THE TRUST FOR PUBLIC LAND
COASTAL PLANNED DEVELOPMENT (PD) PERMIT
CASE NO. PL18-0113

A. PROJECT INFORMATION

1. **Request:** The applicant requests approval of a Coastal Planned Development (PD) Permit for restoration of Environmentally Sensitive Habitat Area (ESHA) that was previously removed without the benefit of a permit (Case No. PL18-0113).

2. **Applicant:** The Trust for Public Land, 101 Montgomery Street, Suite 900, San Francisco, CA 94104

3. **Property Owners:**
   Assessor Parcel Numbers 700-0-050-140, -215, and -245: The Trust for Public Land (TPL), 101 Montgomery Street, Ste. 900, San Francisco, CA 94104

   Assessor Parcel Number 700-0-050-385: Gary Hoffman, Julie Hoffman, LLC, 3931 Puerco Canyon Road, Malibu, CA 90265

4. **Decision-Making Authority:** Pursuant to the Ventura County Coastal Zoning Ordinance (CZO) (Section 8174-5 and Section 8181-3 et seq.), the Planning Director is the decision-maker for the requested Coastal PD Permit.

5. **Project Site Size, Location, and Parcel Number:** The project site is comprised of two restoration sites (Sites A and B).

   Site A is a 2.33-acre area located on the east side of Deer Creek Road, approximately 0.8 miles north of Pacific Coast Highway (State Route 1). The site is partially on APN 700-0-050-215 (approximately 1.30 acres) and APN 700-0-050-245 (approximately 1.03 acres).

   Site B is a 0.77-acre site located on the east side of Deer Creek Road, approximately 1.2 miles north of Pacific Coast Highway (State Route 1). The site is partially on APN 700-0-050-140 (approximately 0.61 acres) and APN 700-0-050-385 (approximately 0.16 acres).

7. **Project Site Land Use and Zoning Designations (Exhibit 2):**

   a. Countywide General Plan Land Use Map Designation: Open Space

b. Coastal Area Plan Land Use Map Designation: Open Space

c. Zoning Designation: Coastal Open Space, 10-acre minimum parcel size / Santa Monica Mountains Overlay Zone (COS-10 ac. / M)

8. Adjacent Zoning and Land Uses/Development (Exhibit 2):

Location in Relation to the Project Site	Zoning	Land Uses/Development
Site A: APNs 700-0-050-215 and -245		
North	COS-10 ac. / M (Coastal Open Space, 10-acre minimum parcel size / Santa Monica Mountains Overlay Zone)	Vacant land
East	COS-10 ac. / M (Coastal Open Space, 10-acre minimum parcel size / Santa Monica Mountains Overlay Zone)	Vacant land
South	COS-10 ac. / M (Coastal Open Space, 10-acre minimum parcel size / Santa Monica Mountains Overlay Zone)	Deer Creek Road and Vacant land
West	COS-10 ac. / M (Coastal Open Space, 10-acre minimum parcel size / Santa Monica Mountains Overlay Zone)	Deer Creek Road and Vacant land
Site B: APNs 700-0-050-140 and -385		
North	COS-10 ac. / M (Coastal Open Space, 10-acre minimum parcel size / Santa Monica Mountains Overlay Zone)	Deer Creek Road and Vacant land
East	COS-10 ac. / M (Coastal Open Space, 10-acre minimum parcel size / Santa Monica Mountains Overlay Zone) and CR2-7,000 sq. ft. (Coastal Two-Family Residential, 7,000 sq. ft. minimum parcel size)	Vacant land
South	COS-10 ac. / M (Coastal Open Space, 10-acre minimum parcel size / Santa Monica Mountains Overlay Zone)	Deer Creek Road and Vacant land
West	COS-10 ac. / M (Coastal Open Space, 10-acre minimum parcel size / Santa Monica Mountains Overlay Zone)	Deer Creek Road and Vacant land

9. History: The subject parcels are vacant, undeveloped parcels in the Santa Monica Mountains except for the following:

- APN 700-0-050-385: A groundwater well was approved in 1989 (No. GW-2444, Well No. 01S20W20H01S).

- APN 700-0-050-245 and APN 700-0-050-215: In 2017, a 0.17-acre granite pad was constructed as a staging area for temporary film activities.

- APN 700-0-050-245 and APN 700-0-050-140: Around 2017, a pipe fence and gate were placed near the access points to Sites A and B at Deer Creek Road to prevent unauthorized vehicles from accessing the site.

Upon receiving complaints about unpermitted site work in 2017, the County issued a Notice of Violation for both the ESHA removal (File No. CV17-0237) and grading (File No. GC17-0029). To address the grading violation, the applicant applied for and received a Grading Permit (File No. GP17-0086) to implement erosion and sedimentation control measures. The grading violation has been abated to the satisfaction of the Public Works Agency, which then released the Notices of Non-Compliance in May 2022. The applicant is now seeking this Coastal PD Permit to abate the remaining violation for ESHA removal by providing compensatory mitigation.

Through review of aerial imagery, site visits, and analysis by biological consultants, the County has determined that approximately 3.1 cumulative acres of Environmentally Sensitive Habitat Area (ESHA) were impacted since the Coastal Act's establishment in 1976. The ESHA impacts occurred at two locations:

(1) Site A: 2.33 acres of ESHA were removed or indirectly impacted; and

(2) Site B: 0.77 acres of ESHA were removed or indirectly impacted.

Approximately 0.16 acres of ESHA removal occurred on APN 700-0-050-385 (Site B) which is under separate ownership (Gary Hoffman, Julie Hoffman, LLC). The Hoffmans were not involved with the ESHA removal. The project has been conditioned to require TPL provide evidence that authorization to enter the property to complete restoration of this area has been given (Exhibit 4, Condition No. 20). Issuance of the Zoning Clearance to initiate restoration will abate the violation.

On November 6, 2022, TPL purchased 1,250 acres of land (previously referred to as the Mansford Property), including APNs 700-0-050-140, -215, and -245. TPL indicates that they ultimately intend to transfer the property to the National Parks Service (NPS), which will incorporate it into the Santa Monica Mountains National Recreation Area (SMMNRA).

County Line Holdings, LLC owned the subject properties and was the applicant for Case No. PL18-0113 prior to TPL acquiring the property. TPL is presently the applicant and will be responsible for restoration of the areas impacted as described above.

Site A and Site B are a part of larger legal lots as described below:

Parcel 1 – Assessor Parcel Numbers 700-0-050-140 and -245 (TPL): The 56.68-acre project site is located along both sides of Deer Creek Road, approximately 0.71 miles north of Pacific Coast Highway (State Route 1).

Parcel 2 – Assessor Parcel Numbers 700-0-050-185, -195, -205, and -215; and 700-0-070-415, -425, -435, and -445 (TPL): The 484.65-acre project site is located along both sides of Pacific Coast Highway (State Route 1) from 0.46 miles east of the Sycamore Canyon Campground to the Solromar community, approximately 0.34 miles west of Yerba Buena Road. It also includes both sides of Deer Creek Road extending north 0.71 miles from Pacific Coast Highway.

Parcel 3 – Assessor Parcel Number 700-0-050-385 (Gary Hoffman, Julie Hoffman, LLC): The 8.92-acre parcel is located on both sides of Deer Creek Road, approximately 0.9 miles north of Pacific Coast Highway (State Route 1).

All three parcels were legally created through conveyance by deed prior to 1966. Parcel 1 was established in March 1951 by the deed recorded in Book 991, Page 429 of Official Records. Parcel 2 was established in August 1944 by the deed recorded in Book 679, Page 118 of Official Records. Parcel 3 has been recognized as a legal lot of record through recordation of Certificate of Compliance No. 04-11-613 (Instrument No. 20041221-0338644).

10. **Project Description:** The applicant requests a Coastal Planned Development (PD) Permit to authorize restoration and conservation activities as compensatory mitigation for the removal of and indirect impacts to Environmentally Sensitive Habitat Area (ESHA) that occurred between 1976 and 2018 without the benefit of permits. During that time, approximately 3.1 acres of ESHA comprised of chaparral and coastal sage scrub vegetation was removed or indirectly impacted at two sites (2.33 acres from Site A and 0.77 acres from Site B). This Coastal PD Permit will also retroactively authorize the establishment of an existing 0.17-acre granite pad (APNs 700-0-050-245 and -215) and two existing vehicle access pipe gates (APNs 700-0-050-245 and -140).

    To achieve the required 2:1 mitigation ratio for ESHA impacts, the applicant seeks to implement an ESHA Mitigation Plan / Habitat Mitigation and Monitoring Plan (Exhibit 7: Wildscape Restoration (October 17, 2022). *Habitat Mitigation and Monitoring Plan, 0 Deer Creek Road, Malibu, California.*) that calls for on-site restoration of 2.93 acres of ESHA (2.16 acres on Site A and 0.77 acres on Site B). Based on the analysis of the project biologist, the granite slab encompassing approximately 0.17 acres of Site A is not suitable for revegetation. Because restoration is infeasible in this area, the slab would remain in place. The remaining 3.27 acres needed to achieve the 2:1 ratio will be met by preserving a portion of a nearby off-site parcel (APN: 700-0-010-100) through a deed restriction. As a result, the amount of ESHA being restored or preserved as part of this project will total 6.2 acres.

Restoration activities are to include manual removal of weeds, application of foliar herbicide, ripping and de-compacting roads and trails, planting container stock (approximately 1,304 plants on Site A and 536 plants on Site B), and hydroseeding with a native seed mix based on the recommendations of the ESHA Mitigation / Habitat Mitigation and Monitoring Plan. A temporary irrigation system will be established on each site, to include water tanks and a solar pump, which are to be placed in the previously disturbed areas that are not designated for restoration. The irrigation system will remain in place for three years until vegetation is established. Irrigation water will be supplied by truck. Access to Sites A and B is by way of Deer Creek Road, a County-maintained road. (Exhibit 3).

B. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE

Pursuant to CEQA (Public Resources Code Section 21000 et seq.) and the CEQA Guidelines (Title 14, California Code or Regulations, Division 6, Chapter 3, Section 15000 et seq.), the proposed project is subject to environmental review.

The State Legislature through the Secretary for Resources has found that certain classes of projects are exempt from CEQA environmental impact review because they do not have a significant effect on the environment. These projects are declared to be categorically exempt from the requirement for the preparation of environmental impact documents. CEQA Guidelines Section 15333 (Small Habitat Restoration Projects) provides an exemption for projects not to exceed five acres in size, to assure maintenance, restoration, enhancement, or protection of habitat for fish, plants, or wildlife, provided that:

(a) There would be no significant adverse impacts on endangered, rare, or threatened species or their habitat pursuant to Section 15065;

(b) There are no hazardous materials at or around the project site that may be disturbed or removed; and

(c) The project will not result in impacts that are significant when viewed in connection with the effects of past projects, the effects of current projects, and the effects of probable future projects.

The proposed project is for the restoration of 2.93 acres of ESHA comprised of chaparral and coastal sage scrub vegetation. As evidenced by the Initial Study Biological Assessment (Exhibit 6: Wildscape Restoration (August 3, 2022). *Biological Inventory Report.*), authorization of revegetation activities would not impact a rare or endangered species as no special-status species were observed or have a likelihood of occurring on the project site. The project site is not known to contain hazardous materials. When considered in context with other pending and approved projects in the area, the project would not considerably contribute towards a significant cumulative impact.

Additionally, the Local Coastal Program's (LCP's) requirement for compensatory mitigation will be achieved in part through the proposed deed restriction of a 3.27-acre portion of APN 700-0-010-100. Imposing a requirement for preservation of ESHA is exempt pursuant to CEQA Guidelines Sections 15307 (Actions by Regulatory Agencies for Protection of Natural Resources) and 15308 (Actions by Regulatory Agencies for Protection of the Environment). These sections provide exemptions for a local agency's activities to preserve natural resources. The LCP's requirement for 2:1 compensatory mitigation is intended to protect, enhance, and preserve sensitive biological resources.

Further, the project will not trigger any of the exceptions to the exemptions listed under CEQA Guidelines Section 15300.2. As discussed above, no significant cumulative impacts are anticipated. Additionally, there are no unusual circumstances that would make the proposed restoration result in significant environmental effects. The project site has not been historically used for hazardous waste. The proposed restoration would not degrade scenic resources visible from a scenic highway and would not result in a substantial adverse change in historical resources. Therefore, no further environmental review is required.

Therefore, this project is categorically exempt pursuant to Sections 15333, 15307, and 15308 of the CEQA Guidelines. Based on the foregoing information, the project complies with the requirements of the CEQA Guidelines.

C. CONSISTENCY WITH THE GENERAL PLAN

The 2040 Ventura County General Plan *Goals, Policies and Programs* (page 1-1) states:

> *All area plans, specific plans, subdivisions, public works projects, and zoning decisions must be consistent with the direction provided in the County's General Plan.*

Furthermore, the Ventura County CZO (Section 8181-3.5.a) states that in order to be approved, a project must be found consistent with all applicable policies of the Ventura County General Plan and the Local Coastal Program.

Staff evaluation for consistency of the proposed project with the applicable policies of the Ventura County General Plan and Coastal Area Plan is provided in Exhibit 5. This analysis concludes the project is consistent with all applicable General Plan and area plan policies.

D. ZONING ORDINANCE COMPLIANCE

The proposed project is subject to the requirements of the Ventura County CZO.

Pursuant to the Ventura County CZO (Section 8174-4), the proposed use is allowed in the Coastal Open Space zone with the granting of a Coastal PD Permit. Upon the granting of the Coastal PD Permit, the proposed project will comply with this requirement. While

the Coastal PD Permit will allow an existing granite pad and existing vehicular access gates to remain, no new structural development is proposed. As such, the development standards in CZO Section 8175-2 do not apply.

The proposed restoration is subject to the general development and resource protection standards for ESHA as set forth in Ventura County CZO Section 8178-2. Table 1 lists the applicable standards and a description of whether the proposed project complies with the standards.

Table 1 – ESHA Standards Consistency Analysis

Special Use Standard	Complies?
Sec. 8178-2.3.a A Coastal Initial Study Biological Assessment (CISBA) shall be prepared pursuant to CZO standards.	The applicant has prepared a CISBA (Exhibit 6) that complies with the requirements in Section 8178-2.3.a.
Sec. 8178-2.3.b An alternatives analysis shall be provided to determine whether the project constitutes the least environmentally damaging alternative.	The County Planning Division conducted an analysis of various alternatives, including (a) achieving mitigation solely through off-site preservation, (b) restoration to 2013 disturbance boundaries, and (c) limiting restoration activities to non-native plant removal. Based on this analysis, the proposed project would be the least environmentally damaging alternative.
Sec. 8178-2.3.c The County shall consult with California Department of Fish and Wildlife, US Fish and Wildlife Service, NOAA Fisheries, US Army Corps of Engineers, and other natural resource agencies to ensure impacts are avoided and minimized.	The County Planning Division contacted the Department of Fish and Wildlife (CDFW) and US Fish and Wildlife Service, NOAA Fisheries, and US Army Corps of Engineers on October 28, 2022. CDFW provided recommendations for restoration, which are addressed in Exhibit 5, Section 3. As of the date of publication no responses have been provided from the other agencies.
Sec. 8178-2.4.2 ESHA shall be mapped and protected in accordance with ESHA policies and LCP standards.	ESHA maps have been included with the CISBA (Exhibit 6) and the ESHA Mitigation Plan (Exhibit 7). Sites A and B consist of areas that previously met the definition of ESHA but were damaged or destroyed by illegal removal. As such, these areas are also considered ESHA pursuant to Section 8178-2.4.2.b despite their degraded status.
Sec. 8178-2.5 Allowable uses in ESHA or buffer zones shall be limited to uses that are dependent on the biological resource, except in limited circumstances.	This project consists of ESHA restoration and preservation only. No permanent structural development is proposed. ESHA restoration is identified as a resource-dependent use in Section 8178-2.5.1.d.
Sec. 8178-2.6.1 Development within ESHA or buffer zones shall constitute the least environmentally damaging alternative.	As discussed under Section 8178-2.3.b, above, Planning staff considered several alternative projects and determined that the proposed project is the least damaging alternative. The project is feasible and will protect both on-site and off-site ESHA.

Table 1 – ESHA Standards Consistency Analysis

Special Use Standard	Complies?
Sec. 8178-2.6.13.e An applicant shall be required to prepare a nesting bird survey if vegetation is to be altered during the nesting season (January 1 – September 15).	This project will be subject to a condition of approval (Exhibit 4, Condition No. 19) which requires surveys for nesting birds for any work to occur during the nesting season. Additionally, should nesting birds be observed, appropriate buffer zones (300 feet, or 500 feet for raptors) will be established.
Sec. 8178-2.6.14.1.a Fences, gates, and walls are prohibited outside the development envelope except when used for habitat protection.	No fences gates or walls are proposed as part of this project. Pre-existing gates that prevent vehicular access to Sites A and B from Deer Creek Road will remain in place.
Sec. 8178-2.7.4.3 Intact, unfragmented coastal sage scrub and chaparral habitat shall be prioritized for preservation over fragmented or degraded areas.	The site designated for preservation, APN 700-0-010-100, contains 40 acres of intact, unfragmented coastal sage scrub and chaparral habitat. The applicant, in consultation with a qualified biologist, will select 3.27 acres of the most suitable habitat for preservation through deed restriction (Exhibit 4, Condition No. 18).
Sec. 8178-2.7.5.2.c.2 Areas with little or no native vegetation shall be targeted for restoration as part of a restoration project.	The proposed ESHA mitigation plan targets 2.93 acres of non-native vegetation for restoration.
Sec. 8178-2.7.6 Roost sites for protected species shall be protected and preserved through establishment of buffer zones or erection of barriers or signage.	As discussed under Section 8178-2.6.13.e, above, the applicant will be required to provide a nesting bird survey. Should nests be found, appropriate buffer zones will be established (Exhibit 4, Condition No. 19).
Sec. 8178-2.7.7 During bird breeding and migration seasons, nesting, roosting, and stopover areas used for breeding or migration shall be protected from disturbance associated with development. A 500-foot buffer shall be established for raptor and/or colonial bird nesting, roosting, and staging/stopover sites, and a 300-foot buffer shall be established for all other bird species.	
Sec. 8178-2.10.1.a.2 Compensatory mitigation is required for all unauthorized development that causes direct or indirect impacts to ESHA. The impacted area shall be restored on-site and additional compensatory mitigation shall occur on-site unless there is an insufficient supply of suitable on-site land.	Unauthorized removal of ESHA occurred on the subject parcels between 1976 and 2018. The proposed project would implement a compensatory mitigation plan that provides for the restoration and preservation of ESHA at a 2:1 ratio to the amount removed. Disturbed areas on-site will be restored to the extent feasible (2.93 acres) (Exhibit 4, Condition No. 17). No additional suitable land for restoration is available on-site. The remaining 3.27 acres will be mitigated through off-site preservation (Exhibit 4, Condition No. 18).

Table 1 – ESHA Standards Consistency Analysis

Special Use Standard	Complies?
Sec. 8178-2.10.1.b Compensatory mitigation shall be limited to in-kind habitat.	Approximately 3.1 acres of coastal sage scrub and chaparral plant communities were removed between 1976 and 2018. The project would compensate for this removal through restoration of 2.93 acres of coastal sage scrub and chaparral habitats (Exhibit 4, Condition No. 17). Additionally, 3.27 acres of off-site coastal sage scrub and chaparral habitat will be preserved in perpetuity (Exhibit 4, Condition No. 18). This results in a total of 6.2 acres of in-kind compensatory ESHA mitigation.
Sec. 8178-2.10.1.c All areas subject to compensatory mitigation conducted by the applicant shall be preserved in perpetuity for conservation and/or open space purposes.	Parcels 1 and 2 were recently acquired by a conservation organization (TPL), which intends to transfer these parcels to NPS. If so acquired, NPS will maintain the parcels in open space use in perpetuity. The 3.27-acre off-site mitigation location will be preserved in perpetuity through recordation of a deed restriction (Exhibit 4, Condition No. 18). As no development is yet proposed on Parcel 3 (Hoffman parcel), and a building site on this parcel has not been designated, it will not be subject to preservation through a conservation instrument.
Sec. 8178-2.10.2 Compensatory mitigation shall account for both direct and indirect adverse impacts to ESHA.	In determining the scope of ESHA impact, both direct and indirect impacts to ESHA were considered. Please see the discussion in Exhibit 5, Section 5 for further details. Direct and indirect impacts to ESHA total 3.1 acres and will be mitigated at a 2:1 ratio, resulting in 6.2 acres of ESHA restoration or preservation.
Sec. 8178-2.10.3 Compensatory mitigation may include restoration, preservation, establishment, or enhancement of ESHA.	This project includes 2.93 acres of on-site restoration and 3.27 acres of off-site preservation, totaling 6.2 acres of compensatory mitigation (Exhibit 4, Condition Nos. 17 and 18).
Sec. 8178-2.10.4 Either on-site or off-site mitigation may be used for impacts to coastal sage scrub or chaparral. Off-site mitigation areas shall be located within the Ventura County coastal zone, with priority given to sites in the same sub-watershed or biogeographic region.	The project uses a combination of on-site and off-site mitigation (Exhibit 4, Condition Nos. 17 and 18). The proposed location for off-site mitigation, APN 700-0-010-100, is in the Ventura County Coastal Zone and is within the same designated sub-watershed (Big Sycamore Canyon – Frontal Santa Monica Bay) as Sites A and B.
Sec. 8178-2.10.5 Compensatory mitigation sites shall contain ESHA or habitats that can be successfully used for the selected type of ESHA mitigation. Sites should be selected in consideration of habitat quality and connectivity to larger intact ESHA.	The project will provide compensatory mitigation in the form of ESHA restoration (2.93 acres) and preservation (3.27 acres). The restoration area (Sites A and B) is surrounded by ESHA and is suitable for restoration with chaparral and coastal sage scrub species. The applicant, in consultation with a qualified biologist, will select a 3.27-acre site within the 40-acre off-site parcel (APN 700-0-010-100) that contains suitable ESHA (Exhibit 4, Condition No. 18).

Table 1 – ESHA Standards Consistency Analysis

Special Use Standard	Complies?
Sec. 8178-2.10.6 Baseline ESHA mitigation ratios are based on the type of ESHA being removed or degraded, with a 2:1 baseline ratio for coastal sage scrub or chaparral except when occupied by an endangered or threatened species.	Because the ESHA that had been removed without authorization was comprised of coastal sage scrub and chaparral, a 2:1 baseline ratio for compensatory mitigation applies.
Sec. 8178-2.10.8 The applicant is responsible for completion of compensatory mitigation through one or more of the following means: • Off-site ESHA preservation • On- or off-site ESHA restoration, enhancement, or establishment • If available, contribution towards a mitigation bank or in-lieu fee program.	The applicant seeks to achieve 2:1 mitigation for 3.1 acres of ESHA removal by completing 2.93 acres of on-site restoration and recording a deed restriction to preserve 3.27 acres of off-site ESHA (Exhibit 4, Condition Nos. 17 and 18).
Sec. 8178-2.10.9 Compensatory mitigation shall be described in an ESHA Mitigation Plan, to include a Habitat Restoration Plan, Habitat Maintenance and Monitoring Plan, and Habitat Management Plan.	The applicant has provided the attached ESHA Mitigation Plan / Habitat Mitigation and Monitoring Plan (Exhibit 7), which satisfies the provisions of Section 8178-2.10.9.

The proposed project is located within a Santa Monica Mountains Overlay Zone and, therefore, is subject to the standards of the Ventura County CZO (Section 8177-4). Table 2 lists the applicable Santa Monica Mountains Overlay Zone standards and a description of whether the proposed project complies with those standards.

Table 2 – Santa Monica Mountains Overlay Zone Standards Consistency Analysis

Overlay Zone Standard	Complies?
Sec. 8177-4.1.1 New development shall preserve unique vegetation (e.g., giant coreopsis and marcescent dudleya).	This project will restore coastal sage scrub and chaparral ESHA in an area where unpermitted vegetation removal occurred. The site is currently dominated by non-native species. An ISBA was prepared for the project (Exhibit 6). No unique vegetation was noted.
Sec. 8177-4.1.2 Upland development shall be sited and designed to avoid adverse impacts on ESHA.	This project seeks to restore ESHA that was removed without the benefit of a permit. As such, the project will have beneficial effects on ESHA.
Sec. 8177-4.1.4 Development shall be sited and designed to protect public views to the shoreline and public recreational areas.	The project is limited to restoration of ESHA that had previously been removed without the benefit of permits. The Coastal PD Permit will allow vehicular access gates and a granite pad to remain. These features do not impact public views to the shoreline or adjacent public lands. No new structural development is proposed. As such, no impact on views to the shoreline or public recreational areas will result.

Table 2 – Santa Monica Mountains Overlay Zone Standards Consistency Analysis

Overlay Zone Standard	Complies?
Sec. 8177-4.1.5 Development shall not be sited on ridgelines or hilltops when alternative sites are available.	No hilltop or ridgeline development is proposed as part of this project.
Sec. 8177-4.1.6 Development within 1,000 feet of publicly owned park lands shall be sited and designed to mitigate visual impacts.	Sites A and B are not within 1,000 feet of publicly owned parklands. The existing vehicular access gates and granite pad, which will remain, do not impact views from public parklands. As no new structural development is proposed, no visual impacts on publicly owned parklands would result from the project.
Sec. 8177-4.1.7 Development shall not preclude the option of establishing recreational trails. A recorded offer of dedication or deed restriction creating a trail easement shall be required as a condition of approval on property crossed by trails shown on the LCP maps.	Restoration of Sites A and B and deed restriction of a portion of APN 700-0-010-100 would not preclude the establishment of recreational trails. The Santa Monica Mountains Conservancy and National Parks Service (NPS) note that the proposed Coastal Slope Trail, which would connect Leo Carrillo State Park to Point Mugu State Park, crosses through the center of Site A. The proposed alignment of the Coastal Slope Trail also extends through other potions of Parcels 1 (approximately 250 feet long) and 2 (eight segments totaling approximately 2.58 miles). The Conservancy requests the dedication of a 30-foot-wide trail easement where the proposed trail routing crosses through the subject parcels. As discussed in Exhibit 5, Section 8, there is no nexus for this requirement. There is no direct relationship between ESHA restoration and the demand for public trails. Moreover, a dedication of this size would not be proportional to the impacts from the proposed development (i.e., restoration of ESHA). As such, the County is precluded from imposing a requirement for trail dedication as an exaction for ESHA restoration because this could amount to a regulatory taking. TPL's intent in acquiring the project site is to eventually transfer it to NPS for inclusion in the Santa Monica Mountains National Recreation Area. The Los Angeles Times reports that TPL "aims to raise an additional $5 million" to restore coastal access and build a segment of the Coastal Slope Trail.[1]
Sec. 8177-4.1.8 Development shall be sited sufficiently distant from the trail so as not to interfere with the trail route.	No structural development is proposed as part of this Coastal Planned Development Permit. The proposed restoration activities would not interfere with the Coastal Slope Trail routing.

[1] Sahagun, Louis (November 6, 2022). Coveted oceanfront land in Ventura County will become a nature preserve. The Los Angeles Times: Los Angeles, CA.

Table 2 – Santa Monica Mountains Overlay Zone Standards Consistency Analysis

Overlay Zone Standard	Complies?
Sec. 8177-4.1.9 The applicant shall provide the County with documentation of any information regarding potential or contemplated acquisition of the subject property by a natural resource agency or conservation organization.	The subject parcels border Point Mugu State Park on the west and extend to the Solromar community on the east. Parcel 2 includes approximately 2.4 miles of undeveloped coastline. Based on these characteristics, the subject property would be suitable for public acquisition. The Santa Monica Mountains Conservancy has expressed an interest in acquiring a trail easement across Parcels 1 and 2. NPS has also identified these parcels in their acquisition plan. Parcels 1 and 2 were recently acquired by TPL, which has indicated their intent to ultimately transfer the parcels to NPS. The proposed ESHA restoration would not preclude future potential use of these lands for conservation or recreational purposes.
Sec. 8177-4.1.11 Outdoor lighting standards in Section 8178-2.6.15 shall apply.	No outdoor lighting is proposed as part of the project.

E. PD PERMIT FINDINGS AND SUPPORTING EVIDENCE

The Planning Director must make certain findings in order to determine that the proposed project is consistent with the permit approval standards of the Ventura County CZO (Section 8181-3.5 et seq.). The proposed findings and supporting evidence are as follows:

1. **The proposed development is consistent with the intent and provisions of the County's Certified Local Coastal Program [Section 8181-3.5.a].**

   Based on the information and analysis presented in Sections C and D of this staff report, the finding that the proposed development is consistent with the intent and provisions of the County's Certified Local Coastal Program can be made.

2. **The proposed development is compatible with the character of surrounding development [Section 8181-3.5.b].**

   The subject parcels are located in the Santa Monica Mountains, have a General Plan land use designation of Open Space, and are zoned Coastal Open Space (COS). Surrounding properties have the same designation and zoning. The purpose of the COS zone is to "provide for the preservation, maintenance, and enhancement of natural and recreational resources in coastal areas of the County while allowing reasonable and compatible uses of the land." (CZO § 8173-1.) As discussed in Sections C and D of this staff report (above), the proposed project would result in restoration of 2.93 acres of ESHA that was removed without the benefit of permits. Successful restoration of Sites A and B will enhance the natural

open space conditions of the parcels. Preservation of 3.27 acres of ESHA is also consistent with the open space character of the surrounding area.

Based on the discussion above, this finding can be made.

3. **The proposed development, if a conditionally permitted use, is compatible with planned land uses in the general area where the development is to be located [Section 8181-3.5.c].**

   The proposed project is a Coastal PD Permit for restoration of unauthorized ESHA removal. The project is not a conditionally permitted use. Therefore, this finding does not apply to the proposed project.

   Based on the discussion above, this finding can be made.

4. **The proposed development would not be obnoxious or harmful, or impair the utility of neighboring property or uses [Section 8181-3.5.d].**

   The proposed project is limited to the implementation of an ESHA Mitigation Plan that calls for 2.93 acres of restoration work on Sites A and B and preservation of a 3.27-acre portion of an off-site parcel (APN 700-0-010-100). The existing vehicular access gates and granite slab, which will remain, do not affect neighboring properties. No new structural development is proposed. Restoration of native vegetation will enhance the open space characteristics of the sites. Restoration work will be monitored for a period of five years to ensure successful ESHA establishment. The project is not anticipated to generate significant dust, traffic, or noise. Additionally, the nearest sensitive receptors are a dwelling 0.51 miles west of Site B and a camp 1.01 miles east of Site A. Restoration work, therefore, will not be obnoxious, harmful, or impair the utility of neighboring properties or uses.

   Based on the discussion above, this finding can be made.

5. **The proposed development would not be detrimental to the public interest, health, safety, convenience, or welfare [Section 8181-3.5.e].**

   This Coastal PD Permit addresses the unpermitted removal and/or impact of 3.1 acres of ESHA. The project would also legitimize the establishment of a 0.17-acre granite pad on Site A and vehicular access gates on both Sites A and B, which will remain in place. The 2.93-acre area on Site A (outside of the granite pad) and Site B where ESHA removal occurred will be restored with coastal sage scrub and chaparral vegetation. To achieve the required 2:1 mitigation ratio, the applicant will preserve 3.27 acres of ESHA by deed-restricting a portion of an off-site parcel (APN 700-0-010-100). No new structural development is proposed.

Restoration activities are to include manual removal of non-native vegetation, application of foliar herbicide, soil decompaction, installation of native plants, and hydroseeding. Restoration work will reduce erosion potential and enhance natural views from Deer Creek Road. The restoration and preservation of ESHA to compensate for unpermitted removal will, therefore, not be detrimental to the public interest, health, safety, convenience, or welfare.

Based on the discussion above, this finding can be made.

6. **Private services for each individual development requiring potable water will be able to serve the development adequately over its normal lifespan.**

   This PD Permit is limited in scope to the restoration and preservation of 6.2 acres of ESHA to compensate for 3.1 acres of unpermitted ESHA removal. The project does not propose the use of an on-site groundwater well. As set forth in the ESHA Mitigation Plan / Habitat Mitigation and Monitoring Plan (Exhibit 7), an irrigation system and water tanks will be temporarily established, using trucked-in water. The irrigation system and water tanks will remain in place for a period of approximately three years, while the plants establish, and then will be removed.

   Based on the discussion above, this finding can be made.

7. **When a water well is necessary to serve the development, the applicant shall be required to do a test well and provide data relative to depth of water, geologic structure, production capacities, degree of drawdown, etc. The data produced from test wells shall be aggregated to identify cumulative impacts on riparian areas or other coastal resources. When sufficient cumulative data is available to make accurate findings, the County must find that there is no evidence that proposed wells will either individually or cumulatively cause significant adverse impacts on the above mentioned coastal resources.**

   This project involves restoration and preservation of ESHA to offset impacts from unpermitted ESHA removal. No structural development is proposed. As set forth in the ESHA Mitigation Plan / Habitat Mitigation and Monitoring Plan (Exhibit 7), plants will be irrigated using trucked-in water. No on-site wells will be used for irrigation. As such, there is no evidence that the proposed restoration would individually or cumulatively cause significant impacts to groundwater or riparian resources.

   Based on the discussion above, this finding can be made.

8. **All need for sewage disposal over the life span of the development will be satisfied by existing sewer service to the immediate area or by location of septic facilities on-site consistent with other applicable provisions of the LCP.**

This project involves restoration and preservation of ESHA to offset impacts from unpermitted ESHA removal. No new structural development is proposed. As such, the project will not generate wastewater. There is, therefore, no need to connect to sewer services or establish an on-site wastewater treatment system.

Based on the discussion above, this finding can be made.

9. **Development outside of the established "Community" area shall not directly or indirectly cause the extension of public services (roads, sewers, water etc.) into an open space area.**

   Though the project site is in an open space area, the proposed project will not result in extension of public services beyond an established community. This project involves restoration and preservation of ESHA to offset impacts from unpermitted ESHA removal. The continued presence of existing vehicular access gates and a 0.17-acre granite slab will not hasten extension of urban services or infrastructure to the area. No new structural development is proposed. Access to the sites is furnished by an existing public road (Deer Creek Road), which will not be improved or extended. There is no need to connect to utilities. The project will not generate wastewater, and irrigation will be temporarily supplied using trucked-in water from an off-site source. As such, the project will not result in the direct or indirect extension of public services to an open space area.

   Based on the discussion above, this finding can be made.

10. **Any deviations from outdoor lighting requirements meet the findings of Section 8177-4.1.11.**

    No outdoor lighting is proposed as part of this project. This project involves restoration and preservation of ESHA to offset impacts from unpermitted ESHA removal. As no outdoor lighting is needed, there is also no need to deviate from lighting standards in the CZO.

    Based on the discussion above, this finding can be made.

11. **All ESHA policies and standards of the LCP have been met and the project design has been found to constitute the least environmentally damaging alternative pursuant to Section 8178-2.6.**

    The proposed project involves mitigating 3.1 acres of unpermitted ESHA impacts by restoring 2.93 acres of ESHA on-site and preserving 3.27 acres of ESHA off-site. As discussed in Table 1 (Section D, above) and Exhibit 5 (Section 5), Planning staff evaluated several alternatives to the proposed project. These alternatives included (a) achieving mitigation solely through off-site preservation,

(b) restoration to 2013 disturbance boundaries only, and (c) limiting restoration activities to non-native plant removal.

The proposed project is the least environmentally damaging alternative. Each of the alternatives considered would not result in the same level of benefit to biological resources. Mitigation solely through off-site preservation is not environmentally superior, as there is suitable on-site land that could be restored. Restoration to 2013 disturbance boundaries is not environmentally superior, as it fails to account for and restore ESHA removal that occurred prior to 2013 but after the Coastal Act was enacted. Limiting restoration to non-native plant removal is not environmentally superior, as it would result in a decreased likelihood that the restored ESHA would successfully establish. Therefore, the proposed project, which includes 2.93 acres of on-site restoration (to include eradication of non-native species, the planting of approximately 1,840 native plants, and hydroseeding) and 3.27 acres of off-site preservation is the least environmentally damaging alternative considered.

Based on the discussion above, this finding can be made.

12. **New development with a mandatory fuel modification zone greater than the standard 100-foot width requires a finding supported by a determination made by the Ventura County Fire Protection District, that the increased fuel modification zone of up to 200 feet is needed to protect life and property from wildland fires based on site-specific environmental conditions and that there are no other feasible mitigation measures possible.**

No new structural development is proposed, and no fuel modification zones are being established under this Coastal PD Permit. Existing development to remain, including vehicular access gates and a granite slab, will not require fuel modification. This project involves restoration and preservation of ESHA to offset impacts from unpermitted ESHA removal. As such, fuel modification zones are not necessary to protect life or property.

Based on the discussion above, this finding can be made.

13. **If the width of a fuel modification zone exceeds 100 feet, the Ventura County Fire Protection District has authorized the expanded fuel modification zone and determined that it is necessary to protect life, property, and natural resources from unreasonable risks associated with wildland fires and there are no other mitigation measures possible.**

No new structural development is proposed, and no fuel modification zones are being established under this Coastal PD Permit. Existing development to remain, including vehicular access gates and a granite slab, will not require fuel modification. This project involves restoration and preservation of ESHA to offset

impacts from unpermitted ESHA removal. As such, fuel modification zones are not necessary to protect life or property.

Based on the discussion above, this finding can be made.

14. If a Coastal Development Permit allows a deviation from a policy or standard of the LCP pursuant to Coastal Area Plan Policy 4.2, permit findings shall meet the requirements in Coastal Area Plan Policy 4.3.

The proposed ESHA restoration is considered a resource-dependent use and conforms with all applicable CZO standards (see Section D) and Coastal Area Plan policies (see Exhibit 5). The project does not require deviation from policies or standards pursuant to Coastal Area Plan ESHA Policy 4.2 to ensure economically beneficial use.

Based on the discussion above, this finding can be made.

15. The physical extent of habitat meting the definition of ESHA and buffer zone on the entirety of the lot containing the project site is accurately mapped within the CISBA, is consistent with the LCP policies and standards (e.g., definition of ESHA, buffer zone determinations) and available independent evidence, and has been reviewed by the Planning Staff Biologist or a County's Biological Consultant.

The CISBA (Exhibit 6) includes site-specific mapping of vegetation communities. ESHA within the project sites has been accurately mapped consistent with the LCP policies and standards. Due to prior site disturbance, the areas surveyed are currently dominated by non-native species. Nonetheless, these areas are still considered ESHA pursuant to CZO Section 8178-2.4.2.b, as they had been comprised of coastal sage scrub and chaparral communities before unpermitted vegetation removal and grading.

Based on the discussion above, this finding can be made.

16. All direct and indirect adverse impacts to ESHA resulting from the development and any unpermitted development are fully mitigated consistent with the LCP policies and standards, and required financial assurances are provided. All on-site and off-site areas subject to compensatory mitigation will be preserved in perpetuity consistent with Section 8178-2.10.1(c).

The proposal mitigates 3.1 acres of unpermitted ESHA impacts at a 2:1 ratio using a combination of on-site restoration (2.93 acres) and off-site preservation (3.27 acres). As discussed in Table 1 (Section D, above) and Exhibit 5 (Section 5), both direct and indirect ESHA impacts were considered in calculating ESHA disturbance quantities. The restoration area covering Parcels 1 and 2 have been

acquired by a conservation organization (TPL) for the purposes of open space conservation. The 3.27-acre off-site area designated for preservation will be preserved in perpetuity through a deed restriction (Exhibit 4, Condition No. 18).

Based on the discussion above, this finding can be met.

17. **For a lot that containa ESHA or buffer zone and is proposed for land division, substantial evidence was provided that demonstrates that the land division will not result in new, adverse impacts to ESHA or buffer zone including those that could occur due to an economically beneficial use of the property.**

This project does not include a land division. The proposal is limited to restoration and preservation of ESHA to compensate for unpermitted vegetation removal. No new, adverse impacts to ESHA would result from the project.

Based on the discussion above, this finding can be met.

18. **If a Coastal Development Permit is being granted pursuant to an ESHA preservation incentive, then the proposed land division will result in the preservation of large areas of unfragmented ESHA. Also, the proposed land division will not result in greater impacts to ESHA or buffer zones, and will not increase the loss of ESHA, when compared to the development that could occur without use of this incentive.**

The project does not include a land division, and no ESHA preservation incentive is being sought. The proposal is limited to restoration and preservation of ESHA to compensate for unpermitted vegetation removal.

Based on the discussion above, this finding can be met.

F. PLANNING DIRECTOR HEARING NOTICE, PUBLIC COMMENTS, AND JURISDICTIONAL COMMENTS

The Planning Division provided public notice regarding the Planning Director hearing in accordance with the Government Code (Section 65091), Ventura County CZO (Section 8181-6.2 et seq.). On February 10, 2023, the Planning Division mailed notice to owners of property within 300 feet and residents within 100 feet of the property on which the project site is located. On February 10, 2023, the Planning Division placed a legal ad in the *Ventura County Star*. As of the date of this document, no comments have been received.

G. RECOMMENDED ACTIONS

Based upon the analysis and information provided above, Planning Division Staff recommends that the Planning Director take the following actions:

1. **CERTIFY** that the Planning Director has reviewed and considered this staff report and all exhibits thereto, and has considered all comments received during the public comment process;

2. **FIND** that this project is categorically exempt from CEQA pursuant to Sections 15333, 15307, and 15308 of the CEQA Guidelines.

3. **MAKE** the required findings to grant a Coastal PD Permit pursuant to Section 8181-3.5 of the Ventura County CZO, based on the substantial evidence presented in Section E of this staff report and the entire record;

4. **GRANT** Coastal PD Permit Case No. PL18-0113, subject to the conditions of approval (Exhibit 4).

5. **SPECIFY** that the Clerk of the Planning Division is the custodian, and 800 S. Victoria Avenue, Ventura, CA 93009 is the location, of the documents and materials that constitute the record of proceedings upon which this decision is based.

The decision of the Planning Director is final unless appealed to the Planning Commission within 10 calendar days after the permit has been approved, conditionally approved, or denied (or on the following workday if the 10th day falls on a weekend or holiday). Any aggrieved person may file an appeal of the decision with the Planning Division. The Planning Division shall then set a hearing date before the Planning Commission to review the matter at the earliest convenient date.

If you have any questions concerning the information presented above, please contact Michael Conger at (805) 654-5038 or Michael.Conger@ventura.org.

Prepared by:

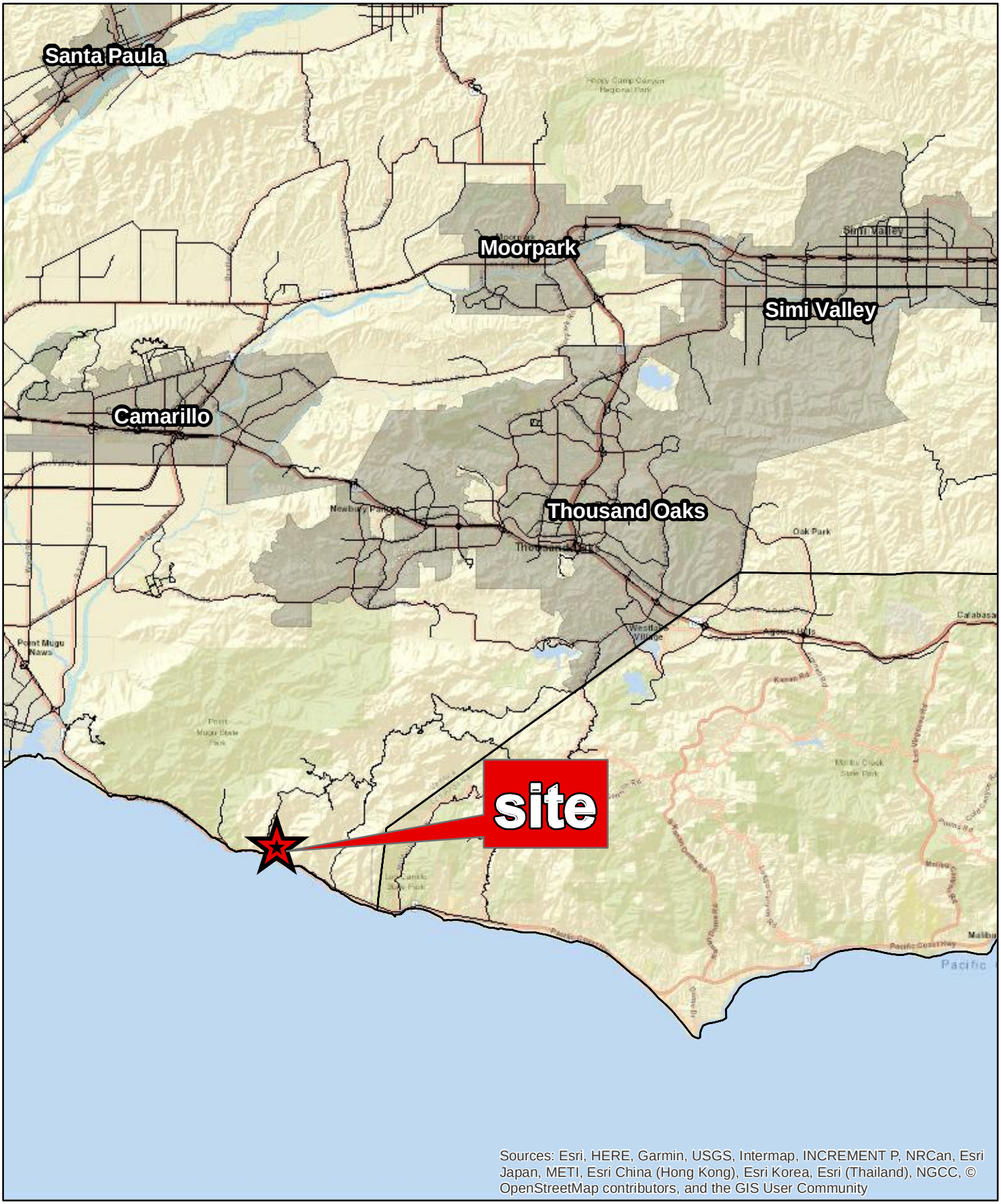
Michael T. Conger, AICP, Case Planner
Residential Permits Section
Ventura County Planning Division

Reviewed by:

Jennifer Trunk, Manager
Residential Permits Section
Ventura County Planning Division

EXHIBITS

Exhibit 2	Maps
Exhibit 3	Plans
Exhibit 4	Conditions of Approval
Exhibit 5	General Plan Consistency Determination
Exhibit 6	Coastal Initial Study Biological Assessment
Exhibit 7	ESHA Mitigation Plan / Habitat Mitigation and Monitoring Plan



Ventura County, California
Resource Management Agency
GIS Development & Mapping Services
Map created on 09-25-2018

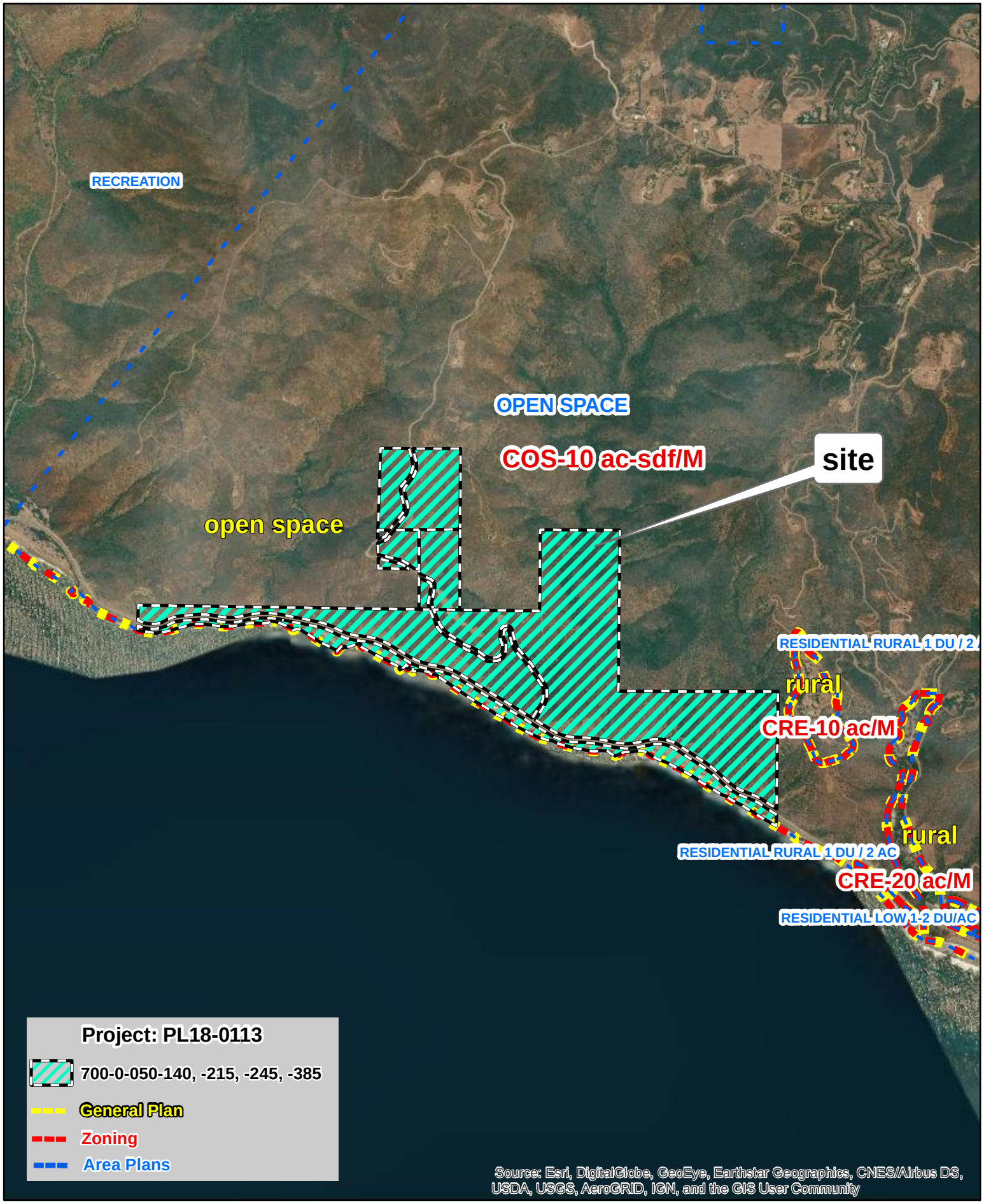
RMAgis

County of Ventura
Planning Director Hearing

PL18-0113
Location Map

0 8,000 16,000 Feet

RH



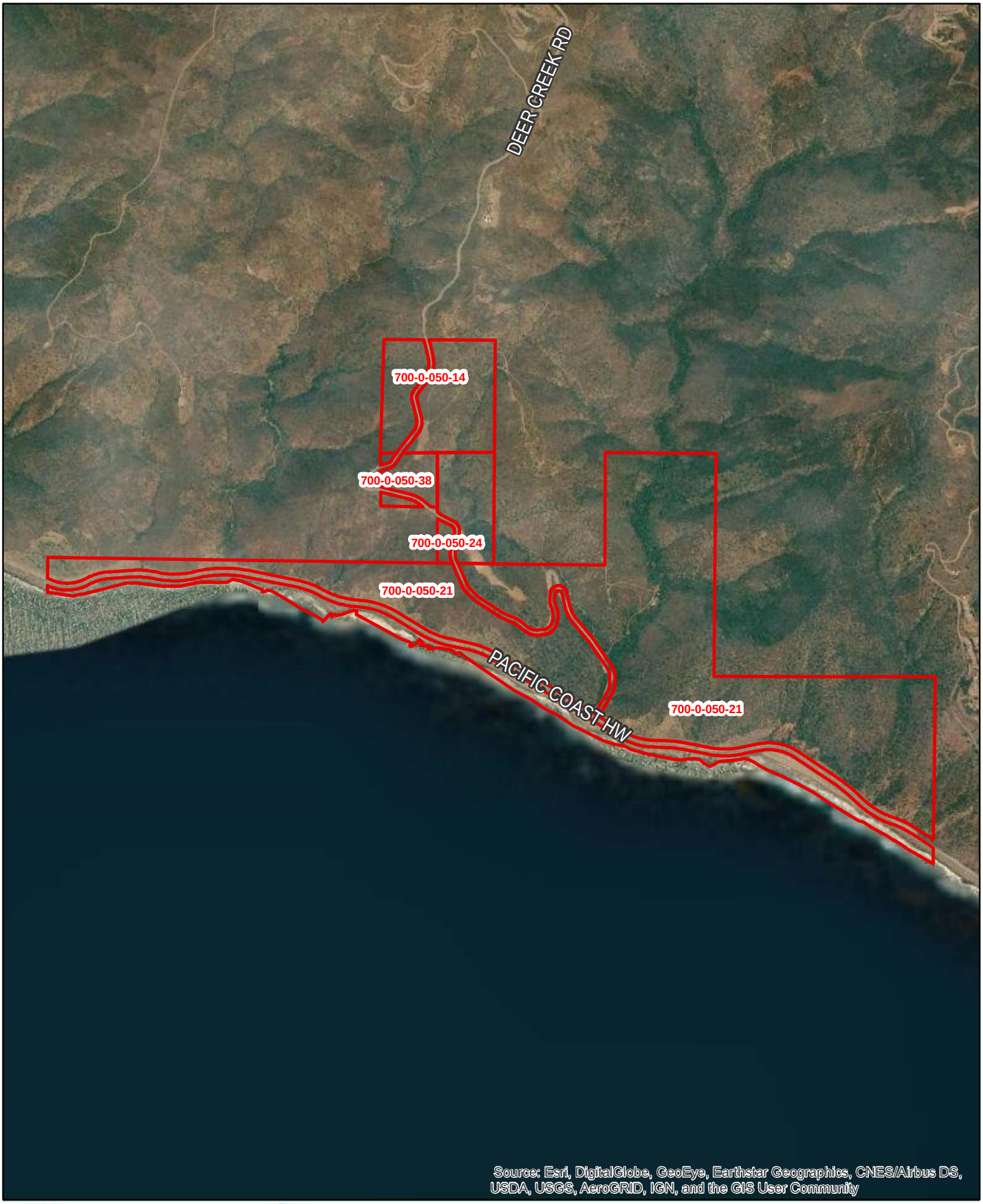
Ventura County
Resource Management Agency
Information Systems GIS Services
Map created on 09-25-2018
Source: Pictometry: Nov 2017

RMAgis

County of Ventura
Planning Director Hearing
General Plan & Zoning Map
PL18-0113

0 500 1,000 2,000 Feet

RH



Ventura County
Resource Management Agency
Information Systems GIS Services
Map created on 09-25-2018
Source: Pictometry: Nov 2017

RMAgis

County of Ventura
Planning Director Hearing
Aerial Photography
PL18-0113

0 500 1,000 2,000 Feet

Disclaimer: this map was created by the Ventura County Resource Management Agency Information Systems GIS, which is designed and operated solely for the convenience of the County and related public agencies. The County does not warrant the accuracy of this map and no decision involving a risk of economic loss or physical injury should be made in reliance therein

RH

Site A Areas of Disturbance

Howard Weinberg - Habitat Mitigation & Monitoring Plan

Deer Creek Road, Malibu, California

N

0 55 110 220 330 440 Feet

Prepared October 2022

Wildscape RESTORATION

Site B Areas of Disturbance

Howard Weinberg - Habitat Mitigation & Monitoring Plan

0 Deer Creek Road, Malibu, California

N

0 25 50 100 150 200 Feet

Prepared October 2022

Wildscape RESTORATION

Site A Planting Areas

Howard Weinberg - Habitat Mitigation & Monitoring Plan

Deer Creek Road, Malibu, California

N

0 55 110 220 330 440 Feet

Prepared October 2022

Wildscape RESTORATION

Site B Planting Areas

Howard Weinberg - Habitat Mitigation & Monitoring Plan

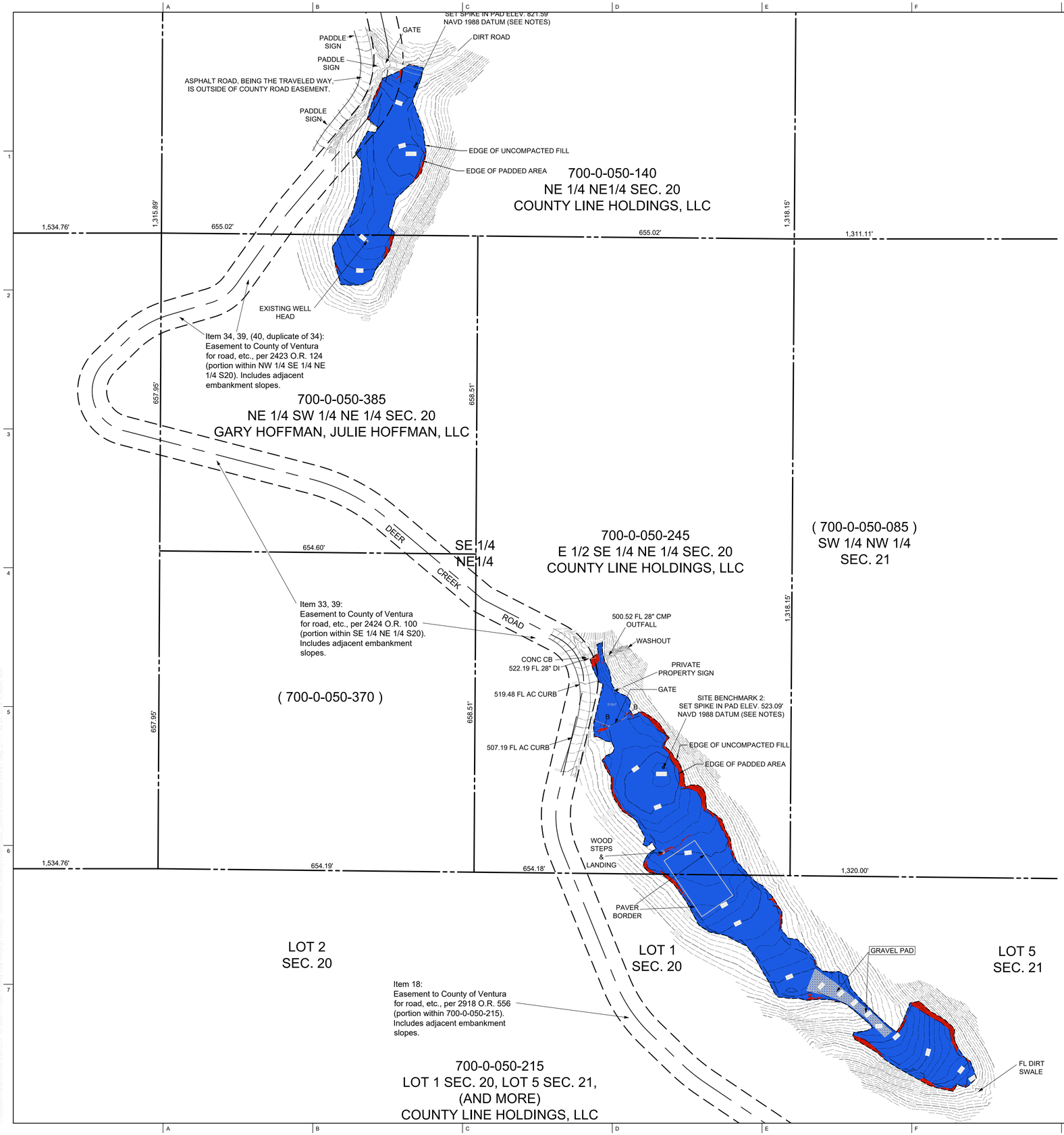
0 Deer Creek Road, Malibu, California

N

0 25 50 100 150 200 Feet

Prepared October 2022

Wildscape RESTORATION



GENERAL NOTES:

1. SEE TEMPORARY EROSION CONTROL PLAN BY ASHLEY AND VANCE ENGINEERING, INC. DATED FEBRUARY 22, 2018 FOR MORE INFORMATION.
2. PLANTING PER APPROVED BIOLOGY PLAN

LEGEND:

- SLOPE < 2:1
- SLOPE > 2:1

DIGALERT
DIAL TOLL FREE **811** OR (1-800-227-2600) AT LEAST TWO DAYS BEFORE YOU DIG
UNDERGROUND SERVICE ALERT

HORIZONTAL SCALE: 1" = 100'
100 0 100 200

Plan Prepared By:
Ashley & Vance ENGINEERING, INC.
210 East Cota Street
Santa Barbara, CA 93101
(805) 962-9966 • (805) 545-0010
www.ashleyvance.com
CIVIL • STRUCTURAL

Engineer of Record:

REGISTERED PROFESSIONAL ENGINEER JA SON J. GIBBS No. 30791 Exp. 09/30/19 CIVIL STATE OF CALIFORNIA
PLANS FOR REVIEW ONLY NOT FOR CONSTRUCTION

Project:

COUNTY LINE HOLDINGS
DEER CREEK ROAD
VENTURA COUNTY, CA

Revisions:			
1			
2			
3			
4			
5			
Proj. Engr.:	MEG	Phone Ext.:	164
Proj. Mngr.:	JJG	Phone Ext.:	160
Date:	7.24.2018	Scale:	PER PLAN
A&V Job No.:	171299		

OVERALL SITE PLAN

C-1.1

DRAFT CONDITIONS OF APPROVAL FOR COASTAL PLANNED DEVELOPMENT (PD) PERMIT CASE NO. PL18-0113

RESOURCE MANAGEMENT AGENCY (RMA)

Planning Division Conditions

1. Project Description

This Coastal Planned Development Permit is based on and limited to compliance with the project description stated in this condition below; Exhibits 3, 6, and 7 of the Planning Director hearing on February 23, 2023; and conditions of approval set forth below. Together, these conditions and documents describe the "Project." Any deviations from the Project must first be reviewed and approved by the County in order to determine if the Project deviations conform to the Project as approved. Project deviations may require Planning Director approval for changes to the permit or further California Environmental Quality Act (CEQA) environmental review, or both. Any Project deviation that is implemented without requisite County review and approval(s) may constitute a violation of the conditions of this permit and applicable law.

The Project description is as follows:

The Project is a request for a Coastal Planned Development (PD) Permit to authorize restoration and conservation activities as compensatory mitigation for the removal of and indirect impacts to Environmentally Sensitive Habitat Area (ESHA) that occurred between 1976 and 2018 without the benefit of permits. During that time, approximately 3.1 acres of ESHA comprised of chaparral and coastal sage scrub vegetation was removed or indirectly impacted at two sites (2.33 acres from Site A and 0.77 acres from Site B). This Coastal PD Permit will also retroactively authorize the establishment of an existing 0.17-acre granite pad (APNs 700-0-050-245 and -215) and two existing vehicle access pipe gates (APNs 700-0-050-245 and -140).

To achieve the required 2:1 mitigation ratio for ESHA impacts, the applicant seeks to implement an ESHA Mitigation Plan / Habitat Mitigation and Monitoring Plan (Exhibit 7: Wildscape Restoration (October 17, 2022). Habitat Mitigation and Monitoring Plan, 0 Deer Creek Road, Malibu, California.) that calls for on-site restoration of 2.93 acres of ESHA (2.16 acres on Site A and 0.77 acres on Site B). Based on the analysis of the project biologist, the granite slab encompassing approximately 0.17 acres of Site A is not suitable for revegetation. Because restoration is infeasible in this area, the slab would remain in place. The remaining 3.27 acres needed to achieve the 2:1 ratio will be met by preserving a portion of a nearby off-site parcel (APN: 700-0-010-100) through a deed restriction. As a result, the amount of ESHA being restored or preserved as part of this project will total 6.2 acres.

Restoration activities are to include manual removal of weeds, application of foliar

herbicide, ripping and de-compacting roads and trails, planting container stock (approximately 1,304 plants on Site A and 536 plants on Site B), and hydroseeding with a native seed mix based on the recommendations of the ESHA Mitigation / Habitat Mitigation and Monitoring Plan. A temporary irrigation system will be established on each site, to include water tanks and a solar pump, which are to be placed in the previously disturbed areas that are not designated for restoration. The irrigation system will remain in place for three years until vegetation is established. Irrigation water will be supplied by truck. Access to Sites A and B is by way of Deer Creek Road, a County-maintained road.

The restoration, use, and maintenance of the property, the size, shape, arrangement, and the protection and preservation of resources shall conform to the project description above and all approved County land use hearing exhibits in support of the Project and conditions of approval below.

2. Required Improvements for Coastal PD

Purpose: To ensure the restoration activities on the project site conform to the ESHA Mitigation Plan / Habitat Mitigation and Monitoring Plan (Exhibit 7).

Requirement: The Permittee shall ensure that all required restoration work is completed in conformance with the approved ESHA Mitigation Plan / Habitat Mitigation and Monitoring Plan.

Documentation: The Permittee shall obtain Planning Division staff's stamped approval on the ESHA Mitigation Plan / Habitat Mitigation and Monitoring Plan and submit it to the County for inclusion in the Project file. The Permittee shall submit additional plans to the Planning Division for review and stamped approval (e.g., irrigation system plan) for inclusion in the Project file, as necessary.

Timing: Prior to the issuance of a Zoning Clearance to abate the violation (Case No. CV17-0237), the Permittee shall submit a final ESHA Mitigation Plan / Habitat Mitigation and Monitoring Plan to the Planning Division for review and approval. The Permittee shall maintain the restored vegetation in compliance with the approved ESHA Mitigation Plan / Habitat Mitigation and Monitoring Plan for the life of the project.

Monitoring and Reporting: Planning Division staff has the authority to conduct periodic site inspections to ensure the Permittee's ongoing compliance with this condition consistent with the requirements of § 8183-5 of the Ventura County Coastal Zoning Ordinance.

3. Site Maintenance

Purpose: To ensure that the Project site is maintained in a neat and orderly manner so as not to create any hazardous conditions or unsightly conditions which are visible from outside of the Project site.

Requirement: The Permittee shall maintain the Project site in a neat and orderly manner, and in compliance with the Project description set forth in Condition No. 1. Only equipment and/or materials which the Planning Director determines to substantially comply with the Project description shall be stored within the Project site during the life of the Project. Staging areas and temporary irrigation system improvements (e.g., water tanks) shall be limited to previously disturbed areas that are not designated for restoration.

Documentation: The Permittee shall maintain the Project site in compliance with Condition No. 1 and the approved plans for the Project.

Timing: The Permittee shall maintain the Project site in a neat and orderly manner and in compliance with Condition No. 1 throughout the life of the Project.

Monitoring and Reporting: Planning Division staff has the authority to conduct periodic site inspections to ensure the Permittee's ongoing compliance with this condition consistent with the requirements of § 8183-5 of the Ventura County Coastal Zoning Ordinance.

4. Coastal PD Modification

Prior to undertaking any operational or construction-related activity which is not expressly described in these conditions, the Permittee shall first contact the Planning Director to determine if the proposed activity requires a modification of this PD. The Planning Director may, at the Planning Director's sole discretion, require the Permittee to file a written and/or mapped description of the proposed activity in order to determine if a PD modification is required. If a PD modification is required, the modification shall be subject to:

a. The modification approval standards of the Ventura County Ordinance Code in effect at the time the modification application is acted on by the Planning Director; and

b. Environmental review, as required pursuant to the California Environmental Quality Act (CEQA; California Public Resources Code, §§ 21000-21178) and the State CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, §§ 15000-15387), as amended from time to time.

5. ESHA Restoration Activities

Prior to initiation of any restoration activities, the Permittee shall obtain a Zoning Clearance to abate the violation (Case No. CV17-0237) from the Planning Division.

6. Acceptance of Conditions and Schedule of Enforcement Responses

The Permittee's acceptance of this PD Permit and/or commencement of restoration activities under this PD Permit shall constitute the Permittee's formal agreement to comply with all conditions of this PD Permit. Failure to abide by and comply with any condition of this PD Permit shall constitute grounds for enforcement action provided in

the Ventura County Coastal Zoning Ordinance (Article 13), which shall include, but is not limited to, the following:

a. Public reporting of violations to the Planning Commission and/or Board of Supervisors;
b. Suspension of the permitted land uses (Condition No. 1);
c. Modification of the PD Permit conditions listed herein;
d. Recordation of a "Notice of Noncompliance" on the deed to the subject property;
e. The imposition of civil administrative penalties; and/or
f. Revocation of this PD Permit.

The Permittee is responsible for being aware of and complying with the CUP/PD Permit conditions and all applicable federal, state, and local laws and regulations.

7. Time Limits

a. Use inauguration (restoration / abatement of violation):

(1) The approval decision for this PD Permit becomes effective upon the expiration of the 10-day appeal period following the approval decision, or when any appeals of the decision are finally resolved. Once the approval decision becomes effective, the Permittee must obtain a Zoning Clearance to abate the violation and formally initiate restoration activities as set forth in Condition No. 1.

(2) This PD Permit shall expire and become null and void if the Permittee fails to obtain a Zoning Clearance to abate the violation within one year from the date the approval decision of this PD becomes effective. The Planning Director may grant a one-year extension of time to the Permittee in order to obtain the Zoning Clearance to abate the violation if the Permittee can demonstrate to the satisfaction of the Planning Director that the Permittee has made a diligent effort to implement the Project, and the Permittee has requested the time extension in writing at least 30 days prior to the one year expiration date.

(3) Prior to the issuance of the Zoning Clearance to abate the violation, all fees and charges billed to that date by any County agency, as well as any fines, penalties, and sureties, must be paid in full. After issuance of the Zoning Clearance to abate the violation, any final billed processing fees must be paid within 30 days of the billing date or the County may revoke this PD Permit.

8. Notice of PD Permit Requirements and Retention of PD Permit Conditions

Purpose: To ensure full and proper notice of these PD Permit conditions affecting the use of the subject property.

Requirement: Unless otherwise required by the Planning Director, the Permittee shall notify, in writing, the Property Owner(s) of record, contractors, and all other parties and vendors who regularly conduct activities associated with the Project, of the pertinent conditions of this PD Permit.

Documentation: The Permittee shall present to the Planning Division staff copies of the conditions, upon Planning Division staff's request.

Timing: Prior to issuance of a Zoning Clearance to abate the violation and throughout the life of the Project.

Monitoring and Reporting: The Planning Division has the authority to conduct periodic site inspections to ensure ongoing compliance with this condition consistent with the requirements of § 8183-5 of the Ventura County Coastal Zoning Ordinance.

9. Recorded Notice of Land Use Entitlement

Purpose: The Permittee shall record a "Notice of Land Use Entitlement" form and the conditions of this PD Permit with the deed for Assessor Parcel Nos. 700-0-050-140, -185, -195, -205, -215, -245; and 700-0-070-415, -425, -435, and -445 that notifies the current and future Property Owner(s) of the conditions of this PD Permit.

Requirement: The Permittee shall sign, have notarized, and record with the Office of the County Recorder, a "Notice of Land Use Entitlement" form furnished by the Planning Division and the conditions of this PD Permit, with the deed of the property that is subject to this PD Permit.

Documentation: Recorded "Notice of Land Use Entitlement" form and conditions of this PD.

Timing: The Permittee shall record the "Notice of Land use Entitlement" form and conditions of this PD Permit prior to issuance of the Zoning Clearance to abate the violation.

Monitoring and Reporting: The Permittee shall return a copy of the recorded "Notice of Land Use Entitlement" form and conditions of this PD Permit to Planning Division staff to be included in the Project file.

10. Financial Responsibility for Compliance Monitoring and Enforcement

a. Cost Responsibilities: The Permittee shall bear the full costs of all County staff time, materials, and County-retained consultants associated with condition compliance review and monitoring, CEQA mitigation monitoring, other permit monitoring programs, and enforcement activities, actions, and processes conducted pursuant to the Ventura County Coastal Zoning Ordinance (§ 8183-5) related to this PD Permit. Such condition compliance review, monitoring and

enforcement activities may include (but are not limited to): periodic site inspections; preparation, review, and approval of studies and reports; review of permit conditions and related records; enforcement hearings and processes; drafting and implementing compliance agreements; and attending to the modification, suspension, or revocation of permits. Costs will be billed at the rates set forth in the Planning Division or other applicable County Fee Schedule, and at the contract rates of County-retained consultants, in effect at the time the costs are incurred.

b. Establishment of Revolving Compliance Account:

Within 10 calendar days of the effective date of the final decision approving this CUP/PD Permit, the Permittee shall submit the following deposit and reimbursement agreement to the Planning Director:

(1) A payment of $500.00 for deposit into a revolving condition compliance and enforcement account to be used by the Planning Division to cover costs associated with condition compliance review, monitoring, and enforcement activities described in 10.a (above), and any duly imposed civil administrative penalties regarding this. The Permittee shall replenish such account to the above-stated amount within 10 calendar days after receiving notice of the requirement to do so from the Resource Management Agency.

(2) An executed reimbursement agreement, in a form provided by the Planning Division, obligating the Permittee to pay all condition compliance review, monitoring, and enforcement costs, and any civil administrative penalties, subject to the Permittee's right to challenge all such charges and penalties prior to payment.

c. Billing Process: The Permittee shall pay all Planning Division invoices within 30 days of receipt thereof. Failure to timely pay an invoice shall subject the Permittee to late fees and charges set forth in the Planning Division Fee Schedule, and shall be grounds for suspension, modification, or revocation of this PD Permit. The Permittee shall have the right to challenge any charge or penalty prior to payment.

11. Defense and Indemnification

a. The Permittee shall defend, at the Permittee's sole expense with legal counsel acceptable to the County, against any and all claims, actions, or proceedings against the County, any other public agency with a governing body consisting of the members of the County Board of Supervisors, or any of their respective board members, officials, employees and agents (collectively, "Indemnified Parties") arising out of or in any way related to the County's issuance, administration, or

enforcement of this PD Permit. The County shall promptly notify the Permittee of any such claim, action or proceeding and shall cooperate fully in the defense.

b. The Permittee shall also indemnify and hold harmless the Indemnified Parties from and against any and all losses, damages, awards, fines, expenses, penalties, judgments, settlements, or liabilities of whatever nature, including but not limited to court costs and attorney fees (collectively, "Liabilities"), arising out of or in any way related to any claim, action or proceeding subject to subpart (a) above, regardless of how a court apportions any such Liabilities as between the Permittee, the County, and/or third parties.

c. Except with respect to claims, actions, proceedings, and Liabilities resulting from an Indemnified Party's sole active negligence or intentional misconduct, the Permittee shall also indemnify, defend (at Permittee's sole expense with legal counsel acceptable to County), and hold harmless the Indemnified Parties from and against any and all claims, actions, proceedings, and Liabilities arising out of, or in any way related to, the restoration, maintenance, land use, or operations conducted pursuant to this PD Permit, regardless of how a court apportions any such Liabilities as between the Permittee, the County, and/or third parties. The County shall promptly notify the Permittee of any such claim, action, or proceeding and shall cooperate fully in the defense.

d. Neither the issuance of this PD Permit, nor compliance with the conditions hereof, shall relieve the Permittee from any responsibility otherwise imposed by law for damage to persons or property; nor shall the issuance of this PD Permit serve to impose any liability upon the Indemnified Parties for injury or damage to persons or property.

12. Invalidation of Condition(s)

If any of the conditions or limitations of this PD Permit are held to be invalid in whole or in part by a court of competent jurisdiction, that holding shall not invalidate any of the remaining PD Permit conditions or limitations. In the event that any condition imposing a fee, exaction, dedication, or other mitigation measure is challenged by the Permittee in an action filed in a court of competent jurisdiction, or threatened to be filed therein, the Permittee shall be required to fully comply with this PD Permit, including without limitation, by remitting the fee, exaction, dedication, and/or by otherwise performing all mitigation measures being challenged. This PD Permit shall continue in full force unless, until, and only to the extent invalidated by a final, binding judgment issued in such action.

If a court of competent jurisdiction invalidates any condition in whole or in part, and the invalidation would change the findings and/or the mitigation measures associated with the approval of this PD Permit, at the discretion of the Planning Director, the Planning Director may review the project and impose substitute feasible conditions/mitigation measures to adequately address the subject matter of the invalidated condition. The Planning Director shall make the determination of adequacy. If the Planning Director

cannot identify substitute feasible conditions/mitigation measures to replace the invalidated condition and cannot identify overriding considerations for the significant impacts that are not mitigated to a level of insignificance as a result of the invalidation of the condition, then this PD Permit may be revoked.

13. Consultant Review of Information and Consultant Work

The County and all other County permitting agencies for the Project have the option of referring any and all special studies that these conditions require to an independent and qualified consultant for review and evaluation of issues beyond the expertise or resources of County staff.

Prior to the County engaging any independent consultants or contractors pursuant to the conditions of this PD Permit, the County shall confer in writing with the Permittee regarding the necessary work to be contracted, as well as the estimated costs of such work. Whenever feasible, the County will use the lowest responsible bidder or proposer. Any decisions made by County staff in reliance on consultant or contractor work may be appealed pursuant to the appeal procedures contained in the Ventura County Zoning Ordinance Code then in effect.

The Permittee may hire private consultants to conduct work required by the County, but only if the consultant and the consultant's proposed scope-of-work are first reviewed and approved by the County. The County retains the right to hire its own consultants to evaluate any work that the Permittee or a contractor of the Permittee undertakes. In accordance with Condition No. 10 above, if the County hires a consultant to review any work undertaken by the Permittee, or hires a consultant to review the work undertaken by a contractor of the Permittee, the hiring of the consultant will be at the Permittee's expense.

14. Relationship of PD Permit Conditions, Laws, and Other Entitlements

The Permittee shall implement the Project in compliance with all applicable requirements and enactments of federal, state, and local authorities. In the event of conflict between various requirements, the more restrictive requirements shall apply. In the event the Planning Director determines that any PD Permit condition contained herein is in conflict with any other PD Permit condition contained herein, when principles of law do not provide to the contrary, the PD Permit condition most protective of public health and safety and environmental resources shall prevail to the extent feasible.

No condition of this PD Permit for uses allowed by the Ventura County Ordinance Code shall be interpreted as permitting or requiring any violation of law, lawful rules, or regulations, or orders of an authorized governmental agency. Neither the approval of this PD Permit, nor compliance with the conditions of this PD Permit, shall relieve the Permittee from any responsibility otherwise imposed by law for damage to persons or property.

15. Contact Person

Purpose: To designate a person responsible for responding to complaints.

Requirement: The Permittee shall designate a contact person(s) to respond to complaints from citizens and the County which are related to the permitted uses of this PD Permit.

Documentation: The Permittee shall provide the Planning Director with the contact information (e.g., name and/or position title, address, business and cell phone numbers, and email addresses) of the Permittee's field agent who receives all orders, notices, and communications regarding matters of condition and code compliance at the Project site.

Timing: Prior to the issuance of a Zoning Clearance to abate the violation, the Permittee shall provide the Planning Division the contact information of the Permittee's field agent(s) for the Project file. If the address or phone number of the Permittee's field agent(s) should change, or the responsibility is assigned to another person, the Permittee shall provide Planning Division staff with the new information in writing within three calendar days of the change in the Permittee's field agent.

Monitoring and Reporting: The Planning Division maintains the contact information provided by the Permittee in the Project file. The Planning Division has the authority to periodically confirm the contact information consistent with the requirements of § 8183-5 of the Ventura County Coastal Zoning Ordinance.

16. Change of Permittee

Purpose: To ensure that the Planning Division is properly and promptly notified of any change of Permittee.

Requirement: The Permittee shall file, as an initial notice with the Planning Director, the new name(s), address(es), telephone/FAX number(s), and email addresses of the new owner(s), lessee(s), operator(s) of the permitted uses, and the company officer(s). The Permittee shall provide the Planning Director with a final notice once the transfer of ownership and/or operational control has occurred.

Documentation: The initial notice must be submitted with the new Permittee's contact information. The final notice of transfer must include the effective date and time of the transfer and a letter signed by the new Property Owner(s), lessee(s), and/or operator(s) of the permitted uses acknowledging and agreeing to comply with all conditions of this PD Permit.

Timing: The Permittee shall provide written notice to the Planning Director 10 calendar days prior to the change of ownership or change of Permittee. The Permittee shall provide the final notice to the Planning Director within 15 calendar days of the effective date of the transfer.

Monitoring and Reporting: The Planning Division maintains notices submitted by the Permittee in the Project file and has the authority to periodically confirm the information consistent with the requirements of § 8183-5 of the Ventura County Coastal Zoning Ordinance.

17. Restoration of Environmentally Sensitive Habitat Areas (ESHA)

Purpose: To ensure compliance with §§ 8177-4.1.1, 8178-2.4.2, 8178-2.10.1.a.2, 8178-2.10.6, and 8178-2.10.8 of the Ventura County Coastal Zoning Ordinance.

Requirement: At least 2.93 acres of ESHA shall be restored on-site. The areas selected to be restored on-site (Restoration Areas) shall be located as specified in the ESHA Mitigation Plan / Habitat Mitigation and Monitoring Plan (Exhibit 7: Wildscape Restoration (October 17, 2022). *Habitat Mitigation and Monitoring Plan, 0 Deer Creek Road, Malibu, California.*).

Documentation: The ESHA Mitigation Plan / Habitat Mitigation Monitoring Plan is attached as Exhibit 7 of the February 23, 2023 Planning Director Hearing staff report. The Permittee shall provide a final ESHA Mitigation Plan / Habitat Mitigation Monitoring Plan to the Planning Division for review and approval. The Permittee shall submit a report with photographs of the restoration area and a description of the restoration work to demonstrate to the Planning Division that implementation of the Restoration Plan has commenced. The Permittee shall provide annual reports prepared by a County-approved qualified biologist on the progress of the restoration area for 5 years (or more, if the success criteria have not been met by Year 5).

Timing: Implementation of the ESHA Mitigation Plan / Habitat Mitigation and Monitoring Plan shall commence upon Zoning Clearance approval. The annual reports must be provided to the Planning Division by December 31st of each year during the monitoring period.

Monitoring and Reporting: The Planning Division shall review the Permittee's report with photographs of the restoration area and a description of the restoration work to confirm that implementation of the ESHA Mitigation Plan / Habitat Mitigation and Monitoring Plan has commenced. The restoration area must be monitored by a County-approved qualified biologist for at least 5 years (or more, if the success criteria have not been met by Year 5). The biologist shall provide an annual report on the status of the restoration area, including results of qualitative monitoring (i.e., photographs taken at permanent photo-points, observations of the health and condition of plantings and wildlife use of the restoration area) and quantitative monitoring (i.e., randomly placed transects to estimate cover and richness), to the Planning Division for the length of the monitoring period. The Permittee shall submit the annual reports to the Planning Division to demonstrate compliance with this condition and the success criteria. The release of the requirement for monitoring the restoration area may occur when the Planning Division determines that the success criteria have been met by Year 5 or later, based on the annual reports and a Planning Division staff site inspection.

18. Compensatory Mitigation for Impacts on Environmentally Sensitive Habitat Area (ESHA) Through Off-Site Preservation

Purpose: To mitigate impacts to ESHA (coastal sage scrub and chaparral communities) at a 2:1 mitigation-to-impact ratio in compliance with CZO § 8178-2.10.6, a minimum of 3.27 acres of off-site ESHA will be preserved in perpetuity.

Requirement: The Permittee shall sign, have notarized, and record with the Office of the County Recorder, a deed restriction that permanently protects a minimum of 3.27 acres of suitable coastal sage scrub and chaparral ESHA on Assessor Parcel No. 700-0-010-100. The deed restriction shall specifically prohibit the following within the protected ESHA:

a. Removal, mining, excavation, or disturbance of the soil or surface rocks or decaying material such as fallen trees;

b. Dumping, filling, storing, disposal, burying or stockpiling of any natural or manmade materials;

c. Erection of buildings or structures of any kind, including, but not limited to, fencing, corrals, advertising signs, antennas, and light poles;

d. Placement of pavements, concrete, asphalt and similar impervious materials, laying of decomposed granite for pathways, or setting of stones, paving bricks, or timbers;

e. Operation of dunebuggies, motorcycles, all-terrain vehicles, bicycles, mowers, tractors, or any other types of motorized or non-motorized vehicles or equipment;

f. Removal or alteration of native trees or plants, through such activities as irrigating, mowing, draining, plowing, tilling, or disking, except as necessary for controlled burns (for fuel reduction, as regulated by the Ventura County Fire Protection District), removal of non-native species, and native habitat restoration or maintenance (which must be under the direction of a qualified biologist);

g. Application of insecticides or herbicides, poisons, or fertilizers;

h. Grazing or keeping of cattle, sheep, horses or other livestock, or pet animals;

i. Agricultural activity of any kind including the harvesting of native materials for commercial purposes;

j. Planting, introduction, or dispersal of non-native plant or animal species;

k. Hunting or trapping, except live trapping for purposes of scientific study or removal of non-native species;

l. Manipulating, impounding or altering any natural watercourse, body of water or water circulation on the ESHA, and activities or uses detrimental to water quality, including but not limited to degradation or pollution of any surface or sub-surface waters;

m. Light pollution (e.g., lighting that is located outside of, yet directed towards, the ESHA); and

n. Other activities that damage the existing flora, fauna, or hydrologic conditions of the ESHA.

Documentation: The applicant shall provide a letter from a qualified biologist confirming that the location to be protected is suitable coastal sage scrub and chaparral ESHA. The Permittee shall provide a copy of the deed restriction on APN 700-0-010-100 permanently preserving a minimum of 3.27 acres of coastal sage scrub ESHA as open space to the Planning Division for review and approval in consultation with the County Surveyor.

Timing: The Permittee shall record the approved deed restriction prior to issuance of a Zoning Clearance to abate the violation.

Monitoring and Reporting: The Permittee shall return a copy of the recorded deed restriction to the Planning Division to be included in the Project file..

19. Avoidance of Nesting Birds

Purpose: In order to prevent impacts to birds protected under the Migratory Bird Treaty Act, land clearing activities shall be regulated.

Requirement: The Permittee shall conduct all vegetation clearing and restoration activities ("land clearing activities") in such a way as to avoid nesting native birds. This can be accomplished by implementing one of the following options:

a. Timing of land clearing: Prohibit land clearing activities during the breeding and nesting season (January 1 – September 15), in which case the following surveys are not required; or

b. Surveys and avoidance of occupied nests: Conduct site-specific surveys prior to land clearing activities during the breeding and nesting season (January 1 – September 15) and avoid occupied bird nests. A County-approved biologist shall conduct surveys to identify any occupied (active) bird nests in the area proposed for disturbance. Occupied nests shall be avoided until juvenile birds have vacated the nest.

The County-approved biologist shall conduct an initial breeding and nesting bird survey 30 days prior to the initiation of land clearing activities. The County-approved biologist shall continue to survey the Project site on a weekly basis, with the last survey completed no more than 3 days prior to the initiation of land clearing activities. The nesting bird survey must cover the development footprint and 300 feet from the development footprint. If occupied (active) nests are found, land clearing activities within a setback area surrounding the nest shall be postponed or halted. Land clearing activities may commence in the setback area when the nest is vacated (juveniles have fledged) provided that there is no evidence of a second attempt at nesting, as determined by the County-approved biologist. Land clearing activities can also occur outside of the setback areas. Pursuant to the recommendations of the California Department of Fish and Wildlife, the required setback is 300 feet for most birds and 500 feet for raptors. This setback can be increased or decreased based on the recommendation of the County-approved biologist and approval from the Planning Division.

Documentation: The Permittee shall provide to the Planning Division a Survey Report from a County-approved biologist documenting the results of the initial nesting bird survey and a plan for continued surveys and avoidance of nests in accordance with the requirements set forth in this condition (above). Along with the Survey Report, the Permittee shall provide a copy of a signed contract (financial information redacted) with a County-approved biologist responsible for the surveys, monitoring of any occupied nests discovered, and establishment of mandatory setback areas. The Permittee shall submit to the Planning Division a Mitigation Monitoring Report from a County-approved biologist following land clearing activities documenting actions taken to avoid nesting birds and results.

Timing: If land clearing activities will occur between January 1 – September 15, the County-approved biologist shall conduct the nesting bird surveys 30 days prior to initiation of land clearing activities, and weekly thereafter. The last survey for nesting birds shall be conducted no more than 3 days prior to initiation of land clearing activities. The Permittee shall submit the Survey Report documenting the results of the first nesting bird survey and the signed contract to the Planning Division prior to issuance of a zoning clearance to abate the violation. The Permittee shall submit the Mitigation Monitoring Report within 14 days of completion of the land clearing activities.

Monitoring and Reporting: The Planning Division reviews the Survey Report and signed contract for adequacy prior to issuance of a Zoning Clearance to abate the violation. The Planning Division maintains copies of the signed contract, Survey Report, and Mitigation Monitoring Report in the Project file.

20. Right to Enter

Purpose: To ensure that the applicant has access to an adjacent property outside of their ownership, as needed to allow the applicant to complete restoration work and

monitoring of Site B in accordance with the ESHA Mitigation Plan / Habitat Mitigation and Monitoring Plan (Exhibit 7).

Requirement: The applicant shall demonstrate to the satisfaction of the Planning Division that they have the right to enter those portions of APN 700-0-050-385 as necessary to complete restoration and monitoring of Site B.

Documentation: The applicant shall provide the Planning Division with a copy of an easement deed, license agreement, or other instrument acceptable to the Planning Division that demonstrates that the applicant has the legal right to enter those portions of APN 700-0-050-385 as necessary to complete restoration and monitoring of Site B.

Timing: The applicant shall provide the required documentation prior to issuance of a Zoning Clearance for Use Inauguration.

Monitoring and Reporting: The Planning Division maintains the documentation provided by the Permittee in the Project file.

PUBLIC WORKS AGENCY (PWA)

Watershed Protection District (WPD) Conditions

County Stormwater Program Section

21. Compliance with Stormwater Development Construction Program

Purpose: To ensure compliance with the Los Angeles Regional Water Quality Control Board NPDES Municipal Stormwater Permit No. CAS004002 (Permit) the proposed project will be subject to the construction requirements for surface water quality and storm water runoff in accordance with Part 4.F., "Development Construction Program" of the Permit.

Requirement: The construction of the proposed project shall meet requirements contained in Part 4.F. "Development Construction Program" of the Permit through the inclusion of effective implementation of the Construction BMPs during all ground disturbing activities. In addition, Part 4.F requires additional inspections to be conducted by the Qualified Stormwater Pollution Prevention Plan (SWPPP) Developer, Qualified SWPPP Practitioner, or Certified Professionals in Erosion and Sediment Control (CPESC).

Documentation: The Permittee shall submit to the Watershed Protection District – County Stormwater Program Section (CSP) for review and approval a completed and signed SW-HR form (Best Management Practices for Construction at High Risk Sites), which can be found at http://onestop.vcpublicworks.org/stormwater-forms.

Timing: The above listed item shall be submitted to the CSP for review and approval prior to issuance of a Zoning Clearance for Construction.

Monitoring and Reporting: CSP will review the submitted materials for consistency with the NPDES Municipal Stormwater Permit. Grading Permit Inspectors will conduct inspections during construction to ensure effective installation of the required BMPs and record keeping of conducting required inspections by the project proponents Qualified SWPPP Developer, Qualified SWPPP Practitioner, or CPESC.

EXHIBIT 5
General Plan Consistency Determination

The 2040 Ventura County General Plan (page 1-1) states:

> *All area plans, specific plans, subdivisions, public works projects, and zoning decisions must be consistent with the direction provided in the County's General Plan.*

Furthermore, the Ventura County CZO (Section 8181-3.5.a) states that in order to be approved, a project must be found consistent with all applicable policies of the Ventura County General Plan and the Local Coastal Program.

This exhibit provides an evaluation of the consistency of the proposed project with the applicable policies of the General Plan Goals, Policies, and Programs and with the Coastal Area Plan.

Land Use and Community Character

1. Coastal Open Space Land Use Compatibility

General Plan Policy LU-16.1 (Community Character and Quality of Life): *The County shall encourage discretionary development to be designed to maintain the distinctive character of unincorporated communities, to ensure adequate provision of public facilities and services, and to be compatible with neighboring uses.*

General Plan Policy LU-16.10 (Visual Access for Rural Development): *The County shall encourage discretionary development in rural areas to maintain views of hillsides, beaches, forests, creeks, and other distinctive natural areas through building orientation, height, and bulk.*

General Plan Policy COS-9.1 (Open Space Preservation): *The County shall preserve natural open space resources through:*

- *the concentration of development in Urban Areas and Existing Communities;*
- *use of cluster or compact development techniques in discretionary development adjacent to natural open space resources;*
- *maintaining large lot sizes in agricultural areas, rural and open space areas;*
- *discouraging conversion of lands currently used for agricultural production or grazing;*
- *limiting development in areas constrained by natural hazards; and*
- *encouraging agricultural and ranching interests to maintain natural habitat in open space areas where the terrain or soil is not conducive to agricultural production or grazing.*

Coastal Area Plan ESHA Policy 4.1(a) (Resource-Dependent Use): *Only resource dependent uses may be allowed within ESHA or buffer zones. Resource-dependent uses include passive recreation, nature study, and habitat restoration. Also, see the list of resource-dependent uses set forth in Section 8178-2.5 of the Coastal Zoning Ordinance. Exceptions to this policy are provided by ESHA Policies 4.1(b), 4.2, and 4.3 below.*

Coastal Area Plan South Coast Locating and Planning New Development Policy 2: *Consistent with the environmental characteristics and limited-service capacities of the Santa Monica Mountains area, only very low-density development as prescribed by the "Open Space" designation will be allowed in the Santa Monica Mountains. The slope/density formula found in the "Hazards" section will be utilized to determine the minimum lot size of any proposed land division.*

The proposed project would restore 2.93 acres of ESHA at two sites, Sites A and B. These sites occupy portions of three undeveloped parcels in the Santa Monica Mountains. The subject parcels are all zoned Coastal Open Space (COS) and are designated in the General Plan as Open Space. All lands within a three-quarter (0.75) mile radius of Sites A and B are also open space-designated lands, with only sparse residential development. The nearest house is 0.51 miles west of Site B.

The project would allow existing improvements, including two vehicular access gates and a 0.17-acre granite pad, to remain in place. The vehicular access gates use a pipe fence design that is common among rural properties throughout the Santa Monica Mountains. Compared to other designs, the pipe fence design is minimally intrusive on the viewshed, while still achieving the desired function: preventing vehicular trespass, which could compromise the ESHA on the site. The granite pad is not visible from public viewpoints.

No new grading or structural development is proposed under this PD Permit. The proposed restoration work will include manual removal of non-native vegetation, application of foliar herbicide, soil decompaction, planting of approximately 1,840 one-gallon native plants, and hydroseeding. A temporary irrigation system will be established at each site, to include water tanks and a solar pump. Irrigation water will be trucked in. The ESHA Mitigation Plan / Habitat Mitigation and Monitoring Plan (Exhibit 7) calls for irrigation to end after the third year. Revegetation will be monitored over a five-year period. Irrigation and monitoring schedules are subject to adjustment, as needed, to ensure successful establishment of the plants.

The proposed restoration is compatible with the surrounding open space uses. Restoration work will improve the sites' biological and scenic characteristics and aligns with General Plan goals that encourage preservation and enhancement of open space. ESHA restoration is considered a resource-dependent use.

To achieve the required 2:1 compensatory mitigation ratio, the applicant will also preserve 3.27 acres of off-site ESHA by recording a deed restriction on a portion of a nearby undeveloped open space parcel (APN 700-0-010-100). Preserving ESHA through deed restriction is also compatible with the surrounding area's open space designation.

Based on the above discussion, the proposed project is consistent with Ventura County General Plan Land Use Element Policies LU-16.1 and LU-16.10, Conservation and Open Space Element Policy COS-9.1, and Coastal Area Plan ESHA Policy 4.1(a) and South Coast Locating and Planning New Development Policy 2.

Conservation and Open Space

2. Biological Resource Impacts

General Plan Policy COS-1.1 (Protection of Sensitive Biological Resources): *The County shall ensure that discretionary development that could potentially impact sensitive biological resources be evaluated by a qualified biologist to assess impacts and, if necessary, develop mitigation measures that fully account for the impacted resource. When feasible, mitigation measures should adhere to the following priority: avoid impacts, minimize impacts, and compensate for impacts. If the impacts cannot be reduced to a less than significant level, findings of overriding considerations must be made by the decision-making body.*

General Plan Policy COS-1.4 (Consideration of Impacts to Wildlife Movement): *When considering proposed discretionary development, County decision-makers shall consider the development's potential project-specific and cumulative impacts on the movement of wildlife at a range of spatial scales including local scales (e.g., hundreds of feet) and regional scales (e.g., tens of miles).*

Coastal Area Plan ESHA Policy 6.19 (Wildlife and Plan Habitat Connectivity Corridors): *Development shall be sited and designed to support biodiversity and to protect and enhance wildlife and plant habitat connectivity corridors as follows:*

a. Avoid the fragmentation of core habitat areas;

b. Avoid the creation of corridor chokepoints and enhance habitat within existing corridor chokepoints;

c. Minimize indirect impacts (e.g., lighting, noise, human-wildlife interactions) that alter wildlife behavior; and

d. Avoid the placement of new structures or other barriers that disrupt species movements through habitat connectivity corridors.

Coastal Area Plan ESHA Policy 7.2: *During bird breeding seasons, nesting and roosting areas shall be protected from disturbance associated with development or outdoor festivals/outdoor sporting events. Also, during bird migration seasons, such disturbance shall be avoided within bird staging/stopover sites.*

Coastal Act Section 30231 (Biological Productivity; Water Quality): *The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

Coastal Act Section 30240(a) (Environmentally Sensitive Habitat Area): *Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*

The proposed project includes on-site restoration of 2.93 acres of coastal sage scrub and chaparral ESHA and 3.27 acres of off-site ESHA preservation. ESHA restoration is an ESHA-dependent use. Restoring native vegetation communities would benefit biological resources by improving habitat conditions. Enhancement of ESHA habitats help to support biodiversity. ESHA restoration can also facilitate improved water quality by reducing erosion and sedimentation potential and allowing for natural vegetative treatment of runoff (i.e., by allowing settlement of pollutants in runoff before they can enter a stream).

The applicant has provided a Coastal Initial Study Biological Assessment (CISBA) for the project (Exhibit 6). The CISBA considered the proposed restoration and concludes that the project will not have significant impacts on biological resources. Impacts to wildlife migration are not expected, as the project would not involve structural development and would not introduce noise or lighting. The existing pipe gates, which will remain, do not present a barrier to wildlife. In the CISBA's conclusions, the project biologist recommends that nesting bird surveys be conducted. Therefore, the project will be subject to a standard condition for avoidance of nesting birds (Exhibit 4, Condition No. 19).

Based on the above discussion, the proposed project is consistent with Ventura County General Plan Conservation and Open Space Element Policies COS-1.1,

and COS-1.4; Coastal Area Plan ESHA Policies 6.19 and 7.2; and Coastal Act Sections 30231 and 30240(a).

3. Consultation with State and Federal Agencies

General Plan Policy COS-1.9 (Agency Consultation Regarding Biological Resources): *The County shall consult with the California Department of Fish and Wildlife, the Regional Water Quality Control Board, the U.S. Fish and Wildlife Service, National Audubon Society, California Native Plant Society, National Park Service for development in the Santa Monica Mountains or Oak Park Area, and other resource management agencies, as applicable during the review of discretionary development applications to ensure that impacts to biological resources, including rare, threatened, or endangered species, are avoided or minimized.*

General Plan Policy LU-19.4 (Consultation with State and Federal Agencies): *The County shall continue to consult with applicable state and federal regulatory agencies during project review and permitting activities.*

Coastal Area Plan ESHA Policy 2.1(c) (Environmental Review): *When applicable, applicants for a coastal development permit shall consult with responsible federal/state natural resource agencies to ensure that potential impacts to ESHA under their jurisdiction are avoided or minimized in a manner consistent with federal/state law. Also, in the Santa Monica Mountains (M) overlay zone, new coastal development permit applications shall be provided to federal/state natural resource agencies and conservation organizations that operate in the area for review and comment.*

Coastal Area Plan ESHA Policy 2.2 (Lots Subject to Near-Term Conveyance Agreement for Preservation): *The County shall ascertain through the documentation provided by the applicant or through the environmental review process if the subject property, or a portion thereof, is subject to a near term conveyance agreement for preservation. A near term conveyance agreement for preservation is a contract by which the subject property will be conveyed, within 24 months or less, to a natural resource agency or non-profit conservation organization and is used primarily for conservation or open space purposes. No permit authorizing development on a property subject to such a near-term conveyance agreement for preservation shall be approved unless the natural resource agency or conservation organization to which the property will be conveyed informs the County that it approves of the development.*

On September 20, 2018, the Planning Division contacted the following agencies to seek review and comment of the proposed ESHA restoration project and the potential for acquisition of the subject parcels:

- California Coastal Conservancy
- California State Parks
- County of Ventura General Services Agency (County Parks)
- National Parks Service (NPS)
- Santa Monica Mountains Conservancy
- The Trust for Public Land (TPL)

The Santa Monica Mountains Conservancy (SMMC) responded noting the interest among conservation organizations in acquiring trail rights-of-way in this area. SMMC states that the most viable alignment for the proposed Coastal Slope Trail traverses the subject parcels and requests dedication of a trail easement as a condition of project approval. This request is addressed in Section 8, below.

NPS responded also identifying the Coastal Slope Trail alignment and indicating that the subject parcels are identified for fee acquisition in the Santa Monica Mountains National Recreation Area (SMMNRA) Land Protection Plan (LPP). They note the acquisition would complete an essential connection between Point Mugu and Leo Carrillo State Parks.

On October 31, 2022, TPL acquired Parcels 1 and 2 from the previous owner (County Line Holdings, LLC). TPL intends to ultimately transfer Parcels 1 and 2 to NPS for inclusion in the SMMNRA.

On October 28, 2022, the Planning Division contacted the following agencies for review and comment on the proposed project:

- California Department of Fish and Wildlife
- California Native Plant Society
- Los Angeles Regional Water Quality Control Board
- National Audubon Society
- National Oceanic and Atmospheric Administration Fisheries
- US Fish and Wildlife Service

On November 16, 2022, the California Department of Fish and Wildlife responded with several recommendations. These include the following:

- If installation of additional materials is needed, the timeframe for monitoring should restart.

  County Response: The monitoring plan's timeframe will be extended, as needed, if poor success rates result in replanting.

- Success should not be considered until the sites have been without irrigation for three years.

County Response: While the County commonly sets the success criteria based on one year of no irrigation, the proposed ESHA Mitigation Plan / Habitat Mitigation and Monitoring Plan (Exhibit 7) provides for a two-year period. Both the project biologist and the County's consulting biologist have concluded that this monitoring schedule is appropriate to the project.

- Rare or sensitive plants should be flagged prior to restoration.

  County Response: The ESHA Mitigation Plan / Habitat Mitigation and Monitoring Plan (Exhibit 7) calls for this to occur.

- Seeds should be collected from the adjacent plant communities rather than using commercially available seeds.

  County Response: This recommendation is noted. Both the project biologist and the County's consulting biologist have considered the applicant's proposal to use commercially available seed, and they find such an approach as an acceptable way to conduct ESHA restoration.

- Restoration should occur at a ratio that mimics surrounding vegetation.

  County Response: The ESHA Mitigation Plan / Habitat Mitigation and Monitoring Plan (Exhibit 7) calls for this to occur.

- A qualified monitor should be onsite for ground disturbing activities.

  County Response: The ESHA Mitigation Plan / Habitat Mitigation and Monitoring Plan (Exhibit 7) calls for this to occur.

- As irrigation is proposed, monitoring for Argentine ants should be done.

  County Response: This recommendation is noted. The project biologist will be notified of this recommendation.

None of the other contacted agencies have responded, as of the publication of this report.

Based on the above discussion, the proposed project is consistent with Ventura County General Plan Conservation and Open Space Element Policy COS-1.9 and Coastal Area Plan ESHA Policies 2.1(c) and 2.2.

4. Visual Resources

General Plan Policy COS-3.1 (Scenic Roadways): *The County shall protect the visual character of scenic resources visible from state or County designated scenic roadways.*

General Plan Policy COS-3.5 (Ridgeline and Hillside Preservation): *The County shall ensure that ridgelines and major hilltops remain undeveloped and that discretionary development is sited and designed to remain below significant ridgelines, except as required for communication or similar facilities.*

Coastal Area Plan Visual Resources Policy 7: *New development shall be sited and designed to protect public views to and from the shoreline and public recreational areas. Where feasible, development on sloped terrain shall be set below road grade.*

Coastal Area Plan Visual Resources Policy 8: *Development shall not be sited on ridgelines or hilltops when alternative sites on the parcel are available and shall not be sited on the crest of major ridgelines.*

Coastal Act Section 30251 (Scenic and Visual Qualities): *The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

The proposed project is intended to provide compensatory mitigation for unpermitted ESHA removal. No new structural development is proposed under this PD Permit, although existing improvements (e.g., vehicular access gates and a granite pad) will be allowed to remain. As discussed under Item 1, above, the granite pad is not publicly visible, and the access gates are minimally obstructive to views and are characteristic of the rural land uses in the Santa Monica Mountains.

Neither Site A nor Site B is visible from Pacific Coast Highway (State Route 1), an eligible scenic highway, due to intervening topography. Site A is, however, visible from Deer Creek Road, a County road that is not designated as an eligible County scenic highway. Due to the roadway's alignment and curvature, Site A is in the primary cone of vision for southbound traffic on Deer Creek Road, with the Pacific

Ocean in the backdrop. Site B is not visible from Deer Creek Road due to topography.

The unpermitted vegetation removal and grading that occurred at Sites A and B resulted in 3.1 acres of ESHA impacts. This work also resulted in dominance of non-native species on the two sites. Site A when viewed from Deer Creek Road now is primarily characterized by non-native red brome, tocalote, sweet fennel, and mustard. Though Site B is not as visible, it has experienced similar intrustion of non-native species. These species visually contrast with native coastal sage scrub and chaparral communities. By removing the non-native plants and restoring ESHA, the visual character of Sites A and B will be improved, allowing it to better blend in with the surroundings.

Based on the above discussion, the proposed project is consistent with Ventura County General Plan Conservation and Open Space Element Policies COS-3.1 and COS-3.5; Coastal Area Plan Visual Resources Policies 7 and 8; and Coastal Act Section 30251.

Local Coastal Program

5. Environmentally Sensitive Habitat Area (ESHA) Impacts

Coastal Area Plan ESHA Policy 1.1 (Environmentally Sensitive Habitat Areas): *ESHA shall be protected against any significant disruption of habitat values, and only uses dependent upon those resources shall be allowed within those areas, except as specifically allowed in ESHA Policy 4.1(b) and Policy 4.2 below. In those cases, adverse impacts on ESHA shall be avoided, to the maximum extent feasible, and unavoidable impacts shall be minimized and mitigated.*

Coastal Area Plan ESHA Policy 2.1(a) (Environmental Review): *To accurately identify ESHA and assess the impacts of proposed development on ESHA, each application for development that may result in the degradation or destruction of ESHA shall include a site-specific environmental assessment that includes: (1) a site-specific biological resource map (see ESHA Policy 3.2), including a wet environment delineation (if applicable), and an analysis of all potentially adverse impacts (on-site, off-site) on those biological resources; and (2) a least environmentally damaging alternatives analysis (see ESHA Policy 5.1). Requirements for the site-specific environmental assessment and least environmentally damaging alternatives analysis are set forth in the Coastal Zoning Ordinance.*

Coastal Area Plan ESHA Policy 3.1 (ESHA Determinations): *ESHA shall be defined as any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and*

which could be easily disturbed or degraded by human activities and developments. Habitat categories that qualify as ESHA are set forth in Section 8178-2.4.1 of the Coastal Zoning Ordinance. Habitat areas that previously met the definition of ESHA shall continue to be defined as ESHA under any of the following circumstances:

a. *ESHA is retained within an expanded fuel modification zone in accordance with an ESHA Vegetation Management Plan;*

b. *the ESHA supports a critical life stage for a special status species (e.g., nesting, denning, breeding or roosting sites);*

c. *the ESHA was illegally removed or degraded; or*

d. *the ESHA was damaged or destroyed by natural disaster except when the County finds that the ESHA was permanently destroyed, in accordance with Sec. 8178-2.4.2 of the Coastal Zoning Ordinance.*

Coastal Area Plan ESHA Policy 3.2 (Site-Specific ESHA Maps): *Site-specific ESHA maps shall be used to accurately identify and map the impacts of proposed new development on ESHA. To accurately identify and assess such impacts, each coastal development permit application that has the potential to result in adverse impacts to ESHA shall include a site-specific map that delineates the location of all ESHA and buffer zones. Site-specific ESHA maps shall be based on site-specific biological surveys and maps. All areas that meet the definition of ESHA shall be mapped as ESHA, and the extent of ESHA on site-specific biological resource maps shall be based on ESHA determinations made in accordance with ESHA Policy 3.1.*

Coastal Area Plan ESHA Policy 5.1 (Least Environmentally Damaging Alternative): *Development, including the fuel modification zone, shall be sited and designed to protect ESHA against any significant disruption of habitat values and avoid adverse impacts to the ESHA ecosystem (both on-site and off-site). Where development is permitted in ESHA or buffer zone pursuant to ESHA policies 4.2 and 4.3 – Economically Beneficial Use, such development shall be sited and designed to protect ESHA and avoid adverse impacts to the ESHA ecosystem to the maximum extent feasible. If there is no feasible alternative that avoids all impacts, then the alternative that would result in the fewest or least significant impacts shall be selected. Mitigation shall not be used as a substitute for the selection of the least damaging site-design alternative. During the least damaging alternatives analysis, an applicant shall confirm the width of the proposed fuel modification zone with the Ventura County Fire Protection District. A least damaging alternatives analysis shall include evaluation of the proposed fuel modification zone and maximum allowable expanded zone. A least damaging*

alternatives analysis is not required for a project that is limited to expanding upon an existing fuel modification zone for existing, legally established development.

Coastal Area Plan ESHA Policy 5.17 (Habitat Preservation Priority): *When locating development, the preservation of unfragmented or biologically significant patches of habitat shall be prioritized over fragmented areas of habitat.*

This project would not result in new development or impacts to ESHA. The applicant seeks authorization under this Coastal PD Permit to restore and preserve ESHA to offset impacts from prior unpermitted grading and vegetation removal.

Sites A and B are in the Coastal Zone portion of the Santa Monica Mountains in areas dominated by coastal sage scrub and chaparral plant communities. Under the Local Coastal Program (LCP), these plant communities are designated as ESHA. Between 1976 and 2018, vegetation removal and grading occurred on these two sites. Based on the project biologist's review of historical aerial imagery, it appears that approximately 3.1 acres of ESHA impacts resulted from these unpermitted activities. Impacts that were assessed included direct removal and indirect impacts that led to replacement of ESHA with non-native ruderal species over time.

The Coastal PD Permit would also recognize an existing 0.17-acre granite pad on Site A and two existing vehicular gates that were installed where the driveways on Sites A and B meet Deer Creek Road. These improvements constitute development, as defined in the Coastal Act. The project biologist recommends against removal of these improvements. Restoring ESHA vegetation to the area now occupied by the granite pad is infeasible. Efforts to do so would be both costly and unlikely to succeed. Keeping the vehicular access gates in place prevents vehicular trespass onto the sites, which has historically been an issue. By preventing trespass, the applicants can ensure the integrity of their restoration efforts and prevent further impact of ESHA. The impacts on ESHA related to these improvements has been included in the quantification and mitigation of ESHA impacts set forth in the ESHA Mitigation Plan / Habitat Mitigation and Monitoring Plan (Exhibit 7).

In alignment with the LCP's standards and policies, the applicant has provided a CISBA (Exhibit 6) to address biological resources and an ESHA Mitigation Plan / Habitat Mitigation and Monitoring Plan (Exhibit 7) to assess historical impacts and provide for compensatory mitigation.

In determining the appropriate approach to mitigate ESHA impacts, the Planning Division considered several alternatives to determine which would be the least environmentally damaging:

- Alternative 1: Provide for compensatory mitigation entirely through off-site preservation.

  Under this alternative, Sites A and B would remain in their current state, with no restoration occurring. 6.2 acres of ESHA would be preserved off-site using a deed restriction. This alternative is not environmentally superior to the proposed project, because it would not result in restoration of the previously disturbed areas.

- Alternative 2: Restore areas disturbed between 2013 and 2018 and provide for the remainder of compensatory mitigation through off-site preservation.

  Under this alternative, 1.97 acres on Sites A and B acres would be restored. The remaining 4.23 acres would be mitigated through off-site preservation. This alternative is not environmentally superior to the proposed project, because it would not restore areas where ESHA impacts occurred prior to 2013.

- Alternative 3: Accomplish on-site restoration through non-native plant removal and provide for the remainder of compensatory mitigation through off-site preservation.

  Under this alternative, 2.93 acres on Sites A and B would be restored without planting native plants. Instead, restoration activities would be focused on eradication of non-native species, thereby allowing coastal sage scrub and chaparral communities an opportunity to naturally re-establish. This alternative is not environmentally superior to the proposed project, because non-native vegetation management alone is not expected to be as successful in establishment of ESHA as planting would be.

In consideration of the above alternatives, the proposed restoration plan is the least environmentally damaging alternative. The proposal will include planting of roughly 1,840 plants and will result in restoration of 2.93 acres of on-site ESHA. Additionally, 3.27 acres of off-site ESHA will be preserved in perpetuity through a deed restriction.

Based on the above discussion, the proposed project is consistent with Coastal Area Plan ESHA Policies 1.1, 2.1(a), 3.1, 3.2, 5.1, and 5.17.

6. ESHA Mitigation

Coastal Area Plan ESHA Policy 10.1 (Compensatory Mitigation): *When development is allowed within ESHA or buffer zone, and adverse impacts to the ESHA ecosystem cannot be avoided through the selection of a least*

environmentally damaging alternative (see ESHA Policy 5.1), compensatory mitigation is required as follows:

a. *Mitigation requirements shall account for, and provide proportionate in-kind mitigation for, all adverse impacts to ESHA associated with the proposed development;*

b. *Acceptable types of compensatory mitigation are as follows:*
   1. *On-site restoration, establishment or enhancement; or*
   2. *Off-site preservation, restoration, establishment or enhancement of ESHA; or*
   3. *Specific types of on/off-site mitigation required for wetlands, wet environments, or other specialized habitats regulated by federal or state natural resource agencies; and*

c. *Compensatory mitigation required for adverse impacts to coastal sage scrub and chaparral may be implemented on or off-site. Priority shall be given to onsite mitigation for adverse impacts to wet environments and oak/native woodland habitats unless off-site restoration, establishment, or enhancement is provided through an available federal/state mitigation bank or in-lieu fee program. For all other types of ESHA, preference shall be given to on-site mitigation unless the County determines that off-site mitigation is more protective of the ESHA ecosystem impacted by the project or the off-site mitigation property was prioritized for conservation through a County-approved regional conservation plan. In all cases, off-site mitigation may be provided when it is not feasible to fully mitigate impacts on-site due to an insufficient supply of available, suitable areas for on-site restoration, enhancement, or establishment of ESHA.*

Coastal Area Plan ESHA Policy 10.2: *When ESHA is illegally removed or degraded, the impacted area shall be fully restored on-site and compensatory mitigation shall be required, except as follows:*

a. *If restoration or establishment of the impacted area is infeasible due to an insufficient supply of available areas, then an equivalent area of ecologically functioning ESHA shall be restored or established on-site or off-site; and*

b. *If any portion of the impacted area is within the approved development envelope, then any type of acceptable compensatory mitigation (see Policy 10.1(b)) may be used for that portion of the impacted area.*

Coastal Area Plan ESHA Policy 10.3: *Mitigation measures for impacts to ESHA shall be imposed and implemented that ensure all components of the ESHA ecosystem are protected and mitigated and that increase the potential for the success and long-term sustainability of the ESHA. Also, compensatory mitigation*

sites shall exhibit characteristics such as habitat connectivity, proximity to the impacted ESHA ecosystem, and the potential to achieve ecologically functioning ESHA.

Coastal Area Plan ESHA Policy 10.4: *Mitigation ratios required for compensatory mitigation shall account for the type of habitat impacted; temporal loss of ecosystem function; and the uncertainty that replacement habitats will adequately compensate for the habitat value and ecosystem services previously provided by the impacted ESHA or protected biological habitat.*

As discussed in Section 5, above, the proposed project is intended to mitigate for unpermitted ESHA removal. The estimated ESHA impacts, required compensatory mitigation, and proposed mitigation approach is summarized as follows:

Summary of ESHA Impacts and Compensatory Mitigation

ESHA Impacts	
• Direct and indirect impacts:	3.1 acres
Required Mitigation	
• Mitigation ratio:	2:1
• Total mitigation required:	6.2 acres
Proposed Mitigation	
• On-site restoration:	2.93 acres
• Off-site preservation:	3.27 acres
• Total mitigation proposed:	6.2 acres

The proposed approach would provide for on-site restoration to the extent feasible. Based on the project biologist's assessment, revegetation of an existing 0.17-acre granite pad on Site A would be infeasible. As a result, this pad will remain in place. Mitigation for the 0.17-acre granite pad will be accomplished entirely through off-site preservation.

The impacted ESHA was comprised of coastal sage scrub and chaparral communities. Compensatory mitigation will be in-kind. The proposed on-site restoration will re-establish coastal sage scrub and chaparral vegetation, and the proposed off-site preservation will preclude disturbance of existing intact coastal sage scrub and chaparral habitats. The restoration sites on Parcels 1 and 2 have been acquired by a conservation organization (TPL) for permanent open space conservation. The designated off-site preservation site will be preserved in perpetuity through recordation of a deed restriction.

Based on the above discussion, the proposed project is consistent with Coastal Area Plan ESHA Policies 10.1 through 10.4.

7. Herbicides in ESHA

Coastal Area Plan ESHA Policy 8.1(a) (Ventura County Agency / Department Pest Management): *The use of pesticides, including insecticides, herbicides, rodenticides, or any other similar toxic chemical substances, shall be prohibited in cases where the application of such substances would have the potential to significantly degrade ESHA, coastal water quality, or harm wildlife. This prohibition applies to development and repair/maintenance activities requiring a Coastal Development Permit, except where it has been determined that non-chemical methods are infeasible and toxic chemical substances are necessary under the following circumstances: i) to protect or enhance the habitat itself; or ii) vegetation maintenance activities for the eradication of invasive or invasive watch list plant species; or iii) habitat restoration. Deviations from this prohibition may be allowed only if the Coastal Development Permit includes an integrated pest management plan and there is no feasible alternative that would result in fewer adverse impacts to ESHA, coastal water quality, or wildlife. When allowed, the least toxic product and method shall be used.*

Coastal Area Plan ESHA Policy 8.2 (Pest Management in the Santa Monica Mountains): *Except as authorized by Policy 8.1 above, development in the Santa Monica Mountains that involves the use of pesticides, including insecticides, herbicides, rodenticides, or any other similar toxic chemical substances, shall be prohibited in cases where the application of such substances would have the potential to significantly degrade ESHA, coastal water quality, or harm wildlife. Herbicides may be used for the eradication of invasive plant species or habitat restoration, but only if the use of non-chemical methods for prevention and management such as physical, mechanical, cultural, and biological controls are infeasible. Herbicides shall be restricted to the least toxic product and method, and to the maximum extent feasible, shall be biodegradable, derived from natural sources, and used for a limited time.*

The project involves ESHA restoration, which will include eradication of non-native vegetation. Manual removal of all of the non-native vegetation is infeasible due to the size of the restoration area (2.93 acres). Manual removal will be focused in areas where non-native vegetation is intermixed with native vegetation. In other areas, where vegetation is not intermixed, weed trimmers will be used. Where manual removal and weed trimmers are not viable means of non-native vegetation removal, the ESHA Mitigation Plan / Habitat Mitigation and Monitoring Plan (Exhibit 7) provides for the application of foliar herbicides.

A glyphosate-based herbicide without surfactants is recommended, as it is effective on both grasses and broadleaf species. The project biologist also

recommends triclopyr-based herbicides for broadleaf species and flauzifop-based herbicides for grasses. In some cases, ammonium sulfate may be added to increase effectiveness. The herbicide treatment recommendations are specific to the targeted species (see Table 4 on Pages 8-9 of Exhibit 7). Both the project biologist and the peer-reviewing biologist concur that the proposed herbicide application is appropriate to facilitate ESHA restoration. Herbicide application will be consistent with the ESHA Mitigation Plan / Habitat Mitigation and Monitoring Plan and follow the biologist's recommendations. Therefore, appropriate measures are in place to ensure herbicide application will use the least toxic method and will not impact surrounding ESHA.

Based on the above discussion, the proposed project is consistent with Coastal Area Plan ESHA Policies 8.1(a) and 8.2.

8. Trails and Recreational Facilities

Coastal Area Plan North Coast Recreation Policy 8: *Development shall neither preclude continued use of, or preempt the option of establishing inland recreational trails along identified routes, as indicated in the Santa Monica Mountains Comprehensive Plan (1979) and the Coastal Slope Trail as proposed in the U.S. Department of the Interiors Santa Monica Mountains Draft Environmental Impact Statement and General Management Plan (September 1980), or along routes established by custom to destinations of public recreation significance. An offer-of-dedication, a property dedication, or a grant of easement of a trail right-of-way shall be required as a condition of approval on property crossed by such trail routes. Where feasible, direct grants shall be required except when the accepting agency is not identified at the time of final Zoning Clearance or map recordation.*

Coastal Area Plan North Coast Recreation Policy 12: *Before a permit for development of any shoreline or inland parcel is approved, its suitability for public recreational use shall be evaluated within the specified project review period by the County in consultation with the California Department of Parks and Recreation and the National Park Service. If the County determines that the property may be suitable for such use, the County shall ascertain whether any public agency or non-profit organization, including the National Park Service, Santa Monica Mountains Conservancy, Coastal Conservancy, California Department of Parks and Recreation, County Recreation Services, and Trust for Public Lands, is planning or contemplating acquisition of any part of the subject property, specifically authorized to acquire any portion of the property which would be affected by the proposed development, and funds for the acquisition are available or could reasonably be expected to be available within one year from the date of application or permit. If a permit has been denied for such reasons and the property has not been acquired by such agency or organization within a reasonable time, a permit may not be denied again on the same ground.*

The proposed project involves restoration of ESHA at two sites (Sites A and B), which are located on three parcels (Parcels 1-3). Parcels 1-3 cover a total area of approximately 550 acres. The project would restore 2.93 acres of on-site ESHA and preserve 3.27 acres of off-site ESHA, for a total of 6.2 acres of compensatory mitigation. As discussed in Section 3, above, the Planning Division contacted several resource conservation and recreation agencies and organizations to solicit their feedback on the proposal. Two responses (Santa Monica Mountains Conservancy and NPS) noted that the most feasible alignment of the proposed Coastal Slope Trail runs through Site A. The Coastal Slope Trail would connect Point Mugu State Park to the west with Leo Carrillo State Park to the east of the subject parcels.

Outside of Site A, the Coastal Slope Trail alignment would extend approximately 250 feet through Parcel 1 on the west side of Deer Creek Road. More significantly, the trail alignment includes eight segments on Parcel 2 (four east and four west of Deer Creek Road), with a total length of approximately 2.58 miles. In their letter of September 27, 2018, the Santa Monica Mountains Conservancy requested that dedication of a 30-foot-wide easement along the proposed trail routing throughout the subject parcels be required as a condition of approval.

Requiring a dedication of land to offset impacts of development is considered an exaction. When imposing exactions on development proposals, constitutional rights must be considered. Governments cannot require exactions to such an extent as to deprive the owner of economically viable use of their land. Doing so could amount to a regulatory taking, which would require that the County provide just compensation under the Fifth Amendment to the US Constitution. In considering whether an exaction rises to a taking, the US Supreme Court established two tests:

- Nexus (*Nollan v. California Coastal Commission* (1987) 483 U.S. 825): Is there a connection between the permit conditions (i.e., the requirement for a trail dedication) and the development impacts of concern?

- Proportionality (*Dolan v. City of Tigard* (1994) 512 U.S. 374): Does the degree of the exactions required by the permit condition (i.e., the trail dedication) bear a relationship to the projected impact of the proposed development?

In this case, requiring dedication of a 30-foot-wide trail easement across Parcels 1 and 2 could amount to an unconstitutional exaction, because both nexus and proportionality are lacking. Under this proposal, 6.2 acres ESHA would be restored and preserved in compensation for the unpermitted removal of 3.1 acres of ESHA. There is no nexus between the proposal and the requirement for a trail easement, because ESHA restoration would not impair recreational access, preclude the future establishment of a trail, or increase the demand on recreational facilities. Additionally, the requested trail easement would not be proportional to project. The

Coastal Slope Trail's designated alignment would extend approximately 2.84 total miles through the subject parcels and would cover a total area of approximately 10 acres. This is more than three times larger than the amount of area where unpermitted ESHA removal had occurred.

On October 31, 2022, the TPL acquired Parcels 1 and 2. This acquisition will likely facilitate future public recreational access, as TPL intends to transfer the parcels to NPS.

Based on the above discussion, the proposed project is consistent with Coastal Area Plan Recreation Policies 8 and 12.

Biological Inventory Report
0 Deer Creek Road,
Malibu, California

August 3, 2022

Prepared for:
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1.0 INTRODUCTION

Wildscape Restoration conducted a biological inventory in compliance with the County of Ventura's Biological Inventory Reporting requirements to develop a Non-Native Plant Removal Plan for the proposed project. The proposed project will address the Notice of Violation given to the client by the County of Ventura. The property is located at 0 Deer Creek Road, Malibu, CA 90265.

2.0 CLIENT

The Weinberg Law Group

2.1 Property Owner/ Representative

Howard Weinberg
2550 Tejon, Suite 2B
Palos Verdes, CA 90265

3.0 PROJECT SUMMARY

The proposed project consists of non-native plant removal for Sites A and B at 0 Deer Creek Road, Malibu, CA 90265 to facilitate native vegetation establishment, which was present prior prior to the unpermitted grading and brush clearing operations in 2013. The unpermitted activities include removal of Environmentally Sensitive Habitat Areas (ESHA). The proposed project is intended to address the Notice of Violation from the County of Ventura.

A Conceptual Vegetation Removal Plan was completed for this site in August 2018 by Althouse and Meade, Inc. Biological and Environmental Services. The restoration areas that were mapped in that previous report were used as a guide for what needed to be updated. Wildscape updated the findings as the site and habitats have changed since the report was written.

This biological inventory of the plant species onsite will be used as the basis for the development of the Non-Native Plant Removal Plan. The Non-Native Removal Plan will be provided in a separate report.

The project area consists of two sites, Site A is 1.46 acres and Site B is 0.51 acres, which total 1.97 acres. Site A is the first site coming up Deer Creek Road and has been previously cleared and graded. It is bordered by Deer Creek Road to the west and open space to the south and Pacific Coast Highway and the Pacific Ocean are located south of the property. To the northeast, there is open space.

Site B is the second site on Deer Creek Road and was also previously cleared and graded. Site B was directly impacted by the 2013 Spring Fire. It is bordered by Deer Creek Road to the west and by open space to the northeast. Site A and the Pacific Coast Highway occur to the south.

The project 's 200-ft buffer around the project site does cross through Environmentally Sensitive Habitat Areas (ESHA) according to the Ventura County Coalition of Labor, Agriculture and Business's South Coast Environmentally Sensitive Habitat Areas Map (2018).

4.0 PROPOSED NON-NATIVE PLANT REMOVAL AREA

4.1 Project Location

The project is located at 0 Deer Creek Road, Malibu, CA 90265. The Assessor's Parcel Numbers (APN's) are: 700-0-050-140, 700-0-050-215, 700-0-050-245, 700-0-050-385. It is within the Triunfo Pass United States Geological Survey (USGS) 7.5-minute topographic quadrangle. Regional and local maps are in Figures 1 and 2, and a vegetation map for Site A and Site B are in Figure 3 and Figure 4 respectively.

Site A is 0.8 miles from the coastline and Site B is 1.3 miles up Deer Creek Road from Pacific Coast Highway.

5.0 METHODOLOGY

Wildscape biologists Amanda Gibbs and Jessica Ventrone completed a biological inventory on July 20th, 2022, to compile data to develop a Non-Native Plant Removal Plan. The site was surveyed for biological resources such as plant species, dominant habitats, and wildlife species. Photographs were taken to document existing conditions of the site and are included in Appendix A and B. The entirety of both sites' grading footprints were mapped. Mapping of vegetation communities was completed by hand in the field, and digital maps were created on ArcMap. Dominance was determined by visual inspection of a particular species or group of species covering 50% or more of a polygon. While both sites were dominated by non-native plant species, patches of native vegetation were noted due to their significance in contributing to the future restoration of the sites.

Notable native plant species and habitats outside of the grading footprints were also recorded and will be included as reference sites in the Non-Native Plant Removal Plan.

6.0 PROJECT SETTING

6.1 Topography

The project Site A has an elevation of approximately 410 feet above mean sea level and Site B has an elevation of approximately 825 feet above mean sea level. There are major slopes surrounding the sites.

6.2 Microclimate

The project site is relatively representative of the overall climate in the City of Malibu. The climate is warm and temperate, with more rainfall in the winter than in the summer giving the area a Mediterranean climate type. The average temperature in Malibu is 61.5 °F (16.4 °C) and the average precipitation is 13.46 inches (34.2 cm).

7.0 BIOLOGICAL RESOURCES

7.1 Vegetation Communities

Site A is dominated by non-native species, which has mostly died back, with a few green specimens scattered throughout, mixed with tocalote, sweet fennel (*Foeniculum vulgare)*, red brome (*Bromus rubens*) and other non-identifiable non-native annual grasses that are dead and dry. The site is primarily summer mustard (*Hirshfeldia incana),* tocalote (*Centaurea melitensis*),

and non-native grasses with a few natives scattered in between. The site also has a building pad and other gravel patches with sporadic weeds.

Site A is bordered outside of the grading footprint by lemonade berry (*Rhus integrifolia*) and laurel sumac (*Malosma laurina*) with other natives scattered in the understory. The site also has a patch of deerweed (*Acmispon glaber*), Santa Barbara milk vetch (*Astragalus trichopodus*), and clustered tarweed (*Deinandra fasciculata*) in the lower middle of the restoration site.

The site also has a patch of sea-cliff buckwheat (*Eriogonum parvifolium*) and a sawtoothed goldenbush (*Hazardia squarrosa*) and a patch of sawtoothed goldenbush intermixed with deerweed.

Site B is dominated by non-native species in the restoration site and grading footprint. The primary non-native species onsite were Russian thistle (*Salsola tragus*) stands in the northern portion of the site, and mustard, which is dense throughout most of the site. There were also patches of tocalote and sweet fennel.

Site B also has some native plant species such as mature sea-cliff buckwheat and Santa Barbara milk vetch. Prickly pear (*Opuntia littoralis),* cliff buckwheat, Santa Barbara milk vetch and deerweed dominated the northern slope outside of the grading footprint. The site also has chaparral bush mallow (*Malacothamnus fasciculatus*) and some California sagebrush (*Artemisia californica*) to the west of the grading footprint. Laurel sumac, chaparral yucca (*Hesperoyucca whipplei*), deerweed, California buckwheat and black sage (*Salvia mellifera*) are scattered on the adjacent slopes outside of the grading footprint.

7.2 Plant Species

The following plant species listed in Table 1 below were observed in the parcel. No sensitive or special status species were observed on either site. The plant species identified in this inventory utilize the scientific names as classified in *The Jepson Manual*; *Higher Plants of California, 2nd edition,* (Baldwin et al. 2012).

Table 1: Plant Species Observed on or Directly Adjacent to Site A

Botanical Name	Common Name	On-Site	Adjacent to Site
Native			
Acmispon glaber	deerweed	Yes	Yes
Artemisia californica	California sagebrush	Yes	Yes
Artemisia tridentata	big sagebrush	Yes	Yes
Astragalus trichopodus	Santa Barbara milk vetch	Yes	Yes
Deinandra fasciculata	clustered tarweed	Yes	Yes
Ceanothus megacarpus	big-pod ceanothus	Yes	Yes
Crocanthemum scoparium	peak rushrose	Yes	No
Encelia californica	California brittlebush	Yes	Yes
Eriogonum parvifolium	sea-cliff buckwheat	Yes	Yes
Hazardia squarrosa	saw toothed goldenbush	Yes	Yes
Hesperoyucca whipplei	chaparral yucca	Yes	Yes

Table 1: Plant Species Observed on or Directly Adjacent to Site A (continued)

Botanical Name	Common Name	On-Site	Adjacent to Site
Native (continued)			
Malosma laurina	laurel sumac	Yes	Yes
Rhus integrifolia	lemonade berry	Yes	Yes
Salvia leucophylla	purple sage	No	Yes
Stephanomeria tenuifolia	narrow leaved wire lettuce	Yes	Yes
Stipa pulchra	purple needlegrass	Yes	Yes
Non-native			
Bromus rubens	red brome	Yes	Yes
Centaurea melitensis	tocalote	Yes	Yes
Foeniculum vulgare	sweet fennel	Yes	Yes
Hirschfeldia incana	mustard	Yes	Yes

Table 2: Plant Species Observed on or Directly Adjacent to Site B

Botanical Name	Common Name	On-Site	Adjacent to Site
Native			
Acmispon glaber	deerweed	Yes	Yes
Artemisia californica	California sagebrush	Yes	Yes
Artemisia tridentata	big sagebrush	Yes	Yes
Astragalus trichopodus	Santa Barbara milk vetch	Yes	Yes
Datura wrightii	Jimsonweed	Yes	Yes
Deinandra fasciculata	clustered tarweed	Yes	Yes
Elymus cinereus	great basin wild rye	Yes	Yes
Encelia californica	California brittlebush	No	Yes
Eriogonum fasciculatum	California buckwheat	Yes	Yes
Eriogonum parvifolium	sea cliff buckwheat	Yes	Yes
Hazardia squarrosa	sawtoothed goldenbush	Yes	Yes
Malacothamnus fasciculatus	chaparral bush mallow	Yes	Yes
Malacothrix saxatilis	cliff aster	Yes	Yes
Malosma laurina	Laurel sumac	Yes	Yes
Opuntia littoralis	prickly pear	No	Yes
Salvia leucophylla	purple sage	No	Yes
Salvia mellifera	black sage	No	Yes
Stipa pulchra	purple needlegrass	Yes	Yes
Non-native			
Centaurea melitensis	tocalote	Yes	Yes
Foeniculum vulgare	sweet fennel	Yes	Yes
Hirschfeldia incana	mustard	Yes	Yes
Salsola tragus	Russian thistle	Yes	Yes

7.3 Wildlife Species

Wildlife species observed and/or are common to the area are listed in Table 4. No sensitive or special status species were observed onsite.

Table 3: Wildlife Observed at the Project Site A

Species Name	Common Name	On-Site	Adjacent to Site
Birds			
Aimophila ruficeps	rufous-crowned sparrow	No	Yes
Melozone crissalis	California towhee	No	Yes
Selaphorus sasin	Allen's hummingbird	Yes	Yes
Zenaida macroura	mourning dove	Yes	Yes
Invertebrates			
Apis mellifera	honeybee	Yes	Yes
Trimerotropis pallidipennis	pallid-winged grasshopper	Yes	Yes

Table 4: Wildlife Observed at the Project Site B

Species Name	Common Name	On-Site	Adjacent to Site
Birds			
Aphelocoma californica	California scrub-jay	Yes	No
Invertebrates			
Anisoptera spp.	dragonfly	Yes	No
Apis mellifera	honeybee	Yes	Yes
Bombus vosnesenkii	yellow-faced bumble bee	Yes	No
Neoscona oaxacensis	western spotted orb weaver spider	Yes	No
Pieris rapae	checkered white butterfly	Yes	Yes
Trimerotropis pallidipennis	pallid-winged grasshopper	Yes	Yes

7.4 Nesting Migratory Birds

The Migratory Bird Treaty Act (MBTA) protects migratory birds, and their nests, and eggs. Bird species protected under the provisions of the MBTA are identified by the List of Migratory Birds (50 Code of Federal Regulations, Section 10.13). Any impact on an active migratory bird nest would be considered a violation of the MBTA.

Although none of the surveyed vegetation is protected, there were large shrubs on site that may serve as potential nesting habitat for birds during the bird breeding season. Therefore, nesting bird surveys may need to be conducted prior to any restoration/non-native plant removal activities to avoid potential impacts.

8.0 Project Alternatives

8.1 Minimization and Avoidance Measures

Nesting bird surveys should be performed prior to restoration activities scheduled during the bird breeding season. If active nests are observed, restoration should be postponed.

9.0 Conclusion

Due to the sites being dominated by non-native species. The Non-native Plant Removal Plan will be necessary and active restoration activities such as seeding are highly recommended. The Non-Native Plant Removal plan will be a separate document.

10.0 References

Baldwin, B. G., D. H. Goldman, D. J. Keil, R. Patterson, T. J. Rosatti, and D. H. Wilken, editors. 2012. *The Jepson Manual: Vascular Plants of California (2nd ed.)*. University of California Press, Berkeley.

County of Ventura, *Ventura County Initial Study Assessment Guidelines.* 2011 Section 4, Biological Resources– Native Tree Protection Ordinance

Magney, David, and Althouse LynneDee 2018. *Conceptual Vegetation Restoration Plan for 0 Deer Creek Road, Malibu*, Althouse and Meade, Inc. Biological and Environmental Services, Paso Robles, CA

Sawyer, J.O., and T. Keeler-Wolf. 2009. *A Manual of California Vegetation (2nd ed.)*. California Native Plant Society. Sacramento, California.

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Regional Project Location

Howard Weinberg - Biological Inventory

0 Deer Creek Rd, Malibu, California

0 3.5 7 14 21 28 Miles

N

Project Location

Ventura County

Figure 1

Prepared July 2022

Wildscape RESTORATION

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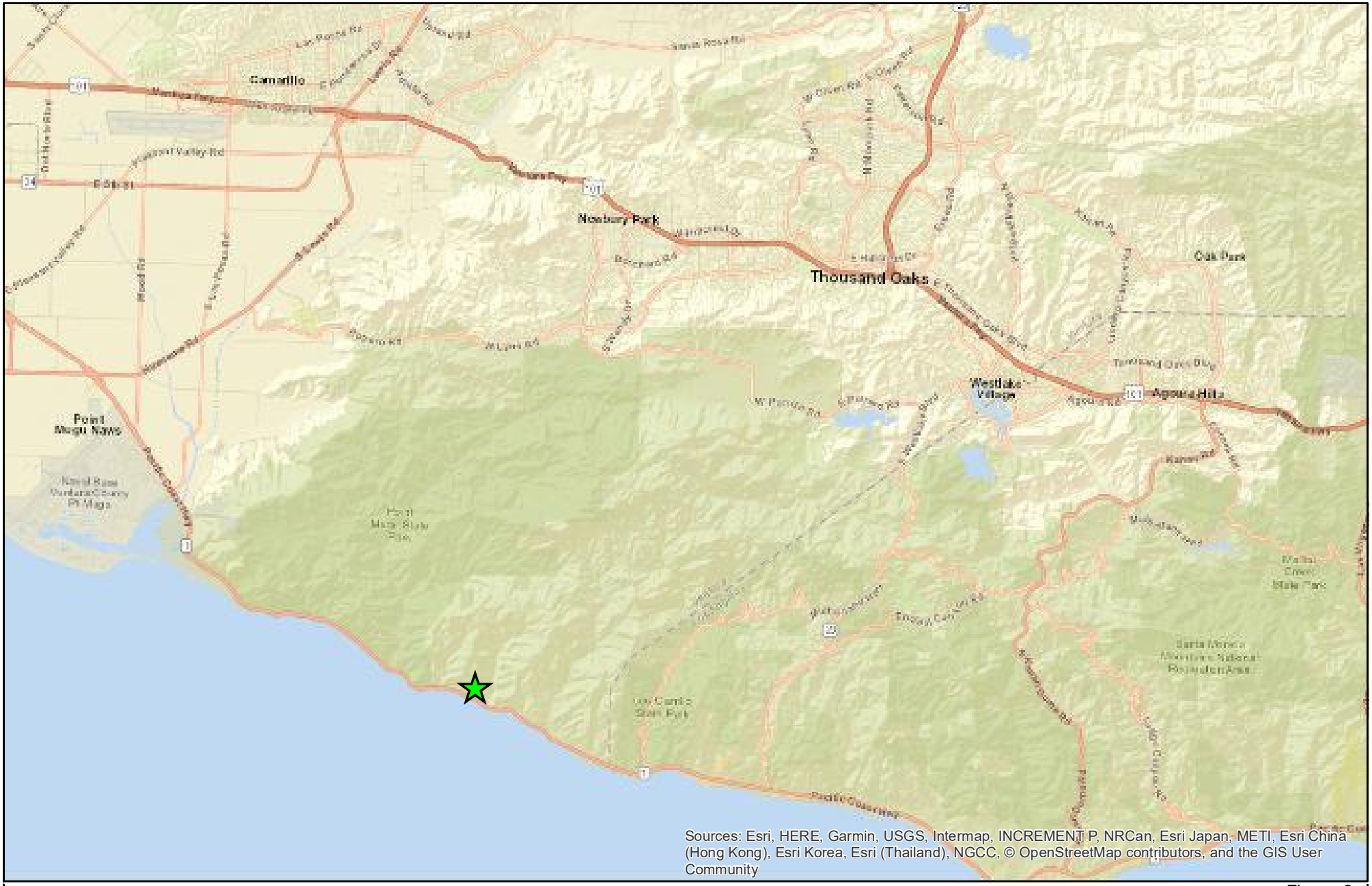

Local Project Vicinity

Howard Weinberg - Biological Inventory

0 Deer Creek Rd., Malibu, California

0 0.75 1.5 3 4.5 6 Miles

N

Project Location

Figure 2

Prepared July 2022

Wildscape RESTORATION

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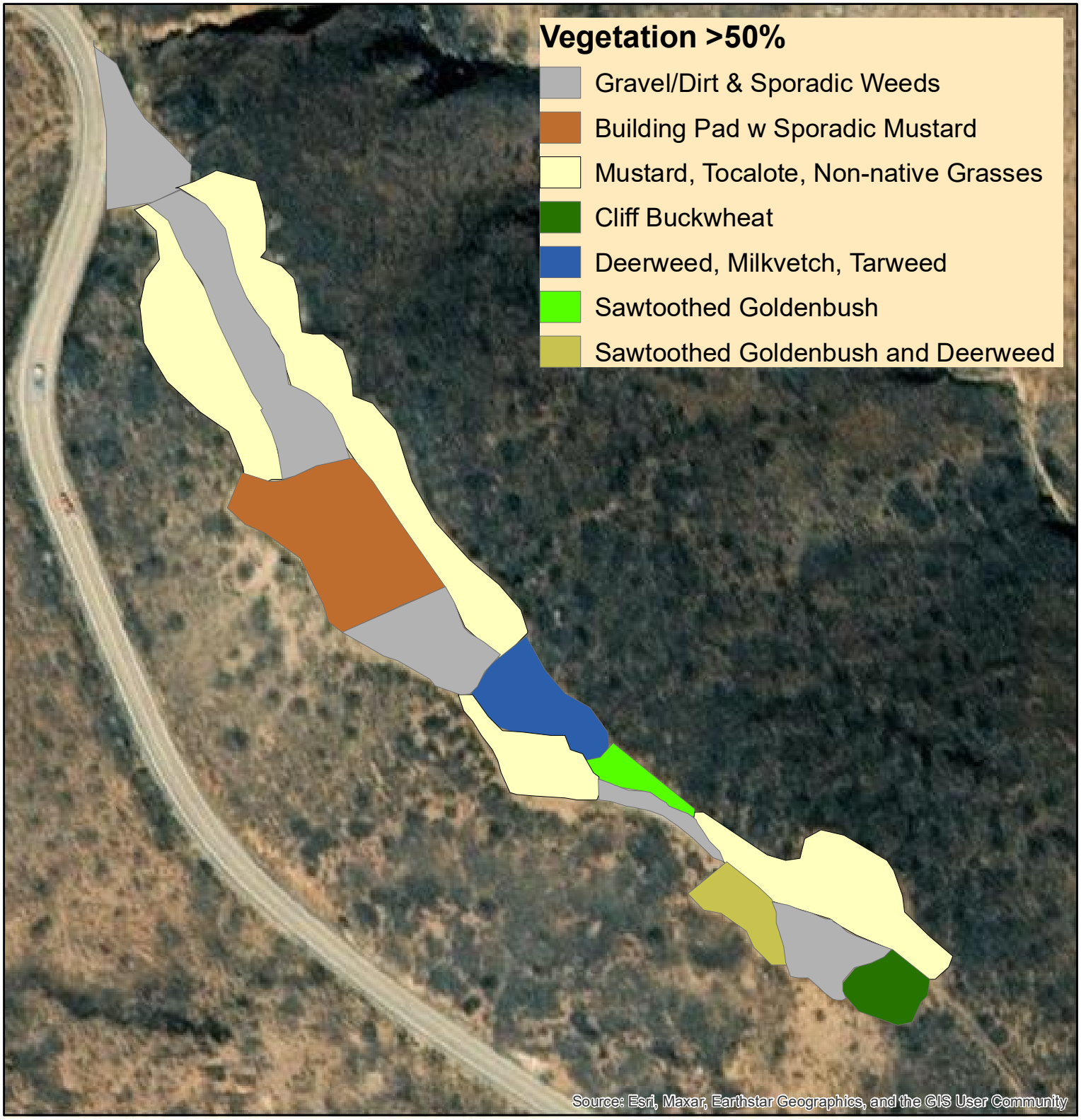

Site A - Dominant Vegetation >50%

Figure 3

Howard Weinberg - Biological Inventory

0 Deer Creek Road, Malibu, California

N

0 37.5 75 150 225 300 Feet

Prepared July 2022

Wildscape RESTORATION

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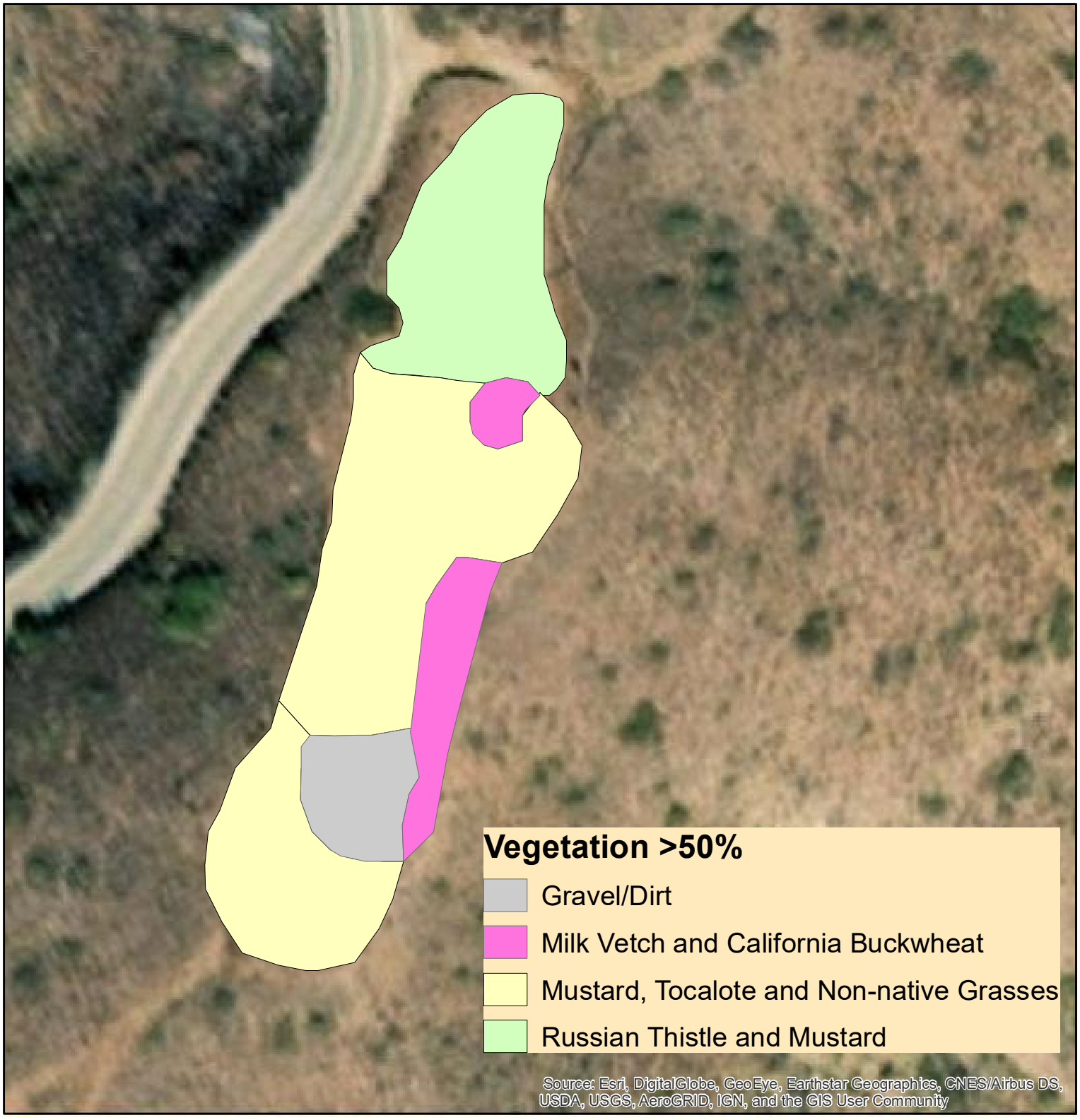

Site B - Dominant Vegetation >50%

Figure 4

Howard Weinberg - Biological Inventory

0 Deer Creek Road, Malibu, California

N

0 20 40 80 120 160 Feet

Prepared July 2022

Wildscape RESTORATION

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APPENDIX A Site A Photographs

Entrance to site A facing south.

North end of site facing northeast viewing some laurel sumac (*Malosma laurina)*

Site A facing east pictured is chaparral yucca, clustered tarweed (*Deinandra fasiculatum*), dried mustard (*Hirschfeldia incana*) and Santa Barbara milk vetch (*Astragalus trichopodus*).

Entrance to site A facing east.

Site A facing northeast looking into what used to be ceanothus (*Ceanothus megacarpus)* and is now primarily lemonade berry (*Rhus integrifolia)* and laurel sumac.

A patch of dried-up mustard facing south.

APPENDIX A CONTINUED Site A Photographs

View of the site facing south with laurel sumac, Santa Barbara milk vetch and dried mustard.

View of the site facing southeast. Pictured are patches of sagebrush (*Artemisia* spp.) and buckwheat (*Eriogonum* spp.).

A patch of sweet fennel (*Foeniculum vulgare*) at the southern end of the site facing southwest.

Large patch of more dried mustard closer to the middle of the site on the eastern side.

View of further down the slope facing south viewing a patch of clustered tarweed.

View towards the southern end of site A facing south and viewing laurel sumac.

APPENDIX A CONTINUED Site A Photographs


View towards the southern end of site A facing west and some laurel sumac.


View of the site facing north looking at the granite pad and patches of buckwheat and lemonade berry to the west.


A patch of the site facing north with laurel sumac to the west and patches of dried mustard on the granite pad itself.


View of the middle of the site facing west.


View of the granite pad towards the beginning of the site.


A patch of burned lemonade berry facing northwest that is displaying regrowth.

APPENDIX B Site B Photographs

Entrance of site B facing west.

View of the northern slope/reference site, which is dominated by prickly pear, buckwheat and deerweed.

View of the site facing south looking at dense Russian thistle and mustard.

View of the beginning of the site facing south. Mustard is dominant with Russian thistle and some tarweed.

View of Russian thistle patch with some laurel sumac facing the northeast end of the site.

View of milk vetch facing southeast.

APPENDIX B CONTINUED Site B Photographs

A view of buckwheat where the California brittlebush (*Encelia californica*) patch used to be facing northeast.

View of sagebrush, buckwheat and saw-toothed goldenbush (*Hazardia squarrosa).*

View of the end of the site facing south.

View of a milk vetch patch facing southeast.

View of sagebrush, buckwheat and saw-toothed goldenbush facing west.

View of front of the site facing north, with some mustard and tarweed pictured.

Habitat Mitigation and Monitoring Plan
0 Deer Creek Road,
Malibu, California

October 17, 2022

Prepared for:
Howard Weinberg
2550 Via Tejon, Suite 2B
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Prepared by:

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1.0 INTRODUCTION

A habitat mitigation and monitoring plan is proposed for the residential property located at 0 Deer Creek Road in order to comply with the Ventura County's Planning Division requirement for mitigation of two sites with unauthorized vegetation removal. The property at 0 Deer Creek Road is located within Ventura County's Coastal Zone and is recognized as an Environmentally Sensitive Habitat Area. A notice of violation CV17-0237 and unauthorized grading violation GC17-0029 were issued to the property owner.

The Ventura County Planning Division has determined that a Coastal Planned Development permit is necessary to bring the property into compliance with the Ventura County Coastal Zoning Ordinance Section 8174-5, Permitted Uses. The County's Case Number is PL18-0113.

The proposed habitat mitigation and monitoring plan project will result in habitat restoration on two sites (Site A and Site B), totaling 2.93 acres to satisfy an approximate 1:1 mitigation ratio on-site, without planting on the granite pad in Site A. The purpose of the project is to restore the existing degraded habitat that was disturbed in 2017 totaling 3.1 acres across both sites, approximately 2.33 acres on Site A and approximately 0.77 acre on Site B. Disturbed area acreage was determined by reviewing historical aerial imagery from 1977 versus 2017 and was overlayed on more current aerial imagery. Digital polygons produced from historical aerial imagery does not match the most up to date aerial imagery available in ESRI ArcMap. This may be due to the methods of aerial image photography and real-world coordinate systems. Plan implementation will involve site preparation, irrigation installation, container plant and seed installation, maintenance and monitoring.

In addition to the 1:1 on-site active restoration on Sites A and B, a deed restriction will be placed on 3.27 acres of Parcel 700-0-010-100 to fully satisfy the 2:1 mitigation ratio that is based on the total area of disturbance in 2017, which would require 6.2 acres of mitigation. There is an approximate 15-acre zone within this parcel. Within this zone, the restoring party will propose a 3.27-acre portion that will be the area subject to the deed restriction. Wildscape will make a recommendation of which acres has the most suitable habitat value for this deed restriction and will amend this plan with the boundaries in approximately 60 days.

Table 1 Responsible Parties

This table lists the biological consultants, lead agency and the owner of the property and all contact information for the aforementioned parties.

Lead Agency
Ventura County Resource Management Agency Planning Division Jennifer M. Trunk, Planning Manager Jennifer.Trunk@ventura.org (805)-654-2465 800 S. Victoria Avenue, Ventura CA 93009
Owner
The Weinberg Law Group Howard Weinberg howard@weinberglaw.la (310)-363-7775, (310)-493-5603 2550 Via Tejon, Suite 2B, Palos Verdes, CA 90274

Table 2 Responsible Parties continued

Biological Consultants
Wildscape Restoration, Inc. Amanda Gibbs, Project Manager/ Biologist agibbs@wildscaperestoration.com (805)-535-4448 45662 Westinghouse Street Suite F/J, Ventura, CA 93003

2.0 Project Location

The project is located at 0 Deer Creek Road, Malibu, CA 90265. The Assessor's Parcel Numbers (APN's) are: 700-0-050-140, 700-0-050-215, 700-0-050-245, 700-0-050-385. It is within the Triunfo Pass United States Geological Survey (USGS) 7.5-minute topographic quadrangle. Regional and local maps are in Figures 1 and 2, disturbance areas are in Figures 3 and 4, and planting area maps for Site A and Site B are in Figure 5 and Figure 6, respectively.

The project area consists of two sites, Site A has approximately 2.16 acres of restorable area (excluding the granite pad) and Site B has 0.77 acres of restorable area, which total 2.93 acres. Site A is 0.8 miles from the coastline and Site B is 1.3 miles up Deer Creek Road from Pacific Coast Highway. It is bordered by Deer Creek Road to the west and open space to the south and Pacific Coast Highway and the Pacific Ocean are located south of the property. To the northeast, there is open space.

Site B is the second site on Deer Creek Road and is bordered by Deer Creek Road to the west and by open space to the northeast. Site A and the Pacific Coast Highway occur to the south.

The project's 200-ft buffer around the project site crosses through Environmentally Sensitive Habitat Areas (ESHA) according to the Ventura County Coalition of Labor, Agriculture and Business's South Coast Environmentally Sensitive Habitat Areas Map (2018).

3.0 Project Background

The proposed project consists of active habitat restoration for Sites A and B to facilitate native vegetation establishment, which was present prior to the unpermitted grading and brush clearing operations in 2013. The unpermitted activities included the removal of Environmentally Sensitive Habitat Areas (ESHA). The proposed project is intended to address the Notice of Violation from the County of Ventura. In addition, a deed restriction will be placed on 3.27 acres of a 15-acre zone of Parcel 700-0-010-100 to fully satisfy the 2:1 mitigation ratio requirement set forth in the Notice of Violation (Figure 6).

A Conceptual Vegetation Restoration Plan was completed for this site in August 2018 by Althouse and Meade, Inc. Biological and Environmental Services and was submitted to the Ventura County Planning Division. The Woolsey Fire occurred in November 2018 and changed the composition of the vegetation on site since the original proposed restoration effort. Wildscape Restoration (Wildscape) utilized the conceptual plan as the basis for the biological inventory update and non-native plant removal plan. Wildscape prepared an updated Biological Inventory, dated August 3, 2022, for the County to identify the plant species currently on site.

4.0 ENVIRONMENTAL SETTING

4.1 General Site Description

The proposed project sites are within a half mile of the Pacific Ocean. The surrounding landscape is primarily natural habitats consisting of chaparral and coastal sage scrub communities. The surrounding landscape is situated on steep, mountainous terrain. The soil onsite is mainly gravel with little to no topsoil and has some areas of granite pad and brick. The sites and their vegetation communities have been influenced by human disturbance, fires, grading, vandalism, and natural factors such as precipitation and erosion.

The areas proposed for the onsite habitat restoration are primarily occupied by ruderal (weedy) species that are dominated by multiple invasive species including, Russian thistle (*Salsola* sp.), tocalote (*Centaurea melitensis*), summer mustard (*Hirschfeldia incana*), sweet fennel (*Foeniculum vulgare*), and non-native grasses (e.g., *Bromus* spp.). A paved road (Deer Creek Road) runs to the west of both sites and evidence of trespassing and vandalism is found in Site A. Both sites have been previously graded and cleared of native vegetation, but Site A has a granite pad that was also constructed.

The subject properties are currently surrounded by open space that contains Environmentally Sensitive Habitat Areas on all sides.

4.2 Topography

The project Site A has an elevation of approximately 410 feet above mean sea level and Site B has an elevation of approximately 825 feet above mean sea level. There are major slopes surrounding both sites.

4.3 Microclimate

The project site is relatively representative of the overall climate in the City of Malibu. The climate is warm and temperate, with more rainfall in the winter than in the summer giving the area a Mediterranean climate type. The average temperature in Malibu is 61.5 °F (16.4 °C) and the average precipitation is 13.46 inches (34.2 cm).

5.0 BIOLOGICAL RESOURCES

5.1 Vegetation Communities

Vegetation on site and within reference sites were primarily chaparral and coastal sage scrub species prior to disturbance. The Woolsey Fire in November 2018 burned the existing vegetation, and the composition of the vegetation communities has changed. While coastal sage scrub and chaparral species still occur in the area, they require additional time to become established and mature. After fires, successional and ruderal species establish first and then give way to other native habitats as the area recovers. Due to the ongoing drought, native vegetation establishment after wildfire impacts is taking longer.

5.1.1 Onsite Vegetation Communities

Site A is dominated by non-native species, which have mostly died back during the biological inventory survey, with a few green specimens scattered throughout, mixed with tocalote, sweet fennel, red brome and other non-identifiable non-native annual grasses that are dead and dry.

The site is primarily summer mustard, tocalote, and non-native grasses with a few natives scattered in between. The site also has a building pad and other gravel patches with sporadic weeds.

The site also has a patch of deerweed (*Acmispon glaber*), Santa Barbara milk vetch (*Astragalus trichopodus*), and clustered tarweed (*Deinandra fasciculata*) in the lower middle of the restoration site. The site also has a patch of coastal buckwheat (*Eriogonum cinereum*) and sawtoothed goldenbush (*Hazardia squarrosa*) and a patch of sawtoothed goldenbush intermixed with deerweed.

Site B is dominated by non-native species in the restoration site and grading footprint. The primary non-native species onsite were Russian thistle stands in the northern portion of the site, and mustard, which is dense throughout most of the site. There were also patches of tocalote and sweet fennel.

5.1.2 Adjacent Vegetation Communities

A visual inspection of the sites adjacent to Site A was primarily dominated by laurel sumac and buckwheat to the east. Towards the southwestern side of this reference site there were also patches of summer mustard and further north, fennel. The adjacent site also had large amounts of lemonade berry (*Rhus integrifolia*) mixed with laurel sumac throughout. Included in the adjacent site were also species such as chaparral yucca (*Hesperoyucca whipplei*), clustered tarweed, chapparal bush mallow and sawtoothed goldenbush.

A visual inspection of the sites adjacent to Site B was primarily dominated by laurel sumac and California sagebrush (*Artemisia californica*) to the east and then summer mustard, buckwheat, deerweed, black sage (*Salvia mellifera*), laurel sumac and bush mallow (*Malocothamnus* sp.) to the west. There was also scattered patches of black sage, milk vetch, deerweed, buckwheat and yucca in the east side of the reference site. On the north hillside of Site B, the hillside was dominated by prickly pear (*Opuntia littoralis*), coastal buckwheat, Santa Barbara milk vetch and deerweed.

Quantitative data was collected at the adjacent reference sites and is discussed below in section 8.0 Performance Standards.

5.2 Non-Native Invasive Plant Species

Non-native invasive species present numerous detrimental impacts to native habitat, especially in association with Environmentally Sensitive Habitat Areas. During the extended drought conditions, non-native invasive plants, especially annual grasses and others that create dry biomass during the summers increase wildfire fuels. Many of these species are early germinators and are able to out-compete slower germinating native plant species, particularly mustards (*Brassica* spp. and *Hirschfeldia incana*), thistles, fennel and filaree (*Erodium* spp.) species. Non-native invasive plant species create monocultures which reduce habitat diversity and do not provide the same resources to native wildlife as native habitats. To further reduce competition, species such as black mustard (*Brassica nigra*) produces allelopathic chemicals to prevent other species from germinating and are toxic to wildlife when consumed in large quantities over time. In November 2018, the Woolsey Fire spread through the site and altered the existing vegetation as well as future establishment of natives. The disturbance from the fire encouraged the establishment of non-natives. The target species are widespread in the area and will not be eradicated, even with long-term control efforts.

The nonnative species currently observed onsite and will be targeted include but are not limited to:

- *Bromus rubens*- red brome
- *Centaurea melitensis*- tocalote
- *Foeniculum vulgare*- sweet fennel
- *Hirschfeldia incana*- summer mustard
- *Salsola tragus*- Russian thistle

Other non-native species previously observed onsite and recommended to be controlled if encountered include:

- *Atriplex semibacatta* - Australian saltbush
- *Brassica nigra* – black mustard
- *Bromus diandrus* – ripgut brome
- *Gazania linearis* – gazania

Non-native species that were previously observed, and should be controlled incidentally include:

- *Agave americana* – century plant
- *Avena barbata* – slender wild oat grass
- *Brachypodium distachyon* – false brome
- *Erodium cicutarium* – redstem filaree
- *Pennisetum setaceum* – fountain grass
- *Sisymbrium irio* – London rocket

5.3 Hydrology

There are no jurisdictional waters onsite.

5.4 Soils

The sites mostly have shallow, gravelly, loam soil that has high runoff and little water storage. In Site A there is also a granite pad in the northern end of the site and bricks scattered throughout the site. Overall, the soils onsite retain little water but are known to support dry chaparral.

5.5 Potential Impacts to Natural Resources

5.5.1 Negative Impacts

It is anticipated that any negative impacts triggered by this habitat restoration project will be temporary in nature, rather than permanent. Vegetation removal work and plant installation will only occur in the restoration areas totaling 2.93 acres.

Negative impacts may potentially include soil disturbance when preparing the soil for plant and seed installation, and temporal losses to small native vegetation that may get hit during weed whacking or inadvertently sprayed by herbicide when targeting non-native plants. These impacts will be minimized to the maximum extent possible. Soil disturbance will be minimized by the care taken to put back soil that was removed from the plant's roots when weeding so as not to leave large rifts. In areas where native plant species are heavily intermixed with species targeted for removal, hand weeding will be utilized over mechanical and chemical means of removal.

5.5.2 Benefits

Despite the short to mid-term disturbances to site habitats, the project can be expected to have direct, positive long-term effects on native plant and wildlife populations over time. By removing extensive stands of aggressive and invasive plants and replacing them with native plant species, available habitat for native plants will expand subsequently providing substantial improvement in habitat quality for wildlife.

6.0 HABITAT MITIGATION INSTALLATION

6.1 Schedule

A general schedule of Mitigation activities is summarized in Table 2 below.

Table 3 Implementation Schedule (Subject to Change)

Task	Frequency	Work Schedule
Mitigation Installation	Once	Fall 2023
Year 1 Maintenance	Monthly	Winter 2023 – 2024
Year 1 Monitoring	Annual (Quantitative and Qualitative)	Spring 2024
Year 2 Maintenance	Bi Monthly	Winter 2024-2025
Year 2 Monitoring	Annual (Quantitative and Qualitative)	Spring 2025
Year 3 Maintenance	Quarterly	Winter 2025-2026
Year 3 Monitoring	Annual (Quantitative and Qualitative)	Spring 2026
Year 4 Maintenance	Quarterly	Winter 2026-2027
Year 4 Monitoring	Annual (Quantitative and Qualitative)	Spring 2027
Year 5 Maintenance	Quarterly	Winter 2027-2028
Year 5 Monitoring	Annual (Quantitative and Qualitative)	Spring 2028

6.2 Personnel Qualifications

In an effort to facilitate the successful completion of the project, qualified and experienced personnel must be retained. According to California regulations, a licensed contractor must be retained for projects (labor and materials) totaling $500.00 or greater. All pesticide application must be completed by a licensed pest control business.

6.2.1 Landscape Contractor and Pest Control Business

A qualified landscape contractor must be retained for habitat mitigation installation and maintenance. This contractor must have a current landscape contractor's C 27 license issued by the California Contractor's State License Board (CSLB) and experience with native habitat restoration. In addition, the contractor or contractor personnel must have work experience including at least three habitat restoration projects in southern California. The contractor or subcontractor must also be a licensed pest control business with the California Department of Pest Regulation (DPR) and registered with the Ventura County Agricultural Commissioner. The pest control business personnel must have work experience in non-native invasive plant removal. The site supervisor must be licensed with a DPR Qualified Applicator's License (QAL) or Qualified Applicator's Certificate (QAC) in the "right-of-way" classification.

6.2.2 Biological Monitor/Restoration Ecologist

A qualified biological monitor and restoration ecologist must be retained for all necessary monitoring activities. The monitor must have experience with habitat restoration, non-native invasive plant removal, and special status species monitoring in southern California, including familiarity with special status plants and wildlife that may occur in the site.

6.3 Biological Monitoring and Education

The contractor will minimize and avoid impacts to biological resources. All personnel will comply with the requirements of the Ventura County's permit and/or Conditions of Approval. Contractor personnel will be educated on potential biological resources on the site prior to initiating work.

6.4 Staging Areas

Movement of personnel and equipment will be limited to designated work zones, staging areas, and access roads. Storage of equipment will be limited to staging areas. A staging area will be accessible at each site near the gates preventing vehicular access off Deer Creek Road. These staging areas are selected because of the available space and ease of access. Herbicide mixing and storage shall occur at staging areas.

6.5 Site Preparation

6.5.1 Manual Removal and Biomass Disposal

Manual removal is a method to reduce biomass in the treatment area. Weed trimmers may be used in areas that are not heavily intermixed with natives. For intermixed areas, hand pulling, lopping, or using weed wrenches will be used. Manual removal may occur during any stage of life of the non-native species but is most effective before they go to seed.

The biomass will be taken offsite to a local landfill to avoid re-introduction to the project sites. Cut biomass will be hauled to the designated landfills at the end of each workday when possible. If biomass is staged onsite, tarps will be utilized underneath and over biomass piles to prevent spread.

6.5.2 Foliar Herbicide Application

Foliar spray involves the applications of a diluted herbicide solution to the stems and leaves of a plant with a spray rig or backpack sprayer. A non-ionic surfactant such as Agri-Dex to increase efficacy by reducing surface tension and a non-toxic colorant will also be added to enable workers to see where herbicide was applied. In addition, other adjuvants, such as ammonia sulfate may be added to increase effectiveness for certain species as noted in the table below.

Foliar application requires that the stems and leaves be adequately wetted with spray and care must be taken not to spray native plants. Plants must have green foliage and be actively growing to uptake herbicide products. Plants treated with foliar spray will be left in place to decompose naturally unless they present an immediate flood or fire hazard. Plants should be left in place for 3-6 months after spraying to allow for adequate time for the herbicide to be effective.

Proposed herbicides shall be approved by the U.S. Environmental Protection Agency (EPA) and California Department of Pesticide Regulations (DPR) for use on a particular species or habitat type. Herbicide labels shall be thoroughly reviewed to determine appropriate use. A certified herbicide applicator who holds a Qualified Applicator License/Certificate shall provide safety training to crew and supervise all herbicide related activities.

Numerous herbicide products are effective in the treatment of non-native invasive species. However, due to potential collateral impacts to the environment beyond target species, only a few are recommended in habitat restoration or wildland areas. Adjuvants and/or other inert

ingredients in various herbicide formulations are not appropriate due to residual soil activity, pre-emergent effects, or wildlife toxicity issues. Species specific herbicide recommendations are referenced from *Weed Control in Natural Areas in the Western United States (*2013*)*.

Glyphosate-based herbicide without surfactants, such as Roundup Custom, may be used to treat all non-native species. Glyphosate is non-selective and may be used on both grasses and broad-leaf species. Glyphosate is recommended for areas of habitat restoration due to its lack of residual soil activity. However, clean, soft water must be used for mixing to facilitate effectiveness. Glyphosate binds to soil particles and/or hardwater reducing the herbicide's effectiveness. Spot treatment of glyphosate is recommended at 2-5 percent by volume solution.

Triclopyr based herbicide, such as Garlon 4, is effective on broadleaf species only. It may be combined with glyphosate. Triclopyr is recommended for some species due to increased effectiveness. Application of triclopyr during hot weather should be avoided if possible due to increased potential for volatilization. Spot treatment of triclopyr is recommended at 0.5-1 percent volume solution.

Fluazifop based herbicides, such as Fusilade, is effective on grasses only. Once control of broadleaf non-natives has been achieved, then fluazifop may be used to focus on non-native grasses. Spot treatment on non-native grasses is recommended at 0.5 percent volume solution.

Table 4 Recommended Herbicides for Invasive Species

This table lists the botanical name, common name and recommended herbicide/treatment notes for each invasive species.

Botanical Name	Common Name	Herbicide	Treatment Notes
Agave americana	century plant	N/A	Manually remove.
Atriplex semibaccata	Australian saltbush	glyphosate	Spot treatment on actively growing plants
Avena barbata	slender oat grass	glyphosate and ammonium sulfate (10-15lb per 100 gallons of water) fluazifop	Spot treatment of glyphosate when less than 18" tall; spot treatment of fluazifop between 2 and 8-inches tall and actively growing
Brachypodium distachyon	False brome	glyphosate fluazifop	Spot treatment in early spring to seedlings
Brassica nigra	black mustard	glyphosate (2%) or triclopyr	Spot treatment of seedlings and new growth prior to flowering
Bromus diandrus	ripgut brome grass	glyphosate fluazifop	Spot treatment in early spring to seedlings
Bromus rubens	red brome grass	glyphosate fluazifop	Spot treatment in early spring to seedlings.
Centaurea melitensis-	tocalote	triclopyr or glyphosate	Spot treatment of triclopyr from seedling to bolting stage; spot treatment of glyphosate from bolting to beginning of flowering
Erodium cicutarium	redstem filaree	glyphosate and ammonium sulfate (10-15lb per 100 gallons of water)	Spot treatment to actively growing plants. Repeat applications are likely.

Table 3 Recommended Herbicides for Invasive Species (continued)

Botanical Name	Common Name	Herbicide	Treatment Notes
Foeniculum vulgare	Fennel	glyphosate, triclopyr or a combination of herbicides may be used.	Spot treatment after emergence, but before flowering. Control is most effective prior to bolting. Triclopyr works best on smaller plants.
Gazania linearis	gazania	glyphosate	Spot treatment of seedlings and prior to flowering in winter/spring.
Hirschfeldia incana-	summer mustard	glyphosate and ammonium sulfate (10-15lb per 100 gallons of water)	Spot treatment after emergence and small plants.
Pennisetum setaceum	fountain grass	glyphosate	Spot treatment from mid-summer to fall. Rhizome mortality achieved with treatment during flowering stage.
Salsola tragus	Russian thistle	triclopyr or glyphosate and ammonium sulfate (10-15lb per 100 gallons of water)	Spot treatment of smaller plants. Larger plants will need higher concentrations of herbicide. This species is known to have some glyphosate resistance
Sisymbrium irio	London rocket	glyphosate and ammonium sulfate (10-15lb per 100 gallons of water)	Spot treatment, all stages to bud prior to flower

6.5.3 Hardscape Removal and Soil Decompaction

In order to facilitate natural recruitment, and success of broadcast seeding and container planting, dirt roads and trails will be ripped and decompacted. Within the mitigation Site A, there is a granite pad, which is considered hardscaping and may need to be removed if it crosses into the planting areas. Soils in the planting areas will be decompacted using appropriate heavy equipment such as a bulldozer with ripper shanks. Any asphalt or concrete turned up during the decompaction process will be transported offsite and disposed of in a landfill or recycled, if possible.

6.6 Irrigation or Supplemental Water

Due to the lack of a water hookup on-site, it is recommended to use water tanks with a solar powered pump to create pressure for a drip-irrigation system. PVC pipe, polyethylene tubing, micro-spray emitters, and drip emitters will be installed. The irrigation system will be operated via an irrigation controller and pump, if necessary. Water tanks will need to be filled manually with a water truck during the 3-year irrigation period.

Aboveground irrigation lines will be installed with emitters connected to irrigation tubing. All tubing and piping should be stabilized with pins or clips to prevent disturbance from foot traffic, wildlife activity, or high winds.

Upland plant species should receive deep watering in the fall through spring and little to no summer water. Due to seasonal changes and the differing needs of various vegetation communities, irrigation schedules should be appropriately calibrated. Irrigation should be tapered off prior to the rainy season of Year 3 (after two full years), unless unusually severe drought or heat conditions threaten the survival of the plantings.

Irrigation schedules should be adjusted as conditions and situations dictate in order to provide appropriate moisture amounts during the life of the Mitigation site. Healthy root growth is also facilitated by utilization of an irrigation schedule that emphasizes infrequent, deep watering rather than frequent, short duration watering. Additional water may be supplied monthly during the summer season of the first year, if deemed necessary to prevent seedling mortality. If necessary, supplemental watering will occur via water truck and hoses.

The recommended watering schedule for one-gallon mid-sized shrubs will be as follows:

- Year 1: 1.5 gallons per plant 3 times per week (Fall - first month)
  - 2 gallons per plant 2 times per week (Fall – 2nd month)
  - 2 gallons per plant 1 time per week (Fall – 3rd month)
  - 2 gallon per plant biweekly (Winter - second three months)
  - 3 gallons per plant every three weeks (Spring and Summer; months 6-12)
- Year 2: 5 gallons per plant monthly (12 months)
- Year 3: Taper off watering frequency from Fall through Spring
  - 5 gallon per plant per month (Fall)
  - 6 gallons per plant per 6 weeks (Winter)
  - 8 gallons per plant every other month (Spring)
  - Terminate watering in Summer

Irrigation will need to be off for a full two years for the mitigation to be approved.

6.7 Plant Installation

6.7.1 Plant Materials

Plants for the Mitigation site may be established through container stock and seed. Use of appropriate plant material is essential to Mitigation success, as plants of a single species may vary considerably across their native range. Thus, while a particular plant species may be native to the region, it may not be appropriate for a site if collected from a distant or disjunct location. The landscape contractor should consult with the restoration ecologist to determine acceptable source locations for all plant materials.

All plant materials should be sourced, ordered, and secured by the landscape contractor prior to initiation of site preparation. Copies of shipping lists for all purchased plant materials will be provided by the landscape contractor to the biological monitor. All plant materials will be inspected by the biological monitor prior to installation to ensure their conformance to the planting plan, they are healthy and not root-bound, and they are free of weeds and pest insects. Horticultural varieties of native plants are not recommended for habitat restoration. Any substitutions will be approved by the biological monitor prior to installation.

Substitutions may be made due to the timing of the implementation. This plan might be created a year or more before implementation may begin. Therefore, it is important to have some flexibility in what plants and seeds are commercially available and what the site conditions may look like when planting occurs.

6.7.2 Plant Palette

The plant palette consists of a variety of shrubs and annual herbaceous species, which are appropriate for the site. Quantities of container plants and seeds are proposed. However, species

and quantities may change immediately prior to installation due to changes in availability, in purity and germination rates of the seeds, and site conditions. Certain plant species have a higher mortality rate than others. Plant installation of containers should occur in the fall to take advantage of precipitation, which will be supplemented with irrigation.

6.7.2.1 Coastal Sage Scrub and Chaparral

The plant palette for coastal sage scrub and chaparral habitats is provided in the tables below. Container plants will be installed in the first year. If native coverage is not meeting Mitigation goals at the end of Year 1, supplemental seeding will occur to increase native vegetation coverage. Adaptive Management measures are discussed in Section 11.0. Appropriate species for a seed mix are listed below.

Site A – (2.16 Acres)

Site A has plants that are characteristically associated coastal sage scrub and chaparral habitats. The adjacent reference sites also include coastal sage scrub species. Species from the existing plants on-site will be used in the palette as well as the species from the reference sites.

Table 5 Site A – 2.16 acres Container Plant Palette

Scientific Name	Common Name	Material Size/Type	Spacing on Center (Ft.)	Qty
Artemisia californica	California sagebrush	1 gallon	10	115
Ceanothus megacarpus	big-pod ceanothus	1 gallon	10	40
Elymus condensatus	giant wild rye	1 gallon	10	111
Encelia californica	California brittlebush	1 gallon	10	111
Eriogonum cinereum	coastal buckwheat	1 gallon	10	300
Eriogonum fasciculatum	California buckwheat	1 gallon	10	165
Hazardia squarrosa	saw-toothed goldenbush	1 gallon	10	327
Hesperoyucca whipplei	chapparal yucca	1 gallon	10	57
Malosma laurina	laurel sumac	1 gallon	10	39
Rhus integrifolia	lemonade berry	1 gallon	12	39
			Total	1304

Site B – (0.77 Acre)

Site B also has plants that are characteristically associated coastal sage scrub. Species from the existing plants on-site will be used in the palette as well as the species from the reference sites.

Table 6 Site B – 0.77 acres Container Plant Palette

Scientific Name	Common Name	Material Size/Type	Spacing on Center (Ft.)	Quantity
Artemisia californica	California sagebrush	1 gallon	10	59
Elymus condensatus	giant wild rye	1 gallon	10	40
Encelia californica	California brittlebush	1 gallon	10	59
Eriogonum cinereum	coastal buckwheat	1 gallon	10	117
Eriogonum fasciculatum	California buckwheat	1 gallon	10	40
Hazardia squarrosa	saw-toothed goldenbush	1 gallon	10	40
Hesperoyucca whipplei	chapparal yucca	1 gallon	10	15
Malacothamnus fasciculatus	chapparal bush mallow	1 gallon	10	21
Malosma laurina	laurel sumac	1 gallon	12	14
Rhus integrifolia	lemonade berry	1 gallon	12	14
Salvia mellifera	black sage	1 gallon	10	117
			Total	536

Table 5 Site A and Site B Seed Mix

Scientific Name	Common Name	Site A Bulk lbs. per acre	Site B Bulk lbs. per acre
Acmispon glaber	deerweed	1.62	0.58
Artemisia californica	California sagebrush	0.63	0.22
Deinandra fasciculata	clustered tarweed	13.12	4.68
Diplacus aurantiacus	sticky monkey flower	2.52	0.90
Elymus condensatus	giant wild rye	6.25	2.23
Encelia californica	California brittlebush	12.72	4.53
Eriogonum cinereum	coastal buckwheat	5.98	2.13
Eriogonum fasciculatum	California buckwheat	1.82	0.65
Eschscholzia californica	California poppy	21.59	7.70
Hazardia squarrosa	saw-toothed goldenbush	11.90	4.24
Malacrothrix saxatalis	cliff aster	3.89	1.39
Malcothamnus fasciculatus	bush mallow	0.75	0.27
Salvia leucophylla	purple sage	1.05	0.37
Salvia melifera	black sage	1.60	0.57
Stipa pulchra	purple needle grass	4.73	1.69
	Total	90.15	32.14

6.7.3 Planting Container Stock

Container stock should be planted in the smallest available appropriate size for habitat restoration. Small container sizes not only reduce initial costs, but also allow plants to establish more roots in site soils. Container plants should be planted in the fall (October to November) to take advantage of cooler temperatures and upcoming winter rainfall. Due to the unpredictability of rooted container stock, it is highly recommended to order contract grow materials one year in advance of installment.

Planting holes should be excavated to twice the diameter and at least six inches deeper than that of the root ball. Excavated depths should be relative to grade. The holes should be backfilled to create a flat or slightly convex bottom. Backfill should be a mix of native and amended soil and at least six inches deep, to allow the top of the root ball to be level with the existing grade. When planting on a sloped surface, level plant holes should be created by creating a berm on the downhill side of the planting hole. Plant species should be clustered in groups of the same species of 3-5 depending on the size.

If gophers, rabbits, deer, or other wildlife are expected to cause damage, then belowground gopher cages and aboveground tree cages should be considered for installation. Each plant should be carefully placed in its planting hole so that the crown is at grade, and the soil should be firmly tamped down when backfilling. Each plant hole should be finished with a perimeter berm of soil compacted by foot to encourage water retention, unless such a berm would cause undue water accumulation and harm the plant. The perimeter berm should be located at least 6 inches away from the stem or trunk of the plant to reduce potential rot. Plantings should be immediately saturated with water to facilitate adequate stem/root to soil contact and to preclude capillary stress. Tree staking is not recommended for native trees unless the plant material is unbalanced or there is excessive wind at the site.

6.7.4 Hydroseeding

Seeds may be purchased or collected locally. Purchased seed should be locally native, if possible and pre-treated. If seeds are collected, they should be prepared and stored according to accepted procedures by species. Regardless of the manner in which seed is acquired, all species of seed should be kept in separate bags. Mixing should occur just prior to sowing, and should include an appropriate filler matrix. Due to fluctuations of seed production, seed collection should be initiated at least one year prior to installation.

Most seeds should be sown in the fall (October to November) to take advantage of winter rains. Hydroseed will be applied using a two-step technique. The first hydroseeding mixture will be composed of water, seed, and organic soil stabilizer. Alternatively, a bonded fiber matrix product may be used to replace the wood fiber or mulch and organic soil stabilizer. The second pass will be an application of water, fiber mulch and soil stabilizer/tackifier.

Fiber shall be of such character that the fiber will disperse into uniform slurry when mixed with water. Fiber and other mulch ingredients shall be free from growth or germination inhibiting ingredients. There are various types of this product for different levels of erosion control and may assist with revegetation in a hydroseed application. Equipment shall have a built-in agitation system and operating capacity sufficient to agitate, suspend, and homogeneously mix slurry. Water should be obtained from a local, clean source. Application of hydroslurry should comply with product specifications.

7.0 MAINTENANCE

The contractor will perform Mitigation maintenance over a five-year period at the Mitigation site to facilitate compliance with the requirements and specifications set forth in the mitigation and monitoring plan and County permits, and to facilitate successful establishment of native habitat.

Plantings should be protected from adverse impacts such as pest insects, diseases, competing vegetation, and damage from livestock or wildlife. Access by vehicles or equipment during or after plant establishment should be controlled to protect new plants and minimize erosion, compaction, and other site impacts. Adverse drainage conditions or other conditions that might affect plant growth should be corrected.

7.1 Schedule

Maintenance will occur monthly in the first year after installation for a total of 12 visits. If the site is in a favorable condition, maintenance can reduce to bi-monthly events for a total of 6 visits in Years 2 and 3. In the last two years, the native vegetation should have increased in coverage lowering maintenance visits to quarterly (4 visits) in Years 4 and 5.

There will be flexibility in the maintenance schedule and will be contingent on the results of progress monitoring. They may increase or decrease depending on the site conditions. While the maintenance visits are scheduled to be bi-monthly and/or quarterly, the majority of the maintenance will occur in the winter, spring and early summer during peak weed growth.

7.2 Non-Native Plant Removal and Weeding

Weed removal should begin before plant installation and should continue throughout the life of the Mitigation. Weed establishment occurs year-round in temperate climates, but will be highest

in winter, spring, and early summer depending upon precipitation or available water. Protective measures should be taken to avoid damage to desirable plants; in many cases, hand pulling may be used in lieu of herbicides to reduce the chance of damage from spray drift. As the Mitigation progresses, weeding should become less frequent as native plants begin to outcompete non-native species successfully. Weeding maintenance will include hand removal, mechanical removal, and/or herbicide application via foliar spray or cut-and-paint methods, as necessary.

7.3 Litter Removal

Litter and debris will be placed into trash bags and will be properly disposed of at the cost of the property owner. If illegal dumping becomes an issue, the restoration site may need to be fenced.

7.4 Irrigation Maintenance

Wildscape will provide supplemental water in Years 1, 2 and 3. The irrigation system will be inspected during each maintenance visit. Routine maintenance is vital to preserve the efficiency of the irrigation system. Regular inspections and repairs decrease the amount of water lost from punctures and broken pipes, as well as potential erosion problems caused by damaged systems. Other common maintenance issues include checking the battery life of controllers, and the functionality of micro-spray emitters and irrigation tubing due to hard water deposits or damage from animal activity. During the wet season, when the irrigation system may be turned off or used only minimally, maintenance activities should decrease.

7.5 Areas of Low Germination

Re-seeding will be performed in the fall of Year 2 to meet overall plant cover requirements, if necessary. Significant patches of bare ground should be reseeded by hand. If appropriate, the same seed mixture used during installation should be applied. However, if it is evident that environmental or soil conditions have inhibited germination, soil tests may be needed. Site-specific plant palette changes should be made, as necessary. Plants chosen should be locally native, appropriate to the environmental conditions of the site, and approved of by the restoration ecologist.

7.6 Protection from Herbivores

In some cases, herbivores such as rabbits and gophers may cause significant damage to native plantings. Plants should be monitored for damage, and if damage becomes severe, plants may be protected using fencing, wire cages, or other enclosures.

Trapping is an additional alternative to rodent control. This control measure should also be done with approval by CDFW and in consultation with the biological monitor. However, the use of anticoagulant-based rodent is prohibited, in accordance with § 8178-2.8a of the Ventura County Coastal Zoning Ordinance. Their use has been shown to cause mortality of meta-predators such as bobcats, and they are not particularly successful at reducing rodent populations over the long term.

8.0 Monitoring

8.1 Progress Monitoring

Monitoring will be performed by qualified biologist to document and evaluate the success of the removal effort. Monitoring information will be collected monthly during the first 6 months and then every other month after. Qualitative monitoring efforts will consist of collecting data on the status of the Mitigation site, including the presence of target species, regeneration of native species, natural and human disturbances in the area, and general conditions of the site. Photographs of the site will be taken from established photo points for comparison and a report will be prepared. The report will include the findings, photo points and recommendations for action to be taken.

8.2 Annual Quantitative Monitoring

Quantitative monitoring will occur in May or June when plants are actively growing. At this time, plants with diverse life histories, including winter and summer annuals, can be observed and percent cover will represent all plants present. During the summer/fall dry season or winter, many plant species are dormant and may not be detected during surveys at those times of year.

Data for the annual reports will be collected using a modified point-intercept technique. This technique allows for objective determination of plant cover of shrublands and communities consisting of low growing plants. At least 100 points will be observed for each site. For each point, cover type (plant species or bare ground) will be recorded. Plant identity at each point will also be recorded. Relative cover of each species can be determined by the formula:

Cover of species A = (number of hits of species A/total number of points) x 100

Total plant cover can be determined by summing the cover percentages for each species. Total cover can exceed 100 percent because of overlapping plant canopies. A flora list will also be prepared to document natural recruitment of species and establishment of planted species (if any).

Photographs of the site will be taken from established photo points for comparison and a report will be prepared. The report will include the findings, photo points and recommendations for action to be taken.

9.0 BEST MANAGEMENT PRACTICES

To minimize disturbance or harm to area habitats and wildlife, the project incorporates a wide range of best management practices. Critical best management practices include:

- Timing: All project activities may start as early as September 1st if no breeding birds are present and generally continue up until March 1st. After this period, it is considered breeding bird season and pre-activity surveys may be necessary.
- Weather: No activity will occur during a rain event and herbicides will not be sprayed in wind speeds exceeding 5 miles per hour.
- Herbicides: EPA and California Department of Pesticide Regulations (DPR) approved herbicides will be applied by a licensed professional.
- Surveys and Monitoring: Surveys for threatened, endangered and other sensitive species will be conducted prior to work.

10.0 PERFORMANCE STANDARDS

The goal of this habitat mitigation and monitoring plan is to encourage native plant growth and recruitment ultimately restoring the sites and lifting the Notice of Violations. It must be noted however that if after 3 years, the sites are not on track to meet the success criteria, additional plantings may be required to meet Year 5's goal.

10.1 Reference Sites

References sites provide a baseline for the condition of existing habitat in areas adjacent to the project locations. Reference sites were selected in as close proximity as possible to the project site with similar characteristics such as habitat types, soil types, and hydrological conditions. Prior to the first annual quantitative report, reference sites should be quantitatively sampled again for percent cover of native vegetation, non-native vegetation and bareground/litter. In addition, species composition should be noted to determine if a similar species diversity is adequately reflected in the project site.

10.1.1 Reference Site Transect Descriptions

Wildscape biologists collected quantitative data from the adjacent reference sites using point intercept transects to assist in determining feasible success criteria. Transect data is shown below in Tables 7 and 8, respectively.

Transect A1

Transect A1 was located on the eastern side of Restoration Site A, approximately 50 – 60 ft downslope of the proposed planting areas. This reference site is on a northeast – facing slope with patchy cover of mature lemonade berry and laurel sumac shrubs, with saw-toothed goldenbush, coastal buckwheat, and wire lettuce prevalent in the understory. Biomass of dried, non-native short-podded mustard was abundant; surveyors also observed dried non-native brome grass and tocalote.

Transect A2

Transect A2 was located on the western side of Restoration Site A, approximately 50-60 ft downslope of the proposed planting area on a southwest-facing slope. At this site, lemonade berry and laurel sumac were the dominant large shrubs. The understory was composed of native perennials, such as saw-toothed goldenbush, wire lettuce, California brittlebush (*Encelia californica*), black and purple sage (*Salvia* spp.), California sagebrush, and coastal buckwheat. The dried biomass of clustered tarweed, a native annual herb, was especially prevalent, and dried non-native brome grasses, tocalote, and short-podded mustards were also present throughout the reference site.

Table 7 Site A Transect Data

Scientific Name	Common Name	Transect A1	Transect A2	Total	Relative Percent Cover	Absolute Cover
Artemisia californica	California sagebrush	1		1	0.8%	1.0%
Deinandra fasciculata	clustered tarweed	2	19	21	17.1%	2.0%
Diplacus sp.	monkeyflower	1		1	0.8%	1.0%
Ceanothus megacarpus	big-pod ceanothus	4		4	3.3%	4.0%
Elymus condensatus	giant wild rye		4	4	3.3%	0.0%

Table 7 Site A Transect Data (continue)

Scientific Name	Common Name	Transect A1	Transect A2	Total	Relative Percent Cover	Absolute Cover
Encelia californica	California brittlebush		3	3	2.4%	0.0%
Eriogonum cinereum	coastal buckwheat	7		7	5.7%	7.0%
Hazardia squarrosa	saw-toothed goldenbush	7	3	10	8.1%	7.0%
Hesperoyucca whipplei	chapparal yucca	2	1	3	2.4%	2.0%
Malosma laurina	laurel sumac		4	4	3.3%	0.0%
Rhus integrifolia	lemonade berry	2		2	1.6%	2.0%
Salvia mellifera	black sage		2	2	1.6%	0.0%
Stephanomeria sp.	wire lettuce	10	6	16	13.0%	10.0%
Stipa pulchra	purple needle grass	2	1	3	2.4%	2.0%
Natives Total		**38**	**43**	**81**	**65.9%**	**81.0%**
Bromus rubens	red brome	2	1	3	2.4%	3.0%
Scientific Name	**Common Name**	**Transect A1**	**Transect A2**	**Total**	**Relative Percent Cover**	**Absolute Cover**
Centaurea melitensis	tocalote	5	4	9	7.3%	9.0%
Hirschfeldia incana	short-podded mustard	14	5	19	15.4%	19.0%
Herbaceous Non-Natives Total		**21**	**10**	**31**	**25.2%**	**31.0%**
N/A				0	0.0%	0.0%
Other Woody Non-Natives Total		**0**	**0**	**0**	**0.0%**	**0.0%**
Non-natives Total (Arundo, Other Woody & Herbaceous)		**21**	**10**	**31**	**25.2%**	**31.0%**
Total Vegetative Cover		**59**	**53**	**112**	**91.1%**	**112.0%**
Bare Ground / Rock / Plant Litter		9	11	11	8.9%	11.0%
Total Unvegetated		**9**	**11**	**11**	**8.9%**	**11.0%**
Total Vegetated & Unvegetated		**68**	**64**	**123**	**100.0%**	**123.0%**

Transect B1

Transect B1 was located approximately 40 – 60 ft east of Restoration Site B near the top of a steep east-facing slope. Laurel sumac was the most prevalent large shrub, but lemonade berry and chaparral yucca were also present. Black sage, coastal buckwheat, and wire lettuce were the most common native perennials at this reference site, but California buckwheat, chaparral bush mallow, and purple needle grass were also observed. Dried biomass of non-native short-podded mustard was especially abundant at the top of the slope, near the disturbed area. The eastern side of Site B appeared to be drier than the western side and Transect B1 had a higher proportion of bare ground than any of the other reference site transects.

Transect B2

Transect B2 was located 20 -70 feet west of Restoration Site B, on a west-facing slope between the proposed planting areas and Deer Creek Road. This reference site had relatively high cover of native plants and while some non-native mustard and brome grass were observed in the area, none occurred directly on the transect. Several large patches of laurel sumac occur on the western slope near the transect and lemonade berry shrubs are relatively evenly dispersed throughout the

reference site. California brittlebush (dried), giant wild rye, and California sagebrush were more abundant at this reference site than others. Other native perennials observed on or near the transect included coastal buckwheat, saw-toothed goldenbush, wire lettuce, chaparral yucca, and purple sage.

Table 8 Site B Transect Data

Scientific Name	Common Name	Transect B1	Transect B2	Total	Relative Percent Cover	Absolute Cover
Artemisia californica	California sagebrush	1	6	7	5.9%	7.0%
Elymus condensatus	giant wild rye		6	6	5.0%	6.0%
Encelia californica	California brittlebush		6	6	5.0%	6.0%
Eriogonum cinereum	coastal buckwheat	4	5	9	7.6%	9.0%
Eriogonum fasciculatum	California buckwheat	2		2	1.7%	2.0%
Hazardia squarrosa	saw-toothed goldenbush		6	6	5.0%	6.0%
Malacothamnus fasciculatus	chapparal bush mallow	2	1	3	2.5%	3.0%
Malosma laurina	laurel sumac	1	2	3	2.5%	3.0%
Rhus integrifolia	lemonade berry		7	7	5.9%	7.0%
Salvia mellifera	black sage	10		10	8.4%	10.0%
Stephanomeria sp.	wire lettuce	6	17	23	19.3%	23.0%
Stipa pulchra	purple needle grass	1	2	3	2.5%	3.0%
Natives Total		**27**	**58**	**85**	**71.4%**	**85.0%**
Hirschfeldia incana	short-podded mustard	10		10	8.4%	10.0%
Herbaceous Non-Natives Total		**10**	**0**	**10**	**8.4%**	**10.0%**
N/A						0.0%
Other Woody Non-Natives Total		**0**	**0**	**0**	**0.0%**	**0.0%**
Non-natives Total (Arundo, Other Woody & Herbaceous)		**10**	**0**	**10**	**8.4%**	**10.0%**
Total Vegetative Cover		**37**	**58**	**95**	**79.8%**	**95.0%**
Bare Ground / Rock / Plant Litter		17	7	24	20.2%	24.0%
Total Unvegetated		**17**	**7**	**24**	**20.2%**	**24.0%**
Total Vegetated & Unvegetated		**54**	**65**	**119**	**100.0%**	**119.0%**

10.1.2 Reference Site Transect Data Results and Discussion

Based on the absolute cover data above, Site A has approximately 80% native cover, 30% non-native cover and the remaining is either bare ground or plant litter. This data is consistent with a typical coastal sage scrub habitat of having 60-75% cover with bare ground and/or annual plants in between the larger perennial shrubs (Barbour and Major *Terrestrial Vegetation of California*, CNPS Special Publication no.9 1988).

Site B is also consistent with the typical cover having 85% native plant species cover and approximately 10% non-native cover. The non-native species cover however, is not completely representative of the entire site. In the planting area there are an abundance of non-native species, particularly Russian thistle, mustard, and brome species. Even though Site B's second transect

did not run across any non-native cover there were mustards and brome species in the surrounding areas.

Averaging the cover across both reference sites and using visual estimations, the sites are approximately 85% native and 20% non-native. The success criteria will be the same for both sites and is listed in the table below.

Table 9 Performance Criteria

This table lists the performance criteria for this project.

Criteria	Year 3 Goal	Year 5 Goal
Native Plant Species Absolute Percent Cover	≥40% of Reference Site or ≥34%	≥90% of Reference Site or ≥76.5%
Non-Native Plant Species Absolute Percent Cover	≤150% of Reference Site or ≤30%	≤100% of Reference Site or ≤20%
Non-Native Invasive[1] Plant Species Absolute Percent Cover	≤15%	≤5%
1. For the purpose of this Plan, "invasive" plant species are those identified as "moderate" or "high" on the California Invasive Plant Council (Cal-IPC) Inventory Database for the Southwest Jepson Region.		

11.0 ADAPTIVE MANAGEMENT PLAN

The biological monitor will coordinate with the property owner and the contractor to provide recommendations and adaptive management as needed to facilitate achievement of the performance standards. The recommendations will be made after the quantitative annual report is completed. The results of the annual report will be reviewed by the property owner and biological monitor, and a decision to re-plant or re-seed will be made at that time. Contingency measures will be initiated by the property owner if the mitigation is not on track and will not reach success over the five-year maintenance period.

The non-native cover results from the annual report may indicate a need for contingency measures as well. If the non-native cover results are not meeting the success criteria, additional maintenance events will be required and initiated by the property owner per the biological monitor's recommendation.

If an unforeseen, catastrophic event (e.g., flood, fire, vandalism) removes or kills the majority (>50%) of native species after the vegetation has met the final performance goals, the permittee will not be responsible for replanting the damaged areas. If said event(s) precede(s) achievement of the final goals, the permittee will be responsible for replanting the area one time only and will extend the monitoring period as appropriate following replanting.

12.0 References

Baldwin, B. G., D. H. Goldman, D. J. Keil, R. Patterson, T. J. Rosatti, and D. H. Wilken, editors. 2012. *The Jepson Manual: Vascular Plants of California (2nd ed.)*. University of California Press, Berkeley.

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Regional Project Location

Howard Weinberg - Habitat Mitigation & Monitoring

0 Deer Creek Rd, Malibu, California

0 3.5 7 14 21 28 Miles

N

Project Location

Ventura County

Figure 1

Prepared July 2022

Wildscape RESTORATION

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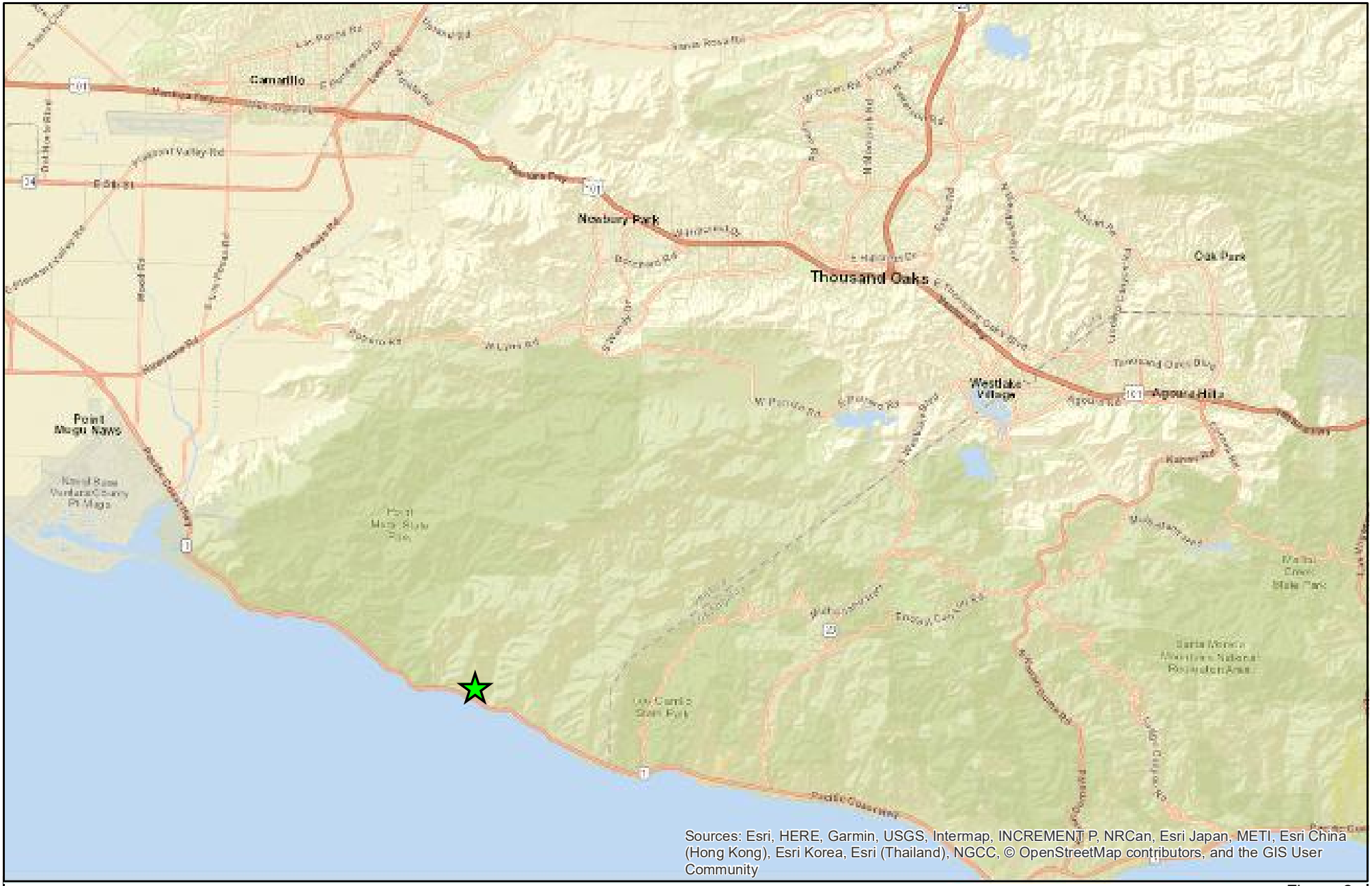

Local Project Vicinity

Howard Weinberg - Habitat Mitigation & Monitoring

0 Deer Creek Rd., Malibu, California

N

Project Location

0 0.75 1.5 3 4.5 6 Miles

Figure 2

Prepared July 2022

Wildscape RESTORATION

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Site A Areas of Disturbance

Howard Weinberg - Habitat Mitigation & Monitoring Plan

Deer Creek Road, Malibu, California

N

0 55 110 220 330 440 Feet

Prepared October 2022

Wildscape RESTORATION

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Site B Areas of Disturbance

Howard Weinberg - Habitat Mitigation & Monitoring Plan

0 Deer Creek Road, Malibu, California

N

0 25 50 100 150 200 Feet

Prepared October 2022

Wildscape RESTORATION

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Site A Planting Areas

Howard Weinberg - Habitat Mitigation & Monitoring Plan

Deer Creek Road, Malibu, California

N

0 55 110 220 330 440 Feet

Prepared October 2022

Wildscape RESTORATION

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Site B Planting Areas

Howard Weinberg - Habitat Mitigation & Monitoring Plan

0 Deer Creek Road, Malibu, California

N

0 25 50 100 150 200 Feet

Prepared October 2022

Wildscape RESTORATION

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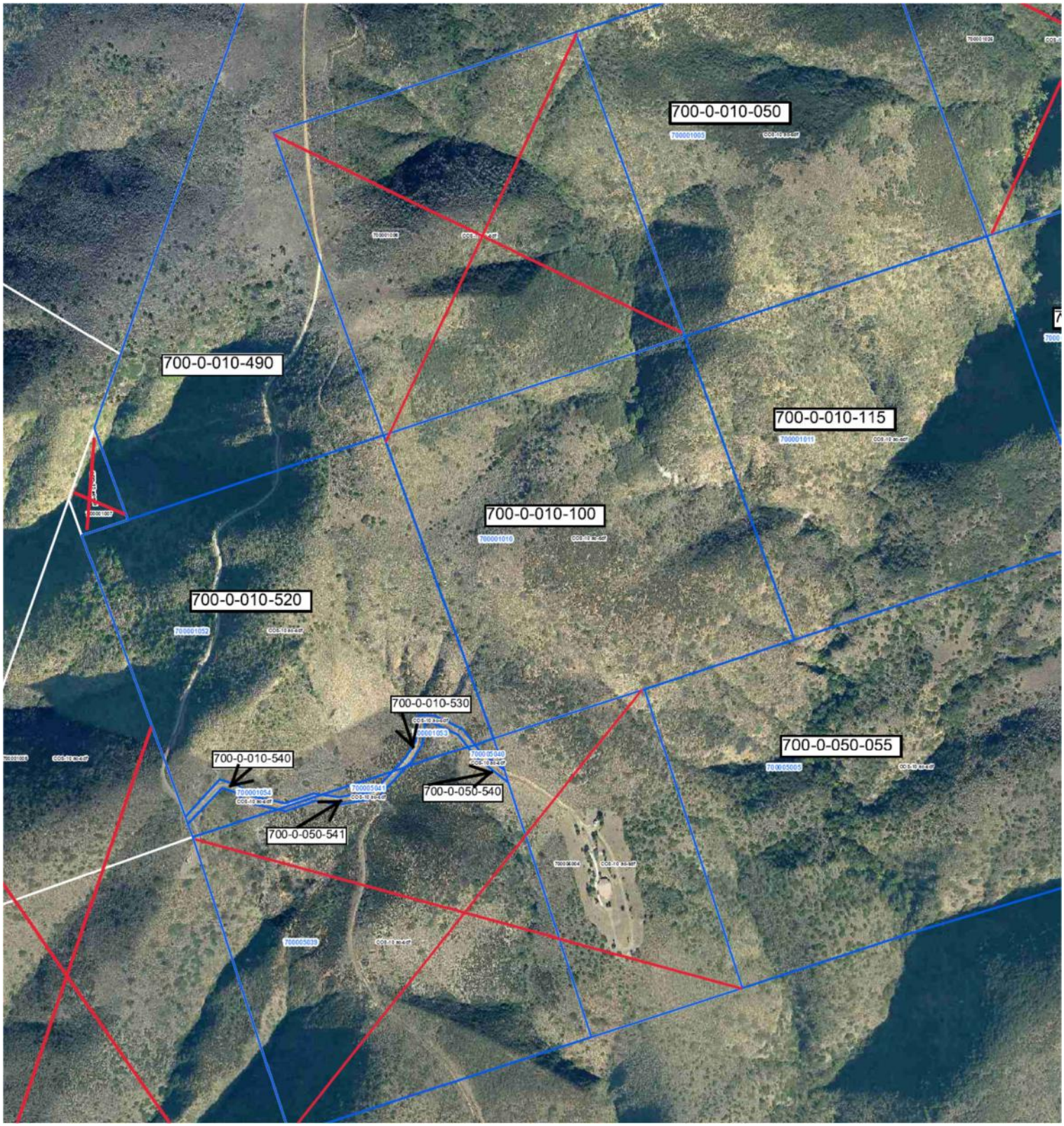

Aerial View - New Easement - 3-7-22

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APPENDIX A Site A Photographs

Entrance to site A facing south.

North end of site facing northeast viewing some laurel sumac (*Malosma laurina)* – Planting area on left side of picture top of slope.

Site A facing east pictured is chaparral yucca, clustered tarweed (*Deinandra fasiculatum*), dried mustard (*Hirschfeldia incana*) – Planting area in Site A

Entrance to site A facing east.

Site A facing northeast looking into what used to be ceanothus (*Ceanothus megacarpus)* and is now primarily lemonade berry (*Rhus integrifolia)* and laurel sumac.

A patch of dried-up mustard facing south - a part of the planting area

APPENDIX A CONTINUED Site A Photographs

View of the site facing south with laurel sumac, Santa Barbara milk vetch and dried mustard – planting will occur around natives

View of the site facing southeast. Pictured are patches of sagebrush (*Artemisia* spp.) and buckwheat (*Eriogonum* spp.) – planting will occur around natives

A patch of sweet fennel (*Foeniculum vulgare*) at the southern end of the site facing southwest – just outside of planting area

Large patch of more dried mustard closer to the middle of the site on the eastern side – area to be restored and planted

View of further down the slope facing south viewing a patch of clustered tarweed.

View towards the southern end of site A facing south and viewing laurel sumac – just outside of planting area

APPENDIX A CONTINUED Site A Photographs

View towards the southern end of site A facing west and some laurel sumac.

View of the site facing north looking at the granite pad and patches of buckwheat and lemonade berry to the west.

A patch of the site facing north with laurel sumac to the west and patches of dried mustard on the granite pad itself.

View of the middle of the site facing west.

View of the granite pad towards the beginning of the site.

A patch of burned lemonade berry facing northwest that is displaying regrowth.

APPENDIX B Site B Photographs

Entrance of site B facing west.

View of the northern slope/reference site, which is dominated by prickly pear, buckwheat and deerweed.

View of the site facing south looking at dense Russian thistle and mustard.

View of the beginning of the site facing south. Mustard is dominant with Russian thistle and some tarweed – planting area to the right

View of Russian thistle patch with some laurel sumac facing the northeast end of the site – not in planting areas

View of milk vetch facing southeast -planting will occur around existing natives

APPENDIX B CONTINUED Site B Photographs

A view of buckwheat where the California brittlebush *(Encelia californica*) patch used to be facing northeast.

View of sagebrush, buckwheat and saw-toothed goldenbush (*Hazardia squarrosa).*

View of the end of the site facing south.

View of a milk vetch patch facing southeast.

View of sagebrush, buckwheat and saw-toothed goldenbush facing west.

View of front of the site facing north, with some mustard and tarweed pictured.

APPENDIX C Reference Site Transect Photos


Transect A1 Start Point, facing northwest (bearing 300˚).


Transect A1 End Point, facing southeast (bearing 120˚).


Transect A2 Start Point, facing northwest (bearing 320˚).


Transect A2 End Point, facing southeast (bearing 140˚).


Transect B1 Start Point, facing southwest (bearing 200˚).


Transect B1 End Point, facing northeast (bearing 20˚).

APPENDIX C CONTINUED Reference Site Transect Photos

Transect B2 Start Point, facing northeast (50˚).

Transect B2 End Point, facing southwest (bearing 230˚).