

CALIFORNIA COASTAL COMMISSION

4TH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 585-1800



RECORD PACKET COPY

Filed: 4/29/03
180th Day : 10/26/03
Staff: J Johnson-V
Staff Report: 9/18/03
Hearing Date: 10/7/03
Comm. Action:

STAFF REPORT: AMENDMENT CALENDAR

APPLICATION NO.: 4-01-068-A-1

APPLICANT: Mrs. N. D. Srivastava

AGENT: David Dunphy

PROJECT LOCATION: 2175 Cold Canyon Road, Calabasas, Los Angeles County

APPROVED PROJECT DESCRIPTION: Construct a two story, 25 feet high, 1,256 sq. ft. addition to an existing, 29 feet high, 4,522 sq. ft. single family residence with two car garage. Rebuild existing stucco fence to accommodate addition, construct retaining wall to increase back yard area, increase capacity of existing septic system from 1,500 gallon tank to 2,500 gallon tank with four new seepage pits, grade 174 cubic yards of over excavation, 174 cubic yards of recompaction, 63 cubic yards of cut, and 63 cubic yards of fill.

PROPOSED AMENDMENT DESCRIPTION: Remove 110 cubic yards of fill deposited in drainage channel and remove 17 cubic yards of concrete debris deposited on slope bank to be disposed offsite, in approved landfill. Disturbed area to be restored with native plants.

Lot area:	3.1 acres
Building coverage:	4,580 sq. ft.
Pavement coverage:	6,661 sq. ft.
Landscape coverage:	13,720 sq. ft.
Parking spaces:	2 covered 2 open
Ht abv fin grade:	29 ft.
Plan Designation:	Residential I
Zoning:	1 dwelling unit/1 acre
Project Density	one du/3 acres

SUMMARY OF STAFF RECOMMENDATION

The applicants request approval to remove 110 cubic yards of fill deposited in drainage channel and remove 17 cubic yards of concrete debris deposited on slope bank to be disposed offsite, in approved landfill. The applicants propose to restore the disturbed area with native plants. This fill and debris was placed

on site by a prior property owner without a valid coastal permit. Staff recommends approval of the proposed project amendment with Special Conditions addressing a revised landscape, erosion control and fuel modification plan, removal of deposited material and debris and restoration, and condition compliance. The project, as conditioned, will therefore be consistent with the Coastal Act.

LOCAL APPROVALS RECEIVED: Approval in Concept: Los Angeles County Regional Planning Department; California Department of Fish and Game review letter dated December 12, 2002.

SUBSTANTIVE FILE DOCUMENTS: Conceptual Mitigation Plan dated March 26, 2003 by Glenn Lukos Associates; Coastal Permit No. 4-01-068-A-1, Srivastava; Certified Malibu/Santa Monica Mountains Land Use Plan, Los Angeles County.

PROCEDURAL NOTE: The Commission's regulations provide for referral of permit amendment requests to the Commission if:

1. The Executive Director determines that the proposed amendment is a material change, or
2. Objection is made to the Executive Director's determination of immateriality, or
3. The proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.

If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material (14 Cal. Admin. Code Section 13166). The Executive Director determined that this proposed amendment will be processed as a material amendment.

I. **STAFF RECOMMENDATION FOR AMENDMENT APPLICATION**
NO. 4-01-068-A-1:

RECOMMENDATION OF APPROVAL

MOTION ONE: *I move that the Commission approve the proposed amendments to Coastal Development Permit No. 4-01-068-A-1 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the amendments as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE PERMIT AMENDMENT:

The Commission hereby approves the coastal development permit amendment on the grounds that the development as amended and subject to conditions, will be in conformity with the policies of certified Malibu Local Coastal Program. Approval of the permit amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the amended development on the environment, or 2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended development on the environment.

STAFF NOTE: All Standard (No. 1 - 5) and Special Conditions (No. 1-6) attached to the original Coastal Permit No. 4-01-068 shall remain in effect and are incorporated herein. The applicant has met these Special Conditions and the Coastal Permit has been issued. Three new Special Conditions, Numbers Seven, Eight, and Nine below, are added as a result of this Amendment.

A. STANDARD CONDITIONS FOR COASTAL PERMIT AMENDMENT NO. 4-01-068-A-1:

See Exhibit 1

B. SPECIAL CONDITIONS FOR COASTAL PERMIT AMENDMENT NO. 4-01-068-A-1:

See Exhibit 2 for Condition Nos. 1 – 6.

7. REVISED LANDSCAPE, EROSION CONTROL, AND FUEL MODIFICATION PLANS (NEW)

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit revised landscaping and erosion control plans, prepared by a licensed landscape architect or a qualified resource specialist, for review and approval by the Executive Director. The revised plans shall incorporate the following criteria:

A) Landscaping and Erosion Control Plans

1) All graded & disturbed areas within the drainage channel and slope bank areas and surrounding drainage and sloped area on the subject site shall be planted and maintained for erosion control purposes within (90) days of receipt of this Coastal Development Permit. The planting restoration shall be completed consistent with the recommendations contained in the Conceptual Mitigation Plan dated March 26, 2003 by Glenn Lukos Associates and shall consist primarily of native/drought resistant plants as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled Recommended List of Plants for Landscaping in the Santa Monica Mountains, dated February 5, 1996, consistent with fire safety requirements. Invasive, non-indigenous plant species which tend to supplant native

species shall not be used. Such planting shall be adequate to provide 90 percent coverage within two (2) years, and this requirement shall apply to all disturbed soils.

2) Plantings shall be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements;

3) The Permittee shall undertake development in accordance with the final approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Coastal Commission - approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.

4) Vegetation within 20 feet of the proposed residence garages and driveway may be removed to mineral earth, vegetation within a 200 foot radius of the main structure may be selectively thinned in order to reduce fire hazard. However, such thinning shall only occur in accordance with a revised and approved long-term fuel modification plan submitted pursuant to this special condition. The final revised fuel modification plan shall include details regarding the types, sizes and location of plant materials to be removed, and how often thinning is to occur. In addition, the applicant shall submit evidence that the Revised Final Fuel Modification Plan has been reviewed and approved by the Los Angeles County Fire Department, Forestry Division, Fire Prevention Bureau. Any irrigated lawn, turf and ground cover planted within the fifty foot radius of the proposed house shall be selected from the most drought tolerant species or subspecies, or varieties suited to the Mediterranean climate of the Santa Monica Mountains.

B) Interim Erosion Control Plan

1) The landscape/erosion control plan shall delineate the areas to be disturbed by grading and removal activities and shall include any temporary access roads, staging areas and stockpile areas. The natural areas on the site to be left undisturbed such as native trees and vegetation shall be clearly delineated on the project site with fencing or survey flags.

2) The plan shall specify that should grading take place during the rainy season (November 1 – March 31) the applicant shall install or construct temporary sediment basins (including debris basins, desilting basins or silt traps), temporary drains and swales, sand bag barriers, silt fencing, stabilize any stockpiled fill with geo-fabric covers or other appropriate cover, install geo-textiles or mats on all cut or fill slopes and close and stabilize open trenches as soon as possible. These erosion measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained through out the development process to minimize erosion and sediment from runoff waters during construction. All sediment should be retained on-site unless removed to an appropriate approved dumping location either outside the coastal zone or to a site within the coastal zone permitted to receive fill.

- 3) The plan shall also include temporary erosion control measures should grading or site preparation cease for a period of more than 30 days, including but not limited to: stabilization of all stockpiled fill, access roads, disturbed soils and cut and fill slopes with geo-textiles and/or mats, sand bag barriers, silt fencing; temporary drains and swales and sediment basins. The plans shall also specify that all disturbed areas shall be seeded with native grass species and include the technical specifications for seeding the disturbed areas. These temporary erosion control measures shall be monitored and maintained until grading or construction operations resume.

C) Monitoring

Five (5) years from the date of the receipt of the Certificate of Occupancy for the residence the applicant shall submit for the review and approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect or a qualified Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

8. REMOVAL OF DEPOSITED MATERIAL AND DEBRIS AND RESTORATION (NEW)

Within 120 days of issuance of this permit, or within such additional time as the Executive Director may grant for good cause, the applicant shall remove all of the fill deposited in the drainage channel and remove all of the concrete debris deposited on the slope bank to an appropriate disposal site located outside the Coastal Zone or a site with a valid coastal permit for the disposal of fill material within the Coastal Zone. In addition, within 120 days of issuance of this permit, or within such additional time as the Executive Director may grant for good cause, the applicant shall complete implementation of the proposed Conceptual Mitigation Plan, prepared by Glenn Lukos Associates, dated March 26, 2003, and as required above pursuant to Special Condition No. 7 above. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

9. CONDITION COMPLIANCE (NEW)

Within ninety (90) days of Commission action on this Coastal Development Permit application, or within such additional time as the Executive Director may grant for

good cause, the applicants shall satisfy all requirements specified in the conditions hereto that the applicants are 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.

A. Project Description

The project site is located approximately four miles inland of the coast bounded by Mulholland Highway on the north and a loop of Cold Canyon Road on the south (Exhibits 3 and 4). The applicant propose to amend the approved Coastal Permit No. 4-01-068 to remove 110 cubic yards of fill deposited in drainage channel and remove 17 cubic yards of concrete debris deposited on slope bank. The applicant proposes to dispose of this material offsite, in approved landfill and then restore the disturbed area with native plants.

The subject site is an existing natural swale and flood hazard area located to the west of the existing residence on the subject site. The swale on the west is designated environmentally sensitive habitat (ESHA) on the Los Angeles County Sensitive Resources Map of the LUP.

B. Environmentally Sensitive Habitat Area

Section 30231 of the Coastal Act is designed to protect and enhance, or restore where feasible, marine resources and the biologic productivity and quality of coastal waters, including streams. Section 30231 of the Coastal Act states as follows:

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.

In addition, Section 30240 of the Coastal Act states that environmentally sensitive habitat areas must be protected against disruption of habitat values:

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

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts

which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

The Coastal Act requires that the environmentally sensitive habitat areas including coastal streams be protected from disruption of habitat values. Staff's previous review of Coastal Permit No. 4-01-068, Srivastava, indicated that the subject site includes a natural swale that is designated as a disturbed ESHA on the western portion of the subject parcel.

During the Commission's review of the applicant's proposed residential addition approved in Coastal Permit No. 4-01-068, 110 cubic yards of fill and 17 cubic yards of concrete debris was identified on the site in the vicinity of the swale on the western portion of the property. In response to the Commission's enforcement unit's request, the applicant submitted this application to remove this material and revegetate this area. The applicant submitted a letter dated December 12, 2002 from the Department of Fish and Game determining that the proposed removal project did not require a Lake or Streambed Alteration Agreement (Exhibit 5).

In order to adequately restore the swale area where this material and debris will be removed it is necessary to revise the approved landscape, erosion control and fuel modification plan to include the plant species recommended by the applicant's submitted Conceptual Mitigation Plan dated March 26, 2003 by Glenn Lukos Associates. **Special Condition No. Seven** carries out this mitigation plan. In order to ensure that the subject material and debris is removed from the site and disposed of in an appropriate disposal site located outside the coastal zone or a disposal site with a valid coastal permit for the disposal of fill material in a timely manner, **Special Condition No. Eight** carries out this requirement. In order to ensure that this coastal permit is issued within 90 days and these special conditions are satisfied prior to the issuance of this permit, **Special Condition No. Nine** is required. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Sections 30231 and 30240 of the Coastal Act.

C. Violation

Unpermitted development occurred on the subject parcel prior to submission of this permit application consisting of the fill material on a slope and concrete debris in a drainage channel. The subject permit application addresses the unpermitted development by proposing to remove, export and restore the native vegetation at these sites. In order to ensure that the matter of unpermitted development is resolved in a timely manner, **Special Condition Nos. Eight and Nine** require that the applicant satisfy all conditions of this permit which are prerequisite to the issuance of this permit within 90 days of Commission action, or within such additional time as the Executive Director may grant for good cause and remove the fill and debris from the site and export it to an appropriate site either located outside the coastal zone or a site with a valid coastal development permit for fill, and restore these disturbed areas with native vegetation consistent with the submitted conceptual mitigation plan dated March 26, 2003 by Glenn Lukos Associates also within 120 days of the issuance of the coastal permit, or within such additional time as the Executive Director may grant

for good cause. Consideration of this application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Review of this permit does not constitute a waiver of any legal action with regard to the alleged violation nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal permit.

D. Local Coastal Program

Section 30604 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 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 to 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 County of Los Angeles'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).

E. California Environmental Quality Act (CEQA)

Section 13096(a) of the Commission's administrative regulations requires Commission approval of 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)(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 effect which the activity may have on the environment.

The Commission finds that, 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 proposed project, as conditioned, has been adequately mitigated and is determined to be consistent with CEQA and the policies of the Coastal Act.

II. Standard Conditions.

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permitted 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. **Interpretation.** Any questions of intent or interpretation of any term or condition will be resolved by the Executive Director or the Commission.
4. **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.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permitted to bind all future owners and possessors of the subject property to the terms and conditions.

EXHIBIT 1 4-01-068-A-1 STANDARD CONDITIONS

III. Special Conditions

1. WILDFIRE WAIVER OF LIABILITY

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a signed document which shall indemnify and hold harmless the California Coastal Commission, its officers, agents and employees against any and all claims, demands, damages, costs, expenses, of liability arising out of the acquisition, design, construction, operations, maintenance, existence, or failure of the permitted project in an area where an extraordinary potential for damage or destruction from wild fire exists as an inherent risk to life and property.

2. REVISED LANDSCAPE, EROSION CONTROL, AND FUEL MODIFICATION PLANS

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit revised landscaping and erosion control plans, prepared by a licensed landscape architect or a qualified resource specialist, for review and approval by the Executive Director. The revised plans shall incorporate the following criteria:

A) Landscaping and Erosion Control Plans

- 1) All graded & disturbed areas and the existing graded building pad areas on the subject site shall be planted and maintained for erosion control purposes within (60) days of receipt of the certificate of occupancy for the residential addition. To minimize the need for irrigation all landscaping shall consist primarily of native/drought resistant plants as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled Recommended List of Plants for Landscaping in the Santa Monica Mountains, dated February 5, 1996. Invasive, non-indigenous plant species which tend to supplant native species shall not be used.
- 2) All disturbed areas on the subject site shall be stabilized with planting at the completion of final grading. Planting should be of native plant species indigenous to the Santa Monica Mountains using accepted planting procedures, consistent with fire safety requirements. Such planting shall be adequate to provide 90 percent coverage within two (2) years, and this requirement shall apply to all disturbed soils. The plan shall include vertical elements, such as trees and shrubs, which partially screen and soften the appearance of the proposed residence addition from public trails located to the south, west, and east of the subject site of the residence addition and along the northern portion of the stucco wall that may be seen from Mulholland Drive to the north.;

- 3) Plantings shall be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements;
- 4) The Permittee shall undertake development in accordance with the final approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Coastal Commission - approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.
- 5) Vegetation within 20 feet of the proposed residence garages and driveway may be removed to mineral earth, vegetation within a 200 foot radius of the main structure may be selectively thinned in order to reduce fire hazard. However, such thinning shall only occur in accordance with an approved long-term fuel modification plan submitted pursuant to this special condition. The final fuel modification plan shall include details regarding the types, sizes and location of plant materials to be removed, and how often thinning is to occur. In addition, the applicant shall submit evidence that the Final Fuel Modification Plan has been reviewed and approved by the Los Angeles County Fire Department, Forestry Division, Fire Prevention Bureau. Any irrigated lawn, turf and ground cover planted within the fifty foot radius of the proposed house shall be selected from the most drought tolerant species or subspecies, or varieties suited to the Mediterranean climate of the Santa Monica Mountains.
- 6) The final drainage/erosion control plan shall be implemented within 30 days of completion of final grading. By acceptance of this permit, the applicant agrees to maintain the drainage devices on a yearly basis in order to ensure that the system functions properly. Should the devices fail or any erosion result from the drainage from the project, the applicant or successor in interests shall be responsible for any necessary repairs and restoration.

B) Interim Erosion Control Plan

- 1) The landscape/erosion control plan shall delineate the areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas and stockpile areas. The natural areas on the site to be left undisturbed such as native trees and vegetation shall be clearly delineated on the project site with fencing or survey flags.
- 2) The plan shall specify that should grading take place during the rainy season (November 1 – March 31) the applicant shall install or construct temporary sediment basins (including debris basins, desilting basins or silt traps), temporary drains and swales, sand bag barriers, silt fencing, stabilize any

stockpiled fill with geo-fabric covers or other appropriate cover, install geo-textiles or mats on all cut or fill slopes and close and stabilize open trenches as soon as possible. These erosion measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained through out the development process to minimize erosion and sediment from runoff waters during construction. All sediment should be retained on-site unless removed to an appropriate approved dumping location either outside the coastal zone or to a site within the coastal zone permitted to receive fill.

- 3) The plan shall also include temporary erosion control measures should grading or site preparation cease for a period of more than 30 days, including but not limited to: stabilization of all stockpiled fill, access roads, disturbed soils and cut and fill slopes with geo-textiles and/or mats, sand bag barriers, silt fencing; temporary drains and swales and sediment basins. The plans shall also specify that all disturbed areas shall be seeded with native grass species and include the technical specifications for seeding the disturbed areas. These temporary erosion control measures shall be monitored and maintained until grading or construction operations resume.

C) Monitoring

Five (5) years from the date of the receipt of the Certificate of Occupancy for the residence the applicant shall submit for the review and approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect or a qualified Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

3. FUTURE DEVELOPMENT DEED RESTRICTION

- A. This permit is only for the development described in Coastal Development Permit No. 4-00-068. Pursuant to Title 14 California Code of Regulations Section 13250(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610 (a) shall apply to the entire property. Accordingly, any future improvements to the entire property including the

EXHIBIT 2
4-01-068-A-1
SPECIAL
CONDITIONS
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permitted addition to the residence and the existing residence and garage, and clearing of vegetation or grading, other than as provided for in the approved fuel modification landscape and erosion control plan prepared pursuant to Special Condition Number Two (2), shall require an amendment to Permit No. 4-01-068 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

- B.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction that shall supercede and replace the Deed Restriction recorded on October 5, 1998 as Instrument No. 98-1813093, in a form and content acceptable to the Executive Director, which reflects the above restrictions on development in the deed restriction and shall include legal descriptions of the applicant's entire parcel. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

4. DRAINAGE AND POLLUTED RUNOFF CONTROL PLAN

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and approval of the Executive Director, final drainage and runoff control plans, including supporting calculations. The plan shall be prepared by a licensed engineer and shall incorporate structural and non-structural Best Management Practices (BMPs) designed to control the volume, velocity and pollutant load of stormwater leaving the developed site. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:

- (a) Selected BMPs (or suites of BMPs) shall be designed to treat, infiltrate or filter stormwater from each runoff event, up to and including the 85th percentile, 24-hour runoff event for volume-based BMPs, and/or the 85th percentile, 1-hour runoff event, with an appropriate safety factor, for flow-based BMPs.
- (b) Runoff shall be conveyed off site in a non-erosive manner.
- (c) Energy dissipating measures shall be installed at the terminus of outflow drains.
- (d) The plan shall include provisions for maintaining the drainage system, including structural BMPs, in a functional condition throughout the life of the approved development. Such maintenance shall include the following: (1) BMPs shall be inspected, cleaned and repaired when necessary prior to the onset of the storm season, no later than September 30th each year and (2) should any of the project's surface or subsurface drainage/filtration structures or other BMPs fail or result in

increased erosion, the applicant/landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage/filtration system or BMPs and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new coastal development permit is required to authorize such work.

5. PLANS CONFORMING TO ENGINEERING RECOMMENDATION

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval by the Executive Director, evidence of the Engineering consultant's review and approval of all project plans. All recommendations contained in the submitted report titled: Limited Soils Engineering Investigation, dated October 18, 2000, by GeoConcepts, Inc. shall be incorporated into all final design and construction including: specific, drainage and maintenance, grading and earthwork, foundations, settlement, excavations, and slabs on grade. All plans must be reviewed and approved by the consultant.

The final plans approved by the consultants shall be in substantial conformance with the plans approved by the Commission relative to construction, grading and drainage. Any substantial changes in the proposed development approved by the Commission which may be required by the consultants shall require an amendment to the permit or a new coastal permit.

6. COLOR RESTRICTION DEED RESTRICTION

Prior to the issuance of the coastal development permit, the applicant shall submit for the review and approval of the Executive Director, a color palette and material specifications for the outer surface of all structures authorized by the approval of coastal development permit 4-01-068. The palette samples shall be presented in a format not to exceed 8½" X 11" X ½" in size. The palette shall include the colors proposed for the roof, trim, exterior surfaces, stucco wall, or other structures authorized by this permit. Acceptable colors shall be limited to colors compatible with the surrounding environment (earth tones) including shades of green, brown and gray with no white or light shades and no bright tones. All windows shall be comprised of non-glare glass. Night lighting, if any, shall be directed downward, be of low intensity, at low height and shielded; security lighting, if any, shall be controlled by motion detector.

The approved structures shall be colored with only the colors and window materials authorized pursuant to this special condition. Alternative colors or materials for future repainting or resurfacing or new windows may only be applied to the structures authorized by coastal development permit 4-01-068 if such changes are specifically authorized by the Executive Director as complying with this special condition.

Prior to the issuance the coastal development permit, the applicant shall execute and record a deed restriction, that shall supercede and replace the Deed Restriction recorded on October 5, 1998 as Instrument No. 98-1813093, in a form and content acceptable to the Executive Director, which reflects the restrictions stated above on the proposed development. The document shall run with the land for the life of the structures approved in this permit, binding all successors and assigns, and shall be recorded free of prior liens and encumbrances that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

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MAP 588 SEE

SEE 559 MAP

589

SEE 590 MAP

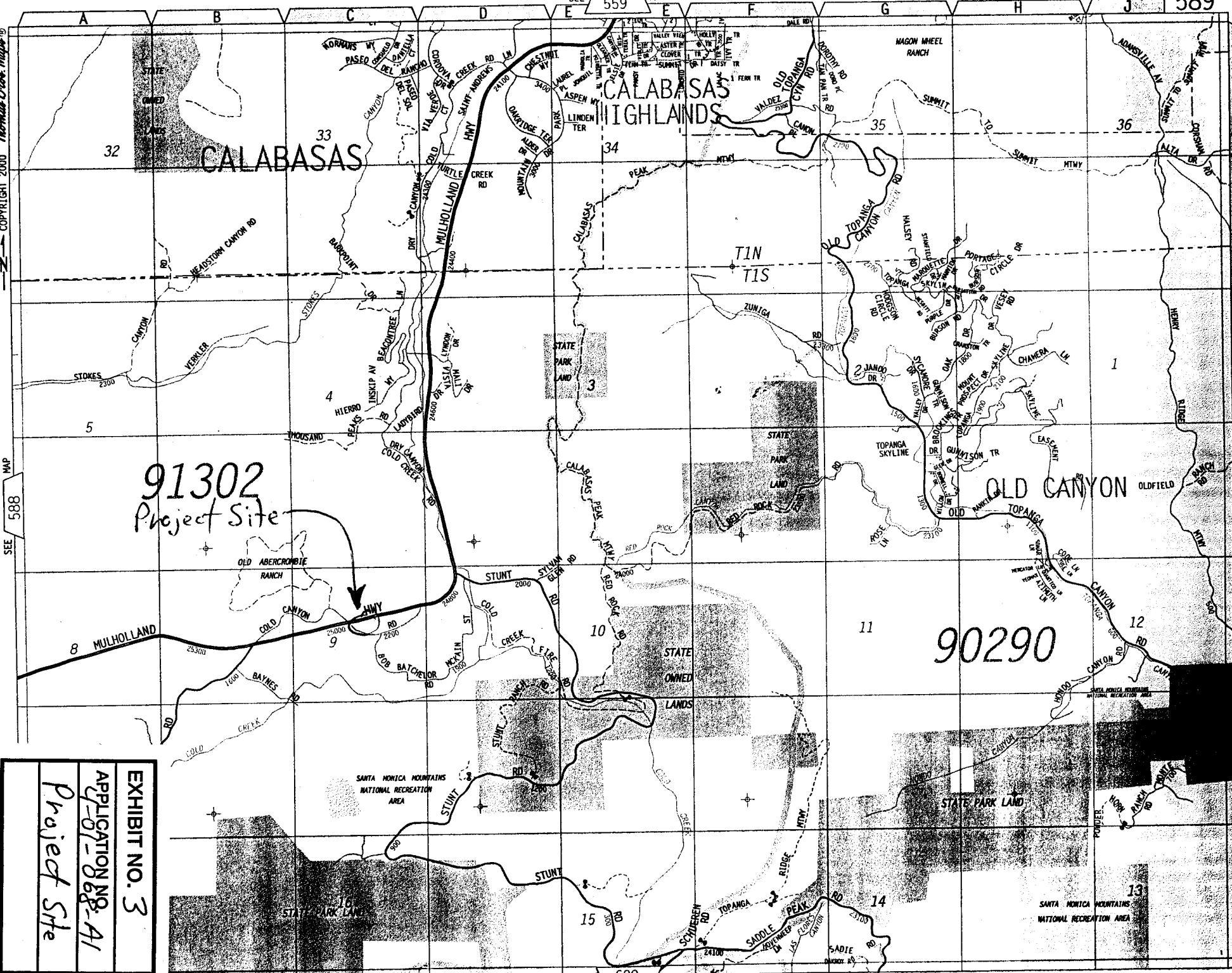


EXHIBIT NO. 3
APPLICATION NO. 41
9-01-0688-41
Project Site



SECRET

Summary

The speller system shall be calculated per NFPA 13, 13D, 13R 231 or 231C, whichever is applicable.

As a first step, the development of on-site hydrologic and weather systems for approval prior to installation.

Double underlines for: Miss Andrews, number sixteen, etc. (what he accused her of) occurred.

The inspection, hydrostatic test and marking of the hydraulic and/or sprayer system shall be addressed by the proper Department representative. No underground piping shall be covered or hidden from view until the Fire Department representative has been notified and given not less than 48 hours in which to inspect such installation.

Blank

Fill ^{out} will
Material

Concrete Debris

CALIFORNIA CANYON ROAD

1100 HIGHTWAY
24 - CITE
1200 AM, LOC 1041

FRANSE CHANNEL ENCEMENT PPT
22-01 210 pages
FOR DEPOSITION

[illegible]

Section 4A

20

EXHIBIT NO. 4
APPLICATION NO. 4-01-068-A1
Site Plan



State of California - The Resources Agency

GRAY DAVIS, Governor

DEPARTMENT OF FISH AND GAME

Scott Harris
Habitat Conservation and Planning Division
P.O. Box 950310
Mission Hills, CA 91395
(818) 360-8140



December 12, 2002

Mr. N.D. Srivastava
2175 Cold Canyon Road.
Calabasas, CA 91302

Dear Mr. Srivastava:

This is in response to the Streambed Alteration Agreement Notification Package, #R5-2002-0403, that Mr. David Dunphy submitted on your behalf to the Department of Fish and Game (Department). The project consists of the removal of earthen fill and concrete debris from the bottom of a slope near the west side of your home. The project is located north of Cold Canyon Road just south of Mulholland Highway in Calabasas, Los Angeles County.

Based on the Department's review of the information submitted and a site visit conducted on 12/9/02, the Department has determined that a Lake or Streambed Alteration Agreement is not required for your project or activity because the project or activity you described in your notification package will not:

- 1.) substantially divert, obstruct, or change the natural flow or the bed, channel, or bank of any river, stream, or lake; or
- 2.) substantially adversely affect existing fish or wildlife resources.

As a result, you may begin your project or activity if you have obtained all other necessary permits. If the project changes from that stated in the notification package specified above, a new notification shall be submitted to the Department of Fish and Game.

Nothing in this letter authorizes the Operator to trespass on any land or property, nor does it relieve the Operator of responsibility for compliance with applicable federal, state, or local laws or ordinances. This letter does not constitute the Department's endorsement of the proposed operation, or assure the Department's concurrence with permits required from other agencies.

Sincerely,


Scott P. Harris
Associate Wildlife Biologist

EXHIBIT NO. 5
APPLICATION NO. 4-01-068-A1
Letter DFG