

**CALIFORNIA COASTAL COMMISSION**

SOUTH CENTRAL COAST AREA  
89 SOUTH CALIFORNIA ST., SUITE 200  
VENTURA, CA 93001  
(805) 641-0142

Filed: 5-4-95  
49th Day: 6-22-95  
180th Day: 10-31-95- WAIVED  
270th Day: 1-29-96  
Staff: SPF-VNT *SS/1/K*  
Staff Report: 9-18-95  
Hearing Date: Nov. 14-17, 1995  
Commission Action:

**RECORD PACKET COPY**STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-94-170

APPLICANT: PNC Mortgage

AGENT: Carolyn Fank

PROJECT LOCATION: 6087 Cavalleri Road, City of Malibu; Los Angeles County

PROJECT DESCRIPTION: Construction of a tennis court, pool, decking, landscaping, fencing, horse corrals, and a riding ring on a lot with an existing single family residence. The project also includes the restoration of a portion of the development on adjacent National Park Service property. 6,716 cubic yards of grading is required (3,363 cu. yds. cut, 3,353 cu. yds. fill)

Lot area:	3.5 acres
Building coverage:	0 new
Pavement coverage:	5,200 new sq. ft.
Parking spaces:	0 new
Plan designation:	Rural Land III (1du/2 ac.)
Project density:	1 du/3.5 ac.
Ht abv fin grade:	12 feet for tennis court

LOCAL APPROVALS RECEIVED: Permits from L.A. Co. Dept. of Building and Safety.

SUBSTANTIVE FILE DOCUMENTS: Coastal Development Permit Applications P-10-3-77-2006 (Moretti), 5-90-078 (Neale), 5-90-661 (Allen), 5-91-328 (Contis), 5-91-836 (Allen), 4-92-201 (Fryzer), 4-92-206 (Tahmasebi); restoration order 4-92-206RO (Tahmasebi); and an Engineering Geologic Reconnaissance Report by Mountain Geology dated June 5, 1995 prepared for Steve Powers.

SUMMARY OF STAFF RECOMMENDATION:

This is an after-the-fact permit application for improvements to a lot developed with an existing residence. The only development that has not occurred is the restoration of the NPS property. The restoration of .15 acre of the NPS property will enhance the area and have positive environmental impacts; restoration includes the removal of a lawn area and restoration of that area with native vegetation. This portion of the development will have positive effects on the environment by restoring a habitat area. The horse

corrals are located on a portion of the site graded prior to the effectiveness date of the Coastal Act. No new grading is proposed, and the horse corral will not create any adverse environmental or visual impacts. Both the restoration of NPS property and the horse corrals can be found consistent with the Chapter Three policies of the Coastal Act. However, the proposed tennis court, pool, hardscaping, riding ring and access road will have adverse visual, environmental, and geologic impacts on the site and neighboring areas. Therefore staff recommends that the Commission approve the proposed restoration of NPS property and horse corrals with special conditions regarding revised restoration plans, a monitoring program and the implementation and completion of work for the restoration of the .15 acre portion of land on NPS property and the horse corrals; and deny the tennis court, pool, landscaping, decking, riding ring and access road with 6,716 cubic yards of grading based on adverse impacts as noted above.

---

### STAFF RECOMMENDATION

The staff recommends-that the Commission adopt the following resolution:

#### I. Approval with Conditions and Denial

The Commission hereby grants a permit for that portion of the proposed development involving the restoration of .15 acre of land on NPS property, subject to the conditions below, on the grounds that, as conditioned, those portions of the development that are approved will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

The Commission hereby denies a permit for that portion of the proposed development involving the construction of a tennis court, pool, landscaping, decking, riding ring and 6,716 cubic yards of grading, on the grounds that it would not be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976 and would prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of the Coastal Act.

#### II. Standard Conditions

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. Compliance. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

### III. Special Conditions.

#### 1. Revised Restoration Plan

Within sixty days of Commission approval the applicant shall submit, for the review and approval of the Executive Director, a detailed planting plan for the proposed restoration of the NPS property. This plan shall indicate that all non-native, invasive species shall be removed from the site and shall identify the types, sizes and locations of all plant material to be planted. The applicant shall use native chaparral species, consistent with the neighboring area, and shall not limit the plan to one type of chaparral species or to annual plants only. The applicant may use a mix of annuals, for erosion control, and chaparral species, for long-term restoration. Finally, this plan shall include the removal of the tennis court, pool deck and chain link fence which encroach onto National Park Service land. These areas shall be incorporated into the planting plan. The plan must be reviewed and approved by the National Park Service.

#### 2. Monitoring Program

The applicant agrees to monitor the project to determine if a successful restoration of the NPS area has occurred. The applicant shall submit to the Executive Director, annual reports on the status of the restoration program, prepared by a qualified restoration specialist or other biologist with an expertise in restoration. These reports shall be required for a period of three years, and shall be submitted to the Executive Director no later than the first of May of each year. The first report shall be required at the completion of 1996-1997 rainy season, but no later than May 1, 1997.

The annual reports shall outline the success or failure of the restoration project and include further recommendations and requirements for additional restoration activities in order for the project to reach a complete restoration to its pre-violation status, as indicated in the approved restoration plan. If at any time, in the findings of the annual reports, the consulting biologist determines that additional or different plantings are

required to restore the site to its original condition as indicated on the restoration plan, the applicant shall be required to do additional plantings within thirty days of such a recommendation. Prior to implementing any changes, the revised planting plan must be submitted for the review and approval of the Executive Director. If at the completion of the third year of monitoring, the consulting specialist determines that the restoration project has in part, or in whole, been unsuccessful the applicant shall be required to submit a revised, supplemental program to compensate for those portions of the original program which were not successful. The revised or supplemental restoration program shall be processed as an amendment to the original coastal development permit.

### 3. Implementation and Completion of the Restoration Plan

The applicant agrees to implement and complete the restoration plan, including the removal of the portion of the tennis court and pool deck on the NPS property as well as the non-native, invasive vegetation, within 90 days of the issuance of this permit. Completion of all work shall occur no later than May 1, 1996. If no rains have occurred by this time, the applicant may request a one-time sixty day extension for the commencement of the planting plan.

### IV. Findings and Declarations

The Commission hereby finds and declares as follows:

#### A. Project Description and Background

This is an after-the-fact permit application for the construction of rear yard improvements which include the placement of a tennis court, pool, hardscaping, landscaping, fencing, horse corrals, an access road, riding ring, and restoration of .15 acre of property adjacent to the subject lot. Total grading for this development is 6,716 cubic yards (3,353 cu. yds. cut, 3,363 cu. yds. fill). Grading for the tennis court, pool and associated landscaping is 5,716 cubic yards; grading for the riding ring and access road totals 1,000 cubic yards. No grading was done for the horse corrals, and no grading is proposed for the restoration on NPS property. Landscaping, as well as a portion of the tennis court and pool deck, encroaches onto neighboring National Park Service property. The landscaping, totaling .15 acres, will be restored to a native habitat per a restoration plan prepared by the Topanga-Las Virgenes resource Conservation District (See Exhibit 8). The applicant is also required, through an agreement with the National Park Service, to remove the pool deck and tennis court which encroach onto NPS property. The encroachment and proposed restoration plan can be seen in Exhibit 7 and 8. With the exception of the restoration of the NPS property, all proposed development is unpermitted and existing.

The single family residence on this lot was approved under coastal development permit P-77-2006 (Moretti) which allowed for the construction of a two-story, 30 foot high, 4,500 square foot single family residence with an attached three-car garage and a maids quarters. The permit (Exhibit 12) was approved with three special conditions which required the submittal of revised plans indicating the use of pervious material on the access road, a deed restriction which limits the use of the structure to a single family residence and plans for the proposed drainage system to dispose of roof and surface runoff into gravel filled wells or other retention methods that maintain a rate of

discharge at the level that existed prior to the development. The deed restriction, which was recorded, was required because the maid's quarters has an exterior access, and the Commission wanted to ensure that the residence was not converted into a duplex. According to a previous owner, the grading for the access road from Cavalleri Road and the residential pad was completed in the 1920s. Staff has not confirmed this date. The graded access road from Cavalleri Road and the building pad do exist on the 1977 aerial photographs, and thus the grading was done prior to the effective date of the Coastal Act. Even a written drawing of the site from the previous permit stated that the pad was relatively flat (See Exhibit 13). No grading was proposed with the application for the single family residence. Subsequent grading was done in 1984, 1986, 1988, and 1990. The tennis court was constructed in 1986; the riding ring in 1988 and the swimming pool in 1990.

This current application was originally scheduled for the June hearing. It was then postponed from this hearing and rescheduled for subsequent hearings. Staff delayed rescheduling this hearing from the original June hearing to provide an adequate amount of time for the applicant to respond to staff's recommendations. Staff informed the applicant of the partial approval and partial denial recommendation in May of 1995 and requested that the applicant supply any relevant information such as a geologic analysis of the site to determine the stability of the site and/or the feasibility of removing portions of the grading and the developments. Staff also recommended that the applicant consider revisions to the project which could bring the project, or portions of it, into compliance with the Coastal Act. The applicant as of this date has not submitted any additional evidence to staff. The applicant has stated they want to have a geology report prepared; however, in order to do so they must get access to the site. The applicant states that the lessee at the property will not grant access to the site in order for a geologist to conduct a site visit and prepare a report of the site. Staff has spoken with the lessee and he has stated that he will grant access under certain conditions. The applicant still has not provided staff with any evidence which is contrary to the evidence discovered by staff or presented by the lessee. The only information that the applicant has obtained is from the original owner of the property. This information will be discussed in further detail in the following sections.

#### B. Development

Development is defined in Section 30106 of the Coastal Act to read, in part, as follows:

"Development" means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials;... construction, reconstruction, demolition, or alteration of the size of any structure..."

The proposed project involves the construction of several structures (a tennis court, swimming pool, decking, and horse corrals) and grading. These constitute development pursuant to Section 30601 of the Coastal Act. Section 30060(a) of the Coastal Act states that in addition to obtaining any other permit required by law from any local government or from any state, regional, or local agency, any person wishing to perform or undertake any development in the Coastal Zone shall obtain a coastal development.

Section 30210(a) of the Coastal Act, on the other hand, exempts certain additions to single family residences, provided that the Commission shall specify, by regulation, those classes of development which involve a risk of adverse environmental effect and shall require a coastal development permit. Section 13250 of the California Code of Regulations identifies those classes of development which would require a coastal development permit. Subsection 2 of 13250(b) requires that any significant alteration of landforms requires a coastal development permit. Thus, the grading that occurred is a significant landform alteration and therefore requires a permit. Moreover, tennis courts, recreation courts, horse barns, horse corrals and other horse facilities are also not "structures" normally associated with a single family residence, and involve significant landform alteration. Thus, none of the proposed work is exempt under Section 30610(a) of the Coastal Act. All development which has occurred, namely the grading, the tennis court, the horse corral, the riding ring, the access road to the riding ring, the swimming pool, and the hardscaping requires a coastal development permit.

C. Grading, Landform Alteration, and their Environmental and Visual Impacts

This project involves the restoration of a portion of NPS property and significant amounts of grading and landform alteration for rear yard improvements including a tennis court, swimming pool, horse corral, riding ring, access road, landscaping and decking. The Coastal Act sections regarding marine and land resources, grading, and landform alteration which are applicable in this case are as follows:

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

Section 30240

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(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 those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Section 30250(a)

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in

other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, 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.

#### Section 30251

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

Part of this project calls for the restoration of a .15 acre portion of land adjacent to the subject property which is owned by the National Park Service (NPS). Currently, the site has been landscaped with an irrigated lawn and native and non-native vegetation. The edge of the tennis court and pool decking extend onto this NPS property. Under an agreement with the National Park Service, the applicant has agreed to remove these encroachments. The removal of the tennis court and fence is shown on the submitted site plan. However, the removal of the and pool decking is not shown on the submitted plans, nor is the removal of any of these encroachments stated on the restoration plan. Staff has contacted the National Park Service, and NPS confirmed that the agreement clearly stated that the applicant would remove the tennis court, fencing, and pool deck. The agreement between NPS and the applicant included the prepared restoration plan and the removal of the pool deck and tennis court which encroach onto NPS lands. A copy of the letter of agreement is shown in Exhibit 9.

Section 32040 of the Coastal Act mandates that environmentally sensitive habitat areas be protected against significant disturbances, and further states that development in areas adjacent to park areas prevent impacts on recreation areas. Without the removal of the tennis court, swimming pool decking and fence encroachments and a restoration of the lawn area to a native vegetated area, the site will not be consistent with Section 30240 of the Coastal Act. As it currently exists it has removed an area of native vegetation lessening the habitat value and impacting the wildlife and biological processes of the Santa Monica Mountains. Restoration of this encroachment area will restore and enhance the area bringing this portion of the project into compliance with Section 30240 of the Coastal Act.

NPS has agreed to the restoration of the NPS land and approved a restoration report prepared for the applicant by the Topanga-Las Virgenes Resource Conservation District. This restoration report (See Exhibit 8) requires the removal of non-native vegetation and the placement of native vegetation. It requires one year of monitoring of the site for the removal of any additional non-native, invasive vegetation. It does not, however, call for further

monitoring to ensure a long term survivability of the planted vegetation. Moreover, this report does not include a detailed site plan for restoration but rather states several species of plants which may be used. Finally, it does not state that the tennis court and pool decking on NPS property will be removed. Therefore, the Commission finds it necessary for the applicant to submit two sets of a detailed restoration plan which identifies the types, sizes and locations of plants and/or seeding to be done on site, and shows the removal of the tennis court and pool decking which is on NPS property. The areas where these developments were located shall be a part of the restoration plan. This plan shall be consistent with the submitted report, and reviewed and approved by NPS. Moreover, the applicant shall be required to implement this project within 90 days of the issuance of the permit and shall monitor the site for a period of three years following the initial restoration. These conditions are more fully described in special conditions 1 through 3. The project, as conditioned, is consistent with Sections 30231, 30240, 30250 and 30251 of the Coastal Act as it will enhance and protect parkland, will not create adverse impacts on coastal resources and will protect the visual quality in the area.

Another part of the proposed project calls for the placement of horse corrals near the residence on the existing building pad. No additional grading was done to place these horse corrals on site. Moreover, these horse corrals are located within 200 feet of the residence and are therefore within the fuel modification zone. Thus, the area where the horse corrals are, is an area which must be thinned of vegetation for fire protection purposes. Vegetation clearance, for fire protection purposes, done for the residence, will also protect the horse corrals. Significant erosion from the horse corrals has not occurred. No drainage control devices are necessary as the horse corrals area not located on a steep slope and the area is landscaped above and below the horse corrals. Next, although the residence is visible from NPS property and the trails in the area, the horse corrals are not highly visible. The residence screens the horse corrals from the trails on NPS property. The horse corrals can be seen from Cavalleri Road, however, because they are clustered adjacent to the residence, they blend in with the residence and do not create an additional adverse visual impact. The horse corrals are located over 100 feet from the drainage course on site and there is no evidence that they have caused any adverse impacts to the drainage course in their present state. The Commission therefore find that this portion of the project, as proposed, is consistent with Sections 30231, 30240, 30250 and 30251 of the Coastal Act.

Unlike the restoration of the NPS parcel and the placement of horse corrals on an existing pad, the remaining portions of the project, which include the rear yard improvements, will have adverse impacts on the visual and environmental resources of the area. The project, more specifically described below, will not be compatible with the area, will disrupt the value of the resources in the area, and is inconsistent with the Chapter Three policies of the Coastal Act.

The remainder of the proposed development calls for 6,716 cubic yards of grading for backyard improvements. Specifically, the grading for the improvements proposed calls for 3,363 cubic yards of cut, and 3,353 cubic yards of fill. The riding ring, which fills in a drainage course, requires 1,000 cubic yards of grading (750 cubic yards cut and 250 cubic yards of fill) and the tennis court and pool require 5,716 cubic yards of grading (2,613 cu. yds. cut, and 3,103 cu. yds. fill).



This amount is in addition to the grading done prior to the January 1, 1977 effective date of the Coastal Act. Grading done prior to 1977 includes the construction of an access road from Cavalleri Road to the property and the nearly one acre building pad on which the residence is located. No additional grading was requested in the 1977 permit for the residence. A sketch drawing of the site, which is in the permit file, states that the pad is "relatively flat" (Exhibit 13).

The creation of the riding ring in the drainage course calls for seven feet of fill in the drainage course and a small cut slope to create a flat pad. This drainage course is a tributary to Zuma Creek. Zuma Creek is a U.S.G.S designated blue line stream and is recognized as an inland ESHA by the Commission. Moreover, Zuma Creek above the intersection of the subject tributary stream is within the Zuma Canyon Significant Watershed; below the intersection of the subject tributary Zuma Creek is within a designated oak woodland. The grading in the tributary is approximately 1,000 feet from Zuma Creek. Exhibit 4 shows the subject streams on the U.S.G.S topography map; Exhibit 5 shows the ESHAs related to Zuma Creek.

The pad for the tennis court requires reducing the natural slope by ten feet and placing a ten foot high fill slope to create the flattened pad along the slope. And finally, the tennis court and pool are terraced down the hillside for a total of three terraces downhill of the residential building pad.

Any grading and landform alteration must be reviewed for compliance with Sections 30231, 30240, 30250 and 30251 of the Coastal Act. Section 30240(b) of the Coastal Act calls for the preservation of areas adjacent to parks and ESHAs, requiring that development be compatible with the continuance of habitat and recreation areas and be sited to prevent impacts which would degrade areas. Section 30231 of the Coastal Act mandates that development minimize the alteration of natural streams and protect the biological productivity and quality of coastal waters. Sections 30250 and 30251 of the Coastal Act address the preservation of public views, the minimization of landform alteration and requires that new development not have individual or cumulative effects on coastal resources. The portion of the project stated above does not comply with any of these sections.

To begin with, this amount of grading is clearly excessive and does not maintain the contours of the area. The grading for the terracing of the hillside and the construction of the tennis court, pool, and decking does not minimize the alteration of landforms as required in Section 30251 of the Coastal Act. The construction of these developments could have been done with significantly less grading. If the developments were moved onto the flatter portions of the site grading could have been reduced by thousands of cubic yards. Because less grading and alteration of the natural topography was feasible, the project is considered to be excessive. Likewise, the filling of the drainage course alters the landform and is again inconsistent with Section 30251 of the Coastal Act as it does not maintain the natural landform and does have both individual and cumulative impacts on the area. The changes in the topography lead to changes in the drainage patterns of the site and lead to an increase in sedimentation. These changes were observed by staff during a visit of the site. The significant changes in the topography does not create a development that is compatible with the surrounding area. To the north of the subject site, the area is parkland and remains undisturbed. The remaining adjacent areas are sporadically built out with single family residences.

However, the grading on these residences does not involve significant terracing of the lots. This project creates a series of flat pads which are not natural to the hillside slopes of the Santa Monica Mountains.

Next, although the area is not located within an environmentally sensitive habitat area, it is located adjacent to NPS parkland, and the drainage course on site drains into an ESHA which is within an oak woodland. Pursuant to Section 30240(b), development should be sited and designed to prevent impacts which degrade adjacent parklands and ESHAs and should be compatible with the area. This development is not compatible with the area because it creates flat pads, disrupting the topography and natural processes, as noted above. Moreover, the developments will clearly degrade the area by losing an area for habitat. The placement of the tennis court and pool with the decking, landscaping and grading covers nearly an acre of this 3.5 acre lot. This acre prior to development was covered with native vegetation and was used for wildlife habitat. If this development were permitted in another areas in Malibu, the result would be islands of parkland between developed tracts, with no corridors for wildlife in between. It is therefore imperative to retain habitat values on lands adjacent to parkland even if the land is not an ESHA.

Similar to the tennis court, pool and decking, the filling of the drainage course also has adverse impacts on coastal resources by removing a valuable habitat area, changing the water pattern, and increasing siltation and erosion downstream. These impacts clearly contradict the mandates of Coastal Act Sections 30231 and 30240. The filling of the drainage course alters the water flows, velocities and pattern by blocking a previous waterway. No culvert was placed under the fill slope, thus water which previously flowed through the drainage course will now sheet flow off the fill pad. The plants and soils which absorbed some of the water, decreasing the amount of run-off, are no longer available as they were removed and the area filled in with compacted fill. As a result the water will drain off site faster and in higher quantities. This will cause erosion downstream. Water will also create rills as it flows off the sides of the drainage course and from the road leading to the drainage course where vegetation has been removed. Erosion from the riding ring and slopes will be significant and will cause degradation and siltation on downslope properties. Erosion from the road can already be seen. The riding ring itself, because it is unvegetated is subject to erosion adding to the siltation and degradation of the downslope properties. Thus, the filling of this drainage course changes the water pattern, flow and velocities, increases erosion and has negative effects both on and off site. The consulting geologist stated in his report that the illegal grading in a canyon area to the south of the residence (riding ring area), has altered the flow of natural drainage.

Furthermore, the filling of this drainage course removed an important water site for wildlife. This drainage course is a tributary to Zuma Creek and acts as a wildlife habitat for animals which also use Zuma Creek. By filling in this drainage course, a wildlife place has been removed from use. Aerials of the site prior to its development show the area with vegetation. A vegetated drainage course, such as the subject drainage course would be used by animals in the area as a water source as well as for food, shelter, and breeding areas. These effects are clearly inconsistent with Sections 30231 and 30240 which mandate the protection of areas adjacent to ESHAs and parkland and requires the protection of the biological productivity of coastal waters.

Contrary to the mandates of Section 30251 of the Coastal Act, the terraced area with the tennis court and swimming pool will degrade the visual quality of the area as seen from parkland and trails. The project is located adjacent to National Park Service Lands. As such, the site is highly visible from this NPS parkland and the trails on this property (See Exhibit 6). This site is also visible from Cavalleri Road and the Coastal Slope Trail as it leaves Cavalleri Road. Section 30251 of the Coastal Act requires that the scenic and visual resources of an area be protected as a resource of public importance. Moreover, Section 30251 states that the alteration of natural landforms shall be minimized and compatible with the surrounding area. This project creates terraces down a east facing slope and fills in a drainage course; these activities significantly change the topography and alter the physical surroundings. These changes create negative visual impacts by altering the natural landforms and creating flat man-made pads. Landscaping would not mitigate the visual impact as the terraced slopes and the developments are large and visible from a distance. Many people use these trails, or visit parklands, to have a natural experience and view areas in their undisturbed states. By allowing significant developments to occur which are not compatible with the existing area, it disturbs the natural experience of the trail and park user.

Section 30250(a) of the Coastal Act requires that new development not have adverse effects on coastal resources and specifies that these effects shall not result from either individual or cumulative activities. The excessive grading which changes the landforms, also alters the water patterns of the area, reduces habitat values, and creates adverse visual impacts by removing the native vegetation, changing the topography and then covering the topography with an impervious surface

The changes in the topography change the run-off patterns, by reducing the amount of water absorbed on site, increasing the amounts of run-off and increasing the velocities of runoff from the site. Likewise, the placement of impervious surfaces over a previously vegetated hillside reduces the amount of water previously absorbed on site by plants and the soil. These two actions change the water pattern, flows, and velocities off site. Water that previously drained into the site now drains off site at increased velocities, leading to changes downslope. With this extra water draining off site at increased rates, as water leaving a smooth surface will, there is an increase in erosion at the end of the pervious surfaces. There are increases in sedimentation and siltation off site and this degrades the area. Likewise, the change in the topography changes where water leaves the site and leads to new gullies and erosion on and off site. A visual inspection of the site by staff showed that erosion is occurring.

In addition, the excessive grading and landform alteration of the tennis court, pool, and decking results in a loss of habitat in the immediate vicinity. This development removes the underlying areas from potential feeding, breeding and shelter sites for wildlife. Prior to the construction of these structures, the area was vegetated with chaparral plant species and provided a habitat for native animals. This vegetated area acted as a buffer area between the NPS parkland and the residence. Now, there is no buffer area between the graded, developed site and the NPS property. The buffer area, which is an undeveloped strip between the development and the natural areas

which is not used by wildlife as readily, has now been extended beyond the residence onto NPS parkland. A portion of NPS parkland will have a reduced wildlife value because it is acting as a buffer strip, and therefore, NPS parkland is negatively affected by this development.

These individual adverse impacts could have a detrimental impact on NPS property and the entire Santa Monica Mountains, if residential lots were routinely allowed to do large amounts of grading and landform alteration for ancillary structures. With every lot that is allowed to extend development to its property line with grading and the placement of impervious surfaces, there is a direct impact on adjacent land, as noted above. These adverse impacts are clearly inconsistent with Section 30250(a) of the Coastal Act.

The Commission has previously denied projects for tennis courts and other ancillary uses based on visual impacts and non-conformance with the surrounding area. For example, in 4-92-201 (Fryzer), the Commission denied the applicant's request for the construction of a 2,450 square foot paddle court finding that the development created adverse visual impacts with the placement of a large ancillary structure. In 5-90-327 (Javid), the Commission approved a large subdivision with a special condition which required that no grading for the placement of tennis courts or other ancillary structures would be allowed. This restriction was placed on site to protect the visual views of the area, to maintain the natural landforms of the area and leave development subordinate to the area. Both of these sites are located a few miles to the north of the subject site and are visible from Pacific Coast Highway and trails in the area.

More often, the Commission in past permit actions has, both in developed and undeveloped areas, restricted grading for proposed development, and denied projects based on excessive grading because it was determined that the development did not minimize landform alteration and individual and cumulative impacts on coastal resources. Further north of the subject site, off Saddlepeak Road, the Commission denied the permit request by Bernie Neale (5-90-078) for the importation of 2,294 cubic yards of fill on site to improve the backyard area with a swimming pool on a site with an existing single family residence. This was denied after the applicant already reduced the proposed project from 3,887 cubic yards of fill.

In 5-90-661 (Allen), the applicant was proposing to install a culvert and place 1,250 cubic yards of grading in a ravine on a lot with a single family residence. The Commission denied the project based on excessive grading, landform alteration and sensitive environmental resource impacts. After reducing the amount of grading several times, the applicant was finally granted a permit [4-92-202 (Allen)] when the project was reduced with the minimum amount of fill necessary, less than 100 cubic yards, to just cover the culvert. The Commission allowed the placement of the culvert in this ravine only after it was shown that the culvert was required due to a high water table on this site. In 5-91-328 (Contis), the Commission approved a project for the removal of a culvert and fill from a drainage course on Saddlepeak Road. The applicant originally applied to keep the culvert and 360 cubic yards of fill, but changed the project due to staff concerns. In the Commission's most recent actions involving the filling of drainage courses, the Commission not only denied a project to fill in a drainage area which was not an ESHA, but ordered the applicant to restore the site. This application, 4-92-206 (Tahmasebi), was denied by the Commission in October of 1994 for the

filling of a drainage course for a portion of the residence and backyard improvements. The Commission found that the placement of the fill in the drainage course was excessive, did not minimize landform alteration, and created adverse impacts both on and off stream through an increase in erosion and siltation. The Commission immediately after denying this project approved a restoration order [4-92-206RO (Tahmasebi)] to require the applicant to remove the culvert and fill and restore the drainage course to its pre-violation condition.

CEQA requires that alternatives to a projects be reviewed prior to denying a project. There are alternatives to this project which could make this project approvable. One alternative is to redesign the tennis court and swimming pool area closer to the residence to reduce the terraced pads. The tennis court could be cantilevered to reduce grading. This would, however, not necessarily reduce the visual impacts. Another alternative would be to reduce the amount of development proposed on site. Given that there is a flattened area adjacent to the residence, this area could be used for the tennis court or swimming pool, instead of the horse corrals. Another example would be to remove the tennis court and put the swimming pool adjacent to the residence. With regards to the riding ring, the best alternative is no project. There is no development that could occur in the drainage area without the grading for the access road or without causing adverse impacts. Any alternative to this project would need to involve clustering the development, reducing the grading, and possibly reducing the amount of ancillary structures. However, none of these other alternatives are before the Commission at this time. Staff has provided ample time to the applicant to modify the proposed project. The applicant has not provided staff with any alternative designs or proposals. Therefore, the Commission finds that this portion of the project is inconsistent with Sections 30231, 30240, 30250(a), and 30251 of the Coastal Act and is therefore denied.

### C. Geologic Hazards

Section 30253 of the Coastal Act states in part:

New development shall:

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

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

The proposed development is located in the Santa Monica Mountains, an area which is generally considered to be subject to an unusually high amount of natural hazards. Geologic hazards common to the Santa Monica Mountains include landslides, erosion, and flooding. In addition, fire is an inherent threat to the indigenous chaparral community of the coastal mountains. Wild fires often denude hillsides in the Santa Monica Mountains of all existing vegetation, thereby contributing to an increased potential for erosion and landslides on property.

The applicant has not provided staff with any geologic reports of the site which address the stability of the site. Nor have any reports prepared prior to the construction of the proposed developments been submitted for after-the-fact review of the project. No geology reports were submitted in 1977 when the application for the residence was submitted. However, the current lessee of the property has submitted a geologic report prepared by Mountain Geology, Inc. on behalf of himself. This report addresses the stability of the as-built project. The consulting engineer has made the following observations:

Portions of the tennis court and pool decking derive support from loose, uncertified fill and are subject to differential settlement and distress.

The loose fill is subject to creep, erosion, and surficial failure.

Cut slopes have been created near-vertical and are considered non-conforming.

Illegal grading in a canyon area to the south of the residence (riding ring area), has altered the flow of natural drainage.

With respect to these observations the consulting geologist has concluded to the potential buyer (the lessee) that:

It is our opinion that purchase of the subject property represents a moderate risk with respect to geologic hazards such as landslides or active faults.

In order for a project to be found consistent with Section 30253 of the Coastal Act, the Commission must find that the project, with recommendations if necessary, would be free from hazards based on the consulting geologist's recommendations. When a consulting geologist finds that a project has a moderate or high risk associated with it, the project can not be found to be consistent with Section 30253 of the Coastal Act.

The geologist consulted by the lessee has stated that the potential for differential settlement may be reduced by improving and maintaining drainage on site. Specifically for site stability, the geologist recommends that all loose fill be removed and recompacted; additional grading occur to trim the near-vertical slopes to an acceptable level or construct retaining walls; portions of the tennis court and pool decking supported by loose fill shall be underpinned with footings; and that drainage devices should be checked for performance.

With regards to the construction of the tennis court, pool, decking, landscaping and riding ring, based on the findings of the submitted report, which as stated above shows that the site as-built is not free from hazard, the Commission finds that the site as built is not consistent with Section 30253 of the Coastal Act as it does not provide for geologic stability. The tennis court and pool decking are not built on engineered fill slopes and as such are subject to failure. The stabilization of the near-vertical cut slopes would require additional grading or retaining walls; both these actions would be inconsistent with the Coastal Act as it would not minimize adverse impacts on coastal resources as noted in the preceding section. The fill of the drainage course is causing adverse geologic impacts by blocking water flow

and increasing erosion. In conclusion, the Commission finds that the project does not minimize geologic hazards, but rather creates an increased geologic hazard on site. The applicant has not supplied any alternatives to mitigate the risks which exist on site. Therefore, the portion of the project noted above as proposed shall be denied.

With regards to the restoration of the NPS parkland and the placement of the horse corrals, no grading or other development which requires geologic review is proposed. These portions of the proposed development will not therefore, have adverse geologic impacts and are therefore, as proposed consistent with Section 30253 of the Coastal Act.

#### D. Violation

The development of the tennis court, swimming pool, decking, landscaping, riding ring, access road and 6,716 cubic yards of grading all occurred prior to the submittal of this application. Discovery of this violation, by staff occurred in June of 1994. Some of the unpermitted grading on site occurred in 1984, and the tennis court was constructed prior to May of 1986. The swimming pool was constructed in 1990; the riding ring was constructed circa 1988.

When fill is imported onto a site and not compacted correctly or left without landscaping as in the case of the riding ring, the result is an increase in siltation from the fill slope into any coastal waters adjacent to the site. The fill in the drainage area causes run-off into the downstream portions of this drainage. This drainage course flows into Zuma Creek a U.S.G.S blue line stream and recognized EHSAs. The increased flow of sediments into the drainage can be expected to also occur in the stream. The increased sediments in the water courses upsets the flow of water or the direction of flow. This in turn negatively affects the habitat value of the stream and the water quality of the stream. Finally, by filling the ravine on the applicant's property, there is a direct loss of habitat for those species which require a riparian type habitat for survival. The cumulative loss of habitat in the Santa Monica Mountains as development pressures increase is a serious problem.

In addition to the grading, the applicant placed impervious surfaces over much of the slope where the tennis court and pool are located. This changes the water patterns by increases velocities and decreasing the absorption of water into the ground. These changes alter the water table and affect the stability of the area. They also affect the habitat values and cause adverse impacts downstream with the changes in water patterns.

In this case the site, as it exists, represents a moderate risk from a geologic standpoint because of the improper engineering and construction of the tennis court, swimming pool, riding ring and access road. Moreover, there is an on-going loss of habitat from the removal of vegetation on this slope. Likewise from the development there is an on-going visual impact. Thus there are on-going impacts to coastal resources from the terraced backyard and developments.

Finally, the Commission notes that although development has taken place prior to the submission of this permit application, consideration of the application by the Commission has been based solely upon the Chapter Three policies of the Coastal Act. review of this permit does not constitute a waiver of any legal action with regard to an violation of the Coastal Act that may have occurred.

E. Local Coastal Program

Section 30604(a) of the Coastal Act states that:

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

Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. On December 11, 1986, the Commission certified the Land Use Plan portion of the Malibu/Santa Monica Mountains Local Coastal Program. However, on March 28, 1991 the City of Malibu was legally incorporated. Therefore, the previously certified County of Los Angeles Malibu/Santa Monica Mountains LUP is no longer legally binding within the City of Malibu and is therefore, no longer used within the City as a guidance document.

The proposed development as conditioned for approval, and as modified through the denial of Chapter Three inconsistent portions of the development, will not create adverse impacts and is consistent with Chapter 3 policies of the Coastal Act. The Commission finds that partial approval and partial denial of this project will not prejudice the ability of the City of Malibu to prepare a Local Coastal Program that is consistent with the policies of Chapter 3 of the Coastal Act. Therefore that portion of the development which can be approved is consistent with Section 30604 (a) of the Coastal Act.

F. California Environmental Quality Act

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

There are no negative impacts caused by the approval portion of the development which have not been adequately mitigated. Therefore, the portion of the project involving the restoration of NPS property is consistent with CEQA and the policies of the Coastal Act.

However, the remainder of the development, specifically the construction of the tennis court, swimming pool, decking, landscaping, riding ring and 6,716 cubic yards of grading, are not consistent with CEQA and the policies of of the Coastal Act. There are feasible alternatives to this portion of the development which would lessen the impact on the environment. CEQA requires



that alternatives be reviewed whether or not the project has been completed. One such alternative would be to redesign the project to reduce the grading. With regards to the tennis court and swimming pool, alternatives could include eliminating the tennis court and moving the swimming pool closer to the residence, or moving the swimming pool and/or tennis court to a flatter portion of the site. Another alternative site which is flatter is the location of the horse corral, south of the residence. A final alternative for the swimming pool and tennis court would be to put the swimming pool closer to the residence and cantilever the tennis court to reduce grading for both developments.

With regards to the riding ring and access road, the best alternative is no project. The riding ring is located in a drainage course and the access road is contributing to slope instability. An alternative to keep the riding ring, would be to eliminate some of the other appurtenant structures, such as the tennis court and swimming pool, to allow a ring closer to the residence on a flatter portion. There is not enough flat portions of the site to have all the proposed structures without adverse environmental, visual and geologic impacts. Therefore, any alternative must address the redesign, relocation and elimination of portions of the proposed developments. Finally, CEQA does allow for "no project" to be an alternative. In this case, the removal of all developments would be the best alternative for it would eliminate the grading and visual impacts and would not create a geologic hazard. The Commission, therefore, finds that the proposed development, with the exception of the portion of the development involving the restoration of the NPS property, is inconsistent with CEQA and the policies of the Coastal Act. There are feasible alternatives which would lessen or remove the adverse impacts caused by this development. Therefore, this development is denied.

1759M

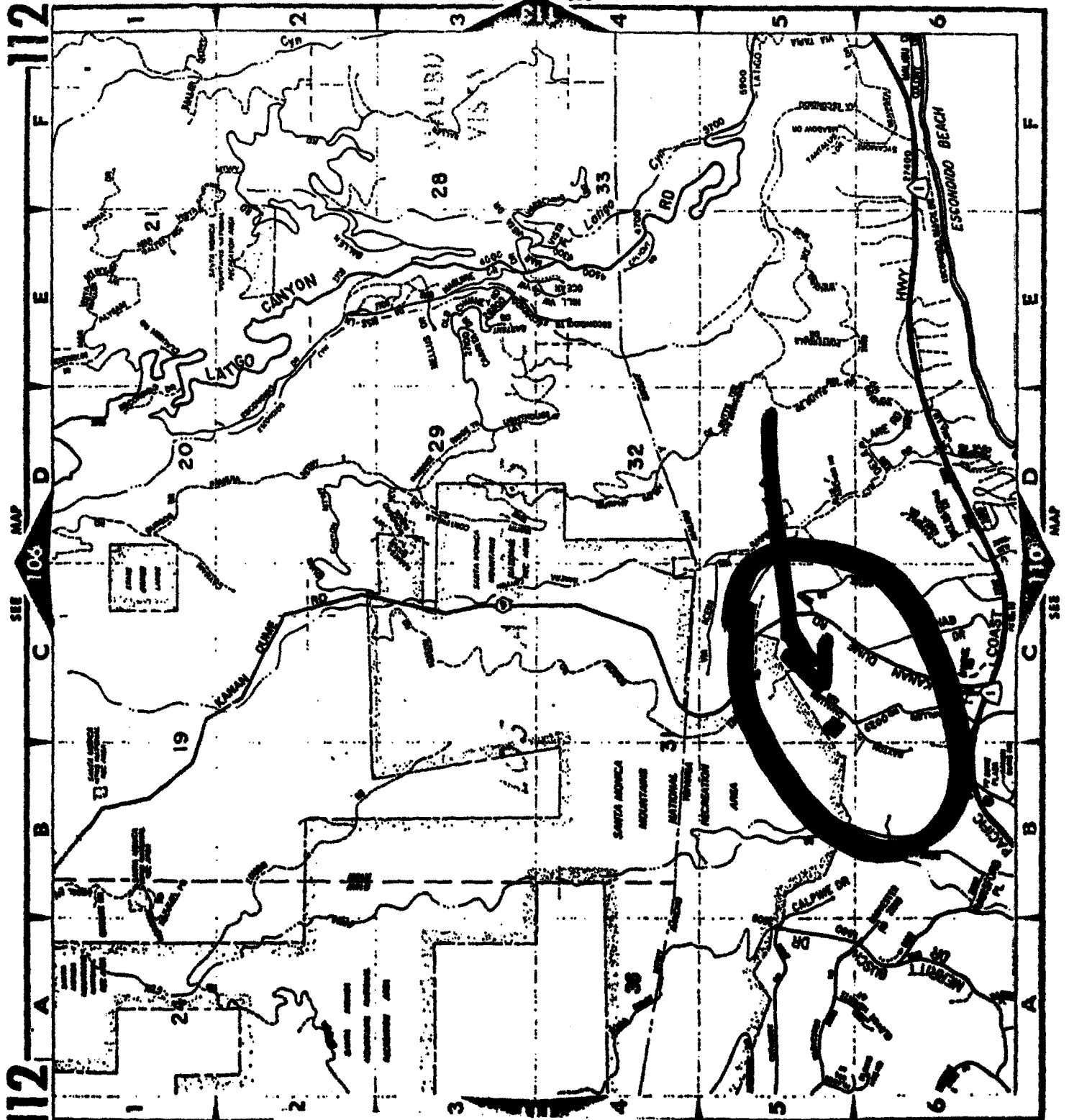


Exhibit 1: Location Map  
4-94-170

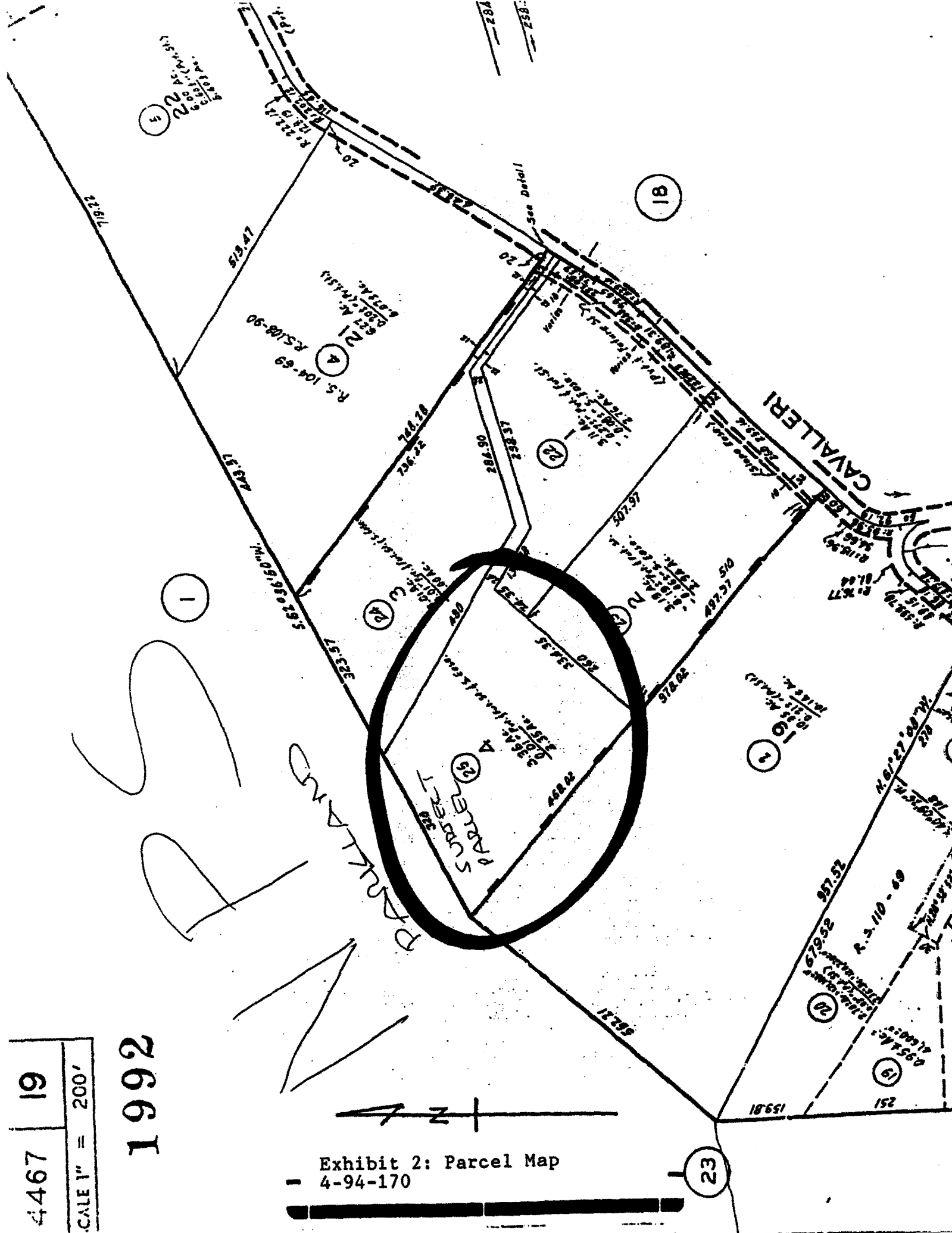
00 52304 33

4467 | 19

SCALE 1" = 200'

1992

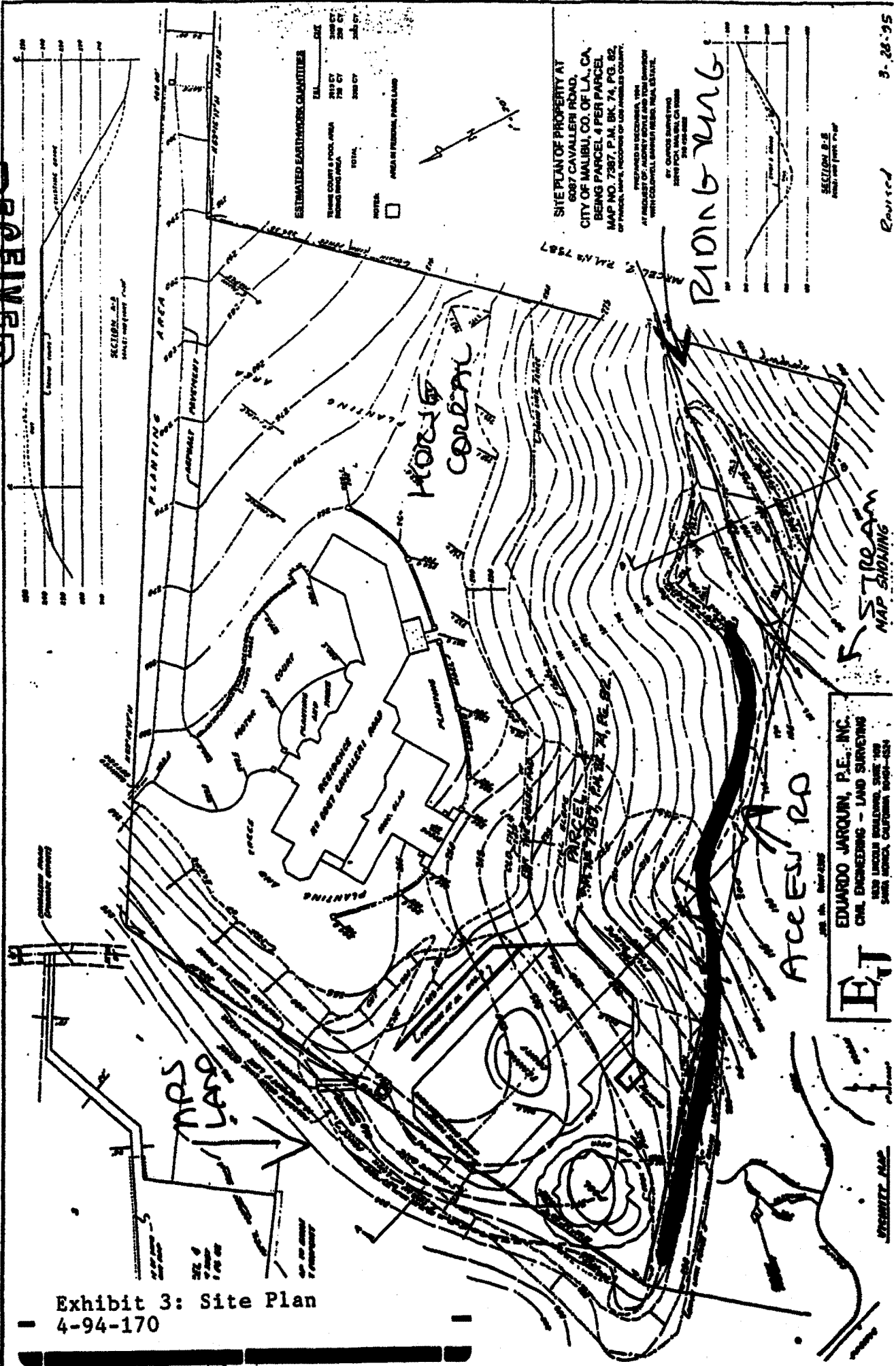
Exhibit 2: Parcel Map  
4-94-170



SOUTH CENTRAL COAST DISTRICT  
CALIFORNIA  
COASTAL COMMISSION

APR 1 9 1995

RECEIVED



ESTIMATED EARTHWORKS QUANTITIES

ITEM	CU	BY
REMOVE EXISTING PAVEMENT	150	BY
REMOVE EXISTING ASPHALT	750	BY
TOTAL	900	BY

AREA OF EXISTING PAVED DRIVE

SITE PLAN OF PROPERTY AT  
6087 CAVALIERI ROAD,  
CITY OF MALIBU, CO. OF L.A., CA.  
BEING PARCEL 4 PER PARCEL  
MAP NO. 7587, P.M. BK. 74, PG. 82,  
OF PUBLIC MAPS, RECORDS OF LOS ANGELES COUNTY,  
PREPARED BY DECEMBER, 1984  
AT REQUEST OF ARNOLD STEIN AND YOUNG ASSOCIATES  
WITH CONSULTANT GEORGE HENRIKSEN, ARCH. ESTABL.

BY: GEORGE HENRIKSEN  
10000 WILSON BLVD., SUITE 100  
MALIBU, CALIF. 90263

EDUARDO JARQUIN, P.E., INC.  
CIVIL ENGINEERING - LAND SURVEYING  
4530 LINCOLN BUILDING, SUITE 100  
SANTA ANITA, CALIFORNIA 90401-4334

EJ

STREETS MAP

Exhibit 3: Site Plan  
4-94-170



Exhibit 4: U.S.G.S Topography  
4-94-170 map

P A C I F I C  
O C  
C

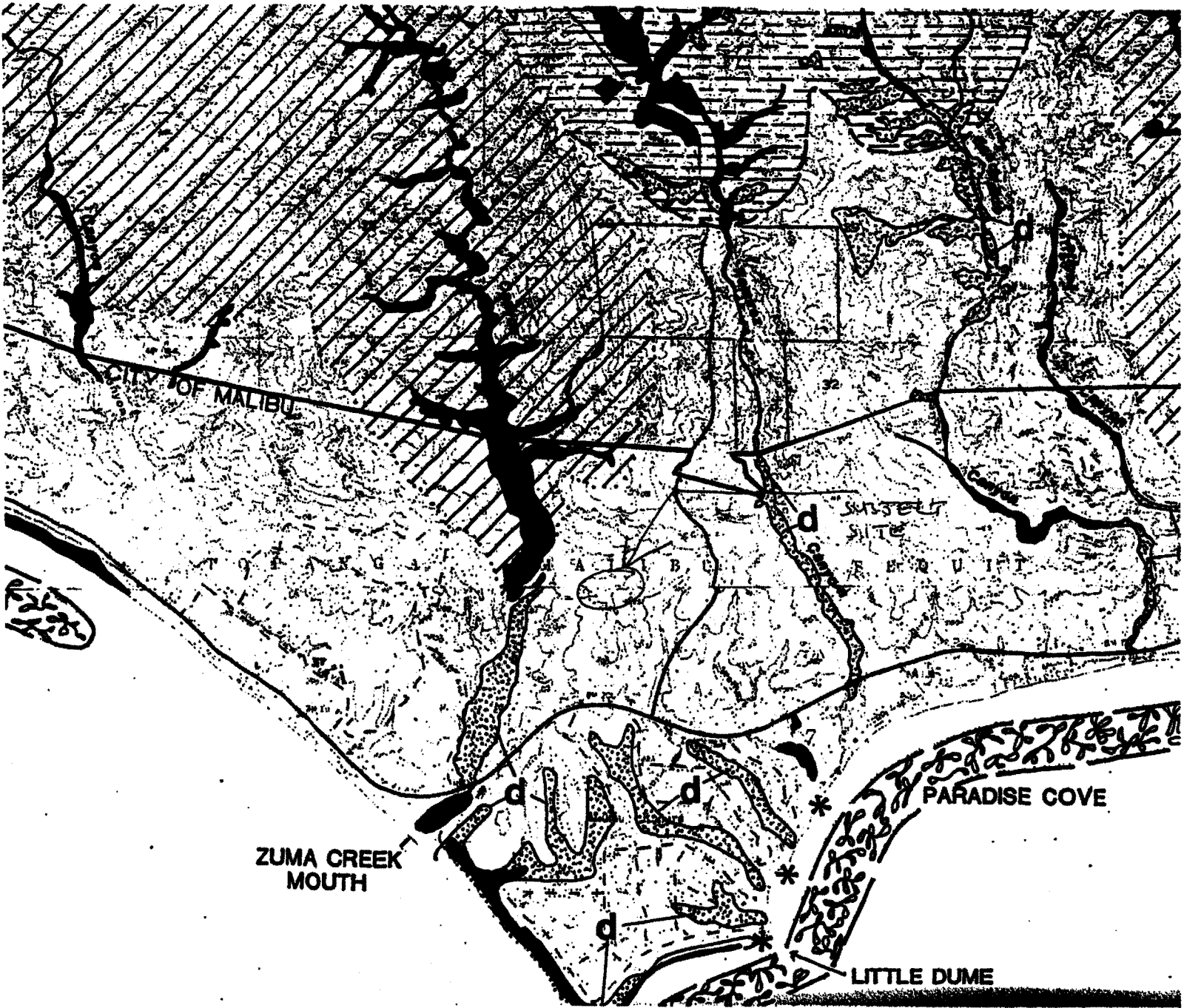


Exhibit 5: Resource Map  
4-94-170

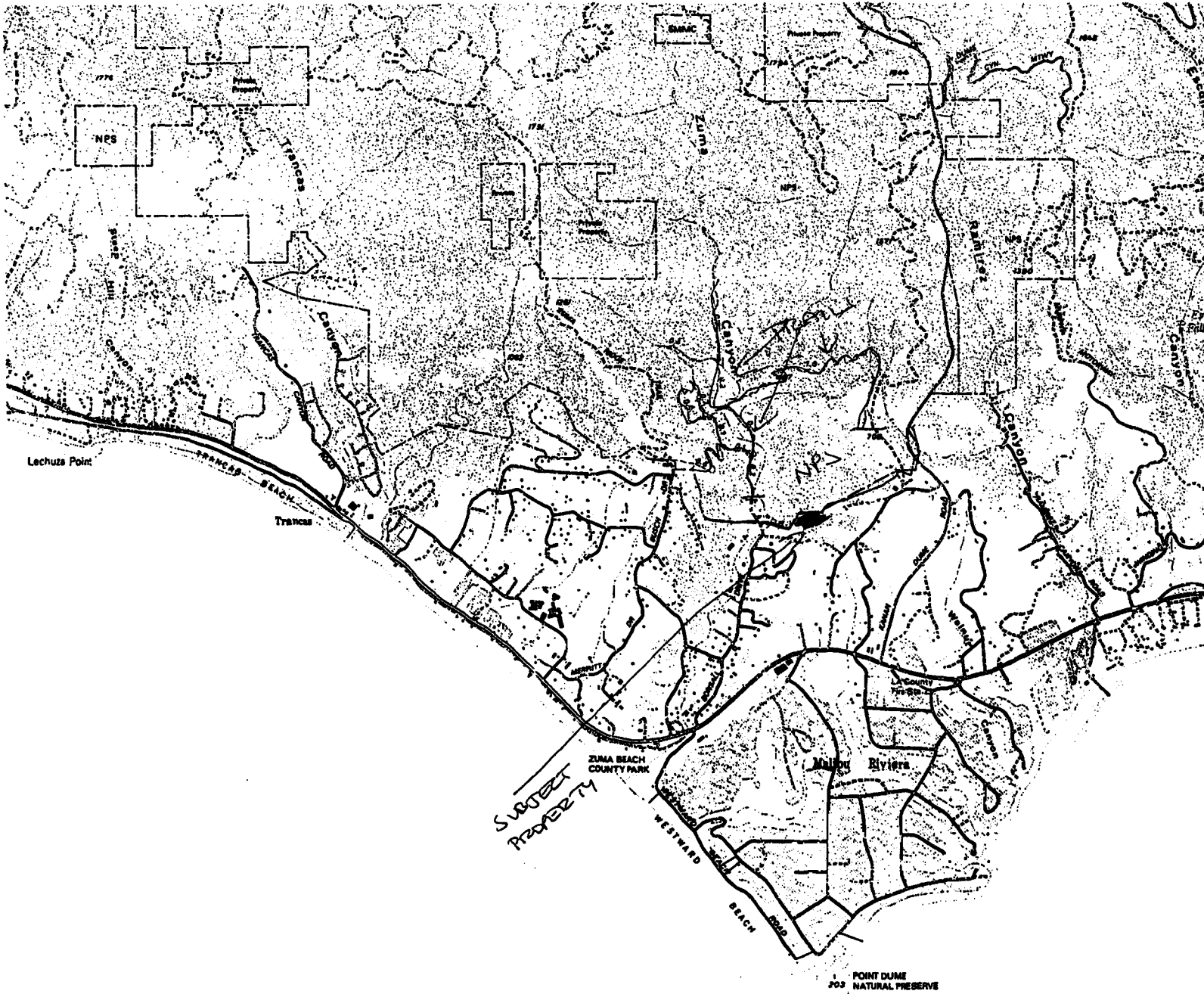
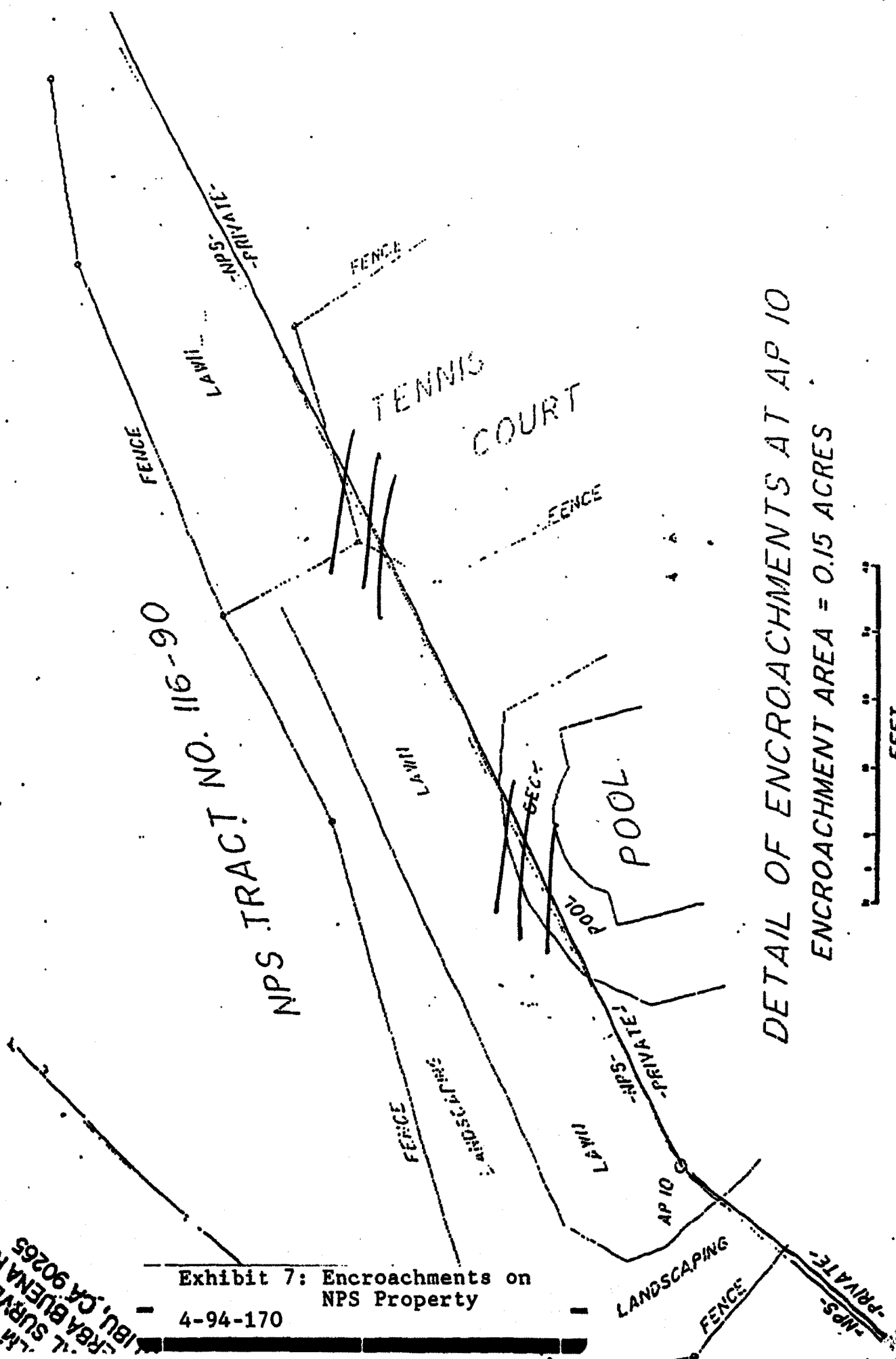


Exhibit 6: Trail Map  
4-94-170

THE SURVEYS  
AREA BUENA RD.  
LAJUN, CA 90265

Exhibit 7: Encroachments on  
NPS Property  
4-94-170



DETAIL OF ENCROACHMENTS AT AP 10  
ENCROACHMENT AREA = 0.15 ACRES







**TOPANGA-LAS VIRGENES  
RESOURCE CONSERVATION DISTRICT**

122 NORTH TOPANGA CANYON BOULEVARD TOPANGA, CALIFORNIA 90296  
Office (310) 455-1030 FAX (310) 455-1172  
Education Reservations (310) 455-1449

ELIZABETH DOUPHNER  
Executive Officer / Clerk of the Board

BOARD OF DIRECTORS  
DENNIS S. WASHBURN  
President  
DAVID N. GOTTLIEB  
Vice President  
JERRY R. DOUGLAS  
Secretary  
GLENN BAILEY  
NANCY L. HELSLEY

RECEIVED

MAR 01 1995  
CALIFORNIA

COASTAL COMMISSION  
CENTRAL COAST DISTRICT

**RESTORATION PLAN FOR CAVALLERI DRIVE PROPERTY  
ENCROACHMENT ON NATIONAL PARK SERVICE PROPERTY**

by Topanga-Las Virgenes Resource Conservation District Restoration Staff  
May 13, 1994

**SUBJECT:** Ecological restoration of private property encroachment onto National Park Service property at 6087 Cavalleri Drive, Malibu

The upper portion of this 0.15 acre encroachment is level and currently planted in non-native grasses. A lawn occupies approximately 1/4-1/3 of the 0.15 acre. The slope currently is planted largely with African daisy and other nursery stock. Consistent with the disturbed soils of the garden, castor bean and fennel have invaded this and other sites on the property. Below the fence line, a typical coastal sage scrub community is present.

The current property owner, P.N.C. Mortgage, has requested that Topanga-Las Virgenes Resource Conservation District prepare a plan for restoration of this site.

In restoring this site, several considerations must be given attention:

1. Native plant species selected for restoration must be consistent with those naturally growing on the canyon slope;
2. Plants introduced must be of similar genetic stock to those found in the canyon;
3. Removal of exotic vegetation should occur with minimum disturbance to the soil, to prevent weed growth;
4. Highly invasive exotic plants on the property should be removed to prevent intrusion into newly planted areas in the Park;
5. An irrigation system needs to be installed so that plants will receive regular water during the first year, with a design that will prevent growth of surficial broad-leaved weeds. Soil moisture content needs to be monitored to ensure sufficient volume and sequences of water to plants. The watering system will be removed at the onset of winter rains in 1995.

**WORK PLAN**

**EXOTIC PLANT REMOVAL:** Removal of exotic plant species is necessary to ensure the short-term growth and long-term persistence and viability of the restored native plant community.

Non-native (exotic) plants will be sprayed with the herbicide Roundup. Roundup is the principle terrestrial herbicide used by government agencies, such as California Department of Parks and

Exhibit 8: Restoration Plan  
4-94-170

Recreation, and by restoration ecologists in the private sector. It biodegrades efficiently and kills vegetation and roots quickly.

Procedure:

1. Spray with 2% Roundup.
2. Wait a minimum of two weeks.
3. Water and observe for regrowth of any exotic species
4. Re-apply herbicide if needed.

This procedure is necessary for controlling the invasion of exotic plant species and eliminates soil disturbance. We recommend that fennel (*Foeniculum vulgare*) and castor bean (*Ricinus communis*), both highly invasive species, be removed from all areas of the present residence. Owing to the invasive nature of these plants, their removal from the entire property is necessary to avoid chronic invasions into the newly restored National Park Service property. Private property owner approval is necessary for this action. If approval is denied, the TLVRCD will need to add maintenance time to the budget in order to ensure success of NPS property restoration.

**PLANT SELECTION:** TLVRCD restoration staff have visited the site to inventory species diversity and observe species composition on this predominantly coastal sage scrub north-facing slope within the National Park. Native seeds will be collected from areas adjacent to and contiguous with the 0.15 acre site. Plants will be selected from local genetic stock in the Santa Monica Mountains. Species will also be chosen on the basis of erosion control potential. Owing to the likelihood of some garden runoff, consideration has been given to selecting species that will tolerate some summer water.

At the slope top, species have been selected that are lower growing, and can be managed, if necessary, to reduce fuel-loading prior to the fire season.

The following plant list is consistent with our goals for the north-facing slope:

\* plants not on slope, but observed in nearby area

Trees:

California Black Walnut	<i>Juglans californica</i>
Mexican Elderberry	<i>Sambucus mexicana</i>

Shrubs:

Mountain Mahogany	<i>Cercocarpus betuloides</i>
Holly-leaved Cherry	<i>Prunus illicifolia</i> *
California Lilac	<i>Ceanothus spinosus</i> *
Coffeeberry	<i>Rhamnus californica</i> *
Mesa Bushmallow	<i>Malacothamnus fasciculatus</i> *

Sub-shrubs - at slope tops and interspersed on slope:

Coastal Buckwheat	<i>Eriogonum cinereum</i>
Purple Sage	<i>Salvia leucophylla</i>
California Sagebrush	<i>Artemisia californica</i>
Fuchsia Flowering Gooseberry	<i>Ribes speciosum</i>
Bush Monkeyflower	<i>Mimulus longiflorus</i>
California Fuchsia	<i>Zauschneria californica</i>
California Sunflower	<i>Encelia californica</i> *

Native grassland:

Foothill Needlegrass  
Blue-eyed Grass

*Stipa lepida* \*  
*Sisyrinchium bellum* \*

**SEED COLLECTION:** Local seed will be collected in June at sites contiguous with this project.

**ESTABLISH IRRIGATION SYSTEM:** Irrigation may be a combination of techniques dependent upon local seasonal climate conditions (e.g. drought) and potential invasive species including gophers and exotic plants. Property owner at 6087 Cavalleri will supply water. Irrigation system will be removed at the onset of winter rains in 1995.

**FENCING:** Fencing, at request of National Park Service, will be installed by property owner of 6087 Cavalleri Drive. Wildlife passable fencing will be placed along the property line to protect the restoration area from human/domestic animal disturbance while the native plant community is becoming established. Spit-rail or post-and-rope fencing is appropriate, but other wildlife passable fence construction could also be used at the owner's discretion, providing it blends in with the surrounding area and is visually pleasing.

**PLANTING:** All plants will be planted with minimal soil disturbance and when no weed re-growth occurs after the Roundup treatment. Dead exotic plants will be clipped, but the roots will be left in place to minimize soil disturbance, with clearing only for planting of selected natives. At time of planting, there should be a deep watering to aid in establishment. Consistent with establishment of native plants, a hole will be dug to the depth of the container plant that is 1.5X the diameter of the container. Tree species, such as black walnut (*Juglans californica*) will be spaced 20 feet apart. Soil will be firmed in place, and a soil well around each plant will be formed to hold water.

**MAINTENANCE AND MONITORING:** Plant maintenance and monitoring will be conducted through the second summer after initial planting. For example, if all plants are in the ground by June, 1994, maintenance and monitoring would occur through the summer of 1995. Amount and regularity of plant watering will be determined by measuring soil moisture content. During the dry season, plants will be watered approximately one time/month for the first year. Should a dry or drought year occur, some water may be needed for the second summer. Any broad-leaved non-native plants that compete with the natives will be removed until there is continuous native cover. To minimize maintenance and to foster growth of newly established natives, invasive exotics (fennel, castor bean) must be removed from the property.

Photographic monitoring will be implemented at selected site quadrats to record restoration results.

## TIMELINE

### MAY 1994:

#### Planning phase

Develop plan in coordination with NPS Resource Management staff; submit plan for National Park Service approval prior to beginning work phase.

#### Work plan phase

Spray non-native vegetation with Roundup, water; repeat cycle if necessary.

Collect seed.

Remove fence - to be done by 6087 Cavalleri Drive property owner.

Install irrigation system.

Purchase native plants with local genetic seed stock (50% payment due to hold stock; 100% balance paid on delivery)

### JUNE 1994:

Plant available stock after exotic species are extirpated.

Grow grasses - allow 6-8 weeks for planting.

### JUNE 1994 TO FIRST RAINS OF RAINY SEASON:

Water and weed on monthly cycle.

### JULY 1994 - SEPTEMBER 1994:

Plant native grasses and remaining plants in fall.

### NOVEMBER 1994 - MARCH 1995 -- WINTER RAIN PERIOD

Remove weed growth; maintain on an as-needed basis.

### SUMMER 1995:

Continue watering plants depending on drought conditions.

### ONSET OF WINTER RAINS 1995:

Remove irrigation system.

## RECOMMENDATIONS FOR PRIVATE PROPERTY LANDSCAPE MANAGEMENT

1. Remove invasive non-native plant species from property.
2. We also recommend that the lawn on the private property be converted into a native grassland. The TLVRCD will provide a species list upon request.

National Park Service Property Encroachment Revegetation  
 1087 Cavalleri Dr., Malibu, CA 90265  
 Topanga-Las Virgenes RCD  
 May 13, 1994

BREAKDOWN OF BUDGET COMPONENTS

PROJECT COORDINATION.....	2,800.00
- Interface with NPS and Contractors	
Project Supervisor	
60 hrs @ \$30/hr	1,800.00
Conservation Biologist	
20 hrs @ \$50/hr	1,000.00
EXOTIC PLANT REMOVAL.....	900.00
- Spray NPS property with Roundup.	
Remove exotic plants on property.	
Project Supervisor	
20 hrs @ \$30/hr	600.00
Revegetation Crew	
40 hrs @ \$7.50/hr	300.00
PLANT STOCK.....	2,186.06
- Purchase 1-gallon plants from Matilija Nursery	
350 @ \$3.50 each	1,225.00
8.25% Sales Tax	101.06
- Propagate Native Shrubs and Trees	
Propagation Specialist - Contractor	
Seed and bulb collection	
8 hrs @ \$20/hr	160.00
Growing plants for Fall 1994 planting	
\$0.70 per plant	600.00
Materials	
Bands, planter mix	100.00
PLANTING.....	2,100.00
- Trees, Shrubs, Sub-shrubs	
Project Supervisor	
40 hrs @ \$30/hr	1,200.00
Revegetation Crew	
120 hrs @ \$7.50/hr	900.00
MAINTENANCE & MONITORING.....	2,890.00
- Summer 1994 - 16 visits	
Project Supervisor	
32 hrs @ \$30/hr - 2 hrs/visit	960.00
Revegetation Crew	
64 hrs @ \$7.50/hr - 4 hrs/visit	480.00
- Winter 1994-95 - 6 visits of 4 hrs each	
Project Supervisor	
12 hrs @ \$30/hr	360.00
Revegetation Crew	
24 hrs @ \$7.50/hr	180.00
- Summer 1995 - 9 visits	
Project Supervisor	
18 hrs @ \$30/hr - 2 hrs/visit	540.00
Revegetation Crew	
36 hrs @ \$7.50/hr - 4 hrs/visit	270.00
- Materials for Irrigation	100.00
MATERIALS.....	425.00
- 2.5 gallons 100% Roundup	100.00
- Miscellaneous supplies	175.00
- Backpack sprayer, with harness	150.00
FINAL REPORT	210.00
- Project summary and photographs	
7 hrs @ \$30/hr	210.00
WORKPLAN TOTAL:	11,511.06
Project Administration/Bookkeeping (10%)	1,151.11
	-----
	\$12,662.17

ADDITIONAL WORK

FENCING - NATIONAL PARK SERVICE REQUEST  
 See Asterisk (\*) on Page 3 of Work Plan  
 Cost to be Determined and Covered by Landowner

The National Park Service, P.N.C. Mortgage, and Topanga-Las Virgenes Resource Conservation District hereby approve the attached Restoration Plan for 6087 Cavalleri Drive, Malibu.

**TOPANGA-LAS VIRGENES RESOURCE CONSERVATION DISTRICT**



Dennis S. Washburn  
President of the Board

6-25-94

Date

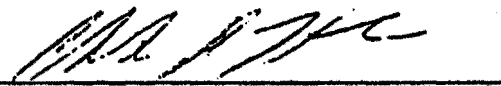


Sean Manion  
Conservation Biologist

7-5-94

Date

**P.N.C. MORTGAGE**

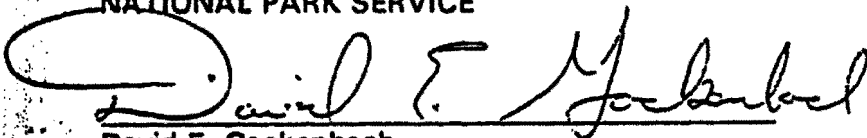


Name: **CHARLES R. HOECKER**  
Title: **SECOND VICE PRESIDENT**

6/23/94

Date

**NATIONAL PARK SERVICE**



David E. Gackenbach  
Superintendent, Santa Monica Mountains  
National Recreation Area

7/12/94

Date

COOPERATIVE AGREEMENT AND CONTRACT  
FOR A REVEGETATION PROJECT

This agreement is entered into this 25th day of June, 1994, between P.N.C. Mortgage and the Topanga-Las Virgenes Resource Conservation District, hereinafter called "the District."

P.N.C. Mortgage has requested that the District revegetate an area of national parkland located at 6087 Cavalleri Drive in Malibu. The Plan of Work for the revegetation will be an official attachment to this contract and represents the scope of the restoration project as agreed upon by P.N.C. Mortgage and the Park Service.

I. OBLIGATIONS OF THE DISTRICT

The District shall provide and be reimbursed for the following scope of services within the limit of its authority and resources:

- A. Development of a Plan of Work that will suit the needs of the site and will be approved by the Park Service prior to implementation.
- B. Utilize District personnel and contractors to complete the project pursuant to the Plan of Work.
- C. Perform the work following signature of approval of the Plan of Work by the Park Service.


II. OBLIGATIONS OF P.N.C. MORTGAGE

- A. Upon receipt of invoices from the District, P.N.C. Mortgage shall pay the District directly for services rendered as described in Part I and for necessary materials, equipment, and tools. Payment is due on receipt of invoices and is delinquent after 30 days. A service charge of 1% per month will be added after 30 days.

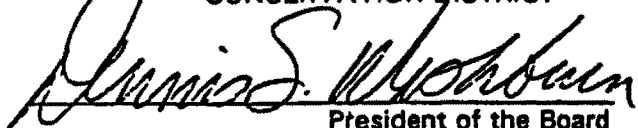
This agreement will be in effect until project is completed by the date set forth on the attached Plan of Work and will remain within budget limits identified in the Plan.

The following signatories approve this contract on the 25th day of June, 1994.

P.N.C. MORTGAGE

  
\_\_\_\_\_  
Name **BARBARA J. WOODMAN**  
**ASSISTANT SECRETARY**  
\_\_\_\_\_  
Date

TOPANGA-LAS VIRGENES RESOURCE  
CONSERVATION DISTRICT

  
\_\_\_\_\_  
President of the Board  
\_\_\_\_\_  
6-25-94  
Date

Tedra 17  
Shale with Jim B  
Pore

June 22, 1994

*gaf 6/23/94*

**PNCMORTGAGE**

Mr. David E. Gackenbach  
Superintendent  
United States Department of the Interior  
National Park Service  
30401 Agoura Road, Suite 100  
Agoura Hills, CA 91301

JUN 23 1994  
*amb*

Dear Mr. Gackenbach:

In response to your letter of May 20, 1994 we will explain our plan to restore the encroachment.

As you are aware, we are proceeding with the proposal of the Topanga-Las Virgenes Resource Conservation District (RCD), a copy of the signed proposal is included with this letter. We also have an approved estimate from a contractor to remove the fence, pool deck and portion of the tennis court that is encroaching.

However, we have to get Coastal Commission approval before we can begin any of this work. We are hoping they will waive the permit but before we can even apply to Coastal they require written approval from the City of Malibu Planning Department. Malibu Planning has verbally told us they do not require permits for any of this work. We have requested their confirmation of this in writing by June 10, 1994.

Once we have the Malibu Planning letter we can then submit our plans to the Coastal Commission. We believe our request will be scheduled for the next Coastal Committee hearing and that the permit will be waived.

Upon receiving the clearance from Coastal, we are prepared to have RCD begin work. We are in the process of sending them a check to reserve some of the native plants from a nursery, per their request.

Our escrow is not proceeding as well. We have doubts the potential buyer being able to perform and have therefore requested a cancellation of that escrow. The buyer has denied that request so we are in a state of limbo in this escrow. For this reason we do not feel it necessary to have this buyer involved at this time.




Page 2  
June 22, 1994

We intend to either pay RCD in full at closing or to leave the money in escrow for the completion of the work. This will depend upon how far along the process is at the close of escrow.

→ We will have this matter included in any escrow that appears to be capable of closing. Our wording would be something to the effect of "Buyer is aware that the property had some of the pool decking, tennis court, landscaping and fencing encroaching on National Parkland. This encroachment is being rectified at no cost to buyer or the National Park Service. Buyer shall not interfere with this process and allow Topanga-Las Virgenes Resource Conservation District and its agents full access to the property until the process is completed. Completion will be when the plants mature and can grow on their own."

We hope this letter includes the information you requested. If you have any further questions please call Audrey Ann Boyle or Tom Dawson at (310)459-0481. We are trying to conclude this matter to your satisfaction in a timely manner.

Thank you.

  
Susan M. Peterson  
Corporate Owned Property Manager  
PNC Mortgage Corp. of America

cc: Audrey Ann Boyle  
Tom Dawson  
file

Trans File

L1425(SAMO)

VIA REGISTERED MAIL

AUG 11 1994

Susan M. Peterson  
PNC Mortgage Corp. of America  
568 Atrium Drive  
Vernon Hills, Ill. 60061

Re: 6087 Cavalleri Road

Dear Ms. Peterson:

Thank you for your letter of June 22, 1994, describing the steps PNC Mortgage will take to rectify the encroachment of 6087 Cavalleri Road, Malibu, on National Park Service land.

Completion of all the steps outlined, including the escrow provisions regarding the buyer's notification and restoration funding, will result in a satisfactory resolution of this matter, with no need for subsequent legal action on the part of the National Park Service. We are forwarding copies of your correspondence to the Office of the U.S. Solicitor in San Francisco.

We appreciate your prompt attention to this matter and the cooperation you have extended to us as we worked toward a resolution that returns national parkland to the public and restores the natural environment. We will monitor the progress of the restoration plan being implemented by your contractor, the Topanga-Las Virgenes Resource Conservation District. To facilitate our monitoring, please submit any proposed changes to the restoration plan timeline to us in writing. If you should have any questions, please contact Tedra Fox at (818) 597-1036, ext. 220.

Sincerely,

**David E. Gackenbach**

David E. Gackenbach  
Superintendent

TFOX:tf:8-11-94

From To

I hereby affirm that I have a certificate of consent to self insure, or a certificate of Workers' Compensation Insurance, or a certified copy thereof (Sec. 3800, Lab.-C.)

76A20B  
CEB76 (3/84)

# APPLICATION FOR COMBINATION SWIMMING POOL PERMIT

COUNTY OF LOS ANGELES

BUILDING AND SAFETY

Policy No. \_\_\_\_\_ Company \_\_\_\_\_  
 Certified copy is hereby furnished.  
 Certified copy is filed with the county building inspection department.

Date \_\_\_\_\_ Applicant \_\_\_\_\_

### CERTIFICATE OF EXEMPTION FROM WORKERS' COMPENSATION INSURANCE

(This section need not be completed if the permit is for one hundred dollars (\$100) or less.)

I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner as to become subject to the Workers' Compensation Laws.

Date \_\_\_\_\_ Applicant \_\_\_\_\_

NOTICE TO APPLICANT: If, after making this Certificate of exemption, you should become subject to the Workers' compensation provisions of the Labor Code, you must forthwith comply with such provisions or this permit shall be deemed revoked.

### LICENSED CONTRACTORS DECLARATION

I hereby affirm that I am licensed under provisions of Chapter 9 commencing with Section 7000) of Division 3 of the Business and Professions Code, and my license is in full force and effect.

License Number \_\_\_\_\_ Lic. Class \_\_\_\_\_

Contractor \_\_\_\_\_ Date \_\_\_\_\_

I am exempt under Sec. \_\_\_\_\_

B.&P.C. for this reason \_\_\_\_\_

Date: \_\_\_\_\_

Signature \_\_\_\_\_

### SINGLE FAMILY HOME OWNER-BUILDER DECLARATION

I hereby affirm that I am exempt from the Contractor's License Law for the following reason (Section 7031.5, Business and Professions Code):

I, as owner of the property, will do the plumbing and electrical work. I, or my employees with wages as their sole compensation, or a licensed contractor will do all other work and the structure is not intended or offered for sale (Section 7044 B&P Code).

### CONSTRUCTION LENDING AGENCY

I hereby affirm that there is a construction lending agency for the performance of the work for which this permit is issued (Sec. 3097, Civ. C.).

Lender's Name NONE

Lender's Address \_\_\_\_\_

I certify that I have read this application and state that the above information is correct. I agree to comply with all County ordinances and State laws relating to building, electrical, mechanical and plumbing construction, and hereby authorize representatives of this County to enter upon the above-mentioned property for inspection purposes.

Signature of Applicant or Agent Tom Skala Date 1/30/90

FOR APPLICANT TO FILL IN			BUILDING ADDRESS <u>6087 Cavalleri Rd</u>		
BUILDING ADDRESS <u>6087 CAVALLERI</u>			LOCALITY <u>Malibu</u>		
CITY <u>Malibu</u> ZIP <u>90265</u>			NEAREST CROSS ST. <u>Kanari</u>		
TRACT	SIZE OF LOT	LOT NO.	ASSESSOR MAP BOOK	PAGE	PARCEL
OWNER <u>TOM SKALA</u>	TEL. NO. <u>457-5300</u>	USE ZONE <u>RA1</u>	MAP NO. <u>123-41</u>		
ADDRESS <u>6087 CAVALLERI</u>			SPECIAL CONDITIONS		
CITY <u>Malibu</u>	ZIP <u>90265</u>	DISTRICT <u>9.2</u>	STATISTICAL CLASS CLASS NO. <u>31</u>	TYPE CONST. <u>Swim Pool</u>	PROCESSED BY <u>SA</u>
ARCHITECT OR ENGINEER <u>H. GOODMAN</u>	TEL. NO.				
ADDRESS <u>14401 SYLVAN ST. MALIBU</u>			VALUATION		
CONTRACTOR	TEL. NO.	\$ <u>42,000</u>			
ADDRESS	LIC. NO.	\$ <u>50,000</u>			
CITY	LIC. CLASS				
DESCRIPTION OF WORK			FINAL DATE <u>10-17-90</u>		
SWIMMING POOL <input checked="" type="checkbox"/>			FINAL BY <u>Alst [Signature]</u>		
SPA <input type="checkbox"/>					
SQ. FT. SIZE <u>1000</u>					
ELECTRICAL					
Steel & Conduit Bonding <input checked="" type="checkbox"/>					
Conduits, Conductors, Equipment <input checked="" type="checkbox"/>					
PLUMBING					
P-Trap <input checked="" type="checkbox"/>					
Gas System <input checked="" type="checkbox"/>					
Anti-Syphon <input type="checkbox"/>					
MECHANICAL					
Swimming Pool Heater <input checked="" type="checkbox"/>					
APPLICANT (PRINT) <u>THOMAS SKALA</u>			TEL. NO. <u>4575300</u>		
ADDRESS <u>6087 CAVALLERI RD</u>					
P.C. Fee \$ <u>6793</u>			Permit Fee <u>752.00</u>		
Investigation Fee <u>219.25</u>			Issuance Fee <u>13.00</u>		
			Total Fee <u>765.00</u>		

### VALIDATION

#2536A

#.....21

1...67.93

...6793E

0130-90

#4969A

#.....21

1...151.32

...151.32E

0509-90

#497.0A

#.....3

1...765.00

...765.00E

0509-90

SEE REVERSE FOR EXPLANATORY LANGUAGE

Exhibit 10: Permit for Pool 4-94-170

**WORKERS' COMPENSATION DECLARATION**

I hereby affirm that I have a certificate of consent to self insure, or a certificate of Workers' Compensation Insurance, or a certified copy thereof (Sec. 3800, Lab. C.)

Policy No. \_\_\_\_\_ Company \_\_\_\_\_

- Certified copy is hereby furnished.
- Certified copy is filed with the county building inspection department.

Date \_\_\_\_\_ Applicant \_\_\_\_\_

**CERTIFICATE OF EXEMPTION FROM WORKERS' COMPENSATION INSURANCE**

(This section need not be completed if the work involved by the permit is for one hundred dollars (\$100) or less.)

I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner as to become subject to the Workers' Compensation Laws.

Applicant \_\_\_\_\_

**NOTICE TO APPLICANT:** If, after making this Certificate of Exemption, you should become subject to the Workers' Compensation provisions of the Labor Code, you must forthwith comply with such provisions or this permit shall be void and revoked.

**LICENSED CONTRACTORS DECLARATION**

I hereby affirm that I am licensed under provisions of Chapter 1111 (commencing with Section 7000) of Division 3 of the Business and Professions Code, and my license is in full force and effect.

License Number \_\_\_\_\_ Lic. Class \_\_\_\_\_

Inspector \_\_\_\_\_ Date \_\_\_\_\_

I am exempt from the licensing requirements as I am a licensed architect or a registered professional engineer acting in my professional capacity (Section 7051, Business and Professions Code).

Reg. No. \_\_\_\_\_ Date \_\_\_\_\_

**HOME OWNER-BUILDER DECLARATION**

I hereby affirm that I am exempt from the Contractor's License Law for the following reason (Section 7031.5, Business and Professions Code):

As owner of the property, or my employees with wages as their sole compensation, will do the work and the structure is not intended or offered for sale (Section 7044, Business and Professions Code).

- I, as owner of the property, am exclusively contracting with licensed contractors to construct the project (Section 7044, Business and Professions Code).

**CONSTRUCTION LENDING AGENCY**

I hereby affirm that there is a construction lending agency for the performance of the work for which this permit is issued (Sec. 3097, Civ. C.).

Lender's Name \_\_\_\_\_

Lender's Address \_\_\_\_\_

I certify that I have read this application and state that the above information is correct. I agree to comply with all County ordinances and laws relating to building construction, and hereby authorize representatives of this County to enter upon the above mentioned property for inspection purposes.

Signature of Permittee \_\_\_\_\_ Date \_\_\_\_\_

76A641T  
CE 807 (REV. 2-80)

**APPLICATION FOR GRADING PERMIT**

COUNTY OF LOS ANGELES

BUILDING AND SAFETY

1

<b>FOR APPLICANT TO FILL IN</b>		SITE ADDRESS <u>6087 Cavallero Rd</u>	
SITE ADDRESS <u>6087 Cavallero Rd</u>		LOCALITY <u>Malibu</u>	
LOT NUMBERS _____ BLOCK _____		NEAREST CROSS STREET <u>Kumar</u>	
TRACT NUMBER _____		DISTRICT NO. <u>9.2</u>	MAP NO. <u>127-04</u>
OWNER <u>James Paul Fox</u>		STATE HWY. YES <input type="checkbox"/> NO <input type="checkbox"/>	PROCESSED BY <u>Sawath</u>
MAIL ADDRESS <u>6087 Cavallero Rd</u>		CUBIC YDS. HANDLED: <u>275</u>	
CITY <u>MALIBU</u> TEL. NO. <u>457-1136</u>		USE ZONE <u>A-1</u>	SPECIAL CONDITIONS _____
ENGINEER _____ STATE REG. NO. _____		MAIL ADDRESS _____	
MAIL ADDRESS _____		CITY _____ TEL. NO. _____	
GRADING CONTRACTOR _____ TEL. NO. _____		FINAL DATE <u>9/14/84</u>	BY <u>Sawath</u>
ADDRESS _____		VALIDATION	
<b>PROPOSED USE OF GRADED SITE(S)</b>		# 981.3A	
<u>Existing House</u>		# 00004	
<u>Remedial Repair of</u>		1011050	
<u>Slopes &amp; Drainage</u>		0011050E	
CHECK IF SUPERVISED GRADING <input type="checkbox"/>		0114-83	
SIGNATURE OF APPLICANT <u>[Signature]</u>			
ADDRESS <u>6087 Cavallero Rd</u> TEL. NO. <u>457-1136</u>			
SURETY \$ BOND _____	BOND NO. _____		
SURETY COMPANY _____			
DATE FILED _____	REC'D BY _____		
CASH DEPOSIT \$ _____	REC'D BY _____	DATE FILED _____	
<b>THIS IS A LIMITED TIME PERMIT</b>			
ALL WORK AUTHORIZED MUST BE COMPLETED BY _____			
<b>TIME LIMIT:</b>			
EXTENDED TO: _____		BY: _____	
EXTENDED TO: _____		BY: _____	
P.C. Fee \$ _____	Permit Fee <u>100.-</u>		
	Issuance Fee <u>10.50</u>		
	Total Fee <u>110.50</u>		

INSPECTOR COPY

4-94-170 Exhibit 11: Grading Permit

RECEIVED  
OCT 7 1984  
CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

SEE REVERSE FOR EXPLANATORY LANGUAGE

4-94-170

CALIFORNIA COASTAL COMMISSION  
SOUTH COAST REGIONAL COMMISSION  
666 E. OCEAN BOULEVARD, SUITE 3107  
P.O. BOX 1450  
LONG BEACH, CALIFORNIA 90801  
(213) 590-5071 (714) 846-0648



COASTAL DEVELOPMENT PERMIT

FILE COPY

Application Number: P-10-3-77-2006

Name of Applicant: Bill Moretti

P. O. Box 4043, Malibu, CA 90265

Permit Type:  Emergency  
 Standard  
 Administrative

Development Location: 6087 Cavalleri Road, Malibu, CA

Development Description: Construct a two-story, single-family dwelling with attached three-car garage, two feet above centerline of frontage road, with conditions.

I. The proposed development is subject to the following conditions imposed pursuant to the California Coastal Act of 1976:

See attached Page 3 for conditions.

Condition/s Met On 1/26/78 By ac eb fa ac

Exhibit 12: CDP 77-2006 for residence

4-94-170

The South Coast Commission finds that:

A. The proposed development, or as conditioned;

1. The developments are in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976 and will not prejudice the ability of the local government to prepare a local coastal program that is in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976.
2. If located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone, the development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act of 1976.
3. There are no feasible alternatives, or feasible mitigation measures, as provided in the California Environmental Quality Act, available for imposition by this Commission under the power granted to it which would substantially lessen any significant adverse impact that the development, as finally proposed may have on the environment.

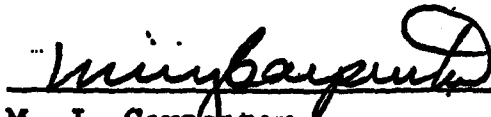
III. Whereas, at a public hearing, held on November 7, 1977 at Torrance by a unanimous ~~xs~~                      vote permit application number P-10-3-77-2006 is approved.

IV. This permit may not be assigned to another person except as provided in Section 13170, Coastal Commission Rules and Regulations.

V. This permit shall not become effective until a COPY of this permit has been returned to the Regional Commission, upon which copy all permittees or agent(s) authorized in the permit application have acknowledged that they have received a copy of the permit and have accepted its contents.

VI. Work authorized by this permit must commence within two years from the date of the Regional Commission vote upon the application. Any extension of time of said commencement date must be applied for prior to expiration of the permit.

VII. Issued on behalf of the South Coast Regional Commission on January 27, 197 8.



M. J. Carpenter  
Executive Director

I, \_\_\_\_\_, permittee/agent, hereby acknowledge receipt of Permit Number P-10-3-77-2006 and have accepted its contents.

\_\_\_\_\_  
(date)

\_\_\_\_\_  
(signature)

Conditions for P-77/2006

Prior to issuance of permit, applicant shall submit:

1. revised plans indicating the use of pervious material on the access road;
2. a deed restriction for recording which limits the use of the structures to a single-family dwelling; and
3. plans for a drainage system, that shall be constructed and maintained to dispose roof and surface runoff into gravel filled wells or other retention methods that maintain a rate of discharge at the level that existed prior to development, precluding the use of overland storm channels.

\* \* \*

