

**CALIFORNIA COASTAL COMMISSION**

SOUTH CENTRAL COAST AREA  
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Hearing Date: 8/10/01  
Commission Action:

**STAFF REPORT: REGULAR CALENDAR****APPLICATION NO.:** 4-00-107**APPLICANT:** Michael Hanyecz**AGENT:** David Friedman**PROJECT LOCATION:** 24932 Thousand Peaks Road, Calabasas; Los Angeles County

**PROJECT DESCRIPTION:** Construct a two story, 35 foot high, 9,592 sq. ft. single family residence with attached 948 sq. ft. four car garage, a detached 578 sq. ft. cabana, swimming pool, driveway, septic system, landscaping, and grade 558 cubic yards of cut, 592 cubic yards of fill and import 34 cubic yards of fill, all located on existing graded pad on Lot # 3.

Lot area:	10.24 acres
Building coverage:	6,648 sq. ft.
Pavement coverage:	18,022 sq. ft.
Existing Pad:	1 1/2 acres
Ht. abv. ext. grade:	35 ft.
Parking spaces:	5
Plan Designation:	Rural Land II & Mountain Land
Zoning:	1 dwelling unit/5 acres & /20 acres
Project density:	1 dwelling unit/10 acres

**SUMMARY OF STAFF RECOMMENDATION**

Staff recommends **approval** of the proposed project with six (6) special conditions addressing: plans conforming to geologic recommendations; landscaping, erosion control, fuel modification; wild fire waiver of liability, structural appearance deed restriction, future development deed restriction, and drainage and polluted runoff control plan. The proposed development will be located on an existing graded pad within an existing seven parcel subdivision. Although the parcel is not located within an Environmentally Sensitive Habitat Area, the site drains to the Cold Creek Watershed into a tributary of Cold Canyon with designated ESHA located about 2,000 feet to the east. The building site is located on a ridge top north of a dedicated trail easement for the Stokes Ridge Trail. To the south, the site is located about 3,000 from the boundary of the Significant Watershed which drains to the Cold Creek Resource Management Area. As conditioned, the proposed project will be consistent with the policies of the Coastal Act.

**LOCAL APPROVALS RECEIVED:** Approval in Concept, Los Angeles County Regional Planning Department, dated 4/11/2000; Approval in Concept, Los Angeles County Health Department, dated 2/5/2001; Los Angeles County Fire Department Approval, Fire Protection Engineering, dated 4/3/01 and Preliminary Fuel Modification Plan, dated September 5, 2000; Soils Engineering Review Sheet, County of Los Angeles Department of Public Works, Plan Approval, dated 3/29/01.

**SUBSTANTIVE FILE DOCUMENTS:** Update Geotechnical Engineering and Percolation Test Investigation, dated April 24, 2000, Addendum Geotechnical Engineering Report, dated March 13, 2001 both by West Coast Geotechnical; Addendum Engineering Geologic Report #1 dated February 13, 2001, by Mountain Geologic, Inc.; Update Engineering Geologic Report, dated June 30, 2000, by Mountain Geology, Inc.; Supplemental Engineering Geologic Report, dated September 26, 2000, by Mountain Geology, Inc.; Coastal Permit No. 4-97-246, Hanyecz; Coastal Permit No. 4-00-162, Sayles.

## **I. STAFF RECOMMENDATION**

**MOTION:** *I move that the Commission approve Coastal Development Permit No. 4-00-107 pursuant to the staff recommendation.*

### **STAFF RECOMMENDATION OF APPROVAL:**

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit 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 THE PERMIT:**

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit 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 development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

## **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.

### **III. Special Conditions**

#### **1. PLANS CONFORMING TO GEOLOGIC RECOMMENDATION**

**PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for review and approval by the Executive Director, evidence of the consultants' review and approval of all project plans. All recommendations contained in the Update Geotechnical Engineering and Percolation Test Investigation, dated April 24, 2000, Addendum Geotechnical Engineering Report, dated March 13, 2001 both by West Coast Geotechnical; Addendum Engineering Geologic Report #1 dated February 13, 2001, by Mountain Geologic, Inc.; Update Engineering Geologic Report, dated June 30, 2000, by Mountain Geology, Inc.; Supplemental Engineering Geologic Report, dated September 26, 2000, by Mountain Geology, Inc., shall be incorporated into all final design and construction plans including grading and retaining wall backfilling, retaining walls, foundation setback, temporary excavations, swimming pool, sewage disposal, drainage, site preparation, grading, compaction and utility trench backfill, foundations, foundation settlement, concrete slabs-on-grad, asphalt cement pavement, swimming pool, expansive soils, drainage and moisture protection. All plans must be reviewed and approved by the engineer and the geotechnical engineering consultants as conforming to said recommendations.

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 to the proposed development approved by the Commission which may be recommended by the consultants shall require an amendment to the permit or a new coastal permit.

#### **2. LANDSCAPE, EROSION CONTROL AND FUEL MODIFICATION PLANS**

**PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit final landscaping, prepared by a licensed landscape architect or a qualified resource specialist, and erosion control/drainage plans prepared by a licensed engineer for review and approval by the Executive Director. The final landscaping and erosion control/drainage plans shall be reviewed and approved by the

consulting engineering geologist to ensure that the plans are in conformance with the consultants' recommendations. The final plans shall incorporate the following criteria:

**A) Landscaping and Erosion Control Plans**

- 1) All graded & disturbed 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 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 plan species which tend to supplant native species shall not be used.

All cut and fill slopes 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 landscape plan shall be designed with vertical elements to partially screen and soften the visual impact of the structures with trees and shrubs as viewed from the adjoining public trail which will be located in the future to the south, east, and west of the project site.

- 2) Plantings will 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 50 feet of the proposed residence and garage 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, as revised, 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.

- 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 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 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 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 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. 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.

**4. STRUCTURAL APPEARANCE DEED RESTRICTION**

**A.** The color of the structures, roof and driveway permitted hereby shall be restricted to a color compatible with the surrounding environment (white and black tones shall not be acceptable). 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.

**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 restrictions stated above on the proposed development. The document shall run with the land for the life of the structure 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.

**5. FUTURE DEVELOPMENT DEED RESTRICTION**

**A.** This permit is only for the development described in Coastal Development Permit No. 4-00-107. 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, cabana, 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. 4-00-107 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 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. 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 85<sup>th</sup> 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 30<sup>th</sup> 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.

#### **IV. Findings and Declarations**

The Commission hereby finds and declares:

##### **A. Project Description and Background**

The applicant is proposing to construct a two story, 35 foot high, 9,592 sq. ft. single family residence with attached 948 sq. ft. four car garage, a detached 578 sq. ft. cabana, swimming pool, driveway, septic system, landscaping, and grade 558 cubic yards of cut, 592 cubic yards of fill, and import 34 cubic yards of fill, all proposed to be located on an existing graded pad on Lot # 3 (Exhibits 1-13). The proposed 1,184 cubic yards of graded material is for foundation and pool excavations and final site preparation of the existing graded pad.

The project site is located within a seven lot subdivision west of Mulholland Highway in the Calabasas area of Los Angeles County. The subject site is a 10.24 acre lot located nearly five miles inland and is accessed along a private roadway directly from Dry Canyon Road, (Exhibits 1 – 3). The building pad is about one and one half acres in size within the 10 acre parcel and is graded flat with fill along the north and west edges of the pad. The subject lot is located at the top of the ridge crossing the subdivision in a north-south manner. The subdivision of seven parcels was approved by the Commission as Coastal Permit No. 5-84-025, Andrews, by subdividing two parcels totaling 72 acres into seven parcels. The Commission approved the creation of the subject parcel in 1989, after the fact, in the wake of a violation which resulted in over 400,000 cubic yards of grading for the seven building pads ranging in size from  $\frac{3}{4}$  to  $1\frac{1}{2}$  acres with a private road and infrastructure. In addition, the Commission approved Coastal Permit No. 5-91-029, D & D Development for a 13,380 sq. ft. single family residence on the adjacent lot #4 located at 24931 Thousand Peaks Road in 1991 with special conditions addressing landscaping, geology, and visual resources. In 1998, the Commission approved Coastal Permit No. 4-97-246, Hanyecz for a 5,133 sq. ft. residence, garage and guest house on Lot #2 adjacent to Dry Canyon Road.

The Malibu/Santa Monica Mountains Land Use Plan designates the subject parcel as Rural Land II, one dwelling unit per five acres, and as Mountain Land, one dwelling unit per 20 acres. Therefore, the proposed residence on a 10.24 acre lot is conforming to the land use plan designation.

##### **B. Geologic and Fire Hazards**

Section 30253 of the Coastal Act states in part that new development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or



surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

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

The applicant is proposing to construct a two story, 35 foot high, 9,592 sq. ft. single family residence with attached 948 sq. ft. four car garage, a detached 578 sq. ft. cabana, swimming pool, driveway, septic system, landscaping, and grade 558 cubic yards of cut, 592 cubic yards of fill and import 34 cubic yards of fill, all located on existing graded pad on Lot # 3. Existing residences are located on adjacent parcels to the west and east of the subject site; vacant parcels are located to the south and north of the site.

The subject property consists of a hillside parcel located on the northern flank of the Santa Monica Mountains with a flat graded pad of about 1 and ½ acres in size. Elevations range from 1,360 feet above sea level to 1,500 feet above sea level, with the graded pad located at about the 1,460 feet above sea level.

Regarding the geologic and erosion hazard, the applicant submitted the following reports: Update Geotechnical Engineering and Percolation Test Investigation, dated April 24, 2000 and Addendum Geotechnical Engineering Report, dated March 13, 2001 both by West Coast Geotechnical; Addendum Engineering Geologic Report #1 dated February 13, 2001, by Mountain Geologic, Inc.; Update Engineering Geologic Report, dated June 30, 2000, by Mountain Geology, Inc.; Supplemental Engineering Geologic Report, dated September 26, 2000, by Mountain Geology, Inc. The reports conclude that:

Based upon our investigation, the proposed development will be free from geologic hazards such as landslides, slippage, active faults, and settlement. The proposed development and installation of the private sewage disposal system will have no adverse effect upon the stability of the site or adjacent properties provided the recommendations of the Engineering Geologist and Geotechnical Engineer are complied with during construction.

These reports include a number of recommendations to ensure the stability and geotechnical safety of the site. Therefore, to ensure that the recommendations of these consultants have been incorporated into all proposed development, Special Condition number one (1) requires the applicant to submit project plans certified by these consultants as conforming to all recommendations regarding structural and site stability. 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 to the proposed development approved by the Commission

which may be recommended by the consultants shall require an amendment to the permit or a new coastal permit.

However, the Commission notes that, although the subject building site is considered stable from a geologic standpoint, the subject site is still subject to potential erosion and instability. The Commission finds that minimizing site erosion will improve the stability of the site. Erosion can best be minimized by requiring the applicant to landscape all disturbed and graded areas of the site with native plants compatible with the surrounding environment. In past permit actions, the Commission has found that invasive and non-native plant species are typically characterized as having a shallow root structure in comparison with their high surface/foilage weight and/or require a greater amount of irrigation and maintenance than native vegetation. The Commission notes that non-native and invasive plant species with high surface/foilage weight and shallow root structures do not serve to stabilize steep slopes, such as the slopes on the subject site, and that such vegetation results in potential adverse effects to the geologic stability of the project site. In comparison, the Commission finds that native plant species are typically characterized not only by a well developed and extensive root structure in comparison to their surface/foilage weight but also by their low irrigation and maintenance requirements. Therefore, in order to ensure the stability and geotechnical safety of the site, Special Condition number Two (2) requires that all proposed disturbed and graded areas on the subject site be stabilized with native vegetation.

In addition, to ensure that drainage is conveyed off site in a non-erosive manner, the Commission finds that it is necessary to require the applicant, as required by Special Condition Number Two, to submit erosion control/drainage plans certified by the consulting geotechnical engineer as conforming to their recommendations. Further, to ensure that the project's drainage structures will not contribute to further destabilization of the project site or surrounding area and that the project's drainage devices shall be repaired should the devices fail in the future, Special Condition Number Two also requires that the applicant agree to be responsible for any repairs should the drainage devices fail or result in erosion. An interim erosion control plan is also needed to minimize erosion during grading and construction, particularly if conducted during the rainy season. A monitoring plan is needed to ensure that the landscaping meets the approved landscaping plan after a five year time period from the time of occupancy of the residential unit. In addition, in the event the proposed grading occurs during the rainy season (November 1 – March 31) sediment basins need to be installed on the project site prior to or concurrent with grading operations and maintained through the development process to minimize sediment from runoff waters during construction. Therefore, the Commission finds it necessary to require a landscape plan with an interim erosion control plan, and a monitoring plan to further minimize and control erosion as noted in Special Condition Number Two.

The Coastal Act also requires that new development minimize the risk to life and property in areas of high fire hazard. The Coastal Act also recognizes that new development may involve the taking of some risk. Coastal Act policies require the Commission to establish the appropriate degree of risk acceptable for the proposed development and to establish who should assume the risk. When development in areas of identified hazards is proposed, the Commission considers the hazard

associated with the project site and the potential cost to the public, as well as the individual's right to use his property.

Vegetation in the coastal areas of the Santa Monica Mountains consists mostly of coastal sage scrub and chaparral. Many plant species common to these communities produce and store terpenes, which are highly flammable substances (Mooney in Barbour, Terrestrial Vegetation of California, 1988). Chaparral and sage scrub communities have evolved in concert with, and continue to produce the potential for frequent wild fires. The typical warm, dry summer conditions of the Mediterranean climate combine with the natural characteristics of the native vegetation to pose a risk of wild fire damage to development that cannot be completely avoided or mitigated. It is important to also note that some fuel modification and brush/grass removal may extend beyond the existing building pad as a result of this development. However, given the type of vegetation that may be removed, this removal or thinning may be minimal, but will be determined in the Fuel Modification Plan approved by the Los Angeles County Fire Department.

Due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wild fire, the Commission can only approve the project if the applicant assumes the liability from these associated risks. Through the Wildfire Waiver of Liability Special Condition, the applicant acknowledges and appreciates the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development, as incorporated by Special Condition Number Three.

Therefore, for the reasons discussed above, the Commission finds that the proposed project, as conditioned, is consistent with Section 30253 of the Coastal Act.

### **C. Environmentally Sensitive Resources**

**Section 30231 of the Coastal Act** states that:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

**Section 30240 of the Coastal Act** states:

(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 require that the biological productivity and the quality of coastal waters and streams be maintained and, where feasible, restored through among other means, minimizing adverse effects of waste water discharge and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flows, maintaining natural 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. Erosion**

Minimizing erosion of the site is also important to reduce geological hazards and minimize sediment deposition into an environmentally sensitive habitat area within Cold Canyon Creek, a tributary leading into Cold Creek, an environmentally sensitive habitat area within a significant watershed. The building site drains to the north and to the south and then east into existing drainage areas that lead to Cold Canyon Creek and then to eventually into Cold Creek. The riparian vegetation and habitat located about 2,000 feet to the east in Cold Canyon Creek (a tributary to Cold Creek) and similar habitat located about 3,000 feet south in Cold Creek are designated environmentally sensitive habitat areas (ESHA) in the Malibu/Santa Monica Mountains Land Use Plan. Since the project site and property is not located within any ESHA or designated Significant Watershed area, the proposed project was not reviewed by the Los Angeles County Environmental Review Board. Therefore, the development of the subject site will not directly impact these ESHA resources. However, the proposed project does have the potential to have indirect adverse effects as a result of site erosion and offsite sedimentation. Further the recommendations of the consulting geotechnical engineer emphasize the importance of proper drainage in non-erosive drainage devices to ensure the stability of development on the site. For these reasons, the Commission finds it necessary to require a drainage and erosion control plan prepared by a licensed engineer to minimize erosion on the site and sedimentation offsite into this environmentally sensitive habitat area, as noted in Special Condition Number Two.

The applicant proposes to grade 558 cubic yards of cut, 592 cubic yards of fill and import 34 cubic yards of fill on site. The proposed grading has the potential to create erosion on site and create offsite sedimentation into the drainage courses leading to Cold Canyon Creek and Cold Creek downstream. The Commission finds that minimizing site erosion will minimize the project's potential individual and cumulative contribution to adversely affect the natural drainage course. Erosion can best be minimized by requiring the applicant to landscape all disturbed areas of the site with native plants, compatible with the surrounding environment. Invasive and non-native plant species are generally characterized as having a shallow root structure in comparison with their high surface/foliage weight. The Commission finds that non-native and invasive plant species with high surface/foliage weight and shallow root

structures do not serve to stabilize pad areas and that such vegetation results in potential adverse effects to the stability of the project site. Native species, alternatively, tend to have a deeper root structure than non-native, invasive species and aid in preventing erosion. Therefore, in order to minimize erosion and resultant sedimentation of the drainage course and downstream areas, Special Condition number two (2) requires that all disturbed and graded areas shall be stabilized and vegetated with appropriate native plant species. The Commission further notes that the use of non-native and/or invasive plant species for residential landscaping results in both direct and indirect adverse effects to native plants species indigenous to the Malibu/Santa Monica Mountains area. Direct adverse effects from such landscaping result from the direct occupation or displacement of native plant community habitat by new development and associated non-native landscaping. Indirect adverse effects include offsite migration and colonization of native plant species habitat by non-native/invasive plant species (which tend to outcompete native species) adjacent to new development. The Commission notes that the use of exotic plant species for residential landscaping has already resulted in significant adverse effects to native plant communities in the Malibu/Santa Monica Mountains area. Therefore, in order to minimize adverse effects to the indigenous plant communities of the Malibu/Santa Monica Mountains area, Special Condition Number Two also requires that all landscaping consist primarily of native plant species and that invasive plant species shall not be used.

#### **b. Water Quality**

The Commission recognizes that new development in the Santa Monica Mountains has the potential to adversely impact coastal water quality through the removal of native vegetation, increase of impervious surfaces, increase of runoff, erosion, and sedimentation, introduction of pollutants such as petroleum, cleaning products, pesticides, and other pollutant sources, as well as effluent from septic systems. Section 30231 of the Coastal Act requires that the biological productivity and quality of coastal waters and streams be maintained and restored by minimizing the effects of waste water discharges and controlling runoff, among other means.

As described above, the proposed project includes the construction of a two story, 35 foot high, 9,592 sq. ft. single family residence with attached 948 sq. ft. four car garage, a detached 578 sq. ft. cabana, swimming pool, driveway, septic system, landscaping, and grade 558 cubic yards of cut, 592 cubic yards of fill, and import 34 cubic yards of fill, all proposed to be located on an existing graded pad on Lot # 3 (Exhibits 4 – 13).

The site is considered a "hillside" development, as it includes moderately sloping terrain with soils that are susceptible to erosion surrounding of the proposed building site. Further, use of the site for residential purposes introduces potential sources of pollutants such as petroleum, household cleaners, and pesticides, as well as other accumulated pollutants from rooftops and other impervious surfaces.

The proposed development will result in an increase in impervious surface, which in turn decreases the infiltrative function and capacity of existing permeable land on site.

The reduction in permeable space therefore leads to an increase in the volume and velocity of stormwater runoff that can be expected to leave the site. Infiltration of precipitation into the soil allows for the natural filtration of pollutants. Further, pollutants commonly found in runoff associated with residential use include petroleum hydrocarbons including oil and grease from vehicles; heavy metals; synthetic organic chemicals including paint and household cleaners; soap and dirt from washing vehicles; dirt and vegetation from yard maintenance; litter; fertilizers, herbicides, and pesticides; and bacteria and pathogens from animal waste. The discharge of these pollutants to coastal waters can cause cumulative impacts such as: eutrophication and anoxic conditions resulting in fish kills and diseases and the alteration of aquatic habitat, including adverse changes to species composition and size; excess nutrients causing algae blooms and sedimentation increasing turbidity which both reduce the penetration of sunlight needed by aquatic vegetation which provide food and cover for aquatic species; disruptions to the reproductive cycle of aquatic species; and acute and sublethal toxicity in marine organisms leading to adverse changes in reproduction and feeding behavior. These impacts reduce the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes and reduce optimum populations of marine organisms and have adverse impacts on human health.

When infiltration is impeded by impervious surfaces, pollutants in runoff are quickly conveyed to coastal streams and to the ocean. Thus, new development can cause cumulative impacts to the hydrologic cycle of an area by increasing and concentrating runoff leading to stream channel destabilization, increased flood potential, increased concentration of pollutants, and reduced groundwater levels.

Such cumulative impacts can be minimized through the implementation of drainage and polluted runoff control measures. In addition to ensuring that runoff is conveyed from the site in a non-erosive manner, such measures should also include opportunities for runoff to infiltrate into the ground. Methods such as vegetated filter strips, gravel filters, and other media filter devices allow for infiltration. Because much of the runoff from the site would be allowed to return to the soil, overall runoff volume is reduced and more water is available to replenish groundwater and maintain stream flow. The slow flow of runoff allows sediment and other pollutants to settle into the soil where they can be filtered. The reduced volume of runoff takes longer to reach streams and its pollutant load will be greatly diminished.

Therefore, in order to find the proposed development consistent with the water and marine resource policies of the Coastal Act, the Commission finds it necessary to require the incorporation of Best Management Practices designed to control the volume, velocity and pollutant load of stormwater leaving the developed site. Critical to the successful function of post-construction structural BMPs in removing pollutants in stormwater to the Maximum Extent Practicable (MEP), is the application of appropriate design standards for sizing BMPs. The majority of runoff is generated from small storms because most storms are small. Additionally, storm water runoff typically conveys a disproportionate amount of pollutants in the initial period that runoff is generated during a storm event. Designing BMPs for the small, more frequent storms,

rather than for the large infrequent storms, results in improved BMP performance at lower cost.

The Commission finds that sizing post-construction structural BMPs to accommodate (infiltrate, filter or treat) the runoff from the 85<sup>th</sup> percentile storm runoff event, in this case, is equivalent to sizing BMPs based on the point of diminishing returns (i.e. the BMP capacity beyond which, insignificant increases in pollutants removal (and hence water quality protection) will occur, relative to the additional costs. Therefore, the Commission requires the selected post-construction structural BMPs be sized based on design criteria specified in Special Condition Number Six, and finds this will ensure the proposed development will be designed to minimize adverse impacts to coastal resources, in a manner consistent with the water and marine policies of the Coastal Act.

Furthermore, interim erosion control measure implemented during construction and post construction landscaping will serve to minimize the potential for adverse impacts to water quality resulting from drainage runoff during construction and in the post-development stage. Therefore, the Commission finds that Special Condition Number Two is necessary to ensure the proposed development will not adversely impact water quality or coastal resources.

In order to ensure that adverse impacts to coastal water quality and nearby ESHA located to the east about 2,000 feet along Cold Canyon Creek (a tributary to Cold Creek) and similar habitat located south about 3,000 feet along Cold Creek (Exhibit 14) within do not result from the proposed project, the Commission finds it necessary to require the applicant, through Special Condition Number Six, to incorporate filter elements that intercept and infiltrate or treat the runoff from the site, as applicable. Such a plan will allow for the infiltration and filtering of runoff from the developed areas of the site, most importantly capturing the initial, "first flush" flows that occur as a result of the first storms of the season. This flow carries with it the highest concentration of pollutants that have been deposited on impervious surfaces during the dry season. Additionally, the applicant must monitor and maintain the drainage and polluted runoff control system to ensure that it continues to function as intended throughout the life of the development.

Therefore, the Commission finds that the proposed project, as conditioned to incorporate and maintain a drainage and polluted runoff control plan, is consistent with Section 30231 of the Coastal Act.

Therefore, for the reasons discussed above, the Commission finds that the proposed project, as conditioned, to require and maintain a landscape plan, erosion control plan, and a drainage and polluted runoff control plan is consistent with Sections 30231 and 30240 of the Coastal Act.

#### **D. Visual Resources**

**Section 30251 of the Coastal Act** 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.

The subject site is surrounded by primarily vacant parcels with two adjoining parcels to west and east developed with single family residences. Although the building site is located near the top of a Malibu/Santa Monica Mountains designated significant ridgeline, it is not readily visible from public roadways or public lands located to the south and east.

The applicant is proposing to construct a two story, 35 foot high, 9,592 sq. ft. single family residence with attached 948 sq. ft. four car garage, a detached 578 sq. ft. cabana, swimming pool, driveway, septic system, landscaping, and grade 558 cubic yards of cut, 592 cubic yards of fill, and import 34 cubic yards of fill, all proposed to be located on an existing graded pad on Lot # 3. The proposed 1,184 cubic yards of graded material is for foundation and pool excavations and final site preparation of the existing graded pad.

Regarding public trails, the proposed project site is located as close as 80 feet south of the planned Stokes Ridge Trail. This planned trail was required as part of the creation of the seven parcel subdivision approved as part of the Los Angeles County Department of Regional Planning review of Tentative Tract Map No. 36172 approval. This Trail Dedication Condition was considered fulfilled at the time of Commission approval of Coastal Permit No. 5-84-025, Andrews, which also approved this subdivision and subject parcel (Exhibit 15). The trail is located along the southern boundary of the subject parcel and adjoining parcels. The trail offer to dedicate allows for a future 20 foot wide trail to be located within a variable width easement as the trail route crosses from Dry Canyon Road and the Calabasas Cold Creek Trail to the east to connect via this Stokes Ridge Trail to the Cold Creek and Stokes Ridge Trail to the west.

The Commission has found that the use of native plant materials in landscaping plans can soften the visual impact of construction in the Santa Monica Mountains. The use of native plant materials to revegetate graded and restored areas reduces the adverse effects of erosion, which can degrade visual resources in addition to causing siltation pollution in ESHA's, and soften the appearance of development within areas of high scenic quality. The landscape plan will be designed with vertical elements to partially screen and soften the visual impact of the proposed structures with trees and shrubs as viewed from the adjoining public trail located to the south, east, and west of the project site. The proposed residence will be located as close as eighty feet from the existing variable width trail easement; a twenty foot wide hiking and equestrian trail is proposed to be constructed some time in the future.



The applicant is required to submit a Landscape and Fuel Modification Plan that uses numerous native species compatible with the vegetation associated with the project site for landscaping and erosion control purposes. Furthermore, the Plan will indicate that only those materials designated by the County Fire Department as being a "high fire hazard" are to be removed as a part of this project and that native materials that are located within a 200' radius of the residential structure are to "thinned" rather than "cleared" for wildland fire protection. The vegetation located within 20 feet of the structure and the driveway may be cleared and replaced with native plant species that are less flammable. As required by Special Condition Number Two, the disturbed and restored areas will be replanted with native plants. As required by Special Condition Number Two, the landscape plan will be designed with vertical elements to partially screen and soften the visual impact of the structures with trees and shrubs as viewed from the adjoining public trail located to the south, east, and west of the project site.

In addition, in order to ensure that the structural appearance, i.e. color of the structures, roofs, and driveway and the potential glare of the glass windows, will not create adverse visual impacts from public roads and trails, the Commission finds it necessary to require the applicant to use colors compatible with the colors found in the surrounding area for exterior materials of the proposed structure and non-glare glass for all proposed windows as required by Special Condition Number Four. In addition, Special Condition Number Four requires that 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 to avoid creating adverse night time visual impacts. The restriction on night lighting is necessary to protect the night time rural character of this portion of the Santa Monica Mountains consistent with the scenic and visual qualities of this coastal area. In addition, low intensity lighting and security lighting controlled by a motion detector will assist in minimizing the disruption of wildlife traversing this area at night that are commonly found in this rural and relatively undisturbed area.

Therefore, the Commission finds that the project, as conditioned, minimizes impacts to public views and a future public trail to and along the coast. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Section 30251 of the Coastal Act.

### **E. Public Access Trail**

The Coastal Act requires that maximum public access and recreational opportunities to and along the coast be provided and protected in new development projects. The Coastal Act also requires new development to provide adequate lands suitable for recreation to serve the needs of new residents.

#### ***Coastal Act Section 30210 states:***

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public

safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

**Coastal Act Section 30212 states:**

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

- (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,
- (2) adequate access exists nearby, or,
- (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

**Coastal Act Section 30212.5 states:**

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

**Coastal Act Section 30213 states:**

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

**Coastal Act Section 30223 states:**

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

**Coastal Act Section 30530 states:**

It is the intent of the Legislature, consistent with the provisions of Chapter 9 (commencing with Section 31400) of Division 21, that a program to maximize public access to and along the coastline be prepared and implemented in a manner that ensures coordination among and the most efficient use of limited fiscal resources by federal, state, and local agencies responsible for acquisition, development, and maintenance of public coastal accessways. There is a need to coordinate public access programs so as to minimize costly duplication and conflicts and to assure that, to the extent practicable, different access programs complement one another and are incorporated within an integrated system of public accessways to and along the state's coastline. The Legislature recognizes that different public agencies are currently implementing public access programs

and encourages such agencies to strengthen those programs in order to provide yet greater public benefits.

In the Santa Monica Mountains, a portion of an existing system of heavily used historic trails located on private property has been jeopardized by the conversion of open lands to residential development. In an effort to preserve and formalize the public's right to use these trails, Los Angeles County adopted the Riding and Hiking Trails Master Plan for the Santa Monica Mountains, which is adopted by ordinance into the highway element of the County's 1982 General Management Plan for the Santa Monica Mountains National Recreation Area as updated in 1984 as the Land Protection Plan. The trail system is mapped as part of the 1986 certified Land Use Plan for the Malibu/Santa Monica Mountains Area, a component of the County's Local Coastal Program. The trail system includes the Stokes Ridge Trail, a main access route along the coast leading from the metropolitan Los Angeles area on the east past Leo Carrillo State Beach at the Los Angeles County - Ventura County border to Point Mugu State Park in Ventura County on the west. Numerous cross mountain lateral trails link the major population center of the San Fernando Valley on the north with numerous Federal, State, and County mountain and beach park lands within the Mountains and to the south on the beach. These lateral trails provide these links between downtown Santa Monica on the east to Point Mugu State Park on the west. There are two designated regional connector trails linking the Malibu/Santa Monica Mountains trail system with a larger regional system which connects the beach and mountain areas with trails in the Simi Valley, San Gabriel Mountains and other inland areas. The trail network will make a very large number of destinations available to hikers and equestrians. These destinations are quite varied in nature and therefore have the potential of holding interest for many different persons. The choice includes highly scenic locations, such as Escondido Falls and Castro Crag area; historic sites, including motion picture locations; and active group campsites. Dramatic coastal views, including almost unmatched views of the Channel Islands, are available from vista points along the Backbone Trail, to which the Coastal Slope Trail connects. These extraordinary coastal views are central to the coastal mountain recreation experience and together with the fauna, flora, and climate specific to this area, are among the coastal resource values protected by the public access and recreation policies of the Coastal Act.

One of the trails identified in the adopted trail system is the Stokes Ridge Trail, which provides access along the inland areas of Calabasas and Woodland Hills located outside the Coastal Zone with areas located within the Coastal Zone. This trail is a planned trail and a portion of this trail was required as part of the Los Angeles County Department of Regional Planning review of Tentative Tract Map No. 36172 approval (Exhibit 15). This Trail Dedication Condition was considered fulfilled at the time of Commission approval of Coastal Permit No. 5-84-025, Andrews. These trails have become important and commonly used recreational assets and a means of providing access to and links between natural, scenic, and recreational areas in the mountains. The proposed development in this application is on a parcel which includes a segment of the Stokes Ridge Trail, a designated segment of this major trail system.

In permitting residential areas in the Santa Monica Mountains to build out, planning agencies have found that to assure continued availability of the recreational resources of the mountains by the general public, compatible recreational facilities to serve both residents of the new development and existing recreational visitors must be provided. A comprehensive recreation plan for the Santa Monica Mountains has been adopted, as cited above, that includes acquisition by the National Park Service and the California Department of Parks and Recreation of extensive tracts of land for recreation. Careful review of development near such areas to ensure that it is sited and designed to be compatible with recreational uses, and development of a system of scenic highways and hiking and equestrian trails to link the larger units together while retaining access to views, provide recreational opportunities, and provide an alternative mode of access to all areas of the mountains and adjacent coastal areas. Los Angeles County incorporated the Riding and Hiking Trails Master Plan into the Land Use Plan certified by the Coastal Commission in 1986 (Exhibit 15).

Therefore, Special Condition Five has been included, to ensure that any future improvements or additions to the permitted structures, which would otherwise be exempt from Coastal Permit requirements, are reviewed for consistency with Sections 30210, 30212, 30212.5, 30213, 30223, 30530 of the Coastal Act to ensure that this trail easement will not be adversely affected or blocked. The Commission finds that it is necessary to require that all future additions or improvements to the permitted structures will require a permit or permit amendment, as required by Special Condition Number Five.

#### **F. Cumulative Impacts**

Sections 30250 and 30252 of the Coastal Act address the cumulative impacts of new developments. **Section 30250 (a) of the Coastal Act** states:

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

**Section 30252 of the Coastal Act** states:

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing non-automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public

transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

New development raises coastal issues related to cumulative impacts on coastal resources. The construction of a second unit on the site where a primary residence exists intensifies the use of a parcel raising potential impacts on public services, such as water, sewage, electricity and roads. New development also raises issues regarding the location and amount of new development maintaining and enhancing public access to the coast.

Based on these policies, the Commission has limited the development of second dwelling units on residential parcels in the Malibu and Santa Monica Mountain areas. In addition, the issue of second units on lots with primary residences has been the subject of past Commission action in certifying the Malibu Land Use Plan (LUP). In its review and action on the Malibu LUP, the Commission found that placing an upper limit on the size of second units (750 sq. ft.) was necessary given the traffic and infrastructure constraints which exist in Malibu and given the abundance of existing vacant residential lots. Furthermore, in allowing these small units, the Commission found that the small size of units (750 sq. ft.) and the fact that they are likely to be occupied by one or at most two people, such units would have less impact on the limited capacity of Pacific Coast Highway and other roads (as well as infrastructure constraints such as water, sewage, electricity) than an ordinary single family residence. (certified Malibu Santa Monica Mountains Land Use Plan 1986, page 29 and P.C.H. (ACR), 12/83 page V-1 - VI-1).

The second unit issue has also been raised by the Commission with respect to statewide consistency of both coastal development permits and Local Coastal Programs (LCPs). Statewide, additional dwelling units on single family parcels take on a variety of different functions which in large part consist of: 1) a second unit with kitchen facilities including a granny unit, caretaker's unit, and farm labor unit; and 2) a guesthouse, without separate kitchen facilities. Past Commission action has consistently found that both second units and guest houses inherently have the potential to cumulatively impact coastal resources. As such, conditions on coastal development permits and standards within LCP's have been required to limit the size and number of such units to ensure consistency with Chapter 3 policies of the Coastal Act (Certified Malibu Santa Monica Mountains Land Use Plan 1986, page 29). Therefore as a result, the Commission has found that guest houses and second units can intensify the use of a site and impact public services, such as water, sewage, electricity, and roads.

The applicants propose to construct a detached 578 sq. ft. cabana. The cabana is located north of the proposed single family residence and attached to the residence with a covered walkway. Therefore, the proposed 578 sq. ft. cabana complies with the Commission's size limit of 750 sq. ft of habitable space.

The Commission has approved many similar projects that have established a maximum size of 750 sq. ft. habitable space for development which may be considered a secondary dwelling unit. The cabana is not considered a second residential unit. However, to ensure that no additions, improvements, or a change of use to a guest house or second unit are made to the cabana that may further intensify the use without due consideration of the potential cumulative impacts, the Commission finds it necessary to require the applicant to record a future development deed restriction, which will require the applicant to obtain an amended or new coastal permit if additions or improvements to the detached 578 sq. ft. cabana (and entire property including the residence, garage, and cabana as noted in Section IV. E., above) are proposed in the future as required by Special Condition Number Five. For these reasons, the Commission finds that, as conditioned, the proposed project is consistent with Section 30250 and 30252 of the Coastal Act.

### **G. Septic System**

The Commission recognizes that the potential build-out of lots in the Santa Monica Mountains, and the resultant installation of septic systems, may contribute to adverse health effects and geologic hazards in the local area. The Coastal Act includes policies to provide for adequate infrastructure including waste disposal systems. **Section 30231 of the Coastal Act** states that:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, minimizing alteration of natural streams.

**Section 30250(a) of the Coastal Act** states in part that:

New residential, ... development, ... shall be located within, ... existing developed areas able to accommodate it ... and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

The proposed development includes constructing a septic system for the new residence to provide for adequate sewage disposal. The applicant has submitted a conceptual approval for the sewage disposal system from the Department of Health Services, Los Angeles County, dated 2-5-2001. This approval indicates that the sewage disposal system for the project in this application complies with all minimum requirements of the County of Los Angeles Uniform Plumbing Code. The Commission has found in past permit actions that compliance with the health and safety codes will minimize any potential for waste water discharge that could adversely impact coastal waters.

Therefore, the Commission finds that the proposed septic system is consistent with Sections 30231 and 30250 of the Coastal Act.

## **H. Local Coastal Program**

**Section 30604 of the Coastal Act** states that:

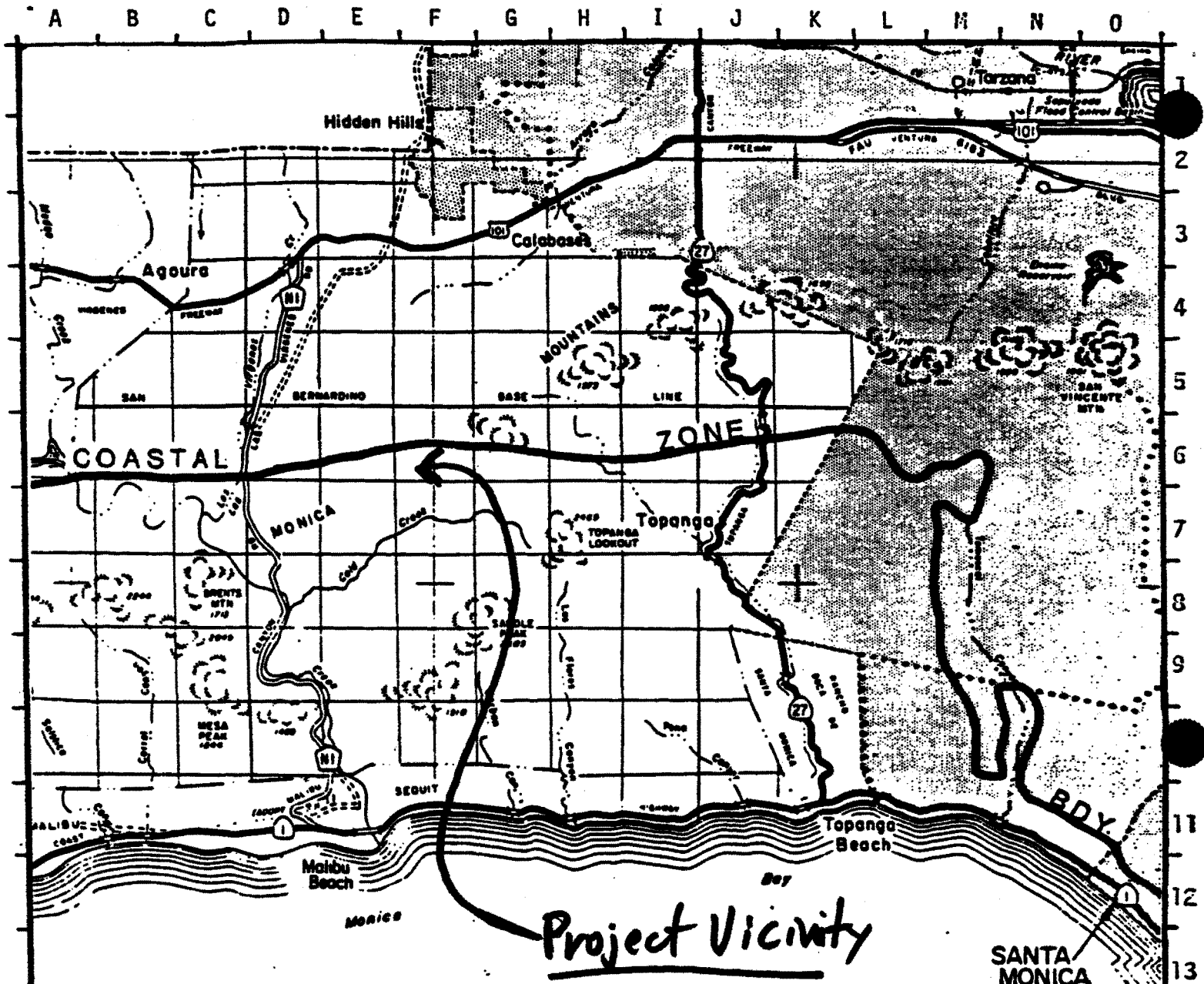
- a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the 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 with Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the proposed project will be in conformity with the provisions of Chapter 3 if certain conditions are incorporated into the project and accepted by the applicant. As conditioned, the proposed development will not create adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the County's ability to prepare a Local Coastal Program for Los Angeles County which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

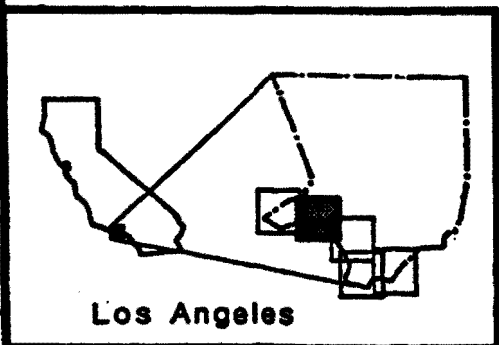
## **I. CEQA**

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.



Project Vicinity



Los Angeles

EXHIBIT NO. 1
APPLICATION NO. 4-00-107
Project
Location

California Coastal Commission

LOCATION MAP





ZIP

SEE 590 MAP

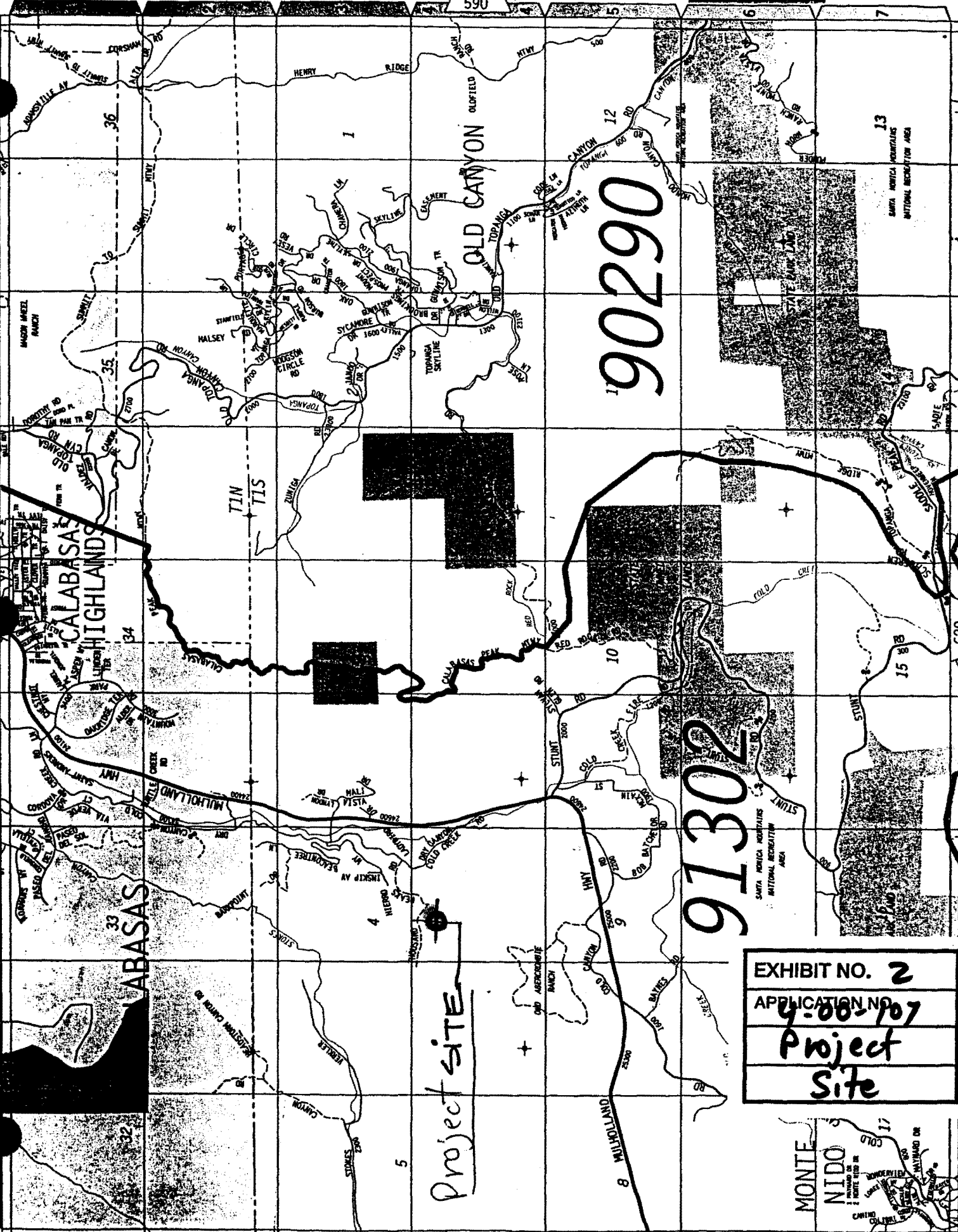
589

SEE 589 MAP

SEE 629 MAP

Thomas Bar Maps © COPYRIGHT 1999

SEE 588 MAP



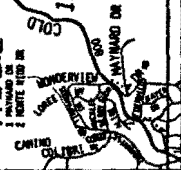
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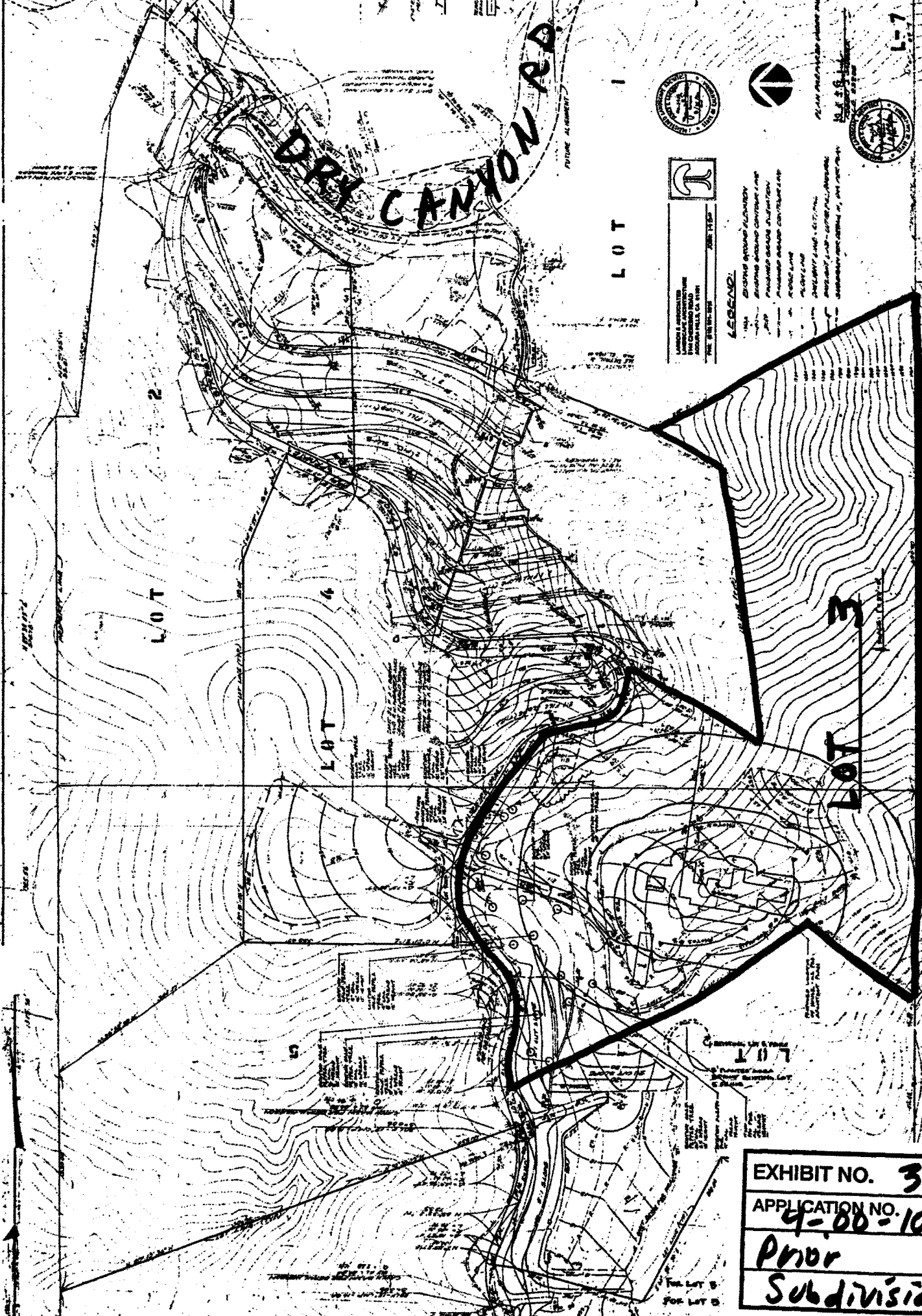
Project Site

EXHIBIT NO. 2
APPLICATION NO. 4-00-707
Project
Site

MONTE NIDO



100-102 H.



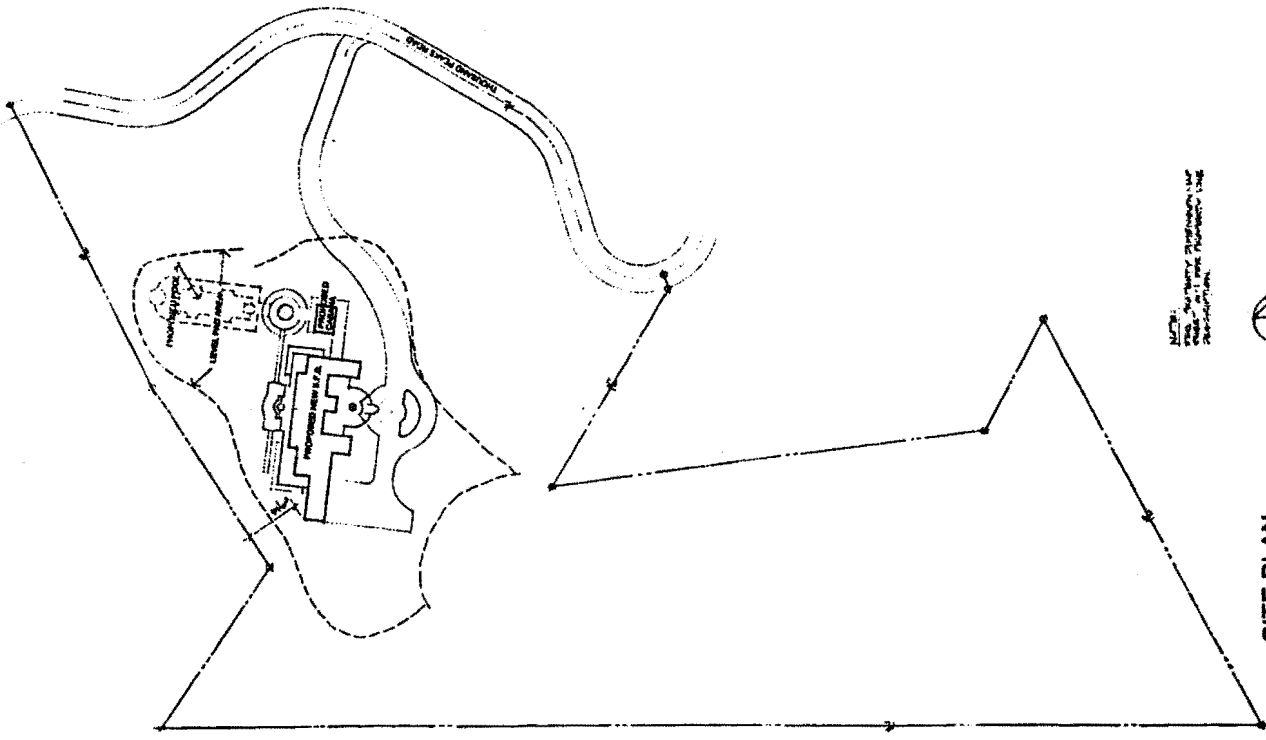
  
 LANDS & RESOURCES  
 STATE OF CALIFORNIA  
 SACRAMENTO, CALIFORNIA  
 THE PUBLIC

**LEGEND:**  
 - 1/4" EQUALS 100' HORIZONTAL SCALE  
 - 1/4" EQUALS 20' VERTICAL SCALE  
 - 1/4" EQUALS 10' HORIZONTAL SCALE  
 - 1/4" EQUALS 2' VERTICAL SCALE  
 - 1/4" EQUALS 1' HORIZONTAL SCALE  
 - 1/4" EQUALS 1' VERTICAL SCALE  
 - 1/4" EQUALS 1' HORIZONTAL SCALE  
 - 1/4" EQUALS 1' VERTICAL SCALE

**EXHIBIT NO. 3**  
**APPLICATION NO. 9-00-10**  
**Prior**  
**Subdivision**

1. THE PROPOSED STRUCTURE SHALL BE BUILT IN ACCORDANCE WITH THE REQUIREMENTS OF THE CITY OF LOS ANGELES COUNTY CODES.
2. THE PROPOSED STRUCTURE SHALL BE BUILT IN ACCORDANCE WITH THE REQUIREMENTS OF THE CITY OF LOS ANGELES COUNTY CODES.
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20. THE PROPOSED STRUCTURE SHALL BE BUILT IN ACCORDANCE WITH THE REQUIREMENTS OF THE CITY OF LOS ANGELES COUNTY CODES.

EXHIBIT NO. **4**  
 APPLICATION NO. **4-00-907**  
**Site Plan**

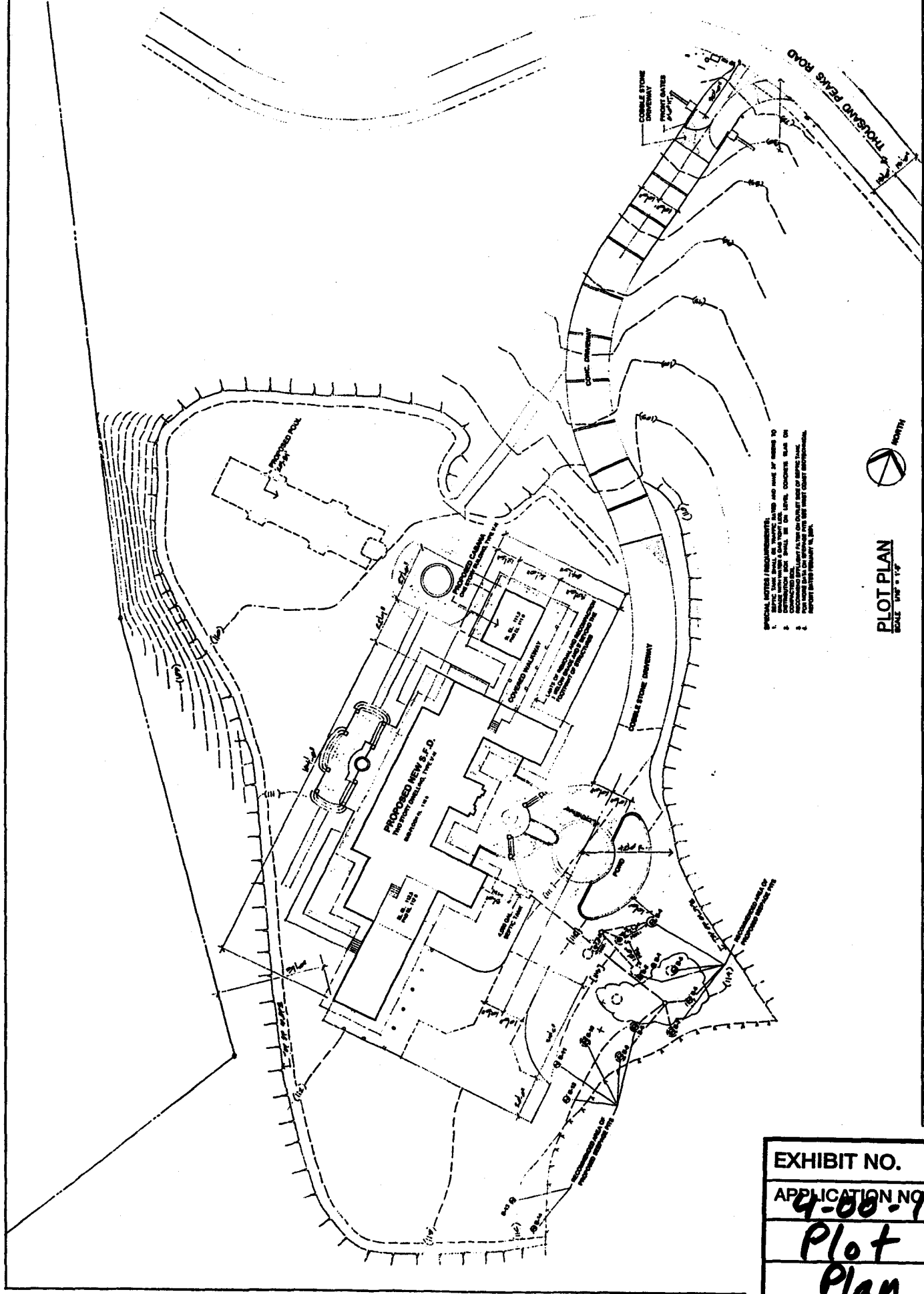


NOTES:  
 1. THE PROPOSED STRUCTURE SHALL BE BUILT IN ACCORDANCE WITH THE REQUIREMENTS OF THE CITY OF LOS ANGELES COUNTY CODES.



**SITE PLAN**  
 SCALE 1" = 10'-0"

Project:	HANYECZ'S RESIDENCE LOT 3, MAP 100, 1907 1000 THOUSAND FEET ROAD / CALIFORNIA ST. 1718
Client:	MR. MICHAEL HANYECZ 2001 WOODLAND BLVD., SUITE 200 WOODLAND HILLS, CA 91367 WOODLAND HILLS, CA 91367
Architect:	David Friedman & associates Architecture - Planning 2001 Woodland Blvd., Suite 200, Woodland Hills, CA 91367, (818) 708-1848
Sheet No.:	SITE PLAN
Date:	
Scale:	1" = 10'-0"
Drawn:	
Check:	
Appr.:	



**SPECIAL NOTES / REQUIREMENTS:**

1. ALL SETBACKS SHALL BE MEASURED TO THE EXTERIOR FACE OF THE WALL OR CURBLINE, UNLESS OTHERWISE NOTED.
2. ALL SETBACKS SHALL BE ON LEVEL. CONCEPT PLAN ON PROPOSED GRADE SHALL BE USED FOR ALL SETBACKS.
3. ALL SETBACKS SHALL BE MEASURED TO THE EXTERIOR FACE OF THE WALL OR CURBLINE, UNLESS OTHERWISE NOTED.
4. ALL SETBACKS SHALL BE MEASURED TO THE EXTERIOR FACE OF THE WALL OR CURBLINE, UNLESS OTHERWISE NOTED.



**PLOT PLAN**  
SCALE: 1/4" = 1'-0"

Sheet No.	2
Date	10/2/87
Drawn By	
Checked By	
Scale	

Project No.: PLOT PLAN

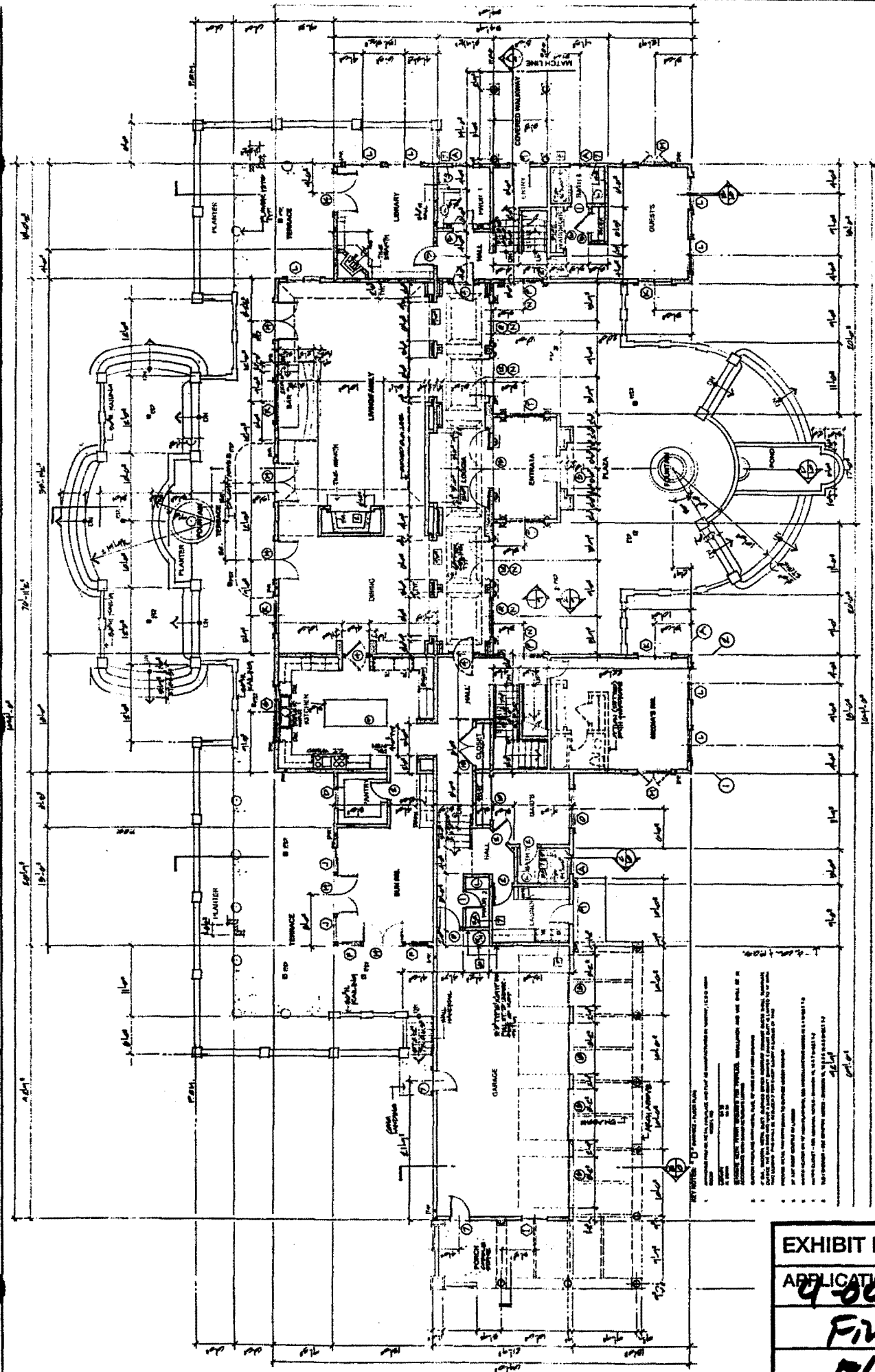
PROJECT: HANVECE'S RESIDENCE  
LOT 1, 100' x 150' (APPROX.)  
3200 THOUSAND PAINS ROAD / CALAMINE / CA 91308

OWNER: MR. MICHAEL HANVECE  
20001 WILSON BLVD., SUITE 100  
ROCKLAND HILLS, CA 91066  
TELEPHONE: (818) 708-1111

David Friedman & associates  
Architecture - Planning

20011 Wilson Blvd., Suite 100, Rockland Hills, CA 91066 (818) 708-1111

EXHIBIT NO. 5  
APPLICATION NO. 4-00-907  
Plot Plan



**FIRST FLOOR PLAN**  
SCALE: 3/16" = 1'-0"

Sheet No.	3
Project No.	
Date	
Drawn By	
Checked By	
Scale	

PROJECT: HANYECZ'S RESIDENCE  
2400 W. 10TH ST. & N. 10TH AVE. S.W.  
DENVER, COLORADO 80202

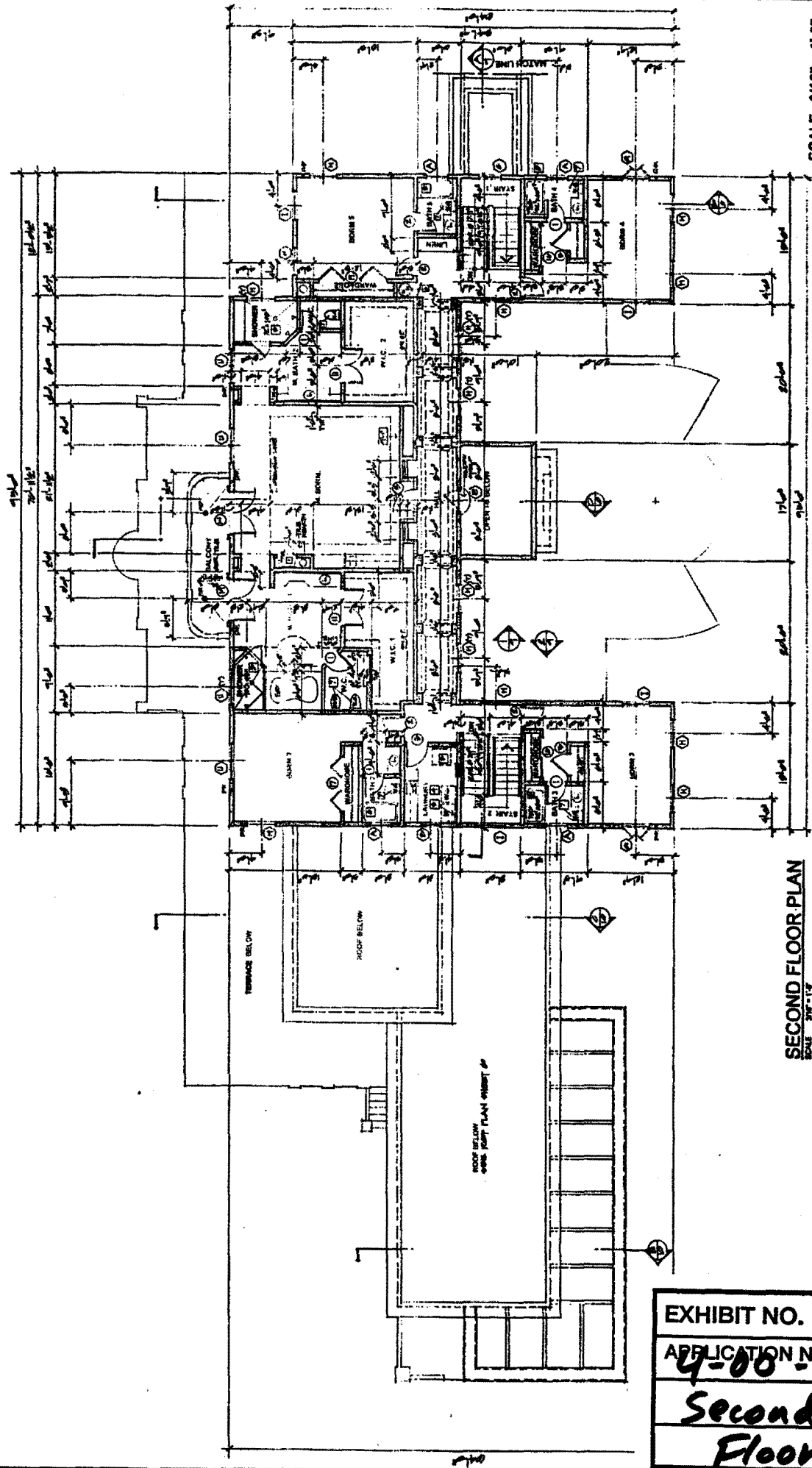
ARCHITECT: MR. MICHAEL HANYECZ  
2001 W. 10TH ST. & N. 10TH AVE. S.W.  
DENVER, COLORADO 80202

David Friedman & Associates  
Architecture - Planning

2001 W. 10TH ST. & N. 10TH AVE. S.W., DENVER, CO 80202 (303) 733-1000

NOTES:  
1. REFER TO SHEET 2 FOR FINISHES.  
2. REFER TO SHEET 3 FOR FINISHES.  
3. REFER TO SHEET 4 FOR FINISHES.  
4. REFER TO SHEET 5 FOR FINISHES.  
5. REFER TO SHEET 6 FOR FINISHES.  
6. REFER TO SHEET 7 FOR FINISHES.  
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96. REFER TO SHEET 97 FOR FINISHES.  
97. REFER TO SHEET 98 FOR FINISHES.  
98. REFER TO SHEET 99 FOR FINISHES.  
99. REFER TO SHEET 100 FOR FINISHES.

EXHIBIT NO. 6  
APPLICATION NO. 4-00-107  
First Floor



SCALE: 3/16" = 1'-0"

**SECOND FLOOR PLAN**  
SCALE: 3/16" = 1'-0"

Sheet No.	4
Project	HANVECEZ'S RESIDENCE
Location	LOT 3, WARDEN RD. 74777
Date	2008 FEBRUARY 25/26

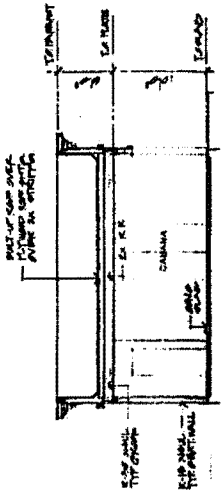
Project: HANVECEZ'S RESIDENCE  
LOT 3, WARDEN RD. 74777  
2008 FEBRUARY 25/26

Architect: MR. MICHAEL HANVECEZ  
3000 WARDEN RD., SUITE 200, WARDEN RD., WARDEN RD. 74777  
2008 FEBRUARY 25/26

Architect: MR. MICHAEL HANVECEZ  
3000 WARDEN RD., SUITE 200, WARDEN RD., WARDEN RD. 74777  
2008 FEBRUARY 25/26

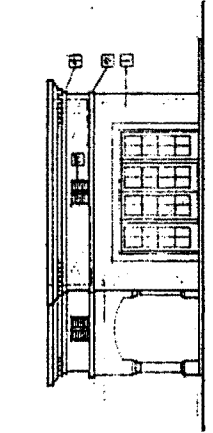
Architect: David Friedman & associates  
Architecture - Planning  
3000 WARDEN RD., SUITE 200, WARDEN RD., WARDEN RD. 74777  
2008 FEBRUARY 25/26

EXHIBIT NO.	7
APPLICATION NO.	4-00-103
Second Floor	

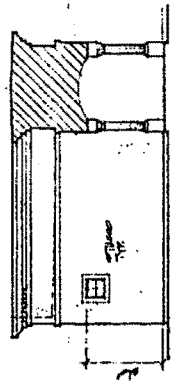


**SECTION G**  
SCALE: 3/8" = 1'-0"

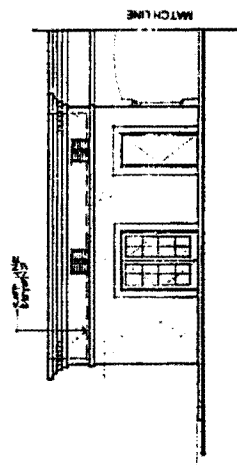
- KEY NOTES: (ELEVATIONS)**
- 1. FINISHES ARE TO BE INDICATED BY SHADING OR HATCHING.
  - 2. FINISHES ARE TO BE INDICATED BY SHADING OR HATCHING.
  - 3. FINISHES ARE TO BE INDICATED BY SHADING OR HATCHING.
  - 4. FINISHES ARE TO BE INDICATED BY SHADING OR HATCHING.
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  - 8. FINISHES ARE TO BE INDICATED BY SHADING OR HATCHING.
  - 9. FINISHES ARE TO BE INDICATED BY SHADING OR HATCHING.
  - 10. FINISHES ARE TO BE INDICATED BY SHADING OR HATCHING.



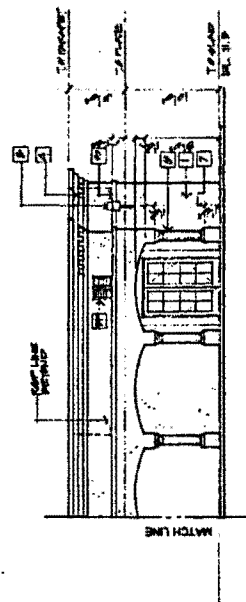
**RIGHT SIDE (NORTH) ELEVATION**  
SCALE: 3/8" = 1'-0"



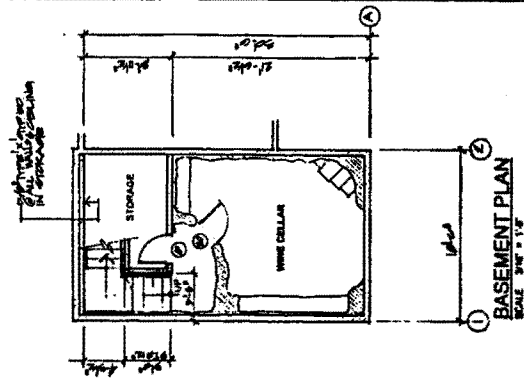
**LEFT SIDE (SOUTH) ELEVATION**  
SCALE: 3/8" = 1'-0"



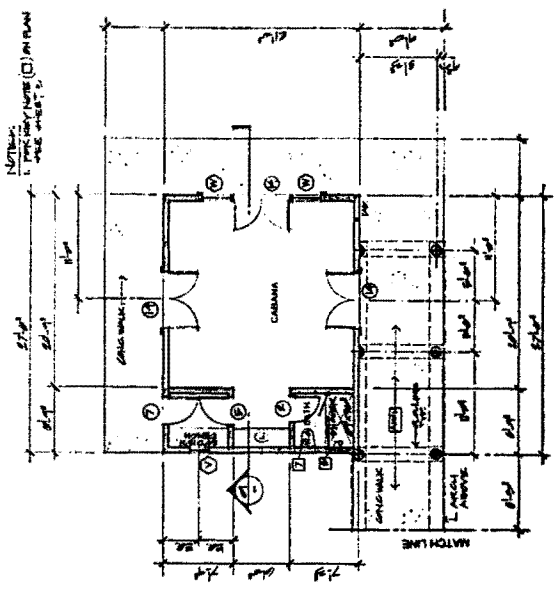
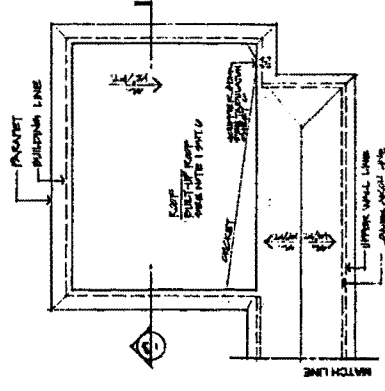
**REAR (WEST) ELEVATION**  
SCALE: 3/8" = 1'-0"



**FRONT (EAST) ELEVATION**  
SCALE: 3/8" = 1'-0"



**BASEMENT PLAN**  
SCALE: 3/8" = 1'-0"



**FLOOR PLAN (CABANA)**  
SCALE: 3/8" = 1'-0"

David Friedman & associates  
Architecture - Planning

MR. MICHAEL HANYECZ  
2001 WILSON BLVD., SUITE 201  
MCKEESVILLE, OH 43041  
TELEPHONE: 614-291-1234

HANYECZ'S RESIDENCE  
LOT 1, TRACT NO. 1002  
1002 THURGOOD TWISS ROAD / COLUMBIANA CO. OHIO

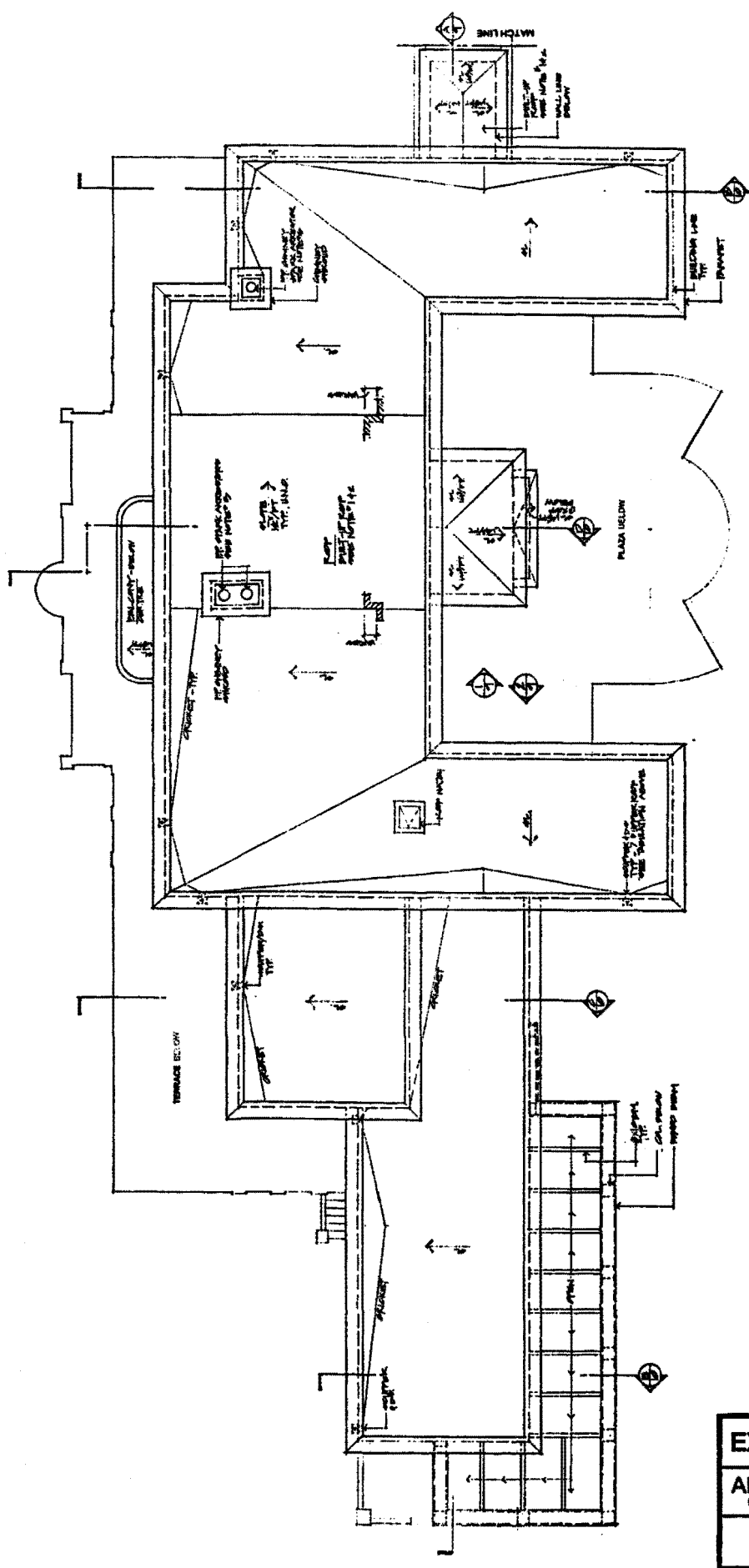
BASEMENT PLAN  
CABANA - FLOOR, ROOF PLANS  
EXTERIOR ELEVATIONS, SECTION

Date	Sheet
Drawn	5
Checked	
Job No.	

EXHIBIT NO. 8  
APPLICATION NO. 4-00-107  
Cabana &  
SFR Basement

**NOTES:** 1. ROOF PLAN

1. ALL ROOF JOINTS SHALL BE WATERPROOFED WITH 2" THICK POLYURETHANE SEALANT.
2. ROOF JOINTS SHALL BE PROTECTED BY 2" THICK POLYURETHANE SEALANT.
3. ROOF JOINTS SHALL BE PROTECTED BY 2" THICK POLYURETHANE SEALANT.
4. ROOF JOINTS SHALL BE PROTECTED BY 2" THICK POLYURETHANE SEALANT.
5. ROOF JOINTS SHALL BE PROTECTED BY 2" THICK POLYURETHANE SEALANT.
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7. ROOF JOINTS SHALL BE PROTECTED BY 2" THICK POLYURETHANE SEALANT.
8. ROOF JOINTS SHALL BE PROTECTED BY 2" THICK POLYURETHANE SEALANT.
9. ROOF JOINTS SHALL BE PROTECTED BY 2" THICK POLYURETHANE SEALANT.
10. ROOF JOINTS SHALL BE PROTECTED BY 2" THICK POLYURETHANE SEALANT.



**ROOF PLAN**  
SCALE 3/8" = 1'-0"

Sheet No.	6
Date	
Author	
Checker	
Scale	

**PROJECT:**  
HANVECK'S RESIDENCE

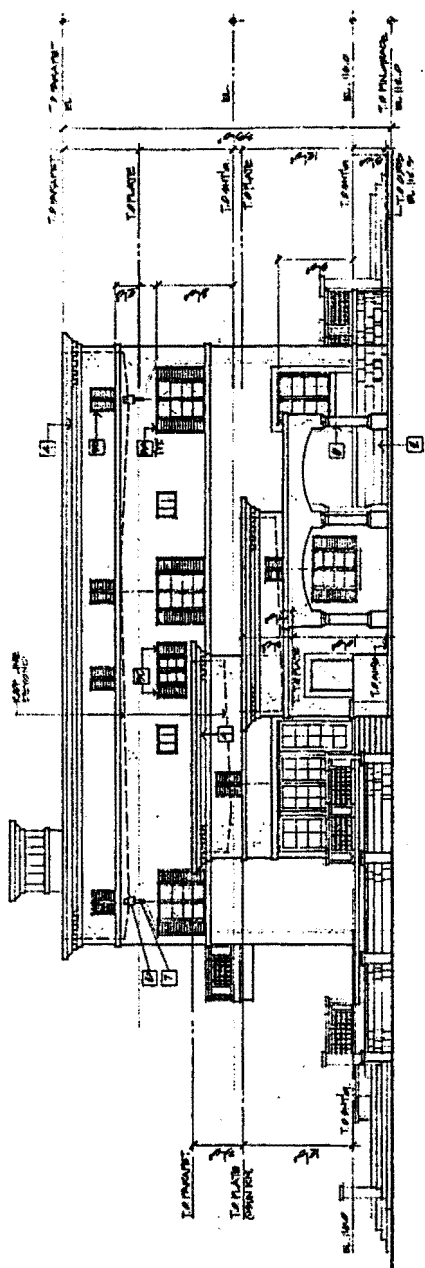
2001 W. 10th St., Suite 201, Woodland Hills, CA 91367  
Tel: 818.708.1111

**MR. MICHAEL HANVECK**  
2001 W. 10th St., Suite 201  
Woodland Hills, CA 91367  
Tel: 818.708.1111

**David Friedman & associates**  
Architecture - Planning  
2001 W. 10th St., Suite 201, Woodland Hills, CA 91367

EXHIBIT NO.	9
APPLICATION NO.	4-00-107
Roof Plan	



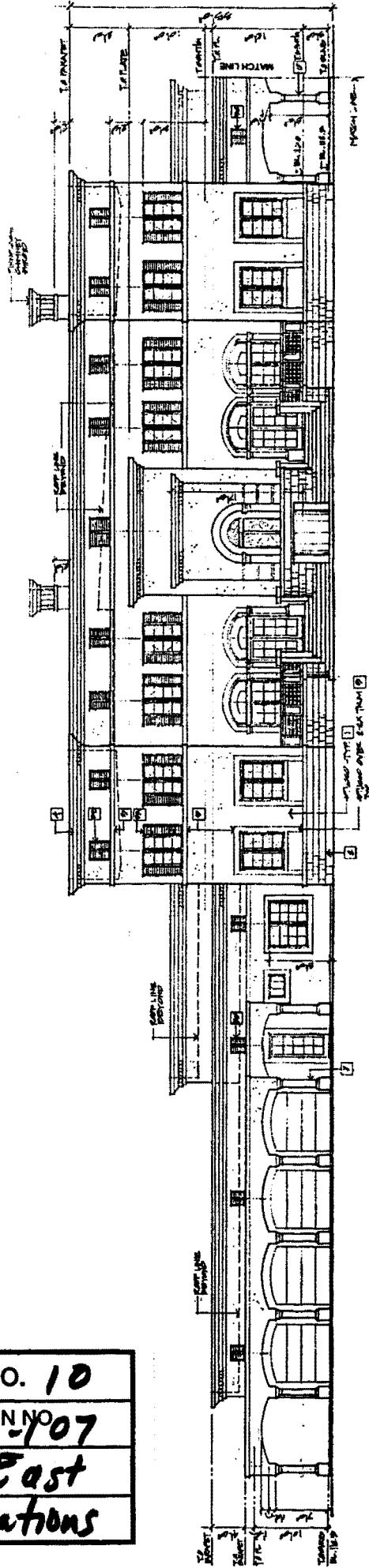


LEFT SIDE (SOUTH) ELEVATION  
SCALE 3/16" = 1'-0"

**KEY NOTES:**

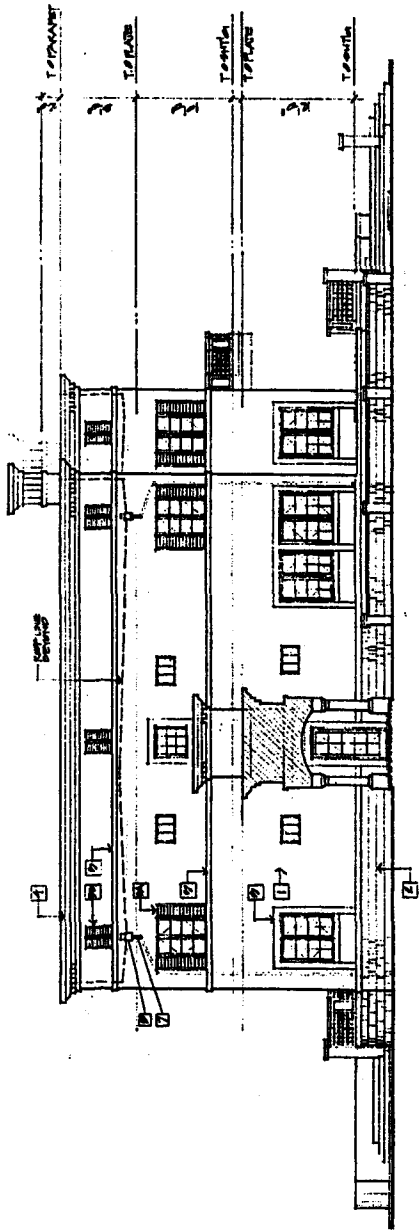
- 1. All exterior surfaces to be finished with the same material as shown on the elevations.
- 2. All exterior surfaces to be finished with the same material as shown on the elevations.
- 3. All exterior surfaces to be finished with the same material as shown on the elevations.
- 4. All exterior surfaces to be finished with the same material as shown on the elevations.
- 5. All exterior surfaces to be finished with the same material as shown on the elevations.
- 6. All exterior surfaces to be finished with the same material as shown on the elevations.
- 7. All exterior surfaces to be finished with the same material as shown on the elevations.
- 8. All exterior surfaces to be finished with the same material as shown on the elevations.
- 9. All exterior surfaces to be finished with the same material as shown on the elevations.
- 10. All exterior surfaces to be finished with the same material as shown on the elevations.

EXHIBIT NO. 10  
APPLICATION NO. 4-00-107  
So. & East Elevations



FRONT (EAST) ELEVATION  
SCALE 3/16" = 1'-0"

PROJECT: <b>HANVEZ'S RESIDENCE</b> 3422 HIGHLAND PARK ROAD / CANANAH / CA 92604	DRAWING NO.: <b>7</b>
	SHEET NO.: <b>7</b>
ARCHITECT: <b>MR. MICHAEL HANVEZ</b> 1000 W. 10TH ST. #100 WOODLAND HILLS, CA 91367 TELEPHONE: (818) 708-8888	EXTERIOR ELEVATIONS
ARCHITECT: <b>David Friedman &amp; associates</b> Architecture - Planning 2000 Westwood Blvd., Suite 201, Westwood Hills, CA 91361 (818) 700-6888	



RIGHT SIDE (NORTH) ELEVATION  
SCALE 3/8" = 1'-0"

**KEY NOTES:**

1. ALL WORK TO BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS.

2. ALL MATERIALS TO BE USED SHALL BE OF THE BEST QUALITY AVAILABLE.

3. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS.

4. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS.

5. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS.

6. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS.

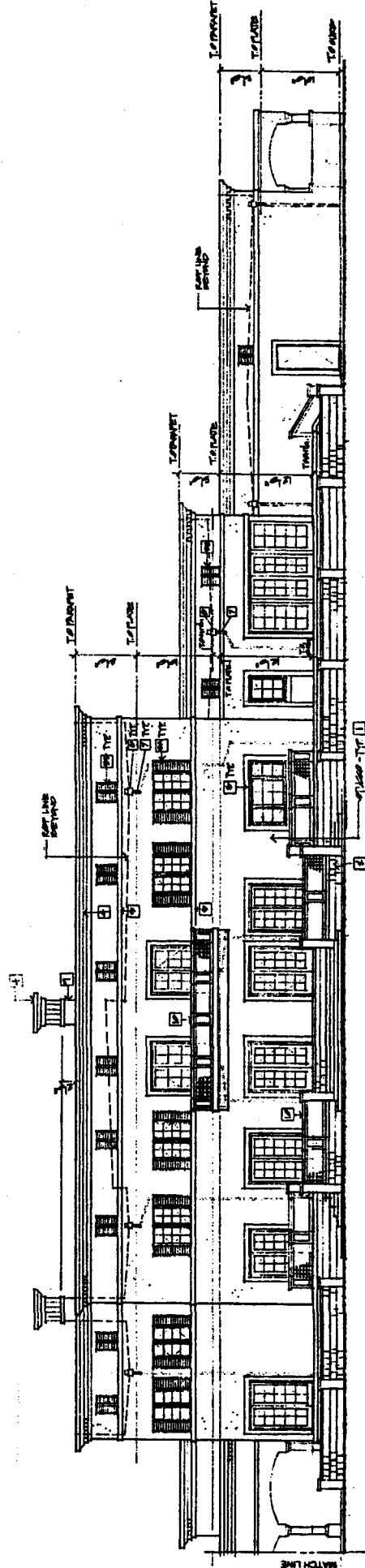
7. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS.

8. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS.

9. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS.

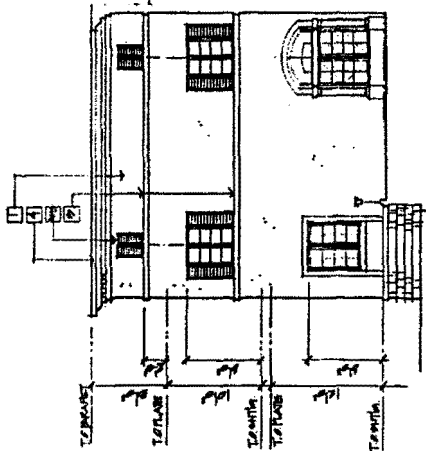
10. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS.

EXHIBIT NO. 11  
APPLICATION NO. 4-88-107  
No. & West  
Elevations

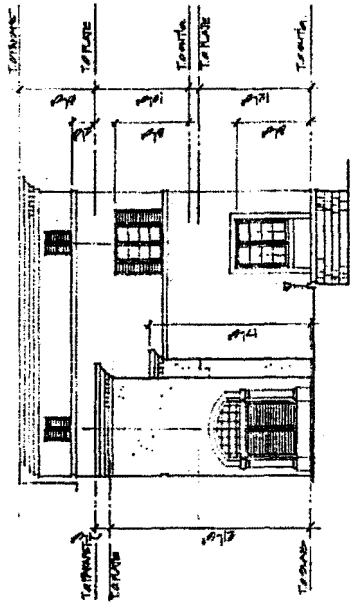


REAR (WEST) ELEVATION  
SCALE 3/8" = 1'-0"

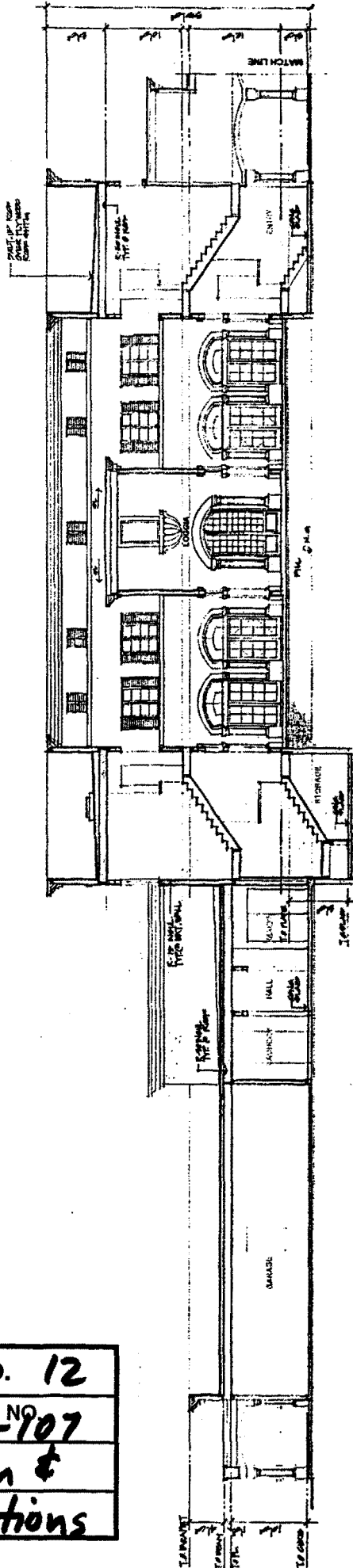
David Friedman & associates Architecture - Planning 2200 Van Ness Blvd., Suite 204, San Francisco, CA 94109 (415) 774-4400	PROJECT: HANYECZ'S RESIDENCE 1421 S. HUNTER AND HUNTER (HUNTER) (SAN FRANCISCO) (CA) 94116	DRAWING NO.: EXTERIOR ELEVATIONS	SHEET NO.: 8
			TOTAL SHEETS: 8



ELEVATION 2  
SCALE 3/16" = 1'-0"



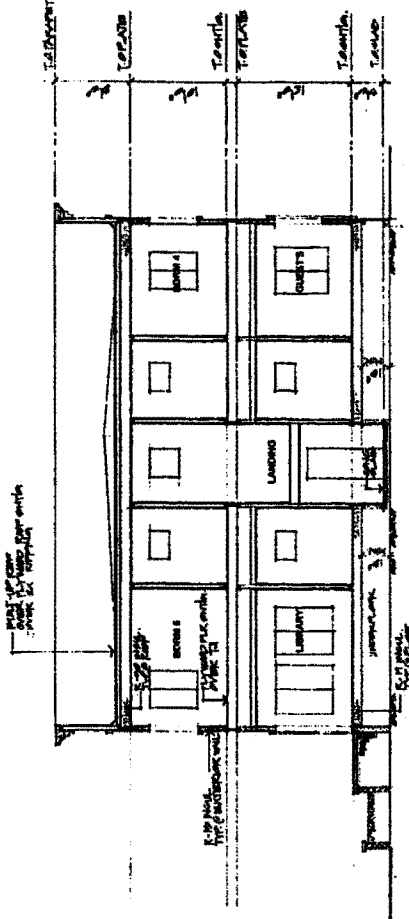
ELEVATION 1  
SCALE 3/16" = 1'-0"



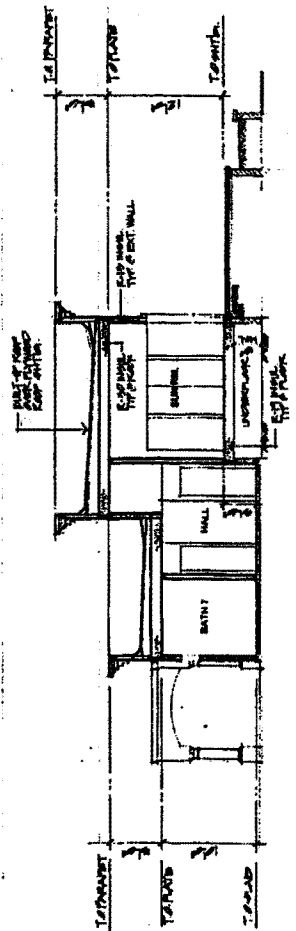
SECTION A  
SCALE 3/16" = 1'-0"

EXHIBIT NO. 12  
APPLICATION NO. 4-00-107  
Section & Elevations

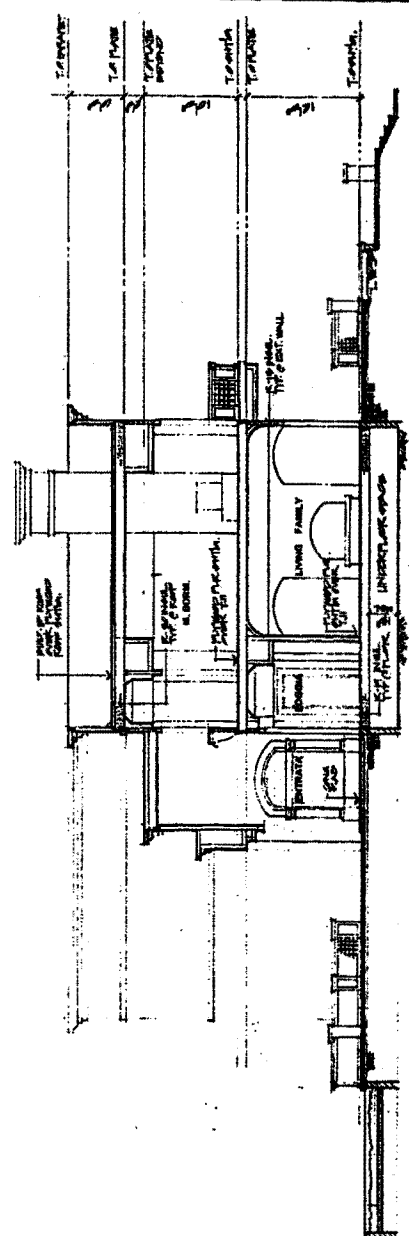
PROJECT: <b>HANPECK'S RESIDENCE</b> 1002 THOMAS PLANE ROAD / CALAMANS, CA 94528	ARCHITECT: <b>MR. MICHAEL HANPECK</b> 1002 THOMAS PLANE ROAD / CALAMANS, CA 94528 TELEPHONE (916) 382-1000	ARCHITECTURE FIRM: <b>David Friedman &amp; associates</b> <b>Architecture - Planning</b> <small>20011 Veterans Blvd., Suite 201, Westminster, CA 92683 (949) 862-2000</small>	SHEET NO.	9
			SECTION EXTERIOR ELEVATIONS	DATE



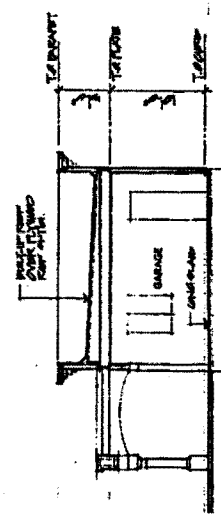
SECTION B  
SCALE 3/8" = 1'-0"



SECTION C  
SCALE 3/8" = 1'-0"



SECTION D  
SCALE 3/8" = 1'-0"



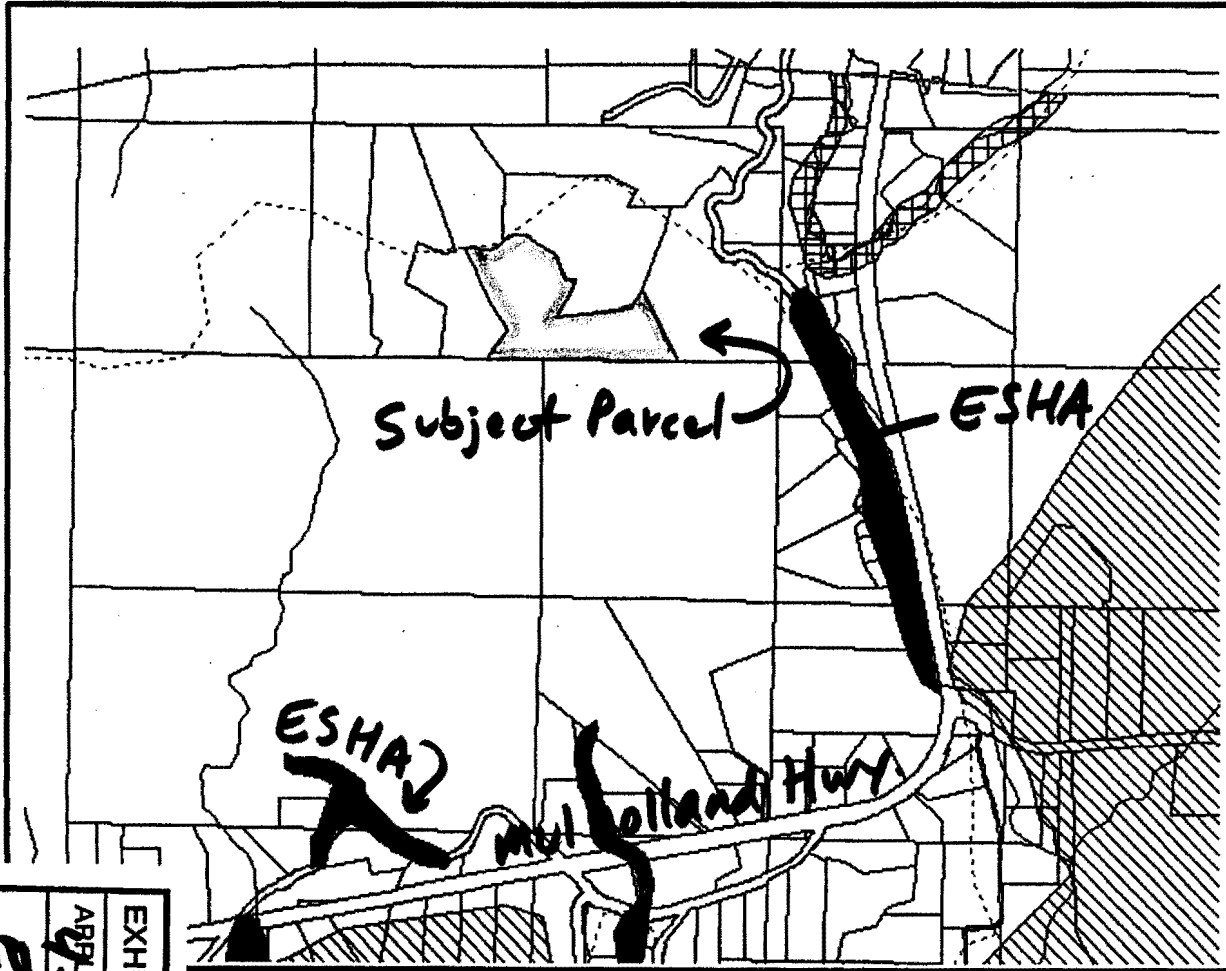
SECTION E  
SCALE 3/8" = 1'-0"

EXHIBIT NO. 13  
APPLICATION NO. 4-00-907  
Sections

<p>MR. MICHAEL HANYECZ GENERAL CONTRACTOR 1000 S. GARDEN ST. #100 LOS ANGELES, CALIF. 90006 TELEPHONE 464-1100</p>	<p>HANYECZ'S RESIDENCE LOT 8, TRACT NO. 2747 2400 TROTTWOOD PLACE, WEST GARDEN, CALIF. 90008</p>	<p>SECTIONS</p>	<p>10</p>
<p>David Friedman &amp; associates Architecture - Planning</p>		<p>2800 Vanowen Blvd., Suite 204, Northridge, CA 91324 (818) 708-0888</p>	

ESRI ArcExplorer 1.1

4-00-107 Hanyecz ( Thousand Peaks Rd.)



- Malibu City Boundary
- LA-Ventura County Boundary
- Trails - LA County LUP
- Blue Line Streams
- shoreline
- czbdy
- laprcls
- esha (ESHA)
  - Coldcreek management area inland
  - locally disturbed resources
  - oak woodlands and savannahs
  - significant watersheds residential wildlife migration corridor
  - Small lot subdivisions
  - Ocean

EXHIBIT NO. 14  
APPLICATION NO. 4-00-107  
ESHA

Thursday, Jun 1 2000

Calabasas

Dry Canyon Road

↑ N  
No Scale

Stokes Ridge Trail

Stokes  
Pass

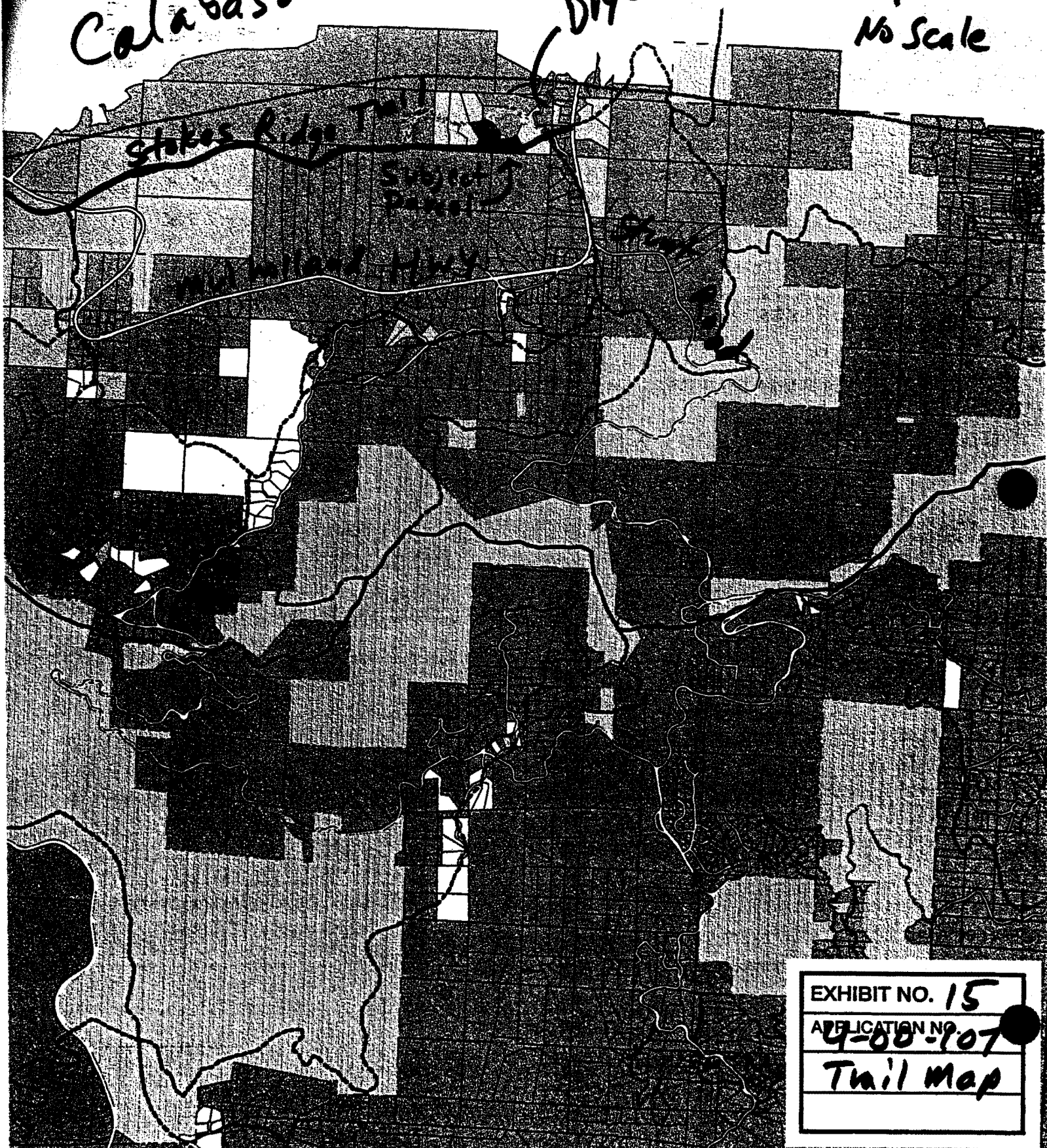


EXHIBIT NO. 15
APPLICATION NO. 4-88-907
Trail Map