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STATE OF CALIFORNIA—THE RESOURCES AGENCY

RECORD PACKET COPY

PETE WILSON, Governor

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

ITEM: TU15d

Filed: 7/01/98
49th Day: 8/19/98
180th Day: 12/28/98
Staff: MH-V
Staff Report: 7/22/98
Hearing Date: 8/11/98

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-98-97

APPLICANT: **Kirsten Seyferth**

PROJECT LOCATION: 920 Latigo Canyon Road, Malibu, Los Angeles County

LOCAL APPROVALS: Waived

PROJECT DESCRIPTION: Remove two small unpermitted storage sheds (200 sq. ft. and 64 sq. ft.), a water tank and irrigation pipes and equipment, conduct 500 cu. yds. of remedial grading to recontour an unpermitted 6,000 sq. ft. graded pad, implement Restoration Plan (including revegetation) (Exhibit 1).

SUBSTANTIVE FILE DOCUMENTS: Malibu/Santa Monica Mountains Land Use Plan; Restoration Report for V-4-MAL-97-061, dated April 3, 1998, prepared by Klaus Radtke, PhD.

SUMMARY OF STAFF RECOMMENDATION: The applicant proposes to remove unpermitted development (a 200 sq. ft. and a 64 sq. ft. storage building, a 6,000 sq. ft. graded pad, a water tank and associated irrigation equipment), and to implement the Restoration Plan attached as Exhibit 1. Implementation of site restoration before the onset of the fall rainy season will reduce erosion and facilitate revegetation of the disturbed areas. Therefore, the staff recommends that the Commission approve the proposed project with special conditions requiring a) revision of the Restoration Plan to change the proposed three-year period for project performance and monitoring to a five-year period, b) implementation of the Restoration Plan (incorporating performance standards and monitoring requirements in accordance with the specified timeline), c) removal of unpermitted structures, and d) condition compliance.

The project site is located immediately northwest of Castro Peak, along Castro Peak Motorway, in the Central Santa Monica Mountains area of Los Angeles County. The site is highly visible from public viewing areas, thus the unpermitted development adversely affects coastal visual resources. Moreover, erosion caused by the unpermitted grading

and removal of vegetation contributes sediment pollution to the downslope drainage mapped as a significant blueline stream on the U.S. Geological Survey quadrangle maps. Timely implementation of the proposed Restoration Plan will mitigate these adverse impacts on coastal resources.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions

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

Prior to issuance of this permit, the Restoration Plan outlined in Restoration Report for V-4-MAL-97-061, dated April 3, 1998, prepared by Klaus Radtke, PhD, and attached hereto as Exhibit 1, shall be revised to replace the presently prescribed three-year performance monitoring program with a five-year performance monitoring program. The performance standards shall be revised to state that "Restored areas shall have a 90% native vegetative cover within five (5) years of completion of the restoration (specifically at the end of the sixth winter season or by May 1, 2004." The Restoration Plan shall additionally be revised to amend the monitoring timeline from three to five years, including the requirement that monitoring by a qualified Restoration Specialist shall be required for a period of at least five years for compliance with the approved Restoration Plan.

2. Implementation of Restoration Plan.

(a) Implementation. The site restoration measures set forth in the Restoration Report for V-4-MAL-97-061, dated April 3, 1998, prepared by Klaus Radtke, PhD, and attached hereto as Exhibit 1 shall be implemented in accordance with the document's specifications as revised pursuant to the requirements of Special Condition 1 above. All restoration measures shall be implemented by, or under the direction of, a qualified expert approved by the Executive Director. Phase I of the Restoration Plan (removal of unpermitted structures and non-native vegetation) shall commence no later that 45 days after Commission approval of this coastal development permit.

(b) Timeline. Phase I (removal of unpermitted structures and non-native vegetation) and Phase II (elimination of minor landform alterations) of the Restoration Plan shall be completed no later than October 1, 1998. Phase III of the Restoration Plan (restoration of native vegetation) shall commence in concert with the winter rainfall cycle and be completed no later than December 31, 1998.

(c) Performance Standards.

(1) Successful site restoration shall be determined if the revegetation with specified native plant species on site is adequate to achieve 90% coverage of the areas within the restoration area boundaries by January 1, 2004. Restoration Plan performance shall be documented in accordance with the monitoring program established in (d) below. In addition to the percentage of vegetative coverage, the re-established native vegetation must be of a condition and maturity that will enable its continuing survival without additional inputs (supplemental application of water, nutrients, etc.) by the end of the fifth year.

(2) If any portion of the Restoration Plan fails to achieve the specified performance standards, including the requirements for independent establishment and survival of the species populating the restored areas, the applicant shall be responsible for submitting a revised or supplemental Restoration Plan for the review and approval of the Executive Director. The supplemental Restoration Plan must be prepared by a qualified expert approved by the Executive Director and shall specify measures to remediate those portions of the original program which have failed to achieve the applicable performance standards. The revised or supplemental Restoration Plan

(d) Monitoring.

(1) Restoration Plan implementation, monitoring, and report preparation shall be undertaken by, or under the direct supervision of, a qualified expert approved by the Executive Director.

(2) The applicant shall submit, for the review and approval of the Executive Director, and as outlined on page 7 of the Restoration Report shown in Exhibit 1, an initial written monitoring report by May 1, 1999. The report shall document Restoration Plan performance to date and shall contain photographic evidence of the progress of the site restoration and document the removal of unpermitted structures. The applicant shall thereafter submit, for the review and approval of the Executive Director, written annual reports through May 1, 2004. The annual reports shall be prepared in accordance with the requirements set forth in Exhibit 1 and shall include recommendations for mid-program corrections, if necessary. The reports shall be submitted to the Executive Director by May 1 of each year. If monitoring reports indicate that project success in accordance with the defined performance standards has not been achieved, the monitoring requirements shall continue for as long as necessary to achieve the applicable performance standards and to document the performance of such supplemental restoration activities as may be necessary to correct the restoration project deficiencies.

(3) In addition to the annual reports, a final monitoring report shall be submitted for the review and approval of the Executive Director. The final report shall document the completion of the successful Restoration Plan and shall include a full set of site photographs and slides demonstrating final condition compliance. The final report shall also document the removal of the water tank and related irrigation equipment. If the final report indicates that the restoration project has in part, or in whole, been unsuccessful, the applicant shall be required to submit a revised or sub

3. Removal of All Unpermitted Structures

The applicant shall remove the two unpermitted storage sheds (except for the water tank and irrigation system) within 45 days of Commission approval of this coastal development permit. All restorative grading shall be accomplished solely by the use of a rubber-tired backhoe supported by hand tools.

The water system, including the tank and all pipes and faucets, shall be removed and/or capped below grade upon completion of the five year revegetation monitoring period or upon expiration of any extension of such time as may be granted by the Executive Director to allow achievement of Restoration Plan performance standards should supplemental irrigation be necessary during such time.

4. Condition Compliance

Within 45 days from the date of Commission action on this permit application, or within such additional time as the Executive Director may grant for good cause, the applicant shall satisfy all requirements specified in the conditions hereto that the applicant is required to satisfy prior to issuance of this permit. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

IV. Findings and Declarations.

The Commission hereby finds and declares:

A. Project Description

The applicant proposes to remove two small unpermitted storage sheds, a water storage tank and irrigation equipment, and to restore a graded pad to pre-existing conditions by implementing a Restoration Plan attached as Exhibit 1.

The subject site is a 10.9-acre parcel located immediately northwest of Castro Peak, along Castro Peak Motorway, at 920 Latigo Canyon Road, in the unincorporated area of Malibu, Los Angeles County. The site is centrally located within the Santa Monica

Mountains, northwest of Castro Peak, at an elevation of approximately 2,530 feet. The downslope topographic relief of the parcel is approximately 400 feet. The project area is among the most highly visible from public viewing locations in the Santa Monica Mountains, and can be seen from Latigo Canyon Road and from public parklands.

Although the project location is not situated within a Significant Ecological Area, Significant Watershed, Resource Management Area or Wildlife Corridor, the site drains to a major blueline stream delineated on the U.S. Geological Survey quadrangle maps, less than 900 feet downslope. The riparian vegetation associated with the stream contains two areas designated as Environmentally Sensitive Habitat (ESHA) in the 1986 Certified Malibu/Santa Monica Mountains Land Use Plan (LUP). The ESHAs are located less than 1,000 feet downslope from the proposed restoration area.

The existing development was constructed without the benefit of coastal development permits. Unmitigated erosion of the site has the continuing potential to contribute sediment-laden runoff to the nearby blueline stream, particularly if restoration is not implemented before the next rainy season. In addition, the unpermitted development adversely impacts public coastal views. No new adverse impacts would be caused by the proposed restoration activities. The Restoration Plan would mitigate the existing adverse visual and physical impacts upon the coastal environment.

B. Visual Resources

Coastal Act Section 30251 states that:

> **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.**

In addition, the certified Malibu/Santa Monica Mountains Land Use Plan (LUP) contains policies that the Commission finds to be useful guidance in the interpretation of the consistency of development proposals with the policies of the Coastal Act. With regard to the protection of visual resources, the specifically applicable LUP policies include:

P125 New development shall be sited and designed to protect public views from LCP-designated scenic highways to and along the shoreline and to scenic coastal areas, including public parklands. Where physically and

economically feasible, development on sloped sites should be set below road grade.

P130 In highly scenic areas and along scenic highways, new development (including buildings, fences, paved areas, signs, and landscaping) shall:

- **be sited and designed to protect views...**
- **minimize the alteration of landforms...**
- **be landscaped to conceal raw-cut slopes...**
- **be visually compatible with and subordinate to the character of its setting**
- **be sited so as not to significantly intrude into the skyline as seen from**
- **public viewing places**

P131 Where feasible, prohibit placement of structures that will break the ridgeline view, as seen from public places.

P134 Structures shall be sited to conform to the natural topography, as feasible. Massive grading and reconfiguration of the site shall be discouraged.

P135 Ensure that any alteration of the natural landscape from earthmoving activity blends with the existing terrain of the site and the surroundings.

The subject parcel is located along Castro Peak Motorway is a sparsely developed area of the Santa Monica Mountains. The 1986 Certified Malibu/Santa Monica Mountains Land Use Plan identified the area containing the site as a designated viewshed and significant ridgeline. Castro Peak is one of the most visible landmarks in the Santa Monica Mountains. The peak, and the adjoining ridgeline which contains the subject property, can be easily seen from public parklands and from Latigo Canyon Road. Expansive stands of dense chaparral and reddish underlying native soils combine with steep topographic relief to render graded areas and ridgeline development in this location highly visible. An existing firebreak leading to nearby Castro Peak and adjoining the site causes visual impacts that would be exacerbated by additional development (particularly the additional removal of native vegetation and exposure of underlying substrate to mineral earth) in the project area.

The applicant has submitted a detailed Restoration Plan prepared by an ecological restorationist. The plan, if revised pursuant to Special Condition 1 to require and monitor the establishment of native chaparral species over a five-year, instead of three-year term, and if fully implemented in accordance with Special Conditions 2 and 3, would restore the site to its pre-development condition. The revised plan requires the removal of all unpermitted structures (two storage buildings, a water tank and associated irrigation equipment, and a graded pad) and the implementation of a five-year monitoring program to ensure the success of the restoration project. When fully implemented, the Restoration Plan will result in the revegetation of the disturbed areas of the site with appropriate,

locally native plant species. Restorative grading to gently re-contour the pad and roadway to more natural landform patterns will be accomplished using a rubber-tired backhoe supported by hand tools, thus minimizing additional site disturbance. The proposed project would have no new individual or cumulative adverse impacts on visual resources and would mitigate existing adverse impacts. Therefore, the Commission finds that as conditioned, the proposed project is consistent with the visual resource protection policies of Section 30251 of the Coastal Act.

C. **Environmentally Sensitive Habitat Areas**

Section 30231 of the Coastal Act states that:

> **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 of the Coastal Act states that:

> **(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.**

In addition, the certified Malibu/Santa Monica Mountains Land Use Plan (LUP) contains policies that provide useful guidance in evaluating the consistency of proposed development with the policies of the Coastal Act. With regard to the protection of environmentally sensitive habitat areas, specifically applicable LUP policies include:

P69 **Development in areas adjacent to environmentally sensitive habitat areas (ESHAs) shall be subject to the review of the Environmental Review Board, shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.**

P72 Open space or conservation easements or equivalent measures may be required in order to protect undisturbed watershed cover and riparian areas located on parcels proposed for development. Where new development is proposed adjacent to Environmentally Sensitive Habitat Areas, open space or conservation easements shall be required in order to protect resources within the ESHA.

P82 Grading shall be minimized for all new development to ensure the potential negative effects of runoff and erosion on these resources are minimized.

P89 In ESHAs and Significant Watersheds and other areas of high potential erosion hazard, require approval of final site development plans, including drainage and erosion control plans for new development prior to authorization of any grading activities.

P91 All new development shall be designed to minimize impacts and alterations of physical features, such as ravines and hillsides, and processes of the site (i.e., geological, soils, hydrological, water percolation and runoff) to the maximum extent feasible.

As stated above, the subject site is located along Castro Peak Motorway on a 10.9-acre site with 400 feet of topographic relief. The parcel drains to a mapped blueline stream approximately 900 feet downslope (north of) the restoration site. The stream's riparian canopy contains two mapped Environmentally Sensitive Habitat Areas (ESHAs) (1986 Certified Malibu/Santa Monica Mountains Land Use Plan) less than 1,000 feet from the restoration site. In addition, the subject parcel is situated immediately upslope and north of lands comprising a wildlife corridor designated by the LUP.

The subject site contains an approximately 6,000 sq. ft. graded pad constructed without the benefit of a coastal development permit. No erosion control measures have been implemented to date to ensure that rainwater runoff and resultant siltation do not adversely impact the downslope blueline stream. The proposed restoration project requires an additional 500 cubic yards of remedial grading, with the cut material to be redistributed on site. The purpose of the additional grading is to gently re-contour the site to achieve a more natural landform configuration in preparation for restorative plantings with native plant species. The proposed grading would be accomplished with a rubber-tired backhoe, supported by hand tools, to minimize disturbance in accordance with the requirements of Special Condition 3. In addition, erosion control measures outlined in the attached Restoration Report (Exhibit 1), such as overseeding and the installation of jute netting, shall be implemented to control erosion from the existing graded pad and roadway and to ensure the stability of the revegetated areas.

The applicant's Restoration Plan, as submitted, proposed a performance standard to evaluate project success by 90% coverage of revegetated sites within three years and to

monitor the restoration program's performance for an equivalent period. The Commission has found in past decisions, and practical experience of Commission staff monitoring revegetion projects in the Santa Monica Mountains indicates, that the permanent establishment of relatively slow-growing, endemic woody chaparral plants cannot be accomplished and assured in a three-year period. A five-year monitoring period has generally been found effective to evaluate successful re-establishment and to ensure adequate growth and viability of the shrubs without further supplemental irrigation, etc. Special Condition 1 requires the applicant to submit a revised Restoration Plan to incorporate the five-year performance standard and monitoring requirements.

Recontouring and revegetation of the site is necessary to control potentially destructive erosion and related impacts on sensitive habitats. Siltation due to erosion is widely understood to be one of the most common, and destructive forms of pollution affecting coastal streams. Siltation interferes with oxygen levels, physically alters natural flow patterns in streambeds, interferes with the normal growth of native aquatic flora, encourages the growth of undesirable microorganisms and algae blooms, and causes significant cumulative impacts to wildlife habitats. The existing graded pad was constructed without design and location considerations for erosion control and without the installation of drainage collection and control devices that might have prevented or controlled potential erosion. Therefore, no mitigation measures have been implemented to control sedimented runoff. The proposed restoration project would mitigate the impacts of the eroding areas which are upslope from the nearby blueline stream and ESHAs. The proposed project would not cause any additional adverse impacts to ESHAs. Thus, the site-specific Restoration Plan, as revised by Special Condition 1, as further proposed by the applicant, and as required by Special Conditions 2 and 3 would restore the disturbed areas of the subject site while protecting against further disturbance during the implementation of the restoration program itself, and would prevent further deterioration of the water quality and biological productivity of the nearby stream in accordance with the requirements of Coastal Act Section 30231. The proposed project as conditioned also ensures that development adjacent to environmentally sensitive habitat areas would be designed and sited to prevent impacts which would substantially degrade such habitat, in accordance with the requirements of Coastal Act Section 30240. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with applicable Coastal Act policies protective of coastal waters and sensitive habitats.

D. Local Coastal Program

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

> **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 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 development 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 specified herein 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 County's ability to prepare a Local Coastal Program which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

E. Violations

Development has occurred on site without the benefit of a coastal development permit including the construction or placement of two storage sheds, a water tank and irrigation equipment, and a graded driveway and pad. The applicant now proposes to remove all unpermitted structures and to restore the site to its pre-development condition. To ensure that the restoration project is carried out in a timely and satisfactory manner, Special Condition 2 sets forth performance standards and monitoring requirements and requires that applicant to remove all unpermitted structures within 45 days of Commission approval of this permit, with the exception of the water tank and irrigation equipment which shall be removed after the restorative plantings with native species no longer require artificial irrigation for survival. In addition, Special Condition 2 requires the applicant to implement the Restoration Plan, including restorative plantings, by December 31, 1998 and provides for monitoring and reporting for three years thereafter to ensure project success.

Although development has taken place prior to the submittal of this permit application, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Approval of this permit does not constitute a waiver of any legal action with regard to any violation of the Coastal Act that may have occurred.

F. CEQA

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, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section

21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effects which the activity would have on the environment.

The proposed project, as conditioned, will not have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the Commission finds that the proposed project, as conditioned, has been adequately mitigated and is consistent with CEQA and the applicable policies of the Coastal Act.

MH-V/File: 98-097.doc

RESTORATION REPORT

for

V-4-MAL-97-061

Address: APN: 4464-022-014, Castro Peak Vicinity

Description of Violation:

Unpermitted Development: Placement of a mobile home, water tank, associated structure, and grading

prepared for

Kirsten Seyferth
1738-1/2 Topanga Skyline Drive
Topanga, CA 90290

by

Klaus Radtke, Ph.D.
Wildland Resource Sciences
Restoration Specialist

April 3, 1998

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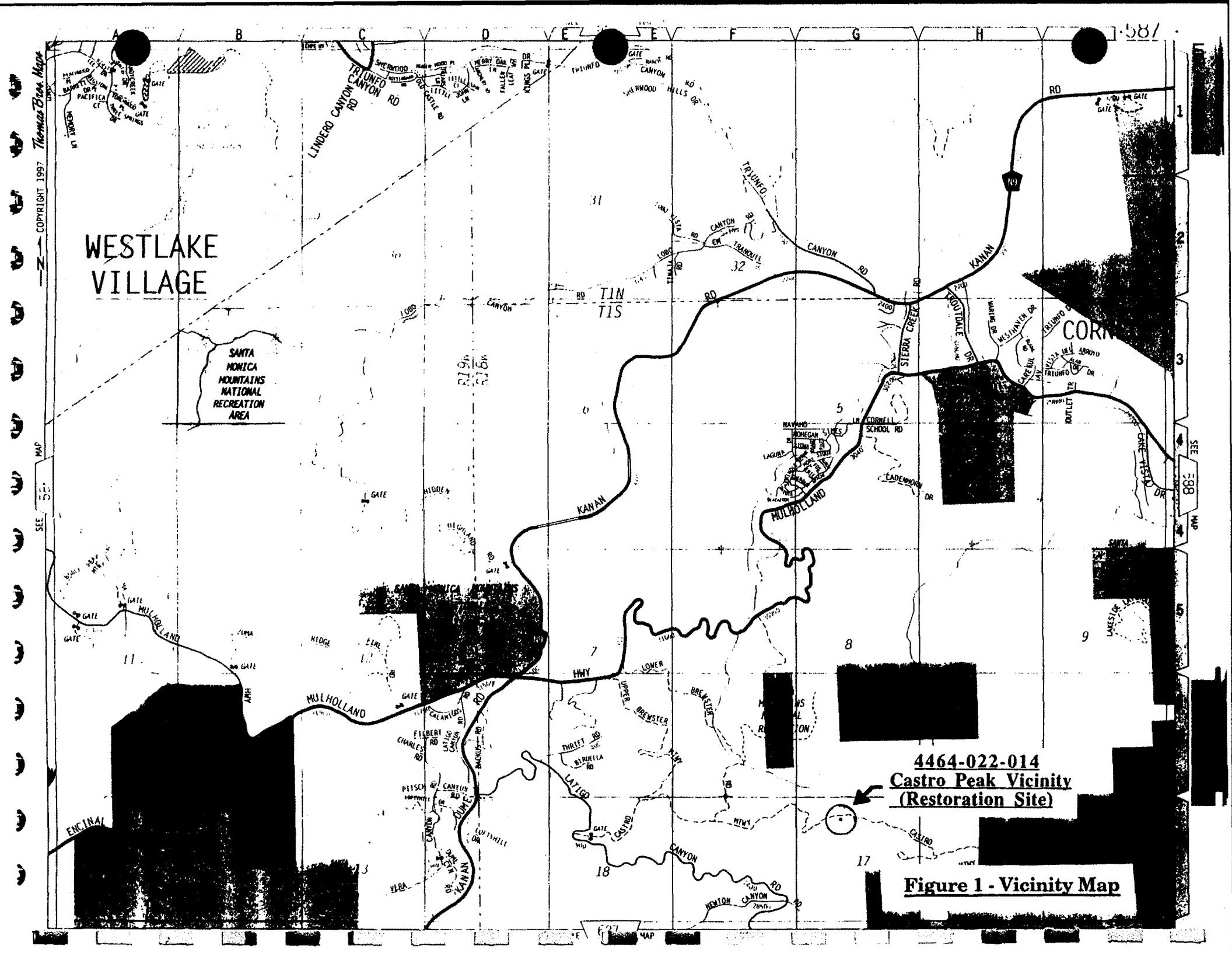


Figure 1 - Vicinity Map

1. General Site Description

Figure 1 is a vicinity map and indicates that the site is located along Castro Peak Motorway in the Santa Monica Mountains. Figure 2, the Site plan, indicates that the site on which the alleged violation occurred is a 10.9-acre parcel of land that extends from the vicinity of Castro Peak and from an elevation of approximately 2,530 feet along steep, chaparral-covered northerly to northwesterly facing slopes across Castro Peak Motorway to an elevation of 2,150 feet.

The Motorway is an old sidehill "dirt" roadbed cut into bedrock along northerly facing slopes just below the ridgeline that created a generally stable uphill cut averaging about six to seven feet in height. The motorway dates back to the late 1920's and early 1930's when it was established by the County Forestry Department (now County Forester and Fire Warden) as part of a ridgeline fire road network connecting fire lookout towers along the mountain crest within the Santa Monica Mountains. A fire lookout tower was also located on Castro Peak as early as 1933 but was abandoned when the mountains became more populated.

Aerial photographs 1 and 2 on pages 8 and 9 were taken by this author on February 26, 1998 and are looking in a southeasterly and southerly direction, respectively, across the Castro Peak ridge and parcel 4464-022-014. The pre-existing pad (prior to purchase by owner Kirsten Seyferth) and the 1997 bulldozer clearance of vegetation to mineral soil are also indicated on the photographs. Photo 1 on page 8 indicates that a firebreak (as wide as 150 feet) runs along the ridgetop above the parcel and cuts across the southwest corner of the parcel and across Castro Peak Motorway. Since Castro Peak Motorway is located sidehill, the natural drainage from the northerly facing slopes of the firebreak and the parcels below it runs across Castro Peak Motorway into a major (blueline) drainage located north of and below the property line of the parcel.

Natural vegetation on the northerly facing slopes of the parcel consists primarily of mature woody chaparral vegetation with Scrub oak (Quercus dumosa), Eastwood manzanita (Arctostaphylos glandulosa), Chamise (Adenostoma fasciculatum) and Hairy-leaved Ceanothus (Ceanothus oliganthus) as the dominant species. The last fire in the area occurred in 1978.

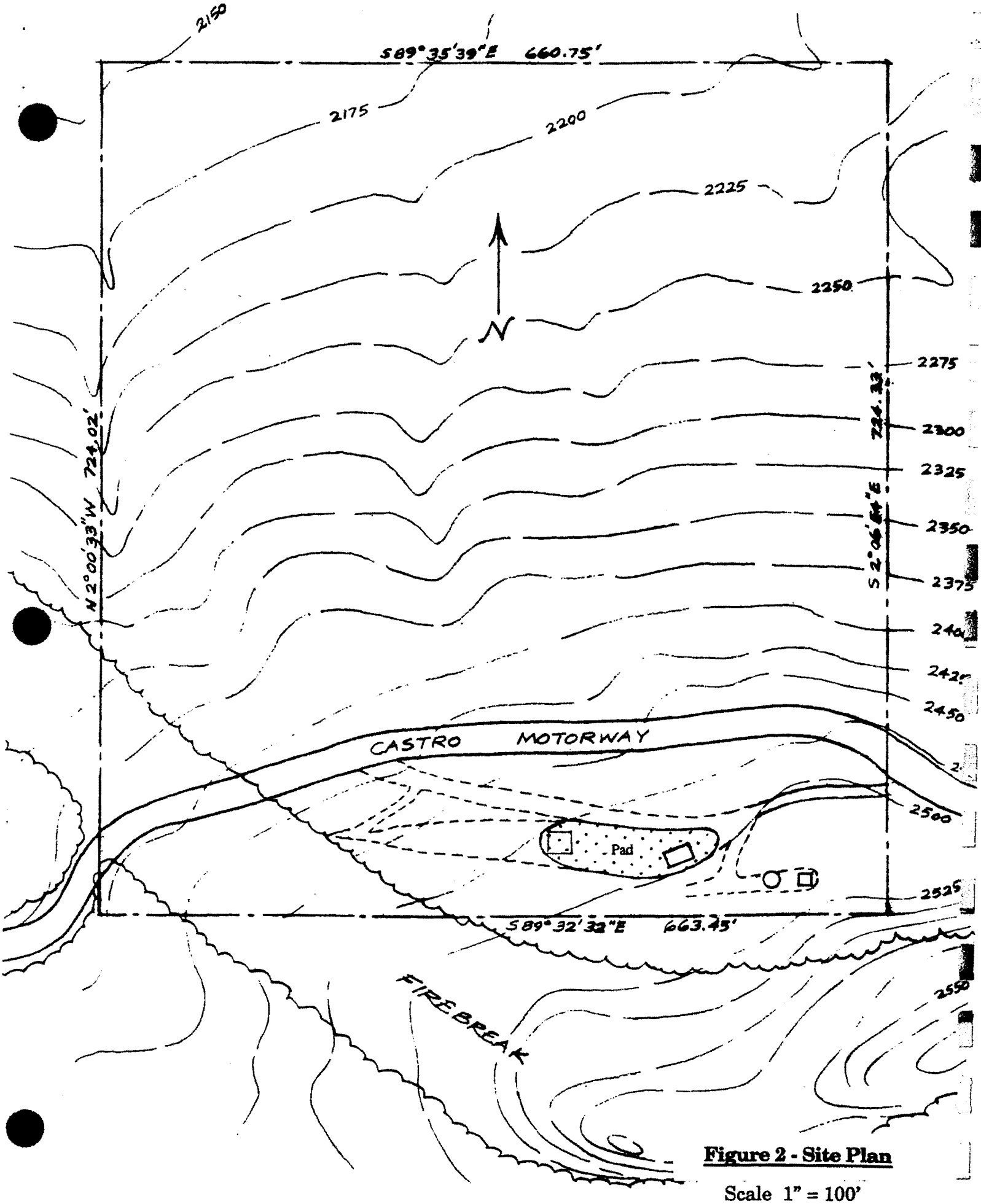


Figure 2 - Site Plan

Scale 1" = 100'

2. Site Inspection & Findings

On February 16, 1998, Klaus Radtke met owner Kirsten Seyferth on site for a preliminary site evaluation and site familiarization and to assess restoration needs in light of the alleged coastal act violations. Access to Castro Peak Motorway was gained from its western extension along Corral Canyon Road with a two-wheel-drive pickup two days after a series of storms that had dumped about two inches of rain on the site. After the inspection, this author drove the length of the motorway in an easterly direction to the firegate at Corral Canyon Road. From west of the parcel to the firegate the motorway was at times heavily rutted and, in a few generally low lying places where natural drainage channels crossed the road, was temporarily nearly impassable because of accumulated mud and debris.

On February 26 aerial photos were taken by Klaus Radtke of the site (refer to photographs 1 and 2) and on March 19 another site inspection and more thorough evaluation was conducted by this author along with John Thomas to gather additional data needed for this restoration report.

As indicated on Figure 3, the Restoration Map (Project Plan), a short driveway measuring about 120 feet in length leads from Castro Peak Motorway near the southeastern corner of the parcel to a partially graded pad about 150 feet long and 40 feet wide. A 10-foot by 20-foot storage building is located here. A metal watertank and another, smaller eight-foot by eight-foot storage shed is located just northeast of the pad. As stated by the owner, the pad and the access road were pre-existing when she bought the property in 1997.

As indicated in Figure 3 and Photographs 1 and 2, an approximately 300-foot long and 40 + foot-wide swath leading downhill and sidehill from east to west along the northerly facing slopes of the parcel towards Castro Peak Motorway. along with a small section leading northeasterly from the firebreak, had been cleared by bulldozer of vegetation down to mineral soil in 1997. The large swath of cleared vegetation was enlarged to about 80 feet as it terminated along Castro Peak Motorway. Along with the vegetation, the bulldozer clearance also disturbed and removed much of the thin but nutrient-rich topsoil that contains most of the seeds that naturally regenerate a site after surface disturbance such as fire. The remaining lighter subsoil was left exposed to wind and water erosion. Occasionally bedrock was also exposed by the vegetation removal. This is the typical damage to a natural chaparral ecosystem that can be expected on steeper slopes when vegetation removal is carried out by bulldozer rather than by hand which would leave the topsoil intact, retain the soil seed pool and also the root systems and root crowns of the woody plants present.

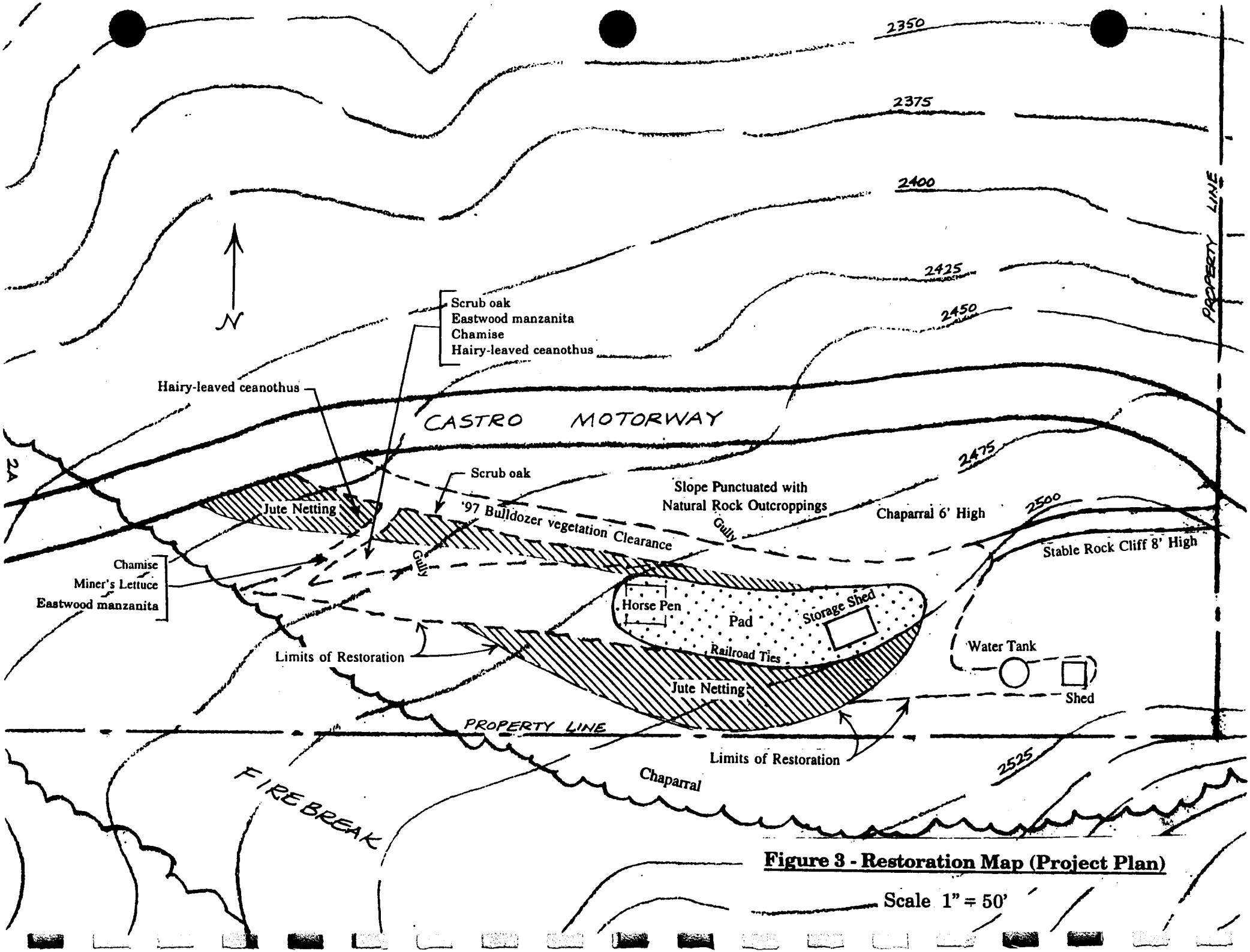


Figure 3 - Restoration Map (Project Plan)

Scale 1" = 50'

The subsequent rainstorms of January through March 1998 removed much of the exposed subsoil from the recently cleared areas as well as some soil from the small, exposed slope south of the pad and also from the pad itself. Since natural drainage from the cleared areas led across vegetated slopes, much of the soil was intercepted by vegetation before reaching Castro Peak Motorway. However, where runoff was rechanneled during the recent vegetation clearance in a westerly direction, soil had eroded onto and across Castro Peak Motorway.

The continuous winter rains not only removed soil from disturbed and exposed areas but also facilitated the germination and growth of native seeds as well as the resprouting of native chaparral species such as Scrub Oak and Eastwood Manzanita from undamaged basal areas and underground root systems. These areas can provide vitally needed vegetation cover if the newly established cover is not damaged or removed during subsequent restoration of the site.

The site is largely surrounded by a sea of native vegetation so that invasion of exotic annuals and weedy pests is not yet a problem, even from the limited seed sources from the adjacent firebreak.

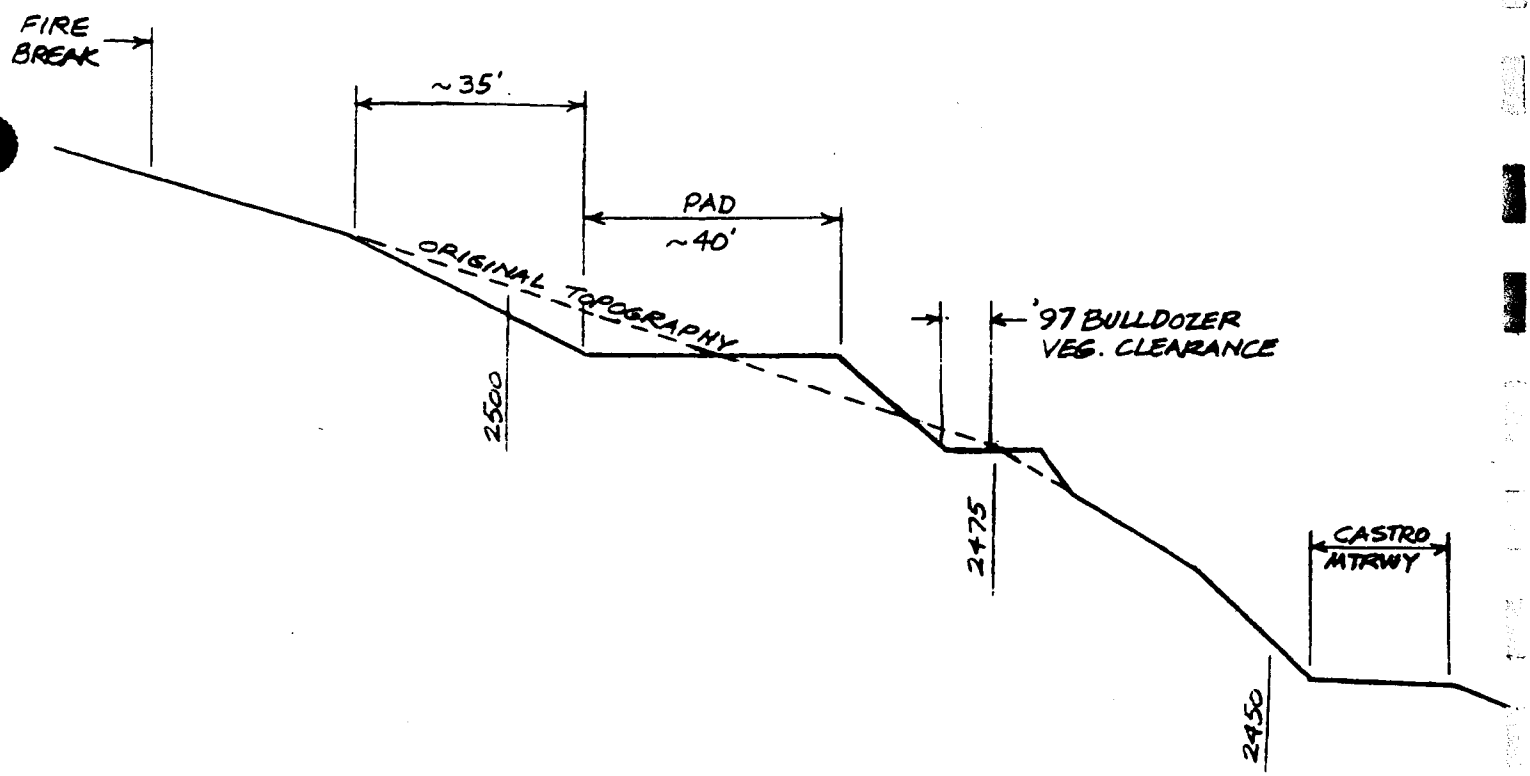
3. Proposed Restoration[1]

Figure 3 shows the area to be restored, indicates the native vegetation within and surrounding the disturbed area (also refer to the photo section), indicates the structures presently on site that need to be removed, and also shows the areas that should be (at least 50%) covered with jutenetting when installing jutenettng sideslope.

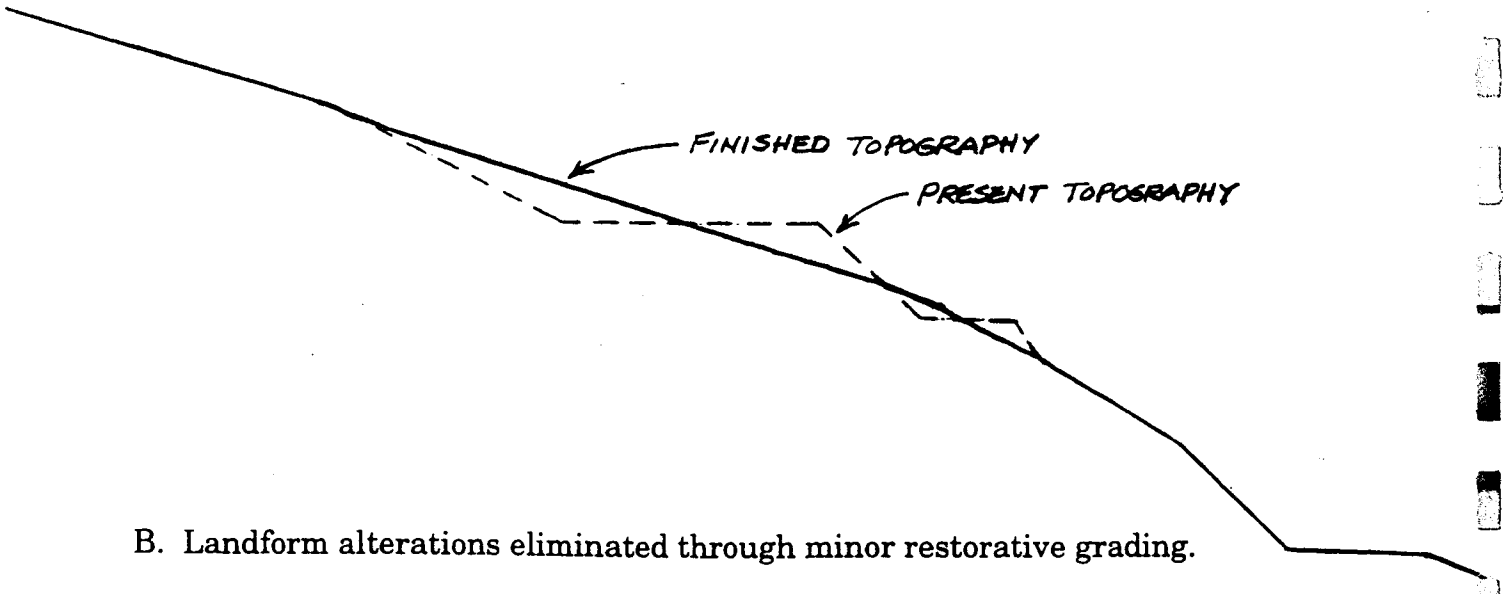
A. Phases and Time Table

The proposed restoration can be considered a three-phase project. Phase 1 shall consist of completing the cleanup of the site inclusive of removal of all structural improvements (the two sheds) and any non-native vegetation and shall be completed within 30 days of receiving the restoration permit. However, the water tank and pipes shall remain on site to facilitate successful vegetative restoration. Phase 2, the elimination of the minor landform alterations, shall be carried out prior to the winter rains and shall be completed by October 1, 1998. Phase 3, vegetative restoration, shall be carried out just prior to and in conjunction with the first winter rains and shall be completed by December 15, 1998.

[1] It is proposed that the watertank be left on site to facilitate and guarantee year-round water for restoration along with the small pre-existing entrance road at the southeasterly property boundary. This has been orally agreed upon by Coastal Commission staff.



A. Original topography and nonpermitted landform alterations.



B. Landform alterations eliminated through minor restorative grading.

Figure 4 -Land Form Alterations & Minor Restoration Grading Plan

Scale 1" = 30'

All phases of the restoration efforts must be monitored to assure that the site has been cleaned up inclusive of the removal of non-native vegetation prior to the start of the minor grading operation. Monitoring must continue, to assure the critical elimination of landform alterations, effective seedbed establishment and seeding, and effective erosion control measures.

B. Elimination of Minor Landform Alterations

As shown in Figure 4, the Landform Alterations & Minor Restorative Grading Plan, and Figure 5, Roadbed and Pad Restoration Concepts/Guidelines, restoration of original landforms is limited to recovery of overcast or 'fill' soil in and around previously graded areas and recompaction of the same for planting. Virtually no new cuts along virgin ground are created in this way. Preferably, the work along the areas where the vegetation was removed in 1997 should be carried out with the use of a rubber-tired backhoe supported by hand labor to assure that the resprouting native vegetation is not eliminated in the process. While cross section A of Figure 4 indicates a road below the trailer pad, this road stops just below the pad and then turns into the wide path of cleared vegetation done in 1997.

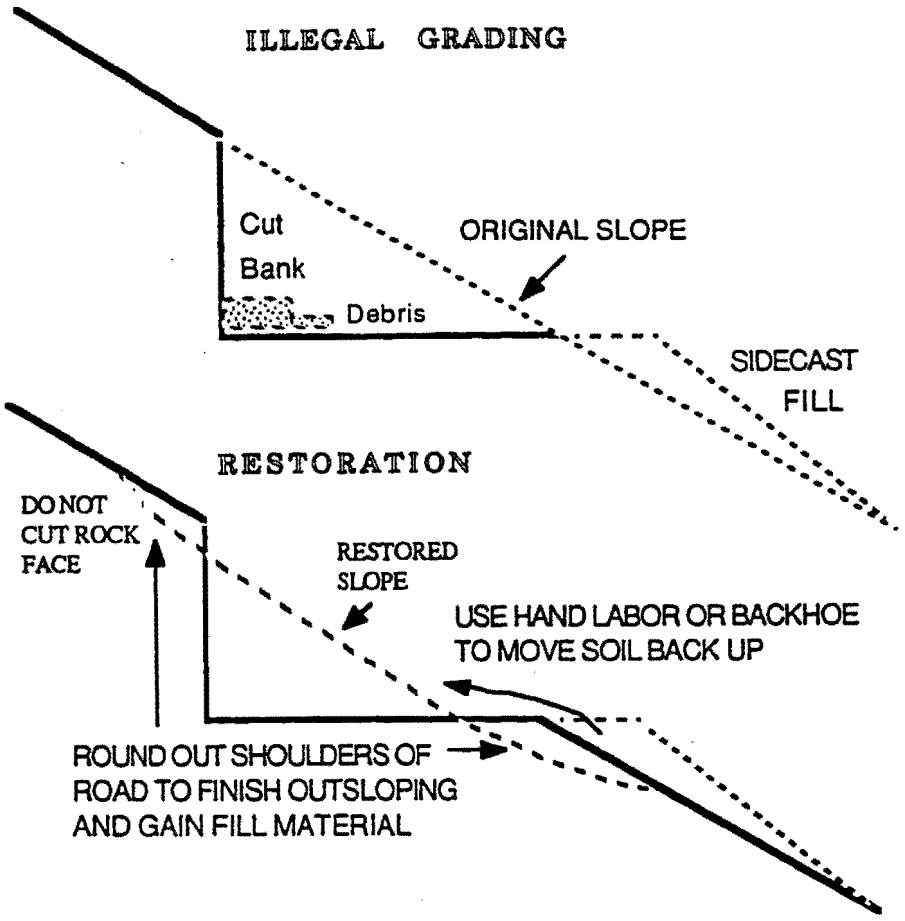
Given a limited amount of fill soil, the deepest area of fill soil created along the uphill shoulder of the pad to largely eliminate this cut is less than three feet and tapers off to 0 feet (or daylights) on the downhill side as it blends into the undisturbed section of the slope. On the areas where vegetation was removed in 1997 and the slopes were left bare, a thin layer of soil is still on-site in many places but must be supplemented by all the soil from the soil berms remaining on the downhill side for vegetative restoration to be successful.

As the small landform alterations are being eliminated through recovery and redistribution of the excavated soil, the areas to be restored shall be overseeded with the native plant seed mix suggested in Table 1 so that the seeds are incorporated into the soil. While the landform alterations are thus largely eliminated, there may be more rock outcroppings on site than was the case prior to the vegetation removal and minor grading for the pad. However, this is hard to determine since the surrounding area is characterized by many rock outcroppings near and slightly above the soil surface which presently are largely hidden by chaparral vegetation averaging about six feet in height.

C. Vegetative Restoration

It is estimated that the area to be vegetatively restored is about 0.75 acres in size. Vegetative restoration shall consist of both emergency erosion control and permanent erosion control measures. Emergency erosion control is characterized by barley-contouring to greatly reduce if not totally eliminate sheet, rill, and gully erosion during the first year's winter rains. Permanent erosion control consists of both broadcast-seeding and slope-contouring with native plant seeds and is

Figure 5 - Roadbed and Pad Restoration Concepts/Guidelines



General Instructions

All sidehill cast material shall be pulled back into the cut bank by backhoe, small tractor or hand labor and compacted over the entire length of the former pad or road as much as feasible to establish the original grade of slopes. Uphill and downhill shoulders are to be rounded off at the same time. Erosion debris that had accumulated in the cut is to be incorporated into the soil being compacted. If drainage patterns exist, they should be reestablished as much as feasible. Great care must be taken in not excavating unnecessarily and in not causing further environmental damage.

expected to provide a 90% cover within three years (or at the end of the fourth winter season). Seeding shall be completed by December 1, 1998 to take advantage of unpredictable early winter rains. All recompacted areas and all areas devoid of vegetation shall be revegetated.

1. Emergency Erosion Control (in conjunction with permanent erosion control)
Prior to initiating the emergency erosion control measures, the areas to be revegetated shall again be overseeded (broadcast-seeded) with the native plant seed mix as specified in Table 1. This assures that the native seeds are incorporated into the soil surface during contouring of slopes and selective installation of jute netting.

After the broadcast seeding is completed, natural water bars shall be established for temporary erosion control along all restored areas where soil is exposed by creating barley contours spaced about three to four feet apart, depending on the steepness of the slope. The barley contours shall be interspaced with native plant seed contours using the recommended seed mix .

Starting at the top of the slope, such contour seeding can be readily performed by two experienced persons. The first person creates a contour line up to one inch deep with a pick and the second person spreads the seed mix into the open contour, covers the seed with the excavated soil to a depth of about 1/2 to 1 inch (depending on seed size), and slightly tamps the soil in place on top of the buried seeds. When using barley, a 50:50 mixture of dry and (preferably) 24-hour-pregerminated (presoaked) recleaned barley is recommended (rolled barley is only used for feed and does not germinate).

After the contouring with barley and native plant seeds has been completed, emergency erosion control shall be finalized through the installation of jutenetting on the following areas: a) the small section of restored cut above the former pad for the trailer/storage shed; b) for fifty feet above Castro Peak Motorway on the uphill side of the bulldozer swath created in 1997; c) in any other areas of the restored site where the restoration specialist feels that additional erosion control measures are needed because of the steepness of the slope or concentration of runoff from heavy winter rains before the slope is covered again with vegetation.

2. Permanent Erosion Control Measures
At the beginning of Phase Two (landform restoration/minor grading) of the project, the area to be restored shall be hand seeded (or by bellygrinder) with the native plant seed mix as indicated in Table 1. After completion of Phase 2, the restored area shall again be overseeded by hand with the native plant seed mix as listed in Table 1. The first overseeding assures that the subsoil, which is almost totally devoid of native plant seeds, is being well mixed (impregnated)

with the native plant seed mix and that germination will take place not only in the contour rows but also in the interspace (non-contoured) areas from native seed buried at different soil depths. The second overseeding assures that the soil surface is more uniformly covered with seeds and that many of these seeds will be buried at or near the surface during the contouring operation. Germination from only surface-seeded areas (and seeds exposed on the soil surface) is generally very poor and regularly leads to failure of restoration projects in Mediterranean climates such as Southern California characterized by periods of short winter rains and extensive summer droughts.

When contouring the slopes, barley contours shall alternate with contours of the native plant seed mix as shown in Table 1.

Table 1 - Recommended Native Plant Seed Mix (lbs/acre)

Latin Name	Common Name	Pounds/Acre
Arctostaphylos glandulosa	Eastwood manzanita	5.0
Adenostoma fasciculatum	Chamise	1.0
Ceanothus oliganthus	Hairy-leaved Ceanothus	2.0
Eriogonum fasciculatum	California Buckwheat	50.0
Eriogonum cinereum	Ashy-leaf Buckwheat	25.0
Helianthemum scoparium	Rockrose	3.0
Helianthus annuus	Common Sunflower	2.0
Lotus scoparius	Deerweed	25.0
Lupinus longifolius	Bush Lupine	3.0
Melica imperfecta	Chaparral Melica	5.0
Salvia mellifera	Black Sage	1.0
Salvia leucophylla	Purple Sage	1.0
Stipa lepida	Foothill Needlegrass	5.0
Stipa pulchra	Purple Needlegrass	5.0

4. Fertilization

After seeding and barley contouring is completed, restored areas shall be fertilized with about 250-400 pounds per acre of a quick-release fertilizer such as ammonium phosphate.

5. Completion of Restoration Work, Standards

The restoration work and subsequent monitoring shall be carried out by a Restoration Specialist chosen by the owner and acceptable to the permitting agency. It shall include all special conditions and/or changes (if any) imposed as part of the permit process.

All erosion control and vegetative restoration measures (broadcast seeding, barley & native seed contouring) shall be in place by the beginning of the rainy season (or no later than December 1).

Restored areas shall have a 90% native vegetative cover within three years of completion of the restoration (specifically at the end of the fourth winter season or by May 1, 2002).

Native plant seeds, where feasible, shall be purchased from Santa Monica Mountain seed sources.

Maintenance shall include the occasional watering for seedling survival and establishment, the removal of exotic vegetation which may colonize the openings created by temporary disturbance, and the immediate elimination of erosion channels such as rill and gully erosion should any develop.

6. Monitoring

A completion notice and initial restoration report shall be issued to the permitting agency(ies) by May 1, 1999.

Thereafter, the project shall be monitored by a Restoration Specialist for a period of three years for compliance with the approved restoration plan. At least two site inspections shall be carried out every year: one prior to the winter rains to evaluate the survival of seeded species and the need for any additional restoration efforts in conjunction with the upcoming winter rains, and the second shall be carried out towards the end of the rainy season and should result in a report being issued about May 1 of each year. The reports shall estimate the total cover of native vegetation on the restored areas by annual/herbaceous/grass species, soft chaparral components such as buckwheats, sages and deerweed, and woody chaparral components such as ceanothus and manzanita species, and non-native weedy species. The reports shall also give recommendations as to additional restoration measures to be carried out if necessary.

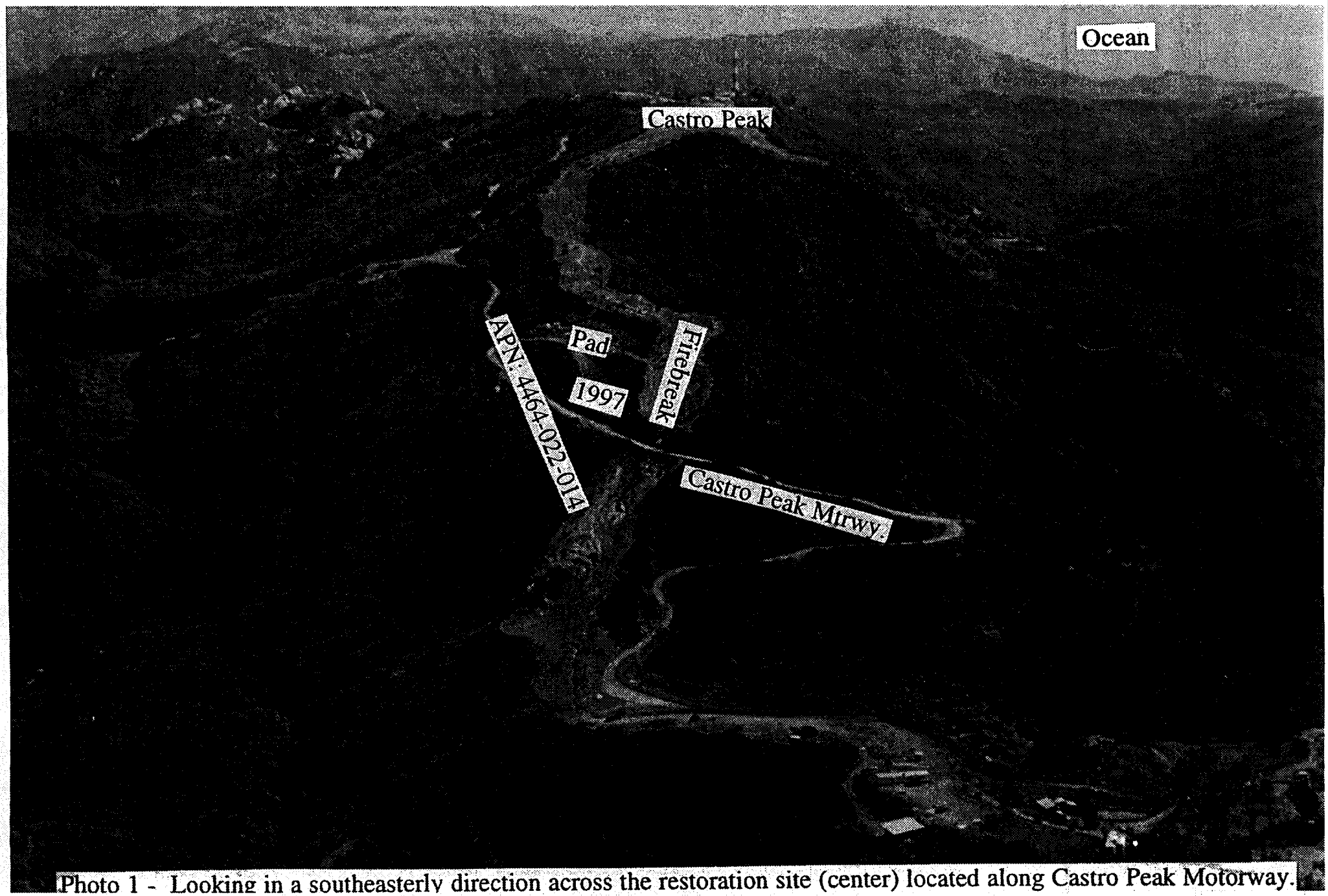


Photo 1 - Looking in a southeasterly direction across the restoration site (center) located along Castro Peak Motorway.

The Pre-Existing Pad (prior to the 1997 Purchase of the Property)

Photo 3 - The cut slope above the trailer pad shows heavy rill erosion as runoff from the firebreak above is channeled across this section of the property. Only the small strip of chaparral at the top of the photo separates the cut slope from the firebreak above (not visible in the photograph). The railroad tie wall separating the pad from the cut slope is about 18 inches tall. Maximum fill created by minor grading to eliminate the landform alterations as much as feasible with the soil at hand will not exceed three feet in the areas of the railroad tie wall after the railroad ties have been removed (also refer to Figure 3). After "fine grading" the slope with up to one foot of fill soil from the pad, the restored slope shall be covered with jute netting after the broadcast and contour seeding have been completed.

Photo 4 - The extended section of the pad is shown in this photograph. The white posts demarcate an occasionally used horse pen. As indicated by the dashed red line the fill slope of the pad (outer edge of pad) will be used to eliminate the pads and minor roads.

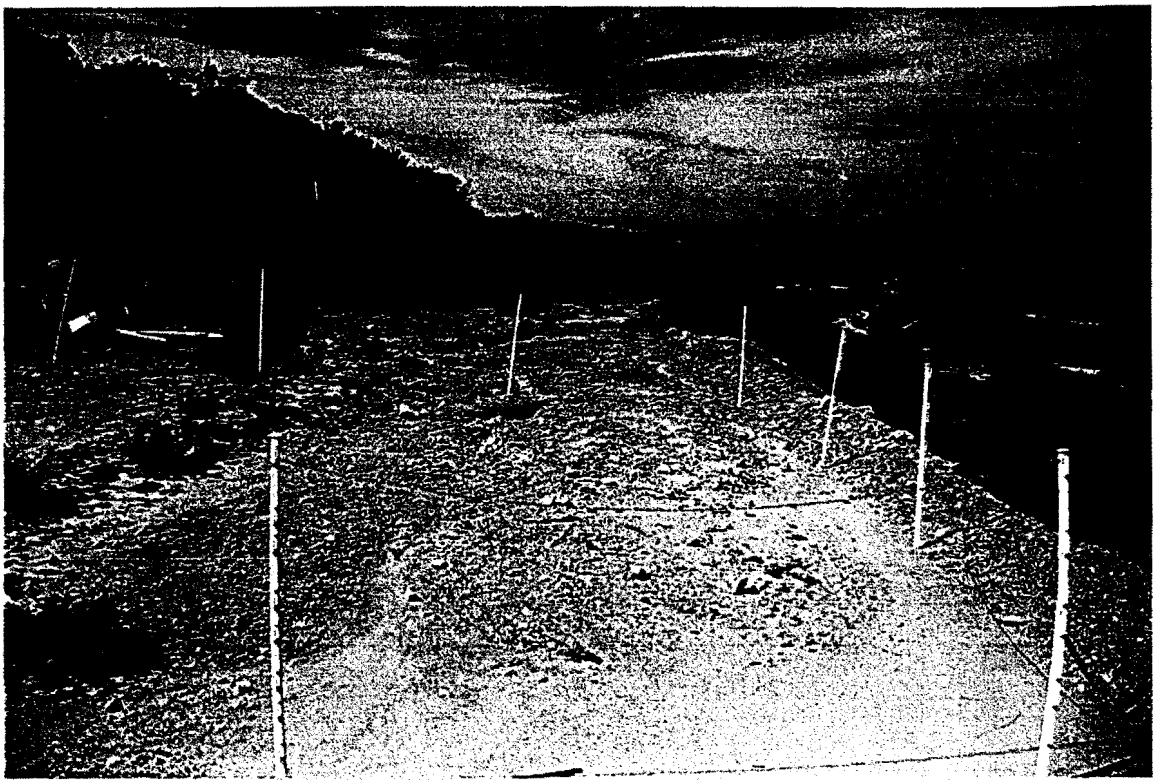


Photo 5 - This photograph shows the extension of the trailer pad which was used as an occasional horse pen. Cleanup of the site will precede minor grading which will eliminate the landform alterations by redistributing and recompacting the fill soil on the right side of the pad towards the inside shoulder of the present small pad or wide road.

Photo 6 - Towards the west just beyond the horse pen a small road leads west towards the firebreak. Landform alterations here will also be readily eliminated by "putting the road back to bed".

1997 Bulldozer Removal of Native Vegetation to Mineral Soil

Photo 7 - As shown here, an approximately 300-foot long and 40+ foot-wide swath leading downhill and sidehill from east to west along the northerly facing slopes of the parcel to Castro Peak Motorway had been cleared in 1997 by bulldozer of vegetation down to mineral soil and occasionally to bedrock wherever it was near the soil surface.

Photo 8 - A close-up of the seemingly bare section of the slope shown in Photograph 7 indicates crownsprouting clumps of Scrub Oak. When "fine grading" the site to cover it with soil, care must be taken to protect such resprouting vegetation.

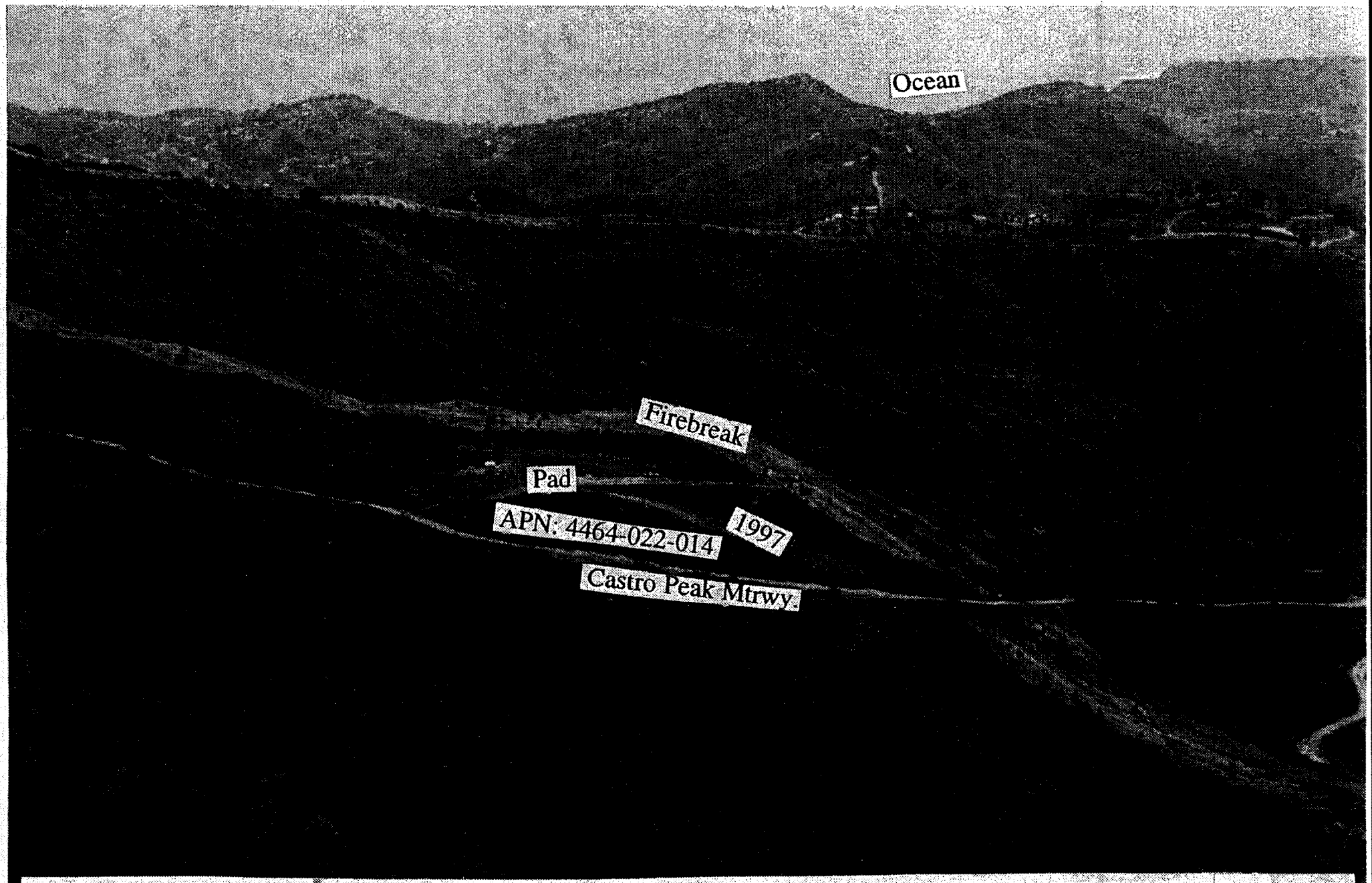


Photo 2 - Looking in a southerly direction across the restoration site (center) located along Castro Peak Motorway.

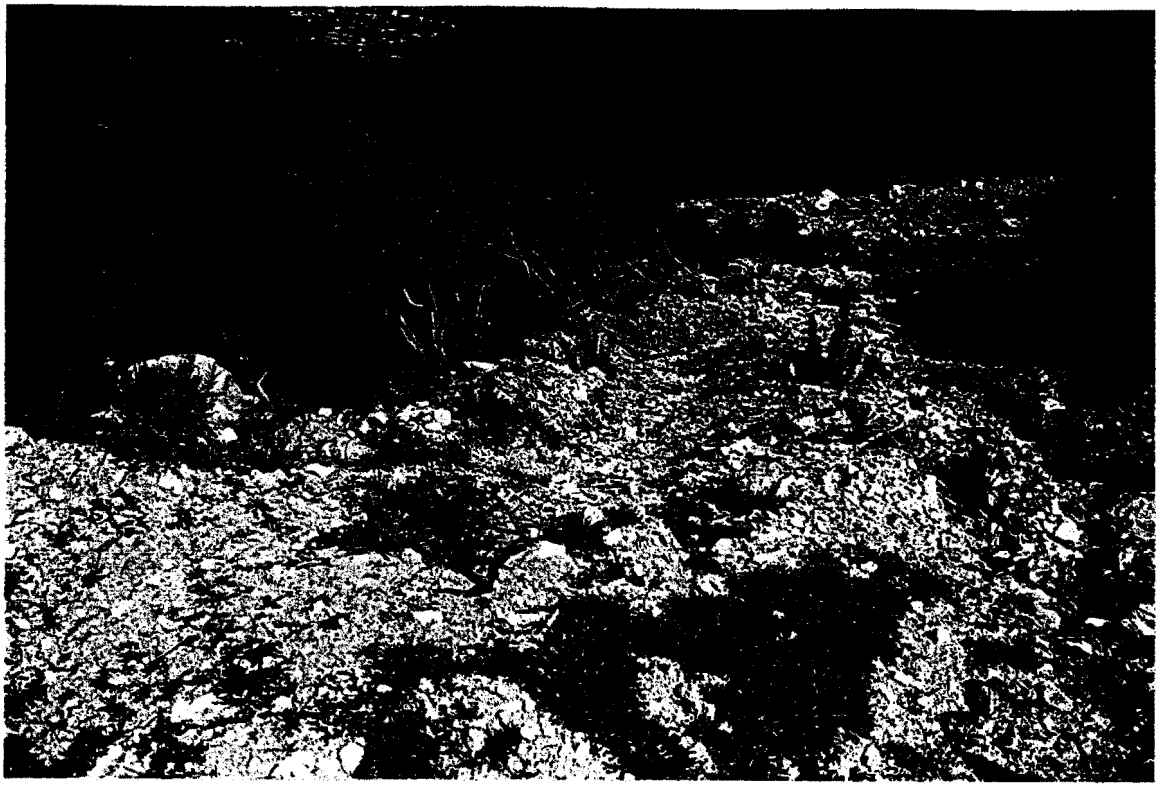


Photo 9 - As shown here, a narrow bulldozer-width swath leading northeasterly from the firebreak had also been cleared in 1997 by bulldozer of natural vegetation down to mineral soil and occasionally to bedrock or across bedrock wherever it was near the soil surface or exposed above the surface. Due to the extensive winter rainfall, native vegetation, consisting of both seedlings (green patches) and resprouting woody chaparral, is trying to clothe the bare areas.

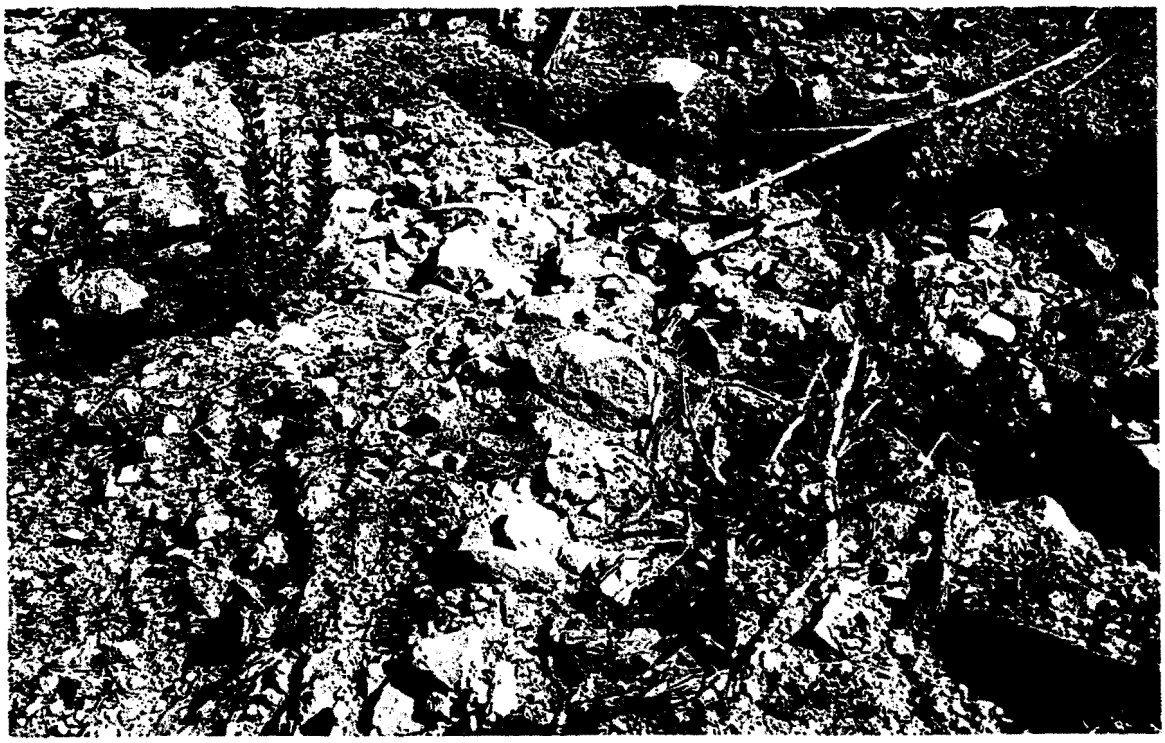


Photo 10 - A close-up of a section of Photo 9 indicates that the resprouting chaparral species consist of Eastwood Manzanita and Chamise. As indicated previously, care must be taken to protect such resprouting vegetation during the restorative minor grading.

Photo 11 - This photo shows Castro Peak Motorway looking west from the area where the 1997 bulldozer-cleared wide swath of bare earth meets the roadway as it approaches from the left (south) and terminates. After contour and broadcast seeding have been completed, jutenetting shall be used to cover the width of the bulldozer-cleared swath to approximately 50 feet above (south of) Castro Peak.