 90265 Contact: Kathleen Bigsby Telephone: (310) 457-3209

H. Parties the Respondents have Identified for Conducting the Restoration Plan

Project Biologist:	Glenn Lukos Associates, Inc. 29 Orchard Lake Forest, California92630 Contact: Tony Bomkamp Telephone (949) 837-0404
Project Engineer:	Pacific Coast Civil, Inc. 30141 Agoura Road, Suite 200 Agoura Hills, CA 91301 Contact: Richard Doss Telephone: (818) 865-4168
Landscape Contractor:	To be determined; work will be supervised by the Project Biologist.
Site Restoration Contractor:	To be determined; work will be supervised by the Project Biologist.

I. Equipment to Be Used

1. Necessity of Mechanized Tools and Assurance of No Impact

Mechanized tools must be used for demolishing the asphalt Parking Lot and reconstructing the Loop Road, conducting work described in the Remedial Grading Plan, for hauling large pieces of demolition debris that are too heavy or unwieldy to carry by hand, and for digging planting holes for container stock as described in the Revegetation Plan. Mechanized equipment proposed to be used for demolition includes mechanized hand tools for breaking up concrete and asphalt immediately adjacent to and within the stream, a backhoe-mounted jackhammer and bucket and/or bulldozer for breaking up asphalt in the Parking Lot outside of the dripline of the trees, and the backhoe and/or bulldozer for hauling asphalt debris to dump trucks to collect the

materials and transport them from the Restoration Area. Mechanized equipment proposed to be used for Loop Road reconstruction includes a saw suitable for cutting the portion of the Parking Lot asphalt to be retained in alignment of the Loop Road, and any equipment that may be necessary to install the porous paving system in the regraded portion of the Loop Road immediately east of the Arizona crossing. Mechanized equipment proposed to be used for remedial grading includes loaders and tractors equipped with sheep's-foot compactors will be used for transport to and compaction of material on the regraded Parking Lot area. Additional grading equipment that may be used includes graders and scrapers or any other suitable small earth mover. A mechanized auger, such as a hand-held power auger or Bobcat with auger attachment, will be used to dig planting holes for container stock.

The use of mechanized tools will not impact resources protected under the Coastal Act, including but not limited to: geological stability, integrity of landforms, freedom from erosion, and the existing native vegetation.

Staging areas for construction equipment and materials, including receptacles and temporary stockpiles of demolition debris, would be located within existing developed areas depicted on Exhibit 3, such as the Loop Road that will not be removed, and away from native vegetation.

With the use of hand tools, power hand tools including jackhammers and similar equipment, and mechanized heavy equipment within the limits of the environmental fencing, including the backhoe-mounted jackhammer and bucket and/or bulldozer, the demolition would be possible with no impacts to oak/sycamore woodland and chaparral, and with careful demolition, the mature oak and sycamore trees on the stream banks will be avoided. The use of a loader or backhoe for hauling large pieces of demolition debris that are too heavy or unwieldy to carry by hand, and the use of the loader, backhoe, tractor with sheep's-foot compactor, grader, and/or scraper for remedial grading of the Parking Lot will not result in any impacts to any native chaparral or coast live oak trees as use of such mechanized heavy equipment will be limited to unvegetated portions of the Parking Lot. Similarly, the dump truck will be limited to the unvegetated portions of the Parking Lot and thus has no potential to impact biological resources. The saw and other equipment used to define the edge of the retained portion of asphalt within the Loop Road alignment and any equipment necessary to install the porous paving system will be used only within the Loop Road alignment and will avoid the riparian vegetation. Use of a mechanized auger will not damage native vegetation, as auger use will be restricted to the cleared and prepared areas subject to the Revegetation Plan. No state or federally listed species occur within the vicinity; therefore, none would be affected. The demolition, reconstruction of the Loop Road, remedial grading, and site preparation would not impact any sensitive biological resources.

Additionally, as the use of the mechanized equipment will be limited to developed areas, including the two culverted crossings to be removed, the Parking Lot, and graded roads, with implementation of the Erosion Plan discussed below, there is no potential for impacts to landforms and geological stability.

2. Limits on the Use of Mechanized Tools and Contingency Plan

Use of mechanized tools will be limited to the hours of 7:00 am to 7:00 pm Monday through Saturday.

Should impacts occur from equipment use, including disruption of areas where revegetation and/or restorative grading occurs, the areas will be remediated according to the terms of this Restoration Plan. Any potential fuel spills or other hazardous releases that result from the use of mechanized equipment will be stopped immediately and contained within the site. The Respondents will notify the Executive Director of the Coastal Commission within 24 hours (excluding weekend or holiday days or days which the Coastal Commission is closed) of any spills of fuel or other hazardous waste, and remove the contaminated materials according to current regulations for the type of waste. With the installation of the erosion control measures and best management practices ("BMPs") discussed below, any potential hazardous releases would be contained within the Restoration Area and would not impact water quality.

J. Staging Areas and Storage of Construction Materials

The staging area for construction equipment and materials, including receptacles and temporary stockpiles of graded materials, will be located on an area devoid of vegetation, such as the permitted Loop Road that will not be removed.

No demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters, or a storm drain, or be subject to wind or runoff erosion and dispersion. All stockpiles and construction materials will be covered, enclosed on all sides, be located as far as possible from drain inlets, and will not be stored in contact with the soil.

K. Location of Disposal Site

All materials removed from the Property and all waste generated during restoration activities will be disposed of in a proper and legal manner at a sanitary landfill or other appropriate site outside of the Coastal Zone.

L. Soil Stabilization Methods

Removal and reconstruction activities shall not disturb native vegetation outside the Restoration Area to the greatest extent practicable. Once removal and reconstruction of the development is completed, the Project Biologist will examine the site and identify any areas of disturbance. Any disturbance due to removal activities shall be restored as soon as reasonably practicable. If any removal or reconstruction activities occurs within the rainy season, BMPs for erosion and water quality purposes (e.g., sandbags, straw wattles, silt fences) shall be installed as needed to protect and address water quality concerns. Any BMP installation shall be reviewed by the Project Biologist and shall, to the greatest extent practicable, be placed on areas where no native vegetation is growing.

M. Identification and Delineation of Areas to be Restored

Removal activities shall occur in all of the areas indicated on the Development Map [Exhibit 3]. Prior to initiation of the removal activities, the Project Biologist shall identify the materials to be removed. The Project Biologist shall flag the limits of the Restoration Area using temporary measures such as fencing stakes, colored flags, or colored tape. All delineation materials shall be removed when no longer needed and verification of such removal will be provided in the annual reporting that corresponds to the reporting period during which the removal occurred.

N. Nesting Bird Surveys

In order to avoid disturbance of nesting birds, there shall generally be no grading or use of mechanized equipment during the breeding season (generally February 15 through August 31), or any time that bird courtship, breeding, or nesting is observed. If grading or use of mechanized equipment must be conducted during the nesting bird season a biological monitor will conduct a survey to determine the presence of any nesting behaviors, nest building, egg incubation, or brood rearing activities within a minimum of 150 feet of proposed work limits. If nesting birds are detected within 100 feet of proposed grading areas, nest monitoring will be initiated and use of mechanized equipment within 100 feet of active nests will be postponed until the nest(s) are determined to be inactive by the biological monitor.

III. EROSION CONTROL PLAN

Areas of disturbed soils with slopes shall be stabilized to reduce erosion potential. No permanent erosion control measures will be employed, although the planting, seeding, and mulching described in the Restoration Plan will serve as natural erosion control measures once the plantings begin to establish themselves. Temporary erosion control measures proposed for the Parking Lot consist of straw wattles/fiber rolls placed along the length of the stream to prevent the introduction of sediment [Exhibit 5], and placement of jute fiber matting over the Parking Lot area following remedial grading. Any installation of additional temporary erosion control measures not described in the Restoration Plan shall be coordinated with the Coastal Commission.

Removal work shall generally take place during the dry season (generally April 1- November 1). The Executive Director may extend this deadline or modify the approved schedule if additional time would benefit the success of the Restoration Plan from an ecological or biological perspective. This period also may be extended for a limited period pursuant to the provisions of Section 19.0 of the CRO.

A. Timing of Erosion Control Measures

The temporary erosion control measures will be installed and fully functional on the Restoration Area prior to or concurrent with the initial removal and restoration activities and maintained throughout the removal/restoration process to minimize erosion across the site and sedimentation of streams, tributaries, drains and culverts. The location of straw wattles/fiber rolls to be used for temporary erosion control is depicted in Exhibit 5, the Erosion Control Measures Plan. Jute fiber matting will be placed over the portion of the Parking Lot subject to remedial grading as necessary at the discretion of the Site Restoration Contractor and Project Biologist.

B. Temporary Construction Related Erosion Control Measures

All temporary construction related erosion control materials shall be comprised of biodegradable materials and shall be removed from the construction site once development removal is complete and the revegetation plantings are established to the extent that they effectively control soil erosion, with the exception of the jute fiber matting, which may be retained and allowed to biodegrade if it has become vegetated.

IV. REMOVAL PLAN

The purpose of the Removal Plan is to govern the removal and off-site disposal of all development to be removed. The Development Map depicting the footprint of all development to be removed is enclosed as Exhibit 3 and includes (1) removal of the Parking Lot with the exception of a portion of the asphalt that coincides with the Loop Road alignment; and (2) removal of the subject culverted stream crossings.

Development to be retained includes the previously authorized Loop Road and associated Arizona crossing, and the channelized portion of the stream located downstream (south) of the Loop Road and Arizona crossing. Reconstruction of the Loop Road will occur according to Exhibit 6.

A. Limits of Removal and Reconstruction Area

Removal and reconstruction of development shall not disturb areas outside of the Restoration Area. Removal and reconstruction activities will be limited to the areas of development depicted by Exhibit 3. Ingress/egress routes, equipment staging areas, and temporary storage areas, will be located within existing developed areas depicted on Exhibit 3.

1. Mitigation for Impacts

Any area disturbed by the removal or reconstruction activities shall be restored according to the provisions of the Revegetation Plan below. These measures shall include the restoration of the areas from which the development was removed, and any areas disturbed by those removal activities.

B. Contractor Education Program

Prior to the commencement of demolition work, the Project Biologist will conduct an on-site meeting with the Site Restoration Contractor(s), project supervisors, and demolition and reconstruction crew to discuss onsite sensitive resources and avoidance measures, including demarcation of "off-limits" areas around the work area.

C. Biological Monitoring

The Project Biologist shall be onsite the first day of work to conduct the pre-construction meeting with the Site Restoration Contractor(s) supervisor and crew and will monitor all demolition work. Following the first day of demolition work, the Project Biologist will visit the site twice a week for the duration of work. During monitoring visits, the Project Biologist will be responsible for confirming the work limits and reviewing protective fencing or staking as well as ensuring that no wildlife is harmed during the demolition.

Should impacts occur to sensitive resources as a result of the Removal Plan, Respondents will notify the Executive Director of the Coastal Commission within 24 hours (excluding weekend or holiday days or days which the Coastal Commission is closed) and a Restoration Plan will be developed for the impacted area. Should spills of fuel or other hazardous releases that may result from the use of mechanized equipment occur, work will be stopped immediately and the spill contained within the site. Respondents will notify the Executive Director of the Coastal Commission within 24 hours of any spills of fuel or other hazardous waste and remove the contaminated materials according to current regulations for the type of waste.

V. REMEDIAL GRADING PLAN

Grading work will be conducted upon removal of the fill within the Parking Lot to return the area to the grade and condition outlined in Exhibit 6, which will include the restoration of the Loop Road, and to ensure proper Restoration Area drainage and to minimize erosion, as depicted by the Remedial Grading Plan -- Exhibit 6. This work will be directed by the Project Biologist and Project Engineer to ensure that the potential for erosion is minimized while the potential for habitat restoration is optimized.

Remedial grading of the Parking Lot will require incorporation of soil from the spoils pile located south of the Parking Lot as depicted by Exhibit 6. The portion of the Parking Lot asphalt that coincides with the Loop Road alignment will be partially retained through saw cutting and installation of redwood headers along the edges, except for the portion closest to the stream and Arizona crossing, which will be subject to remedial grading to decrease the slope angle to make it suitable for vehicle crossings. The regraded portion of the Loop Road that transitions to the Arizona crossing will be covered with a porous paving system as depicted by Exhibit 6.

VI. REVEGETATION PLAN

A. Natural Habitat Type to Be Revegetated

Existing vegetation upstream and downstream of the affected reach of the stream consists of riparian woodland vegetation. On the downstream end, the canopy cover is nearly 100-percent coast live oak, with very little understory. Vegetative cover on the upstream end consists of approximately 50-percent coast live oak and 50-percent western sycamore overstory with understory species including laurel sumac (*Malosma laurina*), greenbark lilac (*Ceanothus spinosus*), California wild rose (*Rosa californica*), California blackberry (*Rubus ursinus*), giant wild rye (*Elymus condensatus*), and oak and sycamore seedlings. The Sycamore Riparian

portion of the Restoration Area will be revegetated with a species composition similar to the upstream portion of the subject reach of stream.

The oak woodland understory portion of the Restoration Area will be revegetated solely with characteristic understory species including California wild rose (*Rosa californica*), California blackberry (*Rubus ursinus*), and poison oak (*Toxicodendron diversilobum*), as the canopy of coast live oak has not been impacted and is intact.

The chaparral portion of the Restoration Area will be restored with a species composition similar to the surrounding chaparral areas that consist of stands of laurel sumac (*Malosma laurina*) and greenbark lilac (*Ceanothus spinosus*), with purple needlegrass (*Stipa pulchra*).

The native grassland portion of the Restoration Area will be planted with purple needlegrass (*Stipa pulchra*) and a native wildflower seed mix to create a seasonal wildflower meadow.

The relative abundance of each species was estimated in the field in order to determine the appropriate abundance of each species in the Restoration Area [see Table 2 - Table 5 below], except for the wildflowers, which are included in the native grassland plant palette for visual interest. The Restoration Area will be revegetated with the same species planted at the same relative abundance as in the surrounding areas.

B. Restoration Goals and Objectives

Because vegetation will be restored to the conditions present prior to disturbance, it is fully expected that the sycamore riparian, oak woodland understory, native grassland, and chaparral will thrive following restoration implementation. The proposed plant palette includes native species that exist adjacent to the Restoration Area, and are known to favor the proposed physical conditions at the site. The plant communities were selected using information gathered during site visits and from general knowledge of local plant communities.

C. Plant Palettes

All of the plants included in the plant palettes are able to tolerate hot, dry summer conditions, taking advantage of associated groundwater during the winter and spring rainy season.

TABLE 2SYCAMORE RIPARIAN PLANT PALETTE -- 0.04 ACRE

Plant Species	Container Size	Percent per Acre	Number per Acre/Total Number
Sy	camore Riparian (Canopy Layer	
Western sycamore	1 Gallon	50	40/2
Platanus racemosa			
Coast live oak	1 Gallon	50	40/2
Quercus agrifolia			
Syca	amore Riparian Ur	derstory Layer	
Laurel sumac	1 Gallon	20	80/3
Malosma laurina			
Greenbark lilac	1 Gallon	20	80/3
Ceanothus spinosus			
Hummingbird sage	1 Gallon	10	160/6
Salvia spathacea			
Giant wild rye	1 Gallon	20	160/6
Elymus condensatus			
California wild rose	1 Gallon	20	80/3
Rosa californica			
Fuschia-flowered gooseberry	1 Gallon	10	80/3
Ribes speciosum			

TABLE 3OAK WOODLAND UNDERSTORY PLANT PALETTE -- 0.02 ACRE

Plant Species	Container Size	Percent per Acre	Number per Acre/Total Number
	Oak Woodland U	nderstory	
Poison oak	1 Gallon	30	80/4
Toxicodendron diversilobum			
California blackberry	1 Gallon	30	80/4
Rubus ursinus			
California wild rose	1 Gallon	40	80/5
Rosa californica			

TABLE 4CHAPARRAL PLANT PALETTE -- 0.21 ACRE

Plant Species	Container Size	Percent per Acre	Number per Acre/ Total Number
	Chapar	ral	
Greenbark lilac	1 Gallon	50	80/10
Ceonothus spinosus			
Laurel sumac	1 Gallon	50	40/5
Malosma laurina			
Purple needlegrass	1 Gallon	Scattered Clumps	80/10
Stipa pulchra			

TABLE 5NATIVE GRASSLAND PLANT PALETTE -- 0.10 ACRE

Plant Species	Container Size	Percent per Acre	Number per Acre/ Total Number
	Grassland Re	estoration	
Purple needlegrass Stipa pulchra	1 Gallon	100	400/40
California goldfields Lasthenia californica	Seed	N/A	3 lbs/acre 0.3 lbs total
Bicolored lupine Lupinus bicolor	Seed	N/A	3 lbs/acre 0.3 lbs total
Purple clarkia <i>Clarkia purpurea</i>	Seed	N/A	3 lbs/acre 0.3 lbs total
California poppy Eschscholzia californica	Seed	N/A	3 lbs/acre 0.3 lbs total
Wild hyacinth Dichelostemma capitatum	Seed	N/A	3 lbs/acre 0.3 lbs total

D. Site Preparation Methodology

Site preparation shall consist of clearing and controlling all non-native plant species within the Restoration Area footprint, installation of irrigation components, preparing planting holes, and doing any other work necessary to make ready the area for planting. All site preparation will be conducted with hand tools only, except for digging planting holes, which may be dug with a mechanical auger. Installation of irrigation and plant materials shall occur following removal of development, and during the optimal planting period if possible (generally October 15th to March 1). However, planting may occur outside of the optimal planting period if development removal would be completed a significant amount of time prior to the start of the optimal planting period, provided that sufficient irrigation is applied to support establishment of the plantings.

If deemed necessary, a "grow and kill" cycle will be established following installation of the irrigation system and prior to installation of restoration plantings. "Grow and kill" is a cycle of applying water, germinating the non-native, invasive species, and spraying the plants with the appropriate herbicide. This allows a large portion of the seed load currently present in the soil to be eradicated. Removing the competition early in the life cycle of native plants helps to ensure more rapid growth and cover of the native species. If a "grow and kill" cycle is deemed necessary, Respondents shall inform the Executive Director in writing at least 15 days prior regarding the type and quantity of herbicide proposed to be used.

All undesirable exotic plants will be eradicated. The Project Biologist will direct the Landscape Contractor regarding the selection of target weed species, their location, and the timing of weed control operations to ensure that native plants are avoided to the extent possible.

E. Planting Plan and Methodology

Planting shall consist of planting container stock and seeding either via hand broadcast or hydroseeding. No planting shall be done in any area until the area has been prepared in accordance with the plans and presents an appearance satisfactory to the Project Biologist. The Project Biologist shall be on-site the first day of each phase of plant installation and every other day after that.

1. Source of Plant Materials

It is preferred that the source of all propagules and seed used at the Restoration Area be from the site or adjacent scrub and chaparral areas. If not available, the remainder of the propagules and seed required will be from wild sources within the Malibu area of Los Angeles County, and collected as close to the Restoration Area as possible to preserve regional genetic integrity.

Plant material for revegetation shall be derived from cuttings, materials salvaged from disturbed areas, and/or seeds obtained from randomly selected native shrubs occurring locally. Any replacement tree or shrub stock that cannot be grown from cuttings or seeds shall be obtained from a native plant nursery, be ant-free, and shall not be inoculated to prevent heart rot. If any materials must be obtained from other than on-site sources, the Project Biologist shall provide the Coastal Commission with a list of all such materials, and shall ensure that they are of local origin (i.e., the Santa Monica Mountains), and are not cultivars.

2. Contract Growing

Contract growing of all container plants shall be by a local experienced native plant nursery. Substitution of plant material at the time of planting depends solely upon the discretion of the Project Biologist. Any approved substitutions will be documented in the annual report prepared as part of the Monitoring Plan.
3. Container Stock

Tree, shrub, and grass species will be installed as container stock. Planting and seeding will generally occur between October 15 and March 1 to take advantage of the winter rainy season, dormancy of foliage, and the winter rooting period to ensure optimum survival of plantings, unless development removal will be completed well before the start of the optimal planting period, in which case the Revegetation Plan may be implemented outside of the optimal planting period. One-gallon container stock shall be utilized for the revegetation of riparian woodland, native grassland, and chaparral plant communities. All plant materials will be inspected by the Project Biologist and approved as healthy, disease free, and of proper size prior to planting. Overgrown, root-bound container stock will be rejected.

4. Mycorrhizal Fungi

Mycorrhizae are specialized fungi found on plant roots. A symbiotic relationship exists between plant roots and mycorrhizae wherein the plants benefit from the increased ability to take up nutrients and withstand drought when mycorrhizae are present. This relationship is essential to the growth rate, well-being, and longevity of native plant communities. Plant utilization of mycorrhizal fungi markedly increases the success of revegetation on disturbed or degraded lands. The native plant nursery shall inoculate all appropriate container-grown plants, except those known to be non-host species, with mycorrhizal fungi prior to delivery to the job site.

5. Plant Placement

Container stock will be laid out in such a manner that mimics natural plant distribution (i.e., in clusters and islands) to emulate regional reference sites. The Project Biologist will monitor and confirm that trees and shrubs have been placed at the designed elevation relative to the water source supporting them, such as ground water. All plants shall be in randomly spaced, naturally clumped patterns. The average planting densities shall meet the criteria specified in the Plant Palette [Tables 2-5].

6. Planting Method for Container Stock and Seed Application

Container stock will be thoroughly watered by the nursery the day before planting. One-gallon container stock will be planted in a hole measuring at least twice the diameter of the container and twice the depth. The excavated hole will be filled with water and allowed to completely drain prior to installation of the plant.

One teaspoon (0.3 oz.) of Osmocote 14-14-14 (or equal) will be placed one-inch below the root zone and backfilled with native soil to the proper planting depth. The container plant will be upended into the palm of the hand to avoid damage to the root structure and placed in the planting hole. The top of the root ball will be set one-inch above finished grade. The planting hole will be backfilled with native soil.

A three-inch high, hand-compacted earth berm, approximately 24 inches in diameter, will then be constructed around each container plant to utilize as a watering basin. Container stock will be

watered immediately after installation. This watering basin will be maintained until the plants are no longer irrigated. Coarse mulch shall be placed around plantings to minimize water loss and discourage weed growth. Mulch will be applied as a top dressing, two to three inches thick, and must not come in contact with the stem of the plant. Mulch will not be applied to the watering basins of the native grasses.

Grass species will have a plant protection device (plastic mesh screens or wire screens) installed around each plant to protect the grasses from herbivory. The Landscape Contractor will remove the plant protection device after approximately six months or upon approval by the Project Biologist.

Seed will be applied either through hydroseeding or hand broadcast at the discretion of the Project Biologist.

7. Pruning and Staking

There will be no pruning or staking of any vegetation. Diseased or insect-damaged foliage, if sufficient to require pruning, will serve as a benchmark for rejection of plant materials. A small amount of selective trimming of native species is allowed to prevent overspray of herbicide from reaching their branches, if herbicide is necessary. If herbicide is to be employed, Respondents shall inform the Executive Director in writing at least 15 days prior regarding the type and quantity of herbicide proposed to be used. Native vegetation may only be trimmed; individual plants shall not be removed.

F. Performance Standards

The success of habitat restoration is defined as the restoration of a functional ecosystem. Success is usually measured by percent coverage by target species. While a fully successful restoration plan might be viewed as one that results in 100-percent coverage, such coverage is unlikely. Natural habitats rarely exhibit 100-percent coverage, but rather include a considerable proportion of open spaces. While this monitoring program uses percent coverage criteria, it is noted that determination of successful coverage is expected to be relative to other similar native habitats typical of the region, and as such, the percent coverage criteria are defined relative to an undisturbed reference site of similar habitat composition.

The means of determining successful restoration for this site will be through a series of measurements for natural recruitment, exotic species cover, cover by native species, and species richness and diversity. All of these, except non-native species cover, should increase over time. Cover by non-native species should be the opposite; it should decrease with time, particularly because one of the primary goals of the Restoration Plan is to substantially reduce or eliminate non-native species from the site.

After the initial non-native species eradication and associated planting effort has been completed, the Restoration Area will be monitored by the Project Biologist on a monthly basis for the next 18 months and quarterly thereafter for the remainder of the monitoring period. Qualitative surveys, consisting of a general site walkover and habitat characterization, will be completed during each

monitoring visit. General observations, such as fitness and health of the planted species, pest problems, weed persistence/establishment, mortality, and drought stress, will be noted in each site walkover. The Project Biologist will determine remedial measures necessary to facilitate compliance with performance standards.

Quantitative data will be collected annually using accepted vegetative sampling methods in order to evaluate survivorship, species coverage, and species composition.

In the event that plantings should fail to meet the specified requirements, compliance will be ensured by the performance of either or both of the following remedial procedures by the Landscape Contractor on an as-needed basis as directed by the Project Biologist: (1) replacing unsuccessful plantings with appropriately sized stock or seed mixes to meet stated cover or survival requirements, and /or (2) performing maintenance procedures to ensure the site conditions are appropriate (e.g., non-native species removal). Remedial actions in planting areas shall be based on detailed investigations (such as soil tests and excavations of failed plantings to examine root development) to determine causes of failure. If substantial non-compliance with the performance occurs, Respondents or Respondents' representative will consult the Coastal Commission to determine whether corrective measures and an extension of the five-year monitoring period will be necessary.

1. Reference Site

A reference site shall be established in adjacent areas for the sycamore riparian, oak woodland understory, chaparral, and native grassland plant communities, and sampled to provide a basis of comparison for the performance standards discussed herein. The reference site shall be located within the undisturbed habitat areas adjacent to the Restoration Area. The plant palettes detailed in Table 2 - Table 5 are based on onsite observations of the adjacent areas of native vegetation, and the "percent per acre" provided in the plant palette table is based on onsite estimates of relative abundance of native species on the adjacent slopes.

2. Standard Vegetation Monitoring Performance Standards

Sycamore Riparian Woodland, Oak Woodland Understory, and Chaparral

First-Year Monitoring

Success Standard:	40-percent coverage of native species (five-percent deviation allowed)
	relative to the reference site;
	At least 80-percent of the planted species will be represented in the
	Restoration Area (native recruits not in the plant palette may be counted);
	No more than 10-percent coverage by non-native plant species

Second-Year Monitoring

Success Standard:	50-percent coverage of native species (< five-percent deviation allowed)
	relative to the reference site;
	At least 80-percent of the planted species will be represented in the
	Restoration Area (native recruits not in the plant palette may be counted);

No more than Five-percent coverage by non-native plant species

Third-Year Monitoring

Success Standard: 65-percent coverage of native species (<five-percent deviation allowed) relative to the reference site; At least 80-percent of the planted species will each attain at least fivepercent cover of the total native cover (native recruits not in the plant palette may be counted); No more than Five-percent coverage by non-native plant species

Fourth-Year Monitoring

Success Standard: 80-percent coverage of native species (<five-percent deviation allowed) relative to the reference site; At least 80-percent of the planted species will each attain at least fivepercent cover of the total native cover (native recruits not in the plant palette may be counted); No more than five-percent coverage by non-native plant species

Fifth-Year Monitoring

Success Standard: 90-percent coverage of native species (<five-percent deviation allowed) relative to the reference site; At least 80-percent of the planted species will each attain at least fivepercent cover of the total native cover (native recruits not in the plant palette may be counted); No more than five-percent coverage by non-native plant species

Native Grassland

First-Year Monitoring

Success Standard: 40-percent coverage of native species (five-percent deviation allowed) relative to the reference site; At least 80-percent of the planted species will be represented in the Restoration Area (native recruits not in the plant palette may be counted); No more than 10-percent coverage by non-native plant species

Second-Year Monitoring

Success Standard: 50-percent coverage of native species (<five-percent deviation allowed) relative to the reference site; At least 80-percent of the planted species will be represented in the Restoration Area (native recruits not in the plant palette may be counted); No more than Five-percent coverage by non-native plant species

Third-Year Monitoring

Success Standard: 60-percent coverage of native species (<five-percent deviation allowed) relative to the reference site;

At least 80-percent of the planted species will each attain at least fivepercent cover of the total native cover (native recruits not in the plant palette may be counted);

No more than Five-percent coverage by non-native plant species

Fourth-Year Monitoring

Success Standard: 70-percent coverage of native species (<five-percent deviation allowed) relative to the reference site; At least 80-percent of the planted species will each attain at least fivepercent cover of the total native cover (native recruits not in the plant palette may be counted); No more than five-percent coverage by non-native plant species

Fifth-Year Monitoring

Success Standard: 80-percent coverage of native species (<five-percent deviation allowed) relative to the reference site; At least 80-percent of the planted species will each attain at least fivepercent cover of the total native cover (native recruits not in the plant palette may be counted); No more than five-percent coverage by non-native plant species

G. Proposed Use of Artificial Inputs

1. Irrigation Plan

The Landscape Contractor shall provide irrigation for the Restoration Area when natural moisture conditions are inadequate to ensure the survival of plants. Irrigation shall be provided for a maximum of 3 years from plant installation or until the revegetation has become established, whichever comes first. Irrigation shall be phased out during the fall/winter of the second year unless unusually severe conditions threaten survival of the plants. All plants must survive and grow for at least two years without supplemental water for the Restoration Plan final success criteria to have been met.

Supplemental irrigation is to be used solely for establishing the plants at the Restoration Area and is of a temporary nature. The goal of the irrigation program is to obtain germination and growth with the least amount of irrigation. Frequent irrigation encourages weed invasion and leaches nutrients from the soil.

The Restoration Area will initially be supported by a short-term automatic irrigation system. The container stock will be irrigated as long as necessary to establish the root systems in the native soils, usually through two or three summers. All irrigation lines will be installed above-grade for ease of removal and inspection.

The critical period for irrigation is during the first winter and early spring following planting. During this time, roots are not well established, and an unseasonable drought can cause high mortality. During dry periods after plant installation, the Project Biologist and the Landscape Contractor will regularly inspect soil moisture. Supplemental irrigation during the summer dry season will occur as frequently as required.

After the initial plant establishment period, water will be applied infrequently and only as required to prevent the mortality of plants and seedlings. The irrigation methods employed will attempt to mimic wet rainfall years by incorporating evenly spaced, infrequent, deep applications of water.

When the plantings are sufficiently established, and no longer require supplementary irrigation, the Project Biologist shall notify the Landscape Contractor to remove all irrigation system components from the Restoration Area. In the event irrigation system components are removed, but it is later determined by the Project Biologist that supplemental irrigation may be necessary to meet the success standards herein, the irrigation system component may be reintroduced and then removed when the necessity for supplemental irrigation has ceased.

The Landscape Contractor shall be responsible for applying sufficient irrigation water to adequately establish new plant materials, and germinate and establish the applied seed. Irrigation water shall be applied in such a way as to encourage deep root growth (periodic deep irrigation versus frequent light irrigation). The Landscape Contractor will allow soil to dry down to approximately 50- to 60-percent of field capacity (in the top six or 10 inches of soil after germination and during seedling establishment) before the next irrigation cycle. Wetting of the full root zone and drying of the soil between irrigation events is essential to the maintenance of the plants and the promotion of the deep root zone that will support the vegetation in the years after establishment. Irrigation systems may need to be on for as long as six to eight hours at a time in order to get complete water penetration to the lower soil horizons to encourage deep root growth. A soil probe or shovel shall be used to examine soil moisture and rooting depth directly.

Irrigation will be used as necessary to enhance establishment of the vegetation and will be discontinued at the end of three years. If it is determined that it is desirable to continue irrigation beyond three years, Respondents shall request an extension in writing, outlining the need for an extension of the duration of the irrigation.

2. Herbicide

The use of herbicide is not proposed at this time; however, if it becomes necessary to use herbicide, Respondents will notify the Executive Director at least 15 days in advance with the type and quantity of herbicide to be used. The minimum amount of herbicide necessary to support the plantings will be used. If herbicide use is deemed necessary and approved by the Executive Director, it shall be administered by a licensed PCA.

3. Fertilizer

No fertilizer use is proposed following initial use of Osmocote 14-14-14 in the planting holes at the time of planting as described above.

VII. MONITORING PLAN

A. Maintenance Activities During the Monitoring Period

The purpose of this program is to ensure the success of the restoration plantings. Maintenance will occur over the five-year life of the Monitoring Plan. The Project Biologist will monitor all aspects of the revegetation in an effort to detect any problems at an early state. Potential problems could arise from irrigation failure, erosion and failure of erosion control measures, vandalism, competition from weeds and invasive species, and unacceptable levels of disease and predation.

These maintenance guidelines are specifically tailored for native plant establishment. The maintenance personnel will be fully informed regarding the habitat establishment program so they understand the goals of the effort and the maintenance requirements. A Landscape Contractor with experience and knowledge in native plant habitat restoration will supervise all maintenance personnel.

For a period of 120 days following completion of plant installation, the initial Landscape Contractor will be responsible for the care of the plantings. The purpose of the 120-day establishment period is to ensure continuity between the installation of the plant material and its short-term maintenance. The installation Landscape Contractor's presence during this 120-day period is proven to increase Restoration Plan success. The Landscape Contractor will control the spread of weedy species, and identify any efforts needed to ensure the health and survival of the plantings.

Following the 120-day establishment period, the project will be evaluated for the health of plant materials, and if judged satisfactory by the Project Biologist, the establishment period will be considered concluded and the long-term habitat maintenance program will begin. If plant health is not determined to be satisfactory, an additional 60 days will be allowed for the Landscape Contractor to implement remedial measures, including plant replacement. A different Landscape Contractor may implement the long-term maintenance program; however, the Project Biologist will continue to monitor the Restoration Plan success.

Damage to plants, irrigation systems, erosion control structures/measures, and other facilities occurring as a result of unusual weather or vandalism will be repaired or replaced immediately.

1. General Maintenance

The Landscape Contractor will perform the following tasks as general maintenance duties:

- Plant inspection;
- Weed control;
- Irrigation water volume and frequency;
- General maintenance of the irrigation system;
- Trash and debris removal;
- Pest control; and
- Plant replacement.

2. Plant and Restoration Area Inspection

During the 120-day establishment period, and into the long-term habitat maintenance period, the Project Biologist will inspect the Restoration Area on a monthly basis for 18 months. The plants and conditions at Restoration Area shall be inspected on a quarterly basis thereafter until achievement of performance standards for the Restoration Area. The Project Biologist will conduct inspections for the purpose of maintaining at a minimum, the following: all erosion control measures, non-native species eradication, trash and debris removal, and the health and abundance of the original and/or replacement plantings.

3. Weed Control

The Restoration Area shall be maintained free of weeds during the monitoring period. Weed eradication will minimize competition that could prevent the establishment of native species. All maintenance personnel will be trained to distinguish weed species from native vegetation to ensure only weedy species are removed. The use of herbicide is not proposed at this time; however, if it becomes necessary to use herbicide, Respondents will notify the Executive Director at least 15 days in advance with the type and quantity of herbicide to be used. The minimum amount of herbicide necessary to support the plantings will be used.

Weeds shall be manually removed before they can attain a height of three inches (3") at intervals of not more than 30 days for the first two years of the Monitoring Plan. All portions of the plant will be removed, including the roots. The Project Biologist shall direct the Landscape Contractor regarding the selection of target weed species, their location, and the timing of weed control operations to ensure that native plants are avoided to the extent possible. Pulled weeds will be placed on a "mantilla" or other type of tarp to prevent any seeds from coming in contact with the ground.

Weed removal shall be done at least monthly for the first two years, and at least monthly during the rainy season (January through April) and quarterly from May through December for years three through five. As weeds become apparent, they should be immediately removed by hand or controlled with an appropriate herbicide if determined necessary by a licensed PCA and as approved by the Executive Director. Weed debris shall be removed from the Restoration Area the same day as weed removal and disposed of as permitted by law.

A space cleared of weeds within the watering basin shall be maintained around each container plant to minimize competition from other plant species. Two-inch thick mulch within the watering basin shall be maintained throughout the maintenance period.

4. General Maintenance of the Irrigation System

The Landscape Contractor will be responsible for the regular maintenance and repair of all aspects of the irrigation system. Poorly functioning or non-functioning parts shall be replaced immediately so as to not endanger the plantings.

General system checks shall be conducted no less than weekly the first month after installation to assure the system is functioning correctly, and monthly thereafter, except during periods when the irrigation system is not in operation as recommended by the Project Biologist.

Any erosion or slippage of soil caused by the Landscape Contractor's inadequate maintenance or operation of irrigation facilities shall be repaired by the Landscape Contractor at his/her expense.

5. Trash and Debris Removal

The Restoration Area shall be well maintained in order to deter vandalism and dumping of trash. The Landscape Contractor is responsible for avoiding impacts to plantings during trash removal activities. Landscape Contractor shall, during routine maintenance, manually remove weeds, litter, trash, and debris from the Restoration Area and dispose of off-site as permitted by law.

6. Pest Control

Young trees and shrubs will be monitored for signs of disease, insect, and/or predator damage, and treated as necessary. Badly damaged plants will be pruned to prevent spreading of the pestilence or replaced in kind if removed. Excessive foraging by predators will necessitate protective screening around plants. The Project Biologist will be consulted on any pest control measures to be implemented.

7. Plant Replacement

The Landscape Contractor responsible for the installation of container stock plants will be responsible for replacement of all terminally diseased or dead plants during the 120-day establishment period. During the long-term maintenance period, the Landscape Contractor will be responsible for the replacement of any dead and/or declining plants in the winter months as recommended by the Project Biologist. Replacement plants shall be paid for and installed by the Landscape Contractor.

Replacement plants shall conform to the species, size requirements, and spacing as specified for the plants being replaced. The replacement plants shall be purchased from inventory at the same native plant nursery as were the contract-grown plant stock.

8. Pruning

No pruning is necessary unless otherwise specified by the Project Biologist as described above.

9. Responsible Party for Maintenance

Respondents will be responsible for financing. The Project Biologist will be responsible for periodic inspections and communicating maintenance needs to the Landscape Contractor. The Landscape Contractor will be responsible for carrying out maintenance activities.

10. Maintenance Schedule

The Monitoring Plan will continue for five years following the completion of plant installation or until performance criteria are met.

TABLE 3 MAINTENANCE SCHEDULE							
Maintenance Task		Year					
	1	2	3	4	5		
Plant Inspection	Monthly first 12 months	Monthly through 18th month; quarterly thereafter	Quarterly	Quarterly	Quarterly		
Irrigation System Inspection	Monthly, or more frequently if required	Monthly	As Required	N/A	N/A		
Trash and Debris Removal	Monthly	Quarterly	Quarterly	Quarterly	Quarterly		
Weed Control	Minimum of Monthly	Monthly	Monthly from January to April; Quarterly from May to December	Monthly from January to April; Quarterly from May to December	Monthly from January to April; Quarterly from May to December		
Pest Control	Monthly	Bi-monthly	Quarterly	Quarterly	Quarterly		
Plant Replacement	Annually	Annually	Annually	Annually	Annually		

Table 3 below indicates the schedule of maintenance activities and inspections.

B. Monitoring Methods

Monitoring will assess the attainment of annual and final success criteria and identify the need to implement contingency measures in the event of failure. Monitoring methods include field-sampling techniques that are based upon the California Native Plant Society field sampling protocol.² Please refer to *A Manual of California Vegetation* for further details on this sampling method.

1. Monitoring

Quantitative monitoring shall be conducted during the active growing season in June of every year. A qualified habitat restoration specialist, biologist, or horticulturist with appropriate credentials and experience in native habitat restoration shall perform the annual monitoring. Continuity within the personnel and methodology of monitoring shall be maintained insofar as possible to ensure comparable assessments. Records will be kept of mortality and other problems, such as insect

² Sawyer, John O. and Todd Keeler-Wolf. 1995. *A Manual of California Vegetation*. California Native Plant Society.

damage. The Project Biologist will also identify other potential site problems, such as weed infestation and soil loss. Remedial measures undertaken will be referenced in the annual report to the Coastal Commission.

a. Standard Vegetation Sampling Techniques

Quantitative sampling within the Restoration Area will be performed using one-meter quadrats that will be placed randomly throughout the site. Placement of quadrats will be determined using random number tables to provide two coordinates, one that indicates the distance along a longitudinal centerline bisecting the site and one that determines the distance from the line. Plots will be placed on alternating sides of the centerline and perpendicular to the centerline. Vegetative cover will be visually estimated within the quadrat for each species present, and recorded on a data sheet. Any species observed during the sampling that does not fall within a quadrat will be recorded and included on the list of species for the Restoration Area. At least 30 replicates will be initially sampled.

Sample variance from data collection in years one through three will be used to determine if 30 samples is adequate. If a power analysis indicates that more than 30 samples are required, additional quadrats will be added. If a power analysis indicates that fewer than 30 samples are required, the number of quadrats will be reduced. Sampling will be conducted with sufficient replication to detect a 10-percent difference in absolute ground cover between the mean of the restoration and the success standard with 90-percent power at an alpha level of 0.10. The mean native cover for the Restoration Area will be compared to the performance criteria at the end of five years using an appropriate inferential test such as a single-sample t-test. The mean cover for the Restoration Area will be considered to meet the performance criteria if the resulting alpha level is greater than 0.10.

2. Photo-Documentation

Several permanent stations for photo-documentation will be established [Exhibit 4]. Photos shall be taken each monitoring period from the same vantage point and in the same direction each year, and shall reflect material discussed in the annual monitoring report. The locations from which photographs are taken shall not change over the course of the monitoring period unless recommended changes are approved by the Executive Director.

3. Annual Reports

At the end of each of the five monitoring period growing seasons, an annual report will be prepared submitted during the same one-month period of each year (no later than December 31st of the first year), for five (5) years from the completion of implementation of the Revegetation Plan, for the review and approval of the Executive Director, evaluating compliance with the approved Restoration Plan. These reports will include the following:

• a list of names, titles, and companies of all persons who prepared the content of the annual report and participated in monitoring activities for that year;

- an analysis of all qualitative monitoring data;
- copies of monitoring photographs taken at the same time each year from the same locations as identified in Exhibit 4; and
- maps identifying monitoring areas, quadrats, planting zones, etc. as appropriate.

4. Final Success Criteria Resolution and Revised Restoration Plan

Final success criteria will not be considered to have been met until a minimum of two years after all human support (excluding routine weeding), including irrigation, has ceased. Should the revegetation effort meet all goals prior to the end of the five-year monitoring period, the Coastal Commission may, at its discretion, terminate the Monitoring Plan.

Respondents recognize that failure to meet success criteria may result in the requirement to replace that portion of failed creation, unless the failure was the result of an "Act of God" (e.g., fire, flood, etc.) that would likely have destroyed the original vegetation for which restoration is being performed.

If all success criteria are met at the end of the five-year monitoring period, the Restoration Plan will be considered a success.

If periodic inspections or the monitoring reports indicate that the restoration project or a portion thereof is not in conformance with the Restoration Plan or has failed to meet the goals and/or performance standards specified herein, Respondents shall submit a revised or supplemental Restoration Plan ("Revised Restoration Plan") for review and approval by the Executive Director. The Project Biologist shall prepare the Revised Restoration Plan and shall specify measures to correct those portions of the restoration that have failed or are not in conformance with the original approved Restoration Plan. The Executive Director will then determine whether the Revised Restoration Plan must be processed as a modification of the CRO, a new Restoration Plan or a new or amended coastal development permit. After the Revised Restoration Plan has been approved, these measures, and any subsequent measures necessary to carry out the original approved Restoration Plan, shall be undertaken by Respondents as required by the Executive Director until the goals of the original approved Restoration of the monitoring period shall be extended for at least a period of time equal to that during which the project remained out of compliance, but in no case less than two annual monitoring periods.

C. Notification of Completion and End of Five Years Report

At the end of the five year monitoring period (or other duration, if the monitoring period is extended because the project is not in conformance with the Restoration Plan), Respondents shall submit a final detailed report for the review and approval of the Executive Director. If this report indicates that the restoration has in part, or in whole, been unsuccessful, based on the requirements of the approved Restoration Plan, Respondents shall submit a Revised Restoration Plan, and the monitoring program shall be revised accordingly.

D. Agency Confirmation

Following receipt of the final report, Respondents will, at the request of the Coastal Commission, provide access and guidance through the Restoration Area to confirm the adequate completion of the restoration effort.

E. Written Reports Following Completion of Each Phase

Within 30 days of the completion of the work described pursuant to each phase (Removal Plan, Remedial Grading Plan, and Revegetation Plan), the Project Biologist shall submit a written report for the review and approval of the Executive Director, documenting all restoration work pursuant to the each phase of the Restoration Plan. This report shall include a summary of dates when work was performed and photographs taken from the pre-designated locations documenting implementation of the respective components of the Restoration Plan, as well as photographs of the Restoration Area before the work commenced and after it was completed.

F. Submission of Documents

All plans, reports, photographs and other materials required by the CRO shall be sent to:

California Coastal Commission Attn: Heather Johnston 45 Fremont Street, Ste 2000 San Francisco, CA 94105

With a copy sent to: California Coastal Commission Attn: N. Patrick Veesart 89 S. California Street, Ste 200 Ventura, California 93001

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NORTH

 \circ

1,000

2,000

4,000

Feet



CONSENT CEASE AND DESIST ORDER CCC-12-CD-05 AND CONSENT RESTORATION ORDER CCC-12-RO-05 PARKING LOT

Vicinity Map

GLENN LUKOS ASSOCIATES





Legend

Parking Lot 13.3(C) -Development to be Removed





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SYCAMORE RIPAR	IAN	PLANT P	ALE	ETTE - 0.04	ACRE
Plant Species		Containe Size	er	Percent per Acre	Number per Acre/Total Number
Sycamore	e Rip	arian Car	nop	y Layer	
Western sycamore		1 Gallor	۱	50	40/2
Platanus racemosa					
Coast live oak		1 Gallor	١	50	40/2
Quercus agrifolia					
Sycamore	Ripa	rian Unde	rst	ory Layer	
Laurel sumac		1 Gallor	۱	20	80/3
Malosma laurina					
Greenbark lilac		1 Gallor	۱	20	80/3
Ceanothus spinosus					
Hummingbird sage		1 Gallor	۱	10	160/6
Salvia spathacea					
Giant wild rye		1 Gallor	١	20	160/6
Elymus condensatus					
California wild rose		1 Gallor	١	20	80/3
Rosa californica					
Fuschia-flowered gooseberry		1 Gallor	١	10	80/3
Ribes speciosum					
OAK WOODLAND UNDE	RSTO		NT	PALETTE	- 0.02 ACRE
Plant Species		Contair	ner	Percent pe	er Number per
		Size		Acre	Acre/ I otal Number
Oak W	/ood	land Und	ers	tory	
Poison oak		1 Gallo	on	30	80/4
California blackberry		1 Gallo	on	30	80/4
Rubus ursinus					
California wild rose		1 Gallon		40	80/5
Rosa californica					
CHAPARRAL P	LAN	IT PALE	TT	E - 0.21 A	CRE
Plant Species	Со	ontainer	Pe	ercent per	Number per
		Size Acre Acr		Acre/	
					Total
					Number

	Chaparral		
Greenbark lilac	1 Gallon	50	80/10
Ceonothus spinosus			
Laurel sumac	1 Gallon	50	40/5
Malosma laurina			
Purple needlegrass <i>Stipa pulchra</i>	1 Gallon	Scattered Clumps	80/10

NATIVE GRASSLAND PLANT PALETTE - 0.10 ACRE			
Plant Species	Container Size	Percent per Acre	Number per Acre/ Total Number
Grassla	nd Restorat	ion	
Purple needlegrass Stipa pulchra	1 Gallon	100	400/40
alifornia goldfields asthenia californica	Seed	N/A	3 lbs/acre 0.3 lbs total
icolored lupine upinus bicolor	Seed	N/A	3 lbs/acre 0.3 lbs total
Purple clarkia Slarkia purpurea	Seed	N/A	3 lbs/acre 0.3 lbs total
alifornia poppy Eschscholzia californica	Seed	N/A	3 lbs/acre 0.3 lbs total
Vild hyacinth Dichelostemma capitatum	Seed	N/A	3 lbs/acre 0.3 lbs total

Legend Loop Road Beneath Canopy Reconstructed Loop Road Sycamore Riparian Restoration Oak Woodland Understory Restoration Chaparral Restoration Native Grassland Restoration (2) Permanent Photo Location

60 120 30 Feet



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MAY 31, 2012

MALIBU, CA. 90265



LEGEND

DISTURBED AREAS TO BE REGRADED TO APPROXIMATE ORIGINAL GROUND



Exhibit 6

2900 S. KANAN DUME ROAD MALIBU, CA. 90265

RESTORATION SITE PLAN

PLANS PREPARED BY:



PACIFIC COAST CIVIL, INC. 30141 Agoura Road, Suite 200 Agoura Hills, CA 91301 PH: (818) 865-4168 FAX: (818) 865-4198

OWNER/DEVELOPER: THE CANYON AT PEACE PARK 2900 S. KANAN DUME RD MALIBU, CA 92065 PH: (310) 457-3209

SHEET 2 OF 2 SHEETS MAY 31, 2012

ATTACHMENT 6

RESTORATION PLAN FOR THE

REMOVAL OF WOMEN'S HOUSE LANDSCAPING AND THE RESTORATION OF GRASSLAND/SCRUB ECOTONE, REVEGETATION OF NATIVE GRASSES AND SHRUBS, AND MAINTENANCE OF THE FUEL MODIFICATION ZONES ASSOCIATED WITH THE WOMEN'S HOUSE

CONSENT RESTORATION ORDER CCC-12-RO-05

RESTORATION PLAN

FOR THE REMOVAL OF WOMEN'S HOUSE LANDSCAPING AND THE RESTORATION OF GRASSLAND/SCRUB ECOTONE, REVEGETATION OF NATIVE GRASSES AND SHRUBS, AND MAINTENANCE OF THE FUEL MODIFICATION ZONES ASSOCIATED WITH THE WOMEN'S HOUSE

2900 KANAN DUME ROAD, MALIBU UNINCORPORATED LOS ANGELES COUNTY, CALIFORNIA

JUNE 2012

Prepared for:

The Canyon at Peace Park 2900 South Kanan Dume Road Malibu, California90265 Contact: Kathleen Bigsby Telephone: (310) 457-3209

and

Latham and Watkins LLP 355 South Grand Avenue Los Angeles, California90071-1560 Contact: Rick Zbur and Beth Gordie Telephone: (213) 485-1234 Fax: (213) 891-8763

Prepared by:

Glenn Lukos Associates, Inc. 29 Orchard Lake Forest, California92630 Contact: Tony Bomkamp Telephone: (949) 837-0404 Fax (949) 837-5834

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EXHIBITS

- 1. Regional Map
- 2. Vicinity Map
- 3. Vegetation Map
- 4. Restoration Area Map

I. PROJECT DESCRIPTION and SUMMARY

This Restoration Plan outlines the erosion control, removal activities, remedial grading, revegetation activities, and monitoring activities required by Consent Restoration Order CCC-12-RO-05 ("CRO") associated with the non-native/invasive Women's House landscaping, designated as Women's House Landscaping 13.3(F)(7) in the CRO and referred to herein as the "Women's House Landscaping", located at The Canyon at Peace Park property located at 2900 South Kanan Dume Road near Malibu in unincorporated Los Angeles County, California [Exhibits 1 and 2] ("Property"). The Women's House Landscaping is referred to as the "Restoration Area."

A. Location of Restoration Area

The Restoration Area comprises approximately 0.73 acre within the Property. The Restoration Area is located approximately 0.2 mile west of South Kanan Dume Road, approximately 3.0 miles north of Pacific Coast Highway at coordinates latitude 34.068297° and longitude 118.806921° at an elevation of approximately 1,220 feet.

B. Brief Summary of Restoration Plan

The Women's House Landscaping will be removed and restored as set forth in this Restoration Plan. Revegetation will be to native grassland and shrub vegetation. The Women's House Landscaping to be removed and revegetated covers 0.73 acre [Exhibit 3]. Because the Restoration Area is adjacent to the Women's House, it will be revegetated consistent with the Los Angeles County Fire Department's *Fuel Modification Plan Guidelines*¹ (the "Guidelines"), which regulates the location, composition, and spacing of the plantings for Fuel Modification Zones A, B, and C.

If the Coastal Commission approves a Coastal Development Permit Amendment for the location of the development area on APN 4465-001-028 pursuant to Section 6.1(B) of the CRO, the Respondents may seek Executive Director approval to amend the requirements of this Restoration Plan so as to reduce the revegetation requirements in areas in which development would be permitted consistent with the County's Fuel Modification Guidelines for Zones A, B, and C.

This Restoration Plan consists of several components including the Erosion Control Plan, the Removal Plan, the Remedial Grading Plan, the Revegetation Plan, and the Monitoring Plan.

C. Respondents

United World of the Universe Foundation 500 Broadway Santa Monica, CA 90401 Contact: Michael Segal

¹ County of Los Angeles Fire Department. 2011. Fuel Modification Plan Guidelines: A Firewise Landscape Guide for Creating and Maintaining Defensible Space.

Telephone: (310) 394-8989

The Canyon at Peace Park 2900 South Kanan Dume Road Malibu, California 90265 Contact: Kathleen Bigsby Telephone: (310) 457-3209

II. GENERAL PROVISIONS

A. Qualifications of the Project Biologist

Glenn Lukos Associates, Inc. (GLA) prepared this Restoration Plan. Mr. Tony Bomkamp, Senior Biologist with GLA, is the point of contact and project manager. Mr. Bomkamp is a field biologist and wetlands ecologist with an extensive background in restoration of wetland, riparian, and upland scrub habitats in Southern California. As a botanist, Mr. Bomkamp has diverse field experience including restoration work extending back over 30 years in all of the major vegetation communities in Southern California. Mr. Bomkamp earned a B.A. in Biology in 1976, and an M.S. in Environmental Studies in 1993, both from California State University, Fullerton.

Mr. Bomkamp will lead a staff of restoration ecologists in the implementation of this Restoration Plan. The individuals responsible for preparing and implementing this plan have extensive experience designing and installing revegetation and restoration projects in Southern California. This experience provides a strong basis for confidence in the success of the restoration proposed herein. A qualified habitat restoration specialist or other individual knowledgeable in native plant revegetation, hereinafter referred to as the "Project Biologist", will supervise the implementation, maintenance, and five-year monitoring of the Restoration Plan. The Project Biologist shall be on-site during all phases of the restoration.

B. Qualifications of the Landscape Contractor

A qualified landscape contractor, hereinafter referred to as the "Landscape Contractor," with experience in coastal sage scrub and chaparral habitat projects, shall perform restoration and maintenance activities within the Restoration Area. The Landscape Contractor shall possess a C-27 contractor's license, and a California license Pest Control Advisor (PCA) for the application of herbicides and pesticides. The Landscape Contractor will be supervised by the Project Biologist

C. Fuel Modification Zones Requirements

According to the Guidelines, property owners within a Fire Hazard Severity Zone must prepare and implement a fuel modification plan for their property. The fuel modification plan must set forth landscaping and vegetation thinning/clearing plans for Zones A, B, and C as follows.

Zone A is a setback zone immediately surrounding a structure that provides firefighting access and defensible space, as well as a buffer from a fire's convective and radiant heat. This area

typically consists of hardscape and/or irrigated ornamental plantings, including turf grass. At the Women's House, Zone A consists entirely of hardscape and irrigated ornamental plants consistent with the County's Fuel Modification Plan Guidelines [Exhibit 3 - Vegetation Map]. Accordingly, no non-native vegetation removal or revegetation is required or proposed, with the exception of purple ice plant (*Lampranthus productus*) as well as invasive exotic plants listed by the California Invasive Plant Council (CalIPC) or the California Native Plant Society (CNPS)², which will be removed from all three zones. Zones A and B contain approximately 0.16 acre of area that support the purple ice plant, which will be removed and replaced by non-invasive ground cover approved by Los Angeles County Fire Department for use in Zones A and B.

Zone B is an irrigation zone/transition zone that typically extends from the edge of Zone A up to 100 feet from the edge of structures. Zone B is irrigated and typically planted with ornamental species and turf grass. However, some native species are allowed provided that they are spaced appropriately to create a transition to the Zone C, and are not on the list of undesirable species, "including but not limited to laurel sumac, sagebrush, ceanothus, sage, and buckwheat." At the Women's House, Zone B is largely consistent with the Guidelines, except that oak woodland occurs within the outer 50 feet of Zone B to the south, west, and east of the Women's House [Exhibit 4]. Portions of the oak woodland are minimally maintained through thinning of the herbaceous understory plants; however, the Guidelines require that for Zone B, trees be limbed up to six feet above bare earth and a minimum of three times the height of underlying plants, and that irrigation be applied The oak woodland within Zone B is allowed to remain in a more natural state, with no irrigation applied and no limbing of the trees in contradiction of the Guidelines in order to conserve biological resources, as the oak woodland within Zone C is part of the onsite Significant Oak Woodland (SOW) area. Consistent with Zone B requirements, the large patch of disturbed bush sunflower/laurel sumac scrub north of the Women's House is periodically cleared, as laurel sumac is an "undesirable" species that must be completely removed from Zone B, and in the future this area will continue to be cleared of laurel sumac consistent with the Guidelines, while bush sunflower will be thinned but not cleared.

Zone C is a native brush-thinning zone that typically extends 100 feet from the outermost edge of Zone B and therefore up to 200 feet from the edge of structures. This zone consists of thinned native vegetation that is typically not irrigated. Native shrubs on the undesirable plant list, including but not limited to laurel sumac, sagebrush, ceanothus, sage, and buckwheat, must be thinned or removed. The general spacing requirements for large existing native shrubs or groups of shrubs are 15 feet between the edges of canopies, and the general spacing requirements for existing native trees or groups of trees are 30 feet between the edges of canopies. Trees and shrubs must be limbed up and all dead wood removed. Within Zone C at the Women's House, only some of the native vegetation has been maintained consistent with the general provisions of the Zone C requirements. Several areas within Zone C have not been thinned and undesirable species are present at high densities. As discussed above for Zone B, the oak woodland classified as SOW within Zone C to the south and west of the Women's House is subject to periodic removal of some understory vegetation, thereby providing sufficient fire protection while maintaining habitat values. The chaparral/coastal sage scrub ecotone east of the Women's

² At the time of site surveys, no invasive plants, as listed by CaIIPC or CNPS, were observed within either the Women's House Fuel Modification Zones or areas to be restored. Nevertheless, any invasive species detected during implementation of the habitat restoration, will be removed from the site.

House is dominated by undesirable species, including laurel sumac, black sage, California sagebrush, greenbark ceanothus, California buckwheat, and coastal buckwheat. The chaparral within Zone C north of the Women's House is also dominated by undesirable species including black sage, coastal buckwheat, California sagebrush, and laurel sumac. Respondents do not propose to initiate vegetation thinning in the chaparral and coastal sage scrub portions of Zone C not previously thinned in order to maintain habitat values, but intend to continue the maintenance program in the areas currently subject to vegetation thinning to reduce fire risk.

D. Description of Restoration Area to be Restored

Mr. Bomkamp has conducted three site visits to the Property: November 14, 2011, December 7, 2011, and May 8, 2012. During these site visits, Mr. Bomkamp conducted a detailed vegetation assessment and site-specific surveys of the Restoration Area and locations within the vicinity of the Restoration Area to confirm that no listed or other special-status species are present within the Restoration Area. Additionally, Mr. Bomkamp met with the project planner and examined all potential work areas as identified by the planner that may be utilized and/or impacted by restoration activities, including ingress/egress routes, equipment staging areas, temporary storage areas, and the perimeter of the Restoration Area.

Currently, the area surrounding the Women's House, and coincident with Zones A and B, is vegetated with non-native ornamental species including purple ice plant, turf grass, and ornamental trees and shrubs [Exhibit 4]. Also located within Zone B to the south, east, and west of the Women's House is oak woodland dominated by coast live oak (*Quercus agrifolia*). The oak woodland within Zone B has been partially maintained for fuel modification, which consists of localized thinning of the understory. As noted above, the purple ice plant will be completely removed from all of the zones, as will invasive plants listed by CaIIPC or CNPS, with ongoing maintenance to ensure that the ice plant does not return.

Overall, Zone C contains a mix of native and non-native habitats extending beyond the ornamental vegetation. The areas to the south and west are vegetated with oak woodland contiguous with the oak woodland in Zone B.³

On the slope extending to the north is a patch of disturbed scrub dominated by bush sunflower (*Encelia californica*) and laurel sumac (*Malosma laurina*) that has recently been cleared for fuel modification, with unmaintained and undisturbed coastal sage scrub-chaparral ecotone above the maintained area dominated by black sage (*Salvia mellifera*), sugarbush (*Rhus ovata*), coastal buckwheat (*Eriogonum cinereum*), California sagebrush (*Artemisia californica*), giant wild rye (*Elymus condensatus*), bush mallow (*Malacothamnus fasciculatus*), and laurel sumac.

To the northeast, within Zone C is an area dominated by turfgrass, purple ice plant, and nonnative grasses and ruderal vegetation including sweet alyssum (*Lobularia maritima*), cliff aster (*Malacothrix saxatilis*), sow thistle (*Sonchus oleraceus*), gazania (*Gazania linearis*), summer mustard (*Brassica geniculata*), and scattered California walnut trees (*Juglans californica*). This

³ Also present within Zone C southwest of the Woman's House is the Tree House, which is proposed for removal and habitat restoration as outlined in the *Restoration Plan for the Removal of the Tree House 12.3(G) and the Restoration of Oak Woodland*.

non-native vegetation extends beyond Zone C up to and beyond the structure designated in the CRO as Dome and Landscaping 12.3(I) and referred to herein as the "Domed Structure", and is one of the focal areas of the native species revegetation effort.

To the east, Zone C is vegetated with unmaintained coastal sage scrub/chaparral ecotone, with dominant native species being laurel sumac, black sage, and bush mallow. Other component native species include sawtooth goldenbush (*Hazardia squarrosa*), California sagebrush, chaparral yucca (*Hesperoyucca whipplei*), greenbark ceanothus (*Ceanothus spinosus*), California buckwheat (*Eriogonum fasciculatum*), coastal buckwheat, and bush sunflower.

Southeast of the Women's House, within Zone C, there is a patch of mixed native and non-native grassland subject to regular maintenance with component species including foothill needlegrass (*Stipa lepida*), re-sprouting bush sunflower, chaparral sunflower (*Helianthus gracilentus*), narrowleaf bedstraw (*Galium angustifolium*), and an occasional laural sumac.

Habitat restoration at the Restoration Area will include the following components: 1) removal of non-native vegetation; 2) revegetation of native grasses and shrubs within Fuel Modification Zone C herein after referred to as the "Zone C Area"; 3) revegetation of native grasses and shrubs northeast of the Zone C Area herein after referred to as the "Northeast Area"; 4) restoration of native grassland/scrub ecotone in the Northeast Area; and 5) continued maintenance of Fuel Modification Zones B and C and the Northeast Area. A total of approximately 0.73 acre of native vegetation will replace the non-native vegetation within the Zone C Area and the Northeast Area, including 0.37 acre of revegetation of native grasses and shrubs in the Zone C Area, 0.17-acre revegetation of native grasses and shrubs in the west side of the Northeast Area, and 0.19 acre-restoration of native grassland/scrub ecotone in the east side of the Northeast Area. The Restoration Plan does not propose work in Fuel Modification Zones A and B, as Fuel Modification Zone A is a setback zone, and Fuel Modification Zone B is an irrigated landscaped zone, with the exception of the removal of purple ice plant and invasive plants listed by CalIPC or CNPS, and replacement with non-invasive ground cover. Such replacement is outside the purview of the habitat restoration program and is not subject to monitoring or success criteria.

Types of habitat impacted by development and types to be restored are set forth in Table 1 below.

 TABLE 1

 ORNAMENTAL LANDSCAPING TO BE RESTORED BY HABITAT TYPE

Native Habitats to be Installed					
Habitat to be Removed	Acres	Habitat to be Installed	Acres		
	Zone C Area				
NNG/Ruderal and Purple	0.37	Native Grasses/Shrubs	0.37		
Ice plant		Revegetation			
Northeast Area					
NNG/Ruderal	0.19	Native Grassland/Scrub Ecotone	0.19		
		Restoration			
Purple Ice plant	0.17	Native Grasses/Shrubs	0.17		
		Revegetation			
TOTAL	0.73		0.73		

Approximately 0.73 acre of native vegetation will be installed, including 0.37 acre in the Zone C Area and 0.36 acre in the Northeast Area as depicted on Exhibit 4. In the post-installation condition the Zone C Area will provide fire protection and will also provide limited functions typical of the surrounding intact native grassland and scrub. In terms of habitat, the native grass/shrub areas within the Zone C Area will provide improved opportunity for foraging and cover for birds, insects, and small mammals. The native grass/shrub in the Northeast Area will receive only minimal maintenance, and the native grassland/scrub ecotone in the Northeast Area will not be maintained, and therefore both areas will exhibit habitat functions consistent with adjacent areas of grassland and scrub.

E. Implementation Timeline and Schedule of Activities

Upon approval of the CRO by the Coastal Commission, Respondents shall fully implement each phase of the Restoration Plan consistent with all of its terms. Respondents shall commence implementation of all work described in the Restoration Plan within 120 days of the effective date of the CRO, or if Los Angeles County approval is necessary to undertake the Restoration Plan Respondents shall inform Coastal Commission staff and this deadline shall commence within 120 days of approval by Los Angeles County. Respondents shall complete all elements of the Restoration Plan, excepting the Monitoring Plan, no later than 120 days from commencing implementation of the Restoration Plan. The Executive Director may grant an extension of these deadlines upon a showing of good cause, either if the Executive Director determines that Respondents have diligently worked to comply with their obligations under the Restoration Plan, but cannot meet deadlines that the Restoration Plan's schedule should be extended if additional time would benefit the success of the Restoration Plan from an ecological or biological perspective pursuant to Section 19.0 of the CRO.

Implementation of the Revegetation Plan will begin during the optimal planting period (generally October 15th to March 1), unless development removal will be completed well before the start of the optimal planting period, in which case the Revegetation Plan may be implemented outside of

the optimal planting period. Implementation of the Monitoring Plan shall begin immediately following planting installation.

Within one year of the completion of plant installation, it is expected that immature scrub and grassland habitat structure will exist such that insects, small mammals, and birds will utilize the Restoration Area for foraging and roosting.

F. Parties Responsible for Conducting the Restoration Plan

Respondents: United World of the Universe Foundation 500 Broadway Santa Monica, CA 90401 Contact: Michael Segal Telephone: (310) 394-8989

> The Canyon at Peace Park 2900 South Kanan Dume Road Malibu, California 90265 Contact: Kathleen Bigsby Telephone: (310) 457-3209

G. Parties the Respondents have Identified for Conducting the Restoration Plan

Project Biologist:	Glenn Lukos Associates, Inc. 29 Orchard Lake Forest, California92630 Contact: Tony Bomkamp Telephone (949) 837-0404
Project Engineer:	Pacific Coast Civil, Inc. 30141 Agoura Road, Suite 200 Agoura Hills, CA 91301 Contact: Richard Doss Telephone: (818) 865-4168
Landscape Contractor:	To be determined; work will be supervised by the Project Biologist.

H. Equipment to Be Used

1. Necessity of Mechanized Tools and Assurance of No Impact

Mechanized tool use will be limited to a mechanized augering device, which may include either a handheld power auger or auger attachment mounted on a Bobcat, for excavating planting holes as described in the Revegetation Plan. The use of mechanized tools will not impact resources protected under the Coastal Act, including but not limited to: geological stability, integrity of landforms, freedom from erosion, and the existing native vegetation.

Staging areas for equipment and materials would be located within existing developed areas depicted on Exhibit 3.

The use of a mechanized auger, including a Bobcat with an auger attachment, within the limits of the environmental fencing, would not impact any sensitive biological resources within or adjacent to the Restoration Area, as the Restoration Area generally does not support native vegetation. No state or federally listed species occur within the vicinity; therefore, none would be affected.

Additionally, as the use of the mechanized equipment will be limited to developed areas and the disturbed Restoration Area, and will not disturb the ground surface other than to dig holes for one-gallon container stock, there is no potential for impacts to landforms and geological stability.

2. Limits on the Use of Mechanized Tools and Contingency Plan

Use of mechanized tools will be limited to the hours of 7:00 am to 7:00 pm Monday through Saturday.

Should impacts occur from equipment use, including disruption of areas where revegetation occurs, the areas will be remediated according to the terms of this Restoration Plan. Any potential fuel spills or other hazardous releases that result from the use of mechanized equipment will be stopped immediately and contained within the site. The Respondents will notify the Executive Director of the Coastal Commission within 24 hours (excluding weekend or holiday days or days which the Coastal Commission is closed) of any spills of fuel or other hazardous waste, and remove the contaminated materials according to current regulations for the type of waste.

I. Staging Areas and Storage of Construction Materials

The staging area for revegetation equipment and materials will be located on an area devoid of vegetation, such as the existing driveway south of the Women's House.

No materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters, or a storm drain, or be subject to wind or runoff erosion and dispersion. Although no stockpiles are anticipated as there will be no demolition or construction activity, if any such stockpiles and construction materials were necessary, they will be covered, enclosed on all sides, be located as far as possible from drain inlets, and will not be stored in contact with the soil.

J. Location of Disposal Site

All materials removed from the Property and all waste generated during restoration activities will be disposed of in a proper and legal manner at a sanitary landfill or other appropriate site outside of the Coastal Zone.

K. Identification and Delineation of Areas to be Restored

Removal activities shall occur in all of the areas indicated on the Development Map [Exhibit 3]. Prior to initiation of the removal activities, the Project Biologist shall identify the materials to be removed. The Project Biologist shall flag the limits of the Restoration Area using temporary measures such as fencing stakes, colored flags, or colored tape. All delineation materials shall be removed when no longer needed and verification of such removal will be provided in the annual reporting that corresponds to the reporting period during which the removal occurred.

L. Nesting Bird Surveys

In order to avoid disturbance of nesting birds, there shall generally be no use of mechanized equipment during the breeding season (generally February 15 through August 31), or any time that bird courtship, breeding, or nesting is observed. If use of mechanized equipment must be conducted during the nesting bird season, a biological monitor will conduct a survey to determine the presence of any nesting behaviors, nest building, egg incubation, or brood rearing activities within a minimum of 150 feet of proposed work limits. If nesting birds are detected within 100 feet of proposed grading areas, nest monitoring will be initiated and use of mechanized equipment within 100 feet of active nests will be postponed until the nest(s) are determined to be inactive by the biological monitor.

III. EROSION CONTROL PLAN

No permanent erosion control measures will be employed, although the planting, seeding, and mulching described in the Restoration Plan will serve as natural erosion control measures once the plantings become established. As no development removal or remedial grading is necessary or proposed, and it is not anticipated that soil stabilization will be necessary, no temporary erosion control measures will be employed. However, if temporary erosion control measures such as fiber rolls/straw wattles, fiber mats, and/or silt fencing become necessary, such temporary erosion control measures will be installed at the direction and supervision of the Project Biologist.

IV. REMOVAL PLAN

As the Restoration Plan for the Women's House Landscaping is limited to revegetation, no removal of development will be necessary.

V. REMEDIAL GRADING PLAN

No remedial grading is necessary or proposed for the Women's House Landscaping, as the area is generally at grade with the immediately surrounding area in its current condition. Although some grading may have occurred over the portion of the Restoration Area in association with development of the Women's House permitted by CDP 5-89-743, such grading did not substantially alter drainage patterns or promote erosion within the Restoration Area.

VI. REVEGETATION PLAN

A. Natural Habitat Type to Be Revegetated

1. Revegetation Within the Zone C Area

As noted in excerpts from the Guidelines, Zone C is typically non-irrigated and may include native vegetation consistent with the spacing and composition set forth in the Guidelines. In order to maintain the unique character of the Zone C Area of the Property, which is intended to provide walkways and garden areas that foster contemplative practice and meditation, specialized native plantings will be installed within the 0.37 acre Zone C Area [Exhibit 4]. The contemplative character of the Zone C Area will be maintained through the use of native bunch grasses and herbaceous perennials, and native shrubs that will be planted in groupings to create appropriate "texture" consistent with the character of the area while also maintaining consistency with the Guidelines. For example, as set forth in the Plant Palette in Table 2 below, revegetated areas within the Zone C Area will include a mosaic of native bunch grasses and native shrubs.

2. Revegetation and Restoration Within the Northeast Area

Because of the presence of the Domed Structure, known as the "Peace Pagoda", which is an important cultural icon on the Property, the planting scheme described above for the Zone C Area will be extended into the 0.17 acre portion of the Northeast Area previously planted with non-native purple ice plant and non-native grasses and forbs [Exhibit 4]. Because the Northeast Area is beyond the limits of Fuel Modification Zone C, the density of shrub plantings can be increased; however, the general character established in the Zone C Area will be extended through use of a similar plant palette as summarized in Table 3. Because irrigation already is installed in this portion of the Northeast Area, it will used for establishment purposes and in the long-term to ensure that the visual/aesthetic character of this portion of the Northeast Area is maintained.

The 0.19-acre portion of the Northeast Area currently vegetated with non-native grassland/ruderal species [Exhibit 4] will be restored to native grassland/scrub ecotone to provide a transition between the native grassland plantings surrounding the Domed Structure and the existing coastal sage scrub/chaparral ecotone to the east of the Restoration Area.

B. Restoration Goals and Objectives

It is fully expected that the proposed revegetation plantings will thrive following restoration implementation. The proposed plant palette includes native species that exist adjacent to the Restoration Area or in the Santa Monica Mountains, and are known to favor the proposed physical conditions at the site. The plant communities were selected using information gathered during site visits and from general knowledge of local plant communities.

The proposed Restoration Plan provides for: 1) revegetation and maintenance of 0.37 acre of native grasses and shrubs within the Zone C Area consistent with the provisions of the Guidelines within Fuel Modification Zone C; 2) revegetation and maintenance of an additional 0.17 acre of native grasses and shrubs in the Northeast Area and beyond the limits of the Zone C Area; and 3) restoration of 0.19 acre of native grassland/scrub ecotone in the Northeast Area. A total of approximately 0.54 acre of native habitat will be revegetated and maintained on-site, and 0.19 acre will be restored on-site. No revegetation activities will occur within Fuel Modification Zone A, which is a required setback zone, and Fuel Modification Zone B, which is a required irrigated zone; however, all purple ice plant, and any invasive plants listed by CaIIPC or CNPS, will be removed from these zones, which will be maintained free of the purple ice plant.

C. Plant Palettes

All of the plants included in the plant palettes are able to tolerate hot, dry summer conditions, taking advantage of associated groundwater during the winter and spring rainy season.

1. The Zone C Area

The Zone C Area [Exhibit 4] will be planted with a modified native grass and shrub plant palette that is consistent with the contemplative character for this portion of the Property. Although Fuel Modification Zone C is typically not irrigated, because much of the Zone C Area is currently under irrigation and planted with ornamental species, Respondents wish to retain the general character of the current vegetation but with an appropriate native plant palette. Following revegetation with native species, the Zone C Area will be periodically thinned as necessary consistent with the Guidelines. The Zone C Area plant palette is provided below in Table 2.

0.37 Acre Zone C Area Native Grass/Shrub Revegetation		
Plant Species	Container Size	Number per Acre/Total Number
Grass Species		
Deergrass Muhlenbergia rigens	1 Gallon	50/20
Foothill needlegrass Stipa lepida	1 Gallon	50/20
Purple needlegrass Stipa pulchra	1 Gallon	50/20
Triangular fruit sedge Carex triquetra	1-Gallon	25/20
Checker bloom Sidalcea malviflora	1 Gallon	25/13
Hummingbird sage Salvia spathacea	1 Gallon	25/13
Arroyo Lupine Lupinus succulentus	Seed	5/2 Lbs
California Poppy Eschscholzia californica	Seed	5/2 Lbs
Shrub Species		
Heart-leaved Penstemon Keckiellia cordifolia	1 Gallon	20/8
California fuchsia <i>Epilobium canum</i>	1 Gallon	20/8
California barberry Berberis pinnata	1 Gallon	20/8
Fuschia-flowered gooseberry Ribes speciosum	1 Gallon	10/4
California wild rose Rosa californica	1 Gallon	20/8
Sticky-leaved Monkey Flower <i>Mimulus aurantiacus</i>	1 Gallon	20/8

TABLE 2 THE ZONE C AREA NATIVE GRASS/SHRUB PLANT PALETTE

2. The Northeast Area

As described above, 0.17 acre of the Northeast Area will be revegetated with native grasses/shrubs, and 0.19 acre of the Northeast Area will be revegetated with grassland/scrub ecotone.
a. Portion of the Northeast Area to be Revegetated with Native Grasses/Shrubs

Similar to the Zone C Area, a portion of the Northeast Area [Exhibit 4] will be planted with a native grass and shrub plant palette that is consistent with the contemplative character for this portion of the Property, except that chaparral melic grass has been substituted for deergrass as the Northeast Area will have reduced irrigation, and plantings will be installed at a higher density as the Northeast Area is outside the Fuel Modification Zones. This portion of the Northeast Area is being planted with a similar palette as it is contiguous with the Zone C Area and surrounds the path to the Domed Structure for which Respondents wish to retain the landscaped character of the surrounding area. Following completion of the revegetation with native species and five-year monitoring program, this portion of the Northeast Area may be periodically maintained and irrigated at low levels as necessary to promote the aesthetic character, but native cover will always meet or exceed the success criteria outlined below. For this portion of the Northeast Area the plant palette is provided below in Table 3.

0.17 Acre Northeast Area Native Grass/Shrub Revegetation					
Plant Species	Container Size	Number per Acre/Total Number			
	Grass Species	·			
Coast Range melic Melica imperfecta	1 Gallon	100/22			
Foothill needlegrass Stipa lepida	1 Gallon	100/22			
Purple needlegrass Stipa pulchra	1 Gallon	100/22			
Triangular fruit sedge Carex triquetra	1-Gallon	50/11			
Checker bloom Sidalcea malviflora	1 Gallon	50/11			
Hummingbird sage Salvia spathacea	1 Gallon	50/11			
Arroyo Lupine Lupinus succulentus	Seed	10/2 Lbs			
California Poppy Eschscholzia californica	Seed	10/2 Lbs			
	Shrub Species				
Heart-leaved penstemon Keckellia cordifolia	1 Gallon	40/9			
California fuchsia <i>Epilobium canum</i>	1 Gallon	40/9			
California barberry Berberis pinnata	1 Gallon	40/9			
Fuschia-flowered gooseberry Ribes speciosum	1 Gallon	20/4			
California wild rose Rosa californica	1 Gallon	40/9			
Sticky-leaved monkey flower Mimulus aurantiacus	1 Gallon	40/9			

TABLE 3NORTHEAST AREA NATIVE GRASS/SHRUB PLANT PALETTE

b. Portion of the Northeast Area to be Revegetated with Grassland/Scrub Ecotone

The other portion of the Northeast Area [Exhibit 4] will be restored to native grassland/scrub ecotone to provide a transition between the native grassland plantings surrounding the Domed Structure portion of the Northeast Area and the existing coastal sage scrub/chaparral ecotone to the east of the Restoration Area. For this portion of the Northeast Area, the plant palette is provided below in Table 4.

0.19 Acre Northeast Area Grassland/Scrub Ecotone Restoration			
Plant Species	Container Size	Number per Acre/Total Number	
	Shrub Species		
Black sage Salvia mellifera	1 Gallon	40/8	
Saw-tooth goldenbush Hazardia squarrosa	1 Gallon	40/8	
Bush mallow Malacothamnus fasciculatus	1 Gallon	40/8	
Sugar Bush <i>Rhus ovata</i>	1 Gallon	40/8	
Laurel Sumac Malosma laurina	1 Gallon	40/8	
Greenbark Ceanthous Ceanothus spinosus	1 Gallon	40/8	
California sagebrush Artemisia californica	1 Gallon	40/8	
Purple sage Salvia leucophylla	1 Gallon	40/8	
U	nderstory Species		
Miniature Lupine Lupinus succulentus	Seed	5/2 Lbs	
California Poppy Eschscholzia californica	Seed	5/2 Lbs	
Coast Range Melic Melica imperfecta	1 Gallon	50/10	
Foothill needlegrass Stipa lepida	1 Gallon	50/10	
Purple needlegrass Stipa pulchra	1 Gallon	50/10	

TABLE 4 NORTHEAST AREA GRASSLAND/ SCRUB ECOTONE PLANT PALETTE

D. Site Preparation Methodology

Site preparation shall consist of clearing and controlling all non-native plant species, including ornamental landscaping, within the Restoration Area footprint, installation of irrigation components, preparing planting holes, and doing any other work necessary to make ready the area for planting. All site preparation will be conducted with hand tools only, except for a mechanized auger for digging planting holes for container stock. Installation of irrigation and plant materials shall occur following removal of development, and during the optimal planting period if possible (generally October 15th to March 1). However, planting may occur outside of the optimal planting period if development removal would be completed a significant amount of

time prior to the start of the optimal planting period, provided that sufficient irrigation is applied to support establishment of the plantings.

If deemed necessary, a "grow and kill" cycle will be established following installation of the irrigation system and prior to installation of restoration plantings. "Grow and kill" is a cycle of applying water, germinating the non-native, invasive species, and spraying the plants with the appropriate herbicide. This allows a large portion of the seed load currently present in the soil to be eradicated. Removing the competition early in the life cycle of native plants helps to ensure more rapid growth and cover of the native species. If a "grow and kill" cycle is deemed necessary, Respondents shall inform the Executive Director in writing at least 15 days prior regarding the type and quantity of herbicide proposed to be used.

All undesirable exotic plants will be eradicated. The Project Biologist will direct the Landscape Contractor regarding the selection of target weed species, their location, and the timing of weed control operations to ensure that native plants are avoided to the extent possible.

E. Planting Plan and Methodology

Planting shall consist of planting container stock and seeding either via hand broadcast or hydroseeding. No planting shall be done in any area until the area has been prepared in accordance with the plans and presents an appearance satisfactory to the Project Biologist. The Project Biologist shall be on-site the first day of each phase of plant installation and every other day after that.

1. Source of Plant Materials

It is preferred that the source of all propagules and seed used at the Restoration Area be from the site or adjacent scrub and chaparral areas. If not available, the remainder of the propagules and seed required will be from wild sources within the Malibu area of Los Angeles County, and collected as close to the Restoration Area as possible to preserve regional genetic integrity.

Plant material for revegetation shall be derived from cuttings, materials salvaged from disturbed areas, and/or seeds obtained from randomly selected native shrubs occurring locally. Any replacement tree or shrub stock that cannot be grown from cuttings or seeds shall be obtained from a native plant nursery, be ant-free, and shall not be inoculated to prevent heart rot. If any materials must be obtained from other than on-site sources, the Project Biologist shall provide the Coastal Commission with a list of all such materials, and shall ensure that they are of local origin (i.e., the Santa Monica Mountains), and are not cultivars.

2. Contract Growing

Contract growing of all container plants shall be by a local experienced native plant nursery. Substitution of plant material at the time of planting depends solely upon the discretion of the Project Biologist. Any approved substitutions will be documented in the annual report prepared as part of the Monitoring Plan.

3. Container Stock

Tree, shrub, and grass species will be installed as container stock. Planting and seeding will generally occur between October 15 and March 1 to take advantage of the winter rainy season, dormancy of foliage, and the winter rooting period to ensure optimum survival of plantings, unless development removal will be completed well before the start of the optimal planting period, in which case the Revegetation Plan may be implemented outside of the optimal planting period. One-gallon container stock shall be utilized for the revegetation of coastal sage scrub and chaparral plant communities. All plant materials will be inspected by the Project Biologist and approved as healthy, disease free, and of proper size prior to planting. Overgrown, root-bound container stock will be rejected.

4. Mycorrhizal Fungi

Mycorrhizae are specialized fungi found on plant roots. A symbiotic relationship exists between plant roots and mycorrhizae wherein the plants benefit from the increased ability to take up nutrients and withstand drought when mycorrhizae are present. This relationship is essential to the growth rate, well-being, and longevity of native plant communities. Plant utilization of mycorrhizal fungi markedly increases the success of revegetation on disturbed or degraded lands. The native plant nursery shall inoculate all appropriate container-grown plants, except those known to be non-host species, with mycorrhizal fungi prior to delivery to the job site.

5. Plant Placement

Container stock will be laid out in such a manner that mimics natural plant distribution (i.e., in clusters and islands) to emulate regional reference sites. The Project Biologist will monitor and confirm that trees and shrubs have been placed at the designed elevation relative to the water source supporting them, such as ground water. All plants shall be in randomly spaced, naturally clumped patterns. The average planting densities shall meet the criteria specified in the Plant Palette [Tables 2, 3, and 4].

6. Planting Method for Container Stock and Seed Application

Container stock will be thoroughly watered by the nursery the day before planting. One-gallon container stock will be planted in a hole measuring at least twice the diameter of the container and twice the depth. The excavated hole will be filled with water and allowed to completely drain prior to installation of the plant.

One teaspoon (0.3 oz.) of Osmocote 14-14-14 (or equal) will be placed one-inch below the root zone and backfilled with native soil to the proper planting depth. The container plant will be upended into the palm of the hand to avoid damage to the root structure and placed in the planting hole. The top of the root ball will be set one-inch above finished grade. The planting hole will be backfilled with native soil.

A three-inch high, hand-compacted earth berm, approximately 24 inches in diameter, will then be constructed around each container plant to utilize as a watering basin. Container stock will be

watered immediately after installation. This watering basin will be maintained until the plants are no longer irrigated. Coarse mulch shall be placed around plantings to minimize water loss and discourage weed growth. Mulch will be applied as a top dressing, two to three inches thick, and must not come in contact with the stem of the plant. Mulch will not be applied to the watering basins of the native grasses.

Grass species will have a plant protection device (plastic mesh screens or wire screens) installed around each plant to protect the grasses from herbivory. The Landscape Contractor will remove the plant protection device after approximately six months or upon approval by the Project Biologist.

Seed will be applied either through hydroseeding or hand broadcast at the discretion of the Project Biologist.

7. Pruning and Staking

There will be no pruning or staking of any vegetation. Diseased or insect-damaged foliage, if sufficient to require pruning, will serve as a benchmark for rejection of plant materials. A small amount of selective trimming of native species is allowed to prevent overspray of herbicide from reaching their branches, if herbicide is necessary. If herbicide is to be employed, Respondents shall inform the Executive Director in writing at least 15 days prior regarding the type and quantity of herbicide proposed to be used. Native vegetation may only be trimmed; individual plants shall not be removed.

F. Performance Standards

The success of habitat restoration is defined as the restoration of a functional ecosystem. Success is usually measured by percent coverage by target species. While a fully successful restoration plan might be viewed as one that results in 100-percent coverage, such coverage is unlikely. Natural habitats rarely exhibit 100-percent coverage, but rather include a considerable proportion of open spaces. While this monitoring program uses percent coverage criteria, it is noted that determination of successful coverage is expected to be relative to other similar native habitats typical of the region, and as such, the percent coverage criteria are defined relative to an undisturbed reference site of similar habitat composition.

The means of determining successful restoration for this site will be through a series of measurements for natural recruitment, exotic species cover, cover by native species, and species richness and diversity. All of these, except non-native species cover, should increase over time. Cover by non-native species should be the opposite; it should decrease with time, particularly because one of the primary goals of the Restoration Plan is to substantially reduce or eliminate non-native species from the site.

After the initial non-native species eradication and associated planting effort has been completed, the Restoration Area will be monitored by the Project Biologist on a monthly basis for the next 18 months and quarterly thereafter for the remainder of the monitoring period. Qualitative surveys, consisting of a general site walkover and habitat characterization, will be completed during each

monitoring visit. General observations, such as fitness and health of the planted species, pest problems, weed persistence/establishment, mortality, and drought stress, will be noted in each site walkover. The Project Biologist will determine remedial measures necessary to facilitate compliance with performance standards.

Quantitative data will be collected annually using accepted vegetative sampling methods in order to evaluate survivorship, species coverage, and species composition.

In the event that plantings should fail to meet the specified requirements, compliance will be ensured by the performance of either or both of the following remedial procedures by the Landscape Contractor on an as-needed basis as directed by the Project Biologist: (1) replacing unsuccessful plantings with appropriately sized stock or seed mixes to meet stated cover or survival requirements, and /or (2) performing maintenance procedures to ensure the site conditions are appropriate (e.g., non-native species removal). Remedial actions in planting areas shall be based on detailed investigations (such as soil tests and excavations of failed plantings to examine root development) to determine causes of failure. If substantial non-compliance with the performance occurs, Respondents or Respondents' representative will consult the Coastal Commission to determine whether corrective measures and an extension of the five-year monitoring period will be necessary.

1. Reference Site

A reference site shall be established in adjacent areas for the 0.19-acre grassland/scrub ecotone portion of the Northeast Area, and sampled to provide a basis of comparison for the performance standards discussed herein. The reference site shall be located within the undisturbed section of the adjacent sage scrub/chaparral ecotone habitat adjacent to the Restoration Area. Because there are no naturally-occurring plant communities in the vicinity of the Zone C Area and the 0.17-acre grass/shrub revegetation portion of the Northeast Area with the same species composition as the specialized native plantings, no reference site will be established for the native grass/shrub revegetation area in either the Zone C Area or the Northeast Area; however, these native grass/shrub revegetation areas will be monitored qualitatively and quantitatively as described below. The plant palettes detailed in Tables 2 and 3 are in part based upon the onsite native flora, but are designed both to account for the limitations of the Guidelines, and in keeping with the character of the grounds at the Women's House. The plant palette detailed in Table 4 is based on onsite observations of the adjacent areas of native vegetation, and the "number per acre" provided in the plant palette table is based on onsite estimates of relative abundance of native species on the adjacent slopes.

2. Standard Vegetation Monitoring Performance Standards

Native Grass/Shrub Revegetation in the Zone C Area

First-Year Monitoring

Success Standard: 20-percent coverage of native species (five-percent deviation allowed); At least 80-percent of the planted species will be represented in the Restoration Area (native recruits not in the plant palette may be counted); No more than 10-percent coverage by non-native plant species.

Second-Year Monitoring

Success Standard: 30-percent coverage of native species (<five-percent deviation allowed); At least 80-percent of the planted species will be represented in the Restoration Area (native recruits not in the plant palette may be counted); No more than five-percent coverage by non-native species.

Third-Year Monitoring

Success Standard: 45-percent of native species (<five-percent deviation allowed); At least 80-percent of the planted species will each attain at least fivepercent cover of the total native cover (native recruits not in the plant palette may be counted);

No more than five-percent coverage by non-native species.

Fourth-Year Monitoring

Success Standard: 60-percent coverage of native species (<five-percent deviation allowed); At least 80-percent of the planted species will each attain at least fivepercent cover of the total native cover (native recruits not in the plant palette may be counted);

No more than five-percent coverage by non-native plant species.

Fifth-Year Monitoring

Success Standard: 70-percent coverage of native species (<five-percent deviation allowed); At least 80-percent of the planted species will each attain at least fivepercent cover of the total native cover (native recruits not in the plant palette may be counted); No more than five-percent coverage by non-native plant species.

Native Grass/Shrub Revegetation in the Northeast Area

First-Year Monitoring

Success Standard: 30-percent coverage of native species (five-percent deviation allowed); At least 80-percent of the planted species will be represented in the Restoration Area (native recruits not in the plant palette may be counted); No more than 10-percent coverage by non-native plant species.

Second-Year Monitoring

Success Standard: 40-percent coverage of native species (<five-percent deviation allowed);

At least 80-percent of the planted species will be represented in the Restoration Area (native recruits not in the plant palette may be counted); No more than five-percent coverage by non-native species.

Third-Year Monitoring

Success Standard: 55-percent of native species (<five-percent deviation allowed); At least 80-percent of the planted species will each attain at least fivepercent cover of the total native cover (native recruits not in the plant palette may be counted); No more than five-percent coverage by non-native species.

Fourth-Year Monitoring

Success Standard: 70-percent coverage of native species (<five-percent deviation allowed); At least 80-percent of the planted species will each attain at least fivepercent cover of the total native cover (native recruits not in the plant palette maybe counted);

No more than five-percent coverage by non-native plant species.

Fifth-Year Monitoring

Success Standard: 80-percent coverage of native species (<five-percent deviation allowed); At least 80-percent of the planted species will each attain at least fivepercent cover of the total native cover (native recruits not in the plant palette may be counted); No more than five-percent coverage by non-native plant species.

Native Grassland/Scrub Ecotone in the Northeast Area

First-Year Monitoring

Success Standard: 40-percent coverage of native species relative to the reference site (five-percent deviation allowed);

At least 80-percent of the planted species will be represented in the Restoration Area (native recruits not in the plant palette may be counted); No more than 10-percent coverage by non-native plant species.

Second-Year Monitoring

Success Standard: 50-percent coverage of native species relative to the reference site (<five-percent deviation allowed);

At least 80-percent of the planted species will be represented in the Restoration Area (native recruits not in the plant palette may be counted); No more than five-percent coverage by non-native species.

Third-Year Monitoring

Success Standard: 65-percent of native species relative to the reference site (<five-percent deviation allowed);

At least 80-percent of the planted species will each attain at least fivepercent cover of the total native cover (native recruits not in the plant palette may be counted);

No more than five-percent coverage by non-native species.

Fourth-Year Monitoring

Success Standard: 80-percent coverage of native species relative to the reference site (<fivepercent deviation allowed); At least 80-percent of the planted species will each attain at least fivepercent cover of the total native cover (native recruits not in the plant palette maybe counted); No more than five-percent coverage by non-native plant species.

Fifth-Year Monitoring

Success Standard: 90-percent coverage of native species relative to the reference site (<fivepercent deviation allowed); At least 80-percent of the planted species will each attain at least fivepercent cover of the total native cover (native recruits not in the plant palette may be counted); No more than five-percent coverage by non-native plant species.

G. Proposed Use of Artificial Inputs

1. Irrigation Plan

The Landscape Contractor shall provide irrigation for the Restoration Area when natural moisture conditions are inadequate to ensure the survival of plants. Irrigation shall be provided for a maximum of 3 years from plant installation or until the revegetation has become established, whichever comes first. Irrigation shall be phased out during the fall/winter of the second year unless unusually severe conditions threaten survival of the plants. All plants must survive and grow for at least two years without supplemental water for the Restoration Plan final success criteria to have been met. Supplemental irrigation is to be used solely for establishing the plants at the Restoration Area and is of a temporary nature. The goal of the irrigation program is to obtain germination and growth with the least amount of irrigation. Frequent irrigation encourages weed invasion and leaches nutrients from the soil.

The Restoration Area will initially be supported by a short-term automatic irrigation system. The container stock will be irrigated as long as necessary to establish the root systems in the native soils, usually through two or three summers. All irrigation lines will be installed above-grade for ease of removal and inspection.

The critical period for irrigation is during the first winter and early spring following planting. During this time, roots are not well established, and an unseasonable drought can cause high mortality. During dry periods after plant installation, the Project Biologist and the Landscape Contractor will regularly inspect soil moisture. Supplemental irrigation during the summer dry season will occur as frequently as required. After the initial plant establishment period, water will be applied infrequently and only as required to prevent the mortality of plants and seedlings. The irrigation methods employed will attempt to mimic wet rainfall years by incorporating evenly spaced, infrequent, deep applications of water.

When the plantings are sufficiently established, and no longer require supplementary irrigation, the Project Biologist shall notify the Landscape Contractor to remove all irrigation system components from the Restoration Area. In the event irrigation system components are removed, but it is later determined by the Project Biologist that supplemental irrigation may be necessary to meet the success standards herein, the irrigation system component may be reintroduced and then removed when the necessity for supplemental irrigation has ceased.

The Landscape Contractor shall be responsible for applying sufficient irrigation water to adequately establish new plant materials, and germinate and establish the applied seed. Irrigation water shall be applied in such a way as to encourage deep root growth (periodic deep irrigation versus frequent light irrigation). The Landscape Contractor will allow soil to dry down to approximately 50- to 60-percent of field capacity (in the top six or 10 inches of soil after germination and during seedling establishment) before the next irrigation cycle. Wetting of the full root zone and drying of the soil between irrigation events is essential to the maintenance of the plants and the promotion of the deep root zone that will support the vegetation in the years after establishment. Irrigation systems may need to be on for as long as six to eight hours at a time in order to get complete water penetration to the lower soil horizons to encourage deep root growth. A soil probe or shovel shall be used to examine soil moisture and rooting depth directly.

Irrigation will be used as necessary to enhance establishment of the vegetation and will be discontinued at the end of three years. If it is determined that it is desirable to continue irrigation beyond three years, Respondents shall request an extension in writing, outlining the need for an extension of the duration of the irrigation.

2. Herbicide

The use of herbicide is not proposed at this time; however, if it becomes necessary to use herbicide, Respondents will notify the Executive Director at least 15 days in advance with the type and quantity of herbicide to be used. The minimum amount of herbicide necessary to support the plantings will be used. If herbicide use is deemed necessary and approved by the Executive Director, it shall be administered by a licensed PCA.

3. Fertilizer

No fertilizer use is proposed following initial use of Osmocote 14-14-14 in the planting holes at the time of planting as described above.

VII. MONITORING PLAN

A. Maintenance Activities During the Monitoring Period

The purpose of this program is to ensure the success of the restoration plantings. Maintenance will occur over the five-year life of the Monitoring Plan. The Project Biologist will monitor all aspects of the revegetation in an effort to detect any problems at an early state. Potential problems could arise from irrigation failure, erosion and failure of erosion control measures, vandalism, competition from weeds and invasive species, and unacceptable levels of disease and predation.

These maintenance guidelines are specifically tailored for native plant establishment. The maintenance personnel will be fully informed regarding the habitat establishment program so they understand the goals of the effort and the maintenance requirements. A Landscape Contractor with experience and knowledge in native plant habitat restoration will supervise all maintenance personnel.

For a period of 120 days following completion of plant installation, the initial Landscape Contractor will be responsible for the care of the plantings. The purpose of the 120-day establishment period is to ensure continuity between the installation of the plant material and its short-term maintenance. The installation Landscape Contractor's presence during this 120-day period is proven to increase Restoration Plan success. The Landscape Contractor will control the spread of weedy species, and identify any efforts needed to ensure the health and survival of the plantings.

Following the 120-day establishment period, the project will be evaluated for the health of plant materials, and if judged satisfactory by the Project Biologist, the establishment period will be considered concluded and the long-term habitat maintenance program will begin. If plant health is not determined to be satisfactory, an additional 60 days will be allowed for the Landscape Contractor to implement remedial measures, including plant replacement. A different Landscape Contractor may implement the long-term maintenance program; however, the Project Biologist will continue to monitor the Restoration Plan success.

Damage to plants, irrigation systems, erosion control structures/measures, and other facilities occurring as a result of unusual weather or vandalism will be repaired or replaced immediately.

1. General Maintenance

The Landscape Contractor will perform the following tasks as general maintenance duties:

- Plant inspection;
- Weed control;
- Irrigation water volume and frequency;
- General maintenance of the irrigation system;
- Trash and debris removal;
- Pest control; and
- Plant replacement.

2. Plant and Restoration Area Inspection

During the 120-day establishment period, and into the long-term habitat maintenance period, the Project Biologist will inspect the Restoration Area on a monthly basis for 18 months. The plants and conditions at Restoration Area shall be inspected on a quarterly basis thereafter until achievement of performance standards for the Restoration Area. The Project Biologist will conduct inspections for the purpose of maintaining at a minimum, the following: all erosion control measures, non-native species eradication, trash and debris removal, and the health and abundance of the original and/or replacement plantings.

3. Weed Control

The Restoration Area shall be maintained free of weeds, including purple ice plant, which will also be removed from Zones A and B, throughout the monitoring period. In addition any invasive plants listed by CalIPC or CNPS will be removed from the Restoration Area. Weed eradication will minimize competition that could prevent the establishment of native species. All maintenance personnel will be trained to distinguish weed species from native vegetation to ensure only weedy species are removed. The use of herbicide is not proposed at this time; however, if it becomes necessary to use herbicide, Respondents will notify the Executive Director at least 15 days in advance with the type and quantity of herbicide to be used. The minimum amount of herbicide necessary to support the plantings will be used.

Weeds shall be manually removed before they can attain a height of three inches (3") at intervals of not more than 30 days for the first two years of the Monitoring Plan. All portions of the plant will be removed, including the roots. The Project Biologist shall direct the Landscape Contractor regarding the selection of target weed species, their location, and the timing of weed control operations to ensure that native plants are avoided to the extent possible. Pulled weeds will be placed on a "mantilla" or other type of tarp to prevent any seeds from coming in contact with the ground.

Weed removal shall be done at least monthly for the first two years, and at least monthly during the rainy season (January through April) and quarterly from May through December for years three through five. As weeds become apparent, they should be immediately removed by hand or controlled with an appropriate herbicide if determined necessary by a licensed PCA and as approved by the Executive Director. Weed debris shall be removed from the Restoration Area the same day as weed removal and disposed of as permitted by law.

A space cleared of weeds within the watering basin shall be maintained around each container plant to minimize competition from other plant species. Two-inch thick mulch within the watering basin shall be maintained throughout the maintenance period.

4. General Maintenance of the Irrigation System

The Landscape Contractor will be responsible for the regular maintenance and repair of all aspects of the irrigation system. Poorly functioning or non-functioning parts shall be replaced immediately so as to not endanger the plantings.

General system checks shall be conducted no less than weekly the first month after installation to assure the system is functioning correctly, and monthly thereafter, except during periods when the irrigation system is not in operation as recommended by the Project Biologist.

Any erosion or slippage of soil caused by the Landscape Contractor's inadequate maintenance or operation of irrigation facilities shall be repaired by the Landscape Contractor at his/her expense.

5. Trash and Debris Removal

The Restoration Area shall be well maintained in order to deter vandalism and dumping of trash. The Landscape Contractor is responsible for avoiding impacts to plantings during trash removal activities. Landscape Contractor shall, during routine maintenance, manually remove weeds, litter, trash, and debris from the Restoration Area and dispose of off-site as permitted by law.

6. Pest Control

Young trees and shrubs will be monitored for signs of disease, insect, and/or predator damage, and treated as necessary. Badly damaged plants will be pruned to prevent spreading of the pestilence or replaced in kind if removed. Excessive foraging by predators will necessitate protective screening around plants. The Project Biologist will be consulted on any pest control measures to be implemented.

7. Plant Replacement

The Landscape Contractor responsible for the installation of container stock plants will be responsible for replacement of all terminally diseased or dead plants during the 120-day establishment period. During the long-term maintenance period, the Contractor will be responsible for the replacement of any dead and/or declining plants in the winter months as recommended by the Project Biologist. Replacement plants shall be paid for and installed by the Landscape Contractor.

Replacement plants shall conform to the species, size requirements, and spacing as specified for the plants being replaced. The replacement plants shall be purchased from inventory at the same native plant nursery as were the contract-grown plant stock.

8. Pruning

No pruning is necessary unless otherwise specified by the Project Biologist as described above.

9. **Responsible Party for Maintenance**

Respondents will be responsible for financing. The Project Biologist will be responsible for periodic inspections and communicating maintenance needs to the Contractor. The Landscape Contractor will be responsible for carrying out maintenance activities.

10. Maintenance Schedule

The Monitoring Plan will continue for five years following the completion of plant installation or until performance criteria are met.

TABLE 5 MAINTENANCE SCHEDULE					
Maintenance Task	Maintenance Task Year				
	1	2	3	4	5
Plant Inspection	Monthly first 12 months	Monthly through 18th month; quarterly thereafter	Quarterly	Quarterly	Quarterly
Irrigation System Inspection	Monthly, or more frequently if required	Monthly	As Required	N/A	N/A
Trash and Debris Removal	Monthly	Quarterly	Quarterly	Quarterly	Quarterly
Weed Control	Minimum of Monthly	Monthly	Monthly from January to April; Quarterly from May to December	Monthly from January to April; Quarterly from May to December	Monthly from January to April; Quarterly from May to December
Pest Control	Monthly	Bi-monthly	Quarterly	Quarterly	Quarterly
Plant Replacement	Annually	Annually	Annually	Annually	Annually

Table 5 below indicates the schedule of maintenance activities and inspections.

B. Monitoring Methods

Monitoring will assess the attainment of annual and final success criteria and identify the need to implement contingency measures in the event of failure. Monitoring methods include field-sampling techniques that are based upon the California Native Plant Society field sampling

protocol.⁴ Please refer to *A Manual of California Vegetation* for further details on this sampling method.

1. Monitoring

Quantitative monitoring shall be conducted during the active growing season in June of every year. A qualified habitat restoration specialist, biologist, or horticulturist with appropriate credentials and experience in native habitat restoration shall perform the annual monitoring. Continuity within the personnel and methodology of monitoring shall be maintained insofar as possible to ensure comparable assessments. Records will be kept of mortality and other problems, such as insect damage. The Project Biologist will also identify other potential site problems, such as weed infestation and soil loss. Remedial measures undertaken will be referenced in the annual report to the Coastal Commission.

a. Standard Vegetation Sampling Techniques

Quantitative sampling within the Restoration Area will be performed using one-meter quadrats that will be placed randomly throughout the site. Placement of quadrats will be determined using random number tables to provide two coordinates, one that indicates the distance along a longitudinal centerline bisecting the site and one that determines the distance from the line. Plots will be placed on alternating sides of the centerline and perpendicular to the centerline. Vegetative cover will be visually estimated within the quadrat for each species present, and recorded on a data sheet. Any species observed during the sampling that does not fall within a quadrat will be recorded and included on the list of species for the Restoration Area. At least 30 replicates will be initially sampled.

Sample variance from data collection in years one through three will be used to determine if 30 samples is adequate. If a power analysis indicates that more than 30 samples are required, additional quadrats will be added. If a power analysis indicates that fewer than 30 samples are required, the number of quadrats will be reduced. Sampling will be conducted with sufficient replication to detect a 10-percent difference in absolute ground cover between the mean of the restoration and the success standard with 90-percent power at an alpha level of 0.10. The mean native cover for the Restoration Area will be compared to the performance criteria at the end of five years using an appropriate inferential test such as a single-sample t-test. The mean cover for the Restoration Area will be considered to meet the performance criteria if the resulting alpha level is greater than 0.10.

⁴ Sawyer, John O. and Todd Keeler-Wolf. 1995. *A Manual of California Vegetation*. California Native Plant Society.

2. Photo-Documentation

Several permanent stations for photo-documentation will be established [Exhibit 4]. Photos shall be taken each monitoring period from the same vantage point and in the same direction each year, and shall reflect material discussed in the annual monitoring report. The locations from which photographs are taken shall not change over the course of the monitoring period unless recommended changes are approved by the Executive Director.

3. Annual Reports

At the end of each of the five monitoring period growing seasons, an annual report will be prepared submitted during the same one-month period of each year (no later than December 31st of the first year), for five (5) years from the completion of implementation of the Revegetation Plan, for the review and approval of the Executive Director, evaluating compliance with the approved Restoration Plan. These reports will include the following:

- a list of names, titles, and companies of all persons who prepared the content of the annual report and participated in monitoring activities for that year;
- an analysis of all qualitative monitoring data;
- copies of monitoring photographs taken at the same time each year from the same locations as identified in Exhibit 4; and
- maps identifying monitoring areas, quadrats, planting zones, etc. as appropriate.

4. Final Success Criteria Resolution and Revised Restoration Plan

Final success criteria will not be considered to have been met until a minimum of two years after all human support (excluding routine weeding), including irrigation, has ceased. Should the revegetation effort meet all goals prior to the end of the five-year monitoring period, the Coastal Commission may, at its discretion, terminate the Monitoring Plan.

Respondents recognize that failure to meet success criteria may result in the requirement to replace that portion of failed creation, unless the failure was the result of an "Act of God" (e.g., fire, flood, etc.) that would likely have destroyed the original vegetation for which restoration is being performed.

If all success criteria are met at the end of the five-year monitoring period, the Restoration Plan will be considered a success.

If periodic inspections or the monitoring reports indicate that the restoration project or a portion thereof is not in conformance with the Restoration Plan or has failed to meet the goals and/or performance standards specified herein, Respondents shall submit a revised or supplemental Restoration Plan ("Revised Restoration Plan") for review and approval by the Executive Director. The Project Biologist shall prepare the Revised Restoration Plan and shall specify

measures to correct those portions of the restoration that have failed or are not in conformance with the original approved Restoration Plan. The Executive Director will then determine whether the Revised Restoration Plan must be processed as a modification of the CRO, a new Restoration Plan or a new or amended coastal development permit. After the Revised Restoration Plan has been approved, these measures, and any subsequent measures necessary to carry out the original approved Restoration Plan, shall be undertaken by Respondents as required by the Executive Director until the goals of the original approved Restoration Plan have been met. Following completion of the Revised Restoration Plan's implementation, the duration of the monitoring period shall be extended for at least a period of time equal to that during which the project remained out of compliance, but in no case less than two annual monitoring periods.

C. Notification of Completion and End of Five Years Report

At the end of the five year monitoring period (or other duration, if the monitoring period is extended because the project is not in conformance with the Restoration Plan), Respondents shall submit a final detailed report for the review and approval of the Executive Director. If this report indicates that the restoration has in part, or in whole, been unsuccessful, based on the requirements of the approved Restoration Plan, Respondents shall submit a Revised Restoration Plan, and the monitoring program shall be revised accordingly.

D. Agency Confirmation

Following receipt of the final report, Respondents will, at the request of the Coastal Commission, provide access and guidance through the Restoration Area to confirm the adequate completion of the restoration effort.

E. Written Reports Following Completion of Each Phase

Within 30 days of the completion of the work described pursuant to each phase (Removal Plan, Remedial Grading Plan, and Revegetation Plan), the Project Biologist shall submit a written report for the review and approval of the Executive Director, documenting all restoration work pursuant to the each phase of the Restoration Plan. This report shall include a summary of dates when work was performed and photographs taken from the pre-designated locations documenting implementation of the respective components of the Restoration Plan, as well as photographs of the Restoration Area before the work commenced and after it was completed.

F. Submission of Documents

All plans, reports, photographs and other materials required by the CRO shall be sent to:

California Coastal Commission Attn: Heather Johnston 45 Fremont Street, Ste 2000 San Francisco, CA 94105 With a copy sent to: California Coastal Commission Attn: N. Patrick Veesart 89 S. California Street, Ste 200 Ventura, California 93001

S:476-15/The Canyon_Women's House Vegetation_Restoration Plan_061912.doc



Adapted from USGS Point Dume, CA quadrangle



0 1,000 2,000 4,000

Feet

NORTH



Legend







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0.37 Acre Zone C Area Native Grass/Shrub Revegetation			0.17 Acre Northeast Area Nativ
Plant Species	Container Size	Number per Acre/Total Number	Plant Species
Grass S	Species		
Deergrass	1 Gallon	50/20	Grass Sp
Muhlenbergia rigens		50/20	Coast Range melic
Foothill needlegrass	1 Callon	50/20	Melica imperfecta
Stipa lepida	1 Galion	50/20	Foothill needlegrass
Purple needlegrass		50/20	Stipa lepida
Stipa pulchra	Gallon	50/20	Purple needlegrass
Triangular fruit sedge	4.0-11-	05/00	Stipa pulchra
Carex triquetra	Gallon	25/20	Triangular fruit sedge
Checker bloom			Carex triquetra
Sidalcea malviflora	1 Gallon	25/13	Checker bloom
Hummingbird sage			Sidalcea malviflora
Salvia spathacea	1 Gallon	25/13	Hummingbird sage
Arrovolupine			Salvia spathacea
Lupinus succulentus	Seed	5/2 Lbs	Arroyo Lupine
alifornia Poppy	Seed 5/2 Lbs		Lupinus succulentus
Eschscholzia californica		5/2 Lbs	California Poppy
_scholling camonica			Eschscholzia californica
Shrub 3	species		Shrub Sp
	1 Gallon	20/8	Heart-leaved penstemon
			Keckellia cordifolia
California fuchsia	1 Gallon	20/8	California fuchsia
Epilobium canum			Epilobium canum
California barberry	1 Gallon	20/8	California barberry
Berberis pinnata	· callon	20/0	Berberis pinnata
Fuschia-flowered gooseberry	1 Gallon	10/4	Fuschia-flowered gooseberry
Ribes speciosum			Ribes speciosum
California wild rose		20/8	California wild rose
Rosa californica	Gallon	20/0	Rosa californica
Sticky-leaved Monkey Flower		0.0.10	Sticky-leaved monkey flower
Mimulus aurantiacus	1 Gallon	20/8	Mimulus aurantiacus

Legend

- Fuel Modification Zone for Women's House
- Zone C Area: Native Grassland/Shrub Revegetation
- Northeast Area: Native Grass/Shrub Revegetation
- Northeast Area: Grassland/Scrub Ecotone Restoration

Permanent Photo Location ()

e C	e Grass/Shrub Revegetation			
	Container Size	Number per Acre/Total Number		
ec	ies			
	1 Gallon	100/22		
	1 Gallon	100/22		
	1 Gallon	100/22		
	1-Gallon	50/11		
	1 Gallon	50/11		
	1 Gallon	50/11		
	Seed	10/2 Lbs		
	Seed	10/2 Lbs		
ecies				
	1 Gallon	40/9		
	1 Gallon	40/9		
	1 Gallon	40/9		
	1 Gallon	20/4		
	1 Gallon	40/9		
	1 Gallon	40/9		

0.19 Acre Northeast Area Grassland/Scrub Ecotone Restoration			
Plant Species	Container Size	Number per Acre/Total Number	
Shr	ub Species		
Black sage Salvia mellifera	1 Gallon	40/8	
Saw-tooth goldenbush	1 Gallon	40/8	
Malacothamnus fasciculatus	1 Gallon	40/8	
Sugar Bush Rhus ovata	1 Gallon	40/8	
Laurel Sumac Malosma laurina	1 Gallon	40/8	
Greenbark Ceanthous	1 Gallon	40/8	
Ceanothus spinosus			
California sagebrush Artemisia californica	1 Gallon	40/8	
Purple sage Salvia leucophylla	1 Gallon	40/8	
Unders	story Speci	es	
Miniature Lupine Lupinus succulentus	Seed	5/2 Lbs	
California Poppy Eschscholzia californica	Seed	5/2 Lbs	
Coast Range Melic Melica imperfecta	1 Gallon	50/10	
Foothill needlegrass Stipa lepida	1 Gallon	50/10	
Purple needlegrass	1 Gallon	50/10	





GLENN LUKOS ASSOCIATES



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ATTACHMENT 7

RESTORATION PLAN FOR THE

REMOVAL OF THE GUEST HOUSE ROAD AND THE RESTORATION OF CHAPARRAL

CONSENT RESTORATION ORDER CCC-12-RO-05

RESTORATION PLAN

FOR THE

REMOVAL OF THE GUEST HOUSE ROAD AND THE RESTORATION OF CHAPARRAL

2900 KANAN DUME ROAD, MALIBU UNINCORPORATED LOS ANGELES COUNTY, CALIFORNIA

JUNE 2012

Prepared for:

The Canyon at Peace Park 2900 South Kanan Dume Road Malibu, California90265 Contact: Kathleen Bigsby Telephone: (310) 457-3209

and

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Prepared by:

Glenn Lukos Associates, Inc. 29 Orchard Lake Forest, California92630 Contact: Tony Bomkamp Telephone: (949) 837-0404 Fax (949) 837-5834

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I. PROJECT DESCRIPTION and SUMMARY

This Restoration Plan outlines the erosion control, removal activities, remedial grading, revegetation activities, and monitoring activities required by Consent Restoration Order CCC-12-RO-05 ("CRO") associated with the Guest House Road, designated as Guest House Road 13.1(A) in the CRO and referred to herein as the "Guest House Road"; located at The Canyon at Peace Park property located at 2900 South Kanan Dume Road near Malibu in unincorporated Los Angeles County, California [Exhibits 1 and 2] ("Property"). The Guest House Road is referred to as the "Restoration Area."

A. Location of Restoration Area

The Restoration Area comprises approximately 0.17 acre within the Property. The Restoration Area is located approximately 0.2 mile west of South Kanan Dume Road, approximately 3.0 miles north of Pacific Coast Highway at coordinates latitude 34.065552° and longitude – 118.805361° at an elevation of approximately 1,260 feet.

B. Brief Summary of Restoration Plan

The Guest House Road will be removed and restored as set forth in this Restoration Plan, taking into consideration that a portion is an access road for utility lines and that the entirety of the Guest House Road is located within the Guest House Fuel Modification Zone. The Guest House Road will consist of chaparral habitat, and covers 0.17 acre [Exhibit 3]. Restoration activities will include planting with appropriate chaparral species within a 0.11-acre a portion of the site, and native grassland habitat within the 0.06-acre area that provides utility line access [Exhibit 4]. The portion of the Restoration Area that provides utility line access will be planted with native grassland in order to maintain low-growing vegetation for ease of access. A portion of the Guest House Road has already been partially restored by allowing the native chaparral vegetation to reestablish, and accordingly no activities are proposed in that area [Exhibit 4]. The Guest House Road will be restored in a manner that will ensure that the erosion control and revegetation are successful.

This Restoration Plan consists of several components including the Erosion Control Plan, the Removal Plan, the Remedial Grading Plan, the Revegetation Plan and the Monitoring Plan.

C. Respondents

United World of the Universe Foundation 500 Broadway Santa Monica, CA 90401 Contact: Michael Segal Telephone: (310) 394-8989 The Canyon at Peace Park 2900 South Kanan Dume Road Malibu, California 90265 Contact: Kathleen Bigsby Telephone: (310) 457-3209

II. GENERAL PROVISIONS

A. Qualifications of the Project Biologist

Glenn Lukos Associates, Inc. (GLA) prepared this Restoration Plan. Mr. Tony Bomkamp, Senior Biologist with GLA, is the point of contact and project manager. Mr. Bomkamp is a field biologist and wetlands ecologist with an extensive background in restoration of wetland, riparian, and upland scrub habitats in Southern California. As a botanist, Mr. Bomkamp has diverse field experience including restoration work extending back over 30 years in all of the major vegetation communities in Southern California. Mr. Bomkamp earned a B.A. in Biology in 1976, and an M.S. in Environmental Studies in 1993, both from California State University, Fullerton.

Mr. Bomkamp will lead a staff of restoration ecologists in the implementation of this Restoration Plan. The individuals responsible for preparing and implementing this plan have extensive experience designing and installing revegetation and restoration projects in Southern California. This experience provides a strong basis for confidence in the success of the restoration proposed herein. A qualified habitat restoration specialist or other individual knowledgeable in native plant revegetation, hereinafter referred to as the "Project Biologist", will supervise the implementation, maintenance, and five-year monitoring of the Restoration Plan. The Project Biologist shall be on-site during all phases of the restoration.

B. Qualifications of the Landscape Contractor

A qualified landscape contractor, hereinafter referred to as the "Landscape Contractor", with experience in chaparral and grassland habitat projects, shall perform restoration and maintenance activities within the Restoration Area. The Landscape Contractor shall possess a C-27 contractor's license, and a California license Pest Control Advisor (PCA) for the application of herbicides and pesticides. The Landscape Contractor will be supervised by the Project Biologist.

C. Qualifications of Site Restoration Contractor

In addition to the Landscape Contractor, qualified contractor(s), hereinafter referred to the "Site Restoration Contractor(s)" will be retained to complete the work described in the Erosion Control Plan, the Removal Plan, and the Remedial Grading Plan. The Site Restoration Contractor(s) will be licensed in their various fields. The Site Restoration Contractor will be supervised by the Project Biologist.

D. Description of Restoration Area to be Restored

Mr. Bomkamp has conducted one site visit to the Property on May 8, 2012. On May 8, Mr. Bomkamp conducted a detailed vegetation assessment and site-specific surveys of the Restoration Area and locations within the vicinity of the Restoration Area to confirm that no listed or other special-status species are present within the Restoration Area. Additionally, Mr. Bomkamp met with the project planner and examined all potential work areas as identified by the planner that may be utilized and/or impacted by restoration activities, including ingress/egress routes, equipment staging areas, temporary storage areas, and the perimeter of the road to be restored.

Development to be restored includes the Guest House Road, which covers approximately 0.17 acre. Existing vegetation surrounding the Guest House Road consists of chaparral vegetation consisting of monocultural stands of greenbark ceanothus (*Ceanothus spinosus*) and monocultural stands of laurel sumac (*Malosma laurina*).

Habitat restoration at the Restoration Area will include the following components: (1) installation of an irrigation system; (2) restoration of chaparral vegetation in the 0.11-acre portion of the Restoration Area; and (3) installation of native grassland vegetation in the 0.06 portion of the Restoration Area that provides utility line access. A total of approximately 0.17-acre of native habitat will be restored on-site, of which 0.11 acre consists of chaparral vegetation, and 0.06 acre consists of native grassland.

Types of habitat impacted by development and types to be restored are set forth in Table 1 below.

Type of Habitat Impacted	Acre	Habitat to be Restored	Acre
Chaparral	0.11	Chaparral	0.11
Chaparral (Utility Line Access)	0.06	Native Grassland	0.06

TABLE 1DEVELOPMENT TO BE RESTORED BY HABITAT TYPE

The restored chaparral and native grassland will exhibit habitat functions consistent with adjacent areas of chaparral, including foraging and cover for birds, insects, and small mammals.

E. Implementation Timeline and Schedule of Activities

Upon approval of the CRO by the Coastal Commission, Respondents shall fully implement each phase of the Restoration Plan consistent with all of its terms. Respondents shall commence implementation of all work described in the Restoration Plan within 120 days of the effective date of the CRO, or if Los Angeles County approval is necessary to undertake the Restoration Plan Respondents shall inform Coastal Commission staff and this deadline shall commence within 120 days of approval by Los Angeles County. Respondents shall complete all elements of the Restoration Plan, excepting the Monitoring Plan, no later than 120 days from commencing implementation of the Restoration Plan. The Executive Director may grant an extension of these deadlines upon a showing of good cause, either if the Executive Director determines that

Respondents have diligently worked to comply with their obligations under the Restoration Plan, but cannot meet deadlines due to unforeseen circumstances beyond their control, or if the Executive Director determines that the Restoration Plan's schedule should be extended if additional time would benefit the success of the Restoration Plan from an ecological or biological perspective pursuant to Section 19.0 of the CRO.

Implementation of the Revegetation Plan will begin during the optimal planting period (generally October 15th to March 1), unless development removal will be completed well before the start of the optimal planting period, in which case the Revegetation Plan may be implemented outside of the optimal planting period. Implementation of the Monitoring Plan shall begin immediately following planting installation.

Within one year of the completion of plant installation, it is expected that immature native grassland and chaparral structure will exist such that insects, small mammals, and birds will utilize the Restoration Area for foraging and roosting.

F. Parties Responsible for Conducting the Restoration Plan

Respondents:

United World of the Universe Foundation 500 Broadway Santa Monica, CA 90401 Contact: Michael Segal Telephone: (310) 394-8989

The Canyon at Peace Park 2900 South Kanan Dume Road Malibu, California 90265 Contact: Kathleen Bigsby Telephone: (310) 457-3209

G. Parties the Respondents have Identified for Conducting the Restoration Plan

Project Biologist:	Glenn Lukos Associates, Inc. 29 Orchard Lake Forest, California92630 Contact: Tony Bomkamp Telephone (949) 837-0404
Project Engineer:	Pacific Coast Civil, Inc. 30141 Agoura Road, Suite 200 Agoura Hills, CA 91301 Contact: Richard Doss Telephone: (818) 865-4168
Landscape Contractor:	To be determined; work will be supervised by the Project Biologist

Site Restoration Contractor: To be determined; work will be supervised by the Project Biologist.

H. Equipment to Be Used

1. Necessity of Mechanized Tools and Assurance of No Impact

Mechanized tool use will be limited to a mechanized augering device, which may include either a handheld power auger or auger attachment mounted on a Bobcat, for excavating planting holes as described in the Revegetation Plan.

The use of mechanized tools will not impact resources protected under the Coastal Act, including but not limited to: geological stability, integrity of landforms, freedom from erosion, and the existing native vegetation.

Staging areas for equipment and materials would be located within existing developed areas depicted on Exhibit 3.

The use of a mechanized auger, including a Bobcat with an auger attachment, within the limits of the environmental fencing, would not impact any sensitive biological resources within or adjacent to the Restoration Area, as the Restoration Area generally does not support native vegetation. No state or federally listed species occur within the vicinity; therefore, none would be affected.

Additionally, as the use of the mechanized equipment will be limited to developed areas and the disturbed Restoration Area, and will not disturb the ground surface other than to dig holes for one-gallon container stock, there is no potential for impacts to landforms and geological stability.

2. Limits on the Use of Mechanized Tools and Contingency Plan

Use of mechanized tools will be limited to the hours of 7:00 am to 7:00 pm Monday through Saturday.

Should impacts occur from equipment use, including disruption of areas where revegetation occurs, the areas will be remediated according to the terms of this Restoration Plan. Any potential fuel spills or other hazardous releases that result from the use of mechanized equipment will be stopped immediately and contained within the site. The Respondents will notify the Executive Director of the Coastal Commission within 24 hours (excluding weekend or holiday days or days which the Coastal Commission is closed) of any spills of fuel or other hazardous waste, and remove the contaminated materials according to current regulations for the type of waste.

I. Staging Areas and Storage of Construction Materials

The staging area for construction equipment and materials, will be located on an area devoid of vegetation, such as an existing area of asphalt or concrete road near the Guest House Road.

No demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters, or a storm drain, or be subject to wind or runoff erosion and dispersion. Although no stockpiles are anticipated since restoration is limited to revegetation, all stockpiles and construction materials, if any, will be covered, enclosed on all sides, be located as far as possible from drain inlets, and will not be stored in contact with the soil.

J. Location of Disposal Site

All materials removed from the Property and all waste generated during restoration activities will be disposed of in a proper and legal manner at a sanitary landfill or other appropriate site outside of the Coastal Zone.

K. Soil Stabilization Methods

As no development will be removed and no grading performed, soil stabilization will not be necessary.

L. Identification and Delineation of Areas to be Restored

Restoration activities shall occur in all of the areas indicated on the Development Map [Exhibit 3]. Prior to initiation of the restoration activities, the Project Biologist shall flag the limits of the Restoration Area using temporary measures such as fencing stakes, colored flags, or colored tape. All delineation materials shall be removed when no longer needed and verification of such removal will be provided in the annual reporting that corresponds to the reporting period during which the removal occurred.

M. Nesting Bird Surveys

In order to avoid disturbance of nesting birds, there shall generally be no use of mechanized equipment during the breeding season (generally February 15 through August 31), or any time that bird courtship, breeding, or nesting is observed. If use of mechanized equipment must be conducted during the nesting bird season, and is authorized pursuant to the Coastal Act, a biological monitor will conduct a survey to determine the presence of any nesting behaviors, nest building, egg incubation, or brood rearing activities within a minimum of 150 feet of proposed work limits. If nesting birds are detected within 100 feet of proposed grading areas, nest monitoring will be initiated and use of mechanized equipment within 100 feet of active nests will be postponed until the nest(s) are determined to be inactive by the biological monitor.

III. EROSION CONTROL PLAN

No permanent erosion control measures will be employed, although the planting, seeding, and mulching described in the Restoration Plan will serve as natural erosion control measures once the plantings begin to establish themselves. As no development removal or remedial grading is necessary or proposed, and it is not anticipated that soil stabilization will be necessary, no temporary erosion control measures will be employed. However, if temporary erosion control measures will be employed. However, if temporary erosion control measures will be installed at the direction and supervision of the Project Biologist.

IV. REMOVAL PLAN

As the restoration effort for the Guest House Road is limited to revegetation, no removal plan is necessary.

V. REMEDIAL GRADING PLAN

No remedial grading is necessary or proposed for the Guest House Road Restoration Area, as the road area is generally at grade with the immediately surrounding area in its current condition.

Grading occurred in the vicinity of the Guest House Road at the time of construction of the Guest House, permitted by CDP 5-89-743, which likely altered drainage patterns within the watershed and resulted in an increase in discharge due to the slight increase in unvegetated surface. Because of the permitted development that is remaining, the original drainage patterns in the vicinity of the Guest House Road cannot be restored. However, with restoration to native vegetation at the Guest House Road, runoff will be decreased.

VI. REVEGETATION PLAN

A. Natural Habitat Type to Be Revegetated

Existing vegetation surrounding the Guest House Road consists of chaparral vegetation consisting of monocultural stands of greenbark ceanothus (*Ceanothus spinosus*) and monocultural stands of laurel sumac (*Malosma laurina*). Rather than imitate the adjacent monocultural stands, the 0.11-acre portion of the Restoration Area will be revegetated with a 50/50 mix of greenbark ceanothus and laurel sumac planted in an irregular clustered pattern, with purple needlegrass (*Stipa pulchra*) seed added. In order to maintain utility line access, the 0.06-acre portion of the Restoration Area will be revegetated with native grassland.

B. Restoration Goals and Objectives

Because vegetation will be largely restored to the conditions present prior to disturbance, it is fully expected that the chaparral will thrive following restoration implementation. The proposed chaparral plant palette includes native species that exist adjacent to the Restoration Area, and are known to favor the proposed physical conditions at the site. The proposed native grassland plant

palette includes native species that occur in the vicinity of the Restoration Site, and are known to favor the proposed physical conditions at the site. The plant communities were selected using information gathered during site visits and from general knowledge of local plant communities.

C. Plant Palettes

Stipa lepida

Seed Species

Hazardia squarrosa

Stipa pulchra

Total Seed

Total

All of the plants included in the plant palettes are able to tolerate hot, dry summer conditions, taking advantage of associated groundwater during the winter and spring rainy season.

			Plant	Percent	Total
Botanic Name	Common Name	Stock Type	Spacing	per Acre	Number
Ceanothus spinosus	greenbark ceanothus	one-gallon	8' o.c.	50	20
Malosma laurina	laurel sumac	one-gallon	15' o.c.	50	20
Total				100	40
Seed Species		Seed		lbs/acre	Total lbs.
Stipa pulchra	purple needlegrass	seed		3	0.3
Total Seed				3	0.3

TABLE 2CHAPARRAL PLANT PALETTE - 0.11 ACRE

NATIVE GRASSLAND PLANT PALETTE - 0.06 ACRE								
			Plant	Percent	Total			
Botanic Name	Common Name	Stock Type	Spacing	per Acre	Number			
Melica imperfecta	Coast Range Melic	one-gallon	8' o.c.	20	10			
Stipa pulchra	purple needlegrass	one-gallon	8' o.c.	40	40			

one-gallon

Seed

seed

seed

foothill needlegrass

purple needlegrass

sawtooth goldenbush

40

100

lbs/acre

3

3

3

8' o.c.

40

90

Total lbs.

0.2

0.2

0.4

TABLE 3NATIVE GRASSLAND PLANT PALETTE - 0.06 ACRE

D. Site Preparation Methodology

Site preparation shall consist of clearing and controlling all non-native plant species within the Restoration Area footprint, installation of irrigation components, preparing planting holes, and doing any other work necessary to make ready the area for planting. All site preparation will be conducted with hand tools only, except for a mechanized auger for digging planting holes for container stock. Installation of irrigation and plant materials shall occur following removal of development, and during the optimal planting period if possible (generally October 15th to March 1). However, planting may occur outside of the optimal planting period if development removal would be completed a significant amount of time prior to the start of the optimal

planting period, provided that sufficient irrigation is applied to support establishment of the plantings.

If deemed necessary, a "grow and kill" cycle will be established following installation of the irrigation system and prior to installation of restoration plantings. "Grow and kill" is a cycle of applying water, germinating the non-native, invasive species, and spraying the plants with the appropriate herbicide. This allows a large portion of the seed load currently present in the soil to be eradicated. Removing the competition early in the life cycle of native plants helps to ensure more rapid growth and cover of the native species. If a "grow and kill" cycle is deemed necessary, Respondents shall inform the Executive Director in writing at least 15 days prior regarding the type and quantity of herbicide proposed to be used.

All undesirable exotic plants will be eradicated. The Project Biologist will direct the Landscape Contractor regarding the selection of target weed species, their location, and the timing of weed control operations to ensure that native plants are avoided to the extent possible.

E. Planting Plan and Methodology

Planting shall consist of planting container stock and seeding either via hand broadcast or hydroseeding. No planting shall be done in any area until the area has been prepared in accordance with the plans and presents an appearance satisfactory to the Project Biologist. The Project Biologist shall be on-site the first day of each phase of plant installation and every other day after that.

1. Source of Plant Materials

It is preferred that the source of all propagules and seed used at the Restoration Area be from the site or adjacent scrub and chaparral areas. If not available, the remainder of the propagules and seed required will be from wild sources within the Malibu area of Los Angeles County, and collected as close to the Restoration Area as possible to preserve regional genetic integrity.

Plant material for revegetation shall be derived from cuttings, materials salvaged from disturbed areas, and/or seeds obtained from randomly selected native shrubs occurring locally. Any replacement tree or shrub stock that cannot be grown from cuttings or seeds shall be obtained from a native plant nursery, be ant-free, and shall not be inoculated to prevent heart rot. If any materials must be obtained from other than on-site sources, the Project Biologist shall provide the Coastal Commission with a list of all such materials, and shall ensure that they are of local origin (i.e., the Santa Monica Mountains), and are not cultivars.

2. Contract Growing

Contract growing of all container plants shall be by a local experienced native plant nursery. Substitution of plant material at the time of planting depends solely upon the discretion of the Project Biologist. Any approved substitutions will be documented in the annual report prepared as part of the Monitoring Plan.
3. Container Stock

Tree, shrub, and grass species will be installed as container stock. Planting and seeding will generally occur between October 15 and March 1 to take advantage of the winter rainy season, dormancy of foliage, and the winter rooting period to ensure optimum survival of plantings unless development removal will be completed well before the start of the optimal planting period, in which case the Revegetation Plan may be implemented outside of the optimal planting period. One-gallon container stock shall be utilized for the revegetation of chaparral plant communities. All plant materials will be inspected by the Project Biologist and approved as healthy, disease free, and of proper size prior to planting. Overgrown, root-bound container stock will be rejected.

4. Mycorrhizal Fungi

Mycorrhizae are specialized fungi found on plant roots. A symbiotic relationship exists between plant roots and mycorrhizae wherein the plants benefit from the increased ability to take up nutrients and withstand drought when mycorrhizae are present. This relationship is essential to the growth rate, well-being, and longevity of native plant communities. Plant utilization of mycorrhizal fungi markedly increases the success of revegetation on disturbed or degraded lands. The native plant nursery shall inoculate all appropriate container-grown plants, except those known to be non-host species, with mycorrhizal fungi prior to delivery to the job site.

5. Plant Placement

Container stock will be laid out in such a manner that mimics natural plant distribution (i.e., in clusters and islands) to emulate regional reference sites. The Project Biologist will monitor and confirm that trees and shrubs have been placed at the designed elevation relative to the water source supporting them, such as ground water. All plants shall be in randomly spaced, naturally clumped patterns. The average planting densities shall meet the criteria specified in the Plant Palette [Tables 2 and3].

6. Planting Method for Container Stock and Seed Application

Container stock will be thoroughly watered by the nursery the day before planting. One-gallon container stock will be planted in a hole measuring at least twice the diameter of the container and twice the depth. The excavated hole will be filled with water and allowed to completely drain prior to installation of the plant.

One teaspoon (0.3 oz.) of Osmocote 14-14-14 (or equal) will be placed one-inch below the root zone and backfilled with native soil to the proper planting depth. The container plant will be upended into the palm of the hand to avoid damage to the root structure and placed in the planting hole. The top of the root ball will be set one-inch above finished grade. The planting hole will be backfilled with native soil.

A three-inch high, hand-compacted earth berm, approximately 24 inches in diameter, will then be constructed around each container plant to utilize as a watering basin. Container stock will be

watered immediately after installation. This watering basin will be maintained until the plants are no longer irrigated. Coarse mulch shall be placed around plantings to minimize water loss and discourage weed growth. Mulch will be applied as a top dressing, two to three inches thick, and must not come in contact with the stem of the plant. Mulch will not be applied to the watering basins of the native grasses.

Grass species will have a plant protection device (plastic mesh screens or wire screens) installed around each plant to protect the grasses from herbivory. The Landscape Contractor will remove the plant protection device after approximately six months or upon approval by the Project Biologist.

Seed will be applied either through hydroseeding or hand broadcast at the discretion of the Project Biologist.

7. Pruning and Staking

There will be no pruning or staking of any vegetation. Diseased or insect-damaged foliage, if sufficient to require pruning, will serve as a benchmark for rejection of plant materials. A small amount of selective trimming of native species is allowed to prevent overspray of herbicide from reaching their branches, if herbicide is necessary. If herbicide is to be employed, Respondents shall inform the Executive Director in writing at least 15 days prior regarding the type and quantity of herbicide proposed to be used. Native vegetation may only be trimmed; individual plants shall not be removed.

F. Performance Standards

The success of habitat restoration is defined as the restoration of a functional ecosystem. Success is usually measured by percent coverage by target species. While a fully successful restoration plan might be viewed as one that results in 100-percent coverage, such coverage is unlikely. Natural habitats rarely exhibit 100-percent coverage, but rather include a considerable proportion of open spaces. While this monitoring program uses percent coverage criteria, it is noted that determination of successful coverage is expected to be relative to other similar native habitats typical of the region, and as such, the percent coverage criteria are defined relative to an undisturbed reference site of similar habitat composition.

The means of determining successful restoration for this site will be through a series of measurements for natural recruitment, exotic species cover, cover by native species, and species richness and diversity. All of these, except non-native species cover, should increase over time. Cover by non-native species should be the opposite; it should decrease with time, particularly because one of the primary goals of the Restoration Plan is to substantially reduce or eliminate non-native species from the site.

After the initial non-native species eradication and associated planting effort has been completed, the Restoration Area will be monitored by the Project Biologist on a monthly basis for the next 18 months and quarterly thereafter for the remainder of the monitoring period. Qualitative surveys, consisting of a general site walkover and habitat characterization, will be completed during each

monitoring visit. General observations, such as fitness and health of the planted species, pest problems, weed persistence/establishment, mortality, and drought stress, will be noted in each site walkover. The Project Biologist will determine remedial measures necessary to facilitate compliance with performance standards.

Quantitative data will be collected annually using accepted vegetative sampling methods in order to evaluate survivorship, species coverage, and species composition.

In the event that plantings should fail to meet the specified requirements, compliance will be ensured by the performance of either or both of the following remedial procedures by the Landscape Contractor on an as-needed basis as directed by the Project Biologist: (1) replacing unsuccessful plantings with appropriately sized stock or seed mixes to meet stated cover or survival requirements, and /or (2) performing maintenance procedures to ensure the site conditions are appropriate (e.g., non-native species removal). Remedial actions in planting areas shall be based on detailed investigations (such as soil tests and excavations of failed plantings to examine root development) to determine causes of failure. If substantial non-compliance with the performance occurs, Respondents or Respondents' representative will consult the Coastal Commission to determine whether corrective measures and an extension of the five-year monitoring period will be necessary.

1. Reference Site

A reference site shall be established in adjacent areas, north of the Restoration Area for the chaparral plant communities, and sampled to provide a basis of comparison for the performance standards discussed herein. The reference site shall be located within the undisturbed section of chaparral habitat adjacent to the Restoration Area. The plant palette detailed in Table 2 is based on onsite observations of the adjacent areas of native vegetation, and the "percent per acre" provided in the plant palette table is based on onsite estimates of relative abundance of native species on the adjacent slopes.

2. Standard Vegetation Monitoring Performance Standards

Chaparral

First-Year Monitoring

Success Standard: 40-percent coverage of native species (five-percent deviation allowed) relative to the reference site;

At least 80-percent of the number of planted species will be represented in the Restoration Area (native recruit species not in the plant palette may be counted);

No more than 10-percent coverage by non-native plant species.

Second-Year Monitoring

Success Standard: 50-percent coverage of native species (<five-percent deviation allowed) relative to the reference site;

At least 80-percent of the number of planted species will be represented in the Restoration Area (native recruits not in the plant palette may be counted); No more than five-percent coverage by non-native species.

Third-Year Monitoring

Success Standard: 65-percent of native species (<five-percent deviation allowed) relative to the reference site;

At least 80-percent of the number of planted species will each attain at least five-percent cover of the total native cover (native recruits not in the plant palette may be counted);

No more than five-percent coverage by non-native species.

Fourth-Year Monitoring

Success Standard: 80-percent coverage of native species (<five-percent deviation allowed) relative to the reference site;

At least 80-percent of the number of planted species will each attain at least five-percent cover of the total native cover (native recruits not in the plant palette maybe counted);

No more than five-percent coverage by non-native plant species.

Fifth-Year Monitoring

Success Standard: 90-percent coverage of native species (<five-percent deviation allowed) relative to the reference site;

At least 80-percent of the number of planted species will each attain at least five-percent cover of the total native cover (native recruits not in the plant palette may be counted);

No more than five-percent coverage by non-native plant species.

G. Proposed Use of Artificial Inputs

1. Irrigation Plan

The Landscape Contractor shall provide irrigation for the Restoration Area when natural moisture conditions are inadequate to ensure the survival of plants. Irrigation shall be provided for a maximum of 3 years from plant installation or until the revegetation has become established, whichever comes first. Irrigation shall be phased out during the fall/winter of the second year unless unusually severe conditions threaten survival of the plants. All plants must survive and grow for at least two years without supplemental water for the Restoration Plan final success criteria to have been met.

Supplemental irrigation is to be used solely for establishing the plants at the Restoration Area and is of a temporary nature. The goal of the irrigation program is to obtain germination and growth with the least amount of irrigation. Frequent irrigation encourages weed invasion and leaches nutrients from the soil. The Restoration Area will initially be supported by a short-term automatic irrigation system. The container stock will be irrigated as long as necessary to establish the root systems in the native soils, usually through two or three summers. All irrigation lines will be installed abovegrade for ease of removal and inspection.

The critical period for irrigation is during the first winter and early spring following planting. During this time, roots are not well established, and an unseasonable drought can cause high mortality. During dry periods after plant installation, the Project Biologist and the Landscape Contractor will regularly inspect soil moisture. Supplemental irrigation during the summer dry season will occur as frequently as required.

After the initial plant establishment period, water will be applied infrequently and only as required to prevent the mortality of plants and seedlings. The irrigation methods employed will attempt to mimic wet rainfall years by incorporating evenly spaced, infrequent, deep applications of water.

When the plantings are sufficiently established, and no longer require supplementary irrigation, the Project Biologist shall notify the Landscape Contractor to remove all irrigation system components from the Restoration Area. In the event irrigation system components are removed, but it is later determined by the Project Biologist that supplemental irrigation may be necessary to meet the success standards herein, the irrigation system component may be reintroduced and then removed when the necessity for supplemental irrigation has ceased.

The Landscape Contractor shall be responsible for applying sufficient irrigation water to adequately establish new plant materials, and germinate and establish the applied seed. Irrigation water shall be applied in such a way as to encourage deep root growth (periodic deep irrigation versus frequent light irrigation). The Landscape Contractor will allow soil to dry down to approximately 50- to 60-percent of field capacity (in the top six or 10 inches of soil after germination and during seedling establishment) before the next irrigation cycle. Wetting of the full root zone and drying of the soil between irrigation events is essential to the maintenance of the plants and the promotion of the deep root zone that will support the vegetation in the years after establishment. Irrigation systems may need to be on for as long as six to eight hours at a time in order to get complete water penetration to the lower soil horizons to encourage deep root growth. A soil probe or shovel shall be used to examine soil moisture and rooting depth directly.

Irrigation will be used as necessary to enhance establishment of the vegetation and will be discontinued at the end of three years. If it is determined that it is desirable to continue irrigation beyond three years, Respondents shall request an extension in writing, outlining the need for an extension of the duration of the irrigation.

2. Herbicide

The use of herbicide is not proposed at this time; however, if it becomes necessary to use herbicide, Respondents will notify the Executive Director at least 15 days in advance with the type and quantity of herbicide to be used. The minimum amount of herbicide necessary to support the plantings will be used. If herbicide use is deemed necessary and approved by the Executive Director, it shall be administered by a licensed PCA.

3. Fertilizer

No fertilizer use is proposed following initial use of Osmocote 14-14-14 in the planting holes at the time of planting as described above.

VII. MONITORING PLAN

A. Maintenance Activities During the Monitoring Period

The purpose of this program is to ensure the success of the restoration plantings. Maintenance will occur over the five-year life of the Monitoring Plan. The Project Biologist will monitor all aspects of the revegetation in an effort to detect any problems at an early state. Potential problems could arise from irrigation failure, erosion and failure of erosion control measures, vandalism, competition from weeds and invasive species, and unacceptable levels of disease and predation.

These maintenance guidelines are specifically tailored for native plant establishment. The maintenance personnel will be fully informed regarding the habitat establishment program so they understand the goals of the effort and the maintenance requirements. A Landscape Contractor with experience and knowledge in native plant habitat restoration will supervise all maintenance personnel.

For a period of 120 days following completion of plant installation, the initial Landscape Contractor will be responsible for the care of the plantings. The purpose of the 120-day establishment period is to ensure continuity between the installation of the plant material and its short-term maintenance. The installation Landscape Contractor's presence during this 120-day period is proven to increase Restoration Plan success. The Landscape Contractor will control the spread of weedy species, and identify any efforts needed to ensure the health and survival of the plantings.

Following the 120-day establishment period, the project will be evaluated for the health of plant materials, and if judged satisfactory by the Project Biologist, the establishment period will be considered concluded and the long-term habitat maintenance program will begin. If plant health is not determined to be satisfactory, an additional 60 days will be allowed for the Landscape Contractor to implement remedial measures, including plant replacement. A different Landscape Contractor may implement the long-term maintenance program; however, the Project Biologist will continue to monitor the Restoration Plan success.

Damage to plants, irrigation systems, erosion control structures/measures, and other facilities occurring as a result of unusual weather or vandalism will be repaired or replaced immediately.

1. General Maintenance

The Landscape Contractor will perform the following tasks as general maintenance duties:

- Plant inspection;
- Weed control;
- Irrigation water volume and frequency;
- General maintenance of the irrigation system;
- Trash and debris removal;
- Pest control; and
- Plant replacement.

2. Plant and Restoration Area Inspection

During the 120-day establishment period, and into the long-term habitat maintenance period, the Project Biologist will inspect the Restoration Area on a monthly basis for 18 months. The plants and conditions at Restoration Area shall be inspected on a quarterly basis thereafter until achievement of performance standards for the Restoration Area. The Project Biologist will conduct inspections for the purpose of maintaining at a minimum, the following: all erosion control measures, non-native species eradication, trash and debris removal, and the health and abundance of the original and/or replacement plantings.

3. Weed Control

The Restoration Area shall be maintained free of weeds during the monitoring period. Weed eradication will minimize competition that could prevent the establishment of native species. All maintenance personnel will be trained to distinguish weed species from native vegetation to ensure only weedy species are removed. The use of herbicide is not proposed at this time; however, if it becomes necessary to use herbicide, Respondents will notify the Executive Director at least 15 days in advance with the type and quantity of herbicide to be used. The minimum amount of herbicide necessary to support the plantings will be used.

Weeds shall be manually removed before they can attain a height of three inches (3") at intervals of not more than 30 days for the first two years of the Monitoring Plan. All portions of the plant will be removed, including the roots. The Project Biologist shall direct the Landscape Contractor regarding the selection of target weed species, their location, and the timing of weed control operations to ensure that native plants are avoided to the extent possible. Pulled weeds will be placed on a "mantilla" or other type of tarp to prevent any seeds from coming in contact with the ground.

Weed removal shall be done at least monthly for the first two years, and at least monthly during the rainy season (January through April) and quarterly from May through December for years three through five. As weeds become apparent, they should be immediately removed by hand or controlled with an appropriate herbicide if determined necessary by a licensed PCA and as

approved by the Executive Director. Weed debris shall be removed from the Restoration Area the same day as weed removal and disposed of as permitted by law.

A space cleared of weeds within the watering basin shall be maintained around each container plant to minimize competition from other plant species. Two-inch thick mulch within the watering basin shall be maintained throughout the maintenance period.

4. General Maintenance of the Irrigation System

The Landscape Contractor will be responsible for the regular maintenance and repair of all aspects of the irrigation system. Poorly functioning or non-functioning parts shall be replaced immediately so as to not endanger the plantings.

General system checks shall be conducted no less than weekly the first month after installation to assure the system is functioning correctly, and monthly thereafter, except during periods when the irrigation system is not in operation as recommended by the Project Biologist.

Any erosion or slippage of soil caused by the Landscape Contractor's inadequate maintenance or operation of irrigation facilities shall be repaired by the Landscape Contractor at his/her expense.

5. Trash and Debris Removal

The Restoration Area shall be well maintained in order to deter vandalism and dumping of trash. The Landscape Contractor is responsible for avoiding impacts to plantings during trash removal activities. Landscape Contractor shall, during routine maintenance, manually remove weeds, litter, trash, and debris from the Restoration Area and dispose of off-site as permitted by law.

6. Pest Control

Young trees and shrubs will be monitored for signs of disease, insect, and/or predator damage, and treated as necessary. Badly damaged plants will be pruned to prevent spreading of the pestilence or replaced in kind if removed. Excessive foraging by predators will necessitate protective screening around plants. The Project Biologist will be consulted on any pest control measures to be implemented.

7. Plant Replacement

The Landscape Contractor responsible for the installation of container stock plants will be responsible for replacement of all terminally diseased or dead plants during the 120-day establishment period. During the long-term maintenance period, the Landscape Contractor will be responsible for the replacement of any dead and/or declining plants in the winter months as recommended by the Project Biologist. Replacement plants shall be paid for and installed by the Landscape Contractor.

Replacement plants shall conform to the species, size requirements, and spacing as specified for the plants being replaced. The replacement plants shall be purchased from inventory at the same native plant nursery as were the contract-grown plant stock.

8. Pruning

No pruning is necessary unless otherwise specified by the Project Biologist as described above.

9. **Responsible Party for Maintenance**

Respondents will be responsible for financing. The Project Biologist will be responsible for periodic inspections and communicating maintenance needs to the Landscape Contractor. The Landscape Contractor will be responsible for carrying out maintenance activities.

10. Maintenance Schedule

The Monitoring Plan will continue for five years following the completion of plant installation or until performance criteria are met.

TABLE 3 MAINTENANCE SCHEDULE							
Maintenance Task	Year						
	1	2	3	4	5		
Plant Inspection	Monthly first 12 months	Monthly through 18th month; quarterly thereafter	Quarterly	Quarterly	Quarterly		
Irrigation System Inspection	Monthly, or more frequently if required	Monthly	As Required	N/A	N/A		
Trash and Debris Removal	Monthly	Quarterly	Quarterly	Quarterly	Quarterly		
Weed Control	Minimum of Monthly	Monthly	Monthly from January to April; Quarterly from May to December	Monthly from January to April; Quarterly from May to December	Monthly from January to April; Quarterly from May to December		
Pest Control	Monthly	Bi-monthly	Quarterly	Quarterly	Quarterly		
Plant Replacement	Annually	Annually	Annually	Annually	Annually		

Table 3 below indicates the schedule of maintenance activities and inspections.

B. Monitoring Methods

Monitoring will assess the attainment of annual and final success criteria and identify the need to implement contingency measures in the event of failure. Monitoring methods include field-

sampling techniques that are based upon the California Native Plant Society field sampling protocol.¹ Please refer to *A Manual of California Vegetation* for further details on this sampling method.

1. Monitoring

Quantitative monitoring shall be conducted during the active growing season in June of every year. A qualified habitat restoration specialist, biologist, or horticulturist with appropriate credentials and experience in native habitat restoration shall perform the annual monitoring. Continuity within the personnel and methodology of monitoring shall be maintained insofar as possible to ensure comparable assessments. Records will be kept of mortality and other problems, such as insect damage. The Project Biologist will also identify other potential site problems, such as weed infestation and soil loss. Remedial measures undertaken will be referenced in the annual report to the Coastal Commission.

a. Standard Vegetation Sampling Techniques

Quantitative sampling within the Restoration Area will be performed using one-meter quadrats that will be placed randomly throughout the site. Placement of quadrats will be determined using random number tables to provide two coordinates, one that indicates the distance along a longitudinal centerline bisecting the site and one that determines the distance from the line. Plots will be placed on alternating sides of the centerline and perpendicular to the centerline. Vegetative cover will be visually estimated within the quadrat for each species present, and recorded on a data sheet. Any species observed during the sampling that does not fall within a quadrat will be recorded and included on the list of species for the Restoration Area. At least 30 replicates will be initially sampled.

Sample variance from data collection in years one through three will be used to determine if 30 samples is adequate. If a power analysis indicates that more than 30 samples are required, additional quadrats will be added. If a power analysis indicates that fewer than 30 samples are required, the number of quadrats will be reduced. Sampling will be conducted with sufficient replication to detect a 10-percent difference in absolute ground cover between the mean of the restoration and the success standard with 90-percent power at an alpha level of 0.10. The mean native cover for the Restoration Area will be compared to the performance criteria at the end of five years using an appropriate inferential test such as a single-sample t-test. The mean cover for the Restoration Area will be considered to meet the performance criteria if the resulting alpha level is greater than 0.10.

¹ Sawyer, John O. and Todd Keeler-Wolf. 1995. *A Manual of California Vegetation*. California Native Plant Society.

2. Photo-Documentation

Several permanent stations for photo-documentation will be established [Exhibit 4]. Photos shall be taken each monitoring period from the same vantage point and in the same direction each year, and shall reflect material discussed in the annual monitoring report. The locations from which photographs are taken shall not change over the course of the monitoring period unless recommended changes are approved by the Executive Director.

3. Annual Reports

At the end of each of the five monitoring period growing seasons, an annual report will be prepared submitted during the same one-month period of each year (no later than December 31st of the first year), for five (5) years from the completion of implementation of the Revegetation Plan, for the review and approval of the Executive Director, evaluating compliance with the approved Restoration Plan. These reports will include the following:

- a list of names, titles, and companies of all persons who prepared the content of the annual report and participated in monitoring activities for that year;
- an analysis of all qualitative monitoring data;
- copies of monitoring photographs taken at the same time each year from the same locations as identified in Exhibit 4; and
- maps identifying monitoring areas, quadrats, planting zones, etc. as appropriate.

4. Final Success Criteria Resolution and Revised Restoration Plan

Final success criteria will not be considered to have been met until a minimum of two years after all human support (excluding routine weeding), including irrigation, has ceased. Should the revegetation effort meet all goals prior to the end of the five-year monitoring period, the Coastal Commission may, at its discretion, terminate the Monitoring Plan.

Respondents recognize that failure to meet success criteria may result in the requirement to replace that portion of failed creation, unless the failure was the result of an "Act of God" (e.g., fire, flood, etc.) that would likely have destroyed the original vegetation for which restoration is being performed.

If all success criteria are met at the end of the five-year monitoring period, the Restoration Plan will be considered a success.

If periodic inspections or the monitoring reports indicate that the restoration project or a portion thereof is not in conformance with the Restoration Plan or has failed to meet the goals and/or performance standards specified herein, Respondents shall submit a revised or supplemental Restoration Plan ("Revised Restoration Plan") for review and approval by the Executive Director. The Project Biologist shall prepare the Revised Restoration Plan and shall specify

measures to correct those portions of the restoration that have failed or are not in conformance with the original approved Restoration Plan. The Executive Director will then determine whether the Revised Restoration Plan must be processed as a modification of the CRO, a new Restoration Plan or a new or amended coastal development permit. After the Revised Restoration Plan has been approved, these measures, and any subsequent measures necessary to carry out the original approved Restoration Plan, shall be undertaken by Respondents as required by the Executive Director until the goals of the original approved Restoration Plan have been met. Following completion of the Revised Restoration Plan's implementation, the duration of the monitoring period shall be extended for at least a period of time equal to that during which the project remained out of compliance, but in no case less than two annual monitoring periods.

C. Notification of Completion and End of Five Years Report

At the end of the five year monitoring period (or other duration, if the monitoring period is extended because the project is not in conformance with the Restoration Plan), Respondents shall submit a final detailed report for the review and approval of the Executive Director. If this report indicates that the restoration has in part, or in whole, been unsuccessful, based on the requirements of the approved Restoration Plan, Respondents shall submit a Revised Restoration Plan, and the monitoring program shall be revised accordingly.

D. Agency Confirmation

Following receipt of the final report, Respondents will, at the request of the Coastal Commission, provide access and guidance through the Restoration Area to confirm the adequate completion of the restoration effort.

E. Written Reports Following Completion of Each Phase

Within 30 days of the completion of the work described pursuant to each phase (Removal Plan, Remedial Grading Plan, and Revegetation Plan), the Project Biologist shall submit a written report for the review and approval of the Executive Director, documenting all restoration work pursuant to the each phase of the Restoration Plan. This report shall include a summary of dates when work was performed and photographs taken from the pre-designated locations documenting implementation of the respective components of the Restoration Plan, as well as photographs of the Restoration Area before the work commenced and after it was completed.

F. Submission of Documents

All plans, reports, photographs and other materials required by the CRO shall be sent to:

California Coastal Commission Attn: Heather Johnston 45 Fremont Street, Ste 2000 San Francisco, CA 94105 With a copy sent to: California Coastal Commission Attn: N. Patrick Veesart 89 S. California Street, Ste 200 Ventura, California 93001

S:476-11/The Canyon_Cliffhouse Road_Restoration Plan_060412.doc



Adapted from USGS Point Dume, CA quadrangle

NORTH

 \circ

1,000

Feet



Vicinity Map

Exhibit 2





Legend







X:\0363-THE REST\0476-11PUMP\476-11_GIS\476-11Exhibit3Impacts.mxd May 17, 2012



AL PLANT PALETTE - 0.11 ACRE									
Name	Stock Type	Plant Spacing	Per per	rcent Acre	Total Number				
anothus	one-gallon	8' o.c.	Į	50	20				
	one-gallon	15' o.c.	Į	50	20				
			1	00	40				
	Seed		lbs	/acre	Total lbs.				
egrass seed				3	0.3				
-			3	0.3					
SSLAND PLANT PALETTE - 0.06 ACRE									
		Plant	Pe	ercent	Total				
ame	Stock Type	e Spacing	g pe	r Acre	Number				
e Melic	one-gallon	8' o.c.		20	20				
egrass	one-gallon	8' o.c.		40	40				
legrass	one-gallon	8' o.c.		40	40				
			100	100					
	Seed		lb	s/acre	Total lbs.				
egrass	s seed			3	0.2				
ldenbush seed				3	0.2				
				3	0.3				

X:\0363-THE REST\0476-11PUMP\476-11_GIS\476-11Exhibit4Restoration.mxd May 17, 2012

ATTACHMENT 8

UNPERMITTED DEVELOPMENT IDENTIFIED IN

CEASE AND DESIST AND RESTORATION ORDERS CCC-12-CD-05 & CCC-12-RO-05



Unpermitted Development Identified in Cease and Desist and Restoration Orders CCC-12-CD-05 & CCC-12-RO-05* Attachment 8

* This graphic does not necessarily include all development on the Subject Properties that is in violation of the Coastal Act and/or that may be of concern to the Commission. Accordingly, Commission's silence regarding (or failure to address) other development on the Subject Properties is not indicative of the Commission's acceptance of, or acquiescence in, any such development.

ATTACHMENT 9

UNPERMITTED DEVELOPMENT IDENTIFIED IN

CEASE AND DESIST AND RESTORATION ORDERS CCC-12-CD-05 & CCC-12-RO-05



Unpermitted Development Identified in Cease and Desist and Restoration Orders CCC-12-CD-05 & CCC-12-RO-05* Attachment 9

* This graphic does not necessarily include all development on the Subject Properties that is in violation of the Coastal Act and/or that may be of concern to the Commission. Accordingly, Commission's silence regarding (or failure to address) other development on the Subject Properties is not indicative of the Commission's acceptance of, or acquiescence in, any such development.

ATTACHMENT 10

UNPERMITTED DEVELOPMENT IDENTIFIED IN

CEASE AND DESIST AND RESTORATION ORDERS CCC-12-CD-05 & CCC-12-RO-05



Unpermitted Development Identified in Cease and Desist and Restoration Orders CCC-12-CD-05 & CCC-12-RO-05* Attachment 10

* This graphic does not necessarily include all development on the Subject Properties that is in violation of the Coastal Act and/or that may be of concern to the Commission. Accordingly, Commission's silence regarding (or failure to address) other development on the Subject Properties is not indicative of the Commission's acceptance of, or acquiescence in, any such development.

ATTACHMENT 11

CONCEPTUAL HABITAT RESTORATION PLAN FOR THE

MITIGATION OF DEVELOPMENT ASSOCIATED WITH PARKING LOT, PUMP HOUSE, A-FRAME, A-FRAME ROAD, WOMEN'S HOUSE NORTHWEST ROAD, FOOTPATH, TWO STRUCTURES, TREE HOUSE AND WOMEN'S HOUSE LANDSCAPING INCLUDING RESTORATION OF OAK WOODLAND, COASTAL SAGE SCRUB, AND CHAPARRAL

CONSENT RESTORATION ORDER CCC-12-RO-05

CONCEPTUAL HABITAT RESTORATION PLAN

FOR THE MITIGATION OF DEVELOPMENT ASSOCIATED WITH

PARKING LOT 13.3(C), PUMP HOUSE 13.3(B), A-FRAME 13.3(H), A-FRAME ROAD 13.2(A), WOMEN'S HOUSE NORTHWEST ROAD 13.2(B), FOOTPATH 13.2(C), TWO STRUCTURES 13.3(I), TREE HOUSE 13.3(E) & 13.3(J) AND WOMEN'S HOUSE LANDSCAPING 13.3(F)(7)

INCLUDING RESTORATION OF OAK WOODLAND, COASTAL SAGE SCRUB, AND CHAPARRAL

2900 KANAN DUME ROAD, MALIBU UNINCORPORATED LOS ANGELES COUNTY, CALIFORNIA

JUNE 2012

Prepared for:

The Canyon at Peace Park 2900 South Kanan Dume Road Malibu, California90265 Contact: Kathleen Bigsby Telephone: (310) 457-3209

and

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Prepared by:

Glenn Lukos Associates, Inc. 29 Orchard Lake Forest, California92630 Contact: Tony Bomkamp Telephone: (949) 837-0404 Fax (949) 837-5834

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1.	Regional Map
1.	Regional Map

- 2. Vicinity Map
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- 6. Mitigation Area 4
- 7. Mitigation Areas 5 and 6

I. PROJECT DESCRIPTION and SUMMARY

This Conceptual Habitat Restoration Plan, herein known as the "Mitigation Plan," outlines the revegetation activities and monitoring activities required by Consent Restoration Order CCC-12-RO-05 ("CRO") associated with restoration of chaparral, coastal sage scrub, and oak woodland as mitigation for impacts to native habitats associated with development installed at The Canyon at Peace Park to be removed and revegetated pursuant to the CRO.

Site-specific restoration of the areas set forth below have been addressed in a series of sitespecific development Restoration Plans that address restoration for each area affected by the development including the following:

- Guest House Road $13.1(A)^1$
- Tree House 13.3(E), Bride and Footpath $13.3(J)^2$
- A-Frame 13.3(H), A-Frame Road 13.2(A), and Women's House Northwest Road 13.2(B)³
- Parking Lot $13.3(C)^4$
- Women's House Landscaping 13.3(F)(7)⁵
- Two Structures 13.3(I), Footpath 13.2(C), and Overlook Road 13.1(B)⁶
- Pump House $13.3(B)^7$

Each of these areas are located at The Canyon at Peace Park property located at 2900 South Kanan Dume Road near Malibu in unincorporated Los Angeles County, California [Exhibits 1 and 2] ("Property"). In addition to removal of each of the areas of development (i.e., structures and roads), the referenced Restoration Plans set forth detailed plans for restoring each area to the native habitat that occurred in each area prior to the development.

In addition to the site-specific restoration requirements for each area, Section 8.10 of the CRO requires submittal of a "Mitigation Plan" to outline proposed mitigation to be undertaken onsite. The Guest House Road and the Overlook Road are not subject to the Mitigation Plan described herein because the Guest House Road and the Overlook Road development have already been

¹ Glenn Lukos Associates, June 2012. Restoration Plan for the Removal of the Guest House Road. Prepared for: The Canyon at Peace Park, 2900 South Kanan Dume Road, Malibu, California 90265.

² Glenn Lukos Associates, June 2012. Restoration Plan for the Removal of the Tree House Prepared for: The Canyon at Peace Park, 2900 South Kanan Dume Road, Malibu, California 90265.

³ Glenn Lukos Associates, June 2012. Restoration Plan for the Removal of the A-Frame, the A-Frame Road, and Women's House Northwest Road. Prepared for: The Canyon at Peace Park, 2900 South Kanan Dume Road, Malibu, California 90265.

⁴ Glenn Lukos Associates, June 2012. Restoration Plan for the Removal of the Parking Area Extension . Prepared for: The Canyon at Peace Park, 2900 South Kanan Dume Road, Malibu, California 90265.

⁵ Glenn Lukos Associates, June 2012. Restoration Plan for the Removal of the Women's House Landscaping. Prepared for: The Canyon at Peace Park, 2900 South Kanan Dume Road, Malibu, California 90265.

⁶ Glenn Lukos Associates, June 2012. Restoration Plan for the Removal of the Two Structures, Footpath, and Overlook Road. Prepared for: The Canyon at Peace Park, 2900 South Kanan Dume Road, Malibu, California 90265.

⁷ Glenn Lukos Associates, June 2012. Restoration Plan for the Removal of a Portion of the Pump House Foundation and Concrete Slab. Prepared for: The Canyon at Peace Park, 2900 South Kanan Dume Road, Malibu, California 90265.

mitigated pursuant to a mitigation program imposed by CDP 5-89-743. As such, the Guest House Road and Overlook Road are not further discussed in this Mitigation Plan.

The area of development subject to this Mitigation Plan totals 1.89 acres. This Mitigation Plan includes six habitat Mitigation Areas totaling 3.16 acre, which collectively are referred to as the "Mitigation Area."

A. Respondents

United World of the Universe Foundation 500 Broadway Santa Monica, CA 90401 Contact: Michael Segal Telephone: (310) 394-8989

The Canyon at Peace Park 2900 South Kanan Dume Road Malibu, California 90265 Contact: Kathleen Bigsby Telephone: (310) 457-3209

II. GENERAL PROVISIONS

A. Qualifications of the Project Biologist

Glenn Lukos Associates, Inc. (GLA) prepared this Mitigation Plan. Mr. Tony Bomkamp, Senior Biologist with GLA, is the point of contact and project manager. Mr. Bomkamp is a field biologist and wetlands ecologist with an extensive background in restoration of wetland, riparian, and upland scrub habitats in Southern California. As a botanist, Mr. Bomkamp has diverse field experience including restoration work extending back over 30 years in all of the major vegetation communities in Southern California. Mr. Bomkamp earned a B.A. in Biology in 1976, and an M.S. in Environmental Studies in 1993, both from California State University, Fullerton.

Mr. Bomkamp will lead a staff of restoration ecologists in the implementation of this Mitigation Plan. The individuals responsible for preparing and implementing this plan have extensive experience designing and installing revegetation and restoration projects in Southern California. This experience provides a strong basis for confidence in the success of the restoration proposed herein. A qualified habitat restoration specialist or other individual knowledgeable in native plant revegetation, hereinafter referred to as the "Project Biologist", will supervise the implementation, maintenance, and five-year monitoring of the Mitigation Plan. The Project Biologist shall be onsite during all phases of the restoration.

B. Qualifications of the Landscape Contractor

A qualified landscape contractor, hereinafter referred to as the "Landscape Contractor", with experience in coastal sage scrub and chaparral habitat projects, shall perform restoration and maintenance activities within the Mitigation Area. The Landscape Contractor shall possess a C-27 contractor's license, and a California license Pest Control Advisor (PCA) for the application of herbicides and pesticides. The Landscape Contractor will be supervised by the Project Biologist.

C. Summary of Impacts to Resources Due to Development

Table 1 below provides a summary of the impacts to native habitats according to habitat type (i.e., oak woodland, sycamore riparian, chaparral, etc.) for each of the areas subject to the mitigation requirement of the CRO. The area covered by each development area were determined based on a combination of aerial photographs and onsite surveys of each of the subject areas. Area totals were generated using GIS.

Development Area	Oak Woodland (square feet/acres)	Oak Woodland Understory (square feet/acres)	Sycamore Riparian (square feet/acres)	Coastal Sage/ Chaparral (square feet/acres)	Chaparral (square feet/acres)	Non- Native Grassland (square feet/acres)	Total Impacts (square feet/acres)
Parking Lot		871/ 0.02	1,742/ 0.04		9,148/ 0.21	4,356/ 0.10	16,117/ 0.37
Pump House	871/ 0.02						871/ 0.02
A-Frame and A-Frame Road				11,761/ 0.27			11,761/ 0.27
Women's House Northwest Road				13,939/ 0.32			13,939/ 0.32
Footpath				4,791/.11			4,791/.11
Two Structures				1,742/ 0.04			1,742/ 0.04
Tree House	1,307/ 0.03						1,307/ 0.03
Women's House Landscaping				31,799/ 0.73			31,799/ 0.73
Total Impacts (square feet/acres)	2178/ 0.05	871/ 0.02	1,742/ 0.04	64,033/ 1.47	9,148/ 0.21	4,356/ 0.10	82,328/ 1.89

Table 1: Development Requiring Mitigation

D. Mitigation Area

Based on a review of aerial photographs and site-specific surveys, a total of 3.16 acres comprised of six Mitigation Areas have been identified on the site as depicted on Exhibit 3 and summarized by Table 2 below. Because the vast majority of the Property has been maintained as natural habitat, including coast live oak woodland, coastal sage scrub, and chaparral, opportunities for restoration and enhancement are limited, and only 3.16 acres of potential mitigation could be identified on the Property. The Mitigation Area is located approximately 0.2 mile west of South Kanan Dume Road, approximately 3.0 miles north of Pacific Coast Highway.

Mitigation	Square	Habitat Type
Area	feet/Acres	
1	11,326/0.26	Mixed Coastal Sage Scrub/Chaparral Restoration
2	21,780/0.50	Oak Woodland Creation
3	56,192/1.29	Oak Woodland Enhancement
4	4,792/0.11	Mixed Coastal Sage Scrub/Chaparral Restoration
5	16,988/0.39	Mixed Coastal Sage Scrub/Chaparral Restoration
6	26,572/0.61	Oak Woodland Creation
Total	137,650/3.16	

Table 2: Mitigation Areas

E. Existing Condition of Mitigation Area

Mitigation Areas 1, 4, and 5, which are proposed for restoration of mixed coastal sage scrub/chaparral, and Mitigation Areas 2 and 6, which are proposed for creation of oak woodland, support a predominance of non-native annual grasses and forbs including wild oats (*Avena fatua*), soft chess (*Bromus hordeaceus*), ripgut (*Bromus diandrus*). Mitigation Area 3, which is proposed for oak woodland enhancement, consists of existing oak woodlands that lack native understory and that would benefit from introduction of native understory elements. No native habitat would be converted to other types of habitat nor would native habitat be impacted to implement the onsite Mitigation Plan totaling 3.16 acres.

F. Implementation Timeline and Schedule of Activities

Upon approval of the CRO by the Coastal Commission, Respondents shall fully implement each phase of the Mitigation Plan consistent with all of its terms. Respondents shall commence implementation of all work described in the Mitigation Plan within 120 days of the effective date of the CRO, or if Los Angeles County approval is necessary to undertake the Mitigation Plan Respondents shall inform Coastal Commission staff and this deadline shall commence within 120 days of approval by Los Angeles County. Respondents shall complete all elements of the Mitigation Plan, excepting the Monitoring Plan, no later than 120 days from commencing implementation of the Mitigation Plan. The Executive Director may grant an extension of these deadlines upon a showing of good cause, either if the Executive Director determines that Respondents have diligently worked to comply with their obligations under the Mitigation Plan, but cannot meet deadlines due to unforeseen circumstances beyond their control, or if the

Executive Director determines that the Mitigation Plan's schedule should be extended if additional time would benefit the success of the Mitigation Plan from an ecological or biological perspective pursuant to Section 19.0 of the CRO.

Implementation of the Revegetation Plan will begin during the optimal planting period (generally October 15th to March 1), unless implementation of the Revegetation Plans for the site-specific Restoration Plans referenced above occurs outside of the optimal planting period, in which case planting of the Mitigation Area may occur concurrently. Implementation of the Monitoring Plan shall begin immediately following planting installation.

Habitat restoration at the Mitigation Area will include the following components: (1) site preparation including non-native species removal and installation of an irrigation system; and (2) restoration of coastal sage scrub and chaparral vegetation and enhancement of oak woodland vegetation.

The restored mixed coastal sage scrub and chaparral and enhanced oak woodland will exhibit habitat functions consistent with adjacent areas of oak woodland and mixed coastal sage scrub and chaparral, including foraging and cover for birds, insects, and small mammals.

G. Parties Responsible for Conducting the Mitigation Plan

United World of the Universe Foundation 500 Broadway Santa Monica, CA 90401 Contact: Michael Segal Telephone: (310) 394-8989

The Canyon at Peace Park 2900 South Kanan Dume Road Malibu, California 90265 Contact: Kathleen Bigsby Telephone: (310) 457-3209

H. Parties the Respondents have Identified for Conducting the Mitigation Plan

Project Biologist:	Glenn Lukos Associates, Inc. 29 Orchard Lake Forest, California92630 Contact: Tony Bomkamp Telephone (949) 837-0404
Project Engineer:	Pacific Coast Civil, Inc. 30141 Agoura Road, Suite 200 Agoura Hills, CA 91301 Contact: Richard Doss Telephone: (818) 865-4168

Landscape Contractor:

To be determined; work will be supervised by the Project Biologist.

I. Equipment to Be Used

1. Necessity of Mechanized Tools and Assurance of No Impact

Mechanized tool use will be limited to a mechanized augering device, which may include either a handheld power auger or auger attachment mounted on a Bobcat, for excavating planting holes as described in the Revegetation Plan.

The use of mechanized tools will not impact resources protected under the Coastal Act, including but not limited to: geological stability, integrity of landforms, freedom from erosion, and the existing native vegetation.

Staging areas for equipment and materials would be located within existing developed areas depicted on Exhibit 3.

The use of a mechanized auger, including a Bobcat with an auger attachment, within the limits of the environmental fencing, would not impact any sensitive biological resources within or adjacent to the Mitigation Area, as the Mitigation Area is disturbed and does not support native vegetation, with the exception of Mitigation Area 3, which supports some coast live oaks. Within Mitigation Area 3, care will be taken to ensure that planting hole excavation does not disturb the oak tree roots, and that the equipment does not damage overhanging branches. No state or federally listed species occur within the vicinity; therefore, none would be affected.

Additionally, as the use of the mechanized equipment will be limited to developed areas and the disturbed Mitigation Area, and will not disturb the ground surface other than to dig holes for one-gallon container stock, there is no potential for impacts to landforms and geological stability.

2. Limits on the Use of Mechanized Tools and Contingency Plan

Use of mechanized tools will be limited to the hours of 7:00 am to 7:00 pm Monday through Saturday.

Should impacts occur from equipment use, including disruption of areas where revegetation occurs, the areas will be remediated according to the terms of this Restoration Plan. Any potential fuel spills or other hazardous releases that result from the use of mechanized equipment will be stopped immediately and contained within the site. The Respondents will notify the Executive Director of the Coastal Commission within 24 hours (excluding weekend or holiday days or days which the Coastal Commission is closed) of any spills of fuel or other hazardous waste, and remove the contaminated materials according to current regulations for the type of waste.

J. Staging Areas and Storage of Construction Materials

The staging areas for equipment and materials required for the Mitigation Plan will be located on areas devoid of vegetation, such as existing access roads that will not be removed and revegetated.

No materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters, or a storm drain, or be subject to wind or runoff erosion and dispersion. All stockpiles and construction materials will be covered, enclosed on all sides, be located as far as possible from drain inlets, and will not be stored in contact with the soil.

K. Location of Disposal Site

All materials removed from the Property and all waste generated during implementation of the Mitigation Plan will be disposed of in a proper and legal manner at a sanitary landfill or other appropriate site outside of the Coastal Zone.

L. Soil Stabilization Methods

As no development will be removed and no grading performed, soil stabilization will not be necessary.

M. Identification and Delineation of Mitigation Area

Mitigation activities shall occur in all of the areas indicated on the Mitigation Areas Map [Exhibit 3]. Prior to initiation of the Mitigation Plan, the Project Biologist shall flag the limits of the Mitigation Area using temporary measures such as fencing stakes, colored flags, or colored tape. All delineation materials shall be removed when no longer needed and verification of such removal will be provided in the annual reporting that corresponds to the reporting period during which the removal occurred.

N. Nesting Bird Surveys

In order to avoid disturbance of nesting birds, there shall generally be no use of mechanized equipment during the breeding season (generally February 15 through August 31), or any time that bird courtship, breeding, or nesting is observed. If use of mechanized equipment must be conducted during the nesting bird season, a biological monitor will conduct a survey to determine the presence of any nesting behaviors, nest building, egg incubation, or brood rearing activities within a minimum of 150 feet of proposed work limits. If nesting birds are detected within 100 feet of proposed grading areas, nest monitoring will be initiated and use of mechanized equipment within 100 feet of active nests will be postponed until the nest(s) are determined to be inactive by the biological monitor.

III. REVEGETATION PLAN

A. Natural Habitat Types to Be Revegetated

1. Mixed Coastal Sage Scrub/Chaparral

Existing vegetation in the vicinity of Mitigation Areas 1, 4, and 5 consist of a mix of coastal sage scrub and chaparral. The relative abundance of each species within surrounding mixed coastal sage scrub/chaparral was estimated in the field in order to determine the appropriate abundance of each species in Mitigation Areas 1, 4, and 5 [see Tables 3, 6, and 7 below], which will be revegetated with the same species planted at the same relative abundance as in the surrounding mixed coastal sage scrub/chaparral.

2. Coast Live Oak Woodland Enhancement

Existing vegetation within Mitigation Area 3 consists of oak woodland from which the understory has been cleared. The relative abundance of each understory species in adjacent intact oak woodland was estimated in the field in order to determine the appropriate abundance of each species in Mitigation Area 3 [see Table 5 below], which will be revegetated with the same species planted at the same relative abundance as in adjacent oak woodland.

3. Coast Live Oak Woodland Creation

Existing vegetation in the vicinity of Mitigation Areas 2 and 6 consist of a mix of coast live oak woodland. Because Mitigation Areas 2 and 6 currently consist of non-native grasslands but are adjacent to coast live oak woodland, habitat creation is appropriate. The relative abundance of each species within surrounding oak woodland areas was estimated in the field in order to determine the appropriate abundance of each species in Mitigation Areas 2 and 6 [see Table 4 and 8 below], which will be revegetated with the same species planted at the same relative abundance as in the surrounding mixed coastal sage scrub/chaparral. The "Sweat Lodge" facility is located in close proximity to the southwest edge of Mitigation Area 6, and as such, vegetation on the southwest edge of Mitigation Area 6 may need to be thinned and/or trees trimmed as requested by the Los Angeles County Fire Department to ensure the continued, safe operation of the Sweat Lodge.

B. Mitigation Goals and Objectives

The goal of the Mitigation Plan is to create, restore, and enhance native habitats that provide the full range of functions and values as the surrounding reference habitats. Because vegetation within the Mitigation Area will be revegetated to conditions present previously at and/or adjacent to the Mitigation Area, it is fully expected that the mixed coastal sage scrub/chaparral and created and enhanced coast live oak woodland will thrive following restoration implementation. The proposed plant palette includes native species that exist adjacent to the Mitigation Area, and are known to favor the proposed physical conditions at the site. The plant communities were selected using information gathered during site visits and from general knowledge of local plant communities.

C. Plant Palettes

All of the plants included in the plant palettes are able to tolerate hot, dry summer conditions, taking advantage of associated groundwater during the winter and spring rainy season. The plant palettes detailed in Tables 3, 4, 5, 6, 7, and 8 are based on onsite observations of the adjacent areas of native vegetation, and the "percent per acre" provided in the plant palette tables are based on onsite estimates of relative abundance of native species on the adjacent slopes. In some cases, the number of plants to be installed for a given species exceed the proportion observed in adjacent native vegetation to account for potential mortality. Additionally, the percent per acre accounts for percent cover, so for small plants (i.e. bunch grasses), the number of plants does not correspond exactly with the percent per acre.

 TABLE 3

 MITIGATION AREA 1 -- COASTAL SAGE SCRUB/CHAPARRAL MIXTURE PLANT

 PALETTE -- 0.26 ACRE

			Plant	Percent	Total
Botanic Name	Common Name	Stock Type	Spacing	per Acre	Number
Artemisia californica	California sagebrush	one-gallon	8' o.c.	2	8
Ceanothus spinosus	greenbark ceanothus	one-gallon	8' o.c.	15	62
Encelia californica	bush sunflower	one-gallon	8' o.c.	2	8
Eriogonum cinereum	coastal buckwheat	one-gallon	8' o.c.	20	82
Eriogonum fasciculatum	California buckwheat	one-gallon	8' o.c.	2	8
Hazardia squarrosa	sawtooth goldenbush	one-gallon	8' o.c.	2	8
Hesperoyucca whipplei	chaparrral yucca	one-gallon	8' o.c.	2	8
Juglans californica	California walnut	one-gallon	15' o.c.	2	8
Malosma laurina	laurel sumac	one-gallon	15' o.c.	10	40
Rhamnus ilicifolia	holly-leaf redberry	one-gallon	15' o.c.	1	8
Rhus ovata	sugarbush	one-gallon	15' o.c.	30	122
Salvia leucophylla	purple sage	one-gallon	8' o.c.	10	40
Salvia mellifera	black sage	one-gallon	8' o.c.	2	8
Total				100	410
Seed Species		Seed		lbs/acre	Total lbs.
Artemisia californica	California sagebrush	seed		3	1.6
Encelia californica	bush sunflower	seed		3	1.6
Eriogonum cinereum	coastal buckwheat	seed		5	2.6
Eriogonum fasciculatum	California buckwheat	seed		3	1.6
Hazardia squarrosa	sawtooth goldenbush	seed		3	1.6
Salvia leucophylla	purple sage	seed		5	2.6
Salvia mellifera	black sage	seed		3	1.6
Stipa pulchra	purple needlegrass	seed		3	1.6
Total Seed				28	14.8
TABLE 4 MITIGATION AREA 2 -- COAST LIVE OAK WOODLAND CREATION PLANT PALETTE -- 0.50 ACRE

			Plant	Percent	Total
Botanic Name	Common Name	Stock Type	Spacing	per Acre	Number
CANOPY LAYER	-				
Quercus agrifolia	coast live oak	one-gallon	16' o.c.	80	20
Platanus racemosa	western sycamore	one-gallon	16' o.c.	5	3
Juglans californica	California walnut one-gal		8' o.c.	5	3
Sambucus mexicana	blue elderberry	one-gallon	8' o.c.	5	3
Heteromeles arbutifolia	toyon	one-gallon	8' o.c.	5	3
Total				100	32
UNDERSTORY LAYER					
	fuschia-flowered				
Ribes speciosum	gooseberry	one-gallon	8' o.c.	10	20
Elymus condensatus	giant wild rye	one-gallon	8' o.c.	10	20
Rhamnus ilicifolia	holly-leaf redberry	one-gallon	8' o.c.	10	20
Lonicera subspicata	honeysuckle	one-gallon	8' o.c.	10	20
Salvia spathacea	hummingbird sage	one-gallon	8' o.c.	10	20
Malosma laurina	laurel sumac	one-gallon	15' o.c.	10	20
Rhamnus californica	California coffeberry	one-gallon	15' o.c.	30	60
Melica imperfecta	Coast Range melic	one-gallon	8' o.c.	5	40
Stipa pulchra	purple needlegrass	one-gallon	8' o.c.	5	40
Total				100	260
Seed Species		Seed		lbs/acre	Total lbs.
Artemisia californica	California sagebrush	seed		3	1.5
Encelia californica	bush sunflower	seed		3	1.5
Eriogonum cinereum	coastal buckwheat	seed		5	2.5
Eriogonum fasciculatum	California buckwheat	seed		3	1.5
Hazardia squarrosa	sawtooth goldenbush	seed		3	1.5
Total Seed				17	8.5

TABLE 5 MITIGATION AREA 3 -- COAST LIVE OAK WOODLAND ENHANCEMENT PLANT PALETTE -- 1.29 ACRE

			Plant	Percent	Total
Botanic Name	Common Name	Stock Type	Spacing	per Acre	Number
	fuschia-flowered				
Ribes speciosum	gooseberry	one-gallon	8' o.c.	10	31
Rosa californica	Califonia wild rose	one-gallon	8' o.c.	20	62
Rubus ursinus	California blackberry	one-gallon	8' o.c.	20	62
Elymus condensatus	giant wild rye	one-gallon	8' o.c.	20	62
Rhamnus ilicifolia	holly-leaf redberry	one-gallon	8' o.c.	5	16
Lonicera subspicata	honeysuckle	one-gallon	8' o.c.	5	16
Salvia spathacea	hummingbird sage	one-gallon	8' o.c.	10	31
Malosma laurina	laurel sumac	one-gallon	15' o.c.	10	31
Total				100	311

TABLE 6 MITIGATION AREA 4 -- COASTAL SAGE SCRUB/CHAPARRAL MIXTURE PLANT PALETTE -- 0.11 ACRE

			Plant	Percent	Total
Botanic Name	Common Name	Stock Type	Spacing	per Acre	Number
Artemisia californica	California sagebrush	one-gallon	8' o.c.	2	3
Ceanothus spinosus	greenbark ceanothus	one-gallon	8' o.c.	15	25
Encelia californica	bush sunflower	one-gallon	8' o.c.	2	3
Eriogonum cinereum	coastal buckwheat	one-gallon	8' o.c.	20	33
Eriogonum fasciculatum	California buckwheat	one-gallon	8' o.c.	2	3
Hazardia squarrosa	sawtooth goldenbush	one-gallon	8' o.c.	2	3
Hesperoyucca whipplei	chaparrral yucca	one-gallon	8' o.c.	2	3
Juglans californica	California walnut	one-gallon	15' o.c.	2	3
Malosma laurina	laurel sumac	one-gallon	15' o.c.	10	16
Rhamnus ilicifolia	holly-leaf redberry	one-gallon	15' o.c.	1	3
Rhus ovata	sugarbush	one-gallon	15' o.c.	30	50
Salvia leucophylla	purple sage	one-gallon	8' o.c.	10	16
Salvia mellifera	black sage	one-gallon	8' o.c.	2	3
Total				100	164
Seed Species		Seed		lbs/acre	Total lbs.
Artemisia californica	California sagebrush	seed		3	0.3
Encelia californica	bush sunflower	seed		3	0.3
Eriogonum cinereum	coastal buckwheat	seed		5	0.6
Eriogonum fasciculatum	California buckwheat	seed		3	0.3
Hazardia squarrosa	sawtooth goldenbush	seed		3	0.3
Salvia leucophylla	purple sage	seed		5	0.6
Salvia mellifera	black sage	seed		3	0.3
Stipa pulchra	purple needlegrass	seed		3	0.3
Total Seed				28	3.0

TABLE 7 MITIGATION AREA 5 -- COASTAL SAGE SCRUB/CHAPARRAL MIXTURE PLANT PALETTE -- 0.39 ACRE

			Plant	Percent	Total
Botanic Name	Common Name	Stock Type	Spacing	per Acre	Number
Artemisia californica	California sagebrush	one-gallon	8' o.c.	2	12
Ceanothus spinosus	greenbark ceanothus	one-gallon	8' o.c.	15	90
Encelia californica	bush sunflower	one-gallon	8' o.c.	2	12
Eriogonum cinereum	coastal buckwheat	one-gallon	8' o.c.	20	118
Eriogonum fasciculatum	California buckwheat	one-gallon	8' o.c.	2	12
Hazardia squarrosa	sawtooth goldenbush	one-gallon	8' o.c.	2	12
Hesperoyucca whipplei	chaparrral yucca	one-gallon	8' o.c.	2	12
Juglans californica	California walnut	one-gallon	15' o.c.	2	12
Malosma laurina	laurel sumac	one-gallon	15' o.c.	10	58
Rhamnus ilicifolia	holly-leaf redberry	one-gallon	15' o.c.	1	12
Rhus ovata	sugarbush	one-gallon	15' o.c.	30	176
Salvia leucophylla	purple sage	one-gallon	8' o.c.	10	58
Salvia mellifera	black sage	one-gallon	8' o.c.	2	12
Total				100	596
Seed Species		Seed		lbs/acre	Total lbs.
Artemisia californica	California sagebrush	seed		3	1.2
Encelia californica	bush sunflower	seed		3	1.2
Eriogonum cinereum	coastal buckwheat	seed		5	2.0
Eriogonum fasciculatum	California buckwheat	seed		3	1.2
Hazardia squarrosa	sawtooth goldenbush	seed		3	1.2
Salvia leucophylla	purple sage	seed		5	2.0
Salvia mellifera	black sage	seed		3	1.2
Stipa pulchra	purple needlegrass	seed		3	1.2
Total Seed				28	11.2

TABLE 8 MITIGATION AREA 6-- COAST LIVE OAK WOODLAND CREATION PLANT PALETTE -- 0.61 ACRE

			Plant	Percent	Total
Botanic Name	Common Name	Stock Type	Spacing	per Acre	Number
CANOPY LAYER					
Quercus agrifolia	coast live oak	one-gallon	16' o.c.	80	24
Platanus racemosa	western sycamore	one-gallon	16' o.c.	5	4
Juglans californica	California walnut	one-gallon	8' o.c.	5	4
Sambucus mexicana	blue elderberry	one-gallon	8' o.c.	5	4
Heteromeles arbutifolia	toyon	one-gallon	8' o.c.	5	4
Total				100	40
UNDERSTORY LAYER					
	fuschia-flowered				
Ribes speciosum	gooseberry	one-gallon	8' o.c.	10	24
Elymus condensatus	giant wild rye	one-gallon	8' o.c.	10	24
Rhamnus ilicifolia	holly-leaf redberry	one-gallon	8' o.c.	10	24
Lonicera subspicata	honeysuckle	one-gallon	8' o.c.	10	24
Salvia spathacea	hummingbird sage	one-gallon	8' o.c.	10	24
Malosma laurina	laurel sumac	one-gallon	15' o.c.	10	24
Rhamnus californica	California coffeberry	one-gallon	15' o.c.	30	73
Melica imperfecta	Coast Range melic	one-gallon	8' o.c.	5	49
Stipa pulchra	purple needlegrass	one-gallon	8' o.c.	5	19
Total				100	285
Seed Species		Seed		lbs/acre	Total lbs.
Artemisia californica	California sagebrush	seed		3	1.8
Encelia californica	bush sunflower	seed		3	1.8
Eriogonum cinereum	coastal buckwheat	seed		5	3.1
Eriogonum fasciculatum	California buckwheat	seed		3	1.8
Hazardia squarrosa	sawtooth goldenbush	seed		3	1.8
Total Seed				17	10.3

D. Site Preparation Methodology

Site preparation shall consist of clearing and controlling all non-native plant species within the Mitigation Area footprint, installation of irrigation components, preparing planting holes, and doing any other work necessary to make ready the area for planting. All site preparation will be conducted with hand tools only, except for digging planting holes with a mechanical auger. Installation of irrigation and plant materials shall occur following removal of development, and during the optimal planting period (generally October 15th to March 1), unless implementation of the Revegetation Plans for the site-specific Restoration Plans referenced above occurs outside of the optimal planting period, in which case planting of the Mitigation Area may occur concurrently.

If deemed necessary, a "grow and kill" cycle will be established following installation of the irrigation system and prior to installation of restoration plantings. "Grow and kill" is a cycle of

applying water, germinating the non-native, invasive species, and spraying the plants with the appropriate herbicide. This allows a large portion of the seed load currently present in the soil to be eradicated. Removing the competition early in the life cycle of native plants helps to ensure more rapid growth and cover of the native species. If a "grow and kill" cycle is deemed necessary, Respondents shall inform the Executive Director in writing at least 15 days prior regarding the type and quantity of herbicide proposed to be used.

All undesirable exotic plants will be eradicated. The Project Biologist will direct the Landscape Contractor regarding the selection of target weed species, their location, and the timing of weed control operations to ensure that native plants are avoided to the extent possible.

E. Planting Plan and Methodology

Planting shall consist of planting container stock and seeding either via hand broadcast or hydroseeding. No planting shall be done in any area until the area has been prepared in accordance with the plans and presents an appearance satisfactory to the Project Biologist. The Project Biologist shall be on-site the first day of each phase of plant installation and every other day after that.

1. Source of Plant Materials

It is preferred that the source of all propagules and seed used at the Mitigation Area be from the site or adjacent scrub and chaparral areas. If not available, the remainder of the propagules and seed required will be from wild sources within the Malibu area of Los Angeles County, and collected as close to the Mitigation Area as possible to preserve regional genetic integrity.

Plant material for revegetation shall be derived from cuttings, materials salvaged from disturbed areas, and/or seeds obtained from randomly selected native shrubs occurring locally. Any replacement tree or shrub stock that cannot be grown from cuttings or seeds shall be obtained from a native plant nursery, be ant-free, and shall not be inoculated to prevent heart rot. If any materials must be obtained from other than onsite sources, the Project Biologist shall provide the Coastal Commission with a list of all such materials, and shall ensure that they are of local origin (i.e., the Santa Monica Mountains), and are not cultivars.

2. Contract Growing

Contract growing of all container plants shall be by a local experienced native plant nursery. Substitution of plant material at the time of planting depends solely upon the discretion of the Project Biologist. Any approved substitutions will be documented in the annual report prepared as part of the Monitoring Plan.

3. Container Stock

Tree, shrub, and grass species will be installed as container stock. Planting and seeding will generally occur between October 15 and March 1 to take advantage of the winter rainy season, dormancy of foliage, and the winter rooting period to ensure optimum survival of plantings.

One-gallon container stock shall be utilized for the revegetation of coastal sage scrub and chaparral and oak woodland plant communities. All plant materials will be inspected by the Project Biologist and approved as healthy, disease free, and of proper size prior to planting. Overgrown, root-bound container stock will be rejected.

4. Mycorrhizal Fungi

Mycorrhizae are specialized fungi found on plant roots. A symbiotic relationship exists between plant roots and mycorrhizae wherein the plants benefit from the increased ability to take up nutrients and withstand drought when mycorrhizae are present. This relationship is essential to the growth rate, well-being, and longevity of native plant communities. Plant utilization of mycorrhizal fungi markedly increases the success of revegetation on disturbed or degraded lands. The native plant nursery shall inoculate all appropriate container-grown plants, except those known to be non-host species, with mycorrhizal fungi prior to delivery to the job site.

5. Plant Placement

Container stock will be laid out in such a manner that mimics natural plant distribution (i.e., in clusters and islands) to emulate regional reference sites. The Project Biologist will monitor and confirm that trees and shrubs have been placed at the designed elevation relative to the water source supporting them, such as ground water. All plants shall be in randomly spaced, naturally clumped patterns. The average planting densities shall meet the criteria specified in the Plant Palettes [Tables 3-8].

6. Planting Method for Container Stock and Seed Application

Container stock will be thoroughly watered by the nursery the day before planting. One-gallon container stock will be planted in a hole measuring at least twice the diameter of the container and twice the depth. The excavated hole will be filled with water and allowed to completely drain prior to installation of the plant.

One teaspoon (0.3 oz.) of Osmocote 14-14-14 (or equal) will be placed one-inch below the root zone and backfilled with native soil to the proper planting depth. The container plant will be upended into the palm of the hand to avoid damage to the root structure and placed in the planting hole. The top of the root ball will be set one-inch above finished grade. The planting hole will be backfilled with native soil.

A three-inch high, hand-compacted earth berm, approximately 24 inches in diameter, will then be constructed around each container plant to utilize as a watering basin. Container stock will be watered immediately after installation. This watering basin will be maintained until the plants are no longer irrigated. Coarse mulch shall be placed around plantings to minimize water loss and discourage weed growth. Mulch will be applied as a top dressing, two to three inches thick, and must not come in contact with the stem of the plan. Grass species will have a plant protection device (plastic mesh screens or wire screens) installed around each plant to protect the grasses from herbivory. The Contractor will remove the plant protection device after approximately six months or upon approval by the Project Biologist.

Seed will be applied either through hydroseeding or hand broadcast at the discretion of the Project Biologist.

7. Pruning and Staking

There will be no pruning or staking of any vegetation. Diseased or insect-damaged foliage, if sufficient to require pruning, will serve as a benchmark for rejection of plant materials. A small amount of selective trimming of native species is allowed to prevent overspray of herbicide from reaching their branches, if herbicide is necessary. If herbicide is to be employed, Respondents shall inform the Executive Director in writing at least 15 days prior regarding the type and quantity of herbicide proposed to be used. Native vegetation may only be trimmed; individual plants shall not be removed.

F. Performance Standards

The success of habitat restoration is defined as the restoration of a functional ecosystem. Success is usually measured by percent coverage by target species. While a fully successful revegetation plan might be viewed as one that results in 100-percent coverage, such coverage is unlikely. Natural habitats rarely exhibit 100-percent coverage, but rather include a considerable proportion of open spaces. While this monitoring program uses percent coverage criteria, it is noted that determination of successful coverage is expected to be relative to other similar native habitats typical of the region, and as such, the percent coverage criteria are defined relative to an undisturbed reference site of similar habitat composition.

The means of determining successful restoration for this site will be through a series of measurements for natural recruitment, exotic species cover, cover by native species, and species richness and diversity. All of these, except non-native species cover, should increase over time. Cover by non-native species should be the opposite; it should decrease with time, particularly because one of the primary goals of the Mitigation Plan is to substantially reduce or eliminate non-native species from the site.

After the initial non-native species eradication and associated planting effort has been completed, the Mitigation Area will be monitored by the Project Biologist on a monthly basis for the next 18 months and quarterly thereafter for the remainder of the monitoring period. Qualitative surveys, consisting of a general site walkover and habitat characterization, will be completed during each monitoring visit. General observations, such as fitness and health of the planted species, pest problems, weed persistence/establishment, mortality, and drought stress, will be noted in each site walkover. The Project Biologist will determine remedial measures necessary to facilitate compliance with performance standards.

Quantitative data will be collected annually using accepted vegetative sampling methods in order to evaluate survivorship, species coverage, and species composition.

In the event that plantings should fail to meet the specified requirements, compliance will be ensured by the performance of either or both of the following remedial procedures by the Landscape Contractor on an as-needed basis as directed by the Project Biologist: (1) replacing unsuccessful plantings with appropriately sized stock or seed mixes to meet stated cover or survival requirements, and /or (2) performing maintenance procedures to ensure the site conditions are appropriate (e.g., non-native species removal). Remedial actions in planting areas shall be based on detailed investigations (such as soil tests and excavations of failed plantings to examine root development) to determine causes of failure. If substantial non-compliance with the performance occurs, Respondents or Respondents' representative will consult the Coastal Commission to determine whether corrective measures and an extension of the five-year monitoring period will be necessary.

1. Reference Sites

Reference sites shall be established in adjacent areas that correspond with the habitat types to be restored, and sampled to provide a basis of comparison for the performance standards discussed herein. The reference site shall be located within undisturbed sections of habitat adjacent to the Mitigation Areas.

2. Standard Vegetation Monitoring Performance Standards

Coastal Sage Scrub and Chaparral

First-Year Monitoring

Success Standard: 40-percent coverage of native species (five-percent deviation allowed) relative to the reference site;

At least 80-percent of the number of planted species will be represented in the Mitigation Area (native recruit species not in the plant palette may be counted); No more than 10-percent coverage by non-native plant species.

Second-Year Monitoring

Success Standard: 50-percent coverage of native species (<five-percent deviation allowed) relative to the reference site;

At least 80-percent of the number of planted species will be represented in the Mitigation Area (native recruits not in the plant palette may be counted); No more than five-percent coverage by non-native species.

Third-Year Monitoring

Success Standard: 65-percent of native species (<five-percent deviation allowed) relative to the reference site;

At least 80-percent of the number of planted species will each attain at least five-percent cover of the total native cover (native recruits not in the plant palette may be counted);

No more than five-percent coverage by non-native species.

Fourth-Year Monitoring

Success Standard: 80-percent coverage of native species (<five-percent deviation allowed) relative to the reference site;

At least 80-percent of the number of planted species will each attain at least five-percent cover of the total native cover (native recruits not in the plant palette maybe counted);

No more than five-percent coverage by non-native plant species.

Fifth-Year Monitoring

Success Standard: 90-percent coverage of native species (<five-percent deviation allowed) relative to the reference site;

At least 80-percent of the number of planted species will each attain at least five-percent cover of the total native cover (native recruits not in the plant palette may be counted);

No more than five-percent coverage by non-native plant species.

Coast Live Oak Woodland

First-Year Monitoring

Success Standard: 30-percent coverage of native species (five-percent deviation allowed) relative to the reference site;

At least 80-percent of the planted species will be represented in the Mitigation Area (native recruits not in the plant palette may be counted);

No more than 10-percent coverage by non-native plant species.

Second-Year Monitoring

Success Standard: 40-percent coverage of native species (<five-percent deviation allowed) relative to the reference site;

At least 80-percent of the planted species will be represented in the Mitigation Area (native recruits not in the plant palette may be counted);

No more than five-percent coverage by non-native species.

Third-Year Monitoring

Success Standard: 55-percent of native species (<five-percent deviation allowed) relative to the reference site;

At least 80-percent of the planted species will each attain at least five-percent cover of the total native cover (native recruits not in the plant palette may be counted);

No more than five-percent coverage by non-native species.

Fourth-Year Monitoring

Success Standard: 70-percent coverage of native species (<five-percent deviation allowed) relative to the reference site;

At least 80-percent of the planted species will each attain at least five-percent cover of the total native cover (native recruits not in the plant palette maybe counted);

No more than five-percent coverage by non-native plant species.

Fifth-Year Monitoring

Success Standard: 80-percent coverage of native species (<five-percent deviation allowed) relative to the reference site; At least 80-percent of the planted species will each attain at least five-percent cover of the total native cover (native recruits not in the plant palette may be counted); No more than five-percent coverage by non-native plant species.

G. Proposed Use of Artificial Inputs

1. Irrigation Plan

The Landscape Contractor shall provide irrigation for the Mitigation Area when natural moisture conditions are inadequate to ensure the survival of plants. Irrigation shall be provided for a maximum of 3 years from plant installation or until the revegetation has become established, whichever comes first. Irrigation shall be phased out during the fall/winter of the second year unless unusually severe conditions threaten survival of the plants. All plants must survive and grow for at least two years without supplemental water for the Mitigation Plan final success criteria to have been met.

Supplemental irrigation is to be used solely for establishing the plants at the Mitigation Area and is of a temporary nature. The goal of the irrigation program is to obtain germination and growth with the least amount of irrigation. Frequent irrigation encourages weed invasion and leaches nutrients from the soil.

The Mitigation Area will initially be supported by a short-term automatic irrigation system. The container stock will be irrigated as long as necessary to establish the root systems in the native soils, usually through two or three summers. All irrigation lines will be installed above-grade for ease of removal and inspection.

The critical period for irrigation is during the first winter and early spring following planting. During this time, roots are not well established, and an unseasonable drought can cause high mortality. During dry periods after plant installation, the Project Biologist and the Landscape Contractor will regularly inspect soil moisture. Supplemental irrigation during the summer dry season will occur as frequently as required.

After the initial plant establishment period, water will be applied infrequently and only as required to prevent the mortality of plants and seedlings. The irrigation methods employed will attempt to mimic wet rainfall years by incorporating evenly spaced, infrequent, deep applications of water.

When the plantings are sufficiently established, and no longer require supplementary irrigation, the Project Biologist shall notify the Landscape Contractor to remove all irrigation system components from the Mitigation Area. In the event irrigation system components are removed,

but it is later determined by the Project Biologist that supplemental irrigation may be necessary to meet the success standards herein, the irrigation system component may be reintroduced and then removed when the necessity for supplemental irrigation has ceased.

The Landscape Contractor shall be responsible for applying sufficient irrigation water to adequately establish new plant materials, and germinate and establish the applied seed. Irrigation water shall be applied in such a way as to encourage deep root growth (periodic deep irrigation versus frequent light irrigation). The Landscape Contractor will allow soil to dry down to approximately 50- to 60-percent of field capacity (in the top six or 10 inches of soil after germination and during seedling establishment) before the next irrigation cycle. Wetting of the full root zone and drying of the soil between irrigation events is essential to the maintenance of the plants and the promotion of the deep root zone that will support the vegetation in the years after establishment. Irrigation systems may need to be on for as long as six to eight hours at a time in order to get complete water penetration to the lower soil horizons to encourage deep root growth. A soil probe or shovel shall be used to examine soil moisture and rooting depth directly.

Irrigation will be used as necessary to enhance establishment of the vegetation and will be discontinued at the end of three years. If it is determined that it is necessary to continue irrigation beyond three years, Respondents shall request an extension in writing, outlining the need for an extension of the duration of the irrigation.

2. Herbicide

The use of herbicide is not proposed at this time; however, if it becomes necessary to use herbicide, Respondents will notify the Executive Director at least 15 days in advance with the type and quantity of herbicide to be used. The minimum amount of herbicide necessary to support the plantings will be used. If herbicide use is deemed necessary and approved by the Executive Director, it shall be administered by a licensed PCA.

3. Fertilizer

No fertilizer use is proposed following initial use of Osmocote 14-14-14 in the planting holes at the time of planting as described above.

IV. MONITORING PLAN

A. Maintenance Activities During the Monitoring Period

The purpose of this program is to ensure the success of the mitigation plantings. Maintenance will occur over the five-year life of the Monitoring Plan. The Project Biologist will monitor all aspects of the revegetation in an effort to detect any problems at an early state. Potential problems could arise from irrigation failure, erosion and failure of erosion control measures, vandalism, competition from weeds and invasive species, and unacceptable levels of disease and predation.

These maintenance guidelines are specifically tailored for native plant establishment. The maintenance personnel will be fully informed regarding the habitat establishment program so they understand the goals of the effort and the maintenance requirements. A Landscape Contractor with experience and knowledge in native plant habitat restoration will supervise all maintenance personnel.

For a period of 120 days following completion of plant installation, the initial Landscape Contractor will be responsible for the care of the plantings. The purpose of the 120-day establishment period is to ensure continuity between the installation of the plant material and its short-term maintenance. The installation Landscape Contractor's presence during this 120-day period is proven to increase Mitigation Plan success. The Landscape Contractor will control the spread of weedy species, and identify any efforts needed to ensure the health and survival of the plantings.

Following the 120-day establishment period, the project will be evaluated for the health of plant materials, and if judged satisfactory by the Project Biologist, the establishment period will be considered concluded and the long-term habitat maintenance program will begin. If plant health is not determined to be satisfactory, an additional 60 days will be allowed for the Landscape Contractor to implement remedial measures, including plant replacement. A different Landscape Contractor may implement the long-term maintenance program; however, the Project Biologist will continue to monitor the Mitigation Plan success.

Damage to plants, irrigation systems, erosion control structures/measures, and other facilities occurring as a result of unusual weather or vandalism will be repaired or replaced immediately.

1. General Maintenance

The Landscape Contractor will perform the following tasks as general maintenance duties:

- Plant inspection;
- Weed control;
- Irrigation water volume and frequency;
- General maintenance of the irrigation system;
- Trash and debris removal;
- Pest control; and
- Plant replacement.

2. Plant and Mitigation Area Inspection

During the 120-day establishment period, and into the long-term habitat maintenance period, the Project Biologist will inspect the Mitigation Area on a monthly basis for 18 months. The plants and conditions at Mitigation Area shall be inspected on a quarterly basis thereafter until achievement of performance standards for the Mitigation Area. The Project Biologist will conduct inspections for the purpose of maintaining at a minimum, the following: all erosion control measures, non-native species eradication, trash and debris removal, and the health and abundance of the original and/or replacement plantings.

3. Weed Control

The Mitigation Area shall be maintained free of weeds during the monitoring period. Weed eradication will minimize competition that could prevent the establishment of native species. All maintenance personnel will be trained to distinguish weed species from native vegetation to ensure only weedy species are removed. The use of herbicide is not proposed at this time; however, if it becomes necessary to use herbicide, Respondents will notify the Executive Director at least 15 days in advance with the type and quantity of herbicide to be used. The minimum amount of herbicide necessary to support the plantings will be used.

Weeds shall be manually removed before they can attain a height of three inches (3") at intervals of not more than 30 days for the first two years of the Monitoring Plan. All portions of the plant will be removed, including the roots. The Project Biologist shall direct the Landscape Contractor regarding the selection of target weed species, their location, and the timing of weed control operations to ensure that native plants are avoided to the extent possible. Pulled weeds will be placed on a "mantilla" or other type of tarp to prevent any seeds from coming in contact with the ground.

Weed removal shall be done at least monthly for the first two years, and at least monthly during the rainy season (January through April) and quarterly from May through December for years three through five. As weeds become apparent, they should be immediately removed by hand or controlled with an appropriate herbicide if determined necessary by a licensed PCA and as approved by the Executive Director. Weed debris shall be removed from the Mitigation Area on the same day as weed removal and disposed of as permitted by law.

A space cleared of weeds within the watering basin shall be maintained around each container plant to minimize competition from other plant species. Two-inch thick mulch within the watering basin shall be maintained throughout the maintenance period.

4. General Maintenance of the Irrigation System

The Landscape Contractor will be responsible for the regular maintenance and repair of all aspects of the irrigation system. Poorly functioning or non-functioning parts shall be replaced immediately so as to not endanger the plantings.

General system checks shall be conducted no less than weekly the first month after installation to assure the system is functioning correctly, and monthly thereafter, except during periods when the irrigation system is not in operation as recommended by the Project Biologist.

Any erosion or slippage of soil caused by the Landscape Contractor's inadequate maintenance or operation of irrigation facilities shall be repaired by the Landscape Contractor at his/her expense.

5. Trash and Debris Removal

The Mitigation Area shall be well maintained in order to deter vandalism and dumping of trash. The Landscape Contractor is responsible for avoiding impacts to plantings during trash removal activities. Landscape Contractor shall, during routine maintenance, manually remove weeds, litter, trash, and debris from the Mitigation Area and dispose of off-site as permitted by law.

6. Pest Control

Young trees and shrubs will be monitored for signs of disease, insect, and/or predator damage, and treated as necessary. Badly damaged plants will be pruned to prevent spreading of the pestilence or replaced in kind if removed. Excessive foraging by predators will necessitate protective screening around plants. The Project Biologist will be consulted on any pest control measures to be implemented.

7. Plant Replacement

The Landscape Contractor responsible for the installation of container stock plants will be responsible for replacement of all terminally diseased or dead plants during the 120-day establishment period. During the long-term maintenance period, the Landscape Contractor will be responsible for the replacement of any dead and/or declining plants in the winter months as recommended by the Project Biologist. Replacement plants shall be paid for and installed by the Landscape Contractor.

Replacement plants shall conform to the species, size requirements, and spacing as specified for the plants being replaced. The replacement plants shall be purchased from inventory at the same native plant nursery as were the contract-grown plant stock.

8. Pruning

No pruning is necessary unless otherwise specified by the Project Biologist as described above.

9. Responsible Party for Maintenance

Respondents will be responsible for financing. The Project Biologist will be responsible for periodic inspections and communicating maintenance needs to the Landscape Contractor. The Landscape Contractor will be responsible for carrying out maintenance activities.

10. Maintenance Schedule

The Monitoring Plan will continue for five years following the completion of plant installation or until performance criteria are met.

Table 9 below indicates the schedule of maintenance activities and inspections.

TABLE 9 MAINTENANCE SCHEDULE							
Maintenance Task	Year						
	1	2	3	4	5		
Plant Inspection	Monthly first 12 months	Monthly through 18th month; quarterly thereafter	Quarterly	Quarterly	Quarterly		
Irrigation System Inspection	Monthly, or more frequently if required	Monthly	As Required	N/A	N/A		
Trash and Debris Removal	Monthly	Quarterly	Quarterly	Quarterly	Quarterly		
Weed Control	Minimum of Monthly	Monthly	Monthly from January to April; Quarterly from May to December	Monthly from January to April; Quarterly from May to December	Monthly from January to April; Quarterly from May to December		
Pest Control	Monthly	Bi-monthly	Quarterly	Quarterly	Quarterly		
Plant Replacement	Annually	Annually	Annually	Annually	Annually		

B. Monitoring Methods

Monitoring will assess the attainment of annual and final success criteria and identify the need to implement contingency measures in the event of failure. Monitoring methods include field-sampling techniques that are based upon the California Native Plant Society field sampling protocol.⁸ Please refer to *A Manual of California Vegetation* for further details on this sampling method.

1. Monitoring

Quantitative monitoring shall be conducted during the active growing season in June of every year. A qualified habitat restoration specialist, biologist, or horticulturist with appropriate credentials and experience in native habitat restoration shall perform the annual monitoring. Continuity within the personnel and methodology of monitoring shall be maintained insofar as possible to ensure comparable assessments. Records will be kept of mortality and other problems, such as insect damage. The Project Biologist will also identify other potential site problems, such as weed infestation and soil loss. Remedial measures undertaken will be referenced in the annual report to the Coastal Commission.

⁸ Sawyer, John O. and Todd Keeler-Wolf. 1995. *A Manual of California Vegetation*. California Native Plant Society.

a. Standard Vegetation Sampling Techniques

Quantitative sampling within the Mitigation Area will be performed using one-meter quadrats that will be placed randomly throughout the site. Placement of quadrats will be determined using random number tables to provide two coordinates, one that indicates the distance along a longitudinal centerline bisecting the site and one that determines the distance from the line. Plots will be placed on alternating sides of the centerline and perpendicular to the centerline. Vegetative cover will be visually estimated within the quadrat for each species present, and recorded on a data sheet. Any species observed during the sampling that does not fall within a quadrat will be recorded and included on the list of species for the Mitigation Area. At least 30 replicates will be initially sampled.

Sample variance from data collection in years one through three will be used to determine if 30 samples is adequate. If a power analysis indicates that more than 30 samples are required, additional quadrats will be added. If a power analysis indicates that fewer than 30 samples are required, the number of quadrats will be reduced. Sampling will be conducted with sufficient replication to detect a 10-percent difference in absolute ground cover between the mean of the restoration and the success standard with 90-percent power at an alpha level of 0.10. The mean native cover for the Mitigation Area will be compared to the performance criteria at the end of five years using an appropriate inferential test such as a single-sample t-test. The mean cover for the Mitigation Area will be considered to meet the performance criteria if the resulting alpha level is greater than 0.10.

2. Photo-Documentation

Several permanent stations for photo-documentation will be established [Exhibits 4-7]. Photos shall be taken each monitoring period from the same vantage point and in the same direction each year, and shall reflect material discussed in the annual monitoring report. The locations from which photographs are taken shall not change over the course of the monitoring period unless recommended changes are approved by the Executive Director.

3. Annual Reports

At the end of each of the five monitoring period growing seasons, an annual report will be prepared submitted during the same one-month period of each year (no later than December 31st of the first year), for five (5) years from the completion of implementation of the Revegetation Plan, for the review and approval of the Executive Director, evaluating compliance with the approved Mitigation Plan. These reports will include the following:

- a list of names, titles, and companies of all persons who prepared the content of the annual report and participated in monitoring activities for that year;
- an analysis of all qualitative monitoring data;
- copies of monitoring photographs taken at the same time each year from the same locations as identified in Exhibits 4-7; and

• maps identifying monitoring areas, quadrats, planting zones, etc. as appropriate.

4. Final Success Criteria Resolution and Revised Mitigation Plan

Final success criteria will not be considered to have been met until a minimum of two years after all human support (excluding routine weeding), including irrigation, has ceased. Should the revegetation effort meet all goals prior to the end of the five-year monitoring period, the Coastal Commission may, at its discretion, terminate the Mitigation Plan.

Respondents recognize that failure to meet success criteria may result in the requirement to replace that portion of failed creation, unless the failure was the result of an "Act of God" (e.g., fire, flood, etc.) that would likely have destroyed the original vegetation for which restoration is being performed.

If all success criteria are met at the end of the five-year monitoring period, the Mitigation Plan will be considered a success.

If periodic inspections or the monitoring reports indicate that the revegetation or a portion thereof is not in conformance with the Mitigation Plan or has failed to meet the goals and/or performance standards specified herein, Respondents shall submit a revised or supplemental Mitigation Plan ("Revised Mitigation Plan") for review and approval by the Executive Director. The Project Biologist shall prepare the Revised Mitigation Plan and shall specify measures to correct those portions of the restoration that have failed or are not in conformance with the original approved Mitigation Plan. After the Revised Mitigation Plan has been approved, these measures, and any subsequent measures necessary to carry out the original approved Mitigation Plan have been met. Following completion of the Revised Mitigation Plan's implementation, the duration of the monitoring period shall be extended for at least a period of time equal to that during which the project remained out of compliance, but in no case less than two annual monitoring periods.

C. Notification of Completion and End of Five Years Report

At the end of the five year monitoring period (or other duration, if the monitoring period is extended because the project is not in conformance with the Mitigation Plan), Respondents shall submit a final detailed report for the review and approval of the Executive Director. If this report indicates that the restoration has in part, or in whole, been unsuccessful, based on the requirements of the approved Mitigation Plan, Respondents shall submit a Revised Mitigation Plan, and the monitoring program shall be revised accordingly.

D. Agency Confirmation

Following receipt of the final report, Respondents will, at the request of the Coastal Commission, provide access and guidance through the Mitigation Area to confirm the adequate completion of the restoration effort.

E. Written Reports Following Completion of Each Phase

Within 30 days of the completion of the work described in the Revegetation Plan, the Project Biologist shall submit a written report for the review and approval of the Executive Director, documenting all restoration work pursuant to the each phase of the Mitigation Plan. This report shall include a summary of dates when work was performed and photographs taken from the predesignated locations documenting implementation of the respective components of the Mitigation Plan, as well as photographs of each Mitigation Area before the work commenced and after it was completed.

F. Submission of Documents

All plans, reports, photographs and other materials required by the CRO shall be sent to:

California Coastal Commission Attn: Heather Johnston 45 Fremont Street, Ste 2000 San Francisco, CA 94105

With a copy sent to: California Coastal Commission Attn: N. Patrick Veesart 89 S. California Street, Ste 200 Ventura, California 93001

S:476-17/The Canyon_Compensatory_Restoration Plan_060412.doc



Adapted from USGS Point Dume, CA quadrangle



1,000 2,000 4,000 Feet

 \circ

NORTH



Legend

Mixed Coastal Sage Scrub/Chaparral

Oak Woodland Creation Oak Woodland Enhancement

Development Removal Subject to Mitigation

A-Frame 13.3(H) and A-Frame Road 13.2(A) - Subject to Mitigation
Parking Lot 13.3(C) - Subject to Mitigation
Tree House 13.3(E) & 13.3(J) - Subject to Mitigation
Two Structures 13.3(I) - Subject to Mitigation
Women's House Landscaping 13.3(F)(7) - Subject to Mitigation
Women's House Northwest Road 13.2(B) - Subject to Mitigation
Pump House 13.3(B) - Subject to Mitigation
Footpath 13.2(C) – Subject to Mitigation



100

400

Feet

200





	PLANT PALETTE 0.26 ACRE									
ame	Common Name	Stock Type	Plant Spacing	Percent per Acre	Total Number					
nica	California sagebrush	one-gallon	8' o.c.	2	8					
osus	greenbark ceanothus	one-gallon	8' o.c.	15	62					
ca	bush sunflower	one-gallon	8' o.c.	2	8					
eum	coastal buckwheat	one-gallon	8' o.c.	20	82					
culatum	California buckwheat	one-gallon	8' o.c.	2	8					
osa	sawtooth goldenbush	one-gallon	8' o.c.	2	8					
hipplei	chaparrral yucca	one-gallon	8' o.c.	2	8					
ca	California walnut	one-gallon	15' o.c.	2	8					
	laurel sumac	one-gallon	15' o.c.	10	40					
а	holly-leaf redberry	one-gallon	15' o.c.	1	8					
	sugarbush	one-gallon	15' o.c.	30	122					
la	purple sage	one-gallon	8' o.c.	10	40					
	black sage	one-gallon	8' o.c.	2	8					
				100	410					
	SEED S	SPECIES								
				lbs/acre	Total lbs.					
nica	California sagebrush	seed		3	1.6					
ca	bush sunflower	seed		3	1.6					
eum	coastal buckwheat	seed		5	2.6					
culatum	California buckwheat	seed		3	1.6					
osa	sawtooth goldenbush	seed		3	1.6					
la	purple sage	seed		5	2.6					
	black sage	seed		3	1.6					
	purple needlegrass	seed		3	1.6					
				28	14.8					



MITIGATION AREA 2 COAST LIVE OAK WOODLAND CREATION PLANT PALETTE 0.50 ACRE						
Co	ommon Name	Stock Type	Plant Spacing	Percent per Acre	Total Number	
	CANOPY LAY	ER				
со	oast live oak	one-gallon	16' o.c.	80	20	
we	estern sycamore	one-gallon	16' o.c.	5	3	
Са	alifornia walnut	one-gallon	8' o.c.	5	3	
blu	ue elderberry	one-gallon	8' o.c.	5	3	
to	yon	one-gallon	8' o.c.	5	3	
				100	32	
	UNDERSTORY L	AYER				
fus	schia-flowered gooseberry	one-gallon	8' o.c.	10	20	
gia	ant wild rye	one-gallon	8' o.c.	10	20	
ho	olly-leaf redberry	one-gallon	8' o.c.	10	20	
ho	oneysuckle	one-gallon	8' o.c.	10	20	
hu	ummingbird sage	one-gallon	8' o.c.	10	20	
lau	urel sumac	one-gallon	15' o.c.	10	20	
Ca	alifornia coffeeberry	one-gallon	15' o.c.	30	60	
Co	oast Range melic	one-gallon	8' o.c.	5	40	
pu	urple needlegrass	one-gallon	8' o.c.	5	40	
				100	260	
	SEED SPECIE	S				
				lbs/acre	Total lbs.	
Ca	alifornia sagebrush	seed		3	1.5	
bu	ush sunflower	seed		3	1.5	
CO	bastal buckwheat	seed		5	2.5	
Ca	alifornia buckwheat	seed		3	1.5	
sa	awtooth goldenbush	seed		3	1.5	
				17	8.5	

Legend

6

Oak Woodland Creation

Oak Woodland Enhancement

Permanent Photo Location



Feet

CONSENT CEASE AND DESIST ORDER CCC-12-CD-05 AND CONSENT RESTORATION ORDER CCC-12-RO-05 MITIGATION

Mitigation Areas 2 & 3

GLENN LUKOS ASSOCIATES

30

120

Exhibit 5 X:\0363-THE REST\0476-17REST\476-17_GIS\476-17Exhibit5.mxd May 29, 2012



MITIGATION AREA 4 -- MIXED COASTAL SAGE SCRUB/CHAPARRAL PLANT PALETTE -- 0.11 ACRE

c Name	Common Name	Stock Type	Plant Spacing	Percent per Acre	Total Number
ornica	California sagebrush	one-gallon	8' o.c.	2	3
inosus	greenbark ceanothus	one-gallon	8' o.c.	15	25
nica	bush sunflower	one-gallon	8' o.c.	2	3
ereum	coastal buckwheat	one-gallon	8' o.c.	20	33
ciculatum	California buckwheat	one-gallon	8' o.c.	2	3
rrosa	sawtooth goldenbush	one-gallon	8' o.c.	2	3
whipplei	chaparrral yucca	one-gallon	8' o.c.	2	3
nica	California walnut	one-gallon	15' o.c.	2	3
na	laurel sumac	one-gallon	15' o.c.	10	16
olia	holly-leaf redberry	one-gallon	15' o.c.	1	3
	sugarbush	one-gallon	15' o.c.	30	50
ylla	purple sage	one-gallon	8' o.c.	10	16
а	black sage	one-gallon	8' o.c.	2	3
				100	164
	Seed S	pecies			
		Seed		lbs/acre	Total lbs.
ornica	California sagebrush	seed		3	0.3
nica	bush sunflower	seed		3	0.3
ereum	coastal buckwheat	seed		5	0.6
ciculatum	California buckwheat	seed		3	0.3
rrosa	sawtooth goldenbush	seed		3	0.3
ylla	purple sage	seed		5	0.6
a	black sage	seed		3	0.3
	purple needlegrass	seed		3	0.3
				28	3



(7)

Mixed Coastal Sage Scrub/Chaparral

Permanent Photo Location



0

20



CONSENT CEASE AND DESIST ORDER CCC-12-CD-05 AND CONSENT RESTORATION ORDER CCC-12-RO-05 MITIGATION

Mitigation Area 4





80

Exhibit 6 X:\0363-THE REST\.0476-17REST\476-17_GIS\476-17Exhibit6.mxc May 29, 2012



MITIGATION AREA 6 COAST LIVE OAK WOODLAND CREATION PLANT PALETTE 0.61 ACRE							
	1		Plant	Percent	Total		
Botanic Name	Common Name	Stock Type	Spacing	per Acre	Number		
	CANOPY LA	YER					
uercus agrifolia	coast live oak	one-gallon	16' o.c.	80	24		
latanus racemosa	western sycamore	one-gallon	16' o.c.	5	4		
uglans californica	California walnut	one-gallon	8' o.c.	5	4		
ambucus mexicana	blue elderberry	one-gallon	8' o.c.	5	4		
leteromeles arbutifolia	toyon	one-gallon	8' o.c.	5	4		
Total				10	40		
	UNDERSTORY LAYER						
	fuschia-flowered						
libes speciosum	gooseberry	one-gallon	8' o.c.	10	24		
lymus condensatus	giant wild rye	one-gallon	8' o.c.	10	24		
hamnus ilicifolia	holly-leaf redberry	one-gallon	8' o.c.	10	24		
onicera subspicata	honeysuckle	one-gallon	8' o.c.	10	24		
alvia spathacea	hummingbird sage	one-gallon	8' o.c.	10	24		
lalosma laurina	laurel sumac	one-gallon	15' o.c.	10	24		
hamnus californica	California coffeeberry	one-gallon	15' o.c.	30	73		
lelica imperfecta	Coast Range melic	one-gallon	8' o.c.	5	49		
tipa pulchra	purple needlegrass	one-gallon	8' o.c.	5	19		
otal				100	285		
	SEED SPEC	IES					
				lbs/acre	Total lbs.		
rtemisia californica	California sagebrush	seed		3	1.8		
ncelia californica	bush sunflower	seed		3	1.8		
riogonum cinereum	coastal buckwheat	seed		5	3.1		
riogonum fasciculatum	California buckwheat	seed		3	1.8		
lazardia squarrosa	sawtooth goldenbush	seed		3	1.8		
otal Seed				17	10.3		

Legend

(9)

Mixed Coastal Sage Scrub/Chaparral

Oak Woodland Creation

Permanent Photo Location



60

Feet

30

CONSENT CEASE AND DESIST ORDER CCC-12-CD-05 AND CONSENT RESTORATION ORDER CCC-12-RO-05 MITIGATION

Mitigation Areas 5 & 6

GLENN LUKOS ASSOCIATES

Exhibit 7 X:\0363-THE REST\0476-17REST\476-17_GIS\476-17Exhibit7 May 29, 2012

120

ATTACHMENT 12

PROPOSED DEVELOPMENT AREA OPTIONS APNs 4465-001-036 & 4465-001-028



Aerial Source: Google Earth 2012; Coastal Development Permit 5-89-743, Exhibit 2B; Glen Lukos Associates Restoration Plan 2012.

THE CANYON AT PEACE PARK

APNs 4465-001-036 and 4465-001-028 Proposed Development Area Options

60 120 0 Feet

