

CALIFORNIA COASTAL COMMISSION

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SOUTH CENTRAL COAST AREA

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STAFF REPORT: PERMIT AMENDMENTS**APPLICATION NOS: 4-01-117-A-1 and 4-92-211-A2****APPLICANT: Joan Knapp****AGENTS: Don Schmitz, Stephanie Dreckman****PROJECT LOCATION: 34077 Pacific Coast Highway, City of Malibu**

DESCRIPTION OF COASTAL PERMIT No. 4-01-117 PREVIOUSLY APPROVED: Construct a two level (two stepped floor levels) 26 ft., 4 in., high above finished grade, 27 ft. 10 in. maximum height from finished grade at south elevation, 4,615 sq. ft. single family development consisting of a 3,930 sq. ft. residence, 695 sq. ft. two car garage, 599 sq. ft. shop/studio with an arbor connecting the residence and shop/studio and kitchen arbor with 96 solar panels on arbors and roof, 12,115 sq. ft. driveway with one fire truck turnaround area, entry gate and fencing, drill water well and explore for water in two locations, three water storage tanks, swimming pool and spa, septic system, 5.6 - 6.1 acres for agricultural use, 3,336 cubic yards of grading and landscaping.

DESCRIPTION OF COASTAL PERMIT No. 4-92-211-A PREVIOUSLY APPROVED: Subdivision of a 150-acre parcel of vacant land into seven parcels, each parcel fronting on Pacific Coast Highway.

DESCRIPTION OF AMENDMENT: Relocate approved driveway access improvements from the east property line and construct a new driveway access and driveway near the western property line to provide a shared access from Pacific Coast Highway to the subject parcel 6 and adjoining parcels 5 and 4, located to the west of the subject parcel. Reduce total grading and impervious surface for relocated driveway access to approved residence from 701 cubic yards to 344 cubic yards and from 10,136 sq. ft. to 5,729 sq. ft. Revise approved grading and drainage plan to omit riprap dissipater and add pervious pavers in center of driveway and perpendicular at periodic intervals to dissipate water along full length of driveway. Construct additional driveway across southern face of the residence.

LOCAL APPROVALS RECEIVED: City of Malibu Planning Department, "Approval in Concept", dated 9/18/02; Final Fuel Modification Approval, Los Angeles County Fire Department, dated 3/6/02; Department of Transportation District 7, Office of Permits, Ventura Satellite Office Encroachment Permit, dated December 3, 2002.

SUBSTANTIVE FILE DOCUMENTS: Coastal Development Permit No. 4-01-117, Knapp; Coastal Development Permit No. 4-92-211-A-1, Pritchett; City of Malibu Certified Local Coastal Program.

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.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission determine that the proposed development with these proposed amendments for separate coastal permits, as conditioned, is consistent with the requirements of the Malibu LCP. Three special conditions are recommended to address the coastal issues raised by this amendment to Coastal Permit No. 4-01-117 and one condition is recommended to address the coastal issue raised by this amendment to Coastal Permit No. 4-92-211-A-1.

**I. STAFF RECOMMENDATION FOR AMENDMENT APPLICATION
NOS. 4-01-117-A-1 & 4-92-211-A-2:**

RECOMMENDATION OF APPROVAL

USAGE NOTE: To approve an amendment to a coastal development permit, the Commission must vote "yes" on a motion to approve the proposed permit amendment. The amendment is approved if a majority of Commissioners present vote "yes." (Public Resources Code § 30604.)

MOTION ONE: I move that the Commission approve the proposed amendments to Coastal Development Permit Nos. 4-01-117-A-1 and 4-92-211-A-2 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 AMENDMENTS:

The Commission hereby approves the two coastal development permit amendments on the ground 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. 1-10) attached to the original Coastal Permit No. 4-01-117 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 Eleven through Thirteen below, are added as a result of this Amendment.

A. STANDARD CONDITIONS FOR COASTAL PERMIT AMENDMENT NO. 4-01-117-A-1:

See Exhibit 1

B. SPECIAL CONDITIONS FOR COASTAL PERMIT AMENDMENT NO. 4-01-117-A-1:

See Exhibit 2 for Condition Nos. 1 – 10.

11. Revise Recorded Deed Restriction (New)

Prior to the issuance of coastal development permit amendment number 4-01-117-A-1, the applicant shall comply with the conditions of coastal development permit amendment number 4-92-211-A-2 to the satisfaction of the Executive Director and that amendment has been issued to the applicant.

12. Driveway Color Restriction (New)

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 surface of proposed driveway authorized by the approval of coastal development permit amendment no. 4-01-177-A1. The palette samples shall be presented in a format not to exceed

8½" X 11" X ½" in size. The palette shall include the color proposed for the exterior surface of the proposed driveway and extension 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, black, or light shades and no bright tones.

The approved driveway shall be colored with only the color authorized pursuant to this special condition. Alternative colors for future repainting or resurfacing may only be applied to the driveway surface authorized by coastal development permit 4-01-117-A1 if the Executive Director as complying with this special condition specifically authorizes such changes.

13. Generic Deed Restriction (New)

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

STAFF NOTE: Special Condition No. 1 a, c, d, e, e, and f attached to the original Coastal Permit Amendment No. 4-92-211-A-2 shall remain in effect and are incorporated herein. The applicant has met these Special Conditions and the Coastal Permit Amendment has been issued. Special Condition No. 1 b. is revised as identified below. The original Coastal Permit No. P-6923 did not include any Standard Conditions.

A. SPECIAL CONDITIONS FOR COASTAL PERMIT AMENDMENT NO. 4-92-211-A-2:

See Exhibit 3 for Condition No. 1 a - f.

1. b. Revise Recorded Deed Restriction

Prior to issuance of Coastal Permit Amendment No. 4-92-211-A2, the applicant shall record a Modification to Deed Restriction, in a form and content acceptable to the Executive Director, that modifies Condition No. 1. b. of the Deed Restriction recorded in the County of Los Angeles on May 12, 1994 as Document Number 94-918900, with respect to Parcel 6 only (Assessor's Parcel Numbers 4473-027-015), to state the following:

"access to the seven lots from Pacific Coast Highway is limited to only (2) additional driveways to minimize the visual impact on the road, except that a third additional driveway may be constructed to provide access to Parcel 6 (Assessor's Parcel Number 4473-027-015), Parcel 5 (Assessor's Parcel Number 4473-027-009), and Parcel 4 (Assessor's Parcel Number 4473-027-008), if the Coastal Commission finds that this is necessary."

II. Findings and Declarations

The Commission finds and declares:

A. Project Description and Location

The applicant proposes to relocate the approved driveway access to the subject parcel from Pacific Coast Highway as approved by the Commission in Coastal Permit No. 4-01-117, Knapp (Exhibits 4 and 5). The Commission approved the access driveway to the subject Parcel 6 from the existing driveway located on adjoining Parcel 7 (Exhibit 5). Access from this approved driveway was required pursuant to a 1994 recorded deed restriction required in Coastal Permit No. 4-92-211-A (Exhibit 6 and 7, in part). The applicant proposes to relocate driveway access improvements from the east property line to the west property line by constructing a new shared driveway access near the western property line leading to the subject residence (Plan # 11:Exhibits 9, 10 and 11). The applicant submitted an additional Site Plan # 12 (Exhibit 8) locating the proposed driveway consistent with the California Department of Transportation Encroachment Permit requirements as the final plan. This Site Plan # 12 is the subject of this application (Exhibits 8, 16 and 17). This new proposed driveway access from Pacific Coast Highway will provide access to the applicant's subject parcel 6 and provide access to adjoining parcels 4 and 5, located to the west of the subject parcel.

Total grading for the residence and driveway approved in Coastal Permit No. 4-01-117 was 3,336 cubic yards of material, consisting of 1,668 cubic yards of cut, 191 cubic yards of fill and 1,477 cubic yards for agricultural top soil fill. The grading for the approved driveway access from the existing driveway to the approved residence will be reduced from 974 cubic yards to 344 cubic yards. In addition, the impervious surface for the relocated driveway will be reduced from the approved 10,136 sq. ft. to 5,729 sq. ft. The project also includes revising the approved grading and drainage plan to omit a riprap dissipater and add pervious pavers in center of driveway at periodic intervals to dissipate water along full length of driveway. The hammerhead turnaround configuration shown on Exhibit 8 just landward of Pacific Coast Highway is not proposed in this application; it only illustrates that when the adjacent parcels are developed and the access from PCH is used to access those parcels, that the turning radius for fire trucks can be provided. Lastly, the project includes constructing an additional driveway across southern face of the residence with decomposed granite.

The subject property fronts about 428 feet of the inland side of Pacific Coast Highway and extends about one half-mile inland (Exhibit 6). Topography at the subject site includes a gently sloping terrace (14 – 20% slope) rising up from PCH about 400 feet to a steep hillside (50% or

greater slope) to a knoll from which the property again rises gently to a drainage feature, rising again steeply to the northern boundary of the property.

In July 2002, the Commission approved the construction of a two level 4,615 sq. ft. single family development consisting of a 3,930 sq. ft. residence, 695 sq. ft. two car garage, 599 sq. ft. shop/studio with an arbor connecting the residence and shop/studio and a kitchen arbor with 96 solar panels on arbors and roof, a 12,115 sq. ft. driveway with one fire truck turnaround area, entry gate and fencing, drill a water well and explore for water in two locations three water storage tanks, swimming pool and spa, septic system, 5.6 – 6.1 acres for agricultural use, 3,336 cubic yards of grading and landscaping.

This application number 4-01-117-A-1 was submitted October 1, 2002 and was filed as complete on October 31, 2002 under operation of law due to staff's unavailability on and prior to the 30 day application review period. Staff determined that a second amendment application was also required to Coastal Permit No. 4-92-211-A-1 to address the request to allow a third access driveway from Pacific Coast Highway. Amendment application number 4-92-211-A-2 was filed on March 20, 2003.

In April 1993, the Commission approved a Coastal Permit Amendment No. 4-92-211-A-1 which proposed to delete or modify Special Conditions 1 – 7, (Exhibit 3). These Special Conditions were recorded as a deed restriction addressing a number of issues including the existing limitation of two new driveways accessing these seven parcels from Pacific Coast Highway to minimize the visual impact on the road (Exhibit 7). The South Coast Regional Coastal Commission approved Coastal Permit No. P-6923 which proposed to subdivide 150 acres of land into seven parcels in June 1976 with seven Special Conditions.

B. Visual Resources and Landform Alteration

The Malibu LCP provides for the protection of public views from development to and along the coast and requires development to minimize the alteration of natural landforms. Section 30251 of the Coastal Act is incorporated into the Malibu LCP which 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 following LCP policies are applicable in this case:

- 6.1 ***The Santa Monica Mountains, including the City, contain scenic areas of regional and national importance. The scenic and visual qualities of these areas shall be protected and, where feasible, enhanced.***
- 6.2 ***Places on and along public roads, trails, parklands, and beaches that offer scenic vistas are considered public viewing areas. Existing public roads where there are views of the ocean***

and other scenic areas are considered Scenic Roads. Public parklands and riding and hiking trails which contain public viewing areas are shown on the LUP Park Map. The LUP Public Access Map shows public beach parks and other beach areas accessible to the public that serve as public viewing areas.

- 6.3 *Roadways traversing or providing views of areas of outstanding scenic quality, containing striking views of natural vegetation, geology, and other unique natural features, including the ocean shall be considered Scenic Roads. The following roads within the City are considered Scenic Roads:*
- *Pacific Coast Highway*
 - *Decker Canyon Road*
 - *Encinal Canyon Road*
 - *Kanan Dume Road*
 - *Latigo Canyon Road*
 - *Corral Canyon Road*
 - *Malibu Canyon Road*
 - *Tuna Canyon Road*
- 6.4 *Places on, along, within, or visible from scenic roads, trails, beaches, parklands and state waters that offer scenic vistas of the beach and ocean, coastline, mountains, canyons and other unique natural features are considered Scenic Areas. Scenic Areas do not include inland areas that are largely developed or built out such as residential subdivisions along the coastal terrace, residential development inland of Birdview Avenue and Cliffside Drive on Point Dume, or existing commercial development within the Civic Center and along Pacific Coast Highway east of Malibu Canyon Road.*
- 6.5 *New development shall be sited and designed to minimize adverse impacts on scenic areas visible from scenic roads or public viewing areas to the maximum feasible extent. If there is no feasible building site location on the proposed project site where development would not be visible, then the development shall be sited and designed to minimize impacts on scenic areas visible from scenic highways or public viewing areas, through measures including, but not limited to, siting development in the least visible portion of the site, breaking up the mass of new structures, designing structures to blend into the natural hillside setting, restricting the building maximum size, reducing maximum height standards, clustering development, minimizing grading, incorporating landscape elements, and where appropriate, berming.*
- 6.6 *Avoidance of impacts to visual resources through site selection and design alternatives is the preferred method over landscape screening. Landscape screening, as mitigation of visual impacts shall not substitute for project alternatives including resiting, or reducing the height or bulk of structures.*
- 6.9 *All new development shall be sited and designed to minimize alteration of natural landforms by:*
- *Conforming to the natural topography.*
 - *Preventing substantial grading or reconfiguration of the project site.*
 - *Eliminating flat building pads on slopes. Building pads on sloping sites shall utilize split level or stepped-pad designs.*
 - *Requiring that man-made contours mimic the natural contours.*
 - *Ensuring that graded slopes blend with the existing terrain of the site and surrounding area.*
 - *Minimizing grading permitted outside of the building footprint.*
 - *Clustering structures to minimize site disturbance and to minimize development area.*
 - *Minimizing height and length of cut and fill slopes.*

- *Minimizing the height and length of retaining walls.*
- *Cut and fill operations may be balanced on-site, where the grading does not substantially alter the existing topography and blends with the surrounding area. Export of cut material may be required to preserve the natural topography.*

6.12 All new structures shall be sited and designed to minimize impacts to visual resources by:

- *Ensuring visual compatibility with the character of surrounding areas.*
- *Avoiding large cantilevers or understories.*
- *Setting back higher elements of the structure toward the center or uphill portion of the building.*

6.13 New development in areas visible from scenic roads or public viewing areas, shall incorporate colors and exterior materials that are compatible with the surrounding landscape. The use of highly reflective materials shall be prohibited.

6.14 The height of permitted retaining walls shall not exceed six feet. Stepped or terraced retaining walls up to twelve feet in height, with planting in between, may be permitted. Where feasible, long continuous walls shall be broken into sections or shall include undulations to provide visual relief. Where feasible, retaining walls supporting a structure should be incorporated into the foundation system in a stepped or split level design. Retaining walls visible from scenic highways, trails, parks, and beaches should incorporate veneers, texturing and/or colors that blend with the surrounding earth materials or landscape.

6.29 Cut and fill slopes and other areas disturbed by construction activities shall be landscaped or revegetated at the completion of grading. Landscape plans shall provide that:

- *Plantings shall be of native, drought-tolerant plant species, and blend with the existing natural vegetation and natural habitats on the site, except as noted below.*
- *Invasive plant species that tend to supplant native species and natural habitats shall be prohibited.*
- *Non-invasive ornamental plants and lawn may be permitted in combination with native, drought-tolerant species within the irrigated zone(s) required for fuel modification nearest approved residential structures.*
- *Lawn shall not be located on any geologically sensitive area such as coastal blufftop.*
- *Landscaping or revegetation shall provide 90 percent coverage within five years. Landscaping or revegetation that is located within any required fuel modification thinning zone (Zone C, if required by the Los Angeles County Fire Department) shall provide 60 percent coverage within five years.*

The subject site is located within a rural area characterized by expansive, naturally vegetated mountains and hillsides that are traversed by scenic public trails within the western limits of the City of Malibu. The subject parcel is highly visible by the public traversing Pacific Coast Highway and along the undeveloped bluffs of Nicholas Canyon County Beach Park immediately seaward of the project site. Pacific Coast Highway is a major coastal access route, not only utilized by local residents, but also heavily used by tourists and visitors to access several public beaches located in the surrounding area which are only accessible from Pacific Coast Highway. In addition, Pacific Coast Highway is an LCP designated scenic roadway.

The project site is located within a seven parcel subdivision originally approved by the Commission in 1976 and amended in 1993 to modify the special conditions (Exhibits 3 and 7).

There are a number of deed restrictions limiting development on these parcels. One of these restrictions, number 1. b., requires that driveway access be limited to two additional driveways for this seven-lot subdivision (Exhibits 3 and 7). Another restriction, number 1. e., requires that landform alteration be minimized and the visual impact of development on the coastal viewshed from the highway be mitigated.

The amendment proposes to relocate driveway access to the subject site from an existing driveway entrance located on the adjoining parcel 7 to the east to a location on the western portion of the subject parcel 6. Driveway access to adjoining parcels 4 and 5 located to the west would also be from this new driveway cut through to Pacific Coast Highway (Exhibits 16 and 17). The applicant has stated that the reason for this amendment is that the existing easement on the adjoining property is not large enough to meet the Los Angeles County Fire Department requirements for a 32 foot wide turning radius for emergency vehicles (Exhibit 16). The applicant has also stated that the adjoining property owners, the Taylors, would not consent to an expanded easement area on their property. Staff contacted the Los Angeles County Fire Department on March 18, 2003 to confirm this requirement, but was unable to do so in a discussion with a Fire Department representative. The applicant submitted Exhibits 13 and 14 as evidence that the existing 20 foot wide easement was inadequate in size to allow a 32 foot wide turning radius. Staff's review of the Los Angeles County Fire Department Residential Turnaround Specifications and the existing easement and driveway entrance on Parcel 7 confirms that additional easement area is needed to develop a driveway. This issue was not addressed in the review of Coastal Permit No. 4-01-117, nor was a site access plan approved by the Los Angeles County Fire Department submitted by the applicant.

The new driveway cut into an approximate 15 foot high slope along Pacific Coast Highway (Exhibits 16 and 17) requires an encroachment permit from the California Department of Transportation; the applicant has obtained this encroachment permit (Exhibit 15). The cut involves a total of 173 cubic yards of cut into a slope and 171 cubic yards of fill to complete the driveway to the approved hammerhead turnaround at the northwest corner of the residence. The proposed slope cut is only visible from Pacific Coast Highway for a short distance directly in front of it as identified in Exhibits 16 and 17. The driveway continuing up the slope to the project site will be visible from a greater distance area along Pacific Coast Highway (Exhibit 17). However, the approved driveway crossing laterally up the slope from Parcel 7 and Pacific Coast Highway would be more visible from a greater distance along Pacific Coast Highway.

As a result of this relocated driveway access closer to Parcels 4 and 5, there would be no need for an additional frontage driveway along the top of the slope on Parcel 6 located from the approved driveway access on parcel 7 to the eastern boundary of Parcel 5 to provide access to parcels 4 and 5 (Exhibit 6). As a result of the proposed driveway relocation this connecting frontage driveway would not be needed. Therefore, the future grading necessary to construct this frontage driveway would not be necessary which is estimated by the applicant to be approximately 833 cubic yards of material and a total impervious driveway surface of approximately 10,600 sq. ft.

Access to this subject parcel and the two adjoining parcels located to the west was limited to the existing approved driveway on parcel 7 (Exhibits 5 and 6). As required by the Commission in 1993, this driveway was to be shared by five properties pursuant to a 1994 recorded deed

restriction required in Coastal Permit No. 4-92-211A (Exhibit 7). The applicant proposes to modify this recorded deed restriction to allow a third driveway to access the seven parcels of this subdivision. Because the quantity of grading to create this driveway is about half of the grading necessary to construct the approved driveway access from Parcel 7 and the impervious surface is also about one half of that as approved, and would be further reduced if the future frontage driveway is not constructed, the proposed amendment as conditioned is consistent with the City of Malibu LCP. The proposed relocated driveway, as conditioned, would minimize landform alteration consistent applicable Malibu LCP policies 6.9, the public visibility of the new driveway would be limited consistent with policies 6.1 – 6.6, 6.12 – 6.14, and 6.24, while minimizing runoff consistent with applicable Malibu LCP policies, including Policies 6.1, 6.2, 6.5, and 6.9. **Special Condition No. Eleven** required for Coastal Permit No. 4-01-117-A-1 and **Special Condition No. One b.** for Coastal Permit No. 4-92-211-A-2 would modify this deed restriction to allow a third driveway to access these parcels from Pacific Coast Highway. Therefore, **Special Condition No. Eleven** for Coastal Permit No. 4-01-117-A-1 and **Special Condition No. One b.** for Coastal Permit No. 4-92-211-A-2 are revised to state:

“access to the seven lots from Pacific Coast Highway is limited to only (2) additional driveways to minimize the visual impact on the road, except that a third additional driveway may be constructed to provide access to Parcel 6, if the Coastal Commission finds that this is necessary.”

To address the limited visual impact of the proposed driveway approach and route to the approved residence, **Special Condition No. Twelve** requires that the color of the driveway be limited to colors compatible with the surrounding environment (earth tones) including shades of green, brown and gray with no white, black, or light shades and no bright tones. To address the visual effects of the site landscaping and agricultural areas and minimize erosion on site the applicant has submitted a final landscape/agricultural operation plan and erosion control and fuel modification plans addressing the relocated driveway. These plans are stamped by the consulting landscape architect, geotechnical engineer and civil engineer and the Los Angeles County Fire Department indicating compliance with the original Special Conditions One, Eight and Ten addressing Landscape, erosion control and fuel modification plans including landscaping the new driveway cut slopes, plans conforming to geologist/engineers recommendations, and the agricultural operation and delineation plan.

Therefore, within this setting, the public visibility of the proposed project will be very limited and will not adversely impact visual resources. For these reasons, the Commission finds that the proposed project, as conditioned, is consistent with the visual resource and landform alteration policies of the Malibu LCP.

C. Water Quality

The Malibu LCP provides for the protection of environmentally sensitive habitat areas from disruption of habitat values. Section 30240 of the Coastal Act is incorporated as a policy in the Malibu LCP which states that:

(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.

Section 30231 of the Coastal Act is incorporated as a policy of the Malibu LCP and is written to protect and enhance, or restore where feasible, marine resources and the biological productivity and quality of coastal waters, including streams:

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, the following ESHA LCP policies are applicable in this case:

- 3.1** *Areas in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments are Environmentally Sensitive Habitat Areas (ESHAs) and are generally shown on the LUP ESHA Map. The ESHAs in the City of Malibu are riparian areas, streams, native woodlands, native grasslands/savannas, chaparral, coastal sage scrub, dunes, bluffs, and wetlands, unless there is site-specific evidence that establishes that a habitat area is not especially valuable because of its special nature or role in the ecosystem. Regardless of whether streams and wetlands are designated as ESHA, the policies and standards in the LCP applicable to streams and wetlands shall apply. Existing, legally established agricultural uses, confined animal facilities, and fuel modification areas required by the Los Angeles County Fire Department for existing, legal structures do not meet the definition of ESHA.*
- 3.8** *Environmentally Sensitive Habitat Areas (ESHAs) shall be protected against significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.*
- 3.26** *Required buffer areas shall extend from the following points:*
- The outer edge of the canopy of riparian vegetation for riparian ESHA.
The outer edge of the tree canopy for oak or other native woodland ESHA.
The top of bluff for coastal bluff ESHA*
- 3.27** *Buffers shall be provided from coastal sage scrub and chaparral ESHA that are of sufficient width to ensure that no required fuel modification (Zones A, B, or C, if required) will extend into the ESHA and that no structures will be within 100 feet of the outer edge of the plants that comprise the habitat.*

In addition, the following water quality LCP policies are applicable in this case:

- 1.95** *New development shall be sited and designed to protect water quality and minimize impacts to coastal waters by incorporating measures designed to ensure the following:*
- *Protecting areas that provide important water quality benefits, areas necessary to maintain riparian and aquatic biota and/or that are susceptible to erosion and sediment loss.*
 - *Limiting increases of impervious surfaces.*

- *Limiting land disturbance activities such as clearing and grading, and cut-and-fill to reduce erosion and sediment loss.*
 - *Limiting disturbance of natural drainage features and vegetation.*
- 1.96** *New development shall not result in the degradation of the water quality of groundwater basins or coastal surface waters including the ocean, coastal streams, or wetlands. Urban runoff pollutants shall not be discharged or deposited such that they adversely impact groundwater, the ocean, coastal streams, or wetlands, consistent with the requirements of the Los Angeles Regional Quality Control Board's municipal stormwater permit and the California Ocean Plan.*
- 1.96.1** *Development must be designed to minimize, to the maximum extent feasible, the introduction of pollutants of concern¹ that may result in significant impacts from site runoff from impervious areas. To meet the requirement to minimize "pollutants of concern," new development shall incorporate a Best Management Practice (BMP) or a combination of BMPs best suited to reduce pollutant loading to the maximum extent feasible.*
- 3.99** *Post-development peak stormwater runoff discharge rates shall not exceed the estimated pre-development rate. Dry weather runoff from new development must not exceed the pre-development baseline flow rate to receiving waterbodies.*
- 3.100** *New development shall be sited and designed to minimize impacts to water quality from increased runoff volumes and nonpoint source pollution. All new development shall meet the requirements of the Los Angeles Regional Water Quality Control Board (RWQCB) in its the Standard Urban Storm Water Mitigation Plan For Los Angeles County And Cities In Los Angeles County (March 2000) (LA SUSMP) or subsequent versions of this plan.*
- 3.102** *Post-construction structural BMPs (or suites of BMPs) should be designed to treat, infiltrate, or filter the amount of stormwater runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs and/or the 85th percentile, 1-hour storm event (with an appropriate safety factor, i.e. 2 or greater) for flow-based BMPs. This standard shall be consistent with the most recent Los Angeles Regional Water Quality Control Board municipal stormwater permit for the Malibu region or the most recent California Coastal Commission Plan for Controlling Polluted Runoff, whichever is more stringent.*
- 3.110** *New development shall include construction phase erosion control and polluted runoff control plans. These plans shall specify BMPs that will be implemented to minimize erosion and sedimentation, provide adequate sanitary and waste disposal facilities and prevent contamination of runoff by construction chemicals and materials.*
- 3.111** *New development shall include post-development phase drainage and polluted runoff control plans. These plans shall specify site design, source control and treatment control BMPs that will be implemented to minimize post-construction polluted runoff, and shall include the monitoring and maintenance plans for these BMPs.*
- 3.115** *Permits for new development shall be conditioned to require ongoing maintenance where maintenance is necessary for effective operation of required BMPs. Verification of maintenance shall include the permittee's signed statement accepting responsibility for all structural and treatment control BMP maintenance until such time as the property is transferred and another party takes responsibility.*

¹ Pollutants of concern are defined in the Standard Urban Storm Water Mitigation Plan For Los Angeles County And Cities In Los Angeles County as consisting " of any pollutants that exhibit one or more of the following characteristics: current loadings or historic deposits of the pollutant are impacting the beneficial uses of a receiving water , elevated levels of the pollutant are found in sediments of a receiving water and/or have the potential to bioaccumulate in organisms therein, or the detectable inputs of the pollutant are at a concentrations or loads considered potentially toxic to humans and/or flora or fauna".

- 3.116 *The City, property owners, or homeowners associations, as applicable, shall be required to maintain any drainage device to insure it functions as designed and intended. All structural BMPs shall be inspected, cleaned, and repaired when necessary prior to September 30th of each year. Owners of these devices will be responsible for insuring that they continue to function properly and additional inspections should occur after storms as needed throughout the rainy season. Repairs, modifications, or installation of additional BMPs, as needed, should be carried out prior to the next rainy season.*
- 3.118 *Some BMPs for reducing the impacts of non-point source pollution may not be appropriate for development on steep slopes, on sites with low permeability soil conditions, or areas where saturated soils can lead to geologic instability. New development in these areas should incorporate BMPs that do not increase the degree of geologic instability.*
- 3.119 *New development that requires a grading permit or Local SWPPP shall include landscaping and re-vegetation of graded or disturbed areas, consistent with Policy 3.50. Any landscaping that is required to control erosion shall use native or drought-tolerant non-invasive plants to minimize the need for fertilizer, pesticides, herbicides, and excessive irrigation. Where irrigation is necessary, efficient irrigation practices shall be required.*
- 3.120 *New development shall protect the absorption, purifying, and retentive functions of natural systems that exist on the site. Where feasible, drainage plans shall be designed to complement and utilize existing drainage patterns and systems, conveying drainage from the developed area of the site in a non-erosive manner. Disturbed or degraded natural drainage systems shall be restored, where feasible, except where there are geologic or public safety concerns.*
- 3.125 *Development involving onsite wastewater discharges shall be consistent with the rules and regulations of the L.A. Regional Water Quality Control Board, including Waste Discharge Requirements, revised waivers and other regulations that apply.*

The applicant proposes to conduct agricultural activities on about six acres of the subject parcel as approved by the Commission in Coastal Permit No. 4-01-117. A landscape plan drainage and polluted runoff plan and agricultural operation and delineation plan were required to minimize erosional hazards, polluted runoff and adverse effects of the agricultural operation as described further in the staff report and findings for this coastal permit. The proposed driveway relocation affects each of these three plans. The applicant has submitted a revised landscape, erosion control and fuel modification plan stamped as noted above to reflect the relocated driveway consistent with the original Special Condition No. One. The applicant has also submitted a revised drainage and polluted runoff control plan to reflect the relocated driveway stamped by a civil engineer consistent with the original Special Condition No. Four. The applicant has submitted a revised agricultural operation and delineation plan to reflect the relocated driveway stamped by a landscape architect consistent with the original Special Condition No. Ten.

Finally, **Special Condition No. Thirteen** requires the applicant to record a generic deed restriction that imposes the terms and conditions of this permit as restrictions on use and enjoyment of the property and provides any prospective purchaser of the site with recorded notice that the restrictions are imposed on the subject property.

Therefore, the Commission finds that the proposed project is consistent, as conditioned, with the protection of environmentally sensitive habitats, water quality and coastal waters policies as required by Malibu LCP.

D. 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.

401117a1knappreport

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. **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 permittee to bind all future owners and possessors of the subject property to the terms and conditions.

**Exhibit 1
Application 4-01-117-A-1 &
4-92-211-A-2
Standard Conditions for
CDP 4-01-117**

III. Special Conditions

1. 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 and signed by a licensed landscape architect, a qualified resource specialist, or qualified landscape professional for review and approval by the Executive Director. The revised plans shall incorporate the following criteria:

A) Landscape Plans and Erosion Control Plans

- 1) All graded and disturbed areas, except for the proposed agricultural area consistent with Special Condition Number 10 below, as a result of the proposed project on the subject site, except as noted below, shall be planted and maintained for erosion control purposes within (60) days of receipt of the certificate of occupancy for the residence. 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. Planting should be of native plant species indigenous to the Santa Monica Mountains using accepted planting procedures, consistent with fire safety requirements of the proposed development and the existing on-site fire break and may include gravel and rock areas within Zone A of the Fuel Modification Plan and other appropriate areas to minimize erosion on-site. In areas proposed for planting, such planting shall be adequate to provide 50 percent coverage within two (2) years, and this requirement shall apply to all disturbed soils and the building pads where development is proposed. The plan shall include vertical elements, such as trees, shrubs and vines which partially screen the appearance of the proposed residence, shop/studio, pool, driveway, fencing, gate, water tanks and other development from the Pacific Coast Highway, Leo Carrillo State Beach Park, and the bluffs of Nicholas Beach County Park located to the south, west and east of the project site;
- 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;

**Exhibit 2
Applications 4-01-117-A-1 &
4-92-211-A-2
Sp. Conds. for CDP 4-01-117
Page 1 of 9**

- 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, garage/workshop and driveway may be removed to mineral earth, vegetation within a 200-foot radius of the structures 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 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 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 twenty 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.
- 5) 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 as a result of the project, the applicant or successor in interests shall be responsible for any necessary repairs and restoration.
- 6) Perimeter fencing of the property is prohibited. Fencing shall be limited to the area of the lower and upper terraces with agricultural areas delineated on the Agricultural Operation and Delineation Plan approved pursuant to Special Condition Number 10. Any fencing of the subject parcel shall be identified on the final approved landscape and fuel modification site plan.

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 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 geotextiles 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 and fencing report, prepared by a licensed Landscape Architect, qualified Resource Specialist, or qualified landscape professional that certifies in writing that the on-site landscaping and fencing is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species, plant coverage and fencing on site.

If the landscape monitoring report indicates the landscaping and fencing 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 and fencing plan for the review and approval of the Executive Director. The revised landscaping and fencing plan must be prepared by a licensed Landscape Architect, a qualified Resource Specialist, or qualified landscape professional 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.

2. REMOVAL OF NATURAL VEGETATION

Removal of natural vegetation for the purpose of fuel modification within the 20-foot zone surrounding the proposed structures shall not commence until the local government has issued a building or grading permit for the development approved pursuant to this permit. Vegetation thinning within the 20-200 foot fuel modification zone shall not occur until commencement of construction of the structures approved pursuant to this permit.

3. EXCAVATED MATERIAL PROPOSED FOR AGRICULTURAL FILL

The applicant shall spread all excess excavated or cut material consisting of approximately 1,477 cubic yards of material onto the agricultural areas identified in Special Condition number 10 or export any unused cut material to a site located outside the coastal zone or to a site with an approved coastal permit for the fill of excavated material.

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 the amount of stormwater runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor (i.e., 2 or greater), 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. FUTURE DEVELOPMENT DEED RESTRICTION

- A.** This permit is only for the development described in Coastal Development Permit No. 4-01-117. Pursuant to Title 14 California Code of Regulations Section 13250(b)(6) and 13253 (b) (6), the exemptions otherwise provided in Public Resources Code Section 30610 (a) and (b) shall not apply to the entire property. Accordingly, any future improvements to the entire property including the permitted residence, garage/workshop, stable, water well and three storage tanks, 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 One (1), shall require an amendment to Permit No. 4-01-117 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government. In addition, any proposed fencing on the subject property is identified on the landscape and fuel modification plan pursuant to Special Condition number one.
- B. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the applicant shall execute and record a deed restriction 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.

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

**Exhibit 2
Applications 4-01-117-A-1 &
4-92-211-A-2
Sp. Conds. for CDP 4-01-117
Page 5 of 9**

outer surface of all structures authorized by the approval of coastal development permit 4-01-117, including the structures, roofs, retaining walls, fencing and water storage tanks permitted. 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, retaining walls, fencing, water storage tanks 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, no bright tones, or unpainted metal surfaces. All windows shall be comprised of non-glare glass.

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 4-01-117 if such changes are specifically authorized by the Executive Director as complying with this special condition.

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction 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.

7. LIGHTING DEED RESTRICTION

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which specifies that all outdoor night lighting shall be the minimum necessary, consistent with safety requirements, shall be of low intensity, at low height and shielded, and shall be downward directed to minimize the nighttime intrusion of the light from the project into sensitive habitat areas. Security lighting, if any, shall be controlled by motion detector. No night lighting, whether permanent or temporary, shall be installed to light the agricultural areas approved pursuant to Coastal Development Permit No. 4-01-117. The document shall run with the land for the life of the structures approved in these permits, binding all successors and assigns, and shall be recorded free of prior liens and any other encumbrances which the Executive Director determines may affect the interests being conveyed. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

8. PLANS CONFORMING TO GEOLOGIST/ENGINEER'S RECOMMENDATIONS

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 including the landscape and erosion control plans. All recommendations contained in the submitted reports titled: Geologic and Geotechnical Engineering Review by Gold Coast Geoservices, Inc. dated May 14, 2001, Percolation Test Results and Septic System Design by Gold Coast Geoservices, dated November 1, 2000; Response to City of Malibu Geological Engineering Review Sheet by Harrington Geotechnical Engineering, Inc. dated October 26, 2000, Geotechnical Investigation and Percolation Study by Harrington Geotechnical Engineering, Inc. dated October 26, 2000 and September 22, 1999, shall be incorporated into all final design and construction including: site clearing and grading, footings and slab design, retaining wall design, and concrete. All plans must be reviewed and approved by the consultants.

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.

9. WILDFIRE WAIVER OF LIABILITY

Prior to the issuance of a 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, operation, 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.

10. AGRICULTURAL OPERATION AND DELINEATION PLAN

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director, an Agricultural Operation and Delineation Plan for all agricultural plantings and operations on the lower and upper terraces of Parcel 6. The Plan shall be prepared by a qualified biologist, botanist, or landscape architect with agricultural resource conservation and native plant species expertise and shall include but not be limited to the following requirements:

**Exhibit 2
Applications 4-01-117-A-1 &
4-92-211-A-2
Sp. Conds. for CDP 4-01-117
Page 7 of 9**

1. The plan shall specifically identify the agricultural planting areas on the upper and lower terraces of Parcel 6 with a **50 foot buffer** between the existing environmentally sensitive coastal sage scrub habitat (ESHA) and the proposed planting areas. No agricultural plantings may be allowed within this buffer area, however, native plants as noted below in section 6 shall be planted and maintained in this buffer area.
2. Agricultural practices shall be designed and implemented to minimize erosion and prevent excessive sediment and pollutants from adversely impacting water quality by incorporating BMPs such as:
 - Diversions
 - Grassed waterways
 - Sediment basins
 - Terraces
 - Critical area planting
 - Crop residue use
 - Conservation cover
 - Filter strips
3. Agricultural practices shall minimize the release of pesticides into the environment by implementing Integrated Pest Management (IPM) strategies that apply pesticides only when an economic benefit to the producer will be achieved and apply pesticides efficiently and at times when runoff losses are least likely shall be implemented. Pesticide runoff shall be carefully managed in a comprehensive manner, including evaluating past and current pest problems and cropping history, evaluating the physical characteristics of the site, selecting pesticides that are the most environmentally benign, using anti-backflow devices on hoses used for filling tank mixtures, and providing suitable mixing, loading and storage areas.
4. Agricultural practices shall minimize nutrient loss by developing and implementing comprehensive nutrient management plans based on crop nutrient budgets, identification of the types, amounts and timing of nutrients necessary to produce a crop based on realistic crop yield expectations and identification of onsite environmental hazards.
5. Agricultural practices shall reduce water loss to evaporation, deep percolation and runoff, remove leachate efficiently, and minimize erosion from applied water by implementing a managed irrigation system that includes the following components:
 - Irrigation scheduling
 - Efficient application of irrigation water
 - Efficient transport of irrigation water
 - Use of runoff or tailwater

- Management of drainage water
6. Buffer areas of groups of native plants shall be planted and maintained within a **50 foot** buffer area between the environmentally sensitive coastal sage habitat areas (ESHA) and the proposed agricultural planting. Buffer areas of groups of native plants shall be planted along the sides of the access driveway and highway frontage road of the property for the purpose of collecting runoff from the agricultural areas.
 7. The applicant shall implement the agricultural management measures submitted to the Commission as part of this project, including rodent control, deer control, chemical use, fertilizers, drainage and erosion control, irrigation and weed control.

II. **Special Conditions**

1. **Deed Restriction (Revised)**

Prior to issuance of permit, the applicant shall record a deed restriction, in a form and content acceptable to the Executive Director which will include the following conditions:

- a. No further subdivision shall be permitted;
- b. Limit access to the seven lots from Pacific Coast Highway to only two (2) additional driveways to minimize the visual impact on the road;
- c. Set back residential development a distance of 200 feet from Pacific Coast Highway. Other development may be permitted in this area in conformance with the visual resource policies of the Coastal Act;
- d. Restrict or control development in the rugged, natural inland area to protect the habitat and visual open space values (i.e. above the 250-foot contour of the area more than 500 feet inland of the highway), except for Lots 6 and 7;
- e. Minimize alteration of the land forms and the visual impact of development on the coastal viewshed, survey the site to determine which areas are visible, both short-range and long-range, from the highway and regulate or design development in these areas to mitigate the visual impact;
- f. Limit the extent of development on each lot to an acceptable level (i.e. single-family residences only with appropriate height and size limits).

Exhibit 3
Applications 4-01-117-A-1 &
4-92-211-A-2
Sp. Conds. for CDP 4-92-211-A-1

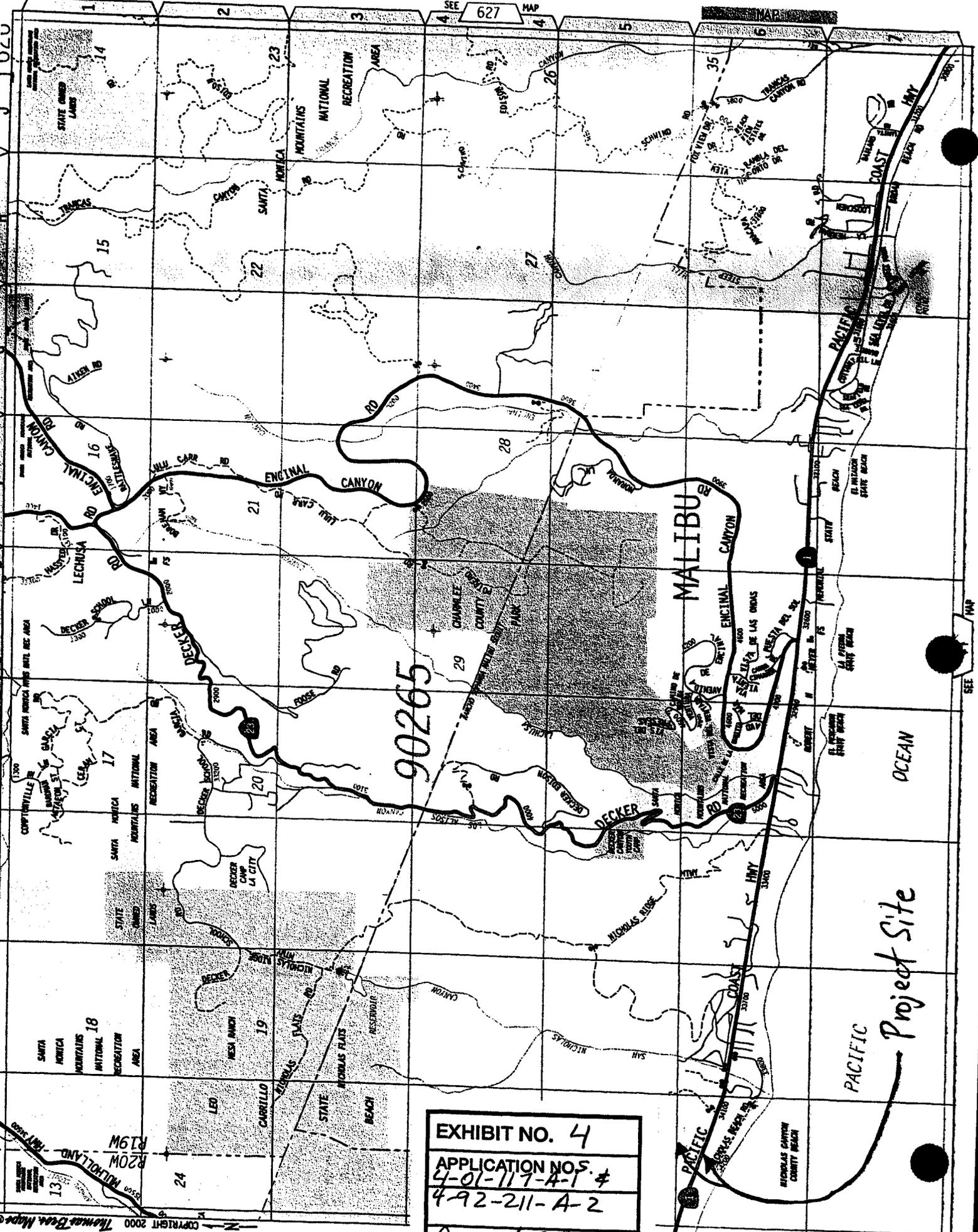
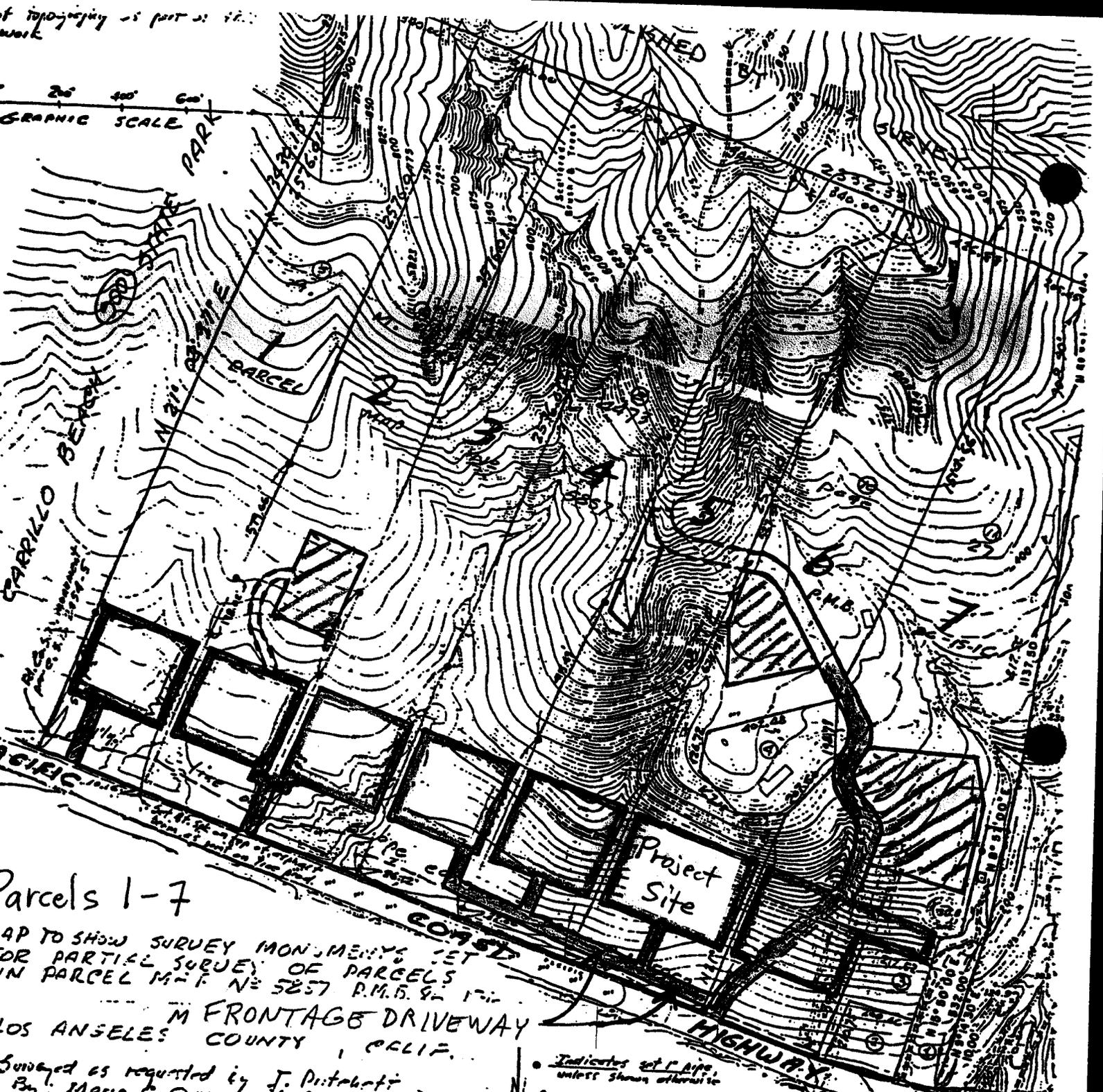


EXHIBIT NO. 4
APPLICATION NOS. 4-01-117-A-1 & 4-92-211-A-2
Project Site



Parcels 1-7

MAP TO SHOW SURVEY MONUMENTS SET
 FOR PARTIAL SURVEY OF PARCELS
 IN PARCEL M.F. N° 5857 P.M.S. 9-17-12
 M FRONTAGE DRIVEWAY
 LOS ANGELES COUNTY, CALIF.

Surveyed as required by J. Distabati
 By: Mario C. Quiros L.S. N° 2795
 22209 Pac. Coast Hwy.
 Malibu, Cal. 90265 Ph. 456-8022

Indicates set P.M.S.
 unless shown otherwise
 Mario C. Quiros

1"=200'

Thomas 5412 110-3-D

ISSUE: Sept. 30 88
 400-7-C

REVISED 7/1/89 TO SHOW ADDITIONAL
 PTS. SET AUG. 24, 1989.

RR

APPROVED HOMESITES
ALTERNATE HOMESITES



EXHIBIT NO. 6
 APPLICATION NOS.
 4-01-117-A-1 &
 4-92-211-A-2
 Subdivision Appr.
 CDP 4-92-211-A-1

RECORDING REQUESTED BY AND
RETURN TO:
California Coastal Commission
45 Fremont St., Suite 2000
San Francisco CA 94105-2219
Attn: Legal Division

94 918900

RECORDED/FILED IN OFFICIAL RECORDS
RECORDER'S OFFICE
LOS ANGELES COUNTY
CALIFORNIA
21 MIN. 9 A.M. MAY 12 1994
PAST

DEED RESTRICTION

FEE \$ 58 S

18
18

I. WHEREAS, Jerry E. Pritchett, General Partner; Malibu Sequit Partnership, hereinafter referred to as the "Owner(s)," is/are the record owner(s) of the following real property:
Lots 1 through 7 inclusive of Tract Map No. 5857, in the County of Los Angeles, State of California, as shown on map filed in Book 86, Pages 15 & 16 of Maps in the Office of the County Recorder of said County.

hereinafter referred to as the "Property;" and

II. WHEREAS, the California Coastal Commission, hereinafter referred to as the "Commission," is acting on behalf of the People of the State of California; and

III. WHEREAS, the subject property is located within the coastal zone as defined in §30103 of Division 20 of the California Public Resources Code, hereinafter referred to as the "California Coastal Act of 1976," (the Act); and

IV. WHEREAS, pursuant to the Act, the Owner applied to the Commission for a coastal development permit on the Property described above; and

V. WHEREAS, coastal development permit number 4-92-211A, hereinafter referred to as the "Permit," was granted on April 14, 1993, by the Commission in accordance with the provision of the Statutes and Findings, attached hereto as EXHIBIT A and herein in:

EXHIBIT NO. 7
APPLICATION NOS.
4-01-117-A-1 &
4-92-211-A-2
Deed Restriction
4-92-211-A-1
Page 1 of 2

1 reference; and

2 VI. WHEREAS, the Permit was subject to the terms and conditions
3 including, but not limited to, the following condition(s):

4 1. Deed Restriction

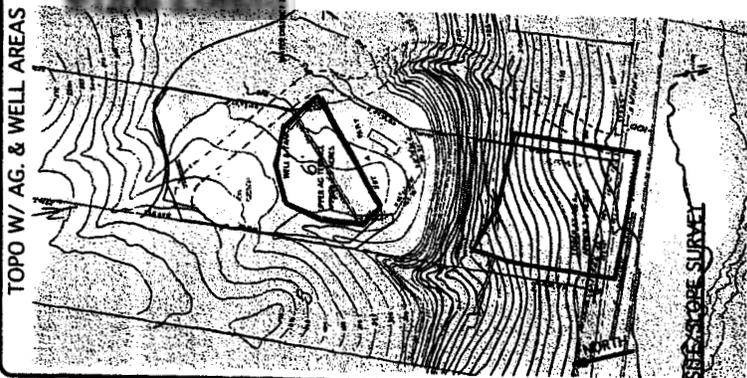
5 Prior to the issuance of the permit, the applicant shall record a deed
6 restriction, in a form and content acceptable to the Executive Director
7 which will include the following conditions:

- 8 a. no further subdivision shall be permitted;
- 9 b. limit access to the seven lots from Pacific Coast Highway to only
10 two (2) additional driveways to minimize the visual impact on the
11 road;
- 12 c. set back residential development a distance of 200 feet from Pacific
13 Coast Highway. Other development may be permitted in this area in
14 conformance with the visual resource policies of the Coastal Act;
- 15 d. restrict or control development in the rugged, natural inland area
16 to protect the habitat and visual open space values (i.e. above the
17 250-foot contour of the area more than 500 feet inland of the
18 highway), except for Lots 6 and 7;
- 19 e. minimize alteration of the land forms and the visual impact of
20 development on the coastal viewshed, survey the site to determine
21 which areas are visible, both short-range and long-range, from the
22 highway and regulate or design development in these areas to
23 mitigate the visual impact;
- 24 f. limit the extent of development on each lot to an acceptable level
25 (i.e. single-family residences only with appropriate height and size
26 limits).

27 VII. WHEREAS, the Commission found that but for the imposition of the
above condition(s) the proposed development could not be found consistent
with the provisions of the California Coastal Act of 1976 and that a permit
could therefore not have been granted; and

VIII. WHEREAS, Owner has elected to comply with the condition(s)
imposed by the Permit and execute this Deed Restriction so as to enable
Owner to undertake the development authorized by the Permit.

//



TOPO W/ AG. & WELL AREAS



VICINITY MAP

PROJECT DATA

L.A. CO. FIRE DEPARTMENT NOTES:

HYDRANTS, FIRE FLOW, AND ACCESS

FIRE AND LIFE SAFETY BUILDING REQUIREMENTS

BUILDING REQUIREMENTS FOR FIRE ZONE 4

FIRE PREVENTION DIVISION BUILDING AND OCCUPANCY REQUIREMENTS

BIOLOGY

COASTAL COMMISSION NOTES:

GEOLOGY/SOILS NOTES:

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24	24.1	24.1	24.1
25	25.1	25.1	25.1
26	26.1	26.1	26.1
27	27.1	27.1	27.1
28	28.1	28.1	28.1
29	29.1	29.1	29.1
30	30.1	30.1	30.1
31	31.1	31.1	31.1
32	32.1	32.1	32.1
33	33.1	33.1	33.1
34	34.1	34.1	34.1
35	35.1	35.1	35.1
36	36.1	36.1	36.1
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47	47.1	47.1	47.1
48	48.1	48.1	48.1
49	49.1	49.1	49.1
50	50.1	50.1	50.1

CONSULTANTS

PROJECT DATA

L.A. CO. FIRE DEPARTMENT NOTES:

HYDRANTS, FIRE FLOW, AND ACCESS

FIRE AND LIFE SAFETY BUILDING REQUIREMENTS

BUILDING REQUIREMENTS FOR FIRE ZONE 4

FIRE PREVENTION DIVISION BUILDING AND OCCUPANCY REQUIREMENTS

BIOLOGY

COASTAL COMMISSION NOTES:

GEOLOGY/SOILS NOTES:

KNAPP DEVELOPMENT AND DESIGN

3/11/03

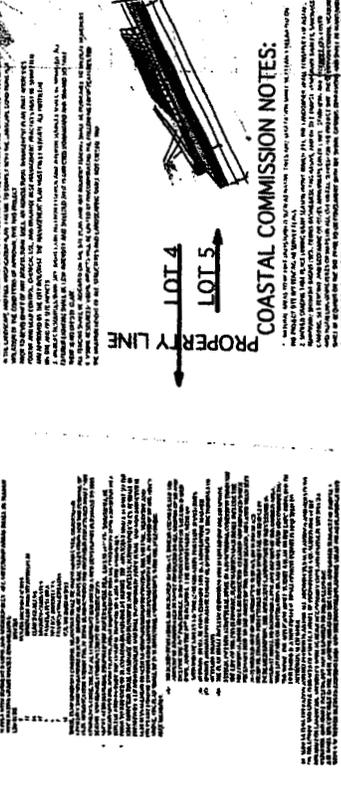
9/8/01

SITE SURVEY # 11

A-7

PLANTING AND IRRIGATION NOTES

GRADING NOTES



ACCESS for lots 4, 5, 6

SCALE: 1" = 40'

EXHIBIT NO. 9

APPLICATION NOS.

4-01-117-A-1#

4-92-211-A-2

Site Survey # 11

PROJECT DATA

L.A. CO. FIRE DEPARTMENT NOTES:

HYDRANTS, FIRE FLOW, AND ACCESS

FIRE AND LIFE SAFETY BUILDING REQUIREMENTS

BUILDING REQUIREMENTS FOR FIRE ZONE 4

FIRE PREVENTION DIVISION BUILDING AND OCCUPANCY REQUIREMENTS

BIOLOGY

COASTAL COMMISSION NOTES:

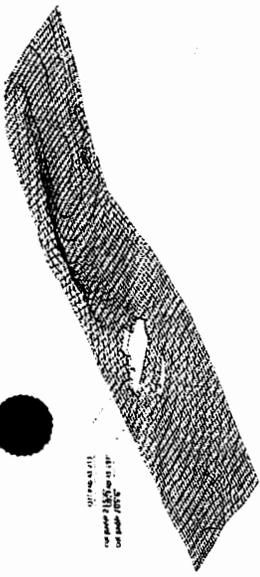
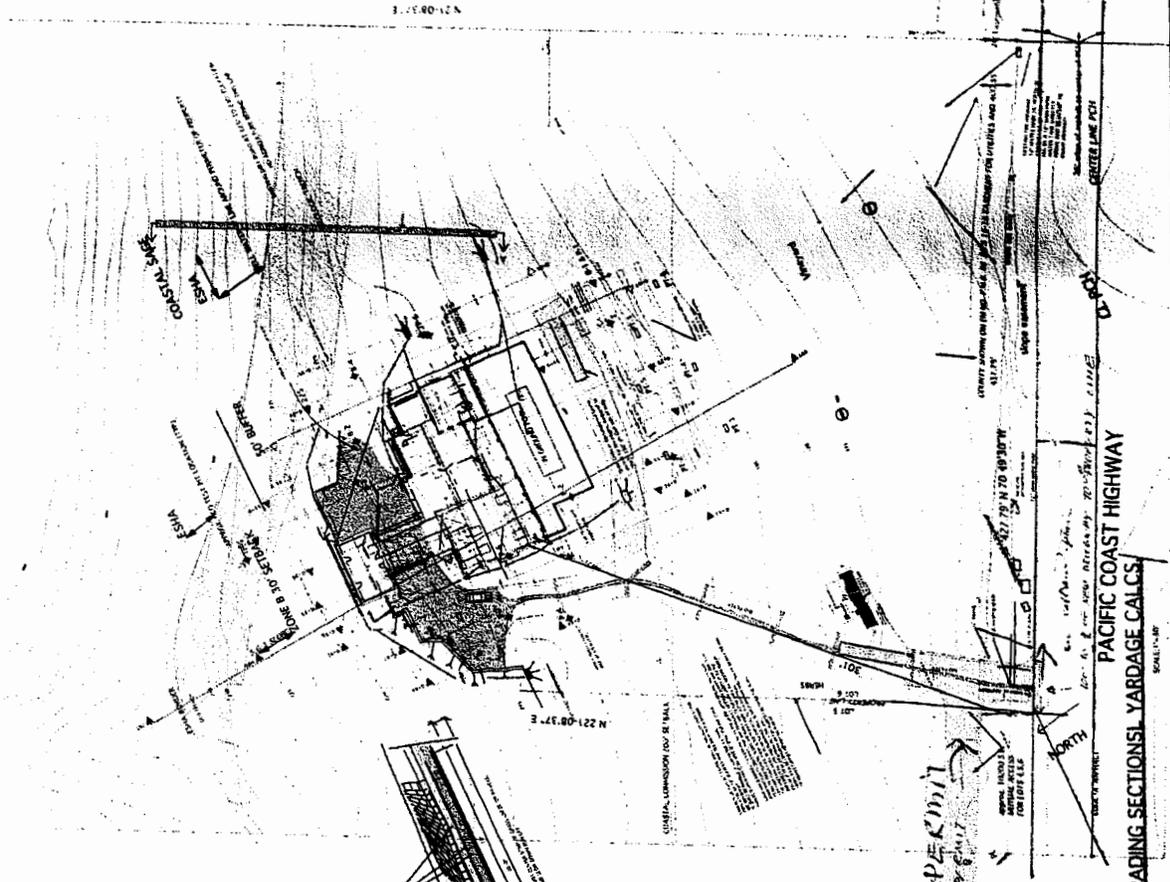
GEOLOGY/SOILS NOTES:

GRADING / DRAINAGE / YARDAGE CALCS / SEPTIC PLAN # 11

KNAPP DEVELOPMENT AND DESIGN
 JOHN QUINN, REGISTERED PROFESSIONAL ENGINEER
 1000 W. 10TH ST. SUITE 100
 CHANDLER, AZ 85224-1000
 PH: 480-948-1111
 FAX: 480-948-1112

1/28/03

01/10/01



MASS Haul CALCULATIONS BY SECTION

SECTION	AREA (SQ FT)	DEPTH (FT)	VOLUME (CY)	WEIGHT (TONS)
SECTION 6-1	185.38	0.4	74.15	148.30
SECTION 6-2	143.79	0.4	57.52	115.04
SECTION 6-3	6.92	0.4	2.77	5.54
SECTION 6-4	312.33	0.4	124.93	249.86
SECTION 6-5	41.37	0.4	16.55	33.10
SECTION 6-6	228.98	0.4	91.59	183.18
SECTION 6-7	34.93	0.4	13.97	27.94
SECTION 6-8	63.57	0.4	25.43	50.86
SECTION 6-9	63.99	0.4	25.59	51.18
SECTION 6-10	46.54	0.4	18.62	37.24
SECTION 6-11	63.99	0.4	25.59	51.18
SECTION 6-12	63.99	0.4	25.59	51.18
SECTION 6-13	63.99	0.4	25.59	51.18
SECTION 6-14	63.99	0.4	25.59	51.18
SECTION 6-15	63.99	0.4	25.59	51.18
SECTION 6-16	63.99	0.4	25.59	51.18
SECTION 6-17	63.99	0.4	25.59	51.18
SECTION 6-18	63.99	0.4	25.59	51.18
SECTION 6-19	63.99	0.4	25.59	51.18
SECTION 6-20	63.99	0.4	25.59	51.18
SECTION 6-21	63.99	0.4	25.59	51.18
SECTION 6-22	63.99	0.4	25.59	51.18
SECTION 6-23	63.99	0.4	25.59	51.18
SECTION 6-24	63.99	0.4	25.59	51.18
SECTION 6-25	63.99	0.4	25.59	51.18
SECTION 6-26	63.99	0.4	25.59	51.18
SECTION 6-27	63.99	0.4	25.59	51.18
SECTION 6-28	63.99	0.4	25.59	51.18
SECTION 6-29	63.99	0.4	25.59	51.18
SECTION 6-30	63.99	0.4	25.59	51.18
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SECTION 6-32	63.99	0.4	25.59	51.18
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SECTION 6-35	63.99	0.4	25.59	51.18
SECTION 6-36	63.99	0.4	25.59	51.18
SECTION 6-37	63.99	0.4	25.59	51.18
SECTION 6-38	63.99	0.4	25.59	51.18
SECTION 6-39	63.99	0.4	25.59	51.18
SECTION 6-40	63.99	0.4	25.59	51.18
SECTION 6-41	63.99	0.4	25.59	51.18
SECTION 6-42	63.99	0.4	25.59	51.18
SECTION 6-43	63.99	0.4	25.59	51.18
SECTION 6-44	63.99	0.4	25.59	51.18
SECTION 6-45	63.99	0.4	25.59	51.18
SECTION 6-46	63.99	0.4	25.59	51.18
SECTION 6-47	63.99	0.4	25.59	51.18
SECTION 6-48	63.99	0.4	25.59	51.18
SECTION 6-49	63.99	0.4	25.59	51.18
SECTION 6-50	63.99	0.4	25.59	51.18

NOTES: PUBLIC WORKS
 ALL PUBLIC WORKS SHALL BE IN ACCORDANCE WITH THE CITY OF CHANDLER SPECIFICATIONS FOR PUBLIC WORKS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF CHANDLER AND THE ARIZONA DEPARTMENT OF TRANSPORTATION AND CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE ARIZONA DEPARTMENT OF TRANSPORTATION AND CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE ARIZONA DEPARTMENT OF TRANSPORTATION AND CONSTRUCTION.

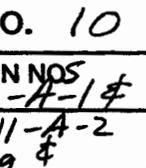
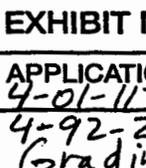
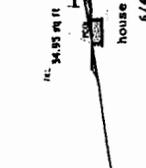
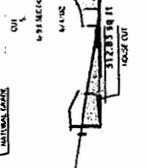
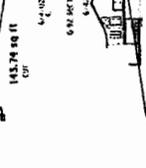
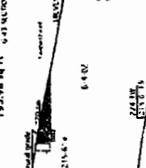
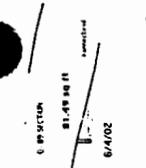
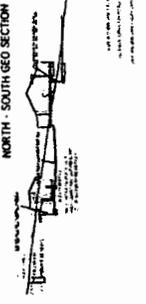


EXHIBIT NO. 10
 APPLICATION NOS
 4-01-117-A-1 &
 4-92-211-A-2
 Grading &
 Drainage Plan # 11

NET A PART OF PERMIT
 EXHIBIT NO. 10
 PROPOSED GRADING &
 DRAINAGE PLAN # 11

PACIFIC COAST HIGHWAY
 SITE/GRADING SECTIONS/ YARDAGE CALCS
 SCALE: 1"=20'

Conditions for P-6923

Prior to issuance of permit, applicant shall submit to the Commission and Attorney General for final review, a copy of the finalized and legally worded CC & R's and deed restriction which will be used to execute and enforce the following conditions:

1. deed restrict the lots to prevent further subdivision;
2. limit access to the seven lots from Pacific Coast Highway to only two (2) driveways to minimize the visual impact on the road;
3. set back development a distance of 200 feet from Pacific Coast Highway;
4. restrict or control development in the rugged, natural inland area to protect the habitat and visual open space values (i.e., above the 250-foot contour of the area more than 500 feet inland of the highway);
5. minimize alteration of the land forms and the visual impact of development on the coastal viewshed, survey the site to determine which areas are visible, both short-range and long-range, from the highway and regulate or design development in these areas to mitigate the visual impact;
6. limit the extent of development on each lot to an acceptable level (i.e., single-family residences only with appropriate height and size limits);
7. impose a deed restriction on the subdivision that there will be agricultural use on all available tillable soil and that each of the seven owners will be part of a co-op growing organization.

EXHIBIT NO.	12
APPLICATION NOS.	4-01-117-A-1 &
	4-92-211-A-2
	Special Conditions
	for CDP-6923

Altruda Bakery

Parcel 7

Existing Driveway to Taylor

Subject Parcel 6

[knapp]

[Taylor]

Pine Tree

3205.54 sq ft
[of encroachment]

Edge of PCH

20' easement for access and utilities

Mailboxes and garage

EXISTING FIRE HYDRANT
12" WATER MAIN 36" NORTH OF
CENTER LINE OF PCH. IT IS
FED BY A 18" MAIN FROM
WATER TANK DIRECTLY
ABOVE AND ADJACENT TO
KNAPP PROPERTY

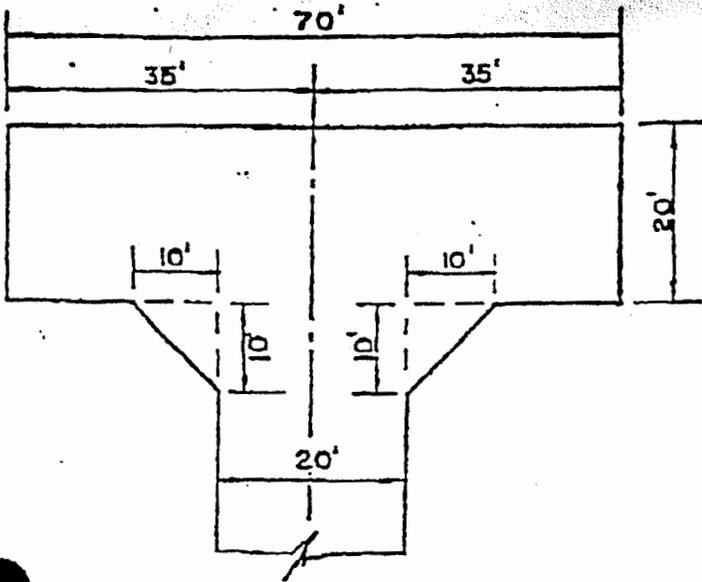
Centerline PCH

EXHIBIT NO. 13
APPLICATION NOS 4-01-117-A-1 & 4-92-211-A-2
Driveway Entrance
Design over Existing Easement

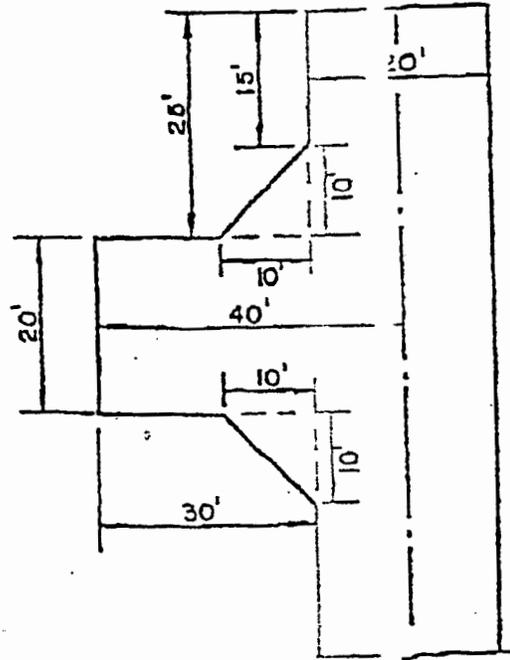


COUNTY OF LOS ANGELES
FIRE DEPARTMENT
FIRE PREVENTION DIVISION

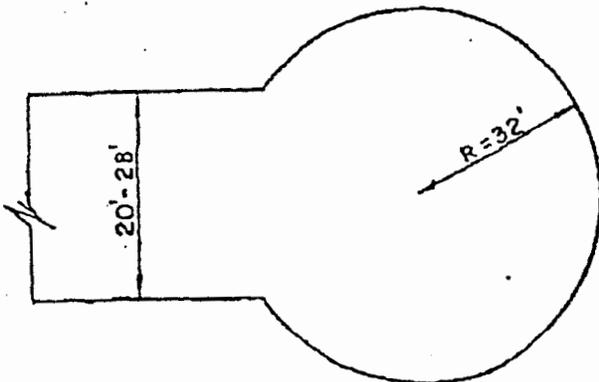
RESIDENTIAL TURNAROUND SPECIFICATIONS



HAMMER-HEAD
TURN-AROUND



INTERMEDIATE
TURN-AROUND



CIRCULAR TURN-AROUND

EXHIBIT NO. 14
APPLICATION NOS 4-01-117-A-1 & 4-92-211-A-2
Turnaround
Specs

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
ENCROACHMENT PERMIT
 TR-0120 (NEW 5/92)

Permit No.	702-6R-2487	
Dist/Co/Rte/PM	07-LA-001-6120	
Date	December 3, 2002	
Fees Paid \$	Deposit \$	
Performance Bond Amount (1) \$	Payment Bond Amount (2) \$	
Bond Company		
Bond Number (1)	Bond Number (2)	

In compliance with (check one):

Your application of **October 23, 2002**

Utility Notice No. N/A of _____

Agreement No. N/A of _____

R/W Contract No. N/A of _____

TO: **JOAN KNAPP**
 30 Alviso Drive
 Camarillo, CA 93010-8475
 ATTN: Joan Knapp
 PHONE: (805) 445-1021

PERMITTEE

AND SUBJECT TO THE GENERAL PROVISIONS AND THE FOLLOWING, PERMISSION IS HEREBY GRANTED TO ENCROACH WITHIN STATE HIGHWAY RIGHT-OF-WAY FOR THE PURPOSE OF CONSTRUCTING A DRIVEWAY APPROACH AT 34077 PACIFIC COAST HIGHWAY (STATE ROUTE 001), IN THE CITY OF MALIBU (07-LA-001-6120); ALL IN ACCORDANCE WITH CURRENT STATE SPECIFICATIONS, THE ATTACHED SPECIAL PROVISIONS, AND STAMPED PLAN DATED 12/03/02.

PERMITTEE SHALL NOTIFY PERMIT INSPECTOR BY CALLING Mr. Don Dalbey at (805) 654-4508 BETWEEN 0700 AND 0900 A MINIMUM OF TEN WORKING DAYS PRIOR TO THE INITIAL START OF WORK. A CONFIRMATION NOTIFICATION SHOULD OCCUR THREE WORKING DAYS BEFORE LANE CLOSURE OR OTHER POTENTIAL TRAFFIC IMPACTS.

PERMITTEE SHALL ARRANGE A PRE-CONSTRUCTION MEETING WITH THEIR CONTRACTORS AND THE PERMIT INSPECTOR TO INSURE A COMPLETE UNDERSTANDING OF THE WORK AND PERMIT REQUIREMENTS.

BY ACCEPTANCE OF THIS PERMIT, THE PERMITTEE UNDERSTANDS AND AGREES TO REIMBURSE THE STATE FOR ANY AND ALL COSTS INCURRED FOR HAVING CONSTRUCTIVE WORK PERFORMED BY STATE FORCES OR UNDER CONTRACT IN THE EVENT THAT THE PERMITTEE, HIS CONTRACTOR OR SUBCONTRACTOR FAIL TO INSTALL, REPLACE, REPAIR, RESTORE, OR REMOVE FACILITIES TO STATE SPECIFICATIONS FOR THE IMMEDIATE SAFE OPERATION OF THE HIGHWAY AND SATISFACTORY COMPLETION OF ALL PERMIT WORK. IT IS UNDERSTOOD THAT THE ABOVE CHARGES ARE IN ADDITION TO ANY PERMIT FEES AND THAT THE PERMITTEE WILL BE BILLED FOR SAID CHARGES AFTER SATISFACTORY COMPLETION OF ALL WORK.

The following attachments are also included as part of this permit.
 (Check applicable):

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	General Provisions
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Utility Maintenance Provisions
<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Special Provisions A, J & Q
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	A Cal-OSHA permit required prior to beginning work.

In addition to fee the permittee will be billed actual costs for:

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Review
<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Inspection
<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Field Work

(If any Caltrans effort Extended)

Yes No The information in the environmental documentation has been reviewed and considered prior to approval of this permit.

This permit is void unless the work is completed before May 31, 2003
 This permit is to be strictly construed and no other work than specifically mentioned is hereby authorized.
 No project work shall be commenced until all other necessary permits and environmental clearances have been obtained.

Maintenance Region = #2 (West)
 Maintenance Station: = Ojai X = Las Flores = Camarillo
 Permit Inspector: = Elias Fayad X = Don Dalbey
 Electrical Inspector: = Yes X = No William Marin
 Ventura Sat.

APPROVED:
 Hector Obeso, District Permit Engineer
 By: *A. Ahmad*
 Abbass Ahmad, Associate Permit En

EXHIBIT NO. 15
 APPLICATION NOS.
 4-01-117-4-1 #
 4-92-211-4-2
 Caltrans
 Encroachment Permit

