

CALIFORNIA COASTAL COMMISSION

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

Filed: 2-20-96
49th Day: 4-9-96
180th Day: 8-18-96
Staff: SPF-VNT
Staff Report: 7-23-96
Hearing Date: August 13-16, 1996
Commission Action:



RECORD PACKET COPY

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-96-002

APPLICANT: PNC Mortgage

AGENT: Sherman Stacey

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

PROJECT DESCRIPTION: Construction of a tennis court, pool, decking, landscaping, fencing, and horse corrals on a lot with an existing single family residence; the removal and restoration of a portion of the development on adjacent National Park Service property; restoration of the access road and riding ring on subject property and removal of non-native vegetation and replacement with native vegetation on fill slopes below swimming pool and tennis court. A total of 6,716 cubic yards of grading is required (3,363 cu. yds. cut, 3,353 cu. yds. fill); this grading includes the restorative grading.

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); an Engineering Geologic Reconnaissance Report by Mountain Geology dated June 5, 1995 prepared for Steve Powers; and an Engineering Geologic Reconnaissance Report by Solus Engineering dated January 20, 1996 prepared for PNC Mortgage; an engineering geologic update and plan approval by Mountain Geology dated July 15, 1996; and a Restoration Plan prepared by Geo Safety, Inc. and dated July 8, 1996..

SUMMARY OF STAFF RECOMMENDATION:

This is an after-the-fact permit application for improvements to a lot developed with an existing residence. The tennis court, swimming pool, decking, horse corrals, access road, riding ring and landscaping have been

constructed; none of the proposed restorative work has occurred. The restoration of the areas noted above will enhance the area and have positive environmental impacts by restoring a habitat area. The restorative landscaping will mitigate any adverse resource impact resulting from the proposed development. Staff recommends that the Commission approve the project with special conditions requiring the removal of non-native vegetation and the planting of native vegetation on the developed slopes, revised restoration plans for the NPS property, a monitoring program, an assumption of risk deed restriction, condition compliance and timing of completion of work.

STAFF RECOMMENDATION

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions

The Commission hereby grants a permit for the proposed development subject to the conditions below, on the grounds that, as conditioned the development 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.

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 and Planting Plan

Prior to the issuance of the permit the applicant shall submit, for the review and approval of the Executive Director, two sets of a revised planting plan for the NPS property which includes the fill slopes below the tennis court and swimming pool. The plan shall specify the following:

a) 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.

b) 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.

c) A landscaping plan for the slopes adjacent to the tennis court and pool. These plans shall detail the existing vegetation, shall show the removal of all non-native exotic species, and shall show the planting of native vegetation, endemic to the area, in the patches where non-native vegetation has been removed.

2. Monitoring Program

Prior to the issuance of a coastal development permit the applicant shall submit, for the review and approval of the Executive Director, an outline for a five year (5) Monitoring Program which monitors site restoration efforts to ensure that revegetation efforts at the project site are successful. Successful site restoration shall be determined if the revegetation of the site is adequate to provide 90% coverage by the end of the five year monitoring period and is able to survive without additional outside inputs, such as supplemental irrigation. The applicant shall submit, for the review and approval of the Executive Director, written annual reports, beginning after the first year following implementation of the restoration program, indicating the success or failure of the restoration program and include recommendations for mid-program corrections, if necessary. At the end of a five year period, a final detailed report shall be submitted for review and approval of the Executive Director. If this report indicates that the restoration project has in part, or in whole, been unsuccessful, based on the above referenced performance standards, the applicant shall be required to submit a revised or 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 this Coastal Development Permit.

3. Assumption of Risk Deed Restriction

Prior to issuance of the Coastal Development Permit, the applicant as landowner shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall provide: (a) that the applicant understands that the site may be subject to extraordinary hazard from landsliding and from erosion and the applicant assumes the liability from such hazards; and (b) that the applicant unconditionally waives any claim of liability on the part of the Commission and agrees to indemnify and hold harmless the Commission and its advisors relative to the Commission's approval of the project for any damage due to natural hazards. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens which the Executive Director determines may affect the interest being conveyed, and free of any other encumbrances which may affect said interest.

4. Condition Compliance

The requirements specified in the foregoing conditions that the applicant is required to satisfy as a prerequisite to the issuance of this permit must be fulfilled within 90 days of Commission action. Failure to comply will terminate this permit approval; however, the Executive Director may grant additional time for good cause.

5. Implementation and Completion of the Restoration Plan

The applicant agrees to implement and complete the restoration plans for the NPS property, the riding ring, the access road and the landscaped slopes, within 120 days of the issuance of this permit. The applicant may request a one-time sixty day extension for the commencement of the planting plan to allow for the planting at the beginning of the 1996/1997 rainy season. In any event, whether or not an extension is granted, all work must be completed no later than November 1, 1996.

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, and the removal and restoration of a riding ring, access road and also development encroachments on adjacent National Park Service property. The applicant is also proposing to remove non-native vegetation on the landscaped slopes and replant the slopes with native vegetation. 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 restoration of the riding ring and access road will be approximately 1,000 cubic yards. No grading was done for the horse corrals, and no grading is proposed or necessary 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.

The restoration of the riding ring and access road, and the landscaping of the hillside with native vegetation has been proposed by the applicant. Previously, the applicant was applying to retain the riding ring and the access road which required a total of 1,000 cubic yards of grading and resulted in the filling of a drainage course and the introduction of exotic invasive plant species. In response to staff's concerns regarding adverse environmental impacts associated with this portion of the development, the applicant agreed to restore the riding ring and access road. The applicant also agreed to remove the invasive vegetation on the slopes below the tennis court and replant the area with native vegetation.

The site is located on the crest of a westerly trending secondary ridge. There are drainage courses on both the north and south side of this ridge; the southern drainage course is on the applicant's property. Relief across the property is 70 feet. Grading on the site has transformed the sloping ridge into three terraces. The upper terrace contains the residence and the horse corrals; the middle terrace the tennis court; and the lower terrace the swimming pool. The manufactured slope between the residence and the tennis court is approximately fourteen feet high; at the bottom of this slope there are small, 18 inch high retaining walls. The slope between the tennis court and the pool is three feet and there are no retaining walls. The riding ring is not located on these terraces but rather in the canyon south of the slope. There are no retaining walls for the access road or the riding ring.

The resources of the immediate area include the National Park Service Land to the immediate north of the property, the drainage course on site and the Zuma Creek Watershed to the west of the property. On site there is a drainage course which continues offsite downstream and is heavily vegetated with native vegetation. The site, including the drainage course on the southern side of the lot, drains into Zuma Creek. Moreover, the southern 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 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.

The applicant originally applied for these developments under coastal development permit 4-94-170. That application was originally scheduled for the June 1995 hearing, but was postponed at the applicant's request. Rescheduling of this application for a future Commission hearing was deferred 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. This request was made to allow for a thorough analysis of the project against the Chapter Three policies of the Coastal Act. 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. In December of 1995, the applicant retained another consultant, Sherman Stacey; he submitted a letter refuting some of the findings drafted by staff. Subsequent to that letter, the application was withdrawn.

A new application for the same development was submitted with additional information at staff's request. This additional information included a biological assessment of the site and a geologic reconnaissance report. The material submitted for the original application, such as the plans, reports and additional information, are incorporated herein by reference to this application. On April 9, 1996, after a meeting between staff and the applicant's representative, the applicant's representative submitted a letter stating that the project description should be revised to include restoration of the access road and riding ring. A letter dated April 10, 1996 from staff to the applicant's representative also stated that, according to the meeting of April 1, 1996, revegetation of the fill slopes would also be included in the revised project description. A subsequent telephone conversation between the applicant's representative and staff confirmed that the removal of non-native invasive plant species and the revegetation of those areas with native plants would also be part of the project description.

Subsequent to the revised project description, the hearing for this item was postponed to allow adequate time for the applicant to submit a restoration plan and geology report addressing the restoration of the access road and riding ring. These items were submitted on July 8, 1996 and July 16, 1996, respectively.

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 30106 of the Coastal Act. Section 30600(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 permit.

Section 30610(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. The amount of grading associated with the improvements of the property resulted in significant landform alteration and is considered development under 30106 of the Coastal Act. Thus, the grading that occurred requires a permit. Finally, tennis courts, recreation courts, horse barns, horse corrals and other horse facilities are also not "structures" normally associated with a single family residence, involve significant landform alteration, and require a coastal development permit prior to the commencement of development.

The applicant's agent previously stated that he believes the developments which occurred on site were exempt under 30610(a) of the Coastal Act. The agent claimed that the riding ring, access road, tennis court and fencing are structures normally associated with a single family residence. The agent is correct that fencing and swimming pools are structures normally associated with a single family residence, as stated in Section 13250 of the Administrative Code of Regulations pursuant to Section 30610(a); however although tennis courts, riding rings and access roads may be common in the Los Angeles area and the Santa Monica Mountains, they are developments which involve significant landform alteration and are not structures normally associated with single family residences. As such they are not exempt under 30610(a). Moreover, restoration involves grading and revegetation; these activities are not exempt under 30610(a) of the Coastal Act. Finally, the fence is not exempt as it is located on National Park Service property and not on a parcel with a single family residence, and the swimming pool is not exempt because it is located on a graded fill area.

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, and the horse corral, and the proposed restoration of the riding

ring, the access road and NPS property require a coastal development permit.

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

This project involves the restoration of a riding ring, an access road and a portion of NPS property, as well as grading for the tennis court and swimming pool. 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 portion of the tennis court 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, as noted in special condition 1. 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 120 days of the issuance of the permit and shall monitor the site for a period of three years following the initial restoration

Next, the applicant is proposing to restore the drainage area on site by removing the unpermitted riding ring and access road which required a total of 1,000 cubic yards of grading. The applicant has submitted both a detailed restoration report prepared by Geo Safety and detailed plans which outline the

removal of the fill in the drainage area, the restoration of the topography for both the access road and riding ring, and the replanting of the area with native vegetation (See Exhibits 10 and 11).

The original filling of the riding ring and the cutting of the access road resulted in uncompacted slopes which were subject to creep and surficial failure. 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 adjacent coastal streams and waters. 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 EHSA. The increased flow of sediments into the drainage can be expected to also occur in the stream. The increased sediments in the water course can adversely impact riparian streams and water quality. These impacts can include:

1. Eroded soil contains nitrogen, phosphorus, and other nutrients. When carried into water bodies, these nutrients trigger algal blooms that reduce water clarity and deplete oxygen which lead to fish kills, and create odors.
2. Erosion of streambanks and adjacent areas destroys streamside vegetation that provides aquatic and wildlife habitats.
3. Excessive deposition of sediments in streams blankets the bottom fauna, "paves" stream bottoms, and destroys fish spawning areas.
4. Turbidity from sediment reduces in-stream photosynthesis, which leads to reduced food supply and habitat.
5. Suspended sediment abrades and coats aquatic organisms.
6. Erosion removes the smaller and less dense constituents of topsoil. These constituents, clay and fine silt particles and organic material, hold nutrients that plants require. The remaining subsoil is often hard, rocky, infertile, and droughty. Thus, reestablishment of vegetation is difficult and the eroded soil produces less growth.

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. The proposed restoration will reverse the impacts noted above and restore the area to its native habitat. The resulting restoration, when successful, will result in an enhancement of the area, consistent with the mandates of 30240 of the Coastal Act. To ensure that the restoration is successful, the Commission finds it necessary to require the applicant to provide a monitoring program, as noted in special condition 3, for a period of three years. As with the restoration of the NPS property, special conditions 4 and 5 are required to ensure timely action of the restoration.

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 are 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.

The remainder of the proposed development calls for approximately 5,716 cubic yards of grading for the tennis court and pool (2,613 cu. yds. cut, and 3,103 cu. yds. fill). In previous staff reports for this project, staff noted that grading for the site was excessive and that the project resulted in adverse impacts to the nearby ESHAs. The applicant has reduced these impacts by agreeing to restore the riding ring and access road and revegetate the fill slopes with native vegetation.

The restorative grading, reduces the amount of grading on site and increases the areas left for habitat and view protection on site. The Commission notes that although adjacent to NPS property and upstream from an ESHA area, the developed site is still in a developed part of lower Santa Monica Mountains. Tennis courts and swimming pools have been approved in this area when grading was minimized, drainage was controlled, and landscaping occurred to retard erosion and minimize any adverse environmental, geologic or visual impacts. In this case, the Commission finds that the applicant has revised the proposed project by agreeing to restore the riding ring and access road, and revegetate disturbed areas.

The revegetation of the fill slopes was noted by the applicant's consulting biologist as aiding in the restoration of the site. The applicant has agreed to revegetate the slopes with native vegetation, removing the non-native vegetation, as noted in the report, but has not yet submitted plans for this development. Therefore, the Commission finds it necessary to require the applicant to submit two sets of a revegetation plan consistent with the recommendations of the consulting biologist, as outlined in special condition 3. The portion of the consulting biologist's report regarding revegetation is contained in Exhibit 12.

Currently, almost 60% of the slopes are covered with non-native, exotic vegetation. For example, there is an abundance of Castor Bean, and mustard plant. These invasive plants will outcompete the natives for soil coverage and sunlight, thus changing the ecological makeup of the area. The removal of these invasive species as proposed by the applicant, will enhance the area and mitigate the disturbance which occurred with the construction of the tennis court and swimming pool.

Finally, pursuant to Section 30251 of the Coastal Act, visual qualities of the area are required to be protected. The applicant has reduced the visual impacts of the area by agreeing to restore the riding ring, access road, and NPS property, and revegetate the area with native vegetation. Visual impacts of the tennis court and swimming pool are reduced through landscaping the fill slopes and restoring the adjacent National Park Service property. This activity increases the areas left for view protection by reducing the size of the disturbed area. Finally, the tennis court and swimming pool are clustered adjacent to the single family residence; as such, they do not significantly increase the visual impacts from the subject site.

The Commission finds that the project, as conditioned to ensure revegetation and restoration of the area excluding the tennis court, swimming pool and horse corrals, is consistent with Sections 30231, 30240, 30250 and 30251 of the Coastal Act and as such will not create adverse impacts on coastal resources.

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.

Staff notes that no geologic reports appeared to have been done prior to the grading for the ancillary structures. However, both the applicant and the previous lessee have provided staff with geologic reconnaissance reports of the site. The applicant has submitted a geologic reconnaissance report dated January 20, 1996 by Solus Geotechnical Corporation; the previous lessee of the property submitted a geologic report dated June 5, 1995 and prepared by Mountain Geology, Inc. on behalf of himself. In addition, the applicant has submitted a geologic report which addresses the restoration of the access road and riding ring. This report is by Mountain Geology and dated July 15, 1996.

In the report dated July 15, 1996, the consulting geologist notes that the restoration project is free from geologic hazard and will have no adverse impacts either on or off site with regards to stability. Thus this portion of the project is consistent with Section 30253 of the Coastal Act.

In the report regarding the fill slope for the tennis court and the swimming pool, the consulting geologist concluded that although the fill was apparently placed on site without the supervision of a soils engineer and thus is considered potentially unstable, there is no evidence that the structures suffer from adverse settlement or creep. As such, the consultant finds that the fill could be considered suitable for non-habitable structures such as a tennis court or swimming pool. However, as the site can not be found completely free from hazard, the Commission finds it necessary to require the applicant to record an assumption of risk deed restriction. The Commission finds that due to the unforeseen possibility of erosion, slippage or surficial failure, the applicant shall assume these risks as a condition of approval. Because this risk of harm cannot be completely eliminated, the Commission must require the applicant to waive any claim of liability on the part of the Commission for damage to life or property which may occur as a result of the permitted development. The applicant's assumption of risk, when executed and recorded on the property deed, will show that the applicant is aware of and appreciates the nature of hazards which exist on the site, and which may adversely affect the stability or safety of the proposed development. The Commission finds that the project, as conditioned, is 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.

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. The preceding sections provide findings that the proposed project will be in conformity with the provisions of Chapter 3 if certain conditions are incorporated into the project and accepted by the applicant. As conditioned, the proposed

development will not create adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the City of Malibu's ability to prepare a Local Coastal Program for this area of Malibu that is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

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.

The negative impacts associated with this development, namely the development on NPS property and the disturbance of the drainage course have been eliminated by restoring these areas. Thus, there are no negative impacts caused by the proposed development, as conditioned, which have not been adequately mitigated. Therefore, the proposed project is found consistent with CEQA and the policies of the Coastal Act.

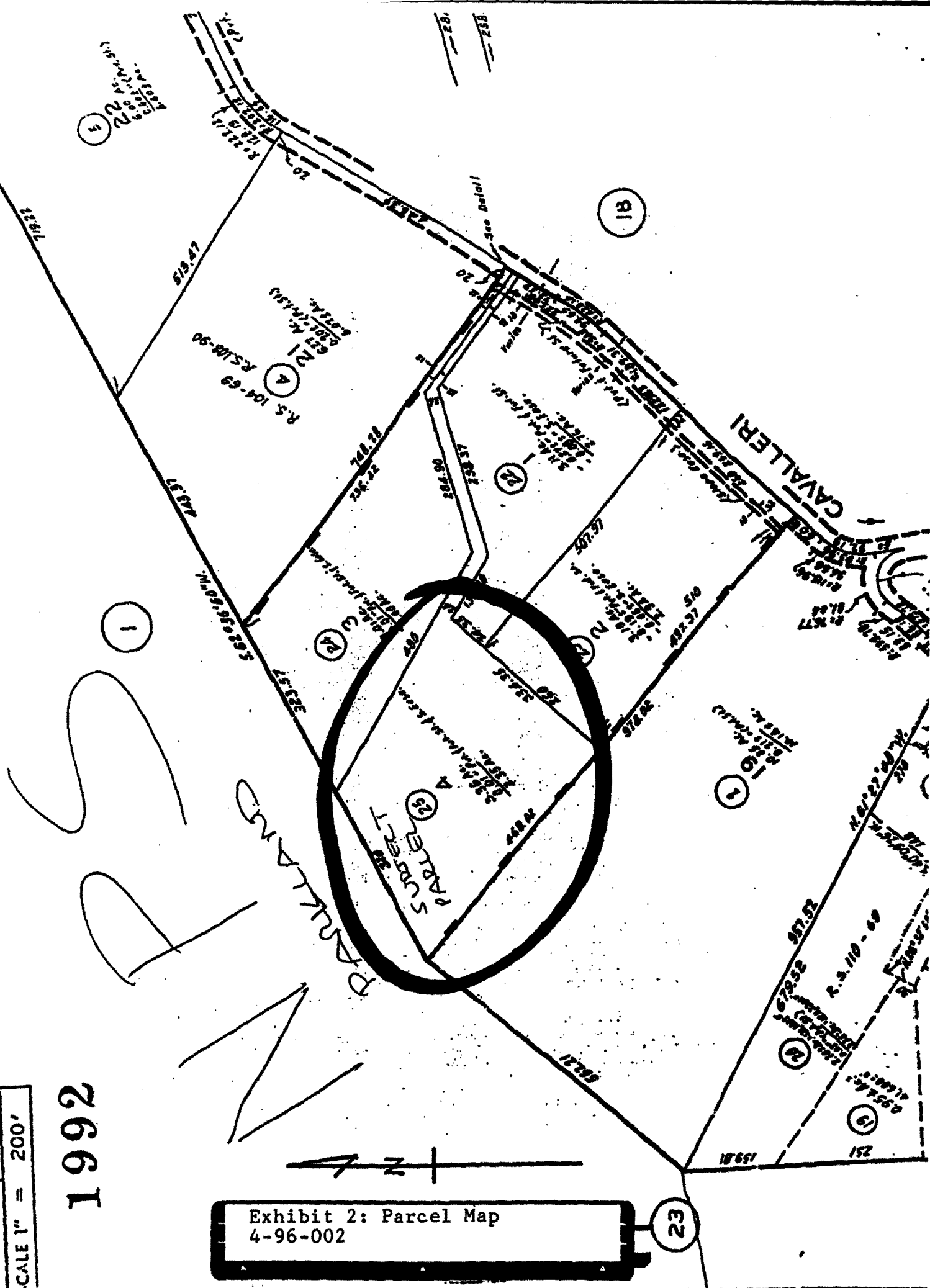
2058M

4467 | 19

SCALE 1" = 200'

1992

Exhibit 2: Parcel Map
4-96-002



RECEIVED

56-28-95

72-10377-1449

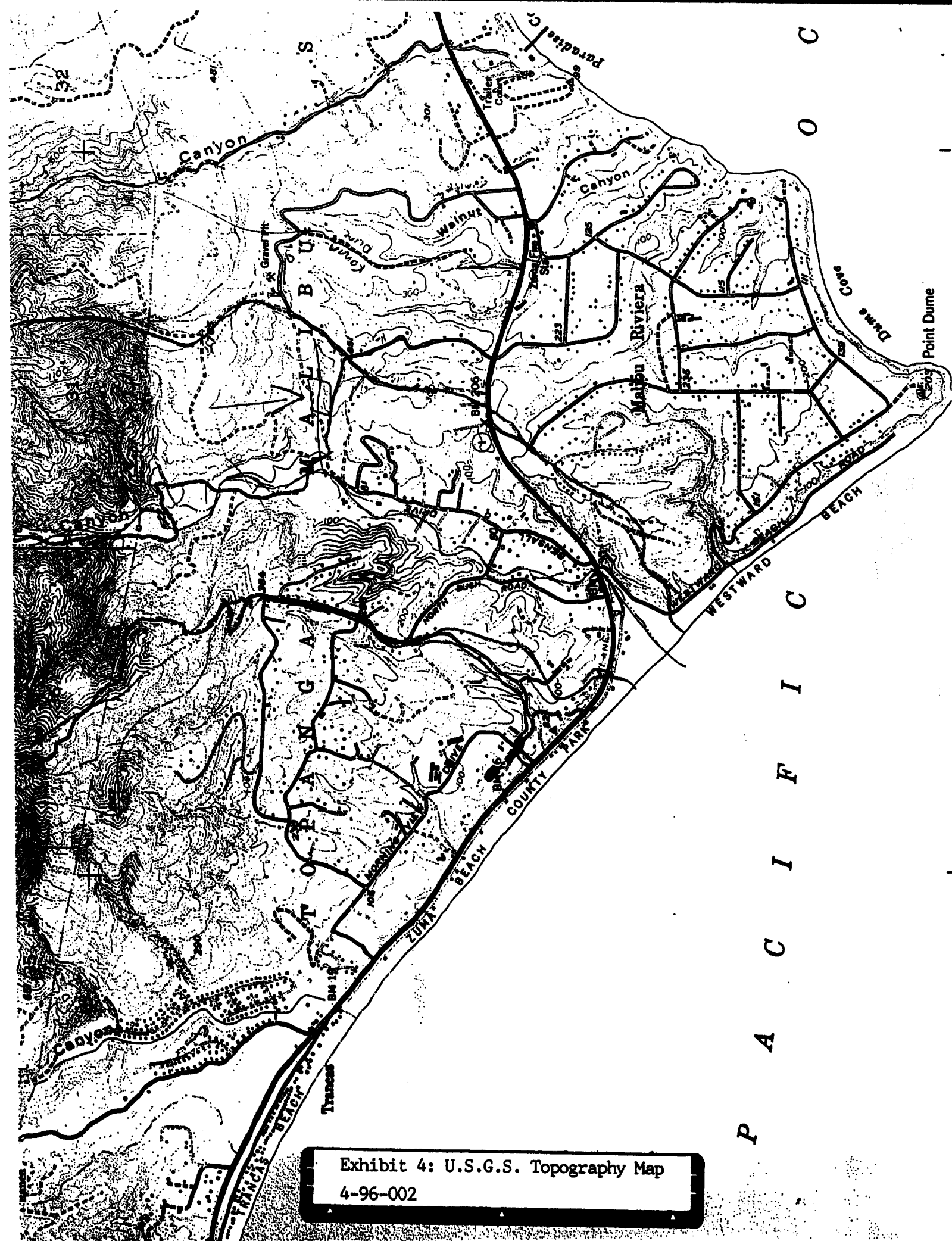


Exhibit 4: U.S.G.S. Topography Map
4-96-002

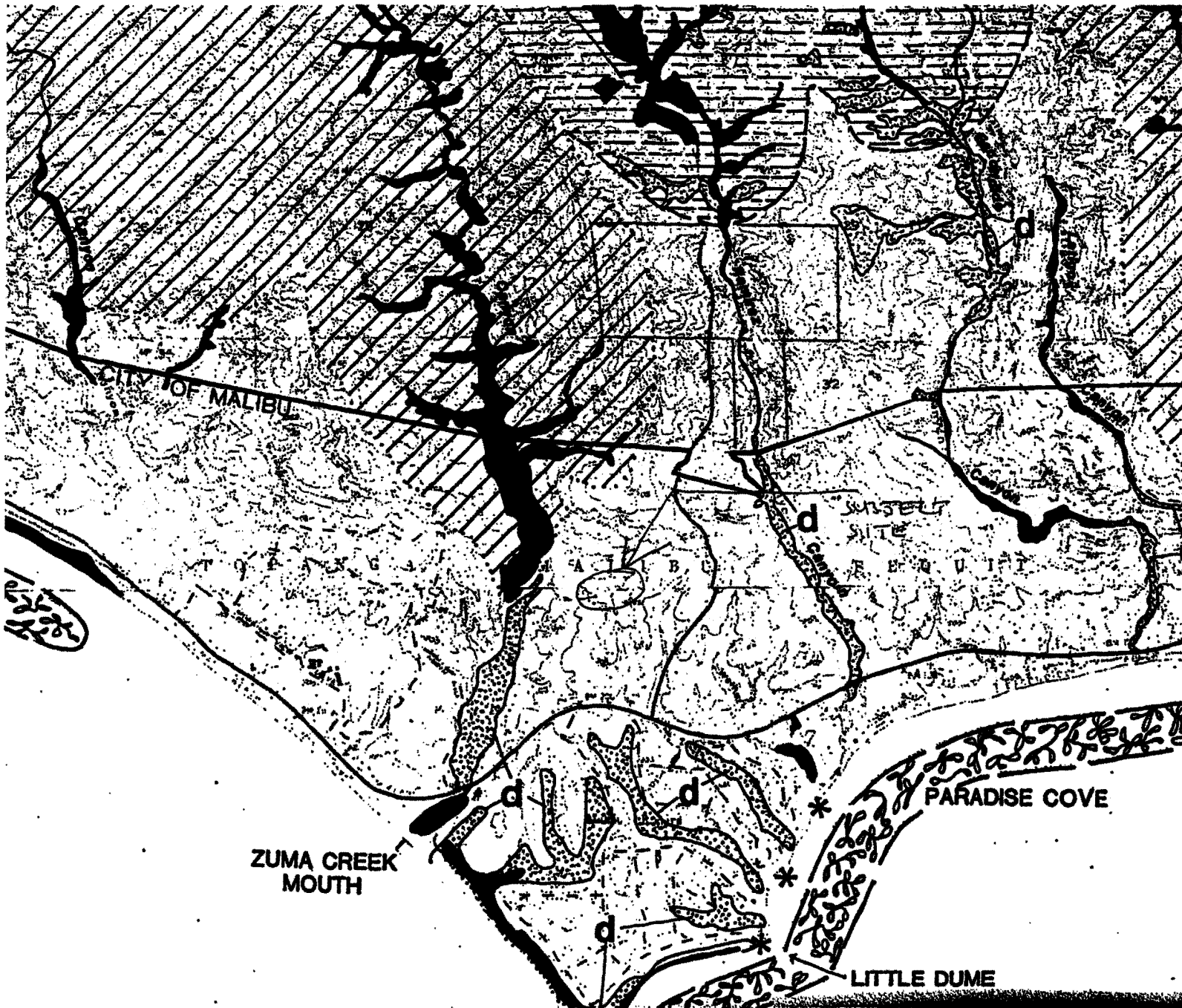


Exhibit 5: Resource Map

4-96-002

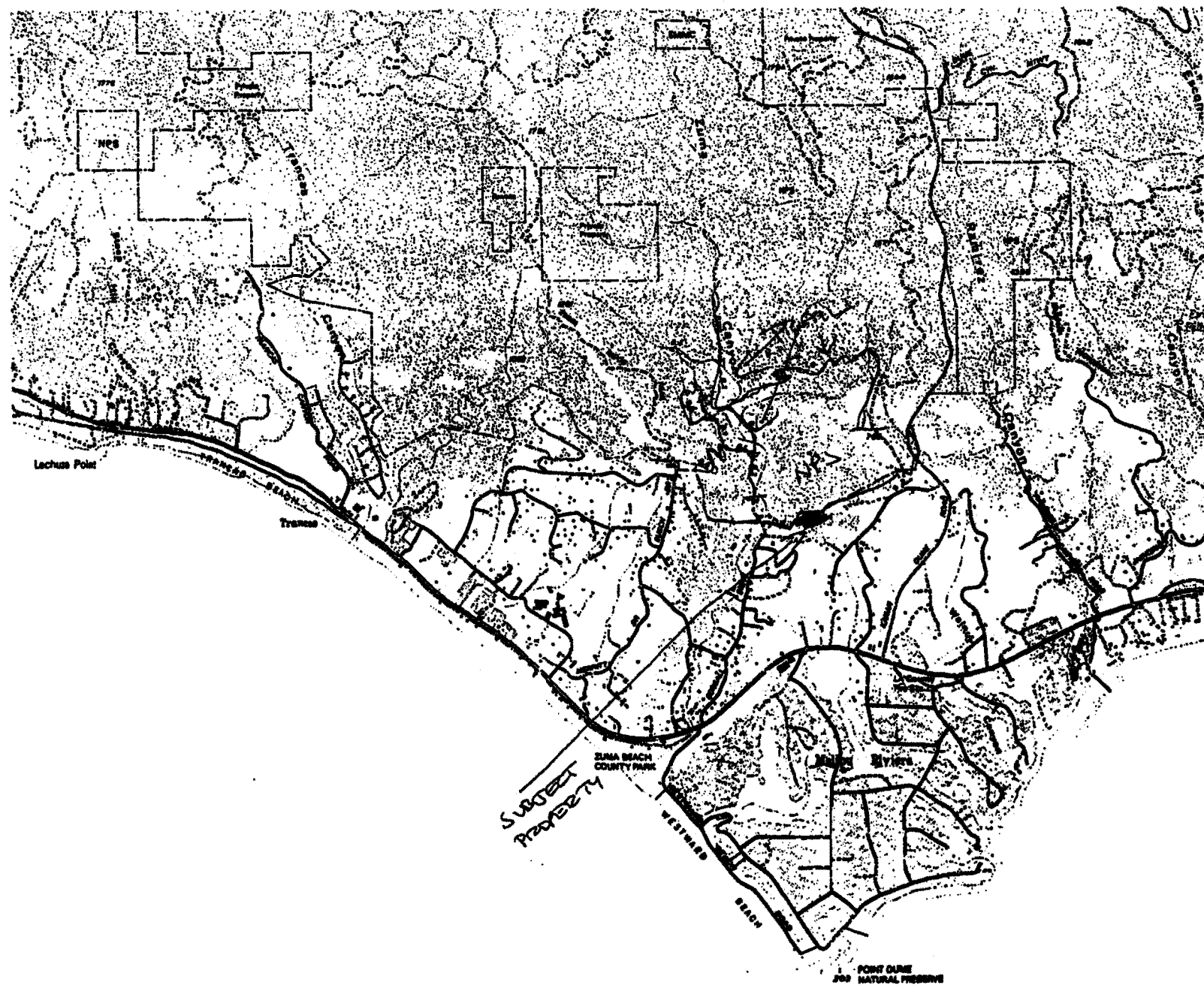


Exhibit 6: Trail Map

4-96-002

୩ ଜଣିତ ୨

4-96-002

A vertical scale bar labeled "FEET" in bold, italicized capital letters. The scale has markings at intervals of 10, labeled 0, 10, 20, 30, and 40. The bar is oriented vertically, with 0 at the bottom and 40 at the top.



**TOPANGA-LAS VIRGENES
RESOURCE CONSERVATION DISTRICT**

122 NORTH TOPANGA CANYON BOULEVARD TOPANGA, CALIFORNIA 90290

Office (310) 455-1030 FAX (310) 455-1172
Education Reservations (310) 455-1449

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
PROPERTY COAST DISTRICT**

ELIZABETH DOUPHNER
Executive Officer / Clerk of the Board

**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

4-96-002

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 ilicifolia</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.

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.

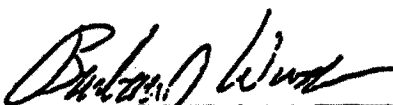
II. OBLIGATIONS OF P.N.C. MORTGAGE

- 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.

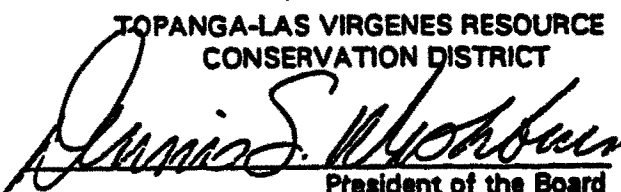
P.N.C. MORTGAGE



Name **BARBARA J. WOODMAN**
ASSISTANT SECRETARY

Date

TOPANGA-LAS VIRGENES RESOURCE
CONSERVATION DISTRICT



President of the Board

6-25-94
Date

Tedra - 17
shall work Jim B &
Pore

June 22, 1994

gry 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.

Exhibit 9: Restoration Agreement

4-96-002

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

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. Gackebach

David E. Gackebach
Superintendent

TFOX:tf:8-11-94'

From
To



GEO SAFETY, INC.

1462 Lachman Lane

Pacific Palisades, California 90272

U.S.A.

(310) 459-9453

Fax (310) 459-6187

RESTORATION PLAN

Elimination of landform alterations on about 0.25 acres created by nonpermitted grading to create a level pad within a drainage course and an access road near the south corner of the lot. The landform restoration involves about 750 cubic yards of grading. Revegetation of restored slopes with native vegetation. Monitoring

Project Site:

6087 Cavalleri Road, Malibu CA 90265
(Parcel 4 of Parcel Map 7387, PM Book 74, Page 82)

prepared at the request of the

**Resource Conservation District
of the Santa Monica Mountains**
in cooperation with its
Research Director/
Conservation Biologist
Sean Manion

for

PNC Mortgage (Coldwell Banker)

RECEIVED

July 8, 1996

JUL - 8 1996

by

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Klaus Radtke, Ph.D.
Wildland Resource Sciences
President Geo Safety, Inc.

Exhibit 10: Restoration of Riding ring
4-96-002 and access road

1. Site Description

Figure 1 shows the location of the property adjacent to the Zuma Creek watershed and within the City of Malibu which is entirely located within the Coastal Zone under the jurisdiction of the Coastal Commission.

Figure 2 is a simplified Site Plan which identifies the project site as Parcel 4 of Parcel Map 7387, PM Book 74, Page 82, which is 3.35 acres large. A private driveway, measuring 12 feet in width for about 230 feet and 24 feet in width for another 425 feet, descends steeply onto the property from Cavalleri Road. As shown in Figure 2 the property is dissected along its southern property by a natural drainage course.

2. Description of Alleged Violation

A vicinity map of the property was prepared by Eduardo Jarquin, P.E., Civil Engineer & Land Surveyor on December 16, 1994 ... "for the expressed purpose of facilitating a permit application with the CA Coastal Commission" ... (4-96-002) and was subsequently updated on March 28, 1995 to show allegedly non-permitted grading activities. This map has been used as the base map for Figure 3, the Site Plan with Topographic Map showing (Nonpermitted) Grading. It indicates that most of the natural drainage course has been filled in to create a level pad (apparently for a riding ring) by removing the toe of the northerly and southerly facing slopes. A sideslope access road with average sideslope cuts of less than three feet also leads from the swimming pool area along the southerly facing slopes to the pad. It has been estimated by various sources that this represents about 750 cubic yards of cuts.

3. Present Site Conditions

The access road leading to the pad has been partially revegetated by resprouting Laurel Sumac (Rhus laurina) and largely by non-native and invasive Castor-Bean (Ricinis communis) and Mustard (Brassica nigra, B. spp.). Grazed remnants of native grasses such as California Melic grass (Melica imperfecta) are evident in the shaded, more protected areas. Some smaller Castor-Bean seedlings had been cut off near soil level but have resprouted. The live, mature Castor-Bean plants average in excess of 6 feet tall and are covered with maturing seed pods which should ripen within a month and release a large crop of new beans.

The dominant cover species on the graded pad is resprouting Giant Wild Rye (Elymus condensatus) that ranges from just under one foot in height to in excess of six feet. Dead mustard stalks cover much of the intervening areas. Castor-Bean is dominant along the south end of the pad that leads into the access road.

As shown in Figure 3, the steep northerly facing slopes (offsite above the pad) are covered by native vegetation characterized by Purple Sage (Salvia leucophylla), California Sagebrush (Artemisia californica), and Deerweed (Lotus scoparius)

punctuated, especially at the base of the slope near the former natural drainage by California Walnut (Juglans californica). This last species is listed as a sensitive species (4 : Taxa of limited distribution, watch list) by the California Native Plant Society (CNPS). Our Lord's Candle/Spanish Dagger (Yucca whipplei) is the dominant species along the eastern side of the southerly facing slope and Laurel Sumac (Malosma (Rhus) laurina) along the western side.

4. Proposed Restoration

Figure 4, the Restoration Plan, indicates that the applicant proposes to restore the site through first removing the seed crops of non-native invasive species where feasible (i.e., Castor-Bean), followed by eliminating the landform alterations, followed by reestablishing native vegetation on the restored bare slopes which should reduce long-term soil erosion to naturally occurring levels coupled and with erosion control measures and plantings that should reduce short-term soil erosion (emergency erosion control).

A. Removal of Invasive, Non-Native Seed Crop (Germplasm)

Invasive Castor-Bean has spread over much of the access road and portions of the pad not occupied by Giant Wild Rye. Mature Castor-Bean plants with green seed pods average in excess of six feet tall. If these seed pods are not removed, restoration may fail as the mechanical restoration efforts would spread the seed pods throughout the site and in effect would create a planted Castor-Bean field.

At least two weeks prior to the start of the mechanical restoration (removal of landform alterations) all Castor-Bean pods shall be hand-collected, bagged, removed from site and legally disposed of in a landfill. Thereafter, each Castor-Bean plant shall be cut off at its base and the base immediately sprayed with Roundup (not diluted). This eradication method gave excellent results on another Restoration project where not only the present seedcrop of Castor-Bean was removed in this way but an over 95% kill of mature Castor-Bean plants was accomplished. Cut stalks shall be (hand)chipped and stockpiled on site for use as mulch after seeding and planting has been completed.

B. Restoration of Landform Alterations

The applicant proposes to eliminate the landform alterations described above by "putting the road back to bed" ("back to sleep") and reestablishing the natural drainage course. This operation is depicted as Appendix 1 and is typically done with a small bulldozer, small backhoe and hand labor. As so sucessfully done on other landform restoration projects in which this author was involved, such operation typically consists of crushing, removing and stockpiling on site any non-sensitive native vegetation in the area to be reconfigured. The backhoe, supported by a small bulldozer, then moves along the road cut and brings back uphill all loose overcast soil, rocks, and boulders within the reach of the backhoe. On jobs like this project in or adjacent to wildland areas the soil (normally dry) is then recompacted within the roadbed. Additional soil is gained by smoothing out the road cut on the uphill and downhill side where feasible. Small drainages (in this case a very minor drainage) encountered are reshaped and realigned to their

natural flow. On cuts in excess of three feet such as in a few areas within the pads, the slope sections are first benched by the equipment operator.

Native vegetation removed at the start of landform restoration grading shall be (hand)chipped and stockpiled on site for use as mulch after seeding and planting has been completed.

C. Removal of Competing Weedy Annual And Biannual Vegetation

After the physical features have been reestablished, a temporary overhead irrigation system (rainbird) shall be installed and the regraded areas shall be watered to 3 to 6 inches depth on three consecutive days to initiate germination of weedy annual species such as brome grasses and mustard. Thereafter, watering shall be done twice a week for the next three weeks. Not less than one month after the watering was started the areas where weedy annual and biannual species have germinated and have started to form a cover shall be sprayed with Roundup.

D. Revegetation of the Restored Slopes

a. Seeding

Within one to two weeks after the Roundup application has been completed, the area shall be seeded with the low-growing native plant species mix as indicated in Table 1 and, since water is available, also planted.

Hand seeding shall consist of establishing contour rows (two man crew: one person establishing contours with mattock or pulaski, the second person hand-seeding the rows and covering the seeds with soil) at three to four foot centers and seeding them alternately with the native seed mix shown in Table 1 and recleaned barley (do not use rolled barley as it will not germinate) for instant soil erosion control as the contours are being established. Both the native seed mix and the barley mix shall consist of a 50%:50% ratio of dry and pregerminated seeds. Contour rows serve the important function of collecting water as subsurface 'water bars', thus slowing down the running surface water and allowing it to infiltrate while at the same time concentrating the water to the areas where seeds are located.

In areas where contour rows are being established, a broadcast slope seeding with the native plant seed mix (mixed with moist sand as a spreader/filler) shall be done before the establishment of the contour rows. The broadcasted seeds are then accidentally worked into the ground when the contour rows are being established and covered with soil. After seeding is completed the area shall be covered with jute-netting.

The quick-germinating and quick-growing annual barley seeded in contours, in conjunction with the jute netting, will greatly reduce soil erosion during the first winter season. As the annual barley dies at the end of the first growing season, its dead stubble will act as effective above-ground water bars for several years to come and will allow more effective water infiltration into the soil. The extensive below-ground root biomass will provide subsurface slope stability and will reduce surficial slides and slides during winter storms. This will give the slower-germinating and slower-growing native plant seed mix a chance to become

established during the spring and provide a more adequate cover the following winter season.

Table 1 - Native Plant Seed Mix

Latin/Scientific Name	Common Name	Lbs/Acre
<i>Artemisia californica</i>	California Sagebrush	2.0
<i>Encelia californica</i>	California Sunflower	3.0
<i>Eriogonum cinereum</i>	Coastal Buckwheat	30.0
<i>Eriogonum fasciculatum</i>	California Buckwheat	15.0
<i>Eriophyllum confertiflorum</i>	Golden Yarrow	2.0
<i>Haplopappus squarrosus</i>	Coast Goldenbush	2.0
<i>Helianthus annuus</i>	Common Sunflower	3.0
<i>Hemizonia ramosissima</i>	Slender Tarweed	2.0
<i>Lotus scoparius</i>	Deerweed	10.0
<i>Lupinus longifolius</i>	Bush Lupine	2.0
<i>Melica imperfecta</i>	Chaparral Mellic Grass	2.0
<i>Mimulus (Diplacus) longiflorus</i>	Southern (Bush) Monkeyflower	1.0
<i>Penstemon spectabilis</i>	Showy Penstemon	2.0
<i>Ribes speciosum</i>	Fuchsia-flowering Gooseberry	2.0
<i>Salvia leucophylla</i>	Purple Sage	2.0
<i>Salvia mellifera</i>	Black Sage	2.0
<i>Solanum xanthi</i>	Purple Nightshade	2.0
<i>Zauschneria californica</i>	California Fuchsia	2.0

b. Planting

Outplantings shall consist of 1-gallon stock. 50 each Coastal Buckwheat (*Eriogonum cinereum*) and Purple Sage plants shall be interplanted alternately at about 10-20 foot centers, preferably after the seeding has been done and after the slopes are covered with jute netting. 10 each California Walnut trees shall be planted within the project area at about 15 foot spacing along the base of the northerly facing slope and across the drainage at its northern and southern end.

It is expected that the drainage channel proper and its immediate area will be naturally revegetated with much of the Giant Wild Rye that is presently occupying this site. This area will therefore only be broadcast-seeded with the native plant seed mix but otherwise not planted. However, the area will be closely monitored during the regrading phase to assure that the underground Giant Wild Rye root stock is largely left undamaged and will readily resprout.

The stockpiled cut/chipped native vegetation will be spread as mulch over the slopes after planting is completed.

c. Maintenance

Maintenance shall consist of watering the restored slopes whenever natural rainfall is insufficient to support seed germination, seedling establishment and plant growth. During the first year dry season, deep (!) watering of planted stock

shall be done at least once a week to assure its survival and growth. Overhead irrigation of germinated seedlings shall also be done as needed (about once every 7 - 14 days) to assure survival and growth of the germinated seedlings.

Rodent control is imperative if the restoration project is expected to be successful. Presently, signs of ground squirrels and gophers have been seen along the swimming pool where the stones surrounding the pool are being undermined by the burrows of the animals. The open space surrounding the project site created by past and recent grading activities is ideal for a population explosion of ground squirrels. During the grading monitoring phase, ground squirrel and gopher control affecting the project site shall be initiated by the monitor. No poisons shall be used as traps have been successfully used on other restoration projects for initial population control to assure the success of the project.

Primarily handweeding (but if necessary limited, selective use of Roundup) shall be done for the first three seasons of the project during the springtime to eliminate Castor Bean, Fennel (Foeniculum vulgare), and Wild Mustard (Brassica nigra, Brassica spp.) and to control weedy brome grasses such as Ripgut Brome (Bromus diandrus). Thereafter, the native vegetation is expected to cover the slopes more completely and crowd out the non-native species unless further disturbance (such as a wildfire) takes place.

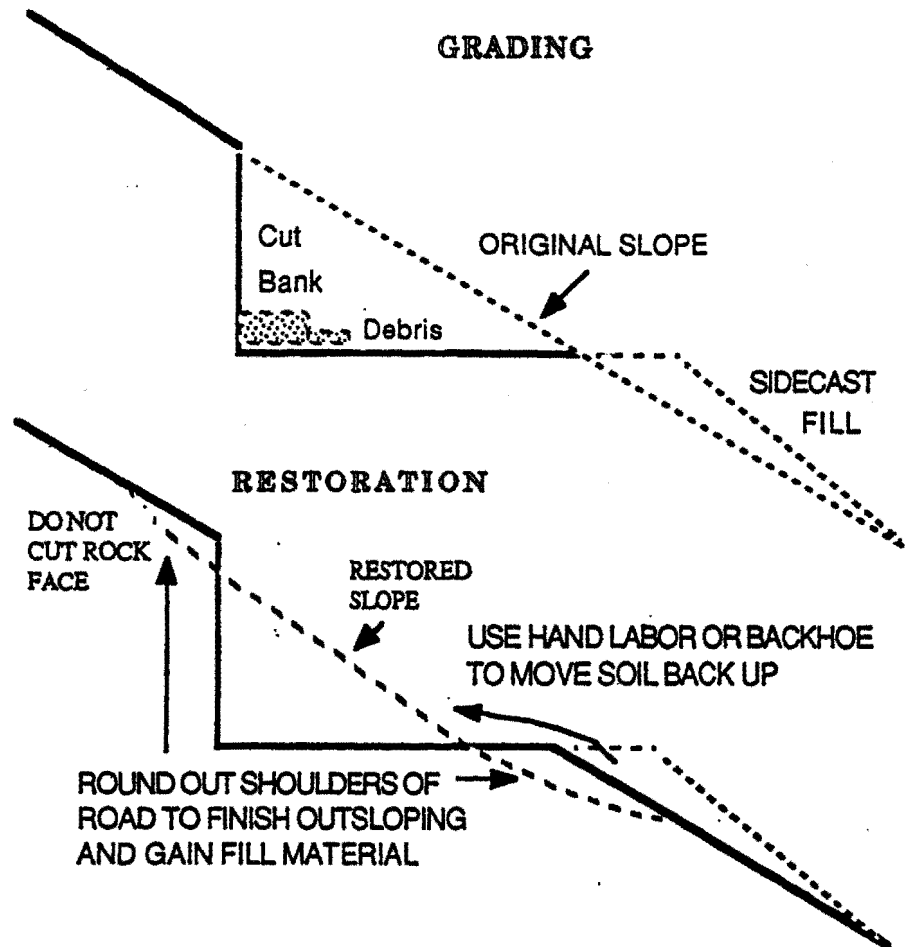
5. Monitoring

This project (as well as the 0.15-acre NPS Restoration Project along the northern boundary of this property) shall be monitored on a continuing basis for three years after the initial outplanting phase is completed and annual reports issued to the Executive Director of the Coastal Commission. These reports shall be prepared by a qualified restoration specialist or other biologist with expertise in restoration and shall be submitted no later than the first of May each year. The first report for this project shall be submitted at the completion of the 1996-97 rainy season but no later than May 1, 1997.

As specified by the Coastal Commission, "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 monitor 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 recommendations. Prior to implementing any changes, the revised 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 plan."

Appendix 1 - Roadbed Restoration and Revegetation

Restoration efforts must be monitored for problems in site construction, effective seedbed establishment and seeding, plant establishment, effective erosion control as well as timely repair of slope failures.



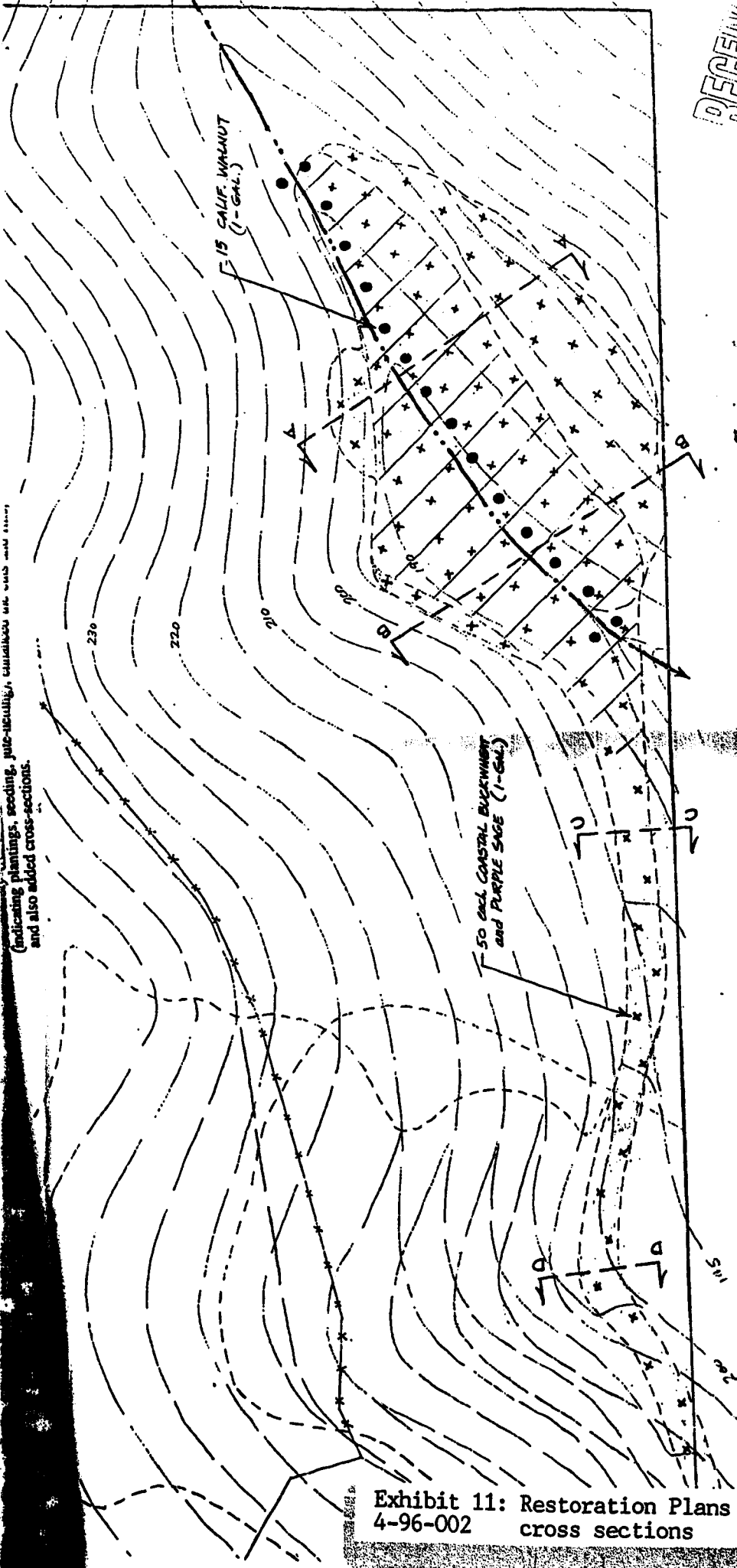
1. Recontouring Instructions

All sidecast material is to be pulled back into the cut bank by backhoe, hydraulic excavator or hand labor and compacted over the entire length of the road as much as feasible to reestablish the original grade of the slopes. Erosional debris already in the cut bank is also to be recomacted. All drainage patterns shall be reestablished as much as feasible.

Shoulders are to be rounded off at the same time using, if necessary, a small bulldozer to assist the backhoe/excavator personnel. Great care must be taken in not excavating unnecessarily and in not causing further environmental damage.

Hand crews must follow the equipment operators to incorporate and windrow dead and recently cut branches into the recontoured side slope and to carefully refinish the drainages.

(Indicating plantings, seeding, pile-planting, cultivated etc. with and without)



RECEIVED

JUL 16 1993

CALIFORNIA
FEDERAL COMMISSIONER
OF THE LAND

3-28-95

12/16/94

MAP SHOWING
GRADING
SUPERSEDED

RESTORATION / GRADING PLAN

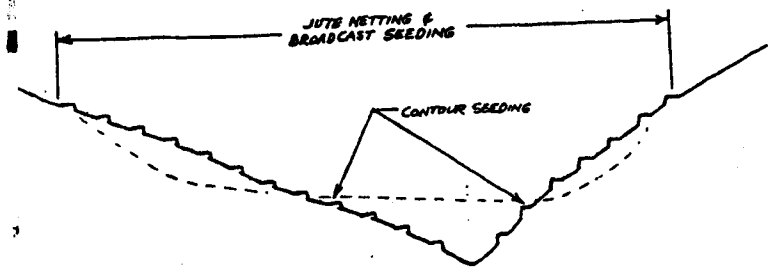
7/12/96

Geo Safety, Inc.

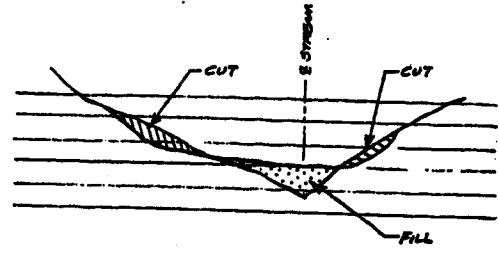
EDUARDO JARQUIN, P.E.
CIVIL ENGINEERING - LAND SURVEYING

CLUTE 100

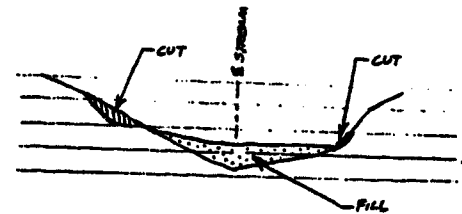
Exhibit 11: Restoration Plans with
4-96-002 cross sections



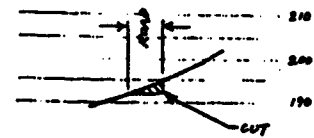
RESTORED SECTION A-A
1" = 10'



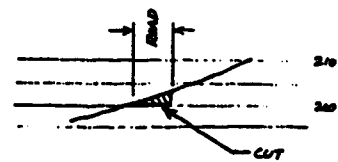
SECTION A-A



SECTION B-B



SECTION C-C



SECTION D-D

Exotic Plant Removal: The removal of invasive, non-native weeds from the rear yard slope and the drainage area would aid the restoration process at this site. These species take up resources (space, light, water) and impede the expansion of native species onto these areas. Exotic species that should be removed include: black mustard; prickly ox-tongue; yellow star thistle; castor bean and pampas grass.

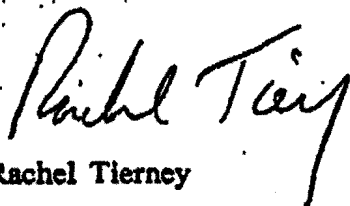
For the small, annual species, removal may be accomplished by weed whacking, just before seed has set, or by applying Round-Up or another short-duration herbicide. Herbicide application should be conducted by a person knowledgeable of native species to assure that these are not inadvertently destroyed. Hand pulling weeds may encourage a lush regrowth, as buried seeds are unearthed when weeds are pulled out. Loosened soils, created when weeds are pulled, also foster weed growth. The large, perennial species (castor bean and pampas grass) would require hand removal.

Revegetation: Native shrubs should be planted to fill in areas left bare after weed removal. Species should include those found in undisturbed areas adjacent to the sites. Fast growing naturalized grasses, such as *Vulpia myuros* will deter weed growth if planted in bare areas surrounding native shrubs. Drip irrigation should be installed until plants are established.

Maintenance and Monitoring: Periodic weeding should continue for at least three years. A monitoring program should be developed to determine additional restoration needs. Evaluation of the project should be made at least once a year. Final success criteria should be set during the first year of the program. A three year minimum monitoring program is suggested.

Please feel free to call if you have any additional questions concerning this property.

Sincerely,


Rachel Tierney

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-10-3-77-2006Name of Applicant: Bill MorettiP. 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 for ac

Exhibit 13: CDP 77-2006 for SFR
4-96-002

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 ~~xx~~ 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.

* * *