



## Planning Director Staff Report– Hearing on August 11, 2022

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County of Ventura • Resource Management Agency

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### KUSHNER/ARAKELIAN COASTAL PLANNED DEVELOPMENT (PD) PERMIT CASE NO. PL18-0010

#### A. PROJECT INFORMATION

- 1. Request:** The applicant requests approval of a Coastal Planned Development (PD) Permit Case No. PL18-0010 for restoration of native vegetation that constitutes Environmentally Sensitive Habitat Areas (ESHA).
- 2. Applicants:**  
Donald Kushner, 9200 Cotharin Road, Malibu, CA 90265  
The Wala & Wala Co., LLC, A Minnesota Limited Liability Company, 3550 Lexington Ave N # 200, Shoreview, Minnesota 55126
- 3. Property Owner:**  
Tax Assessor's parcel number 701-0-040-095: Donald Kushner, 9200 Cotharin Road, Malibu, CA 90265  
Tax Assessor's parcel number 700-0-140-245: The Wala & Wala Co., LLC, A Minnesota Limited Liability Company, 3550 Lexington Ave N # 200, Shoreview, Minnesota 55126<sup>1</sup>
- 4. Applicant's Representative:** Greg Ainsworth, 770 Paseo Camarillo, Suite 770, Camarillo, CA 93010
- 5. 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 PD Permit.
- 6. Project Site Size, Location, and Parcel Number:** The 20.80-acre and 9.06-acre properties are located at 9200 Cotharin Road, Malibu, approximately 2.5 miles north of the intersection of State Highway 1 (Pacific Coast Highway) and Yerba Buena Road, near the city of Malibu, in the Santa Monica Mountains of the unincorporated area of Ventura County. The Tax Assessor's parcel numbers for the properties that comprise the project site are 701-0-040-095 and 700-0-140-245. (Exhibit 2).

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<sup>1</sup> Note, at the time the violation was confirmed, the owner of APN 700-0-140-245 was Ann A. Arakelian

**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: COS-10ac-sdf/M (Coastal Open Space, 10-acre minimum lot size, Santa Monica Mountains Overlay Zone)

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

Location in Relation to the Project Site	Zoning	Land Uses/Development
North	COS-10ac-sdf/M	Single-Family Dwelling
East	COS-10ac-sdf/M	Undeveloped
South	COS-10ac-sdf/M	Undeveloped
West	COS-10ac-sdf/M	Single-Family Dwelling

- 9. History:** The property addressed as 9200 Cotharin Road (APN 701-0-040-095) is owned by Donald Kushner and developed with a single-family dwelling and accessory structures entitled under Coastal PD LU07-0031. The property with APN 700-0-140-245) is an undeveloped parcel. Beginning at the access driveway in the southwest corner of APN 701-0-040-095 and traversing southeast into APN 700-0-140-245, an approximately 7-foot-wide pedestrian access pathway was cleared resulting in the removal of 3,346.73 square feet (sq. ft.) (0.08 acre) of chamise chaparral and 907.98 sq. ft. (0.02 acre) of California sagebrush scrub. The path is considered Environmentally Sensitive Habitat Areas (ESHA). The subject area was cleared in 2017 to create a path for the purpose of showing the APN 700-0-140-245 to prospective buyers. The vegetation removal was carried out without approval or receipt of a Coastal Planned Development (PD) Permit from Ventura County.

Code Compliance violations were issued for both properties, Case No. CV17-0227 for the Kushner property and Case No. CV17-0225 for APN 700-0-140-245 for the unpermitted removal of native vegetation. Prior to the Woolsey Fire, several stumps of chamise chaparral plant that were cut to create the path had naturally resprouted and regrowth of sawtooth golden bush was observed. The Woolsey Fire burned most of the vegetation on APN 700-0-140-245 except approximately 1.20 acres located at the northwest corner of the lot. The Woolsey Fire also burned approximately 3.8 acres of vegetation on APN 701-0-040-095. The vegetation immediately adjacent to the subject path on this property was not impacted by the Woolsey Fire.

APN 701-0-040-095 was legally created as a remainder of a conveyance (deed recorded November 19, 1957 in Book 1567, Page 258 of Official Records), prior to regulation by the Subdivision Map Act or local subdivision ordinance. APN 700-

0-140-245 was legally created as a single discrete parcel of land prior to February 28, 1966 by deed.

**10. Project Description:** The applicants are requesting a Coastal Planned Development (PD) Permit be granted to authorize the restoration of approximately 4,253.98 sq. ft. of native vegetation specifically, 3,346.73 sq. ft. (0.08 acre) of chamise chaparral and 907.98 sq. ft. (0.02 acre) of California sagebrush scrub considered Environmentally Sensitive Habitat Areas (ESHA) (Exhibit 5).

## **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 of 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 Section 15333, Small Habitat Restoration Projects - Class 33, provides an exemption for projects not to exceed five acres in size, to assure the 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 other current project, and the effects of probable future projects.

The proposed project is for the restoration of 4,253.98 sq. ft. of native vegetation specifically, 3,346.73 sq. ft. (0.08 acre) of chamise chaparral and 907.98 sq. ft. (0.02 acre) of California sagebrush scrub considered ESHA. Restoration will restore the area that was cleared without the benefit of a permit. The area to be restored will likely not be disturbed if the parcel is developed given its proximity to the common property line. Further, the project will not trigger any of the exceptions to the exemptions listed under CEQA Guidelines Section 15300.2. Therefore, no further environmental review is required.

## **C. CONSISTENCY WITH THE GENERAL PLAN**

The 2040 Ventura County General Plan *Goals, Policies and Programs* (2020, page 1-1) states:

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

Finally, 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 Coastal Area Plan.

The proposed Project has been analyzed and found to be consistent with applicable provisions of the Ventura County General Plan and Coastal Area Plan. The analysis is presented as Exhibit 3.

#### **D. ZONING ORDINANCE COMPLIANCE**

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

Pursuant to the requirements of the Ventura County CZO (Section 8174-6.3.6(a)(6)), a Coastal Planned Development Permit is required for the removal of major vegetation. Upon the granting of the Coastal PD Permit for the purpose of restoring ESHA, the proposed project will comply with the requirements of the Ventura County CZO.

The proposed project is located within a Santa Monica Mountain (M) Overlay Zone and, therefore, is subject to the standards of the Ventura County CZO Section 8174-4 Environmental Sensitive Habitat Areas. CZO Section 8174-4(b) permits developments where the primary function is habitat enhancement or restoration. Below are the applicable Santa Monica Mountains Overlay Zone standards and a description of whether the proposed project complies with those standards.

- 1. Ventura County CZO Sec. 8177-4.1.1:** *New development, including all private and public recreational uses, shall preserve all unique vegetation such as *Coreopsis gigantea* (giant coreopsis) and *Dudleya cymosa* ssp. *Marcescens* (marcescent dudleya).*

Pursuant to Coastal Act Section 30106, "development" includes the removal of major vegetation other than for agricultural purposes. In accordance with CZO Section 8174-6.3.6.6 removal of major vegetation requires a Coastal PD Permit. As discussed in the ISBA (Exhibit 6), the results of focused plants surveys conducted on April 20, May 3, and May 16, 2018, indicated no special-status plant species (i.e., Catalina mariposa lilies and lanceleaf dudleya) are known to occur in the area where ESHA was removed. As stated in Sections B and C of the staff report (above) the project does not include construction activities and instead is restoration of a pedestrian path that when created, removed 3,346.73 sq. ft. (0.08 acre) of chamise chaparral and 907.98 sq. ft. (0.02 acre) of California sagebrush



scrub, which is considered ESHA (i.e., major vegetation). The Applicant is required to implement a Vegetation Restoration Plan (Exhibit 5) pursuant to Coastal PD Permit (Case No. PL18-0010) Condition No. 1 (Exhibit 4).

Based on the discussion above, the proposed project will comply with Ventura County CZO Section 8177-4.1.1.

**2. *Ventura County CZO Section 8177-4.1.2: All new development shall be sited and designed to avoid adverse impacts on environmentally sensitive habitat areas.***

- a. *In cases where environmentally sensitive habitat areas are located on a project site where the impacts of development are mitigated consistent with the LCP Land Use Plan, the County shall assure that all habitat areas are permanently maintained in open space through a recorded easement or deed restriction.*

*When such impacts of development would be unavoidable, the County shall ascertain within the specified project review period whether any public agency or nonprofit organization, including the National Park Service, Coastal Conservancy, the Santa Monica Mountains Conservancy, State Department of Parks and Recreation, County Property Administration Agency, and Trust for Public Lands, is planning or contemplating acquisition of any portion of the subject property to preserve it in open space. The permit may not be approved if such agency or organization has been specifically authorized to acquire any portion of the property that 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 of the date of application for the permit. If the permit is 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 for the same reason.*

The property addressed as 9200 Cotharin Road (APN 701-0-040-095), owned by Donald Kushner, currently has a recorded Deed Restriction [Instrument No. 20090521-00083535-0] that permanently protects Environmental Sensitive Habitat Areas (ESHA) that includes the portion of the area to be restored on this parcel. The property with APN 700-0-140-245 is an undeveloped parcel. No Deed Restriction for APN 700-0-140-245 is required until the property is developed pursuant to an approved Coastal PD Permit. Further, the project does not include construction activities and instead is restoration of a pedestrian path that when created, removed 3,346.73 sq. ft. (0.08 acre) of chamise chaparral and 907.98 sq. ft. (0.02 acre) of California sagebrush scrub, which is considered ESHA (i.e., major vegetation). The Applicant is required to implement a Vegetation Restoration Plan (Exhibit 5) pursuant to Coastal PD Permit (Case No. PL18-0010) Condition No. 1 (Exhibit 4).

**3. *Ventura County CZO Section 8177-4.1.3: Construction and/or improvements of driveways or accessways that would increase access to any property shall be***

*permitted only when it has been determined that environmental resources in the area will not be adversely impacted by the increased access. Grading cuts shall be minimized by combining the accessways of adjacent property owners to a single road where possible. The intent is to reduce the number of direct ingress-egress points from public roads and to reduce grading. At stream crossings, driveway access for nearby residences shall be combined. Hillside roads and driveways shall be as narrow as is feasible and shall follow natural contours.*

The project does not include construction activities and instead is restoration of a pedestrian path that was created to show APN 700-0-140-245 to prospective buyers. The pedestrian path does not serve as an accessway or driveway serving a principally permitted use. The Applicant is required to implement a Vegetation Restoration Plan (Exhibit 5) pursuant to Coastal PD Permit (Case No. PL18-0010) Condition No. 1 (Exhibit 4) to restore the pathway that was cleared without the benefit of a permit.

- 4. Ventura County CZO Section 8177-4.1.4:** *All proposal for land divisions in the Santa Monica Mountains shall be evaluated to assure that any future development will be consistent with the development policies contained in the LCP Land Use Plan. Where potential development cannot occur consistent with the LCP, the request for division shall be denied. Environmental assessments shall accompany tentative map applications and shall evaluate the ecological resources within and adjacent to the site and the consistency of the proposed division and development with the standards of the LCP. In addition, the following shall apply:*
- a. Future building envelopes shall be identified on all applications and on the final subdivision map.*
  - b. All identified environmentally sensitive habitat areas and/or slopes over 30 percent shall be permanently maintained in their natural state through an easement or deed restriction that shall be recorded on the final map, or on a grant deed as a deed restriction submitted with the final map. Development shall not be permitted in areas over 30 percent slope.*
  - c. All offers of dedication for trail easements shall be recorded on the final map. Trail easements established by deed restriction shall be recorded on the deed no later than final map recordation.*

The proposed project does not involve a subdivision. Therefore, Ventura County CZO Section 8177-4.1.4 does not apply for the proposed project.

- 5. Ventura County CZO Section 8177-4.1.5:** *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.*

The proposed project does not include construction of structures and instead is restoration of a pedestrian path that when created, removed 3,346.73 sq. ft. (0.08 acre) of chamise chaparral and 907.98 sq. ft. (0.02 acre) of California sagebrush scrub, which is considered ESHA. Public views of the project site would be restored following restoration of the site. Based on the discussion above, the proposed project will comply with Ventura County CZO Section 8177-4.1.5.

- 6. *Ventura County CZO Section 8177-4.1.6: 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.***

The proposed project does not include construction of structures and instead is restoration of a pedestrian path that when created, removed 3,346.73 sq. ft. (0.08 acre) of chamise chaparral and 907.98 sq. ft. (0.02 acre) of California sagebrush scrub, which is considered ESHA. The path is located along a slope of a hillside. Restoration of the site will return the area to natural open space. Based on the discussion above, the proposed project will comply with Ventura County CZO Section 8177-4.1.6.

- 7. *Ventura County CZO Section 8177-4.1.7: Except within the existing South Coast community, as shown on the South Coast subarea Land Use Plan map, all development proposals located within 1,000 feet of publicly owned park lands shall be sited and designed to mitigate potential adverse visual impacts upon park lands. Appropriate mitigation measures include additional landscaping, use of natural materials, low building profiles, earth tone colors, and the like. Development shall not be sited within 500 feet of a park boundary unless no alternative siting on the property is possible consistent with the policies of the Plan.***

The proposed project does not include the construction of structures and instead is restoration of a pedestrian path that when created, removed 3,346.73 sq. ft. (0.08 acre) of chamise chaparral and 907.98 sq. ft. (0.02 acre) of California sagebrush scrub, which is considered ESHA. The path is located approximately 2,750 feet south of the California State Parks land. Restoration of the site will return the area to natural open space. Based on the discussion above, the proposed project will comply with Ventura County CZO Section 8177-4.1.7.

- 8. *Ventura County CZO Section 8177-4.1.8: Development shall neither preclude continued use of, nor preempt, the option of establishing inland recreational trails along routes depicted on the LCP Land Use Plan maps. A recorded offer of dedication or a deed restriction creating a trail easement shall be required as a condition of approval on property crossed by trails shown on the LCP Land Use Plan maps.***

***Ventura County CZO Section 8177-4.1.9:*** All new trail corridors shall be a minimum of 25 feet in width, with a larger corridor width for major feeder trails. The routing of trails shall be flexible in order to maintain an adequate buffer from adjacent development. Where feasible, development shall be sited sufficiently distant from the trail so as not to interfere with the trail route.

The proposed project is not located on any trail route. The project involves restoration of a pedestrian path that was cleared without the benefit of a permit. The path was created to show APN 700-0-140-245 to prospective buyers and is not an extension of a recreational trail. Restoration of the site will return the area to natural open space.

Based on the discussion above, the proposed project will comply with Ventura County CZO Sections 8177-4.1.8 and 8177-4.1.9.

- 9. Ventura County CZO Section 8177-4.1.10:*** Before a permit for development of any lot is approved, the suitability of that lot for public recreational use shall be evaluated within the specified project review period by the County in consultation with the State 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 nonprofit organization is planning or contemplating acquisition of any part of the subject property, or whether such agencies are specifically authorized to acquire any portion of the property that would be affected by the proposed development, or whether funds for the acquisition are available or could reasonably be expected to be available within one year from the date of application for 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 for the same reasons.

The proposed project does not include the construction of structures and instead is restoration of a pedestrian path that was created without the benefit of a permit. Restoration of the site will return the area to natural open space. The property addressed as 9200 Cotharin Road (APN 701-0-040-095), owned by Donald Kushner, currently has a recorded Deed Restriction [Instrument No. 20090521-00083535-0] that permanently protects ESHA and includes the portion of the area to be restored on this parcel. The property with APN 700-0-140-245 is an undeveloped parcel. At the time development is proposed on APN 700-0-140-245, the County will consult with the State Department of Parks and Recreation and the National Park Service. Based on the discussion above, the proposed project will comply with, Ventura County CZO Section 8177-4.1.10.

- 10. Ventura County CZO Section 8177-4.1.11:*** Any areas within the Santa Monica Mountains used for private recreational purposes shall continue to be so used unless it becomes unfeasible to do so. These properties are subject to the following:

- a. *The only principally-permitted uses (not appealable to the Coastal Commission) on such properties are recreational uses, Planned Development Permits for new recreational uses, or the expansion of existing recreational uses, may be issued by the Planning Director in accordance with Article 11. Permits for all other uses shall be decided upon in accordance with Articles 4 and 11, and all other applicable provisions of this Chapter and the certified LCP Land Use Plan.*
- b. *Prior to the granting of a permit that allows a conversion of recreational uses to non-recreation uses, Section 8177-4.1.10 shall be followed.*

The subject property has not been, and is not currently, subject to private recreational use. Based on the discussion above, the proposed project will comply with Ventura County CZO Section 8177-4.1.11.

#### **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 project site is located within the Santa Monica Mountains, has a General Plan Land Use designation of Open space, and is zoned Coastal Open Space. The surrounding properties have the same General Plan land use and zoning designation as the project site. Lots to the north and west are developed with single-family dwellings and lots to the east and south are open space/vacant land. As discussed in sections C and D of this staff report (above), the proposed project is restoration of a pedestrian path that was created without the benefit of a Coastal PD permit. Restoration of the site will return the area to natural open space. (Condition No. 1, Exhibit 4)

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 consists of a request for approval of a Coastal PD permit for the restoration of a pedestrian path that was cleared of ESHA without the benefit of a permit. The project is not a conditionally permitted use, and, therefore, the requirement of 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 does not include the construction of structures and instead is restoration of a pedestrian path that was created without the benefit of a permit. Restoration of the site will return the area to natural open space and will not be obnoxious or harmful or impair the utility of neighboring property or uses. Therefore, the proposed project will not be obnoxious or 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].**

The proposed project does not include the construction of structures and instead is restoration of a pedestrian path that was created without the benefit of a permit. Restoration of the site will return the area to natural open space and would 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.**

The proposed project does not include the construction of structures and instead is restoration of a pedestrian path that was created without the benefit of a permit. Restoration of the site will return the area to natural open space. According to the Vegetation Restoration Plan (Exhibit 5), if necessary temporary irrigation will be employed until plantings have established which is expected to be 24 months from the initial installation of plants/seed. The Restoration Plan will be considered complete when the performance criterion has been achieved.

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.**

The proposed project does not include the construction of structures and instead is restoration of a pedestrian path that was created without the benefit of a permit. Restoration of the site will return the area to natural open space. According to the Vegetation Restoration Plan (Exhibit 5), if necessary temporary irrigation will be employed until plantings have established which is expected to be 24 months from the initial installation of plants/seed. The Restoration Plan will be considered complete when the performance criterion has been achieved.

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.**

The proposed project does not include the construction of structures and therefore does not require the installation of an onsite wastewater treatment system or connection to public sewer. The project involves the restoration of a pedestrian path that was created without the benefit of a permit. Restoration of the site will return the area to natural open space.

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.**

The proposed project does not include the construction of structures and therefore does not require the extension of any public services. The project involves the restoration of a pedestrian path that was created without the benefit of a permit. Restoration of the site will return the area to natural open space. According to the Vegetation Restoration Plan (Exhibit 5), if necessary, temporary irrigation will be employed. Access to the site will be the biologist/landscaper to conduct restoration activities.

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

## **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), CZO (Section 8181-6.2 et seq.). On July 7, 2022, 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. The Planning Division's request for a legal ad in the Ventura County Star was not fulfilled and the Planning Director hearing will be continued to August 11, 2022. 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 Section 15333 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. PL18-0010, 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 10<sup>th</sup> 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 Noe Torres at (805) 654-3635 or [Noe.Torres@ventura.org](mailto:Noe.Torres@ventura.org).

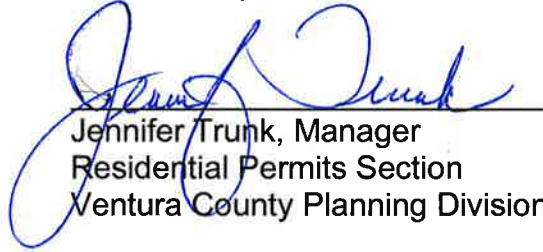


Prepared by:



Noe Torres, Case Planner  
Residential Permits Section  
Ventura County Planning Division

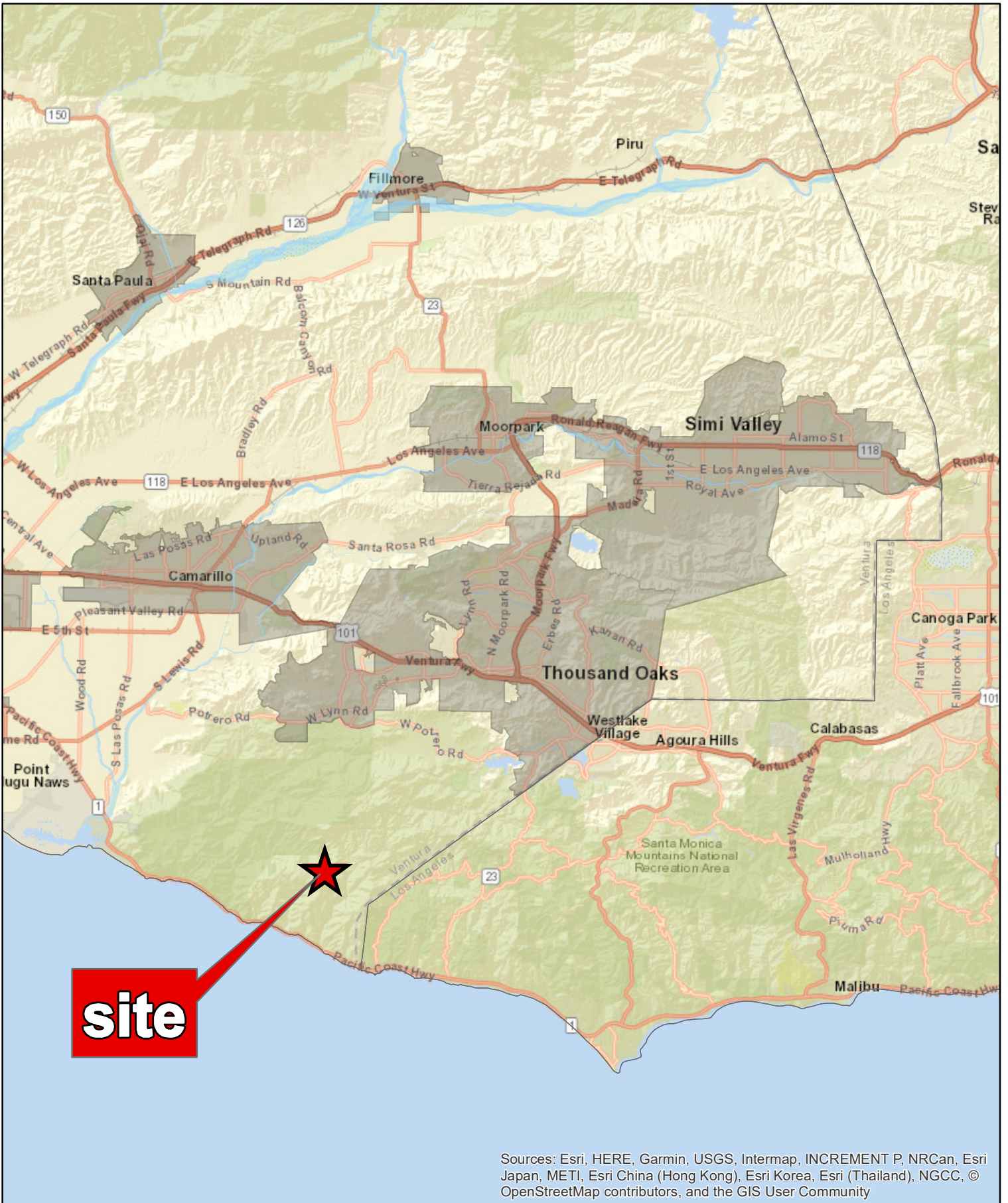
Reviewed by:



Jennifer Trunk, Manager  
Residential Permits Section  
Ventura County Planning Division

**EXHIBITS**

- Exhibit 2 Maps
- Exhibit 3 General Plan Consistency
- Exhibit 4 Conditions of Approval
- Exhibit 5 Vegetation Restoration Plan
- Exhibit 6 Initial Study Biological Assessment



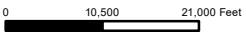
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Ventura County, California  
Resource Management Agency  
GIS Development & Mapping Services  
Map created on 04-15-2022



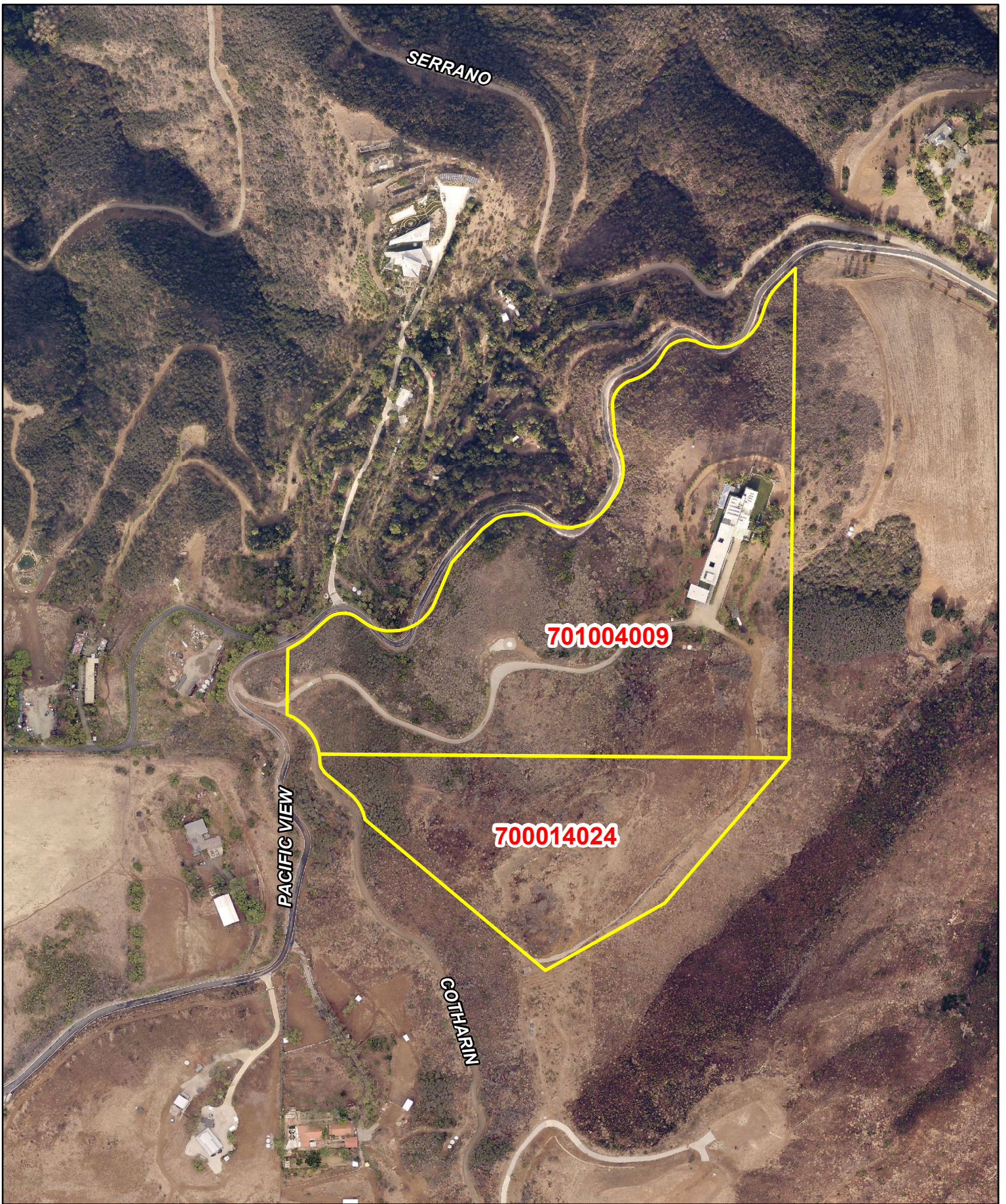
**County of Ventura  
Planning Director Hearing  
PL18-0010  
Exhibit 2 - Maps**



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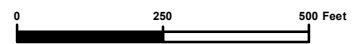




Ventura County, California  
Resource Management Agency  
GIS Development & Mapping Services  
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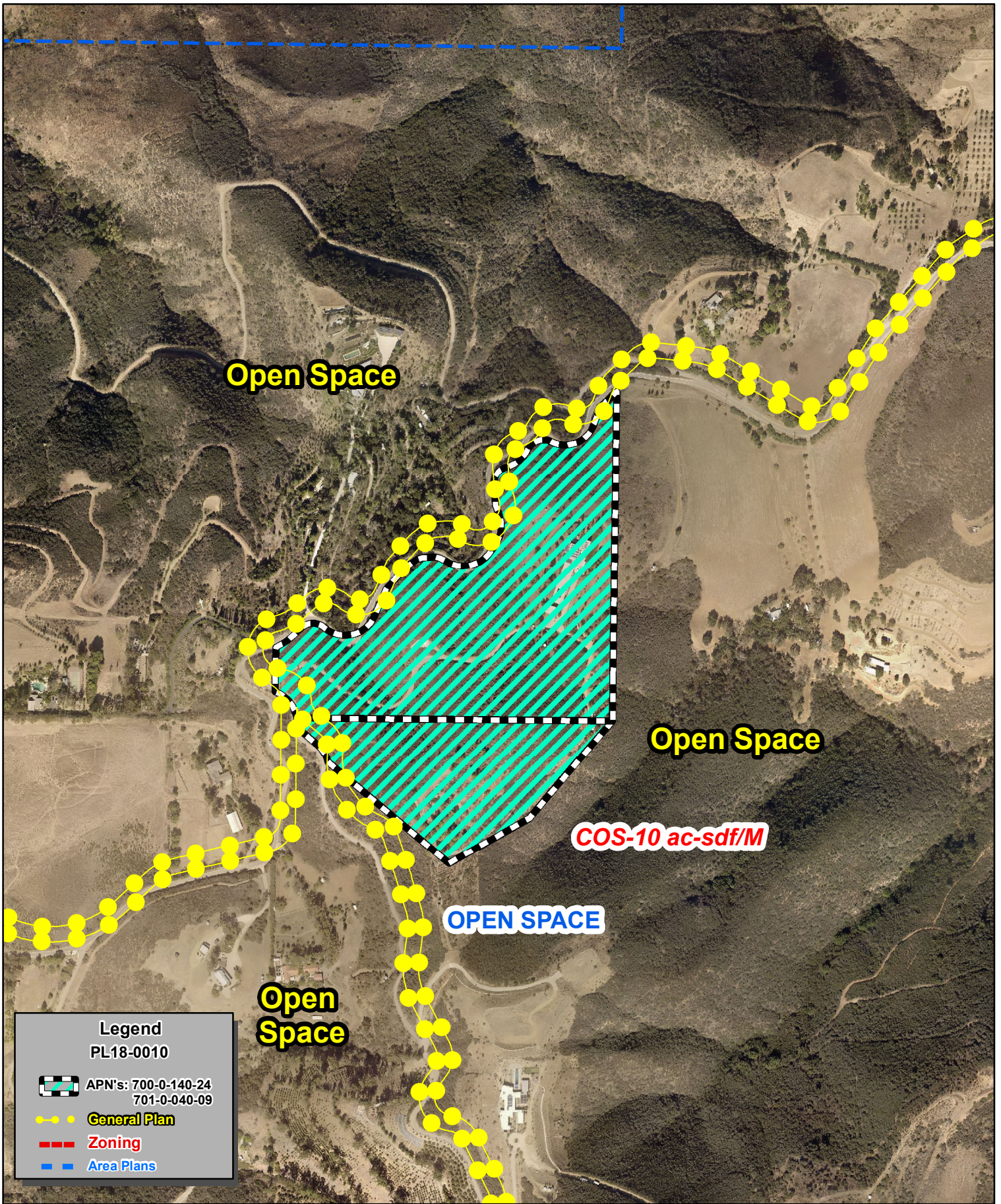
County of Ventura  
Planning Director Hearing  
PL18-0010  
Aerial Photography







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**Legend**  
 PL18-0010

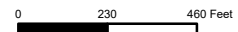
-  APN's: 700-0-140-24  
701-0-040-09
-  **General Plan**
-  **Zoning**
-  **Area Plans**



Ventura County, California  
 Resource Management Agency  
 GIS Development & Mapping Services  
 Map Created on 04-15-2022  
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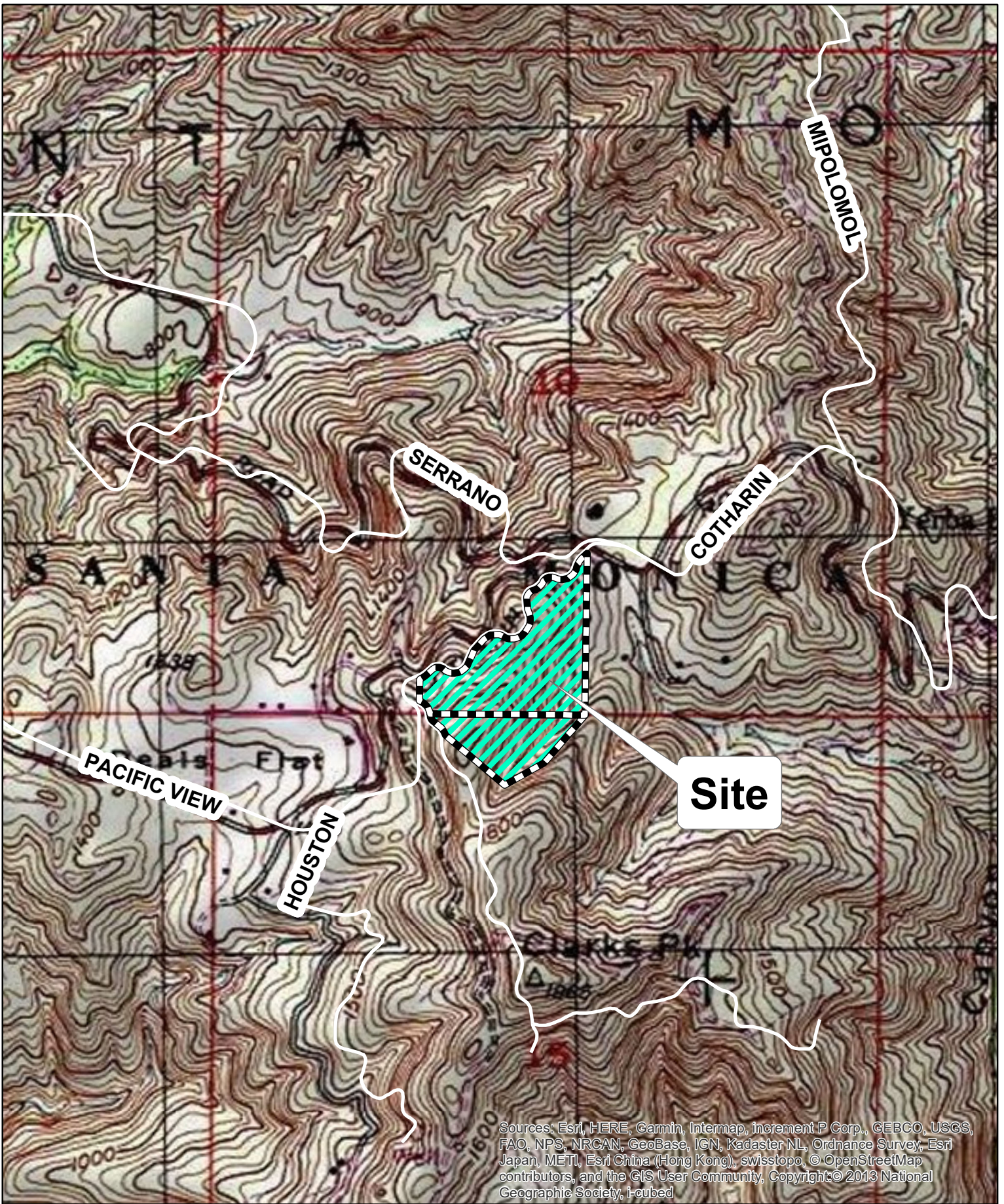
**County of Ventura  
 Planning Director Hearing  
 PL18-0010  
 General Plan & Zoning Map**



Disclaimer: This Map was created by the Ventura County Resource Management Agency, Mapping Services - GIS which is designed and operated solely for the convenience of the County and related public agencies. The County does no warrant the accuracy of this map and no decision involving a risk of economic loss or physical injury should be made in reliance thereon.







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County of Ventura  
Resource Management Agency  
GIS Development & Mapping Services  
Map created on 04-15-2022  
Source: Triunfo Pass U.S.G.S.  
7.5 Minutes Quadrangle  
Contour Interval = 20 ft



**County of Ventura  
Planning Director Hearing  
PL18-0010  
Topo Map**

0 250 500 Feet



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### EXHIBIT 3

#### CONSISTENCY WITH GENERAL PLAN

The 2040 Ventura County General Plan *Goals, Policies and Programs* (2020, 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.*

Finally, 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 Coastal Area Plan.

Evaluated below is the consistency of the proposed project with the applicable policies of the General Plan *Goals, Policies and Programs* and *Coastal Area Plan*.

#### Land use and Community Character

- 1. Coastal Area Plan South Coast Area Policy 1:** *All zoning and development shall be in conformance with the Lands Use Plan Map (Figure 3-6)<sup>1</sup>, which has been designated to reflect these goals and policies. The Zoning Compatibility Matrix (Figure 3-1) indicates the zones which are consistent with the various land use categories.*

The project site is located within the Coastal Area Plan-South Coast Area with an Open Space General Plan and Area Plan land use designation and Coastal Open (COS) zoning designation. The proposed project does not include construction of any structure and is only for the restoration of 0.1 acres of native vegetation considered ESHA.

Based on the discussion above, the proposed project is consistent with General Plan Resources Policy 1.1.2-1.

**General Plan Policy LU16.10 (Visual Access for Rural Development):** *The County shall encourage discretionary development in rural areas to maintain mountain views of hillsides, beaches, forests, creeks, and other distinctive natural areas through building orientation, height, and bulk.*

**Coastal Act Policy Section 30250(a):** *New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it, or where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse*

<sup>1</sup> Figures from Ventura County 2040 General Plan

*effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.*

**Coastal Area Plan South Coast Santa Monica Mountains Policy 4:** *Where possible for subdivision and undeveloped contiguous lots, construction and/or improvements of driveways/accessways which would increase access to the subject area or adjacent areas shall be permitted only when it has been determined that environmental resources in the area will not be adversely impacted by the increased access. Grading cuts shall be minimized by combining the accessways of adjacent property owners to a single road where possible. The intent is to reduce the number of direct ingress-egress points off public routes and to reduce grading. At stream crossings, driveway access for nearby residences shall be combined. Hillside roads and driveways shall be as narrow as feasible and follow natural contours.*

As discussed in Section B of this staff report (above), the project is for the restoration of approximately 3,346.73 sq. ft. (0.08 acre) of chamise chaparral and 907.98 sq. ft. (0.02 acre) of California sagebrush scrub considered Environmentally Sensitive Habitat Areas (ESHA). As discussed in the Vegetation Restoration Plan (Exhibit 5), the goal of the vegetation restoration is to restore the area that was disturbed to “pre-disturbance” conditions to the degree feasible. The vegetation restoration plan requires a five-year monitoring period, ongoing maintenance of non-native species to reduce competition for water and nutrients and to increase available space for native plant growth, and to encourage natural recruitment to occur.

Prior to the Woolsey Fire, several stumps of chamise chaparral plants that were cut to create the path had naturally re-sprouted and regrowth of sawtooth golden bush was observed. The short-term goal of the vegetation restoration plan is to establish a minimum relative native plant cover of 85 percent within the restoration area (Performance Standard). Considering that the adjacent vegetation was intact prior to the 2018 Woolsey Fire, the disturbed area from the access pathway is expected to be reestablished by chamise chaparral and California sagebrush. Ongoing maintenance of non-native species will be required to reduce the competition for water and nutrients and to increase available space for native plant growth and to encourage natural recruitment to occur. Overtime, and beyond the 5-year monitoring period, it is expected that the chamise chaparral and California sagebrush scrub species will grow and shade-out non-native herbaceous species that germinate within the disturbed area. All non-native vegetation will be cleared to the greatest extent practical as detailed in the restoration plan. A County-approved biologist/restoration ecologist shall flag native plants that shall be preserved and actively monitor the non-native plant removal activities to ensure that no native species are inadvertently impacted.

If supplemental planting and/or hydroseed is needed to meet the performance standards, an "As Built" Plan shall be prepared showing the restoration areas as it exists at the time of initial installation that includes the type of irrigation system that will be installed. The County-approved biologist/restoration ecologist shall oversee vegetation installation and conduct maintenance visits during the first month and monthly for the remainder of the first year and quarterly thereafter until performance standards are met.

Based on the discussion above, the proposed project is consistent with General Plan Policies LU16.10, Coastal Act Section 30250(a), and Coastal Area Plan South Coast Santa Monica Mountains Policy 4.

## **Conservation and Open space**

- 2. 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).*

**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 HAZ-4.6 (Vegetative Resource Protection):** *The County shall require discretionary development to minimize the removal of vegetation to protect against soil erosion, rockslides, and landslides.*



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

**Coastal Act Policy Section 30240:**

- a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.*
- b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas and shall be compatible with the continuance of such habitat areas.*

**Coastal Area Plan South Coast Santa Monica Mountains Policy 1:** *New development, including all private and public recreational uses, shall preserve all unique native vegetation, such as Giant Coreopsis and Dudleya cymosa ssp. marcescens.*

**Coastal Area Plan South Coast Santa Monica Mountains Policy 3:** *All new upland development shall be sited and designed to avoid adverse impacts on sensitive environmental habitats.*

- *In cases where sensitive environmental habitats are located on a project site where the impacts of development are mitigated consistent with the Plan, the*

*County shall assure that all habitat areas are permanently maintained in open space through an easement or other appropriate means.*

- *When such impacts of development would be unavoidable, the County shall ascertain within the specific project review period whether any public agency or non-profit organization, including the National Park Service, Coastal Conservancy, the Santa Monica Mountains Conservancy, State Department of Parks and Recreation, County Recreation Services, and Trust for Public Lands, is planning or contemplating acquisition of any portion of the subject property to preserve it in open space. The permit may not be approved if such agency or organization has been 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 of the date of application for the permit. If the 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.*

As discussed in the Initial Study Biological Assessment, prepared by Greg Ainsworth, dated January 2, 2018, and amended on April 10, 2019 (Exhibit 6), the area where vegetation removal occurred consists of undisturbed and intact chamise chaparral and California sagebrush scrub. The native area where impacts occurred, including surrounding open space areas of chaparral and coastal scrub are considered ESHA. As stated in the ISBA, the dense, chaparral layer in the vicinity of the area that was disturbed provided valuable habitat for wildlife movement, however, the amount of vegetation that was removed does not impede wildlife movement in the region and the impact is temporary. No special-status wildlife species were likely directly impacted during the unpermitted vegetation removal activities because the vegetation was removed using hand tools. No sensitive plant communities or ESHA were directly or indirectly impacted outside the disturbance area. The restoration effort will restore the habitat to a native condition and improve the conditions for supporting special status plants, special-status wildlife, sensitive plant communities and ESHA in the future. The Planning Division has conditioned the project to require the applicant to meet performance criterion included in the Vegetation Restoration Plan (Exhibit 5), to achieve the successful implementation of the restoration plan.

This project does not include grading, the construction of structures or agricultural activities, impervious surfaces, a water well, an Onsite Wastewater Treatment System or any development that would have impacts to ground water supplies, ground water flow or any alteration of natural streams. The restoration will reestablish the area that was disturbed to “pre-disturbance” conditions to the degree feasible. As stated in the ISBA (Exhibit 6), approximately 20 Catalina mariposa lilies and roughly 25 lanceleaf dudleya were observed within the California sagebrush habitat immediately to the northern limit of the disturbed area. However, the closed canopy of the chamise chaparral does not provide suitable

habitat for these species since these species generally occur within openings between vegetation.

The property addressed as 9200 Cotharin Road (APN 701-0-040-095), owned by Donald Kushner, currently has a recorded Deed Restriction [Instrument No. 20090521-00083535-0] that permanently protects Environmental Sensitive Habitat Areas (ESHA) that includes the portion of the area to be restored on this parcel. The property with APN 700-0-140-245 is an undeveloped parcel. No Deed Restriction is required until the property is developed pursuant to an approved Coastal PD Permit. The applicant will be required to conform to conditions of approval (Exhibit 4) and comply with the requirements of the Vegetation Restoration Plan (Exhibit 5) to make sure the disturbed area is restored to its original state.

Based on the discussion above, the project is consistent with General Plan Policies COS-1.1, COS-1.4, COS-1.9, COS-9.1, HAZ-4.6, Coastal Act Policy Section 30231, Coastal Act Policy Section 30240, Coastal Area Plan South Coast Policy Santa Monica Mountains Policy 1 and Coastal Area Plan South Coast Policy Santa Monica Mountains Policy 3.

**DRAFT CONDITIONS OF APPROVAL FOR COASTAL (PD) PERMIT CASE NO.  
PL18-0010**

**RESOURCE MANAGEMENT AGENCY (RMA)**

**Planning Division Conditions**

1. Project Description

This Planned Development Permit is based on and limited to compliance with the project description stated in this condition below, Exhibits 5 and 6 of the Planning Director hearing on July 21, 2022, 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:

A Coastal Planned Development (PD) Permit to authorize the restoration of approximately 4,253.98 sq. ft. of native vegetation specifically, 3,346.73 sq. ft. (0.08 acre) of chamise chaparral and 907.98 sq. ft. (0.02 acre) of California sagebrush scrub considered Environmentally Sensitive Habitat Areas (ESHA).

The maintenance of the property 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 PD

**Purpose:** To ensure the project site conforms to the Vegetation Restoration Plan (Exhibit 5) approved at the Planning Director hearing in support of the project.

**Requirement:** The Permittee shall ensure that all required vegetation restoration is completed in conformance with the approved Vegetation Restoration Plan as hearing exhibit (Exhibit 5).

**Documentation:** The Permittee shall obtain Planning Division staff's stamped approval on the Vegetation Restoration Plan and submit them 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 violations (Case Nos. CV17-0227 and CV17-0225) the Permittee shall submit all final restoration plans to the Planning Division for review and approval.

**Monitoring and Reporting:** The County Building Inspector, Public Works Agency Grading Inspector, Fire Marshall, and/or 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.

**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. 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. Vegetation Restoration Activities

Prior to any restoration, the Permittee shall obtain a Zoning Clearance to abate the violation (Case Nos. CV17-0227 and CV17-0225) 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 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 PD Permit conditions and all applicable federal, state, and local laws and regulations.

7. Time Limits

- a. Restoration inauguration:

- (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 violation in order to initiate the restoration 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 violation within one year the Ventura County Coastal Zoning Ordinance (§ 8181-7.7) 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 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 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 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 On Site

**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 and contractors of the pertinent conditions of this PD Permit.

**Documentation:** The Permittee shall maintain a current set of PD Permit conditions and exhibits at the project site or, in the case of projects where this is impractical 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 (Case Nos. CV17-0227 and CV17-0225) 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 Property Owner for APN 700-0-140-245 shall record a "Notice of Land Use Entitlement" form and the conditions of this PD Permit with the deed for the subject property that notifies the current and future Property Owner(s) of the conditions of this PD Permit.<sup>1</sup>

**Requirement:** The Property Owner for APN 700-0-140-245 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.

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<sup>1</sup> Donald Kushner, Property Owner of 9200 Cotharin Road, Malibu, CA 90265 (APN 701-0-040-095) currently has a recorded Biological Restrictive Covenant Instrument No. 20090521-00083535-0 identifying the area as ESHA.

**Timing:** The Property Owner for APN 700-0-140-245 shall record the “Notice of Land use Entitlement” form and conditions of this PD Permit, prior to issuance of a Zoning Clearance to abate violation.

**Monitoring and Reporting:** The Property Owner for APN 700-0-140-245 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 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.



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 construction, 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 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)

**Conditions for Coastal PD Permit Case No. PL18-0010**

**Date of Public Hearing: July 21, 2022**

**Date of Approval:**

**Permittee:** Donald Kushner

**Location:** 9200 Cotharin Road, Malibu

**Page 9 of 9**

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.

9200 and 9902 COTHARIN ROAD  
VENTURA COUNTY, CALIFORNIA  
APNs 700-0-040-095 and 700-0-140-245  
Vegetation Restoration Plan

Prepared for:

January 4, 2018  
(revised April 10, 2019)

Mr. Donald Kushner  
9200 Cotharin Road  
Malibu, CA 90265

Ms. Ann A. Arakelian  
2688 Nottingham Avenue  
Los Angeles, CA 90027



County of Ventura  
Planning Director Hearing  
PL18-0010  
Exhibit 5 - Vegetation Restoration Plan

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# 9200 and 9902 COTHARIN ROAD, VENTURA COUNTY, CALIFORNIA

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## Revegetation Plan

### 1 Introduction

This Vegetation Restoration Plan has been prepared as required by the County of Ventura for the non-permitted removal of native vegetation within the coastal zone to clear a pedestrian access pathway to 9902 Cotharin Road. The native vegetation removal occurred on 9200 and 9902 Cotharin Road (APNs 700-0-040-095 and 700-0-140-245), Ventura County, California (properties). This Plan describes the existing conditions of the properties, as well as, the pedestrian access pathway area where native vegetation restoration is required. This Plan is intended to guide the successful restoration of native vegetation within the 4,253.98 square feet (0.1 acre) area that was impacted.

#### 1.1 Background

The property owners include Mr. Donald Kushner of 9200 Cotharin Road and Ms. Ann Arakelian of 9902 Cotharin Road. Mr. Kushner had a single-family residence on his property and Ms. Arakelian's property is undeveloped. An approximate 7-foot-wide pedestrian access pathway was cut through 3,346.73 sqft (0.08 acre) of chamise chaparral and 907.98 sqft (0.02 acre) of California sagebrush scrub within the coastal zone and Environmental Sensitive Habitat Area (ESHA) on APNs 700-0-140-245 and APN 700-0-040-095. The vegetation removal was carried out without approval or receipt of a discretionary permit from the County. As such, a Code Enforcement Violation was issued to both Mr. Kushner (CV17-0227) and Ms. Arakelian (CV17-0225) for the unpermitted removal of native vegetation, and the Ventura County Planning Department is requiring that the 4,253.98 square feet (0.1 acre) area that was impacted be restored to pre-existing conditions.

In November 2018, the entire area where the vegetation removal occurred was burned from the Woolsey Fire. This area is currently barren and consists of scorched shrubs and chaparral plants with emerging annual grasses and forbs.

#### 1.2 Project Location

The property is located at 9200 and 9902 Cotharin Road, Ventura County, California. It is situated within the western Santa Monica Mountains. Land use surrounding the property consists of open space, interspersed by rural residential development and roadways. The City of Thousand Oaks is located approximately 8 miles to the northeast and the City of Camarillo is located



approximately 9.5 miles to the northwest. California State Route 1 and the Pacific Ocean are located approximately three miles to the south of the property (**Figure 1. Property Location**).

## 2 Desktop Research and Site Survey

A site survey was conducted by ESA biologist Greg Ainsworth on December 27, 2017. During the survey the current site conditions within and adjacent to the properties was assessed, the area where the unpermitted vegetation removal occurred. Prior to conducting the site survey, current and historic aerial imagery was reviewed to understand the historical conditions of the property and to compare with current conditions.

### 2.1 Review of Historic Aerial Imagery

Aerial imagery of the properties was reviewed using Google Earth Pro (Google Earth, 2017). Historic imagery between August 1989 and October 2017 was reviewed to visually assess the historical condition of the properties, such as the density and general distribution of native vegetation, as well as previous disturbances.

### 2.2 Soils

The Natural Resources Conservation Service (NRCS) *Web Soil Survey* (NRCS, 2017) was queried to determine the soils that have been mapped within the property.

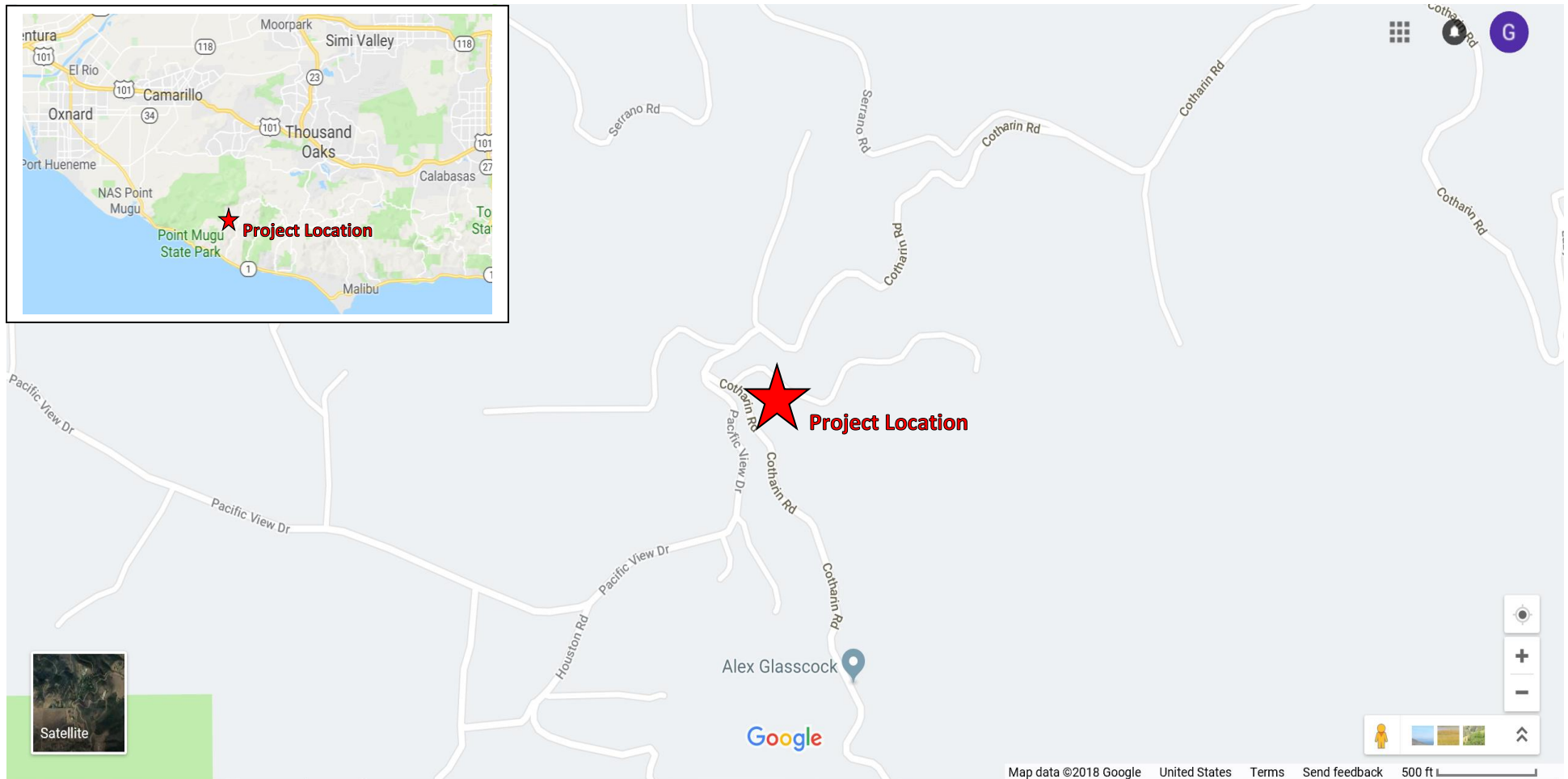
### 2.3 Vegetation Mapping and Inventory

Plant communities located within approximately 100 feet from where the native vegetation removal occurred were characterized and mapped. Plant community descriptions are based in accordance with the Manual of California Vegetation (Sawyer et al. 2009) and plant identification is based on the Jepsen Manual (Baldwin et al. 2012). An inventory of all plants present at the time of the survey is provided in **Appendix A**. Plant taxonomy followed Hickman (1993), as updated in Baldwin, et al. (2012) and individuals were identified to the genus or species level.

The plants that were inventoried within, and immediately adjacent to, the area where native vegetation was removed provide the baseline for the existing conditions to develop the plant palette for vegetation restoration and to identify non-native and/or invasive species that should be controlled. Photographs depicting existing conditions at the vineyard area are provided in **Appendix B**.

### 2.4 Wildlife Assessment

All wildlife species observed within or immediately adjacent to the property were recorded. Wildlife species were identified during the site assessment conducted on December 27, 2017 by sight or call, or other evidence of presence such as tracks, nests, scat, or remains. Vertebrate taxonomy followed Stebbins (1985) for amphibians and reptiles, the American Ornithologists' Union (1983, as supplemented) for birds, and Jones et al. (1997) for mammals.



Map prepared on January 4, 2018

Property owner 1: Donald Kushner

Property address 1: 9200 Cotharin Road; APN: 700-0-040-095

Property owner 2: Ann A. Arakelian

Property address 2: 9902 Cotharin Road; APN: 700-0-140-245

Consulting biologist (point of contact): Greg Ainsworth, (818) 564-5544,  
gainsworth@esassoc.com

**Figure 1. Project Location Map**

**APNs 700-0-040-095 and 700-0-140-245**

## 2.5 Special-status Plant Survey

A focused survey for special-status plants was conducted on April 20, May 3, and May 16, 2018. The purpose of the special-status plant survey was to determine the species of mariposa lilies (*Calochortus sp.*) and perennial succulents (*Dudleya sp.*) that are present on the site, primarily at the northern perimeter where these species were observed during the vegetation mapping and inventory.

## 3 Historic Property Use

Based on review of historic aerial imagery (Google Earth Pro, 2017), the area where the native vegetation was removed without a permit from the County was previously undisturbed. Based on the aerial imagery, it appears that the surrounding vegetation community was in a similar condition as its current condition today. Mr. Kushner's property at 9200 Cotharin Road generally consists of undisturbed native vegetation, a single-family residence, and a driveway. Mr. Arakelian's property at 9902 Cotharin Road is undeveloped with native coastal vegetation with the exception of an area at the southeastern portion of the property that was disturbed prior to 1989 by the occupancy of a residential structure that has since been removed. The area around where the structure once occurred is disturbed and consists of compacted soil, non-native grasses, shrubs and trees.

## 4 Existing Conditions

This section describes the existing conditions of the area where unpermitted native vegetation was removed, including an approximate 100-foot buffer surrounding the area of disturbance.

### 4.1 Topography

The majority of the area of disturbance where native coastal vegetation was removed consists of a relatively steep (approximately 30 degree), north-northwest facing slope; however, the northernmost portion of the disturbance area, located near the driveway to Mr. Kushner's property and Cotharin Road, is relatively flat with an approximate 15-degree slope to the north-northwest. The elevation of the properties ranges between 1,550 feet and 1,800 feet above mean sea level (amsl); whereas, the elevation of the area where the native vegetation restoration will occur ranges between approximately 1,600 feet amsl at the northern end and 1,760 feet amsl at the southern end.

### 4.2 Soils

The soils throughout the extent of the properties consist of Cotharin clay loam. This soil occurs on 30 to 75 percent slopes and is generally found within inland hills and mountains between 590 and 2,830 feet amsl. Precipitation in the region is between 18 to 24 inches and average temperatures range between 60 and 64 degrees Fahrenheit. Cotharin clay loam is a well-drained soil and the typical profile consists of slightly decomposed plant material from 0-1 inch; loam from 1-11 inches; and soft weathered bedrock from 11 to 21 inches. Parent (soil) material consists of Colluvium and/or residuum derived from andesite (NRCS, 2017).

## 4.3 Plant Communities

As previously indicated, the entire area where the vegetation removal occurred was burned from the Woolsey Fire. This area is currently barren and consists of scorched shrubs and chaparral plants with emerging annual grasses and forbs. The description provided below s of the area prior to the 2018 Woolsey Fire.

The vegetation on the properties, including where the unpermitted native vegetation removal occurred, consists of a coastal shrubland. Two primary plant communities are present on the properties: Chamise chaparral – *Adenostoma fasciculatum* Shrubland Alliance and California sagebrush scrub – *Artemisia californica* Shrubland Alliance. The area that was disturbed and that will be revegetated consists of 3,346.73 sqft (0.08 acre) of chamise chaparral and 907.98 sqft (0.02 acre) of California sagebrush scrub. These plant communities are depicted in **Figure 2. Plant Communities and Revegetation Area.**

Coastal shrubland is a plant community characterized by vegetation dominated by shrubs, often also including grasses, herbs, and geophytes. Shrubland can be a mature vegetation type that remains stable over time, or a transitional community that occurs temporarily as the result of a disturbance, such as fire. A stable state may be maintained by regular natural disturbance such as fire or browsing. Shrubland may be unsuitable for human habitation because of the danger of fire. A shrubland is generally defined as a community dominated with woody plants less than 8 meters (m) high and usually with many stems. Tall shrubs are mostly 2–8 m high, small shrubs 1–2 m high and subshrubs less than 1 m high.

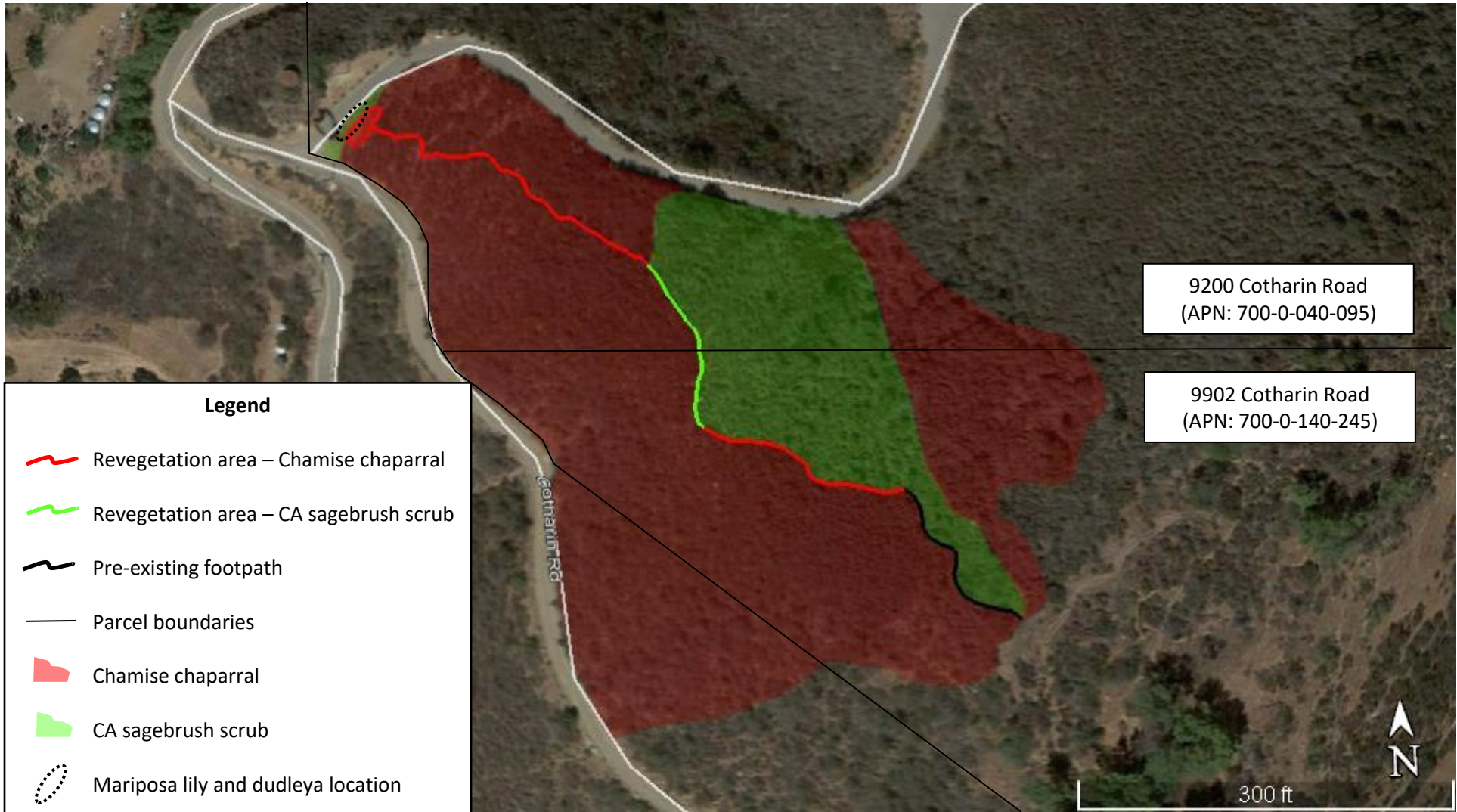
The area where impacts occurred supported two vegetation communities: Chamise chaparral – *Adenostoma fasciculatum* Shrubland Alliance and California sagebrush scrub – *Artemisia californica* Shrubland Alliance. Below is a description of each Alliance within the area of disturbance, including **Table 1. Plant Communities**, which indicates the amount of disturbance within each plant community.

### **Chamise chaparral – *Adenostoma fasciculatum* Shrubland Alliance**

This community occurs within varied topography and had soils that shallow over colluvium and many kinds of bedrock. This alliance occurs across California in a variety of topographic settings from coastal bluffs to steep, lower montane slopes. Stands of this community are frequent in the Santa Monica Mountains. Chamise chaparral has a CNPS rarity rank of G5 S3?. Within the survey area, this community is a dense, closed-canopy chaparral community that is dominated with chamise (70%). Co-dominant species includes big pod ceonothus (*Ceonothus megacarpus*) (20%), and chaparral yucca (*Hesperoyucca whipplei*) (5%), with sawtooth goldenbush (*Hazardia squarrosa*) (10%) in the understory. Few herbaceous species are present within the understory. A total of 3,346.73 sqft of chamise chaparral was impacted.

### **California sagebrush scrub – *Artemisia californica* Shrubland Alliance**

This community occurs on slopes that are usually steep and rarely flooded. Soils within this community consist of shaley-loam derived from sandstone and volcanic parent material.



**Legend**

- Revegetation area – Chamise chaparral
- Revegetation area – CA sagebrush scrub
- Pre-existing footpath
- Parcel boundaries
- Chamise chaparral
- CA sagebrush scrub
- ⋯ Mariposa lily and dudleya location

9200 Cotharin Road  
(APN: 700-0-040-095)

9902 Cotharin Road  
(APN: 700-0-140-245)

Map prepared on January 4, 2018  
 Property owner 1: Donald Kushner  
 Property address 1: 9200 Cotharin Road; APN: 700-0-040-095  
 Property owner 2: Ann A. Arakelian  
 Property address 2: 0 Cotharin Road; APN: 700-0-140-245  
 Consulting biologist (point of contact): Greg Ainsworth, (818) 564-5544, gainsworth@esassoc.com

Source: Google Earth Pro. Image date: October 2016

**Figure 2.**  
**Plant Communities and Revegetation Area**  
 APNs 700-0-040-095 and 700-0-140-245

California sagebrush scrub has a CNPS rarity ranking of G5 S5. Within the survey area, this community is dominated with California sagebrush (75%) and co-dominated with purple sage (*Salvia leucophylla*) (15%), chaparral yucca (3%), sawtooth goldenbush (3%), big pod ceonothus (2%), California buckwheat (*Eriogonum fasciculatum*) (1%), deerweed (*Acmispon glaber*) (1%), with an understory of annual grasses (45%). A total of 907.98 sqft of California sagebrush scrub was impacted.

Table 1. Plant Communities						
SVC Alliance	SVC Association	Status	Condition	Acres Total	Acres Impacted	Comments
Chamise Chaparral ( <i>Adenostoma fasciculatum</i> )	Adenostoma fasciculatum/ Ceonothus megacarpus chaparral	ESHA, CDFG Rare (G3S3?), LIC	Previously intact	0.08 (346.73sqft)	0.08 (346.73sqft)	Total acres and acres impacted includes the area where vegetation was removed.
California sagebrush scrub ( <i>Artemisia californica</i> )	Artemisia californica/Salvia leucophylla shrubland	ESHA, CDFG Rare (G5S5), LIC	Previously intact	0.02 (907.98 sqft)	0.02 (907.98 sqft)	Total acres and acres impacted includes the area where vegetation was removed.
LIC .....Locally Important Plant Community ESHA .....Environmentally Sensitive Habitat Areas (Coastal Zone) CDFG Rare: G1 or S1 .....Critically Imperiled Globally or Subnationally (state) G2 or S2 .....Imperiled Globally or Subnationally (state) G3 or S3 .....Vulnerable to extirpation or extinction Globally or Subnationally (state) Cal OWA .....Protected by the California Oak Woodlands Act						

### 4.3 Sensitive Plant Species

As shown on Figure 2, immediately adjacent to the northern limit of the disturbed area, between the driveway of Mr. Kushner’s property at 9200 Cotharin Road, approximately 20 Catalina mariposa lilies (*Calochortus catalinae*) and roughly 25 lanceleaf dudleya (*Dudleya lanceolata*) were observed within California sagebrush scrub habitat. These are common species that occur throughout the Santa Monica Mountains and are not considered “special-status”. It is unknown whether these species may have been present within the northern-most area that was disturbed; however, the closed canopy of the chamise chaparral does not provide suitable habitat for these species, since these species generally occur within opening between vegetation.

### 4.4 Wildlife Species

Avian species observed on (or flying over) the property during the site visit include white-throated swift (*Aeronautes saxatalis*), western scrub-jay (*Aphelocoma californica*), house finch (*Carpodacus mexicanus*), wrentit (*Chamaea fasciata*), California towhee (*Melospiza crissalis*), and ash-throated flycatcher (*Myiarchus cinerascens*). No other animal species were observed within the survey area. Although not observed, several additional wildlife species are expected use the undisturbed coastal shrubland communities, such as western rattlesnake (*Crotalus oreganus*), coastal western whiptail (*Cnemidophorus tigris multiscutatus*), coast horned lizard

(*Phrynosoma coronatum*), woodrat (*Neotoma* sp.) and various rodent and resident and migratory bird species.

## 5 Planting Plan

A schedule for controlling non-native species within the area that will be revegetated shall be implemented to achieve successful restoration. Because the area was completely burned by the Woolsey Fire, revegetation will include maintenance and control of non-native plant species to increase the potential for native species to re-establish. Prior to the Woolsey Fire, several of the remaining stumps of the chamise plants that were cut had naturally re-sprouted and regrowth of sawtooth goldenbush was observed in various portions of the disturbance area as well.

### 5.1 Goals

The goal of the vegetation restoration is to restore the area that was disturbed for a pedestrian access path to “pre-disturbance” conditions to the degree feasible. A five-year monitoring period will be implemented to verify success. Based on the adjacent vegetation that was intact prior to the 2018 Woolsey Fire, the disturbed area from the access pathway is expected to be re-established by chamise chaparral and California sagebrush. Ongoing maintenance of non-native species to reduce competition for water and nutrients and to increase available space for native plant growth and to encourage natural recruitment to occur. Overtime, and beyond the 5-year monitoring period, it is expected that the chamise chaparral and California sagebrush scrub species will grow and shade-out non-native herbaceous species that germinate within the disturbed area. The long-term goal is to re-establish a closed-canopy chamise chaparral community, as well as a California sagebrush scrub community. The short-term, 5-year goal is to establish a minimum relative native plant cover of 85 percent within the restoration area; however, the adjacent areas that were also burned by the Woolsey Fire should be assessed over the 5-year monitoring period to establish realistic cover expectations based on the natural re-establishment and successional growth occurring in adjacent areas.

### 5.2 Non-native Plant Removal

Invasion of non-native, exotic plants is a threat to the success of most restoration projects. Exotic species may quickly colonize native areas, particularly after manmade or natural disturbances have occurred, and may dominate the vegetation by outcompeting native plants for light, water, and soil nutrients. Non-native vegetation shall be cleared to the greatest extent practical from within the restoration area prior to planting and seeding. However, following a fire, successional growth of herbaceous species, including non-natives, should be expected and is important for soil stabilization and to prevent erosion. Therefore, non-native species shall be allowed to establish during the first two years following the fire and then controlled during subsequent years while the natives are sprouting and reestablishing. A County-approved biologist/ restoration ecologist shall flag native plants that shall be preserved, or shall actively monitor the non-native plant removal activities to ensure that no native species are inadvertently impacted. Following native planting of the restoration area, a comprehensive weed maintenance program shall be implemented to prevent the non-native species from recolonizing (See Section 6.3).

The non-native plant species that were inventoried in the immediate vicinity of the disturbed area prior to the 2018 Woosley Fire are indicated in Appendix A – Floral Compendium, which includes the following species: wild oat (*Avena fatua*), ripgut brome (*Bromus diandrus*), red broom (*Bromus madritensis ssp. rubens*), and bedstraw (*Galium sp.*). Efforts shall be made to target these species for removal, including any other non-native, invasive species.

## 6 General Maintenance

Maintenance is the ongoing process of ensuring that the restoration area has the means to reach the performance standards in the prescribed timeframe. If supplemental planting is needed (See Section 9, Adaptive Management), maintenance visits may be required weekly during the first month after the initial vegetation installation, monthly for the remainder of the first year following installation, and quarterly thereafter until performance standards are met (See Section 7, Performance Standards). During each maintenance visit, the restoration shall be inspected for trash, vandalism, disease, herbivory, and pest infestation that may threaten the long-term health of the site. Trash must be removed, vandalism repaired, and methods shall be implemented to control herbivory and pest/weed infestation. Any signs of distress or mortality shall be noted and rectified (i.e., dead plants will require replacement) if the cause is apparent. If there are recurring or persistent indicators of distress or mortality, the County-approved biologist shall be consulted regarding appropriate remedial actions.

### 6.1 Responsibility for Maintenance

Maintenance of the restoration area is the responsibility of the property owners, Mr. Kushner and Ms. Arakelian.

### 6.2 Control of Non-native Species

Non-native species shall be removed from the restoration area on a regular basis. Weeding may be accomplished with hand tools or mechanical tools such as a weed trimmer. Effort should be made to remove the entire plant from the soil. Removed plants shall be contained and transported to a licensed disposal site. Weeding is best performed just before, or at the onset of flowering, before mature fruits go to seed. If seeds are already present, additional care is required to remove the plants with the seeds attached.

Weed control activities shall occur monthly for the first three months following planting, then every six to eight weeks through the first year. After the first year, weed removal may be required three times annually during the months of March, May, and September. Soil disturbance must be limited to hand weeding where possible. If hand weeding is not possible, the County-approved biologist shall be consulted regarding the appropriate method of weed removal. Removed weeds shall be contained, transported and disposed of offsite to avoid any re-infestation through reseeding or from plant propagules.



## 6.3 Irrigation

If supplemental plantings are determined to be needed, irrigation will be necessary for the success of the vegetation restoration. Container-grown native plants need careful attention for the first two years during establishment. Newly planted plants generally need supplemental water after installation to recover from the stress of transplanting from a container and to moisten the native soil around the rootball to reduce the rate of diffusion. Irrigation for container plants should consist of deep watering through a drip system or by hand application. Frequent, short duration watering (i.e., shallow watering) shall be avoided. During the first year, irrigation should occur one time per week for the first two or three months to ensure that the root ball does not dry out, followed by one time every two to three weeks through the end of the first year. During the second year, watering can occur every two to three weeks or as needed based on the soil moisture. After the first year, the soil should be allowed to partially dry out between waterings. Typically, less frequent irrigation is required during the winter and spring due to low evapotranspiration rates from shorter days, cooler temperatures and rainfall.

If needed, irrigation within the restoration area should continue at least through the first two years following planting. After two years, the plants should be sufficiently established to survive without supplemental watering; however, an adaptive management approach shall be implemented; therefore, the watering needs of the plants shall be determined by the monitoring biologist and adjusted accordingly based on the condition of the plants, soil moisture, weather (e.g., drought), etc. An automated drip irrigation system shall be used for all container installed plants and a temporary, overhead sprinkler system may be used to maintain moist conditions for germination if a hydroseed mix is applied. Herbivory of drip hoses and emitters can be problematic during periods of drought, and emitters can get clogged; therefore, the irrigation system shall be monitored regularly to ensure that it is working properly.

It is anticipated that supplemental irrigation can be shut off at some point within the first four years following installation (preferably after year two) and should remain off for at least one year prior to the end of the 5 year monitoring period to evaluate the condition of the plants without any supplemental irrigation. If the monitoring biologist determines that plantings are self-sustaining after one full year without supplemental irrigation, then irrigation may remain off indefinitely.

## 6.4 Protection from Herbivory and Vandalism

Herbivory of installed plants (and irrigation hoses) can be a problem at restoration sites. Rodents and various mammalian species may be responsible for damage to newly established plants and irrigation hoses. Following initial planting, the site shall be monitored for signs of herbivory during scheduled monitoring (see Section 8). Wire cages, enclosure fences, or other plant-protection devices may be used as determined by the monitoring biologist. Tubex or equivalent tree shelters are effective at curtailing herbivory and can also serve as watering tubes, depending on the shape and size of the container plant that is installed. Any signs of herbivory shall be noted in the monitoring reports and corrected soon after observation. Vandalism of the restoration area is unlikely due to the fact that it is located within a gated private property; however, if vandalism occurs, it shall be corrected soon after observation.

## 6.5 “As-built” Plan

If supplemental planting and/or hydroseed is needed to meet performance standards, an “As-built” Plan shall be prepared showing the restoration area as it exists at the time of initial installation that includes the type of irrigation system that will be installed. This plan shall be filed with the Ventura County Planning Division and serve as the baseline to which annual performance monitoring is compared.

## 7 Performance Standards

To ensure that the goals and objectives of the restoration plan have been met, performance standards shall be used to evaluate the success of the restoration activities. Field measurements falling below these standards signal that the goals of the plan are not being met, while measurements surpassing the standards signal that the program is successfully attaining the long-term goals. Data collected during monitoring may warrant adjustments to the restoration plan, so that performance standards are met within the 5-year monitoring period. If the performance standards are met prior to the five-year monitoring period and it appears that the restoration will be successful in the long-term, the property owner may consult with the County to determine whether additional monitoring is necessary.

Performance standards shall be reasonable, feasible and practical. Adjacent areas shall be evaluated and compared as reference sites. At least 3 reference sites shall be established within area that were identified as having ceonothus chaparral and at least 3 reference sites shall be established in areas identified as having coastal sage scrub prior to the Woolsey Fire. Restoration will be successional, meaning, species richness, relative cover and density will change over time. Because of the 2018 Woolsey Fire, it is expected that herbaceous species and some woody species will germinate and may grow quicker than the chamise and ceonothus species. These “associate” species will control weeds and erosion while the chaparral and scrub species grow into maturity. As the woody shrubs grow, they will eventually shade the understory plants and out-compete them for sunlight. This long-term successional approach was determined based on the species richness and density in the undisturbed chaparral to the east and west of the vineyard area that was assessed prior to the 2018 Woolsey Fire.

### 7.1 Restoration Area Performance Standard

- Achieve a relative percent cover of greater than or equal to adjacent areas that are evaluated as reference sites. Ideally, the restoration area should have 60% native species after three years and 85% at the end of the five-year period; however, the performance of native cover should be consistent with the reference sites.
- Based on the conditions of the restoration area prior to the Woolsey Fire, it is expected that chamise will comprise approximately minimum of 70% of the native relative cover within the area of chamise chaparral, and California sagebrush shall comprise approximately 75% of the native relative cover within the area of California sagebrush scrub.

## 7.2 Survivorship Percentage and Species Richness Performance Standard

- Achieve a native species richness of two species - chamise and big pod ceonothus, within the chamise chaparral restoration area; and two species within the California sagebrush scrub - California sagebrush and California buckwheat over the five year monitoring period. However, species richness shall be based on reference sites.

## 7.3 Plant Spacing Performance Standard

- If supplemental plantings are needed, plants shall be planted in randomly spaced, naturally clumped patterns. Chaparral and California sagebrush scrub species shall be planted randomly at approximately 5 feet on-center.
- If needed, one-gallon container-grown plants shall be placed randomly, but in a naturally clumped pattern. The number of container plants needed will be determined at some point during the 5-year monitoring period if performance standards are not met.

## 7.4 Non-native Cover Performance Standard

- Ideally, the non-native relative percent cover should be no more than 10% after three years and no more than 5% after five years; however, the relative percent cover of non-native species shall be dependent on the relative percent cover of the reference sites.

# 8 Monitoring

A monitoring program shall be implemented to document performance of the restoration area relative to the ultimate success criteria and to identify any shortcomings or problems in the restoration. Early detection of problems or other unforeseen issues allows for adaptive management and mid-course adjustments to the planting plan that will maximize the likelihood of success.

A County-approved biologist/restoration ecologist shall oversee the physical and biological aspects of the restoration area and routine monitoring shall include evaluations of plant establishment and vigor, indicators of use by wildlife, indicators of functional processes, site photographs, and any problems associated with the restoration including trash disposal, herbivory, erosion caused by factors other than normal geophysical processes, or vandalism.

## 8.1 Monitoring Protocol

### 8.1.1 Qualitative Monitoring

A qualitative monitoring approach shall be conducted within the restoration area that focuses on a broad spectrum of the restoration progress. Qualitative monitoring shall include an assessment of the overall health and vigor of plantings, including the overall health of all naturally-occurring native vegetation within the restoration area. Information on the presence of trash, signs of trespass or vandalism, presence or sign of wildlife, survivorship of plants, including container-plantings if used; emergence of vegetation within hydroseed areas, if supplemental hydroseeding is needed; general condition of native and non-native vegetation; erosion problems; and, signs of

herbivory shall be reported. If supplemental container plantings are needed, mortality shall be recorded and diseased individuals shall be flagged for replacement.

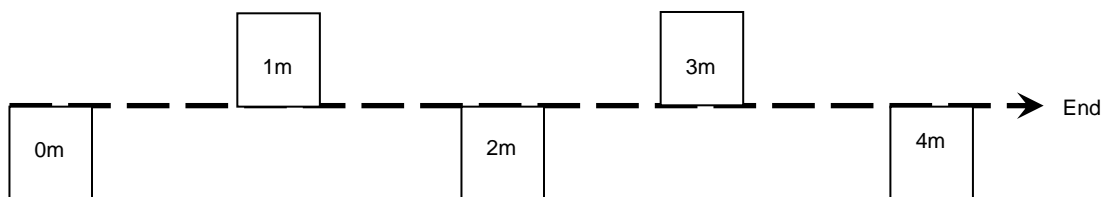
## 8.1.2 Quantitative Monitoring

Quantitative monitoring efforts shall be conducted throughout the restoration area. A minimum of seven (3), 10-meter transects shall be selected randomly within the restoration area, as well as at each reference site, to gather a statistically accurate representation of the relative cover of native and non-native species. Two survey methods shall be employed along each transect to capture different components of the vegetation community quadrat method and point intercept. The quadrat method shall be used to quantify overall species richness (number of species) and single species dominance to calculate combined dominance of species (i.e., chamise within chamise chaparral and California sagebrush within California sagebrush scrub). The point intercept method shall be implemented to determine the relative percent cover of native species and non-native species, including the percent cover within different layers (i.e., shrubs and ground cover). The ends of each transect location shall be recorded with a Global Positioning System (GPS) device to ensure repeated surveying of the same transects over the course of the 5 year monitoring period.

### 8.1.2.1 Quadrat Method

A one-meter squared quadrat shall be used to conduct quadrat sampling along a transect within the restoration area and at each reference site. As shown below in **Figure 3. Quadrat Sampling Method**, measurements shall be taken every meter on alternating sides for the length of the transect. Starting on one side of the transect line, the first quadrat is located at the beginning of the transect and the last quadrat is placed at the end point of the transect.

**Figure 3. Quadrat Sampling Method**



Two measurements shall be made within each quadrat: (1) the total number of species observed within each quadrat and (2) relative percent cover of each species within the quadrat. These observations will be used to determine overall species richness and species dominance for each transect.

### **8.1.2.2 Point Intercept**

The point-intercept method shall be used along the same transect used for the quadrat method. A 0.5-inch diameter wooden dowel, one-meter-long, will be placed perpendicular to the ground each meter on the left side of the transect line (facing the end point) starting at the starting point of the transect to the end point (of the transect). At each meter, the species touching the dowel will be recorded. Sometimes more than one species may touch the dowel, in which case all species touching the dowel shall be recorded. Record the genus and species that is touching the dowel. In instances when vegetation is not present, record the cover type at the dowel mark, such as litter, bare ground, and rock. The data collected using this method will be used to determine relative percent cover of native and non-native vegetation, as well as areas that are conducive and non-conducive to plant growth.

### **8.1.3 Irrigation**

If irrigation is determined to be needed, the landscape contractor, applicant or monitoring biologist shall examine the irrigation system for defects, such as vandalism, malfunction or herbivory at least once every two weeks during the dry season (typically May through mid-October), and once every month during the rainy season for the first year of monitoring. After the first year, the irrigation system may be checked once a month or as necessary as determined by the monitoring biologist.

### **8.1.4 Photo Documentation**

Stationary photo stations shall be established at specific locations within the restoration area and at each reference site prior to initiation of monitoring. Photograph stations will be permanently marked with stakes and mapped with GPS. Photographs shall be taken from each station during each monitoring event. There shall be sufficient photo stations to clearly show the progress of the vegetation establishment and relative cover within the vineyard restoration area.

### **8.1.5 Monitoring Schedule**

The restoration area and reference sites shall be monitored by a County-approved biologist for a five-year period. Monitoring shall occur quarterly during the first year, bi-annually during the second and third years, and annually thereafter. Monitoring shall occur as soon as possible to establish a baseline, and shall continue until the restoration area has met the 5-year success criteria. If the success criteria have not been met when compared to the reference sites at the end of the fifth year, monitoring may need to extend beyond the 5-year period. A request may be made to the County to terminate the monitoring prior to the end of the 5-year monitoring period if all performance standards have been met when compared to reference sites; however, approval from the County shall be received prior to terminating monitoring.

### **8.1.6 Monitoring Reports**

Monitoring reports shall depict the results of the monitoring; an assessment of the progress made toward achievement of the success criteria; maintenance performed, and any to recommendations remediate or implement adaptive management strategies to improve the relative cover of native species. The specific contents of the monitoring reports shall include:

- results of field data collection for the physical state of the site, evidence of plant establishment, vigor, survival, and recruitment and both the restoration area and for each reference site;
- performance of restoration relative to success criteria;
- any problems with results of the restoration and recommended remedial actions;
- maintenance activities performed, if any, during the previous monitoring cycle; and
- photographs from established photo stations.

Annual reports summarizing monitoring results shall be submitted on or before December 31, beginning the year after planting and continuing throughout the five year monitoring period. If substantial corrective or remedial actions are required, supplemental monitoring of the restoration area may be required prior to scheduled monitoring. Any supplemental reports shall describe the problem and potential cause, any recommended corrective measures, and a schedule for implementing remedial actions. Supplemental reports shall be submitted within 30 days of the date when the corrective action was taken.

## 9 Adaptive Management/Contingency Measures

Adaptive management should be implemented for unforeseen situations that may occur within the restoration area, such as if the restoration is under performing and there are clear indications that performance standards will not be met or when an outside event, such as wildfire, occurs that either directly or indirectly prevents success.

The purpose of monitoring is to detect problems early in the process, determine the cause of the problem, and make modifications to the methods in order to meet the performance standards and have the greatest chance for success. While this program has been planned with the best available information and predicts success, there are potentially unforeseen circumstances that can occur such as wildfire or erosion for heavy rainstorms.

Concerns that warrant contingency measures include various issues. Minor issues, such as vandalism, small-scale plant mortality or weed/pest infestations, may be rectified as they are discovered during routine site monitoring. Major issues include flooding, wildfire, prolonged drought, irrigation system malfunction, and similar problems that prevent the long-term performance standards from being met. Major issues, such as large-scale mortality that does not respond to changes in routine maintenance shall be addressed in consultation with the monitoring biologist and the County.

Contingency measures shall be enacted if, at the end of each monitoring period, planted materials or natural recruitment of native vegetation is not meeting the performance standards. Remedial actions or contingency measures may be triggered if there are large-scale instances of mortality, insect infestation, or disease (i.e., greater than 10 percent of a site is affected) or if the site is not making progress toward attainment of the interim performance standards after the end of the second year when compared to reference sites. Under either of these situations, the cause of failure shall be investigated and corrective measures shall be implemented. Adaptive management

measures may include prescribed treatments such as pest control (preferably Integrated Pest Management [IPM]), additional plantings, soil amendments, changes to the plant palette, or adjustment in the irrigation schedule or maintenance of the site.

If a catastrophic flood, fire, or outbreak of insects or disease occurs prior to achieving success criteria, the monitoring biologist and the County shall determine if any changes to the restoration plan are warranted.

## 10 Long-Term Maintenance

Long-term preservation and maintenance of the restoration area is the responsibility of the property owner indefinitely after the completion five-year monitoring period. Active management of the restoration area should continue to maintain health of the vegetation community until a similar density of chaparral is achieved as compared to the undisturbed ceanothus chaparral located immediately adjacent to the east.

## 11 References

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- Jones, C., R. S. Hoffmann, D. W. Rice, R. J. Baker, M. D. Engstrom, R. D Bradley, D. J. Schmidly, and C. A. Jones. 1997. Revised Checklist of North American Mammals North of Mexico, 1997. Occasional Papers, Museum of Texas Tech University, Number 173.
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- Sawyer, J.O., T. Keeler-Wolf, and J.M. Evens. 2009. A Manual of California Vegetation. 2<sup>nd</sup> Edition. California Native Plant Society.
- Stebbins, Robert. 1985. Western Reptiles and Amphibians. Houghton Mifflin Company, New York.

## **APPENDIX A**

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**APPENDIX A  
FLORAL COMPENDIUM**

Scientific Name	Common Name
<b>ANGIOSPERMS (EUDICOTS)</b>	
<b>Agavaceae – Agave Family</b>	
<i>Hesperoyucca whipplei</i>	chaparral yucca
<b>Anacardiaceae – Sumac Family</b>	
<i>Malosma laurina</i>	laurel sumac
<b>Asteraceae – Sunflower Family</b>	
<i>Artemisia californica</i>	California sagebrush
<i>Hazardia squarrosa</i>	Sawtooth goldenbush
<b>Fabaceae – Pea Family</b>	
<i>Acmispon glaber</i>	deerweed
<b>Lamiaceae – Mint Family</b>	
* <i>Marrubium vulgare</i>	white horehound
<i>Salvia leucophylla</i>	purple sage
<i>Salvia mellifera</i>	black sage
<b>Polygonaceae – Knotweed Family</b>	
<i>Eriogonum cinereum</i>	ashleaf buckwheat
<i>Eriogonum fasciculatum</i>	California buckwheat
<b>Rhamnaceae – Buckthorn Family</b>	
<i>Ceanothus megacarpus</i>	bigpod ceanothus
<i>Ceanothus spinosus</i>	greenbark ceanothus
<b>Rosaceae – Rose Family</b>	
<i>Adenostema fasciculatum</i>	chamise
<b>Rubiaceae – Madder Family</b>	
<i>Galium</i> sp.	bedstraw
<b>ANGIOSPERMS (Monocots)</b>	
<b>Poaceae – Grass Family</b>	
* <i>Avena</i> sp.	wild oats
* <i>Bromus diandrus</i>	ripgut brome
* <i>Bromus madritensis</i> ssp. <i>rubens</i>	red brome

\*Non-native Species

## **APPENDIX B**

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Map prepared on January 4, 2018  
 Property owner 1: Donald Kushner  
 Property address 1: 9200 Cotharin Road; APN: 700-0-040-095  
 Property owner 2: Ann A. Arakelian  
 Property address 2: 9902 Cotharin Road; APN: 700-0-140-245  
 Consulting biologist (point of contact): Greg Ainsworth, (818) 564-5544, gainsworth@esassoc.com

**Photo Location Map**  
 APNs 700-0-040-095 and 700-0-140-245

## Initial Study Biological Assessment

---

**Original ISBA report date:** January 2, 2018 (revised April 10, 2019)

**Revision report date(s):**

**Case number:**

**Permit type:** Coastal Plan Development Permit

**Applicants:** Mr. Donald Kushner and Ms. Ann A. Arakelian

**Case Planner:**

**Total parcel(s) size:** 700-0-040-095 (20.8 acres); 700-0-140-245 (9.06 acres)


**Assessor Parcel Number(s):** 700-0-040-095 (Kushner); 700-0-140-245 (Arakelian)

**Development proposal description:**

A total of 0.1 acre (4,254.71 square feet) of unpermitted removal of native vegetation within coastal zone of unincorporated Ventura County was conducted. The applicants received a violation from Code Enforcement for the unpermitted vegetation removal (Violation No's: CV17-0225 and 0227). The applicants are seeking a Plan Development Permit to reconcile the impacts to native vegetation and habitat communities, which will include restoration of the disturbed area and 5 years of monitoring by a qualified biologist.

**Prepared for Ventura County Planning Division by:**

As a Qualified Biologist, approved by the Ventura County Planning Division, I hereby certify that this Initial Study Biological Assessment was prepared according to the Planning Division's requirements and that the statements furnished in the report and associated maps are true and correct to the best of my knowledge.

<b>Qualified Biologist (signature):</b>		Date: January 3, 2018
		
Name (printed): Greg Ainsworth	Title: Director of Biological Resources	Company: ESA
Phone: 818-564-5544	email: gainsworth@esassoc.com	
<b>Other Biologist (signature):</b>		Date:
Name (printed):	Title:	Company:
Phone:	email:	
Role:		

**County of Ventura  
 Planning Director Hearing  
 PL18-0010  
 Exhibit 6 - Initial Study Biological  
 Assessment**

## Initial Study Checklist

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This Biological Assessment DID provide adequate information to make recommended CEQA findings regarding potentially significant impacts.

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	Project Impact Degree of Effect				Cumulative Impact Degree of Effect			
	N	LS	PS-M*	PS	N	LS	PS-M*	PS
Biological Resources			X				X	
Species			X				X	
Ecological Communities			X				X	
Habitat Connectivity			X				X	

N: No impact

LS: Less than significant impact

PS-M: Potentially significant unless mitigation incorporated.

PS: Potentially significant

\* DO NOT check this box unless the Biological Assessment provided information adequate enough to develop mitigation measures that reduce the level of impact to less than significant.

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### Attachments

- A. List of California Natural Diversity Database (CNDDB)-tracked species with recorded occurrences within at least a 10-mile radius of the project site.

## Summary

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The “project” consists of previous unpermitted removal of undisturbed native vegetation within the Coastal Zone of Ventura County. A total of 3,346.73 square feet (sqft) of native chamise chaparral and 907.98 sqft of native California sagebrush scrub was removed with hand tools to create a temporary, pedestrian access trail to APN 700-0-140-245 from the southwest corner of APN 700-0-040-095. Impacts included impacts to coastal vegetation and habitat for indigenous species, including migratory birds and rare plants. Vegetation removal impacts were limited to upland areas. No special-status wildlife species were likely impacted during the vegetation removal. It is expected that wildlife would have been displaced during the vegetation removal activities. In November 2018, the entire area where the vegetation removal occurred was burned from the Woolsey Fire. This area is currently barren and consists of scorched shrubs and chaparral plants with emerging annual grasses and forbs. Impacts to special-status wildlife is considered Potentially Significant but Mitigable.

The chamise chaparral and California Sagebrush scrub that was impacted provided suitable habitat for special-status plants. A focused survey for special-status plants was conducted on April 20, May 3, and May 16, 2018. The plant survey was conducted in accordance with California Department of Fish and Wildlife *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities* (March 20, 2018). The purpose of the special-status plant survey was to determine the species of 20 Catalina mariposa lilies (*Calochortus catalinae*) and roughly 25 lanceleaf dudleya (*Dudleya lanceolata*) that are present on the site, primarily at the northern perimeter where these species were observed during the initial vegetation mapping and floral inventory. These species were observed in areas adjacent to where vegetation was removed and it is unknown whether any were impacted. Impacts to special-status plants is considered Potentially Significant but Mitigable.

No water courses, including water regulated in accordance with the Clean Water Act and Fish and Game Code, are located in the vicinity of where impacts occurred; therefore, no impacts occurred to jurisdictional waters, including riparian communities. The dense, chamise chaparral layer on the site provides valuable habitat for supporting wildlife movement opportunities for native and migratory wildlife. However, the amount of vegetation that was removed is not expected to impede wildlife movement in the region, and the impact is temporary. Impacts to wildlife movement corridors is considered Potentially Significant but Mitigable.

The project site is not within, or adjacent to, Critical Habitat (CH) designated by the United States Fish and Wildlife Service (USFWS). The nearest CH areas to the project site is steelhead CH within the Arroyo Sequit approximately 2.5 miles to the east, tidy water goby CH located approximately 2 miles to the south within a stream outlet to the Pacific Ocean, and San Fernando spineflower CH located approximately 3.5 miles to the northeast (USFWS Critical Habitat Online Mapper, <https://fws.maps.arcgis.com/home/webmap/viewer.html?webmap=9d8de5e265ad4fe09893cf75b8dbfb7>; accessed January 3, 2017). No oak trees or other protected tree species are present in the vicinity or were impacted.

Mitigation for the unpermitted vegetation removal and associated biological resources shall include the preparation and implementation of a restoration and monitoring plan. The restoration and monitoring plan shall include performance standards, maintenance, and a 5-year monitoring schedule.

## Section 1: Construction Footprint Description

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*Construction Footprint Definition (per the Ventura County Planning Division): The construction footprint includes the proposed maximum limits of temporary or permanent direct land or vegetation disturbance for a project including such things as the building pad(s), roads/road improvements, grading, septic systems, wells, drainage improvements, fire hazard brush clearance area(s), tennis courts, pools/spas, landscaping, storage/stockpile areas, construction staging areas, fire department turnarounds, utility trenching and other grading areas. The construction footprint on some types of projects, such as mining, oil and gas exploration or agricultural operations, may be quite different than the above.*

### **Development Proposal Description:**

A total of 3,346.73 sqft (0.08 acre) of chamise chaparral and 907.98 sqft (0.02 acre) of California sagebrush scrub was removed within the coastal zone and Environmental Sensitive Habitat Area (ESHA) on APN 700-0-140-245 and APN 700-0-040-095. This disturbed area will be revegetated and monitored for a minimum of 5-years. No development is currently being proposed on the parcels.

### **Project Design for Impact Avoidance or Minimization**

The project site will be revegetated with the same indigenous species located immediately adjacent to the impacted areas.

### **Coastal Zone/Overlay Zones**

Coastal Zone (COS-10-ac-sdf/M)

### **Zoning**

Coastal Open Space, Santa Monica Mtns (COS-10-ac-sdf/M)

### **Elevation**

1593-1790 feet above mean sea level (amsl).

## Section 2: Survey Information

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### **2.1 Survey Purpose**

Discretionary actions undertaken by public agencies are required to demonstrate compliance with the California Environmental Quality Act (CEQA). The purpose of this Initial Study Biological Assessment (ISBA) is to gather enough information about the biological resources associated with the proposed project, and their potential to be impacted by the project, to make a CEQA Initial Study significance finding for biological resources. In general, ISBA's are intended to:

- Provide an inventory of the biological resources on a project site and the values of those resources.
- Determine if a proposed project has the potential to impact any significant biological resources.
- Recommend project redesign to avoid, minimize or reduce impacts to significant biological resources.
- Recommend additional studies necessary to adequately assess potential impacts and/or to develop adequate mitigation measures.



- Develop mitigation measures, when necessary, in cases where adequate information is available.

## 2.2 Survey Area Description

*Survey Area Definition (per the Ventura County Planning Division): The physical area a biologist evaluates as part of a biological assessment. This includes all areas that could potentially be subject to direct or indirect impacts from the project, including, but not limited to: the construction footprint; areas that would be subject to noise, light, dust or runoff generated by the project; any required buffer areas (e.g., buffers surrounding wetland habitat). The construction footprint plus a 100 to 300-foot buffer—beyond the required fire hazard brush clearance boundary—(or 20-foot from the cut/fill boundary or road fire hazard brush clearance boundary – whichever is greater) is generally the size of a survey area. Required off-site improvements—such as roads or fire hazard brush clearance—are included in the survey area. Survey areas can extend off the project’s parcel(s) because indirect impacts may cross property lines. The extent of the survey area shall be determined by the biologist in consultation with the lead agency.*

### Survey Area

#### **Location**

The survey area was focused on the area that was impacted from unpermitted vegetation removal within the coastal zone that included 3,346.73 sqft of chamise chaparral and 907.98 sqft of California sagebrush scrub was removed within APN 700-0-140-245 and APN 700-0-040-095. The survey area included an approximate 100-foot radius around the vegetation impact zone. As depicted in **Figure 1. Project Location Map**, the survey area is located in the Santa Monica Mountains, approximately two miles to the northeast of Pacific Coast Highway and the Pacific Ocean. The survey area is located approximately 170 feet to the southeast from the intersection of Pacific View Drive and Cotharin Road, and approximately 0.37 miles to the northwest of the Los Angeles County boundary.

#### **Survey Area Environmental Setting**

The survey area consists of the coastal shrubland habitat that was disturbed on APN 700-0-140-245 and APN 700-0-040-095, including a 100-ft radius. The survey area is surrounded by undisturbed open space consisting of coastal shrubland and ESHA, beyond which is rural, large lot, single-family residential and undisturbed open space/ESHA.

#### **Surrounding Area Environmental Setting**

The surrounding area is similar to the survey area and consists widely of undisturbed chamise chaparral and California sagebrush scrub. The surrounding area is within the coastal zone and consists of open space with ESHA and large lot, single-family residential.

#### **Cover**

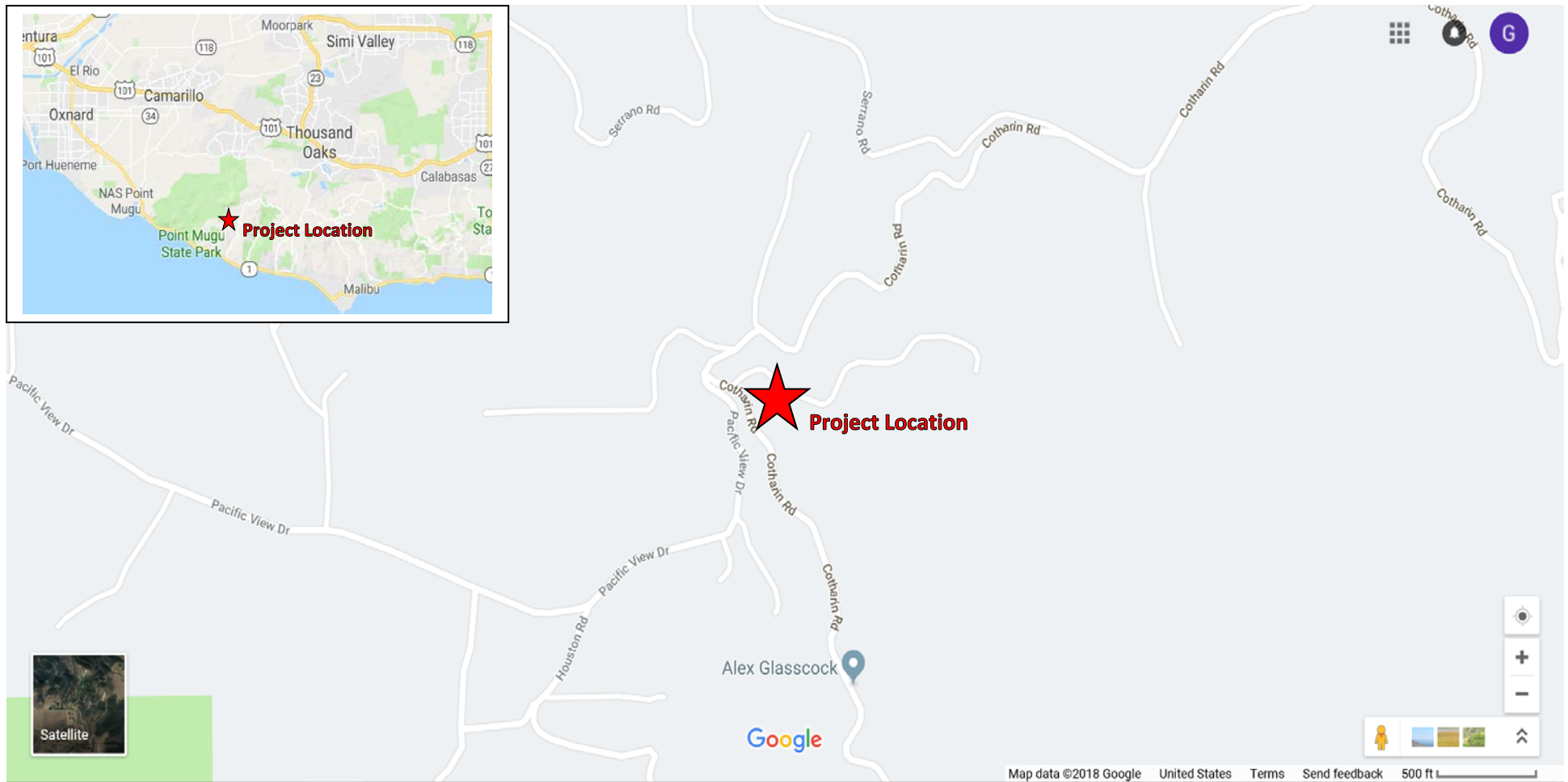
As shown on **Figure 2. Site and Survey Map**, the area where vegetation was removed consists of two distinct coastal shrubland communities: Chamise chaparral – *Adenostoma fasciculatum* Shrubland Alliance and California sagebrush scrub – *Artemisia californica* Shrubland Alliance. Based on the surrounding vegetation and review of aerial imagery (Google Earth, 2017), it is assumed that there were no areas of bare ground within the disturbance area and no evidence that the area had recently burned, or any sign of agriculture or other prior disturbances. Below is a description of the coastal shrubland communities that were impacted within the survey area.

#### Chamise chaparral – *Adenostoma fasciculatum* Shrubland Alliance

This is a dense, closed-canopy chaparral community that is dominated with chamise (70%). Co-dominant species includes big pod ceonothus (*Ceanothus megacarpus*) (20%), and chaparral yucca (*Hesperoyucca whipplei*) (5%), with sawtooth goldenbush (*Hazardia squarrosa*) (10%) in the understory. Few herbaceous species are present within the understory.

California sagebrush scrub – *Artemisia californica* Shrubland Alliance

This community is dominated with California sagebrush (75%) and co-dominated with purple sage (*Salvia leucophylla*) (15%), chaparral yucca (3%), sawtooth goldenbush (3%), big pod ceonothus (2%), California buckwheat (*Eriogonum fasciculatum*) (1%), deerweed (*Acmispon glaber*) (1%), Catalina mariposa lily (*Calochortus catalinae*) (1%), lanceleaf dudleya (*Dudleya lanceolata*) (1%), with an understory of annual grasses (45%).



Map prepared on January 4, 2018

Property owner 1: Donald Kushner

Property address 1: 9200 Cotharin Road; APN: 700-0-040-095

Property owner 2: Ann A. Arakelian

Property address 2: 0 Cotharin Road; APN: 700-0-140-245

Consulting biologist (point of contact): Greg Ainsworth, (818) 564-5544,  
gainsworth@esassoc.com

**Figure 1. Project Location Map**

**APNs 700-0-040-095 and 700-0-140-245**

## 2.3 Methodology

### References

- California Department of Fish and Wildlife, BIOS. (*January 2, 2018*). This database was searched to identify other projects that have occurred in the vicinity of the subject property.
- California Department of Fish and Wildlife California Natural Diversity Database. USGS 7.5 Minute Quadrangle search of Triunfo Pass, Point Mugu, Camarillo, Newbury Park, Thousand Oaks, and Point Dume.
- Vegetation Classification of the Santa Monica Mountains National Recreation Area and Environs in Ventura and Los Angeles Counties, California. Presented to National Park Service, Santa Monica Mountains National Recreation Agency. California Department of Fish and Game, Wildlife and Habitat Data Analysis Branch and California Native Plant Society. January 2006.
- USGS-NPS Vegetation Mapping Program, Santa Monica Mountains National Recreation Area, Photo Interpretation Report. May 23, 2007.
- California Department of Fish and Game, Vegetation Classification and Mapping Program, List of Vegetation Alliances and Associations. September 2010.  
[http://www.dfg.ca.gov/biogeodata/vegcamp/natural\\_comm\\_list.asp](http://www.dfg.ca.gov/biogeodata/vegcamp/natural_comm_list.asp)
- California Native Plant society (CNPS) Inventory of Rare and Endangered Plants database, v7-08a 2-01-08, [http://cnps.web.aplus.net/cgi-bin/inv/inventory.cgi/Html?item=checkbox\\_9.htm#q9](http://cnps.web.aplus.net/cgi-bin/inv/inventory.cgi/Html?item=checkbox_9.htm#q9)
- Google Earth, 2017
- A Manual of California Vegetation, Second Edition

### Survey Details Table

Survey Date & Details							
Survey Key (1)	Survey Date (2)	Survey Area Map Key(s) (3)	Survey Type (4)	Time Period (5)	Methods/Constraints (6)	GPS (7)	Surveyors
N/A	11/18/2017	N/A	ISBA	9:00 am–12:00 pm	Walking transects. The entire site was accessible. Plant inventory conducted within impacted area and 100 ft buffer.	Trimble 7x (sub-foot accuracy)	Greg Ainsworth
N/A	4/20/2018; 5/3/2018; 5/16/2018	N/A	Botanical	varied	Walking transects. The entire site was accessible. Botanical survey conducted within impacted area and 100 ft buffer.	Trimble 7x (sub-foot accuracy)	Greg Ainsworth
ISBA .....Initial Study Biological Assessment Botanical.....Botanical Survey							

## Section 3: The Biological Inventory

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See Appendix One for an overview of the types of biological resources that are protected in Ventura County.

### 3.1 Ecological Communities: Plant Communities, Physical Features and Wetland

#### Plant Communities

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Locally important or rare plant communities were found within the survey area(s).

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#### Major Plant Communities Summary

#### Coastal Shrubland

Shrubland is a plant community characterized by vegetation dominated by shrubs, often also including grasses, herbs, and geophytes. Shrubland can be a mature vegetation type that remains stable over time, or a transitional community that occurs temporarily as the result of a disturbance, such as fire. A stable state may be maintained by regular natural disturbance such as fire or browsing. Shrubland may be unsuitable for human habitation because of the danger of fire. A shrubland is generally defined as a community dominated with woody plants less than 8 meters (m) high and usually with many stems. Tall shrubs are mostly 2–8 m high, small shrubs 1–2 m high and subshrubs less than 1 m high.

The area where impacts occurred supported two vegetation communities: Chamise chaparral – *Adenostoma fasciculatum* Shrubland Alliance and California sagebrush scrub – *Artemisia californica* Shrubland Alliance. Undisturbed chamise chaparral and California sagebrush scrub is considered ESHA by the County. Below is a description of each Alliance.

#### Chamise chaparral – *Adenostoma fasciculatum* Shrubland Alliance

This community occurs within varied topography and had soils that shallow over colluvium and many kinds of bedrock. This alliance occurs across California in a variety of topographic settings from coastal bluffs to steep, lower montane slopes. Stands of this community are frequent in the Santa Monica Mountains. Chamise chaparral has a CNPS rarity rank of G5 S3?. Within the survey area, this community is a dense, closed-canopy chaparral community that is dominated with chamise (70%). Co-dominant species includes big pod ceonothus (*Ceanothus megacarpus*) (20%), and chaparral yucca (*Hesperoyucca whipplei*) (5%), with sawtooth goldenbush (*Hazardia squarrosa*) (10%) in the understory. Few herbaceous species are present within the understory. A few California buckwheat (*Eriogonum fasciculatum*), ashleaf buckwheat (*Eriogonum cinereum*) and black sage (*Salvia mellifera*) were observed immediately adjacent to this plant community at the northern limits of the disturbed area, just south of Mr. Kushner's driveway. A total of 3,346.73 sqft of chamise chaparral was impacted.

#### California sagebrush scrub – *Artemisia californica* Shrubland Alliance

This community occurs on slopes that are usually steep and rarely flooded. Soils within this community consist of shaley-loam derived from sandstone and volcanic parent material. California sagebrush scrub has a CNPS rarity ranking of G5 S5. Within the survey area, this community is dominated with California sagebrush (75%) and co-dominated with purple sage (*Salvia leucophylla*) (15%), chaparral yucca (3%), sawtooth goldenbush (3%), big pod ceonothus (2%), California buckwheat (1%), deerweed (*Acmispon glaber*) (1%), Catalina mariposa lily (*Calochortus catalinae*) (1%), lanceleaf dudleya (*Dudleya lanceolata*)

(1%), with an understory of annual grasses (45%). Black sage was also observed within this community at less than one percent cover. A total of 907.98 sq ft of California sagebrush scrub was impacted.

Table 1. Plant Communities								
Map Key	SVC Alliance	SVC Association	Misc.	Status	Condition	Acres Total	Acres Impacted	Comments
PC1	Chamise Chaparral ( <i>Adenostoma fasciculatum</i> )	Adenostoma fasciculatum/ Ceonothus megacarpus chaparral		ESHA, CDFG Rare (G3S3?), LIC	Previously intact	0.08 (346.73sqft)	0.08 (346.73sqft)	Total acres and acres impacted includes the area where vegetation was removed.
PC2	California sagebrush scrub ( <i>Artemisia californica</i> )	Artemisia californica/Salvia leucophylla shrubland		ESHA, CDFG Rare (G5S5), LIC	Previously intact	0.02 (907.98 sqft)	0.02 (907.98 sqft)	Total acres and acres impacted includes the area where vegetation was removed.
LIC.....Locally Important Plant Community ESHA.....Environmentally Sensitive Habitat Areas (Coastal Zone) CDFG Rare: G1 or S1 .....Critically Imperiled Globally or Subnationally (state) G2 or S2 .....Imperiled Globally or Subnationally (state) G3 or S3 .....Vulnerable to extirpation or extinction Globally or Subnationally (state) Cal OWA .....Protected by the California Oak Woodlands Act								

**Environmentally Sensitive Habitat Areas (ESHA)**

*ESHA is “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” (Public Resources Code § 30107.5). ESHA includes coastal dunes, beaches, tidepools, wetlands, creek corridors, and certain upland habitats in the Santa Monica Mountains (Ventura County Coastal Area Plan).*

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Habitats that meet the definition of ESHA were found within the survey area(s).

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The area where vegetation removal occurred consists of undisturbed and intact chamise chaparral and California sagebrush scrub within the coastal zone. These communities are known to provide habitat for an array of indigenous plant and animal species, including migratory birds. The native area where impacts occurred, including surrounding open space areas of chaparral and coastal scrub, meet the definition of ESHA in accordance with the Ventura County Coastal Area Plan.

**Physical Features**

Table 2. Physical Features		
Map Key (1)	Physical Feature (2)	Comments (3)
N/A		

## **Waters and Wetlands**

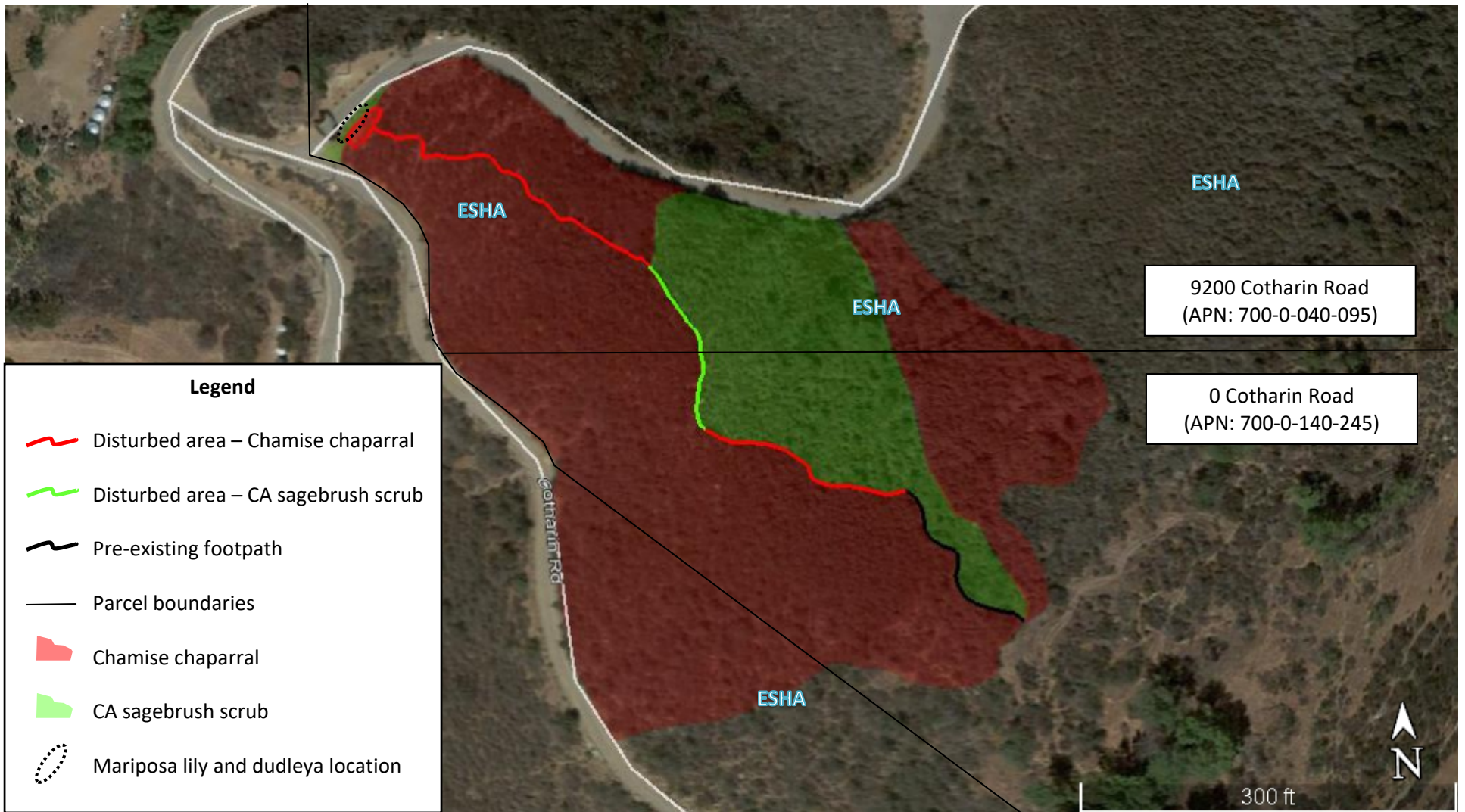
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Waters or wetlands were not found within the survey area(s).

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## **Other Areas/Observations**

There are no other features within the unpermitted vegetation removal area.



Map prepared on January 4, 2018  
 Property owner 1: Donald Kushner  
 Property address 1: 9200 Cotharin Road; APN: 700-0-040-095  
 Property owner 2: Ann A. Arakelian  
 Property address 2: 0 Cotharin Road; APN: 700-0-140-245  
 Consulting biologist (point of contact): Greg Ainsworth, (818) 564-5544, gainsworth@esassoc.com

**Figure 2.**  
**Project Site, Vegetation and ESHA Map**  
 APNs 700-0-040-095 and 700-0-140-245



## 3.2 Species

### Observed Species

During the site survey the following avian species were observed in the vicinity of the survey area white-throated swift (*Aeronautes saxatalis*), western scrub-jay (*Aphelocoma californica*), house finch (*Carpodacus mexicanus*), wrenit (*Chamaea fasciata*), California towhee (*Melospiza crissalis*), and ash-throated flycatcher (*Myiarchus cinerascens*). No other animal species were observed within the survey area. The area where disturbance occurred consisted of a dense, closed canopy native chaparral sagebrush scrub habitat. Plant species observed within 100 feet from the vegetation removal area are included in Appendix 2. As shown on Figure 2, immediately adjacent to the northern limit of the disturbed area, between the driveway of 9200 Cotharin Road, approximately 20 mariposa lilies (*Mariposa sp.*) and roughly 25 dudleya species (*Dudleya sp.*) were observed within California sagebrush scrub habitat. It is unknown whether these species may have been present within the northern-most area that was disturbed. The closed canopy of the chamise chaparral does not provide suitable habitat for these species, since these species generally occur within opening between vegetation. The California sagebrush scrub provides suitable habitat for these species; however, no mariposa lilies or dudleya were observed adjacent to the California sage brush scrub habitat that was disturbed. No other special status plant species were observed; however, it should be noted that the site assessment was not conducted during the appropriate time to determine if most special-status plant species are present, which is generally in the spring and summer.

### Protected Trees

Based on an assessment of the disturbed area and a review of historical aerial imagery (Google Earth, 2017), no protected trees were present prior to the unpermitted vegetation removal activities.

### Special Status Species and Nests

See Appendix One for definitions of the types of special status species that have federal, state or local protection and for more information on the regulations that protect birds' nests.

### Background Research

A 10-mile radius from the survey area boundary was conducted to identify special-status plant and animal species, including sensitive natural habitats, that have been recorded in the region. This includes the California Natural Diversity Database (CNDDDB), the USFWS Critical Habitat maps (**Figure 3**), and the Calflora database. The Ventura County Planning Division's GIS layer was not reviewed for this report.

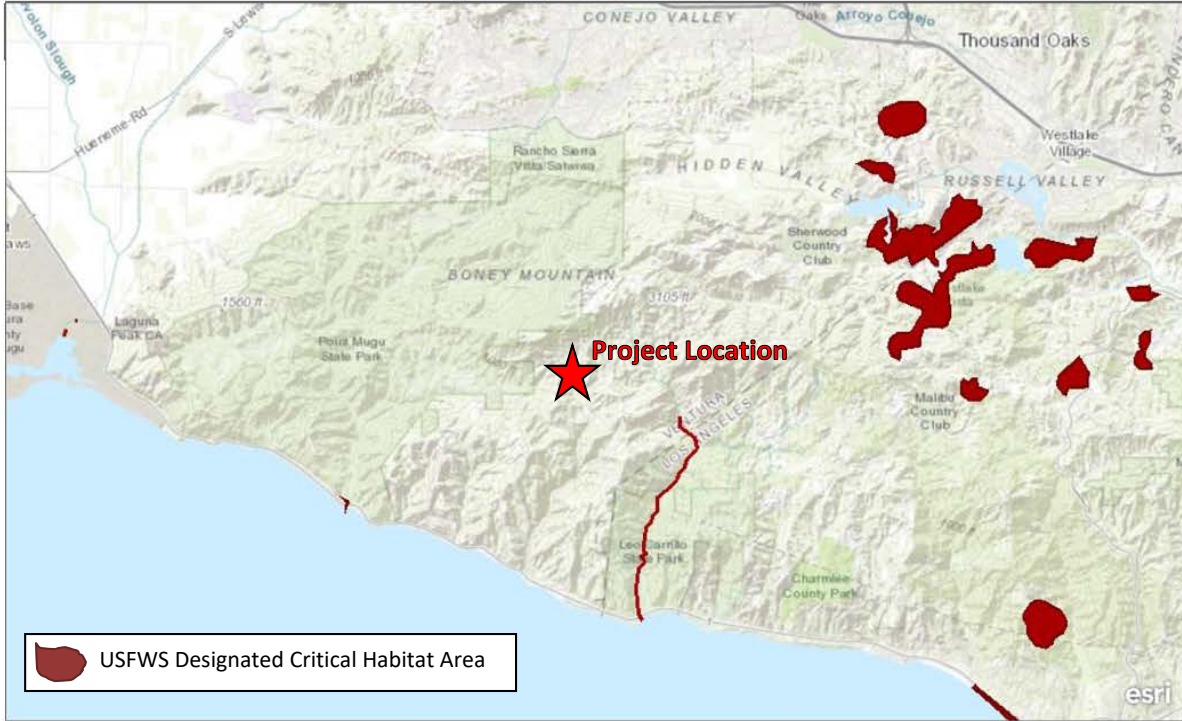
Special status species include species listed as Endangered, Threatened, or Rare under the federal or state Endangered Species Acts, Candidate Species, California Fully Protected Species, and, pursuant to CEQA Guidelines Section 15380(d), all other species tracked by the California Natural Diversity Database (CNDDDB), which are considered by the California Department of Fish and Game (CDFG) to be those species of greatest conservation concern, and locally important species as defined by the Ventura County General Plan and the Initial Study Assessment Guidelines. Plant species with a California Rare Plant Rank (Rank) of 1 (plants presumed extinct in California, or rare, threatened, or endangered in California and elsewhere), 2 (plants that are rare, threatened, or endangered in California but more common elsewhere) or 4 (plants of limited distribution in California) are included in this definition, but plant species with a Rank of 3 (plants for which insufficient information is available to determine their status) are not included in this definition. Plant species with a Rank of 3, if found, should be included in the Special Status Species table for information purposes. Species tracked by the CNDDDB are listed in CDFG's lists of Special Plants and Special Animals.

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Special status species were observed or have a moderate to high potential to occur within the survey area(s).

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**Critical Habitat for Threatened & Endangered Species [USFWS]**



A specific geographic area(s) that contains features essential for the conservation of a threatened or endangered species and that may require special management and protection.

U.S. Fish and Wildlife Service | County of Los Angeles, Bureau of Land Management, Esri, HERE, Garmin, USGS, NGA, EPA, USDA, NPS

**Figure 3. Critical Habitat Map**  
APNs 700-0-040-095 and 700-0-140-245

Habitat suitable for nests of birds protected under the Migratory Bird Treaty Act does exist within the survey area(s).

### Special Status Species Summary

A query of the CNDDDB and CNPS databases revealed 84 records of special-status species including wildlife and plant species, and habitats. Several of these recording include species or habitats that are not present in the project vicinity due to lack of habitat preferences, soil requirements and vegetation communities, geographical range, elevation restrictions, etc. The table below includes species that have a low, medium or high potential to occur based on the ISBA Potential to Occur descriptions.

As previously indicated, approximately 20 mariposa lilies and 25 dudleya species were observed within California sagebrush scrub habitat located immediately adjacent to the northern limit of the disturbed area, between the driveway of 9200 Cotharin Road. The species were desiccated; therefore, they could not be identified to the species-level. According to the results of the CNDDDB and CNPS database search, Blochman’s dudleya (*Dudleya blochmaniae* ssp. *Blochmaniae*), Agoura Hills dudleya (*Dudleya cymosa* ssp. *Agourensis*), marcescent dudleya (*Dudleya cymosa* ssp. *Marcescens*), Santa Monica dudleya (*Dudleya cymosa* ssp. *Ovatifolia*), and Verity’s dudleya (*Dudleya verity*), have been recorded in the region and suitable habitat for these species is present within the areas of California sagebrush scrub. In addition, Catalina mariposa lily (*Calochortus catalinae*) and slender mariposa lily (*Calochortus clavatus* var. *gracilis*), a CNPS 1B.2 special-status species; and, Plummer’s mariposa lily (*Calochortus plummerae*), a CNPS List 4 species, have also been recorded in the region according to the CNDDDB and CNPS, and approximately 20 Catalina mariposa lilies were observed immediately to the north of the area that was disturbed. Based on the results of focused plants surveys conducted on April 20, May 3 and May 16, 2018, no special-status dudleya species are present. It is known whether any Catalina mariposa lilies were impacted by the vegetation removal activities.

Observed and Potentially Occurring Special Status Species						
Map Key (1)	Survey/Sou rce (2)	Scientific Name (3)	Common Name	Species Status (4)	Potential to Occur (5)	Habitat Requirements (6)
SSP1	CNDDDB	<i>Accipiter cooperii</i>	Cooper’s hawk	SSC	Low	Cismontane woodland, riparian forest and woodland and upper montane coniferous forest.
SSP2	CNDDDB	<i>Aimophila ruficeps</i> ssp. <i>canescens</i>	Southern California rufous-crowned sparrow	SSC	Moderate	Chaparral and coastal scrub.
SSP3	CNDDDB	<i>Poliioptila californica</i> ssp. <i>californica</i>	Coastal California gnatcatcher	SSC	Moderate	Coastal bluff scrub and coastal scrub.
SSP4	CNDDDB	<i>Neotoma lepida intermedia</i>	San Diego Desert Woodrat	SSC	Moderate	Lives in high desert areas, chaparral, sagebrush flats, and Pinyon-Juniper Woodland.
SSP5	CNDDDB	<i>Antrozous pallidus</i>	Pallid bat	SSC	Low (roosting)	Grasslands, shrublands, woodlands, and coniferous forests; most common in open, dry habitat with rocky areas for roosting, as well as abandon buildings and medal clad structures.
SSP6	CNDDDB	<i>Eumops perotis</i> ssp. <i>californicus</i>	Greater western mastiff bat	SSC	Low (roosting)	Chaparral, cismontane woodland, coastal scrub and valley and foothill grassland. Roosts in small colonies in rock fissures in high cliff faces

Observed and Potentially Occurring Special Status Species						
SSP7	CNDDDB	<i>Taxidea taxus</i>	American badger	SSC	Low	Various habitats ranging from coastal sand dunes to montane coniferous forests.
SSP8	CNDDDB	<i>Anniella sp. 1</i>	California legless lizard	LIP	Moderate	Chaparral, coastal dunes and coastal scrub.
SSP9	CNDDDB	<i>Aspidoscelis tigris ssp. stejnegeri</i>	Coastal western whiptail	LIS	Low	Deserts and semiarid areas with sparse vegetation and open areas, woodland and riparian areas.
SSP10	CNDDDB	<i>Diadophis punctatus ssp. modestus</i>	San Bernardino ringneck snake	LIS	Low	Prefers mesic habitats within wet meadows, rocky hillsides, cultivated and disturbed areas, grassland, chaparral, coniferous forests and various woodlands.
SSP11	CNDDDB	<i>Phrynosoma blainvillii</i>	Coast horned lizard	SSC	Moderate	Various habitats throughout the foothills of California including coast live oak woodland and the herbaceous cover and friable soils.
SSP12	CNDDDB	Santa Monica shieldback katydid	<i>Aglaothorax longipennis</i>	LIP	High	Chaparral
SSP13	CNDDDB	Gertsch's socialchemmis spider	<i>Socalchemmis gertschi</i>	LIP	High	Coastal scrub
SSP14	CNDDDB	<i>Trimerotropis occidentiloides</i>	Santa Monica grasshopper	LIP	High	Chaparral
SSP15	CNDDDB	Western spleenwort	<i>Asplenium vespertinum</i>	RPR 4	Moderate	Chaparral, coastal scrub and cismontane woodland.
SSP16	CNDDDB	Braunton's milk-vetch	<i>Astragalus brauntonii</i>	FE	Lo	Chaparral, Coastal scrub, Limestone, Valley & foothill grassland
SSP17	CNDDDB	Malibu baccharis	<i>Baccharis malibuensis</i>	RPR 1B	Low	Chaparral, cismontane woodland, coastal scrub and riparian woodland
SSP18	CNDDDB	Brewer's calandrinia	<i>Calandrinia breweri</i>	RPR 4	Low	Chaparral and coastal scrub. Microhabitats include sandy or loamy soils within disturbed sites or burns.
SSP19	CNDDDB	round-leaved filaree	California macrophylla	RPR 1B	Low	Cismontane woodland, Valley & foothill grassland
SSP20	CNDDDB	Catalina mariposa lily	<i>Calochortus catalinae</i>	RPR 4	Present	Chaparral, cismontane woodland, coastal scrub and valley and foothill grassland. Approximately 20 individuals observed during focused plant survey.
SSP21	CNDDDB	Slender mariposa lily	<i>Calochortus clavatus var. gracilis</i>	RPR 1B	High	Chaparral, coastal scrub and valley and foothill grassland.
SSP22	CNDDDB	Plummer's mariposa lily	<i>Calochortus plummerae</i>	RPR 4	High	Chaparral, cismontane woodland, coastal scrub, lower montane coniferous forest and valley and foothill grasslands.

Observed and Potentially Occurring Special Status Species						
SSP23	CNDDDB	Southern tarplant	<i>Centromadia parryi</i> ssp. <i>australis</i>	RPR 1B	None	The margins of marshes and swamps, valley and foothill grassland and vernal pools.
SSP24	CNDDDB	Island mountain-mahogany	<i>Cercocarpus betuloides</i> var. <i>blancheae</i>	RPR 4	None	Closed-cone coniferous forest and chaparral.
SSP25	CNDDDB	San Fernando Valley spineflower	<i>Chorizanthe parryi</i> var. <i>fernandina</i>	FSC	None	Sandy soils within coastal scrub and valley and foothill grassland.
SSP26	CNDDDB	Parry's spineflower	<i>Chorizanthe parryi</i> var. <i>parryi</i>	RPR 1B	Moderate	Sandy or rocky, openings within chaparral, cismontane woodland, coastal scrub and valley and foothill grassland.
SSP28	CNDDDB	Santa Susana tarplant	<i>Hemizonia minthornii</i> Santa Susana tarplant	RPR 1B	Low	Rocky substrate within chaparral and coastal scrub.
SSP27	CNDDDB	Blochman's dudleya	<i>Dudleya blochmaniae</i> ssp. <i>blochmaniae</i>	RPR 1B	Moderate	Chaparral, Coastal bluff scrub, Coastal scrub, Ultramafic, Valley & foothill grassland
SSP29	CNDDDB	Agoura Hills dudleya	<i>Dudleya cymosa</i> ssp. <i>agourensis</i>	FT	Moderate	Chaparral, Cismontane woodland
SSP30	CNDDDB	marcescent dudleya	<i>Dudleya cymosa</i> ssp. <i>marcescens</i>	FT	High	Chaparral
SSP31	CNDDDB	Santa Monica dudleya	<i>Dudleya cymosa</i> ssp. <i>ovatifolia</i>	FT	High	Sedimentary or volcanic, rocky substrate within chaparral or coastal scrub.
SSP32	CNDDDB	Conejo dudleya	<i>Dudleya parva</i>	FT	Moderate	Conejo volcanic rock within chaparral, coastal scrub and valley and foothill grassland.
SSP33	CNDDDB	Verity's dudleya	<i>Dudleya verityi</i>	FT	High	Chaparral, coastal scrub and valley and foothill grassland.
SSP34	CNDDDB	Conejo Buckwheat	<i>Eriogonum crocatum</i>	SR	Low	Conejo volcanic outcrops within chaparral, coastal scrub and valley and foothill grassland.
SSP35	CNDDDB	Ocellated Humboldt lily	<i>Lilium humboldtii</i> ssp. <i>ocellatum</i>	RPR 4	Low	Chaparral, cismontane woodland, coastal scrub, lower montane coniferous forest and riparian woodland.
SSP36	CNDDDB	White-veined monardella	<i>Monardella hypoleuca</i> ssp. <i>hypoleuca</i>	RPR 1B	Low	Chaparral and cismontane woodland.
SSP37	CNDDDB	Gerry's curly-leaved monardella	<i>Monardella sinuata</i> ssp. <i>gerryi</i>	RPR 1B	Moderate	Coastal scrub
SSP38	CNDDDB	Ojai navarretia	<i>Navarretia ojaiensis</i>	RPR 1B	Moderate	Openings within chaparral, coastal scrub and throughout valley and foothill grassland.
SSP39	CNDDDB	Chaparral nolina	<i>Nolina cismontana</i>	RPR 1B	Moderate	Sandstone and gabbro substrate within chaparral and coastal scrub.
SSP40	CNDDDB	Lyon's pentachaeta	<i>Pentachaeta lyonii</i>	FE/SE	Low	Rocky, clay substrate within chaparral, coastal scrub and valley and foothill grassland.

Observed and Potentially Occurring Special Status Species						
SSP41	CNDDDB	Hubby's phacelia	<i>Phacelia hubbyi</i>	RPR 4	Moderate	Gravelly or rocky soils within chaparral. Coastal scrub and valley and foothill grassland.
SSP42	CNDDDB	white rabbit-tobacco	<i>Pseudognaphalium leucocephalum</i>	RPR 2B	Low	Chaparral, Cismontane woodland, Coastal scrub, Riparian woodland
SSP43	CNDDDB	chaparral ragwort	<i>Senecio aphanactis</i>	RPR 2B	Moderate	Chaparral, Cismontane woodland, Coastal scrub
SSP44	CNDDDB	woven-spored lichen	<i>Texosporium sancti-jacobi</i>	RPR 3	High	Chaparral

Special Status Species (continued)				
Map Key	Adequate Habitat Onsite	Adequate Habitat Size (7)	Acreage Impacted	Comments (8)
SSP1	Yes	Yes	0.1	May forage within adjacent habitats. Not likely to have been effected by vegetation removal.
SSP2	Yes	Yes	0.1	May forage within adjacent habitats. Not likely to have been effected by vegetation removal.
SSP3	Yes	Yes	0.1	May forage within adjacent habitats. Not likely to have been effected by vegetation removal.
SSP4	Yes	Yes	0.1	No woodrat mittens were observed adjacent to the area where vegetation was removed.
SSP5	Yes	Yes	0.1	May forage within adjacent habitats. Not likely to have been effected by vegetation removal.
SSP6	Yes	Yes	0.02	May forage within adjacent habitats. Not likely to have been effected by vegetation removal.
SSP7	Yes	Yes	0.1	Not likely to be present. No suitable burrows observed.
SSP8	Yes	Yes	0.1	No surveys conducted for legless lizard.
SSP9	Yes	Yes	0.1	Disturbed area provides less than ideal habitat. May occur within CA sagebrush scrub.
SSP10	No	--	--	Disturbed area provides less than ideal habitat. May occur within CA sagebrush scrub.
SSP11	Yes	Yes	0.1	May forage within adjacent CA sagebrush scrub. Not likely to have been effected by vegetation removal.
SSP12	Yes	Yes	0.08	May occur within adjacent chaparral. Not likely to have been effected by vegetation removal.
SSP13	Yes	Yes	0.02	May occur within adjacent CA sagebrush scrub. Not likely to have been effected by vegetation removal.
SSP14	Yes	Yes	0.08	May occur within adjacent chaparral. Not likely to have been effected by vegetation removal.
SSP15	Yes	Yes	0.1	Unknown if this species was present prior to disturbance. Not observed within 100 feet from limits of disturbance. Survey not seasonally timed to determine presence or absence.
SSP16	Yes	Yes	0.1	Suitable habitat is not present. Not expected.
SSP17	No	--	--	Suitable habitat is not present. Not expected.
SSP18	Yes	Yes	0.1	Undetermined mariposa lily observed within CA sagebrush scrub adjacent to disturbed area.
SSP19	Yes	Yes	0.1	Undetermined mariposa lily observed within CA sagebrush scrub adjacent to disturbed area.



<b>Special Status Species (continued)</b>				
SSP20	Yes	Yes	0.1	Undetermined mariposa lily observed within CA sagebrush scrub adjacent to disturbed area.
SSP21	No	--	--	Suitable habitat is not present. Not expected.
SSP22	No	--	--	Suitable habitat is not present. Not expected.
SSP23	No	--	--	Suitable habitat is not present. Not expected.
SSP24	Yes	Yes	0.1	Unknown if this species was present prior to disturbance. Not observed within 100 feet from limits of disturbance. Survey not seasonally timed to determine presence or absence.
SSP25	Yes	Yes	0.1	Unknown if this species was present prior to disturbance. Not observed within 100 feet from limits of disturbance.
SSP26	Yes	Yes	0.1	Undetermined dudleya observed within CA sagebrush scrub adjacent to disturbed area.
SSP27	Yes	Yes	0.1	Undetermined dudleya observed within CA sagebrush scrub adjacent to disturbed area.
SSP28	No	--	--	Undetermined dudleya observed within CA sagebrush scrub adjacent to disturbed area.
SSP29	No	--	--	Suitable habitat is not present. Not expected.
SSP30	No	--	--	Suitable habitat is not present. Not expected.
SSP31	No	--	--	Suitable habitat is not present. Not expected.
SSP32	Yes	Yes	0.1	Unknown if this species was present prior to disturbance. Not observed within 100 feet from limits of disturbance.
SSP33	Yes	Yes	0.1	Unknown if this species was present prior to disturbance. Not observed within 100 feet from limits of disturbance.
SSP34	no	--	--	Unknown if this species was present prior to disturbance. Not observed within 100 feet from limits of disturbance.
SSP35	Yes	Yes	0.1	Unknown if this species was present prior to disturbance. Not observed within 100 feet from limits of disturbance. Survey not seasonally timed to determine presence or absence.
SSP36	Yes	Yes	0.08	Unknown if this species was present prior to disturbance. Not observed within 100 feet from limits of disturbance. Survey not seasonally timed to determine presence or absence.
SSP37	Yes	Yes	0.02	Unknown if this species was present prior to disturbance. Not observed within 100 feet from limits of disturbance. Survey not seasonally timed to determine presence or absence.
SSP38	Yes	Yes	0.02	Unknown if this species was present prior to disturbance. Not observed within 100 feet from limits of disturbance.
SSP39	Yes	Yes	0.02	Unknown if this species was present prior to disturbance. Not observed within 100 feet from limits of disturbance. Survey not seasonally timed to determine presence or absence.
SSP40	Yes	Yes	0.1	Unknown if this species was present prior to disturbance. Not observed within 100 feet from limits of disturbance. Survey not seasonally timed to determine presence or absence.
SSP41	Yes	Yes	0.02	Unknown if this species was present prior to disturbance. Not observed within 100 feet from limits of disturbance. Survey not seasonally timed to determine presence or absence.
SSP42	Yes	Yes	0.1	Unknown if this species was present prior to disturbance. Not observed within 100 feet from limits of disturbance. Survey not seasonally timed to determine presence or absence.
SSP43	Yes	Yes	0.1	Unknown if this species was present prior to disturbance. Not observed within 100 feet from limits of disturbance. Survey not seasonally timed to determine presence or absence.

<b>Special Status Species (continued)</b>				
SSP44	Yes	Yes	0.8	Unknown if this species was present prior to disturbance. Not observed within 100 feet from limits of disturbance.
FE ..... Federal Endangered FT ..... Federal Threatened FC ..... Federal Candidate Species FSC ..... Federal Species of Concern SFP ..... California Fully Protected Species SE ..... California Endangered ST ..... California Threatened SR ..... California Rare SSC ..... California Species of Special Concern CDFG/NatureServe Rank G1 or S1 - Critically Imperiled Globally or Subnationally (state) G2 or S2 - Imperiled Globally or Subnationally (state) G3 or S3 - Vulnerable to extirpation or extinction Globally or Subnationally (state) California Rare Plant Rank (RPR) RPR 1A - California Native Plant Society/CDFG listed as presumed to be extinct RPR 1B - California Native Plant Society/CDFG listed as rare or endangered in California and elsewhere RPR 2 - California Native Plant Society/CDFG listed as rare or endangered in California but more common elsewhere RPR 3 - California Native Plant Society/CDFG listed as in need of more information. RPR 4 - California Native Plant Society/CDFG listed as of limited distribution or infrequent throughout a broader area in California. LIS ..... Locally Important Species				

**Nesting Bird Summary**

Migratory birds such as the California gnatcatcher and southern California rufous-crowned sparrow, as well as resident species, such as California towhee, may utilize all habitats within the survey area for foraging and breeding purposes.

**3.3 Wildlife Movement and Connectivity**  
*(Initial Study Checklist D)*

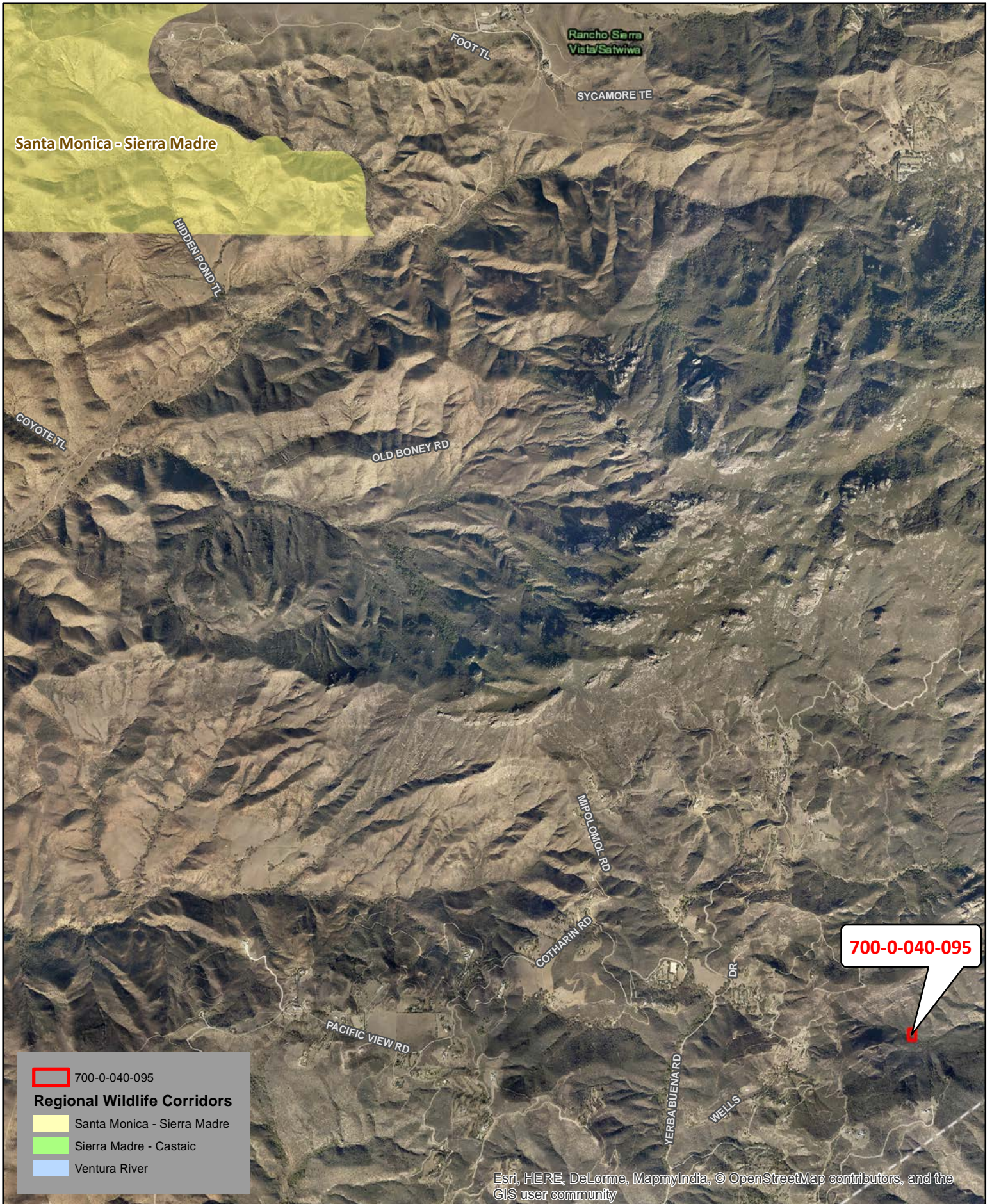
The survey area is within the Santa Monica Mountains. The area where disturbance, i.e., vegetation removal, occurred is within undisturbed chaparral and sage scrub habitat that is expected to provide foraging and movement habitat for various terrestrial and avian wildlife species; however, as shown in the Wildlife Corridor Maps, the project site is not located within a known regional wildlife corridor. The properties for which the disturbance occur are not within a wildlife corridor. It is not expected that the action of hand removal of vegetation had a measureable effect on wildlife use in the area. Moreover, the loss of habitat available for wildlife movement is negligible when considering the intact chaparral and sage scrub habitat that surrounds the area. Because disturbance has already been performed, no additional impacts to wildlife movement and connectivity would occur. Future restoration of the disturbed area will restore the habitat to pre-existing conditions.

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Wildlife movement or connectivity features, or evidence thereof, were found within the survey area(s).

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700-0-040-095  
**Regional Wildlife Corridors**  
 Santa Monica - Sierra Madre  
 Sierra Madre - Castaic  
 Ventura River

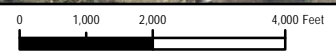
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Ventura County  
 Resource Management Agency  
 Information Systems GIS Services  
 Map created on 1/5/2018  
 Source: Pictometry®, January 2017



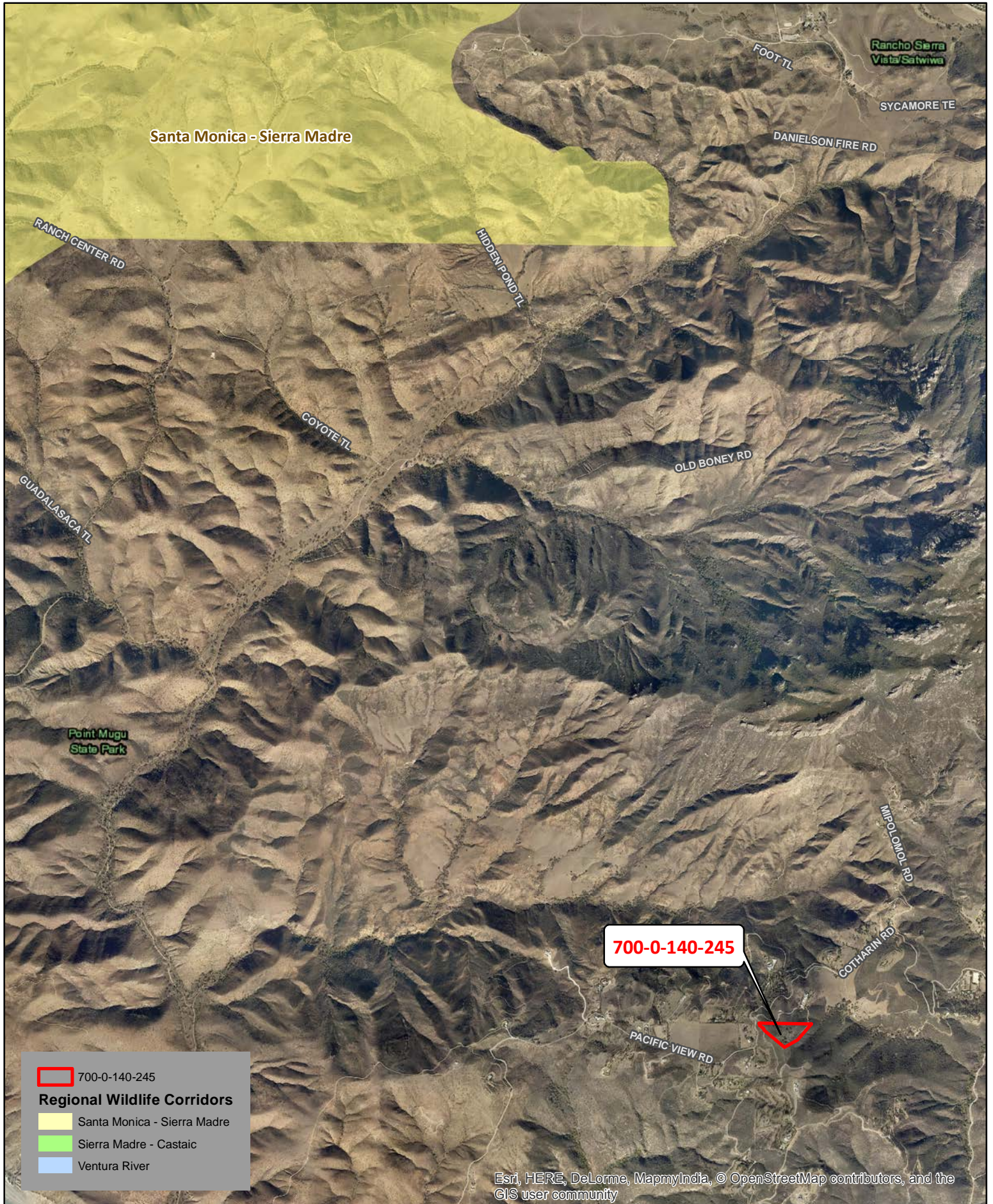
## APN 700-0-040-095 Regional Wildlife Corridors



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







 700-0-140-245  
**Regional Wildlife Corridors**  
 Santa Monica - Sierra Madre  
 Sierra Madre - Castaic  
 Ventura River

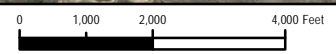
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Ventura County  
 Resource Management Agency  
 Information Systems GIS Services  
 Map created on 1/5/2018  
 Source: Pictometry®, January 2017



## APN 700-0-140-245 Regional Wildlife Corridors



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## Section 4: Recommended Impact Assessment & Mitigation

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### 4.1 Sufficiency of Biological Data

**Additional information needed to make CEQA findings and develop mitigation measures:**

None

**Additional biology-related surveys or permits needed prior to issuance of land use permit:**

A Plan Coastal Development Permit is required to restore the disturbed area and to comply with the Code Violation that incurred on the properties.

### 4.2 Impacts and Mitigation

#### Impacts

The “project” consisted of unpermitted removal of previously undisturbed native vegetation within the coastal zone of Ventura County. A total of 3,346.73 square feet (sqft) of chamise chaparral and 907.98 sqft of California sagebrush scrub was removed with hand tools to create a temporary, pedestrian access trail to APN 700-0-140-245 from the southwest corner of APN 700-0-040-095. Impacts included the removal of coastal vegetation and ESHA with the coastal zone, including suitable habitat for indigenous species and migratory birds. Impacts were limited to upland areas and no wetland or potentially jurisdictional watercourses are present. Moreover, no riparian habitat or trees protected in accordance with the County’s Tree Preservation Ordinance, such as oak trees, are present. The dense, chaparral layer in the vicinity of the area that was disturbed provides valuable habitat for wildlife movement. However, the amount of vegetation that was removed does not impede wildlife movement in the region and the impact is temporary. Mitigation that includes revegetation of the impacted area is required that will reduce impacts to wildlife movement to a level of less than significant. A Restoration Plan has been prepared that includes performance standards, maintenance, and a 5-year monitoring plan. There are no Habitat Conservation Planning areas in the vicinity of the project site.

---

#### A. Species

Project: N/A; Cumulative: N/A

#### ***Special-Status Wildlife***

No special-status wildlife species were likely directly impacted during the unpermitted vegetation removal activities. Because vegetation was removed with the use of hand tools, it is expected that wildlife would have displaced from the immediate vicinity during the disturbance, therefore, indirect impacts, such as temporary displacement of wildlife may have occurred. Although 0.02 acre of California sagebrush scrub and 0.08 acre of chamise chaparral was removed, the amount that was removed is negligible considering the dense, and vast amount of undisturbed habitat that surrounds the area. No wildlife species were expected to have been significantly impacted by the vegetation removal.

The restoration of the disturbed areas where native vegetation was removed is not expected to have impacted any special-status plant species. Rather, the restoration effort will restore that habitat to a native condition and improve the conditions for supporting special-status wildlife in the future.

*Significance Finding – Project Impacts:* Potentially Significant but Mitigable

*Significance Finding – Cumulative Impacts:* Potentially Significant but Mitigable

## **Avoidance and Minimization Measures**

Prepare a Restoration and Monitoring Plan to ensure the restoration of the areas that were disturbed by unpermitted vegetation removal. Restoration shall be implemented to restore habitat conditions for native wildlife, including migratory and breeding birds.

### **MM1: Restoration and Monitoring Plan**

#### *Purpose:*

The 0.1 acre of chamise chaparral and California sagebrush scrub habitat that was disturbed shall be restored to native conditions prior to impacts. The propose of the restoration is to restore the habitat for native flora and fauna and to reconcile the violations from the Ventura County Code Enforcement Division.

#### *Requirement:*

A total of 0.08 acre (3,346.73 sqft) of chamise chaparral and 0.02 acre (907.98 sqft) of California sagebrush scrub was removed within APN 700-0-140-245 and APN 700-0-040-095, which shall be restored. A Restoration and Monitoring Plan shall be prepared that includes the following (but not limited to): performance standards, planting palette, planting preparation and debris removal, planting requirements, responsible parties, irrigation, maintenance criteria, adaptive management, monitoring methodology, and 5 years of monitoring by a qualified restoration ecologist.

#### *Documentation:*

The Restoration and Monitoring Plan shall be prepared and approved by the County Biologist, and implemented in 2018. Five years of annual reporting shall be conducted by a qualified restoration ecologist, which shall include annual monitoring reports submitted to the County Biologist.

#### *Timing:*

The Restoration and Monitoring Plan shall be prepared and submitted within the first quarter of 2018 and implemented by spring of 2018. Five years of monitoring by a qualified restoration ecologist shall occur until county-approved performance standards are achieved.

#### *Monitoring and Reporting:*

The Restoration and Monitoring Plan shall be prepared and submitted within the first quarter of 2018 and implemented by spring of 2018. Five years of monitoring by a qualified restoration ecologist shall occur until county-approved performance standards are achieved.

#### *Mapped Information:*

The 0.1 acre of unpermitted vegetation removal shall be depicted on a map and provided in the Restoration and Monitoring Plan. Survey transect locations and planting areas shall be depicted as well.

## **Special-Status Plants**

The 0.08 acre of chamise chaparral that was disturbed was a dense, closed canopy. Based on the adjacent chaparral, there is little-to-no understory within this habitat; therefore, it is unlikely that any special-status plant species were impacted in areas where chamise chaparral is prominent. Conversely, areas that consist of California sagebrush scrub that were disturbed support suitable habitat for a number of special-status plant species. As shown on Figure 2, immediately adjacent to the northern limit of the disturbed area, between the driveway of 9200 Cotharin Road, approximately 20 Catalina mariposa lilies were observed within California sagebrush scrub habitat. It is unknown whether these species may have been present within the areas that were disturbed. The closed canopy of the chamise chaparral does not



provide suitable habitat for these species, since these species generally occur within opening between vegetation; therefore, it is not expected that any special-status plants were impacted within the chamise chaparral areas. California sagebrush scrub provides suitable habitat for mariposa lilies and dudleya species, as well as numerous other special status plants indicated in the Potentially Occurring Special-Status Species Table (above). Besides the Catalina mariposa lilies, no other special status plant species were observed within the survey area during the focused plant surveys conducted on April 20, May 3 and May 16, 2018. It is unknown whether any mariposa lilies were impacted during the unpermitted vegetation removal.

The restoration of the disturbed areas where native vegetation was removed will not impact any special-status plant species. Rather, the restoration effort will restore that habitat to a native condition and improve the conditions for supporting special-status plants in the future.

*Significance Finding – Project Impacts: Potentially Significant but Mitigable*

*Significance Finding – Cumulative Impacts: Potentially Significant but Mitigable*

**Avoidance and Minimization Measures**

Implement Mitigation Measure MM1: Restoration and Monitoring Plan

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**B. Ecological Communities** Project: 0.1 acre; Cumulative: 0.1 acre

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Sensitive Plant Communities

A total of 0.08 acre (3,346.73 sqft) of chamise chaparral and 0.02 acre (907.98 sqft) of California sagebrush scrub was removed within APN 700-0-140-245 and APN 700-0-040-095. Although the vegetation removal was accomplished without authorization from the county, the amount of chamise chaparral and California sagebrush scrub that was removed is negligible when considering the amount of these communities that are intact and immediately adjacent. No sensitive plant communities were directly or indirectly disturbed beyond the disturbance area identified in this report (Figure 2).

*Significance Finding – Project Impacts: Potentially Significant but Mitigable*

*Significance Finding – Cumulative Impacts: Potentially Significant but Mitigable*

**Avoidance and Minimization Measures**

Implement Mitigation Measure MM1: Restoration and Monitoring Plan

Waters and Wetlands

No waters of the U.S. or State-regulated water courses are present in the vicinity of the project site.

*Significance Finding – Project Impacts: No Impact*

*Significance Finding – Cumulative Impacts: No Impact*

**Avoidance and Minimization Measures**

None

**Environmentally Sensitive Habitat Areas**

The entirety of the 0.08 acre (3,346.73 sqft) of chamise chaparral and 0.02 acre (907.98 sqft) of California sagebrush scrub was removed within APN 700-0-140-245 and APN 700-0-040-095 is considered ESHA. No areas of ESHA were directly or indirectly impacted outside of the disturbance area.

*Significance Finding – Project Impacts: Potentially Significant but Mitigable*

*Significance Finding – Cumulative Impacts: Potentially Significant but Mitigable*

**Avoidance and Minimization Measures**

Implement Mitigation Measure MM1: Restoration and Monitoring Plan

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**C. Habitat Connectivity (migration corridors)** Project: 0.1 acre; Cumulative: 0.1 acre

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A total of 0.1 acre (4,254.71 sqft) of native chaparral and coastal scrub habitat was removed within APN 700-0-140-245 and APN 700-0-040-095. Although the vegetation removal was accomplished without authorization from the county, the amount of habitat that was removed is negligible when considering the amount of surrounding habitat that remains intact and is not expected to impair or hinder local or regional wildlife movement.

*Significance Finding – Project Impacts: Potentially Significant but Mitigable*

*Significance Finding – Cumulative Impacts: Potentially Significant but Mitigable*

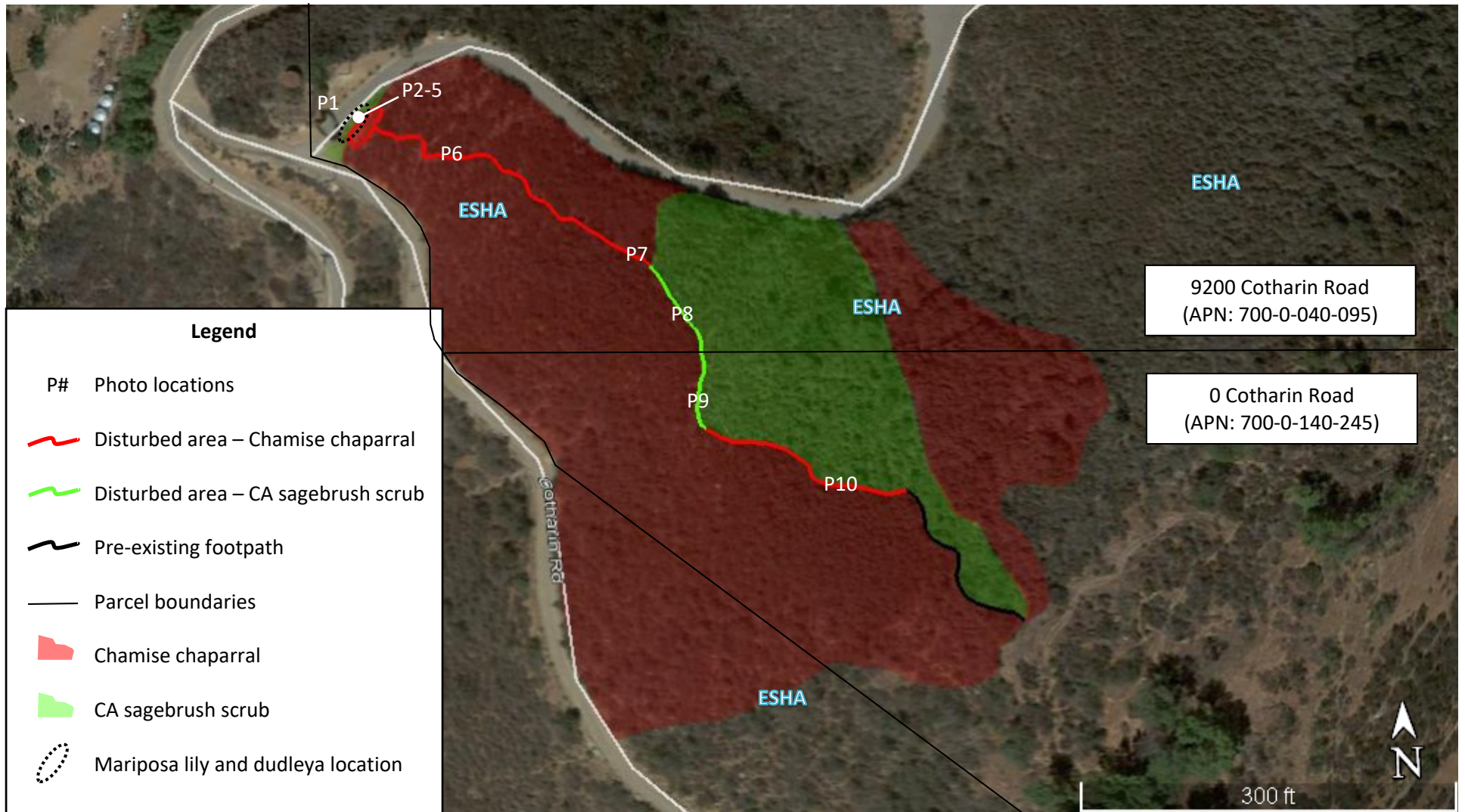
**Avoidance and Minimization Measures**

Implement Mitigation Measure MM1: Restoration and Monitoring Plan

## Section 5: Photos

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Several photos were taken of the areas where native vegetation was removed. The location of each photo is depicted in **Figure 5. Photo Locations**.



Map prepared on January 4, 2018  
 Property owner 1: Donald Kushner  
 Property address 1: 9200 Cotharin Road; APN: 700-0-040-095  
 Property owner 2: Ann A. Arakelian  
 Property address 2: 0 Cotharin Road; APN: 700-0-140-245  
 Consulting biologist (point of contact): Greg Ainsworth, (818) 564-5544, gainsworth@esassoc.com



**Figure 3.**  
**Photo Location Map**  
 APNs 700-0-040-095 and 700-0-140-245



Photos	
<b>Location</b>	
<b>Map Key</b>	
P1	
<b>View Direction</b>	
South	
<b>Description</b>	View of slope where mariposa lilies and dudleya plants were observed, beyond which is the northern portion of the area that was disturbed from vegetation removal with chamise chaparral in the background.
<b>Location</b>	
<b>Map Key</b>	
P2	
<b>View Direction</b>	
Southeast	
<b>Description</b>	View of northern portion of the area that was disturbed from vegetation removal. Resprouts of chamise are visible in the cleared area.



**Photos**

<p><b>Location</b></p> <p><b>Map Key</b> P3</p> <p><b>View Direction</b> Southeast</p> <p><b>Description</b> View of six-foot-wide trail that was cut through undisturbed chamise chaparral.</p>	
<p><b>Location</b></p> <p><b>Map Key</b> P4</p> <p><b>View Direction</b> North</p> <p><b>Description</b> View of lanceleaf dudleya (<i>Dudleya lanceolata</i>).</p>	



**Photos**


<b>Location</b>
<b>Map Key</b>
P5
<b>View Direction</b>
Northeast
<b>Description</b>
View of Catalina mariposa lily ( <i>Calochortus catalinae</i> ).



<b>Location</b>
<b>Map Key</b>
P6
<b>View Direction</b>
downward
<b>Description</b>
View of natural resprouting of sawtooth goldenbush.





<b>Photos</b>	
<b>Location</b>	
<b>Map Key</b>	
P7	
<b>View Direction</b>	
Southeast	
<b>Description</b>	View of cleared area within California sagebrush scrub. Chamise chaparral is visible in the background.
<b>Location</b>	
<b>Map Key</b>	
P8	
<b>View Direction</b>	
north	
<b>Description</b>	View of chamise chaparral with cut debris side casted on the west-side of the trail. Remaining stumps of cut chamise plants are visible in the foreground.



**Photos**

<p><b>Location</b></p>	
<p><b>Map Key</b></p>	
<p>P9</p>	
<p><b>View Direction</b></p>	
<p>Southeast</p>	
<p><b>Description</b></p>	
<p>View of cleared area within California sagebrush scrub. Chamise chaparral is visible in the background.</p>	

<p><b>Location</b></p>	
<p><b>Map Key</b></p>	
<p>P10</p>	
<p><b>View Direction</b></p>	
<p>Northwest</p>	
<p><b>Description</b></p>	
<p>View of cleared area within chamise chaparral. Remaining stumps of chamise plants are visible in the foreground.</p>	

## Appendix One

# Summary of Biological Resource Regulations

---

The Ventura County Planning Division, as “lead agency” under CEQA for issuing discretionary land use permits, uses the relationship of a potential environmental effect from a proposed project to an established regulatory standard to determine the significance of the potential environmental effect. This Appendix summarizes important biological resource regulations which are used by the Division’s biologists (consultants and staff) in making CEQA findings of significance:

- Sensitive Status Species Regulations
- Nesting Bird Regulations
- Plant Community Regulations
- Tree Regulations
- Waters and Wetlands Regulations
- Coastal Habitat Regulations
- Wildlife Migration Regulations
- Locally Important Species/Communities Regulations

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## Sensitive Status Species Regulations

### ***Federally Protected Species***

Ventura County is home to 29 federally listed endangered and threatened plant and wildlife species. The U.S. Fish and Wildlife Service (USFWS) regulates the protection of federally listed endangered and threatened plant and wildlife species.

**FE (Federally Endangered):** A species that is in danger of extinction throughout all or a significant portion of its range.

**FT (Federally Threatened):** A species that is likely to become endangered in the foreseeable future.

**FC (Federal Candidate):** A species for which USFWS has sufficient information on its biological status and threats to propose it as endangered or threatened under the Endangered Species Act (ESA), but for which development of a proposed listing regulation is precluded by other higher priority listing activities.

**FSC (Federal Species of Concern):** A species under consideration for listing, for which there is insufficient information to support listing at this time. These species may or may not be listed in the future, and many of these species were formerly recognized as "Category-2 Candidate" species.

The USFWS requires permits for the “take” of any federally listed endangered or threatened species. “Take” is defined by the USFWS as “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct; may include significant habitat modification or degradation if it kills or injures wildlife by significantly impairing essential behavioral patterns including breeding, feeding, or sheltering.”

The Endangered Species Act (ESA) does not provide statutory protection for candidate species or species of concern, but USFWS encourages conservation efforts to protect these species. USFWS can set up voluntary Candidate Conservation Agreements and Assurances, which provide non-Federal landowners (public and private) with the assurance that if they implement various conservation activities to protect a given candidate species, they will not be subject to additional restrictions if the species becomes listed under the ESA.

### ***State Protected Species***

The California Department of Fish and Game (CDFG) regulates the protection of endangered, threatened, and fully protected species listed under the California Endangered Species Act. Some species may be jointly listed under the State and Federal Endangered Species Acts.

**SE (California Endangered):** A native species or subspecies which is in serious danger of becoming extinct throughout all, or a significant portion, of its range due to one or more causes, including loss of habitat, change in habitat, overexploitation, predation, competition, or disease.

**ST (California Threatened):** A native species or subspecies that, although not presently threatened with extinction, is likely to become an endangered species in the foreseeable future in the absence of the special protection and

management efforts required by this chapter. Any animal determined by the commission as "rare" on or before January 1, 1985, is a "threatened species."

**SFP (California Fully Protected Species):** This designation originated from the State's initial effort in the 1960's to identify and provide additional protection to those animals that were rare or faced possible extinction. Lists were created for fish, mammals, amphibians, reptiles, and birds. Most fully protected species have also been listed as threatened or endangered species under the more recent endangered species laws and regulations.

**SR (California Rare):** A species, subspecies, or variety of plant is rare under the Native Plant Protection Act when, although not presently threatened with extinction, it is in such small numbers throughout its range that it may become endangered if its present environment worsens. Animals are no longer listed as rare; all animals listed as rare before 1985 have been listed as threatened.

**SSC (California Species of Special Concern):** Animals that are not listed under the California Endangered Species Act, but which nonetheless 1) are declining at a rate that could result in listing, or 2) historically occurred in low numbers and known threats to their persistence currently exist.

The CDFG requires permits for the "take" of any State-listed endangered or threatened species. Section 2080 of the Fish and Game Code prohibits "take" of any species that the California Fish and Game Commission determines to be endangered or threatened. "Take" is defined in Section 86 of the Fish and Game Code as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill."

The California Native Plant Protection Act protects endangered and rare plants of California. Section 1908, which regulates plants listed under this act, states: "no person shall import into this state, or take, possess, or sell within this state, except as incident to the possession or sale of the real property on which the plant is growing, any native plant, or any part or product thereof, that the commission determines to be an endangered native plant or rare native plant, except as otherwise provided in this chapter."

Unlike endangered, threatened, and rare species, for which a take permit may be issued, California Fully Protected species may not be taken or possessed at any time and no licenses or permits may be issued for their take except for collecting these species for necessary scientific research and relocation of the bird species for the protection of livestock.

The California Endangered Species Act does not provide statutory protection for California species of special concern, but they should be considered during the environmental review process.

### ***California Rare Plant Ranks (RPR)***

Plants with 1A, 1B, 2 or 4 should always be addressed in CEQA documents. Plants with a RPR 3 do not need to be addressed in CEQA documents unless there is sufficient information to demonstrate that a RPR 3 plant meets the criteria to be listed as a RPR 1, 2, or 4.

**RPR 1A:** Plants presumed to be extinct because they have not been seen or collected in the wild in California for many years. This list includes plants that are both presumed extinct in California, as well as those plants which are presumed extirpated in California. A plant is extinct in California if it no longer occurs in or outside of California. A plant that is extirpated from California has been eliminated from California, but may still occur elsewhere in its range.

**RPR 1B:** Plants that are rare throughout their range with the majority of them endemic to California. Most of the plants of List 1B have declined significantly over the last century.

**RPR 2:** Plants that are rare throughout their range in California, but are more common beyond the boundaries of California. List 2 recognizes the importance of protecting the geographic range of widespread species.

Plants identified as RPR 1A, 1B, and 2 meet the definitions of Sec. 1901, Chapter 10 (Native Plant Protection Act) or Secs. 2062 and 2067 (California Endangered Species Act) of the California Department of Fish and Game Code, and are eligible for state listing.

**RPR 3:** A review list for plants for which there is inadequate information to assign them to one of the other lists or to reject them.

**RPR 4:** A watch list for plants that are of limited distribution in California.

### ***Global and Subnational Rankings***

Though not associated directly with legal protections, species have been given a conservation status rank by NatureServe, an international non-profit conservation organization that is the leading source for information about



rare and endangered species and threatened ecosystems. The Ventura County Planning Division considers the following ranks as sensitive for the purposes of CEQA impact assessment (G = Global, S = Subnational or State):

- G1 or S1 - Critically Imperiled
- G2 or S2 – Imperiled
- G3 or S3 - Vulnerable to extirpation or extinction

### **Locally Important Species**

Locally important species' protections are addressed below under "Locally Important Species/Communities Regulations."

For lists of some of the species in Ventura County that are protected by the above regulations, go to [http://www.ventura.org/rma/planning/ceqa/bio\\_resource\\_review.html](http://www.ventura.org/rma/planning/ceqa/bio_resource_review.html).

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## **Migratory Bird Regulations**

The Federal Migratory Bird Treaty Act (MBTA) and the California Department of Fish and Game (CDFG) Code (3503, 3503.5, 3511, 3513 and 3800) protect most native birds. In addition, the federal and state endangered species acts protect some bird species listed as threatened or endangered. Project-related impacts to birds protected by these regulations would normally occur during the breeding season, because unlike adult birds, eggs and chicks are unable to escape impacts.

The MBTA implements various treaties and conventions between the U.S. and Canada, Japan, Mexico, and Russia for the protection of migratory birds, which occur in two of these countries over the course of one year. The Act maintains that it is unlawful to pursue, hunt, take, capture or kill; attempt to take, capture or kill; possess, offer to or sell, barter, purchase, deliver or cause to be shipped, exported, imported, transported, carried or received any migratory bird, part, nest, egg or product, manufactured or not. Bird species protected under the provisions of the MBTA are identified by the List of Migratory Birds (Title 50 of the Code of Federal Regulations, Section 10.13 as updated by the 1983 American Ornithologists' Union (AOU) Checklist and published supplements through 1995 by the USFWS).

CDFG Code 3513 upholds the MBTA by prohibiting any take or possession of birds that are designated by the MBTA as migratory nongame birds except as allowed by federal rules and regulations promulgated pursuant to the MBTA. In addition, there are CDFG Codes (3503, 3503.5, 3511, and 3800) which further protect nesting birds and their parts, including passerine birds, raptors, and state "fully protected" birds.

NOTE: These regulations protect almost all *native nesting birds*, not just sensitive status birds.

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## **Plant Community Regulations**

Plant communities are provided legal protection when they provide habitat for protected species or when the community is in the coastal zone and qualifies as environmentally sensitive habitat area (ESHA).

### **Global and Subnational Rankings**

Though not associated directly with legal protections, plant communities have been given a conservation status rank by NatureServe, an international non-profit conservation organization that is the leading source for information about rare and endangered species and threatened ecosystems. The Ventura County Planning Division considers the following ranks as sensitive for the purposes of CEQA impact assessment (G = Global, S = Subnational or State):

- G1 or S1 - Critically Imperiled
- G2 or S2 - Imperiled
- G3 or S3 - Vulnerable to extirpation or extinction

### **CDFG Rare**

Rare natural communities are those communities that are of highly limited distribution. These communities may or may not contain rare, threatened, or endangered species. Though the Native Plant Protection Act and the California Endangered Species Act provide no legal protection to plant communities, CDFG considers plant communities that are ranked G1-G3 or S1-S3 (as defined above) to be rare or sensitive, and therefore these plant communities should be addressed during CEQA review.



### **Environmentally Sensitive Habitat Areas**

The Coastal Act specifically calls for protection of “environmentally sensitive habitat areas” or ESHA, which it defines 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” (Section 30107.5).

ESHA has been specifically defined in the Santa Monica Mountains. For ESHA identification in this location, the Coastal Commission, the agency charged with administering the Coastal Act, has described the habitats that are considered ESHA. A memo from a Coastal Commission biologist that describes ESHA in the Santa Monica Mountains can be found at: [http://www.ventura.org/rma/planning/ceqa/bio\\_resource\\_review.html](http://www.ventura.org/rma/planning/ceqa/bio_resource_review.html).

### **Locally Important Communities**

The Ventura County Initial Study Assessment Guidelines defines a locally important community as one that is considered by qualified biologists to be a quality example characteristic of or unique to the County or region, with this determination being made on a case-by-case basis. The County has not developed a list of locally important communities, but has deemed oak woodlands to be a locally important community through the County’s *Oak Woodland Management Plan*.

## **Tree Regulations**

Selected trees are protected by the Ventura County Tree Protection Ordinance, found in Section 8107-25 of the Ventura County Non-Coastal Zoning Ordinance. This ordinance, which applies in the unincorporated areas of the County outside the coastal zone, regulates—through a tree permit program—the removal, trimming of branches or roots, or grading or excavating within the root zone of a "protected tree." Individual trees are the focus of the ordinance, while oak woodlands are additionally protected as “locally important communities.”

The ordinance allows removal of five protected trees (only three of which can be oaks or sycamores; none of which can be heritage or historical trees) through a ministerial permit process. Removal of more/other than this may trigger a discretionary tree permit.

If a proposed project cannot avoid impacts to protected trees, mitigation of these impacts (such as replacement of lost trees) is addressed through the tree permit process—**unless the impacts may affect biological resources beyond the tree itself**, such as to sensitive status species that may be using the tree, nesting birds, the tree’s role as part of a larger habitat, etc. These secondary impacts have not been addressed through the tree permit program and must be addressed by the biologist in the biological assessment in accordance with the California Environmental Quality Act (CEQA).

A tree permit does not, however, substitute as mitigation for impacts to oak woodlands. The Public Resources Code requires that when a county is determining the applicability of CEQA to a project, it must determine whether that project “may result in a conversion of oak woodlands that will have a significant effect on the environment.” If such effects (either individual impacts or cumulative) are identified, the law requires that they be mitigated. Acceptable mitigation measures include, but are not limited to, conservation of other oak woodlands through the use of conservation easements and planting replacement trees, which must be maintained for seven years. In addition, only 50% of the mitigation required for significant impacts to oak woodlands may be fulfilled by replanting oak trees.

The following trees are protected in the specified zones. Girth is measured at 4.5 feet from the midpoint between the uphill and downhill side of the root crown.

<b>PROTECTED TREES</b>			
Common Name/Botanical Name (Genus species)	Girth Standard (Circumference)	Applicable Zones	
		All Base Zones	SRP <sub>1</sub>
Alder ( <i>Alnus</i> all species)	9.5 in.		X
Ash ( <i>Fraxinus</i> all species)	9.5 in.		X
Bay ( <i>Umbellularia californica</i> )	9.5 in.		X

Cottonwood ( <i>Populus</i> all species)	9.5 in.		X
Elderberry ( <i>Sambucus</i> all species)	9.5 in.		X
Big Cone Douglas Fir ( <i>Pseudotsuga macrocarpa</i> )	9.5 in.		X
White Fir ( <i>Abies concolor</i> )	9.5 in.		X
Juniper ( <i>Juniperus californica</i> )	9.5 in.		X
Maple ( <i>Acer macrophyllum</i> )	9.5 in.		X
Oak (Single) ( <i>Quercus</i> all species)	9.5 in.	X	X
Oak (Multi) ( <i>Quercus</i> all species)	6.25 in.	X	X
Pine ( <i>Pinus</i> all species)	9.5 in.		X
Sycamore ( <i>Platanus</i> all species)	9.5 in.	X	X
Walnut ( <i>Juglans</i> all species)	9.5 in.		X
Historical Tree <sup>3</sup> (any species)	(any size)	X	X
Heritage Tree <sup>4</sup> (any species)	90.0 in.	X	X

X Indicates the zones in which the subject trees are considered protected trees.

1. SRP - Scenic Resource Protection Overlay Zone

2. SHP - Scenic Highway Protection Overlay Zone

3. Any tree or group of trees identified by the County or a city as a landmark, or identified on the Federal or California Historic Resources Inventory to be of historical or cultural significance, or identified as contributing to a site or structure of historical or cultural significance.

4. Any species of tree with a single trunk of 90 or more inches in girth or with multiple trunks, two of which collectively measure 72 inches in girth or more. Species with naturally thin trunks when full grown or naturally large trunks at an early age, or trees with unnaturally enlarged trunks due to injury or disease must be at least 60 feet tall or 75 years old.

## Waters and Wetlands Regulations

Numerous agencies control what can and cannot be done in or around streams and wetlands. If a project affects an area where water flows, ponds or is present even part of the year, it is likely to be regulated by one or more agencies. Many wetland or stream projects will require three main permits or approvals (in addition to CEQA compliance). These are:

- 404 Permit (U.S. Army Corps of Engineers)
- 401 Certification (California Regional Water Quality Control Board)
- Streambed Alteration Agreement (California Department of Fish and Game)

For a more thorough explanation of wetland permitting, see the Ventura County’s “Wetland Project Permitting Guide” at [http://www.ventura.org/rma/planning/ceqa/bio\\_resource\\_review.html](http://www.ventura.org/rma/planning/ceqa/bio_resource_review.html).

### 404 Permit (U.S. Army Corps of Engineers)

Most projects that involve streams or wetlands will require a 404 Permit from the U.S. Army Corps of Engineers (USACE). Section 404 of the federal Clean Water Act is the primary federal program regulating activities in wetlands. The Act regulates areas defined as “waters of the United States.” This includes streams, wetlands in or next to streams, areas influenced by tides, navigable waters, lakes, reservoirs and other impoundments. For nontidal waters, USACE jurisdiction extends up to what is referred to as the “ordinary high water mark” as well as to the landward limits of adjacent Corps-defined wetlands, if present. The ordinary high water mark is an identifiable natural line visible on the bank of a stream or water body that shows the upper limit of typical stream flow or water level. The mark is made from the action of water on the streambank over the course of years.

**Permit Triggers:** A USACE 404 Permit is triggered by moving (discharging) or placing materials—such as dirt, rock, geotextiles, concrete or culverts—into or within USACE jurisdictional areas. This type of activity is also referred to as a “discharge of dredged or fill material.”

### **401 Certification (Regional Water Quality Control Board)**

If your project requires a USACE 404 Permit, then you will also need a Regional Water Quality Control Board (RWQCB) 401 Certification. The federal Clean Water Act, in Section 401, specifies that states must certify that any activity subject to a permit issued by a federal agency, such as the USACE, meets all state water quality standards. In California, the state and regional water boards are responsible for certification of activities subject to USACE Section 404 Permits.

**Permit Trigger:** A RWQCB 401 Certification is triggered whenever a USACE 404 Permit is required, or whenever an activity could cause a discharge of dredged or fill material into waters of the U.S. or wetlands.

### **Streambed Alteration Agreement (California Department of Fish and Game)**

If your project includes alteration of the bed, banks or channel of a stream, or the adjacent riparian vegetation, then you may need a Streambed Alteration Agreement from the California Department of Fish and Game (CDFG). The California Fish and Game Code, Sections 1600-1616, regulates activities that would alter the flow, bed, banks, channel or associated riparian areas of a river, stream or lake. The law requires any person, state or local governmental agency or public utility to notify CDFG before beginning an activity that will substantially modify a river, stream or lake.

**Permit Triggers:** A Streambed Alteration Agreement (SAA) is triggered when a project involves altering a stream or disturbing riparian vegetation, including any of the following activities:

- Substantially obstructing or diverting the natural flow of a river, stream or lake
- Using any material from these areas
- Disposing of waste where it can move into these areas

Some projects that involve routine maintenance may qualify for long-term maintenance agreements from CDFG. Discuss this option with CDFG staff.

### **Ventura County General Plan**

The Ventura County General Plan contains policies which also strongly protect wetland habitats.

Biological Resources Policy 1.5.2-3 states:

Discretionary development that is proposed to be located within 300 feet of a marsh, small wash, intermittent lake, intermittent stream, spring, or perennial stream (as identified on the latest USGS 7½ minute quad map), shall be evaluated by a County approved biologist for potential impacts on wetland habitats. Discretionary development that would have a significant impact on significant wetland habitats shall be prohibited, unless mitigation measures are adopted that would reduce the impact to a less than significant level; or for lands designated "Urban" or "Existing Community", a statement of overriding considerations is adopted by the decision-making body.

Biological Resources Policy 1.5.2-4 states:

Discretionary development shall be sited a minimum of 100 feet from significant wetland habitats to mitigate the potential impacts on said habitats. Buffer areas may be increased or decreased upon evaluation and recommendation by a qualified biologist and approval by the decision-making body. Factors to be used in determining adjustment of the 100 foot buffer include soil type, slope stability, drainage patterns, presence or absence of endangered, threatened or rare plants or animals, and compatibility of the proposed development with the wildlife use of the wetland habitat area. The requirement of a buffer (setback) shall not preclude the use of replacement as a mitigation when there is no other feasible alternative to allowing a permitted use, and if the replacement results in no net loss of wetland habitat. Such replacement shall be "in kind" (i.e. same type and acreage), and provide wetland habitat of comparable biological value. On-site replacement shall be preferred wherever possible. The replacement plan shall be developed in consultation with California Department of Fish and Game.

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## **Coastal Habitat Regulations**

Ventura County's Coastal Area Plan and the Coastal Zoning Ordinance, which constitute the "Local Coastal Program" (LCP) for the unincorporated portions of Ventura County's coastal zone, ensure that the County's land

use plans, zoning ordinances, zoning maps, and implemented actions meet the requirements of, and implement the provisions and polices of California's 1976 Coastal Act at the local level.

### ***Environmentally Sensitive Habitats***

The Coastal Act specifically calls for protection of "environmentally sensitive habitat areas" or ESHA, which it defines 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" (Section 30107.5).

Section 30240 of the Coastal Act states:

- (a) "Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas."
- (b) "Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas."

There are three important elements to the definition of ESHA. First, a geographic area can be designated ESHA either because of the presence of individual species of plants or animals or because of the presence of a particular habitat. Second, in order for an area to be designated as ESHA, the species or habitat must be either rare or it must be especially valuable. Finally, the area must be easily disturbed or degraded by human activities.

Protection of ESHA is of particular concern in the southeastern part of Ventura County, where the coastal zone extends inland (~5 miles) to include an extensive area of the Santa Monica Mountains. For ESHA identification in this location, the Coastal Commission, the agency charged with administering the Coastal Act, has described the habitats that are considered ESHA. A memo from a Coastal Commission biologist that describes ESHA in the Santa Monica Mountains can be found at: [http://www.ventura.org/rma/planning/ceqa/bio\\_resource\\_review.html](http://www.ventura.org/rma/planning/ceqa/bio_resource_review.html).

The County's Local Coastal Program outlines other specific protections to environmentally sensitive habitats in the Coastal Zone, such as to wetlands, riparian habitats, dunes, and upland habitats within the Santa Monica Mountains (M Overlay Zone). Protections in some cases are different for different segments of the coastal zone.

Copies of the Coastal Area Plan and the Coastal Zoning Ordinance can be found at: <http://www.ventura.org/rma/planning/Programs/local.html>.

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## **Wildlife Migration Regulations**

The Ventura County General Plan specifically includes wildlife migration corridors as an element of the region's significant biological resources. In addition, protecting habitat connectivity is critical to the success of special status species and other biological resource protections. Potential project impacts to wildlife migration are analyzed by biologists on a case-by-case basis. The issue involves both a macro-scale analysis—where routes used by large carnivores connecting very large core habitat areas may be impacted—as well as a micro-scale analysis—where a road or stream crossing may impact localized movement by many different animals.

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## **Locally Important Species/Communities Regulations**

Locally important species/communities are considered to be significant biological resources in the Ventura County General Plan.

### ***Locally Important Species***

The Ventura County General Plan defines a Locally Important Species as a plant or animal species that is not an endangered, threatened, or rare species, but is considered by qualified biologists to be a quality example or unique species within the County and region. The following criteria further define what local qualified biologists have determined to be Locally Important Species:

#### **Locally Important Animal Species Criteria**

Taxa for which habitat in Ventura County is crucial for their existence either globally or in Ventura County. This includes:

- Taxa for which the population(s) in Ventura County represents 10 percent or more of the known extant global distribution; or

- Taxa for which there are five or fewer *element occurrences*, or less than 1,000 individuals, or less than 2,000 acres of habitat that sustains populations in Ventura County; or,
- Native taxa that are generally declining throughout their range or are in danger of extirpation in Ventura County.

### **Locally Important Plant Species Criteria**

- Taxa that are declining throughout the extent of their range AND have five (5) or fewer element occurrences in Ventura County.

The County maintains a list of locally important species, which can be found on the Planning Division website at: [http://www.ventura.org/rma/planning/ceqa/bio\\_resource\\_review.html](http://www.ventura.org/rma/planning/ceqa/bio_resource_review.html). *This list should not be considered comprehensive.* Any species that meets the criteria qualifies as locally important, whether or not it is included on this list.

### **Locally Important Communities**

The Ventura County Initial Study Assessment Guidelines defines a locally important community as one that is considered by qualified biologists to be a quality example characteristic of or unique to the County or region, with this determination being made on a case-by-case basis. The County has not developed a list of locally important communities. Oak woodlands have however been deemed by the Ventura County Board of Supervisors to be a locally important community.

The state passed legislation in 2001, the Oak Woodland Conservation Act, to emphasize that oak woodlands are a vital and threatened statewide resource. In response, the County of Ventura prepared and adopted an Oak Woodland Management Plan that recommended, among other things, amending the County's Initial Study Assessment Guidelines to include an explicit reference to oak woodlands as part of its definition of locally important communities. The Board of Supervisors approved this management plan and its recommendations.

Appendix Two

**Observed Species Tables**

<b>Species Observed</b>			
Scientific Name (Species or Genus)	Common Name	Native (1)	Notes (2)
<b>PLANTS</b>			
<i>Acmispon glaber</i>	deerweed	Yes	CNPS 1B.2 special-status species
<i>Adenostoma fasciculatum</i>	chamise	Yes	
<i>Artemisia californica</i>	purple sage	Yes	
<i>Avena fatua</i>	wild oats	No	
<i>Bromus diandrus</i>	ripgut brome	No	
<i>Ceanothus megacarpus</i>	bigpod ceanothus	Yes	
<i>Dudleya lanceolata</i>	lanceleaf dudleya	Yes	
<i>Hesperoyucca whipplei</i>	chaparral yucca	Yes	
<i>Hazardia squarrosa</i>	sawtooth goldenbush	Yes	
<i>Malosma laurina</i>	Laurel sumac	Yes	
<i>Salvia leucophylla</i>	California sagebrush	Yes	
<i>Eriogonum fasciculatum</i>	California buckwheat	Yes	
<i>Eriogonum cinereum</i>	ashy-leaf buckwheat	Yes	
<i>Calochortus catalinae</i>	Catalina mariposa	Yes	
<i>Salvia leucantha</i>	purple sage	Yes	
<i>S. mellifera</i>	black sage	Yes	
<b>FUNGI</b>			
<b>ANIMALS</b>			
<b>Invertebrates</b>			
<b>Amphibians</b>			
<b>Reptiles</b>			
<b>Birds</b>			
<i>Aeronautes saxatalis</i>	throated swift	Yes	
<i>Aphelocoma californica</i>	western scrub-jay	Yes	
<i>Carpodacus mexicanus</i>	house finch	Yes	
<i>Chamaea fasciata</i>	wrentit	Yes	
<i>Melospiza crissalis</i>	California towhee	Yes	
<i>Myiarchus cinerascens</i>	ash-throated flycatcher	Yes	
<b>Mammals</b>			