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

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EDMUND G. BROWN, JR., Governor

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STAFF REPORT: PERMIT AMENDMENT

Application No.:	4-04-077-A6
Applicant:	Rancho Mar, LLC
Agent:	Anne Blemker, McCabe & Company, Inc.
Project Location:	Approximately one mile west of Malibu Canyon Road and 1.5 miles north of Pepperdine University, Santa Monica Mountains, Los Angeles County (Related APNs: 4457-002- 040, 4457-002-045, 4457-002-044, 4457-004-050, 4457- 004-047, 4457-004-049, 4457-004-048, 4457-004-016, 4457-004-015).
Description of Original Project Approved on April 13, 2005:	Construction of a three story, 34 foot high, 9,385 sq. ft. single family residence, 1,017 sq. ft. three car attached garage, swimming pool, septic system, driveway, water wells and tanks, and 2100 cu. yds. of grading (2000 cu. yds. cut, 100 cu. yds. fill). The proposed project also includes improvements, and turnarounds, relocation of an approximately 700 foot long section of the road, and approximately 30,695 cu. yds. of grading (15,085 cu. yds. cut, 15,610 cu. yds. fill). The project also includes a request for after-the fact approval of unpermitted development consisting of an approximately 370 foot long section of road. See Appendix B for descriptions of previous permit amendments: A1-A5.
Description of Proposed Amendment:	Request for after-the-fact approval to amend the approved access road grading and drainage plan to (1) modify several retaining wall specifications; (2) increase the overall grading (overexcavation and recompaction) by 10,550 cu. yds.; (3) make minor adjustments to the roadway alignment; and (4) include 14,055 cu. yds of

grading (overexcavation and recompaction) to provide for the development of a stable foundation for the access road, that was not proposed in 4-04-077-A2, and consequently, was unpermitted.

Staff Recommendation:

Approval with conditions

SUMMARY OF STAFF RECOMMENDATION

Staff recommends approval of the proposed permit amendment with two (2) additional special conditions.

The applicant is requesting after-the-fact approval to amend the approved access road grading and drainage plan to (1) modify several retaining wall specifications; (2) increase the overall grading (overexcavation and recompaction) by 10,550 cu. yds.; (3) make minor adjustments to the roadway alignment; and (4) include 14,055 cu. yds. of grading (overexcavation and recompaction) to provide for the development of a stable foundation for the access road, that was not proposed as part of 4-04-077-A2, and consequently, was unpermitted. The proposed project is located within a legal easement traversing nine (9) contiguous parcels, in the Santa Monica Mountains, Los Angeles County (Related APNs: 4457-002-040, 4457-002-045, 4457-002-044, 4457-004-050, 4457-004-047, 4457-004-049, 4457-004-048, 4457-004-016, 4457-004-015). The access road provides access to a single family residence on APN 4457-004-015 that was permitted through the original coastal development permit (No. 4-04-077).

The proposed development includes the removal of native vegetation. To minimize erosion and ensure geologic stability of the project site, the project must include adequate drainage and erosion control measures as well as revegetation measures. **Special Condition Two (2)** of the original permit requires the applicant to prepare and implement drainage plans certified by the geotechnical engineer. Further, **Special Condition Eighteen (18)** is added through the subject CDP Amendment to require the applicant to prepare and implement a revegetation plan for all areas disturbed by the development approved herein.

The proposed project sites are located within a sensitive environmental resources area (SERA) consisting of H1, H2, and H2 High-Scrutiny habitats, as designated by the Santa Monica Mountains LCP. These categories of habitat are the equivalent of an "environmentally sensitive habitat area" (ESHA) under the Coastal Act and consequently, the Santa Monica Mountains LCP (LCP) limits development in such areas to only those uses dependent upon the resources, with a few exceptions. The proposed project includes the removal and recompaction of unstable soils to avoid erosion and sedimentation as well as potential geologic hazards within areas designated as H2 and H2 High-Scrutiny. Santa Monica Mountains Land Use Plan (LUP) policy CO-43 requires that new development avoid H2 habitat, where feasible, in order to protect the sensitive environmental resource areas from disruption of habitat values. Where it is infeasible to avoid H2 habitat, the policy requires that new development be sited and designed to minimize impacts to H2 habitat. Further, the policy requires impacts to H2 habitat that cannot be avoide through

the implementation of siting and design alternatives to be fully mitigated. Consistent with the policies of the Santa Monica Mountains LCP, the project has been conditioned to require mitigation for unavoidable impacts to biological resources pursuant to **Special Condition Seventeen (17)**.

The proposed development is located in a scenic area and is visible from public viewing areas. Several of the retaining wall design revisions are unavoidably visible from public viewing areas. **Special Condition Three (3)** of the original approval requires the applicant to prepare and implement a landscaping plan for all disturbed areas along the road in order to minimize visual resource impacts. Additionally, the Commission finds it necessary to require **Special Condition Eighteen (18)** which requires the applicant to prepare and implement a revegetation plan for all additional native vegetation areas disturbed by the development approved in subject CDP Amendment. As such, the proposed development is designed to minimize impacts to visual resources to the maximum extent feasible.

The standard of review for the proposed amendment is the policies and provisions of the certified Santa Monica Mountains Local Coastal Program (LCP). As conditioned, the proposed amendment is consistent with all applicable policies of the Santa Monica Mountains LCP.

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APPENDICES

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EXHIBITS

Exhibit 1 – Vicinity Map Exhibit 2 – Parcel Map Exhibit 3 – Aerial View Exhibit 4 – Project Plans Exhibit 5 – Aerial View with Mapped Sensitive Environmental Resource Area (SERA) Habitats

LOCAL APPROVALS RECEIVED

County of Los Angeles Department of Regional Planning, Approval in Concept, dated October 8, 2015; County of Los Angeles Fire Department Fire Prevention Engineering Approval, dated October 5, 2015.

I. MOTION AND RESOLUTION

The staff recommends that the commission adopt the following resolution:

Motion:

I move that the Commission **approve** the proposed amendment to Coastal Development Permit Application No. 4-04-077 subject to the conditions set forth in the staff recommendation.

Staff Recommendation of Approval:

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

Resolution to Approve the Permit Amendment:

The Commission hereby approves the coastal development permit amendment and adopts the findings set forth below on grounds that the development as amended and conditioned will be in conformity with the policies of the Los Angeles County-Santa Monica Mountains Local Coastal Program. Approval of the permit amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS

This permit amendment is granted subject to the following standard conditions:

- 1. Notice of Receipt and Acknowledgement. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions is returned to the Commission office.
- **2. Interpretation**. Any questions of intent of interpretation of any condition will be resolved by the Executive Director of the Commission.
- **3. Assignment**. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

4. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

NOTE: Special Conditions 1 through 16 approved by the Commission in its prior action on Permit 4-04-077 remain in full force and effect. Special Conditions 17 and 18 are additional conditions imposed through the approval of this Permit Amendment, 4-04-077-A6.

17. Habitat Impact Mitigation

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT, the applicant shall submit for the review and approval of the Executive Director, a map delineating all areas of H2 and H2 High Scrutiny habitat (SERA) that will be disturbed by the development approved in CDP Amendment 4-04-077-A6. The H2 and H2 High Scrutiny habitat areas on the site shall be delineated on a detailed map, to scale, illustrating the subject parcel boundaries and adjacent parcel boundaries. The delineation map shall indicate the total acreage for all H2 and H2 High Scrutiny on-site that will be impacted by the proposed development. The delineation shall be prepared by a qualified resource specialist or biologist familiar with the ecology of the Santa Monica Mountains.

Mitigation shall be provided for impacts to the H2 and H2 High Scrutiny habitats from the proposed development and fuel modification requirements by <u>one</u> of the three following habitat mitigation methods:

A. Habitat Restoration Plan

1) Habitat Restoration Plan

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT, the applicant shall submit a habitat restoration plan, for the review and approval of the Executive Director, for an area of degraded chaparral habitat equivalent to the area of H2 and H2 High Scrutiny habitat impacted by the proposed development and fuel modification and brush clearance areas. The habitat restoration area may either be onsite or offsite within the coastal zone in the City of Malibu or in the Santa Monica Mountains. The habitat restoration area shall be delineated on a detailed site plan, to scale, that illustrates the parcel boundaries and topographic contours of the site. The habitat restoration plan shall be prepared by a qualified resource specialist or biologist familiar with the ecology of the Santa Monica Mountains, and shall be designed to restore the area in question for habitat function, species diversity and vegetation cover. The restoration plan shall include a statement of goals and performance standards, revegetation and restoration methodology, and maintenance and monitoring provisions. If the restoration site is offsite the applicant shall submit written evidence to the

Executive Director that the property owner agrees to the restoration work, maintenance and monitoring required by this condition and agrees not to disturb any native vegetation in the restoration area.

The applicant shall submit, on an annual basis for five years, a written report, for the review and approval of the Executive Director, prepared by a qualified resource specialist, evaluating compliance with the performance standards outlined in the restoration plan and describing the revegetation, maintenance and monitoring that was conducted during the prior year. The annual report shall include recommendations for mid-course corrective measures. At the end of the five-year period, a final detailed report shall be submitted for the review and approval of the Executive Director. If this report indicates that the restoration project has been in part, or in whole, unsuccessful, based on the approved goals and performance standards, the applicant shall submit a revised or supplemental restoration plan with maintenance and monitoring provisions, for the review and approval of the Executive Director, to compensate for those portions of the original restoration plan that were not successful. A report shall be submitted evaluating whether the supplemental restoration plan has achieved compliance with the goals and performance standards for the restoration area. If the goals and performance standards are not met within 10 years, the applicant shall submit an amendment to the coastal development permit for an alternative mitigation program.

The habitat restoration plan shall be implemented within 180 days of the issuance of Coastal Development Permit Amendment 4-04-077

2) Open Space Deed Restriction

No development, as defined in section 30106 of the Coastal Act shall occur in the habitat restoration area, as shown on the habitat restoration site plan, required pursuant to (A)(1) above.

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT, the owner of the habitat restoration area shall execute and record a deed restriction in a form and content acceptable to the Executive Director, reflecting the above restriction on development and designating the habitat restoration area as open space. The deed restriction shall include a graphic depiction and narrative legal descriptions of both the parcel and the open space area/habitat restoration area. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

3) Performance Bond

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT, the applicant shall post performance bonds to guarantee implementation of the restoration plan as follows: a) one equal to the value of the labor and materials; and b) one equal to the value of the maintenance and monitoring for a period of 5 years. Each performance bond shall be released upon satisfactory completion of items (a) and (b) above. If the applicant fails to either restore or maintain and monitor according to the. approved plans, the Coastal Commission may collect the security and complete the work on the property.

Habitat Conservation. PRIOR TO ISSUANCE OF THE COASTAL В. DEVELOPMENT PERMIT AMENDMENT, the applicant shall (or, if the applicant is not the owner of the habitat conservation site, then the owner of the habitat conservation site shall) execute and record an open space deed restriction in a form and content acceptable to the Executive Director, over the entirety of a legal parcel or parcels containing H2 and H2 High Scrutiny. The H2 and H2 High Scrutiny habitat located on the mitigation parcel or parcels must be of equal or greater area than the H2 and H2 High Scrutiny area impacted by the proposed development, including the fuel modification/brush clearance areas. No development, as defined in section 301 06 of the Coastal Act, shall occur on the mitigation parcel(s) and the parcel(s) shall be preserved as permanent open space. The deed restriction shall include a graphic depiction and narrative legal descriptions of the parcel or parcels. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction.

Prior to occupancy of the residence the applicant shall submit evidence, for the review and approval of the Executive Director, that the recorded documents have been reflected in the Los Angeles County Tax Assessor Records.

If the mitigation parcel(s) is/are larger in size than the impacted habitat area, the excess acreage may be used to provide habitat impact mitigation for other development projects that impact like H1 and H2 habitat.

C. Habitat Mitigation Fund. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT, the applicant shall submit evidence, for the review and approval of the Executive Director, that payment for the compensatory mitigation, in the form of an in-lieu fee, has been paid to the Mountains Recreation and Conservation Authority to mitigate adverse impacts to H2 and H2 High Scrutiny habitat. The fee shall be calculated as follows:

1) Development Area, Irrigated Fuel Modification Zones

The payment for these areas shall be \$15,500 per acre within the development area, any required irrigated fuel modification zones, and off-site brush clearance areas (assuming a 200-foot radius from all structures). The total

acreage shall be based on the map delineating these areas required by this condition.

2) Non-irrigated Fuel Modification Zones

The payment for non-irrigated fuel modification areas shall be \$3,900 per acre. The total acreage shall be based on the map delineating these areas required by this condition.

Prior to the payment for mitigation to the Mountains Recreation and Conservation Authority, the applicant shall submit, for the review and approval of the Executive Director, the calculation of the payment required to mitigate adverse impacts to H2 and H2 High Scrutiny habitat, in accordance with this condition. After review and approval of the fee calculation, the fee shall be paid to the Mountains Recreation Conservation Authority's Coastal Habitat Impact Mitigation Fund for the acquisition, permanent preservation or restoration of habitat in the Santa Monica Mountains coastal zone, with priority given to the acquisition of extinguishment of all development potential on properties containing environmentally sensitive habitat areas and properties adjacent to public parklands. The payment may not be used to restore areas where development occurred in violation of the Coastal Act's permit requirements.

18. Revegetation Plan

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT, the applicant shall submit, for the review and approval of the Executive Director, two (2) sets of a final Revegetation Plan prepared by a licensed landscape architect or a qualified resource specialist for all areas of the project site temporarily disturbed by grading and construction activities. The plan shall depict the location, species, and size of the revegetation plantings as well as any required temporary irrigation. The consulting landscape architect or qualified resource specialist shall certify in writing that the final Revegetation Plan is in conformance with the following requirements:
 - (1) All areas temporarily disturbed by grading and construction activities as a result of the subject amendment (4-04-077-A6) shall be planted and maintained for erosion control purposes within 60 days of the issuance of this coastal development permit amendment.
 - (2) Plantings shall consist of locally indigenous, drought-tolerant plant species and shall blend with the surrounding existing native vegetation, consistent with fire safety requirements. Invasive plant species are strictly prohibited.
 - (3) Plantings shall be adequate to provide 90 percent coverage within five years, and this requirement shall apply to all disturbed soils. Plantings will be maintained in good growing condition throughout the life of the project and,

whenever necessary, shall be replaced with new plant materials to ensure continued compliance with this condition.

- (4) Rodenticides containing any anticoagulant compounds (including, but not limited to, Warfarin, Brodifacoum, Bromadiolone or Diphacinone) shall not be used.
- B. Monitoring. Five years from the date of issuance of this Coastal Development Permit Amendment, the applicant shall submit to the Executive Director, a monitoring report, prepared by a licensed landscape architect or qualified resource specialist that certifies the on-site landscaping is in conformance with the revegetation plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage. If the monitoring report indicates the landscaping is not in conformance with or has failed to meet the requirements specified in this condition, the applicant, or successors in interest, shall submit, within 30 days of the date of the monitoring report, a revised or supplemental revegetation plan, certified by a licensed landscape architect or a qualified resource specialist, that specifies additional or supplemental landscaping measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan. This remedial plan shall be implemented within 30 days of the date of the final supplemental revegetation plan and remedial measures shall be repeated as necessary to meet the requirements of this condition.

IV. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION AND BACKGROUND

The applicant, Rancho Mar, LLC, is requesting after-the-fact approval to amend the approved access road grading and drainage plan to (1) modify the retaining wall between road stations 29+00 and 45+00 by increasing the height to 10.2 ft. from 8.5 ft. and length to approximately 1,505 linear ft. from approximately 1,240 linear ft.; (2) modify the retaining wall between road stations 30+00 and 45+00 by dividing it into two separate retaining walls: one wall with an height of 23.5 ft. and approximate length of 470 linear ft. constructed between road stations 30+00 and 35+00 and the second wall with a height of 18.0 ft. and approximate length of 835 linear ft. constructed between road stations 35+00 and 45+00; (3) modify the retaining wall between road stations 46+00 and 48+00 by increasing the height to 10.0 ft. from 3.0 ft. and length to approximately 115 linear ft. from approximately 120 linear ft.; (4) delete the retaining wall between road stations 59+00 and 62+00; (5) modify the retaining wall between road stations 66+00 and 70+00 by decreasing the height to 10.0 ft. from 10.2 ft. and increasing the length to approximately 295 linear ft. from 250 linear ft.; (6) modify the retaining wall between road stations 66+00 and 72+00 by increasing the height to 17.7 ft. from 10.4 ft. and length to approximately 420 linear ft. from approximately 160 linear ft.; (7) modify the disturbed areas by increasing the overexcavation and recompaction amounts to 10,550 cu. yds.; (8) update the project description to include 14,055 cu. yds of grading (overexcavation and recompaction), necessary for the development of a stable foundation for the access road, that was not clearly proposed in coastal development permit amendment 4-04-077-A2, and was consequently carried

out without the required coastal permit. The proposed revisions were necessary to address discrepancies between the topographic survey and the existing field conditions at the time of construction as well as to remove and recompact unstable soils along the access road that were not previously identified.

The proposed project is located within a legal easement traversing nine (9) contiguous parcels in the Santa Monica Mountains, Los Angeles County (**Exhibits 1-3**). It serves as an access road to a single family residence, permitted through coastal development permit 4-04-077 (APN 4457-004-015).

The road improvements originally permitted through coastal development permit no. 4-04-077 and the subsequent road improvements approved through CDP amendments were designed to conform to the projects site's existing topography. Discrepancies between the topographic survey and the existing topography necessitated the proposed changes to the access road grading and drainage plan. In order to provide for geologic stability and avoid potential hazards, revisions to the approved access road improvements were made at the time of construction (**Exhibit 4**) without the necessary CDP or CDP amendment. These revisions include an increase in grading (overexcavation and recompaction), modifications to retaining wall specifications, and a minor adjustment to the alignment of the road. The road realignment did not extend outside the bounds of the originally approved access road. The straighter road realignment resulted in an approximately 50 ft. reduction in the length of the road, changing the total length of the road from 8,780 ft. to 8,730 ft. No additional or new impacts were caused by the road realignment.

The standard of review for the proposed development is the policies and provisions of the certified Santa Monica Mountains Local Coastal Program (LCP).

B. HAZARDS AND GEOLOGIC STABILITY

The Santa Monica Mountains Local Coastal Program (LCP) contains the following development policies related to hazards that are applicable to the proposed development:

SN-1 states:

All new development shall be sized, designed and sited to minimize risks to life and property from geologic hazard.

SN-11 states:

New development shall 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.

In addition, the following certified Santa Monica Mountains Local Implementation Plan (LIP) sections are specifically applicable in this case:

Section 22.24.2102 states, in relevant part:

- *A.* All new development shall be sized, sited, and designed to minimize risks to life and property from geologic, flood, and fire hazard, considering changes to inundation and flood zones caused by rising sea level.
- D. All recommendations of the consulting licensed professional and/or the County geotechnical staff shall be incorporated into all final design and construction including foundations, grading, sewage disposal, and drainage.
- G. New development, including construction, grading, and landscaping shall be designed to incorporate drainage and erosion control measures prepared by a qualified licensed professional that incorporate structural and non-structural Best Management Practices (BMPs) to control the volume, velocity and pollutant load of stormwater runoff in compliance with the LID requirements of this LIP.
- K. As a condition of approval of new development within or adjacent to an area subject to flooding, land or mudslide, or other high geologic hazard, prior to issuance of the Coastal Development Permit, the property owner shall be required to execute and record a deed restriction which acknowledges and assumes said risks and waives any future claims of damage or liability against the County and agrees to indemnify the County against any liability, claims, damages, or expenses arising from any injury or damage due to such hazards.

The proposed development is located in the Santa Monica Mountains area, an area historically subject to significant natural hazards including, but not limited to, landslides, erosion, flooding, and wildfire. Wildfires often denude hillsides in the Santa Monica Mountains of all existing vegetation, thereby contributing to an increased potential for erosion and landslides on property. Therefore, to address these hazards, the Santa Monica Mountains LCP includes several policies and provisions related to hazards and geologic stability. Specifically, policies SN-1 and SN-11 require that new development be sited, sized and designed to minimize risks to life and property from potential hazards.

The submitted geology/geotechnical analysis referenced as a Substantive File Document evaluates the geologic stability and conditions of the access road area in relation to the proposed development. Due to discrepancies between the field conditions and the topographic survey as well as the existence of unstable geologic conditions at the time of construction, the geotechnical consultants determined that the proposed changes to grading procedures and the retaining wall specifications were the minimum actions necessary to eliminate potential hazards and adverse geologic conditions. In particular, overexcavation and recompaction of a total of 10,550 cu. yds. of material was required in several areas of the sites outside the road alignment were required to eliminate unstable soil areas. In addition to these design revisions, the proposed project includes 14,055 cu. vds. of grading (overexcavation and placement of engineered fill) for the development of a stable foundation for the access road. This 14,055 cu. yds. of grading, located completely within the approved footprint of the road and fill slope areas, was part of the overall road construction but was not clearly called out as part of the project description in the original permit or subsequent CDP amendment applications. The geotechnical consultants have indicated that the clearance of vegetation, existing fill, loose native soils, and the subsequent placement of engineered fill to establish the foundation of the access road are necessary to provide geologic stability and reduce susceptibility to erosion. The proposed design revisions were completed

under County supervision to ensure that the geotechnical consultant's recommendations were incorporated into the design revisions.

In order to minimize erosion and ensure stability of the project site, the project must include adequate drainage and erosion control measures, as required by LIP Section 22.44.2102(G). **Special Condition Two (2)** of the original permit requires the applicant to prepare and implement drainage plans certified by the geotechnical engineer. Further, pursuant to LUP Policy SN-11, the Commission finds that, for the project to ensure stability and avoid contributing significantly to erosion, all slopes and disturbed areas of the subject site must be revegetated, primarily with native plants, to stabilize disturbed soils and reduce erosion potential resulting from the development. **Special Condition Eighteen (18)** requires the applicant to prepare and implement a revegetation plan for all areas disturbed by the development approved in the subject CDP Amendment.

Therefore, the Commission finds that, as conditioned, the proposed project is consistent with the applicable hazard policies and provisions of the Santa Monica Mountains LCP.

C. WATER QUALITY

The Santa Monica Mountains Local Coastal Program (LCP) contains the following policies related to the protection of water quality:

CO-3 states:

To reduce runoff and erosion and provide long-term, post-construction water quality protection in all physical development, prioritize the use of Best Management Practices (BMPs) in the following order: 1) site design BMPs, 2) source control BMPs, 3) treatment control BMPs. When the combination of site design and source control BMPs is not sufficient to protect water quality, require treatment control BMPs, in addition to site design and source control measures. Design, construct, and maintain any required treatment control BMPs (or suites of BMPs) so that they treat, infiltrate, or filter the amount of storm water runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs and/or the 85th percentile, 1-hour storm event (with an appropriate safety factor of 2 or greater) for flow-based BMPs.

Prioritize the use of Low Impact Development in project design to preserve the natural hydrologic cycle and minimize increase in storm water or dry weather flows.

CO-10 states, in relevant part:

Limit grading, soil compaction and removal of locally-indigenous vegetation to the minimum footprint needed to create a building site, allow access, and provide fire protection for the proposed development.

CO-19 states:

Minimize the land disturbance activities of construction (e.g., clearing, grading, and cut and-fill), especially in erosive areas (including steep slopes, unstable areas, and erosive

soils), to avoid detrimental water quality impacts caused by increased erosion or sedimentation. Use soil stabilization BMPs on disturbed areas.

CO-76 states:

All new development shall be sited and designed so as to minimize grading, alteration of physical features, and vegetation clearance in order to prevent soil erosion, stream siltation, reduced water percolation, increased runoff, and adverse impacts on plant and animal life and prevent net increases in baseline flows for any receiving water body.

In addition, the following certified Santa Monica Mountains Local Implementation Plan (LIP) section is specifically applicable in this case:

Section 22.44.1340 states, in relevant part:

E. Where BMPs are required, BMPs shall be selected that have been shown to be effective in reducing the pollutants typically generated by the proposed land use. The selection of the BMPs shall be prioritized in the following order: 1) site design BMPs (e.g., minimizing the project's impervious footprint or using pervious pavements), 2) source control BMPs (e.g., revegetate using a plant palette that has low fertilizer/pesticide requirements), and 3) treatment control BMPs (e.g., use vegetated swales).

The Commission recognizes that new development in the Santa Monica Mountains has the potential to adversely impact coastal water quality and aquatic resources because changes such as the removal of native vegetation cause increases in runoff, erosion, and sedimentation, reductions in groundwater recharge, and the introduction of pollutants. Policies CO-10, CO-19, and CO-76 of the Santa Monica Mountains certified LUP require that new development minimize land disturbance activities associated with construction including grading and landform alteration as well as vegetation clearance. Additionally, to reduce erosion and provide long-term, post construction water quality protection, LUP policy CO-3 states that the use of Best Management Practices (BMPs) shall be employed to the maximum extent practicable to minimize erosion.

The proposed development resulted in a 0.9 acre increase in overall grading, and consequently, the removal of existing vegetation. These land disturbance activities result in an increase in the potential for the occurrence of soil erosion and sedimentation. The potential impacts of increased erosion and sedimentation include the reduction in the biological productivity and the quality of coastal waters, and thereby, the reduction of optimum populations of marine organisms and an increase in impacts to human health.

In order to minimize the potential for such adverse impacts to water quality and aquatic resources resulting from erosion and sedimentation, LUP Policy CO-3 and LIP Section 22.44.1340, require the implementation of post-construction erosion and sediment control measures as well as revegetation of all graded and disturbed areas with primarily native landscaping. **Special Condition Two (2)** of the original permit requires the applicant to prepare and implement drainage plans certified by the geotechnical engineer. Further, the Commission finds that, for the project to avoid contributing significantly to erosion and sedimentation, all

slopes and disturbed areas of the subject site must be revegetated, primarily with native plants, to stabilize disturbed soils and reduce erosion potential resulting from the development. **Special Condition Eighteen (18)** requires the applicant to prepare and implement a revegetation plan for all areas disturbed by the development approved in the subject CDP Amendment.

Therefore, the Commission finds that the proposed project, as conditioned, is consistent with the applicable water quality policies of the Santa Monica Mountains LCP.

D. SENSITIVE ENVIRONMENTAL RESOURCE AREAS AND NATIVE TREE PROTECTION

The Santa Monica Mountains Local Coastal Program (LCP) contains the following provisions related to the protection and enhancement of Sensitive Environmental Resources Areas (SERAs):

CO-33 states:

Sensitive Environmental Resource Areas (SERAs) are areas containing habitats of the highest biological significance, rarity, and sensitivity. SERAs are divided into two habitat categories – H1 habitat and H2 habitat – that are subject to strict land use protections and regulations.

- H1 habitat consists of areas of highest biological significance, rarity, and sensitivity-- alluvial scrub, coastal bluff scrub, dune, native grassland and scrub with a strong component of native grasses or forbs, riparian, native oak, sycamore, walnut and bay woodlands, and rock outcrop habitat types. Wetlands, including creeks, streams, marshes, seeps and springs, are also H1 habitat. Coast live and valley oak, sycamore, walnut, and bay woodlands are all included in H1 habitat. H1 habitat also includes populations of plant and animals species (1) listed by the State or Federal government as rare, threatened or endangered, listed by NatureServe as State or Global-ranked 1, 2, or 3, and identified as California Species of Special Concern, and/or (2) CNPS-listed 1B and 2 plant species, normally associated with H1 habitats, where they are found within H2 or H3 habitat areas.
- 2) H2 habitat consists of areas of high biological significance, rarity, and sensitivity that are important for the ecological vitality and diversity of the Santa Monica Mountains Mediterranean Ecosystem. H2 habitat includes large, contiguous areas of coastal sage scrub and chaparral-dominated habitats. A subcategory of H2 habitat is H2 "High Scrutiny" habitat, which comprises sensitive H2 habitat species/habitats that should be given avoidance priority over other H2 habitat. This habitat contains (1) CNDDB-identified rare natural communities; (2) plant and animal species listed by the State or Federal government as rare, threatened, or endangered; listed by NatureServe as State or Global-ranked 1, 2, or 3, and identified as California Species of Special Concern; and/or (3) CNPS-listed 1B and 2 plant species, normally associated with H2 habitats. H2 "High Scrutiny" habitat also includes (1) plant and animals species listed by the State or Federal government as rare, threatened or endangered, listed by NatureServe as State or Species listed by the State or Federal government as rare, species and concern; and/or (3) CNPS-listed 1B and 2 plant species, normally associated with H2 habitats. H2 "High Scrutiny" habitat also includes (1) plant and animals species listed by the State or Federal government as rare, threatened or endangered, listed by NatureServe as State or

Global ranked 1, 2, or 3, and identified as California Species of Special Concern, and/or (2) CNPS-listed 1B and 2 plant species, normally associated with H1 habitats, where they are found as individuals (not a population) in H2 habitat.

CO-40 states:

Any area mapped as, or meeting the definition of H1, H2, H2 High Scrutiny, or H3 habitat shall not be deprived of protection as that habitat category, as required by the policies and provisions of the LCP, on the basis that habitat has been damaged or eliminated by natural disaster (e.g. landslide flooding, etc.), or impacted by illegal development or other illegal means, including removal, degradation, or elimination of species that are rare or especially valuable because of their nature or role in an ecosystem.

CO-43 states:

New development shall avoid H2 Habitat (including H2 High Scrutiny Habitat), where feasible, to protect these sensitive environmental resource areas from disruption of habitat values. H2 High Scrutiny Habitat is considered a rare and sensitive H2 Habitat subcategory that should be given protection priority over other H2 habitat and should be avoided to the maximum extent feasible. Where it is infeasible to avoid H2 habitat, new development shall be sited and designed to minimize impacts to H2 habitat. If there is no feasible alternative that can eliminate all impacts to H2 habitat, then the alternative that would result in the fewest or least significant impacts to H2 habitat shall be selected. Impacts to H2 habitat that cannot be avoided through the implementation of siting and design alternatives shall be fully mitigated.

CO-76 states:

All new development shall be sited and designed so as to minimize grading, alteration of physical features, and vegetation clearance in order to prevent soil erosion, stream siltation, reduced water percolation, increased runoff, and adverse impacts on plant and animal life and prevent net increases in baseline flows for any receiving water body.

CO-80 states:

New development shall be sited and designed to minimize the amount of grading, consistent with the grading requirements of the LCP. Cut and fill slopes shall be minimized by the use of retaining walls, where consistent with all other provisions of the LCP.

CO-86a states, in relevant part:

Unavoidable impacts to H1 habitat from the provision of less than a 100-foot H1 habitat buffer, and/or to H2 habitat from direct removal or modification, shall be compensated by the following, at a minimum.

C. The County shall track and prepare an annual monitoring report at the end of each calendar year the RCP is in operation. The report for the calendar year shall itemize all acquisitions made that year, in addition to all of the following information:

1. Current In-Lieu Fee: During the first five years following certification of

the LCP, or until an updated fee is certified through an LCP amendment, the County shall utilize the Coastal Commission's Habitat Impact Fee that was implemented through individual coastal development permit actions prior to certification of the LCP, adjusted for inflation. The current fee amounts are:

- \$15,500 per acre for the approved building site area, driveway/access roads and turnarounds areas, any required irrigated fuel modification zones, and required off-site brush clearance areas (assuming a 200-foot radius from all structures).

In addition, the following certified Santa Monica Mountains Local Implementation Plan (LIP) sections are specifically applicable in this case:

Section 22.44.1920 states, in relevant part:

- *A. Grading and vegetation removal.*
 - 1. New development in H2 and H3 habitat areas shall be sited and designed to minimize removal of native vegetation and required fuel modification and brushing to the maximum extent feasible to minimize habitat disturbance or destruction, removal or modification of natural vegetation, and irrigation of natural areas, while providing for fire safety, consistent with Section 22.44.1240.
 - 3. New development shall be sited and designed to minimize the amount of grading, consistent with the standards of Section 22.44.1260. Cut and fill slopes shall be minimized by the use of retaining walls, when consistent with all other provisions of the LCP.
- C. Access roads and trails.
 - 1. These provisions apply to access roads that are wholly new, incorporate any portion of an existing access road, or require the widening, improvement or modification of an existing, lawfully constructed road to comply with County Fire Department access development standards:
 - c. Grading, landform alteration, and vegetation removal for access roads and driveways shall be minimized to the greatest extent feasible. The alignment and design of the access road or driveway shall avoid impacts to H1 and H2 habitat, or if avoidance is not feasible, shall minimize such impacts...
- *K.* Native Tree Protection. New development shall be sited and designed to preserve native oak, walnut, sycamore, bay, or other native trees...

The project site is located within the Mediterranean Ecosystem of the Santa Monica Mountains. The Coastal Commission has found that the Mediterranean Ecosystem in the Santa Mountains is rare, and valuable because of its relatively pristine character, physical complexity, and resultant biological diversity. Large, contiguous, relatively pristine areas of native habitats, such as coastal sage scrub, chaparral, oak woodland, and riparian woodland have many special roles in the Mediterranean Ecosystem, including the provision of critical linkages between riparian corridors, the provision of essential habitat for species that require several habitat types during the course of their life histories, the provision of essential habitat for local endemics, the support of rare species, and the reduction of erosion, thereby protecting the water quality of coastal streams. Unfortunately, the native habitats of the Santa Monica Mountains, such as coastal sage scrub, chaparral, oak woodland and riparian woodlands are easily disturbed by human activities. The removal of native vegetation for fire protection results in the direct removal or thinning of habitat area.

The Santa Monica Mountains LCP requires sensitive environmental resource areas (SERAs) to be protected against significant disruption. Under the Coastal Act, sensitive habitat areas are designated as "Environmentally Sensitive Habitat Areas" (ESHA). The equivalent terminology for sensitive habitat areas within the Santa Monica Mountains LCP is "Sensitive Environmental Resource Areas" (SERAs). The LUP defines SERAs as "areas containing habitats of the highest biological significance, rarity, and sensitivity". SERAs are further divided into two habitat categories: H1 habitat and H2 habitat, depending on the characteristics of the underlying habitat. Both of these habitat types are considered to be ESHA under the Coastal Act. LUP Policy CO-33 provides the distinction between the two habitat categories and also describes a subcategory of H2 Habitat, H2 High-Scrutiny Habitat.

Policy CO-70 requires applicants to submit a site specific biological assessment where the project site contains H1 or H2 habitat. In this case, the LUP SERA Map shows areas of H1, H2, and H2 High Scrutiny habitat on the project sites that the subject road crosses. Therefore staff has evaluated the on-site habitat categories as part of this CDP Amendment based on the biological assessment provided by the applicant and the SERA maps in the LCP. The submitted Biological Resources Evaluation, listed as a Substantive File Document, addresses the habitats found on the project site. The report found chaparral, oak woodlands, oak riparian woodlands, pasture and coast live oak woodland, and ruderal and annual grassland in areas that correspond with the SERA designations mapped in the LCP.

The proposed project includes modifications to the specifications of the previously approved retaining walls and 10,550 cu. yds. of grading (overexcavation and recompaction) in areas designated as H1 Habitat, H2 Habitat, and H2 High-Scrutiny Habitat SERA in the Santa Monica Mountains LCP (**Exhibit 5**). Although the retaining walls are located in areas designated as H1 Habitat, H2 Habitat, and H2 High-Scrutiny Habitat SERA, no additional vegetation clearance or landform alteration was necessary to facilitate the design revisions, thereby avoiding direct impact on SERA. Although several of the retaining walls are proposed to be increased in length, the additional wall areas are within the previously approved disturbance footprint of road grading. As such, there are no additional impacts to SERA that result from the changes to retaining walls. Additionally, the proposed 14,055 cu. yds. of grading (overexcavation and placement of engineered fill) for the development of a stable foundation for the access road is located completely within the approved footprint of the road and fill slope areas and therefore results in no additional impacts to SERA.

The proposed addition of a total of 10,550 cu. yds. of overexcavation and recompaction was required in several areas of the sites outside the road alignment to eliminate unstable soil areas. This proposed grading does include the removal of additional vegetation comprising H2 and H2 High-Scrutiny habitats consisting of mixed chaparral vegetation that are outside of the

approved footprint of development. Policy CO-43 of the Santa Monica Mountains Land Use Plan requires that new development avoid H2 Habitat (including H2 High Scrutiny Habitat), where feasible and that H2 High Scrutiny Habitat be given protection priority over other H2 habitat and avoided to the maximum extent feasible. Where it is infeasible to avoid H2 or H2 High Scrutiny habitat, new development shall be sited and designed to minimize impacts to H2 habitat. As discussed above, the proposed modifications to the road were determined by the geotechnical consultants to be the minimum actions necessary to ensure slope stability and eliminate potentially adverse geologic conditions surrounding the access road. No feasible alternative exists that would avoid or result in fewer impacts to H2or H2 High-Scrutiny habitats.

Furthermore, the Santa Monica Mountains LCP provides for the protection of native tree habitats. Section 22.44.1920 of the LIP states that new development shall be sited and designed to preserve native oak, walnut, sycamore, bay, or other native trees. The biological resource evaluation indicates that oak woodland, oak riparian woodland, and pasture and coast live oak woodland habitats comprised the native tree habitats found on the project site. However, the report also indicates that the proposed developments will not have impact these habitats. Staff has reviewed the biological resource evaluation in conjunction with SERA resource protection policies of the LCP, the as built topographic survey, and previously approved site plans and verified that the proposed developments do not result in impacts to native tree habitats.

In order to mitigate the impacts to SERA habitats, Policy CO-86a provides that unavoidable impacts to H1 habitat from direct removal or modification, shall be compensated by the provisions of the County's Resource Conservation Program (RCP), whereby the County commits to expend funds to be used for the acquisition and permanent preservation of land in the Santa Monica Mountains coastal zone containing substantial areas of H1 and/or H2 habitats. The proposed grading for the access road will have unavoidable impacts to H2 and H2 High Scrutiny habitats. Therefore, consistent with Policy CO-86a, the applicant is required to mitigate suchH2 habitat impacts. However, the Commission does not have the ability to require the applicants to participate in the RCP. As such, the Commission finds it necessary to require the applicants to provide mitigation for impacts to H2 habitat directly. The Commission requires Special Condition Seventeen (17) to provide habitat impact mitigation commensurate with the area of H2 habitat that will be impacted as a result of the development modifications proposed in the subject amendment (staff notes that mitigation was required as a condition of the original approval for impacts to ESHA resulting from the project as originally approved prior to certification of the LCP). The Commission finds that one of three measures is appropriate in this case to mitigate the loss of sensitive habitat on the project sites. The first method is to provide mitigation through the restoration of an area of degraded habitat (either on the project site, or at an off-site location) that is equivalent in size to the area of habitat impacted by the development. A restoration plan must be prepared by a biologist or qualified resource specialist and must provide performance standards, and provisions for maintenance and monitoring. The restored habitat must be permanently preserved through the recordation of an open space easement. The second habitat impact mitigation method is habitat conservation. This includes the conservation of an area of intact habitat of a similar type as that impacted equivalent to the area of the impacted habitat. The parcel containing the habitat conservation area must be restricted from future development and permanently preserved. If the mitigation parcel is larger in size than the impacted habitat area, the excess acreage could be used to provide habitat impact mitigation for

other development projects that impact SERA. The third habitat impact mitigation option is the in-lieu fee payment for mitigation of impacts to habitat. The fee required is based on the habitat types in question, the cost per acre to restore or create comparable habitat types, and the acreage of habitat affected by the project. The Commission has, in past permit decisions, determined the appropriate fee for the restoration or creation of chaparral and coastal sage scrub habitat, based on research carried out by the Commission's biologist. The appropriate mitigation for loss of coastal sage scrub or chaparral ESHA should be based on the actual installation of replacement plantings on a disturbed site, including the cost of acquiring the plants (seed mix and container stock) and installing them on the site (hydroseeding and planting). The payment amount found by the Commission to be appropriate to provide mitigation for the habitat impacts to SERA where, as in this case, all native vegetation will be removed is \$15,500 per acre.

For the reasons set forth above, the Commission finds that the proposed project, as conditioned, is consistent with the applicable biological resources policies of the Santa Monica Mountains LCP.

E. VISUAL RESOURCES

The Santa Monica Mountains Local Coastal Program (LCP) contains the following policies related to minimizing impacts to visual resources and scenic areas:

CO-128 states:

New development shall be subordinate to the character of its setting.

CO-131 states:

Site and design new development to minimize adverse impacts on scenic resources to the maximum extent feasible. If there is no feasible building site location on the proposed project site where development would not be visible, then the development shall be sited and designed to minimize impacts on scenic areas...

CO-133 states, in relevant part:

New development shall be sited and designed to minimize alteration of natural landforms by:

- b. Preventing substantial grading or reconfiguration of the project site.
- *e.* Ensuring that graded slopes blend with the existing terrain of the site and surrounding area.
- *i. Minimizing the height and length of retaining walls.*

CO-138 states:

New development shall minimize removal of native vegetation.

CO-150 states:

Fences, gates, walls, and landscaping shall minimize impacts to public views of scenic areas, and shall be compatible with the character of the area.

CO-151 states:

Limit height of retaining walls by using stepped or terraced retaining walls, with plantings in-between. Where feasible, long continuous walls shall be broken into sections or shall include undulations to provide visual relief.

In addition, the following certified Santa Monica Mountains Local Implementation Plan (LIP) sections are specifically applicable in this case:

Section 22.44.1440 states, in relevant part:

- *A.* Development shall be sited and designed to minimize impacts on scenic resources to the maximum extent feasible through measures that may include, but not be limited to: siting development in the portion of the site least visible from public viewing areas as defined in the LCP;...
- *E.* 3. Ensure that the development is subordinate to the natural setting and character of the area, and all impacts on scenic resources are eliminated to the maximum extent feasible, consistent with all biological resource protection policies of the LUP.

Section 22.44.2040 states, in relevant part:

- A. All Scenic Resource Areas:
 - 1. View protection. New development shall be sited and designed to protect public views within Scenic Resource Areas and to minimize adverse impacts on scenic resources to the maximum extent feasible. If there is no feasible building site location on the proposed project site where development would not be visible from a scenic resource area, then the development shall be sited and designed to minimize impacts on scenic areas through measures that may include, but not be limited to, breaking up the mass of new structures, reducing maximum height, minimizing grading, incorporating landscape and building material screening elements...
 - 9. Fences, gates, walls, and landscaping shall minimize impacts to public views of scenic areas, and shall be compatible with the character of the area.
 - 11. Grading. Alteration of natural landforms shall be minimized by conforming to natural topography and using contour grading, and shall comply with the following standards:
 - c. The height and length of retaining walls shall be minimized. Retaining walls shall not exceed six feet in ... Where feasible, long contiguous walls shall be broken into sections or shall include undulations to provide visual relief.

4-04-077-A6 (Rancho Mar, LLC)

The policies of the Santa Monica Mountains LCP require scenic and visual qualities to be considered and preserved through measures such as siting and designing development to minimize the amount of landform alteration and natural vegetation removal to the maximum extent feasible. Furthermore, the LCP requires that the height and length of retaining walls be limited to minimize impacts to scenic resources.

The project site is located in a scenic area, adjacent to public open space and recreation areas and lower-portions of the access road will be visible from State Park lands on the opposite side of Malibu Canyon Road. Portions of the subject property are located within an area designated as a Scenic Element in the certified Santa Monica Mountains Local Coastal Program (LCP). The applicant's proposal includes a request for after-the-fact approval of improvements to an existing approximately 8,730 ft. long access road, including revisions to the heights and lengths of retaining walls, and approximately 10,650 cu. yds. of overexcavation and recompaction grading.

The applicant has employed design measures to minimize grading and landform alteration associated with the proposed road improvements to the maximum extent feasible. Additionally, the applicant has revised the grading and drainage plan to reduce the height and lengths of several retaining walls, remove an unnecessary retaining wall, and split a retaining wall between road station 29+00 and 45+00 into two sections in order to provide visual relief. Regardless of the aforementioned protective attempts, a number of the retaining walls will be visible from State Park lands and public viewing areas, thereby producing an impact on visual resources. Of the visible retaining walls, the wall between road station 29+00 and 45+00 will be increasing in height from 8.5 ft. to 10.2 ft. and the wall between road station 66+00 and 72+00 will be increasing in height from 10.4 ft. to 17.7 ft. Additionally, the areas to be disturbed by the removal of native vegetation and additional grading (approximately 10,650 cu. yds. of overexcavation and recompaction) will result in bare soils which can adversely affect visual resources. According to the geology/geotechnical analysis referenced as a Substantive File Document, the additional grading and the retaining walls were revised and constructed to the minimum height necessary to ensure slope stability and avoid potential geologic hazards. As such, no other preferable alternative existed that would allow the construction of the access road.

As described above, the proposed development will unavoidably increase impacts to visual resources. To minimize the visual impacts associated with development of the project site, the Commission requires the use of appropriate, adequate, and timely planting of native landscaping to soften the visual impact of the development from public view areas. In this case, **Special Condition Three (3)** of the original approval requires the applicant to prepare and implement a landscaping plan for all disturbed areas along the road in order to minimize visual resource impacts. Additionally, the Commission finds it necessary to require **Special Condition Eighteen (18)** which requires the applicant to prepare and implement a revegetation plan for all additional native vegetation areas disturbed by the development approved in the subject CDP Amendment. To ensure that the final approved revegetation plans are successfully implemented including the successful establishment of all newly planted and landscape areas over time, **Special Condition Eighteen (18)** also includes a monitoring component.

The proposed project as conditioned will not result in a significant adverse impact to scenic public views or character of the surrounding area. Therefore, the Commission finds that, as

conditioned, the proposed development is consistent with the applicable visual resource protection policies of the certified Santa Monica Mountains LCP.

F. UNPERMITTED DEVELOPMENT

Unpermitted development occurred on the subject parcels prior to the submission of this permit application. The applicant is requesting after-the-fact approval of the unpermitted development identified by staff that is not exempt from the requirement of a coastal development permit, which consists of (1) performance of 10,650 cu. yds. of grading (overexcavation and recompaction) to stabilize loose soils, (2) revisions to the height and length of the retaining walls along the access road, and (3) performance of 14,055 cu. yds. of grading (overexcavation and recompaction) to develop a stable foundation for the access road as permitted in CDP Amendment 4-04-077-A2.

The Commission is granting after-the-fact approval of those components of the subject application that have already occurred or already exist, subject to conditions, for the reasons discussed in full in the preceding sections of this report.

Although development has taken place prior to submission of this permit application, consideration of this application by the Commission has been based solely upon the certified Los Angeles County-Santa Monica Mountains LCP. Review of this permit application does not constitute a waiver of any legal action with regard to the alleged violations nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal permit.

G. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect that the activity may have on the environment.

The Commission incorporates its findings on Coastal Act consistency at this point as if set forth in full. As discussed above, the proposed development, as conditioned, is consistent with the policies of the certified Santa Monica Mountains Local Coastal Program. Feasible mitigation measures, which will minimize all adverse environmental effects, have been required as special conditions. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, can be found to be consistent with the requirements of the Coastal Act to conform to CEQA.

APPENDIX A – SUBSTANTIVE FILE DOCUMENTS

County of Los Angeles - Santa Monica Mountains Local Coastal Program; CDP 4-04-077 and Amendments A1-A5; Geologic/Geotechnical Analysis, Revisions to Grading and Retaining Wall Construction, prepared by Gold Coast Geoservices, Inc., dated September 21, 2015; Biological Resource Analysis, prepared by Daryl Koutnik, PCR Services Corporation, dated July 31, 2015.

APPENDIX B – PREVIOUS PERMIT AMENDMENTS

FIRST AMENDMENT (4-04-077-A1), APPROVED JUN. 10, 2005

Modifications to Special Condition No. 15 (Open Space Deed Restriction). The project also includes a request for after-the-fact approval of unpermitted development consisting of an approximately 370 foot long section of road.

SECOND AMENDMENT (4-04-077-A2), APPROVED JUN. 14, 2007

Revisions to the approved grading plans for the access road to modify several cut slopes approved at a 1:1 (vertical:horizontal) slope which failed to meet the Los Angeles County Building and Safety standards. The proposed revisions include: reducing the slope of several cut areas to 1.5:1: adding several retaining walls (to a maximum height of 10.5 feet) along the road to minimize the area of disturbance resulting from the modified cut slopes; increasing the amount of overall grading for the road by 905 cu. yds. to a total of 31,600 cu. yds. (17,100 cu. yds. cut, and 14,500 cu. yds. fill); and increasing the total area disturbed by the road grading by 1 percent to 331,975 sq.ft.

THIRD AMENDMENT (4-04-077-A3), APPROVED JAN. 11, 2012

Revise grading plan between road station 15+00 and 18+00 to increase a 180 foot long retaining wall by 60 feet, to a total of 240 feet, and increase the height of the retaining wall by 2 feet to allow a maximum height of 12.2 feet, and increase in overall grading by 8,300 cu. yds., to a total of 39,900 cu. yds. (23,400 cu. yds. cut, 16,500 cu. yds. fill), in order to remove and recompact uncertified fill and stabilize slopes along this section of road.

FOURTH AMENDMENT (4-04-077-A4), APPROVED APR. 12, 2012

Revise grading plan between road station 33+00 and 34+00 to relocate and redesign an approximately 20 foot long section of roadway and retaining wall by approximately 6 feet in order to provide adequate vertical clearance for County Fire Department vehicles and avoid disturbance of an oak tree that is adjacent to the road. The relocated section of road will require an increase in overall grading by 90 cu. yds., to a total of 39,990 cu. yds. (23,490 cu. yds. cut, 16,500 cu. yds. fill), and an increase in the height of the 20 foot long section of retaining wall to allow a maximum height of 23.6 feet.

FIFTH AMENDMENT (4-04-077-A5), APPROVED NOV. 04, 2015

Testing for the relocation of a water well to serve the residence approved pursuant to CDP 4-04-077. The proposed new water well site is located within an existing utility and access easement on an adjacent parcel (APN 4457-004-016). The proposed well location is located entirely within a disturbed area adjacent to the existing roadway.

APPENDIX C – REQUIRED SPECIAL CONDITIONS OF CDP 4-04-077

1. Plans Conforming to Geologic Recommendations

By acceptance of this permit, the applicant agrees to comply with the recommendations contained in the submitted geologic reports ("Geologic/Geotechnical Engineering Report, Planned Improvements to Existing Private Access Road," Gold Coast Geoservices, Inc., March 24, 2003; "Geologic/Geotechnical Engineering Report, Proposed Rough Grading for Custom-Built Single Family Residence, Guest Cottage, Swimming Pool, and Access Driveway," Gold Coast Geoservices, Inc., July 5, 2003; "Response to County of Los Angeles Department of Public Works Soils Engineering and Geologic Review Sheets for Proposed Improvements to Existing Access Road," Gold Coast Geoservices, Inc., April 14, 2004). These recommendations, including those concerning construction, foundations, grading, site design, retaining walls, sewage disposal, erosion control, and drainage, shall be incorporated into all final design and construction, and must be reviewed and approved by the consultant prior to commencement of development.

The final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission relative to construction, grading, sewage disposal, and drainage. Any substantial changes in the proposed development approved by the Commission that may be required by the consultant shall require amendment(s) to the permit(s) or new Coastal Development Permit(s).

2. Drainage and Polluted Runoff Control Plans

Prior to the Issuance of the Coastal Development Permit, the applicant shall submit to the Executive Director for review and written approval, two sets of final drainage and runoff control plans, including supporting calculations. The plan shall be prepared by a licensed engineer and shall incorporate structural and non-structural Best Management Practices (BMPs) designed to control the volume, velocity and pollutant load of stormwater leaving the developed site and access road. The plan shall be reviewed and approved by the consulting engineering geologist to ensure the plan is in conformance with geologist's recommendations. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:

- (a) Selected BMPs (or suites of BMPs) shall be designed to treat, infiltrate or filter the amount of stormwater runoff produced by all storms up to and including the 85th percentile, 24-hour runoff event for volume-based BMPs, and/or the 85th percentile, 1-hour runoff event, with an appropriate safety factor (i.e., 2 or greater), for flow-based BMPs.
- (b) Runoff shall be conveyed off site in a non-erosive manner.
- (c) Energy dissipating measures shall be installed at the terminus of outflow drains.

(d) The plan shall include provisions for maintaining the drainage system, including structural BMPs, in a functional condition throughout the life of the approved development. Such maintenance shall include the following: (1) BMPs shall be inspected, cleaned and repaired when necessary prior to the onset of the storm season, no later than September 30th each year and (2) should any of the project's surface or subsurface drainage/filtration structures or other BMPs fail or result in increased erosion, the applicant/landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage/filtration system or BMPs and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new coastal development permit is required to authorize such work.

3. Landscaping and Erosion Control Plans

Prior to issuance of a coastal development permit, the applicants shall submit two sets of landscaping and erosion control plans, prepared by a licensed landscape architect or a qualified resource specialist, for review and approval by the Executive Director. The landscaping and erosion control plans shall be reviewed and approved by the geotechnical engineering and geologic consultant to ensure that the plans are in conformance with the consultant's recommendations. The plans shall identify the species, extent, and location of all plant materials and shall incorporate the following criteria:

A. Landscaping Plan

- (1) All graded and disturbed areas on the subject site and along the access road shall be planted and maintained for erosion control purposes within (60) days of receipt of the certificate of occupancy for the residence. To minimize the need for irrigation all landscaping shall consist primarily of native/drought resistant plants as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled *Recommended List of Plants for Landscaping in the Santa Monica Mountains*, dated February 5, 1996. Invasive, non-indigenous plant species which tend to supplant native species shall not be used.
- (2) All cut and fill slopes shall be stabilized with planting at the completion of final grading. Plantings should be of native plant species indigenous to the Santa Monica Mountains using accepted planting procedures, consistent with fire safety requirements. Such planting shall be adequate to provide 90 percent coverage within two (2) years, and this requirement shall apply to all disturbed soils.
- (3) Plantings will be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements.
- (4) The Permittee shall undertake development in accordance with the final approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Coastal

Commission approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.

- (5) Vegetation within 20 feet of the proposed house may be removed to mineral earth, vegetation within a 200 foot radius of the main structure may be selectively thinned in order to reduce fire hazard. However, such thinning shall only occur in accordance with an approved long-term fuel modification plan submitted pursuant to this special condition. The fuel modification plan shall include details regarding the types, sizes and location of plant materials to be removed, and how often thinning is to occur. Fuel modification and brush clearance shall be minimized to the maximum extent feasible, consistent with minimum vegetation clearance requirements of the Forestry Department of Los Angeles County. Brush clearance along the access road shall be minimized to the maximum extent feasible, consistent with Los Angeles County brush clearance requirements. The applicant shall submit evidence that the final fuel modification plan has been reviewed and approved by the Forestry Department of Los Angeles County. Irrigated lawn, turf and ground cover planted within the twenty foot radius of the proposed house shall be selected from the most drought tolerant species or subspecies, or varieties suited to the Mediterranean climate of the Santa Monica Mountains.
- (6) Fencing of the entire property is prohibited. Fencing shall extend no further than the building pad area as generally shown on **Exhibit 3**. The fencing type and location shall be illustrated on the landscape plan. Fencing shall also be subject to the color requirements outlined in Special Condition Five (5) below.

B. Interim Erosion Control Plan

- (1) The plan shall delineate the areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas and stockpile areas. The natural areas on the site shall be clearly delineated on the project site with fencing or survey flags.
- (2) The plan shall specify that should grading take place during the rainy season (November 1 March 31) the applicant shall install or construct temporary sediment basins (including debris basins, desilting basins or silt traps), temporary drains and swales, sand bag barriers, silt fencing, stabilize any stockpiled fill with geofabric covers or other appropriate cover, install geotextiles or mats on all cut or fill slopes and close and stabilize open trenches as soon as possible. These erosion measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained through out the development process to minimize erosion and sediment from runoff waters during construction. All sediment should be retained on-site unless removed to an appropriate approved dumping location either outside the coastal zone or to a site within the coastal zone permitted to receive fill.
- (3) The plan shall also include temporary erosion control measures should grading or site preparation cease for a period of more than 30 days, including but not limited to: stabilization of all stockpiled fill, access roads, disturbed soils and cut and fill slopes with geotextiles and/or mats, sand bag barriers, silt fencing; temporary drains and swales and

sediment basins. The plans shall also specify that all disturbed areas shall be seeded with native grass species and include the technical specifications for seeding the disturbed areas. These temporary erosion control measures shall be monitored and maintained until grading or construction operations resume.

C. Monitoring

Five (5) years from the date of completion of the proposed development, the applicant shall submit for the review and approval of the Executive Director a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that assesses the on-site landscaping and certifies whether it is in conformance with the landscape plan approved pursuant to this special condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to these permits, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and approval of the Executive Director. The supplemental landscaping plan must be prepared by a licensed landscape architect or qualified resource specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan. The permittee shall implement the remedial measures specified in the approved supplemental landscape plan.

4. Assumption of Risk

By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from landslide, erosion, flooding, earth movement, and wildfire; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

5. Structural Appearance

Prior to the issuance of the coastal development permit, the applicant shall submit for the review and approval of the Executive Director, a color palette and material specifications for the outer surface of all structures authorized by the approval of Coastal Development Permit No. 4-04-077. The palette samples shall be presented in a format not to exceed $8\frac{1}{2}$ " x 11" x $\frac{1}{2}$ " in size. The palette shall include the colors proposed for the roof, trim, exterior surfaces, driveways, retaining walls, or other structures authorized by this permit. Acceptable colors shall be limited to colors compatible with the surrounding environment (earth tones) including shades of green, brown and gray with no white or light shades and no bright tones. All windows shall be comprised of non-glare glass.

The approved structures shall be colored with only the colors and window materials authorized pursuant to this special condition. Alternative colors or materials for future repainting or resurfacing or new windows may only be applied to the structures authorized by Coastal Development Permit No. 4-04-077 if such changes are specifically authorized by the Executive Director as complying with this special condition.

6. Future Development

This permit is only for the development described in Coastal Development Permit No. 4-04-077. Pursuant to Title 14 California Code of Regulations §13250(b)(6), the exemptions otherwise provided in Public Resources Code §30610(a) shall not apply to the entire parcel. Accordingly, any future improvements to the entire property, including but not limited to the residence, garage, driveway, swimming pool, access road (on-site and off-site), and clearing of vegetation or grading other than as provided for in the approved fuel modification/landscape plan prepared pursuant to **Special Condition Three (3)**, shall require an amendment to Coastal Development Permit No. 4-04-077 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

7. Lighting Restriction

- A. The only outdoor night lighting allowed on the subject parcel is limited to the following:
- (1) The minimum necessary to light walkways used for entry and exit to the structures, including parking areas on the site. This lighting shall be limited to fixtures that do not exceed two feet in height above finished grade, are directed downward and generate the same or less lumens equivalent to those generated by a 60 watt incandescent bulb, unless a greater number of lumens is authorized by the Executive Director.
- (2) Security lighting attached to the residence and garage shall be controlled by motion detectors and is limited to same or less lumens equivalent to those generated by a 60 watt incandescent bulb.
- (3) The minimum necessary to light the entry area to the driveway with the same or less lumens equivalent to those generated by a 60 watt incandescent bulb.
- B. No lighting around the perimeter of the site and no lighting for aesthetic purposes is allowed.

8. Deed Restriction

Prior to issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and

content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

9. Habitat Impact Mitigation

Prior to the issuance of the coastal development permit, the applicant shall submit for the review and approval of the Executive Director, a map delineating all areas of chaparral habitat (ESHA), that will be disturbed by the proposed development, including fuel modification and brush clearance requirements on the project site and adjacent properties, and on-site and off-site access road improvements. The chaparral ESHA areas on the site and adjacent properties shall be delineated on a detailed map, to scale, illustrating the subject parcel boundaries and adjacent parcel boundaries. The delineation map shall indicate the total acreage for all chaparral ESHA, both on-site and off-site, that will be impacted by the proposed development, including the fuel modification/brush clearance areas and access road improvements (including road relocation). The extent of off-site brush clearance shall be determined using the following standards: A 200foot clearance zone from the proposed residential structures and a ten-foot wide clearance zone immediately parallel to and on either side of the proposed access road, which shall be increased to 20 feet on the downslope side of the mid-slope portion of the proposed access road (which is bounded approximately by station 1700 and station 7400 as shown on the submitted grading plans). The delineation shall be prepared by a qualified resource specialist or biologist familiar with the ecology of the Santa Monica Mountains.

Mitigation shall be provided for impacts to the chaparral ESHA from the proposed development and fuel modification/brush clearance requirements by one of the three following habitat mitigation methods:

A. Habitat Restoration

1) Habitat Restoration Plan

Prior to the issuance of the coastal development permit, the applicant shall submit a habitat restoration plan, for the review and approval of the Executive Director, for an area of degraded chaparral habitat equivalent to the area of chaparral ESHA impacted by the proposed development and fuel modification and brush clearance areas. The habitat restoration area may either be onsite or offsite within the coastal zone in the City of Malibu or in the Santa Monica Mountains. The habitat restoration area shall be delineated on a detailed site plan, to scale, that illustrates the parcel boundaries and topographic contours of the site. The habitat restoration plan shall be prepared by a qualified resource specialist or biologist familiar with the ecology of

the Santa Monica Mountains, and shall be designed to restore the area in question for habitat function, species diversity and vegetation cover. The restoration plan shall include a statement of goals and performance standards, revegetation and restoration methodology, and maintenance and monitoring provisions. If the restoration site is offsite the applicant shall submit written evidence to the Executive Director that the property owner agrees to the restoration work, maintenance and monitoring required by this condition and agrees not to disturb any native vegetation in the restoration area.

The applicant shall submit, on an annual basis for five years, a written report, for the review and approval of the Executive Director, prepared by a qualified resource specialist, evaluating compliance with the performance standards outlined in the restoration plan and describing the revegetation, maintenance and monitoring that was conducted during the prior year. The annual report shall include recommendations for mid-course corrective measures. At the end of the five-year period, a final detailed report shall be submitted for the review and approval of the Executive Director. If this report indicates that the restoration project has been in part, or in whole, unsuccessful, based on the approved goals and performance and monitoring provisions, for the review and approval of the Executive Director, to compensate for those portions of the original restoration plan that were not successful. A report shall be submitted evaluating whether the supplemental restoration plan has achieved compliance with the goals and performance standards are not met within 10 years, the applicant shall submit an amendment to the coastal development permit for an alternative mitigation program.

The habitat restoration plan shall be implemented prior to occupancy of the residence.

2) Open Space Deed Restriction

No development, as defined in section 30106 of the Coastal Act shall occur in the habitat restoration area, as shown on the habitat restoration site plan, required pursuant to (A)(1) above.

Prior to the issuance of the coastal development permit, the owner of the habitat restoration area shall execute and record a deed restriction in a form and content acceptable to the Executive Director, reflecting the above restriction on development and designating the habitat restoration area as open space. The deed restriction shall include a graphic depiction and narrative legal descriptions of both the parcel and the open space area/habitat restoration area. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

3) Performance Bond

Prior to the issuance of the permit, the applicant shall post performance bonds to guarantee implementation of the restoration plan as follows: a) one equal to the value of the labor and

materials; and b) one equal to the value of the maintenance and monitoring for a period of 5 years. Each performance bond shall be released upon satisfactory completion of items (a) and (b) above. If the applicant fails to either restore or maintain and monitor according to the approved plans, the Coastal Commission may collect the security and complete the work on the property.

B. Habitat Conservation

Prior to issuance of the coastal development permit, the applicant shall execute and record an open space deed restriction in a form and content acceptable to the Executive Director, over a parcel or parcels containing chaparral ESHA. The chaparral ESHA located on the mitigation parcel or parcels must be of equal or greater area than the ESHA area impacted by the proposed development, including the fuel modification/brush clearance areas. No development, as defined in section 30106 of the Coastal Act, shall occur on the mitigation parcel(s) and the parcel(s) shall be preserved as permanent open space. The deed restriction shall include a graphic depiction and narrative legal descriptions of the parcel or parcels. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction.

Prior to occupancy of the residence the applicant shall submit evidence, for the review and approval of the Executive Director, that the recorded documents have been reflected in the Los Angeles County Tax Assessor Records.

If the mitigation parcel is larger in size than the impacted habitat area, the excess acreage may be used to provide habitat impact mitigation for other development projects that impact like ESHA.

C. Habitat Impact Mitigation Fund

Prior to the issuance of the coastal development permit, the applicant the applicant shall submit evidence, for the review and approval of the Executive Director, that compensatory mitigation, in the form of an in-lieu fee, has been paid to the Mountains Recreation and Conservation Authority to mitigate adverse impacts to chaparral habitat ESHA. The fee shall be calculated as follows:

1) Development Area, Irrigated Fuel Modification Zones

The in-lieu fee for these areas shall be \$12,000 per acre within the development area and any required irrigated fuel modification zones. The total acreage shall be based on the map delineating these areas required by this condition.

2) Non-irrigated Fuel Modification Zones

The in-lieu fee for non-irrigated fuel modification areas shall be \$3,000 per acre. The total acreage shall be based on the map delineating these areas required by this condition.

Prior to the payment of any in-lieu fee to the Mountains Recreation and Conservation Authority, the applicant shall submit, for the review and approval of the Executive Director, the calculation

of the in-lieu fee required to mitigate adverse impacts to chaparral habitat ESHA, in accordance with this condition. After review and approval of the fee calculation, the fee shall be paid to the Mountains Recreation and Conservation Authority. The fee shall be used for the acquisition, permanent preservation or restoration of chaparral habitat in the Santa Monica Mountains coastal zone. The fee may not be used to restore areas where development occurred in violation of the Coastal Act's permit requirements.

10. Removal of Excess Excavated Material

Prior to the issuance of the coastal development permit, the applicant shall provide evidence to the Executive Director of the location of the disposal site for all excess excavated material from the site. If the disposal site is located in the Coastal Zone, the disposal site must have a valid coastal development permit for the disposal of fill material. If the disposal site does not have a coastal permit, such a permit will be required prior to the disposal of the material.

11. Removal of Natural Vegetation

Removal of natural vegetation for the purpose of fuel modification for the development approved pursuant to these permits shall not commence until the local government has issued a building or grading permit(s) for the development approved pursuant to Coastal Development Permit No. 4-04-077.

12. Oak Tree Monitoring

The applicants shall retain the services of a biological consultant or arborist with appropriate qualifications acceptable to the Executive Director. The biological consultant or arborist shall be present on site during grading of the access road and construction of access road improvements. The consultant shall immediately notify the Executive Director if unpermitted activities occur or if any oak trees are damaged, removed, or impacted beyond the scope of the work allowed by Coastal Development Permit 4-04-077. This monitor shall have the authority to require the applicants to cease work should any breach in permit compliance occur, or if any unforeseen sensitive habitat issues arise.

The applicants shall also implement all oak tree preservation measures enumerated in the "Oak Tree Report," prepared by L. Newman Design Group, dated October 5, 2004. The applicants shall retain a qualified oak tree consultant to monitor the following oak trees, as identified in the "Project Oak Tree Map" prepared by Whitson Engineers on September 28, 2004 and included in the "Oak Tree Report," prepared by L. Newman Design Group, dated October 5, 2004 for a period of ten (10) years minimum: 4, 12, 15, 20, 21, 22, 23, 26, 27, 28, 29 (Exhibit 12).

An annual monitoring report shall be submitted for the review and approval of the Executive Director for each of the ten years. Should any of these trees be lost or suffer worsened health or vigor as a result of this project, the applicants shall plant replacement trees on the site at a rate of 10:1. If replacement plantings are required, the applicants shall submit, for the review and approval of the Executive Director, an oak tree replacement planting program, prepared by a qualified biologist, arborist, or other qualified resource specialist, which specifies replacement

tree locations, planting specifications, and a monitoring program to ensure that the replacement planting program is successful.

13. Restoration / Revegetation Plan

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit, for the review and approval of the Executive Director, two (2) sets of final restoration plans. The plan shall include a restorative grading plan, prepared by a licensed civil engineer in consultation with a licensed engineering geologist, for the proposed abandoned road areas shown in **Exhibit 13**. The plan shall also include a landscaping and erosion control plan, including an irrigation plan, prepared by a qualified habitat restoration consultant. The landscaping and erosion control plan shall be reviewed and approved by the consulting civil and geotechnical engineers to ensure that the plan is in conformance with the applicable recommendations regarding slope stability. The restoration and revegetation plan shall include, but not be limited to, the following criteria:

- (a) A detailed restorative grading plan, prepared by a licensed professional civil engineer in consultation with a licensed engineering geologist, that illustrates remedial grading to restore the proposed abandoned road areas shown in Exhibit 13. The plan shall include temporary erosion control measures such as geofabrics, silt fencing, sandbag barriers, or other measures to control erosion until revegetation of the restored slopes is completed. These erosion control measures shall be required on the project site prior to and concurrent with the initial grading operations and shall be maintained throughout the process to minimize erosion and sediment to runoff waters during construction. All work within the protected zones of oak trees shall be done with hand tools only, under the supervision of a licensed arborist. The grading plan shall include measures to remediate soil compaction and improve the infiltrative capacity and aeration of soils within the oak tree protected zones.
- (b) A revegetation program, prepared by a qualified habitat restoration consultant with credentials acceptable to the Executive Director, that utilizes only native plant species that have been obtained from local Santa Monica Mountains genetic stock, and are consistent with the surrounding native plant community and oak tree understory habitat. Native seeds shall be collected from areas as close to the restoration site as possible. The plan shall specify the preferable time of year to carry out the restoration and describe the supplemental watering requirements that will be necessary, including a detailed irrigation plan. The plan shall also specify performance standards to judge the success of the restoration effort. The revegetation plan shall identify the species, location, and extent of all plant materials and shall use a mixture of seeds and container plants to increase the potential for successful revegetation. The plan shall include a description of technical and performance standards to ensure the successful revegetation of the restored slope. A temporary irrigation system may be used until the plants are established, as determined by the habitat restoration consultant, and as approved by the consulting civil and geotechnical engineers, but in no case shall the irrigation system be in place longer than two (2) years. The restored slope shall be planted within thirty (30) days of completion of the remedial grading operations.

- (c) The restoration plan shall be implemented within thirty (30) days of the completion of the new access road. Revegetation shall provide ninety percent (90%) coverage within five (5) years and shall be repeated, if necessary, to provide such coverage. The Executive Director may extend this time period for good cause. Plantings shall be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the revegetation requirements.
- (d) A monitoring program, prepared by a qualified environmental resource specialist. The monitoring program shall demonstrate how the approved revegetation and restoration performance standards prepared pursuant to section (b) above shall be implemented and evaluated for compliance with this Special Condition. The program shall require the applicants to submit, on an annual basis for a period of five years (no later than December 31st each year), a written report, for the review and approval of the Executive Director, prepared by an environmental resource specialist, indicating the success or failure of the restoration project. The annual reports shall include further recommendations and requirements for additional restoration activities in order for the project to meet the criteria and performance standards listed in the restoration plan. These reports shall also include photographs taken from pre-designated locations (annotated to a copy of the site plans) indicating the progress of recovery. During the monitoring period, all artificial inputs shall be removed except for the purposes of providing mid-course corrections or maintenance to ensure the long-term survival of the plantings. If these inputs are required beyond the first four (4) years, then the monitoring program shall be extended for a sufficient length of time so that the success and sustainability of the project is ensured. Successful site restoration shall be determined if the revegetation of native plant species on-site is adequate to provide ninety percent (90%) coverage by the end of the five (5) year monitoring period and is able to survive without additional outside inputs, such as supplemental irrigation.

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

14. Condition Compliance

Within ninety (90) days of Commission action on this coastal development permit application, or within such additional time as the Executive Director may grant for good cause, the applicant shall satisfy all requirements specified in the conditions hereto that the applicant is required to

satisfy prior to issuance of this permit. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

15. Open Space Deed Restriction

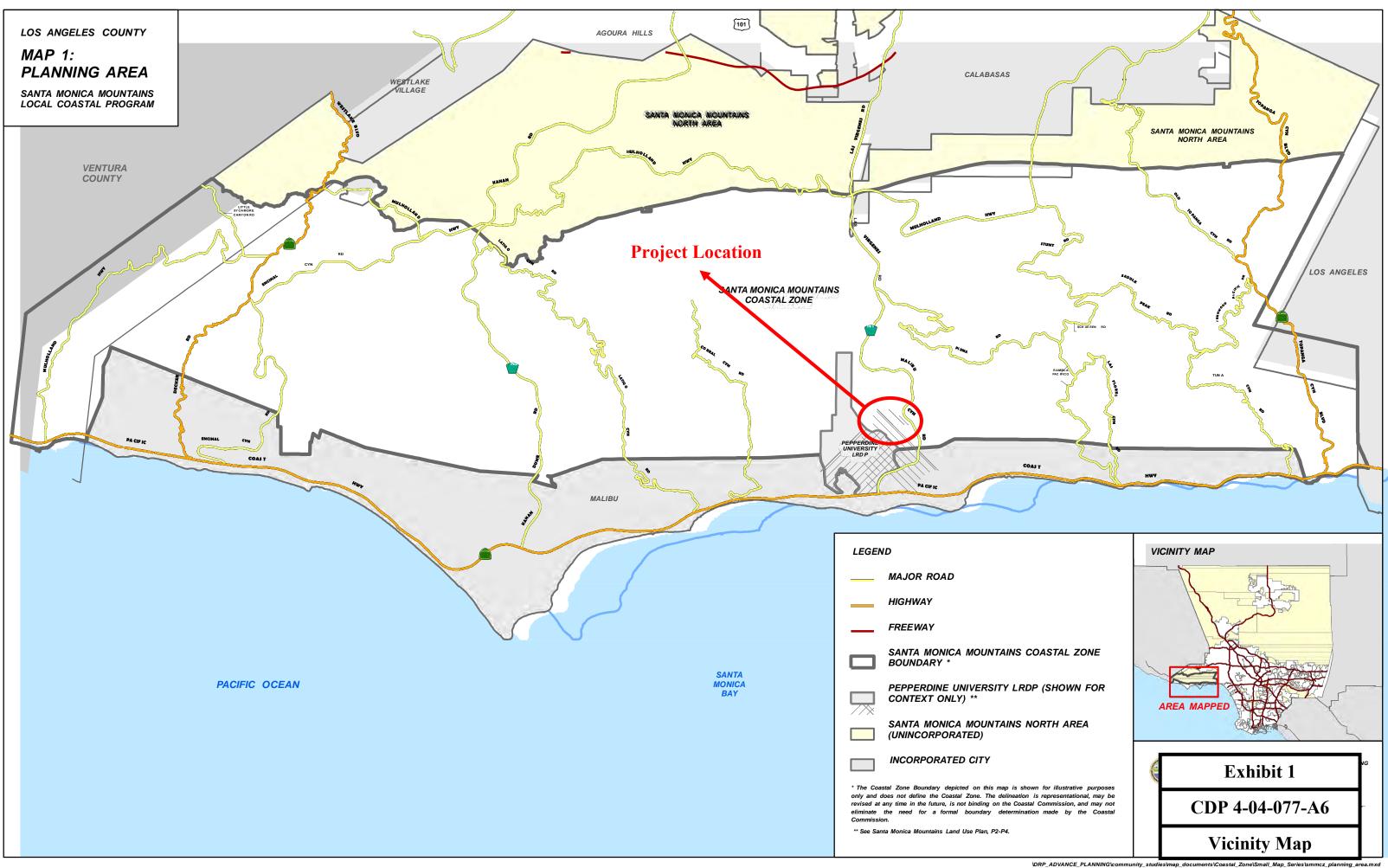
- A. No development, as defined in Section 30106 of the Coastal Act, or grazing, or agricultural activities, shall occur in the Open Space Area as described and depicted in an exhibit attached to the Notice of Intent to Issue Permit (NOI) that the Executive Director issues for this permit except for:
 - 1. Fuel modification required by the Los Angeles County Fire Department undertaken in accordance with Special Condition Three (3);
 - Drainage and polluted runoff control activities pursuant to Special Condition Two (2).

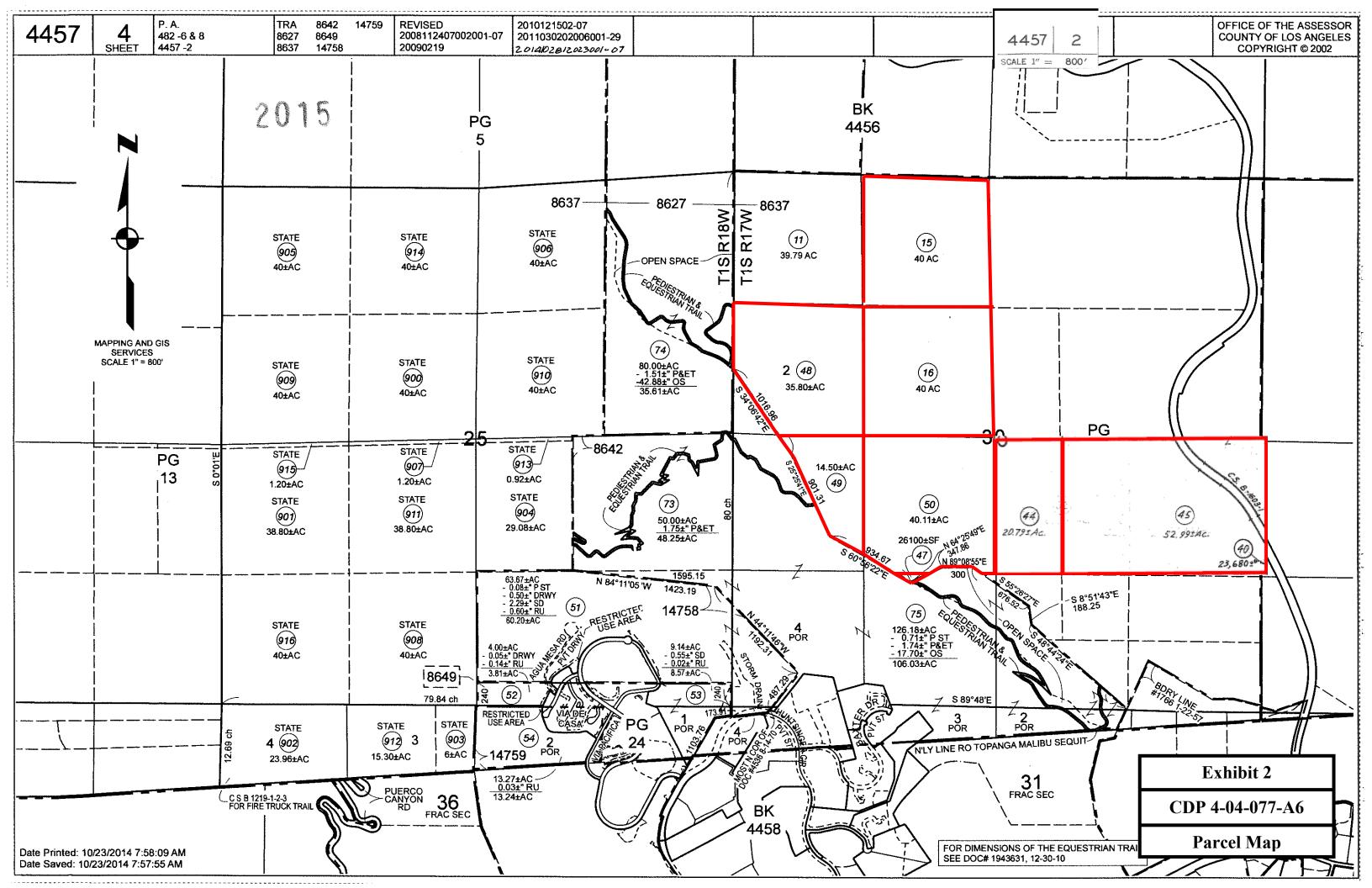
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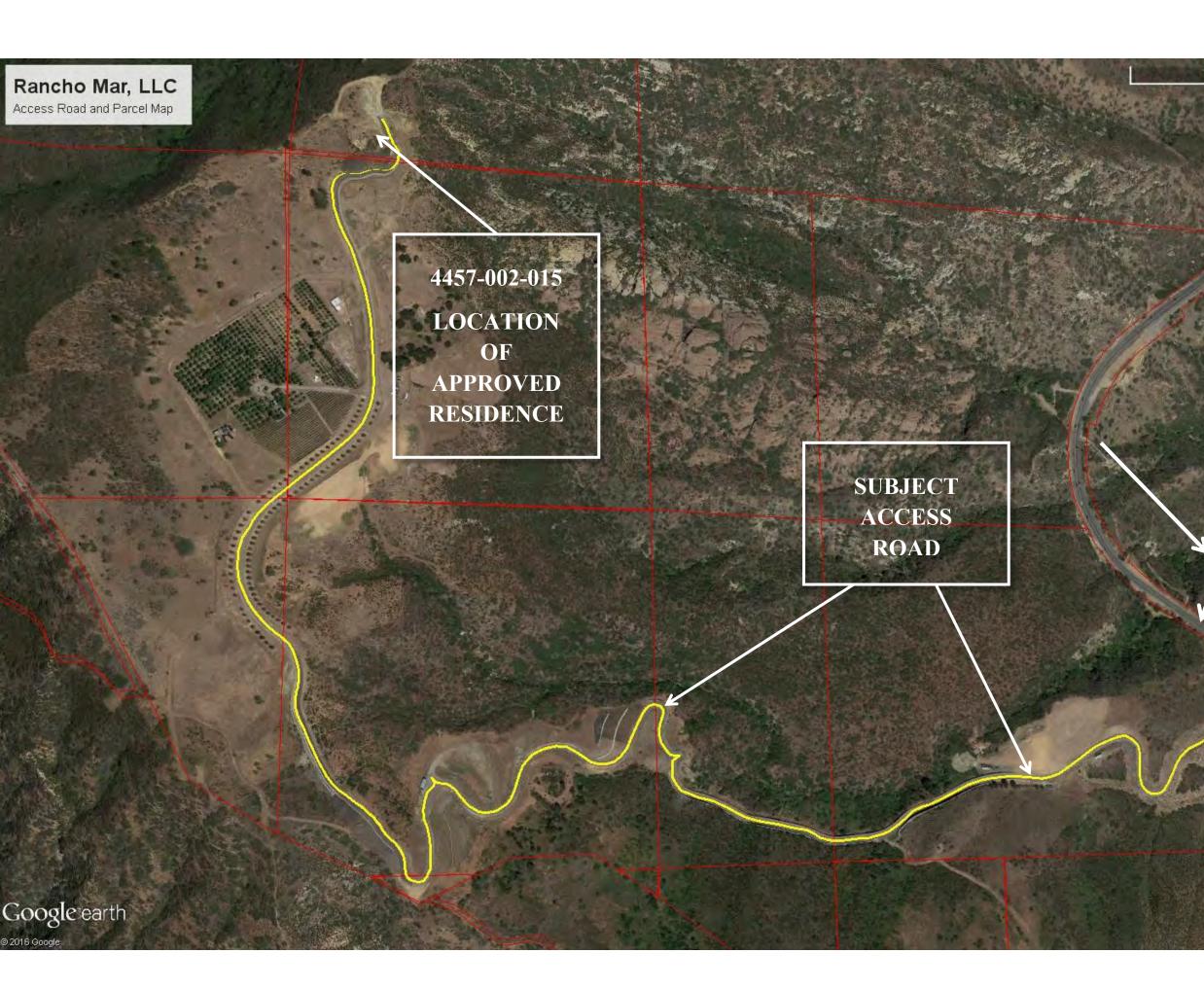
- 3. Planting of native vegetation and other restoration activities, if approved by the Commission as an amendment to this coastal development permit or a new coastal development permit;
- 4. Construction and maintenance of public hiking trails, if approved by the Commission as an amendment to this coastal development permit or a new coastal development permit.
- B. PRIOR TO THE ISSUANCE BY THE EXECUTIVE DIRECTOR OF THE NOI FOR THIS PERMIT, the applicant shall submit for the review and approval of the Executive Director, and upon such approval, for attachment as an Exhibit to the NOI, a formal legal description and graphic depiction, prepared by a licensed surveyor, of the portion of the subject property affected by this condition, as generally described on Exhibit 16 attached to the findings in support of approval of this permit.

16. Evidence of Recorded Easements

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall provide the Executive Director with a copy of recorded easements documenting that the owner of the site has the legal right to construct the proposed access road improvements across Assessor's Parcel Nos. 4457-004-016 and 4457-004-046, in the locations shown on Exhibit 13. Should the applicant fail to obtain a legal right to construct the road improvements in the locations authorized by this permit, construction of the road improvements in alternative locations shall require an amendment to the permit or a new Coastal Development Permit.









Legend

🎄 Francisco Ranch Road (Access Road)

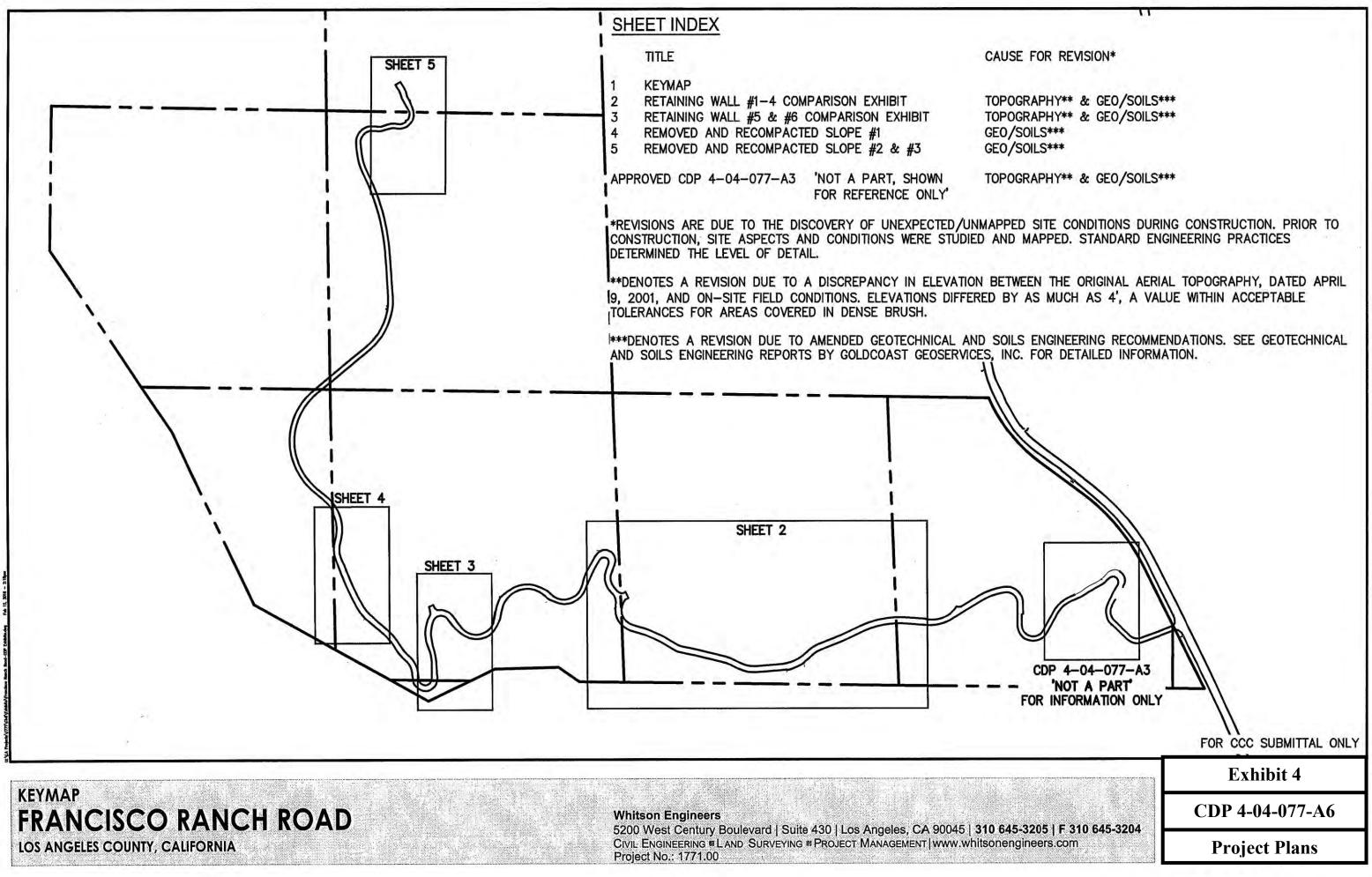
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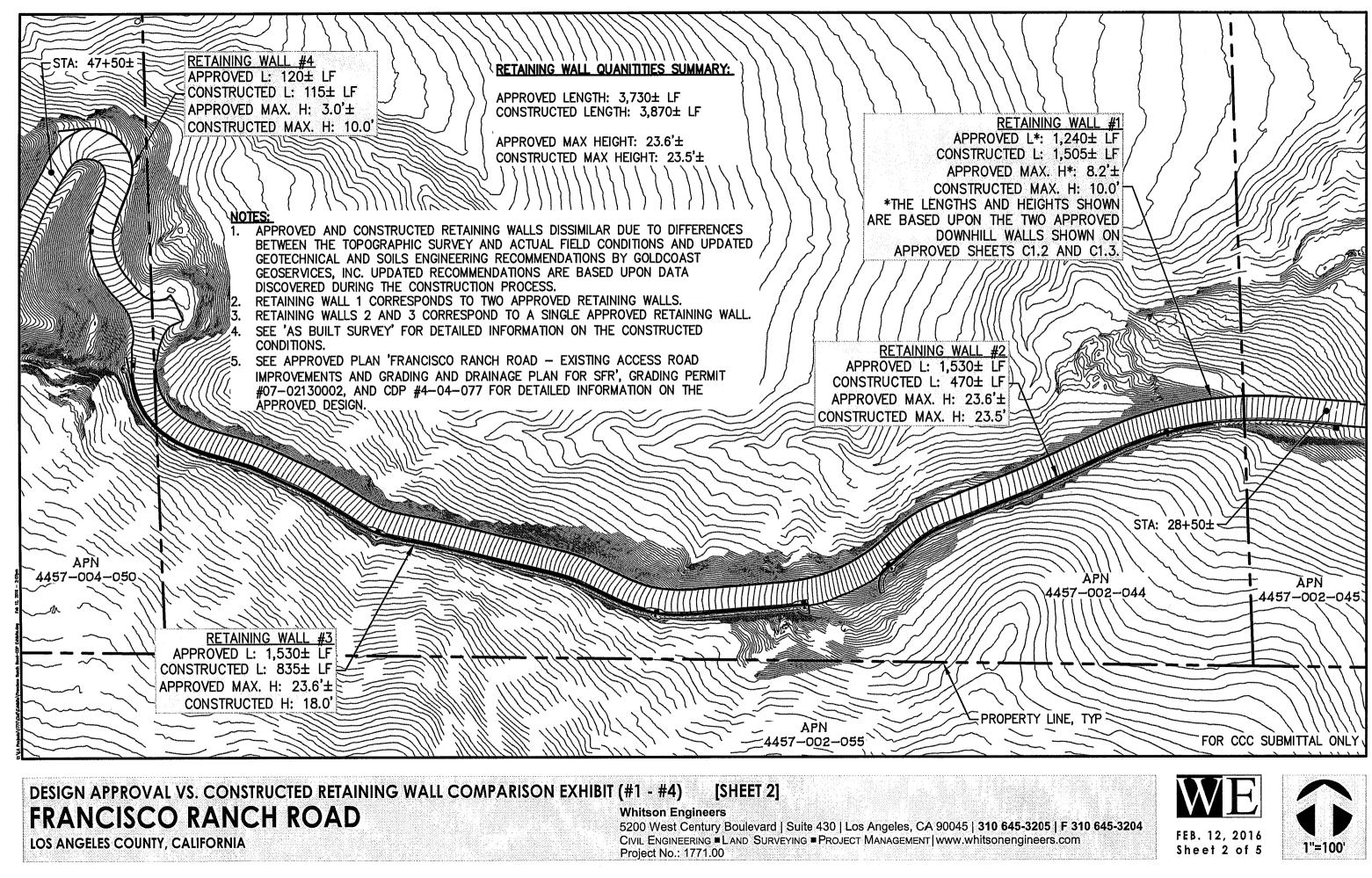
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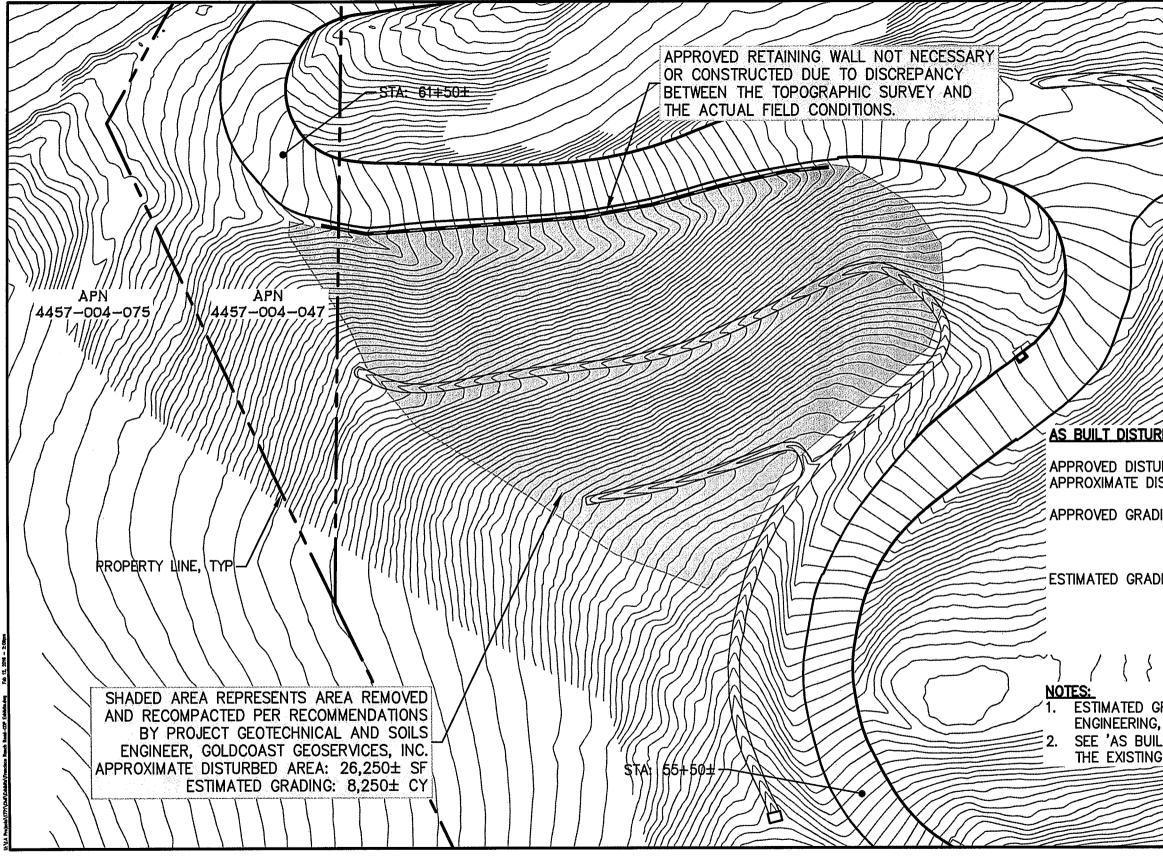
Exhibit 3

CDP 4-04-077-A6

Aerial Map





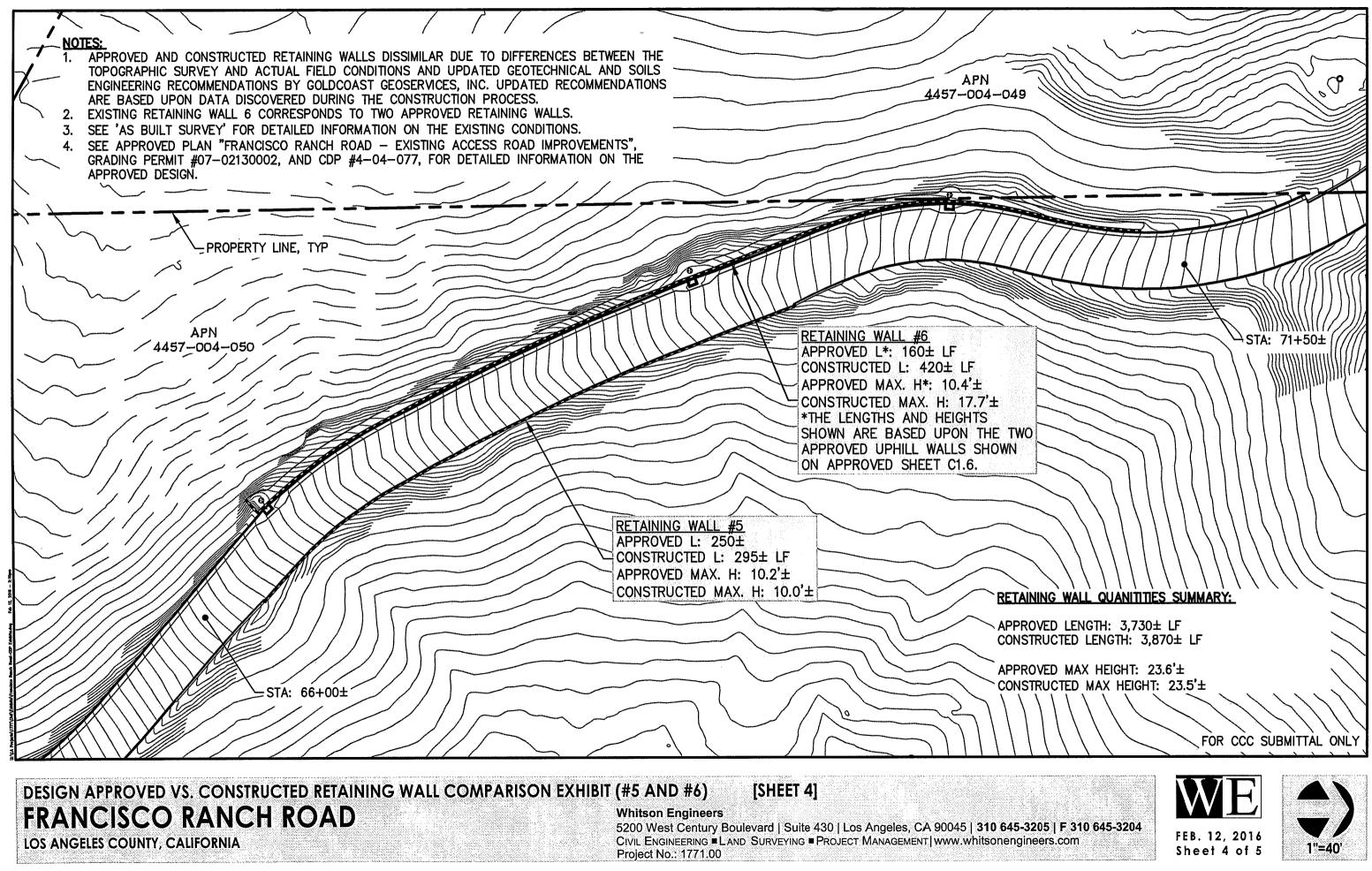


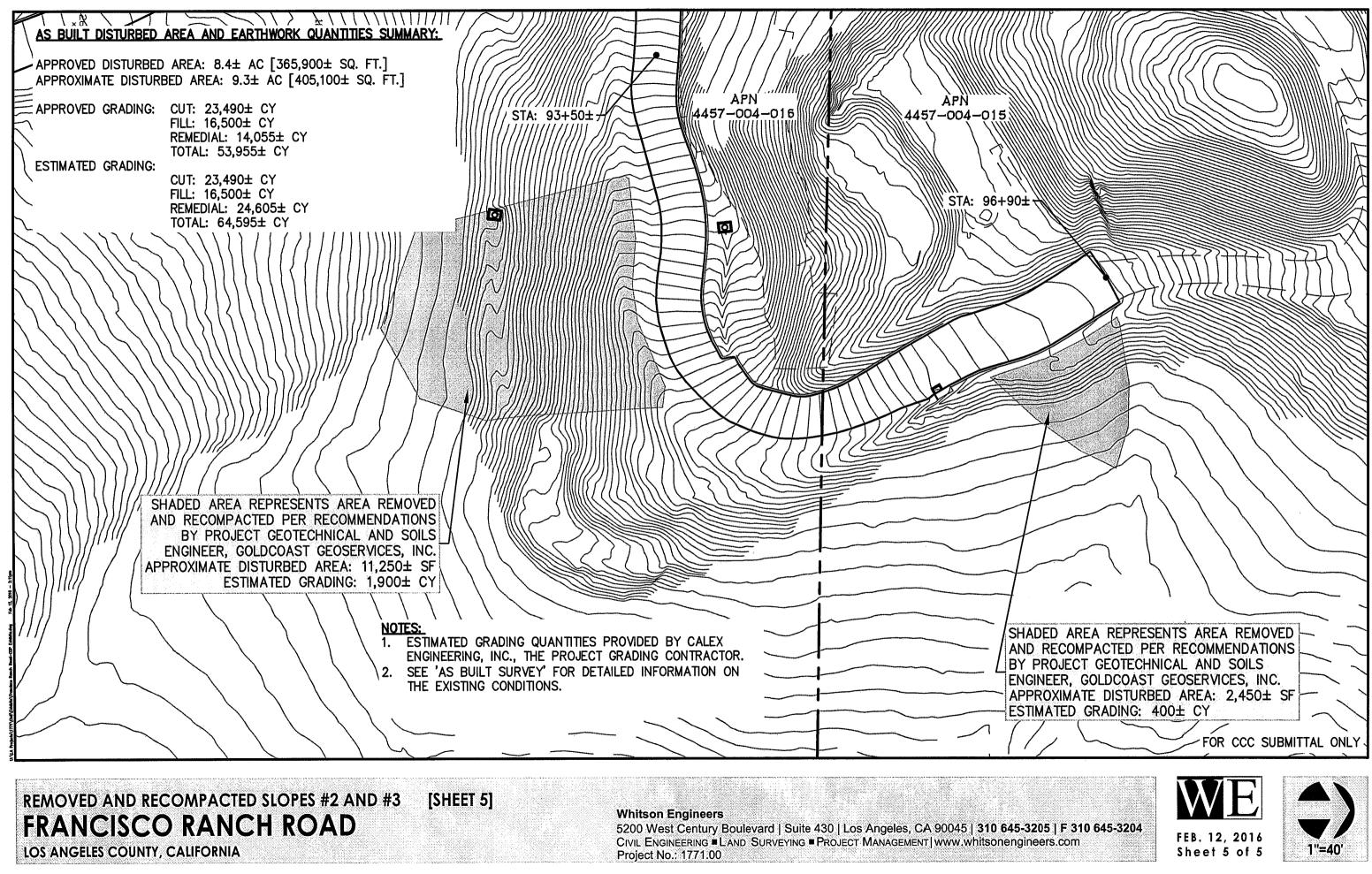
REMOVED AND RECOMPACTED SLOPE #1 [SHEET 3] FRANCISCO RANCH ROAD LOS ANGELES COUNTY, CALIFORNIA

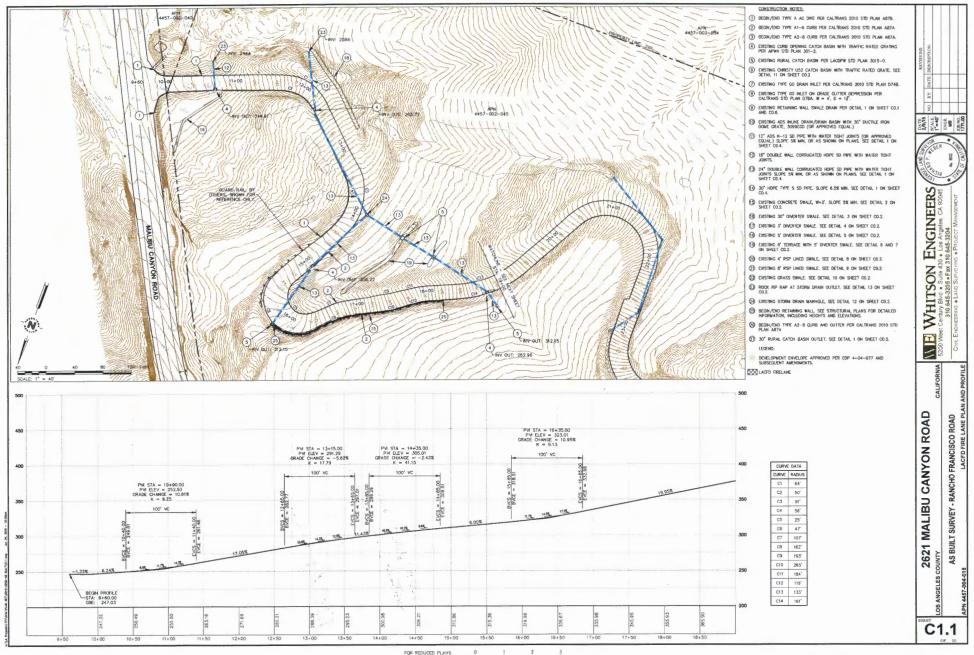
Whitson Engineers

5200 West Century Boulevard | Suite 430 | Los Angeles, CA 90045 | 310 645-3 CIVIL ENGINEERING LAND SURVEYING PROJECT MANAGEMENT | www.whitsonengin Project No.: 1771.00

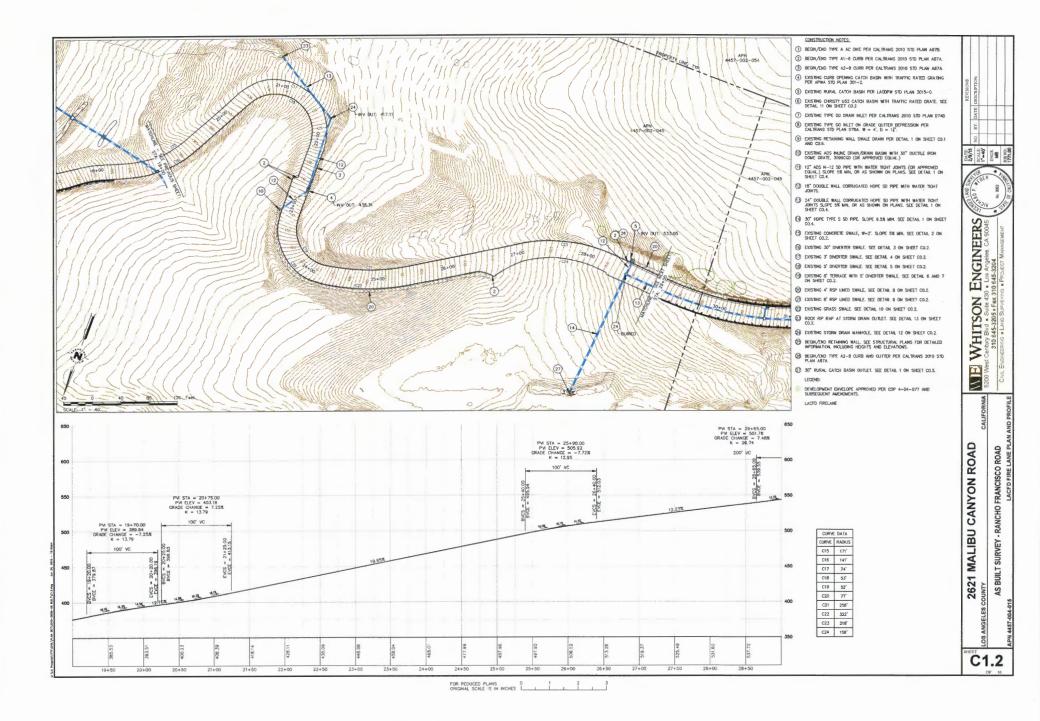
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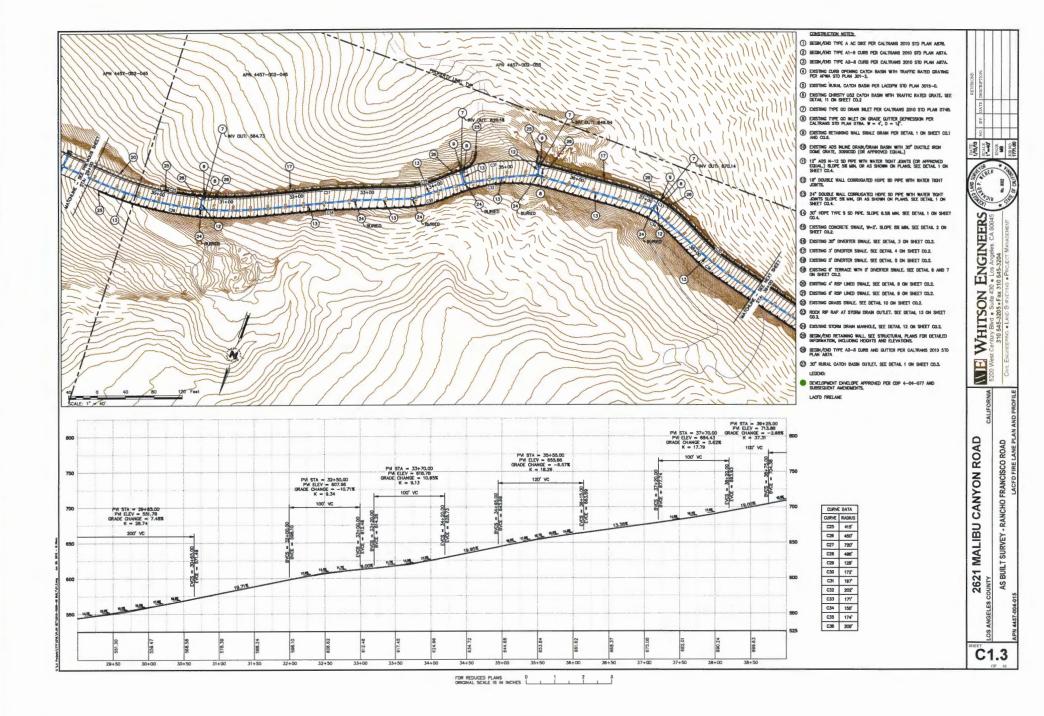


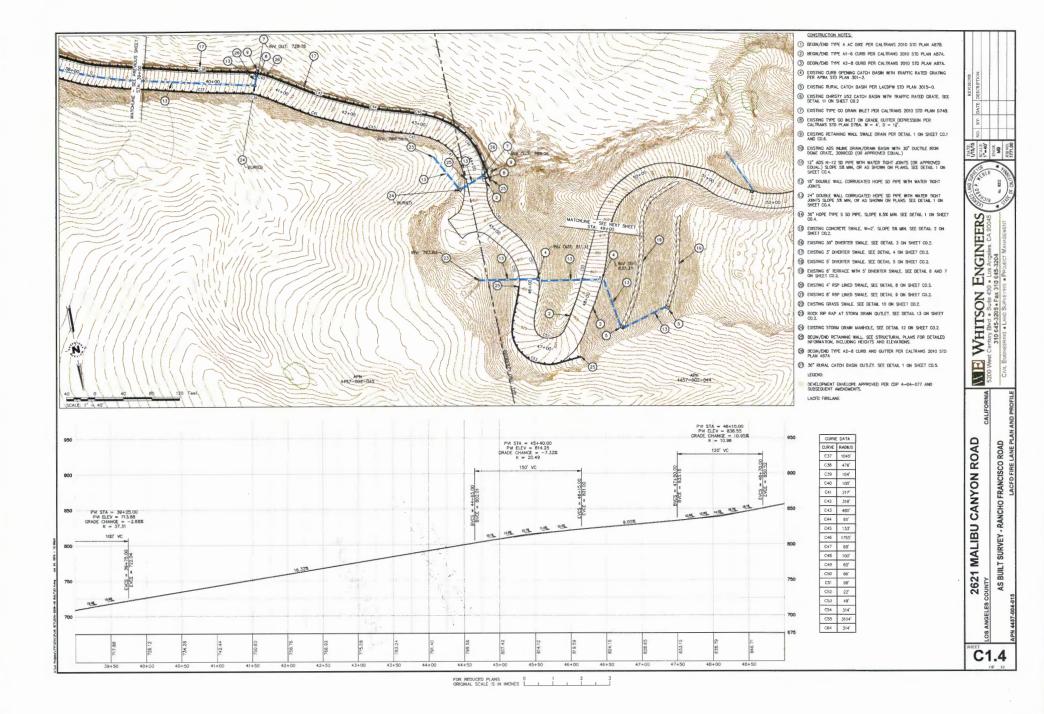


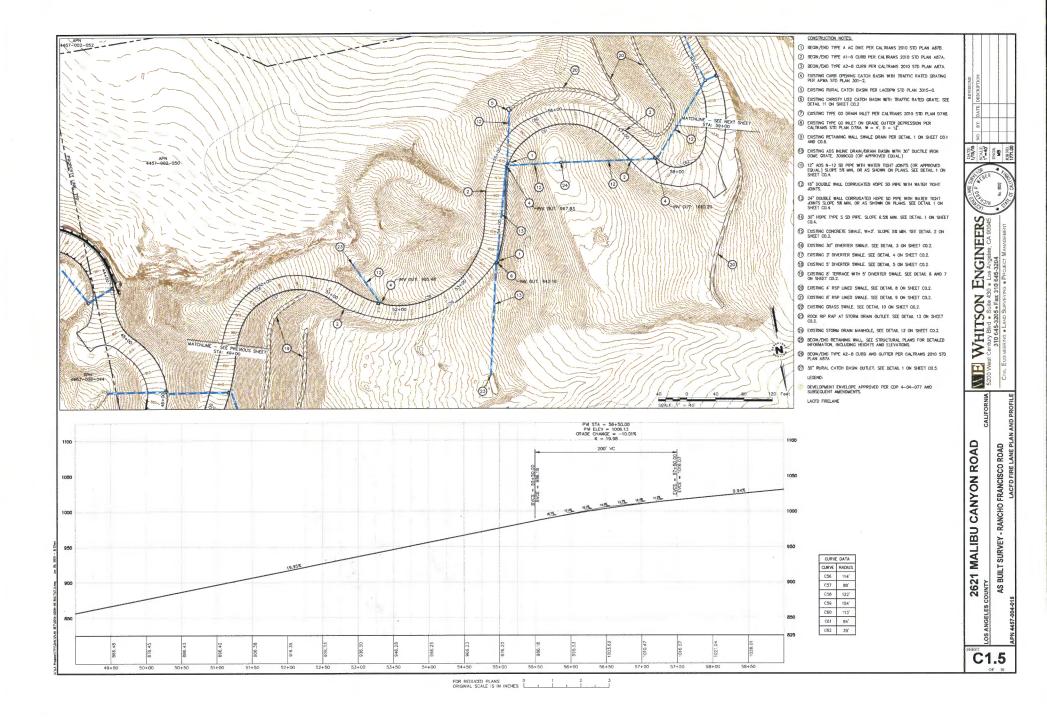


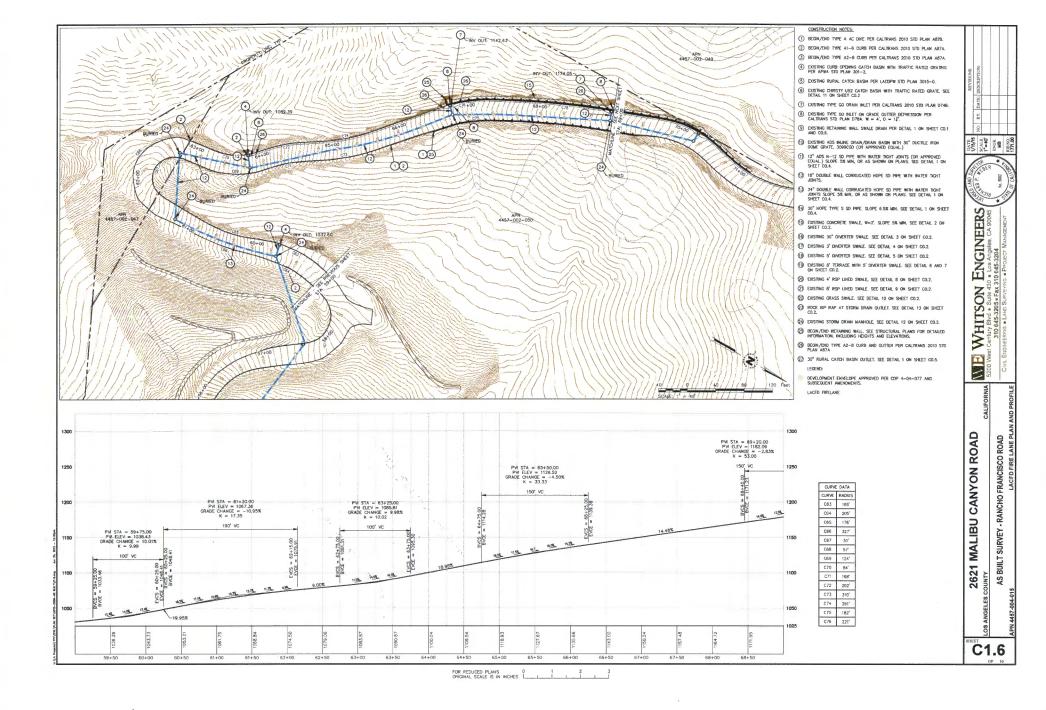
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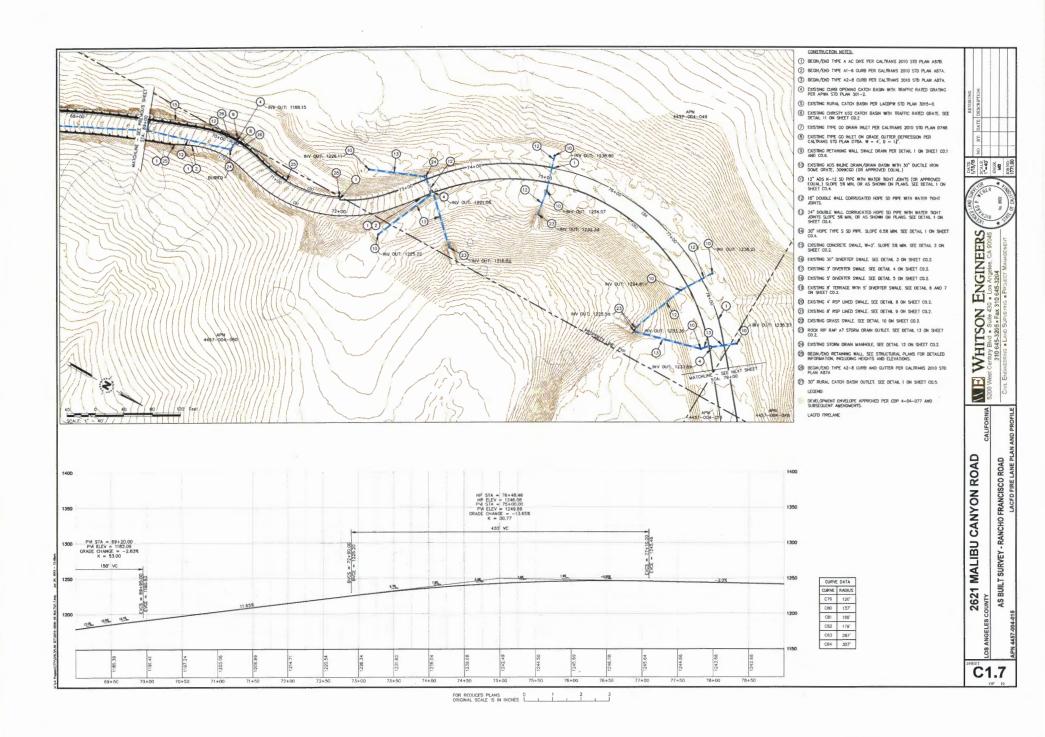


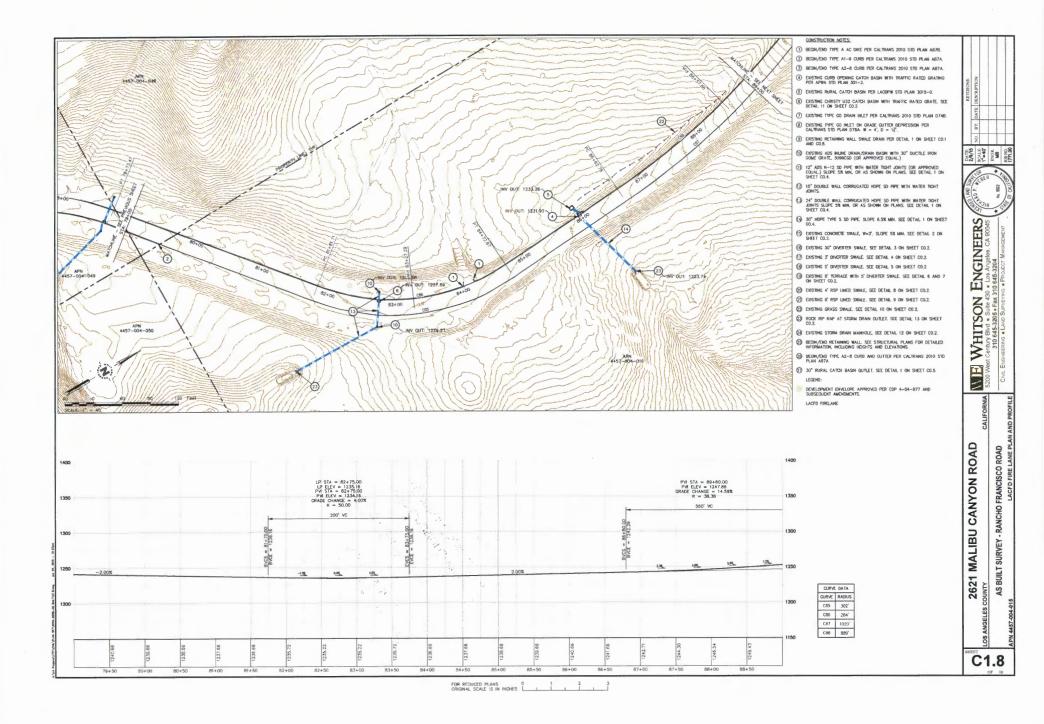


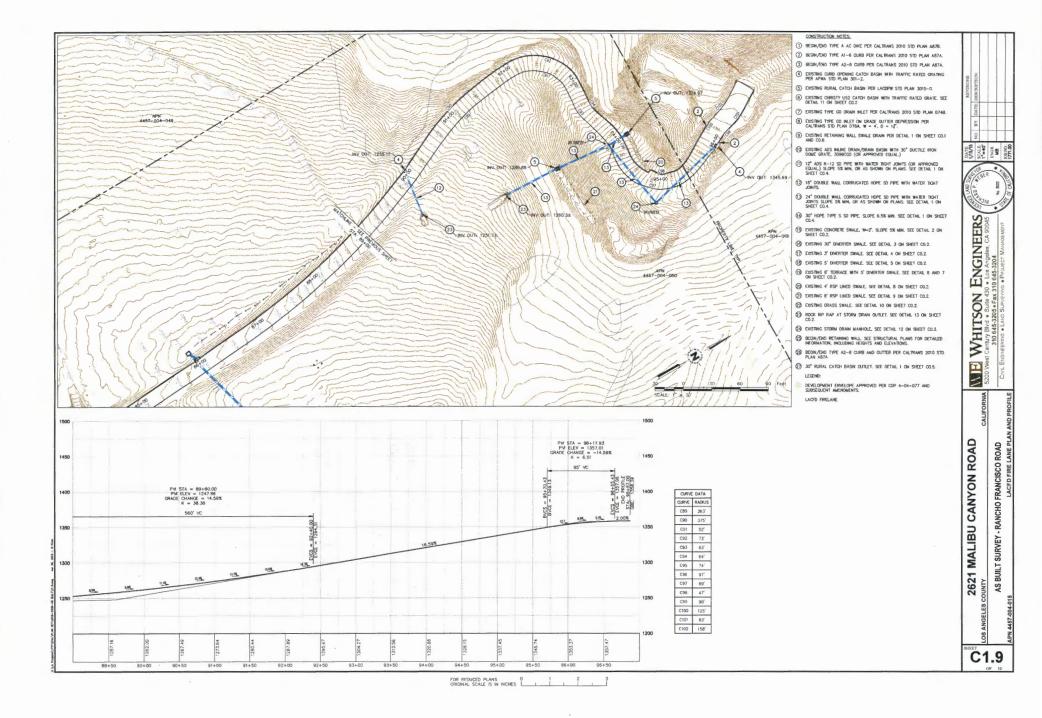


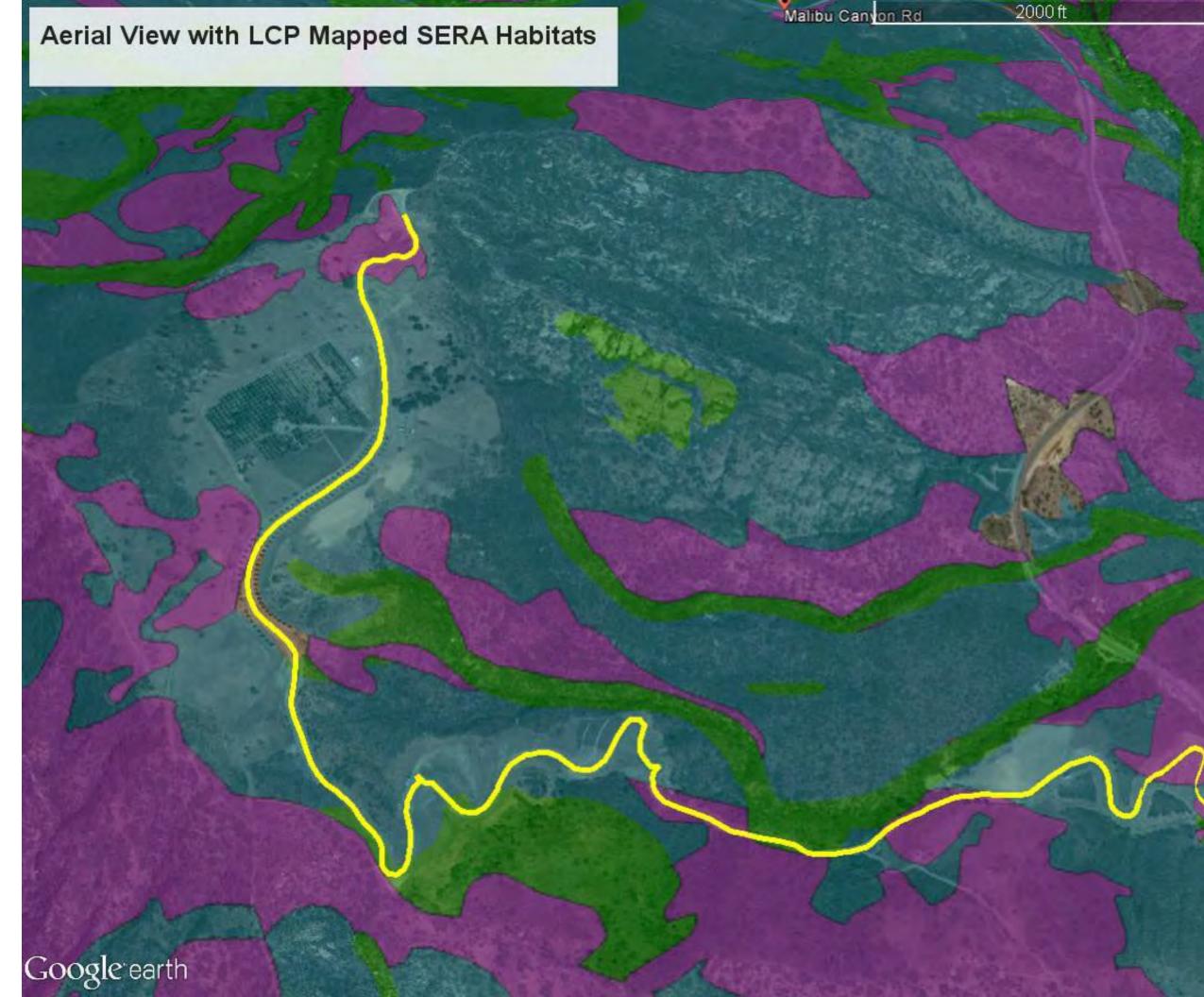














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H1 Habitat

H2 Habitat

- H2 Habitat High Scrutiny
- 🍰 Francisco Ranch Road

Exhibit 5

CDP 4-04-077-A6

SERA Map