

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA

SOUTH CALIFORNIA ST., SUITE 200

MANTUA, CA 93001

(805) 585-1800

Filed: 6/6/02
49th Day: 7/25/02
180th Day: 12/3/02
Staff: BL
Staff Report: 06/10/02
Hearing Date: 07/9-12/02
Commission Action:

**RECORD PACKET COPY****STAFF REPORT: REGULAR CALENDAR**

APPLICATION NO.: 4-02-092
APPLICANT: Robert Weingarten
AGENT: Marny Randall
PROJECT LOCATION: 5920 Clover Heights Road, Malibu, Los Angeles County
APN 4469-012-028

PROJECT DESCRIPTION:

Construction of a two-story, 24 ft. above existing grade, 6,667 sq. ft. single-family residence with additional 1,385 sq. ft. of covered deck; one-story 325 sq. ft. detached studio; driveway; septic system; pool; and landscaping. Grading of 2,076 cu. yds. (2,000 cut, 76 fill) is proposed.

Lot area: 75,968 sq. ft. (1.74 acres)
Building coverage: 4,286 sq. ft.
Maximum height: 24 ft. from existing grade

LOCAL APPROVALS RECEIVED: City of Malibu Planning Department, Approval in Concept, dated 3/4/02; City of Malibu Environmental Health Department, Approval in Concept (Septic), dated 7/17/01; City of Malibu, Geology and Geotechnical Engineering Review Sheet, Approval in Concept, dated 7/2/01; Approval in Concept, Los Angeles County Fire Department, Preliminary Fuel Modification Plan Approval, dated 5/14/02; Approval in Concept, Los Angeles County Fire Department, Access Plan, dated 3/21/02.

SUBSTANTIVE FILE DOCUMENTS: *Limited Geologic and Soils Engineering Investigation, Single Family Residence and Guesthouse*, by GeoConcepts, Inc., dated 4/5/99; *Limited Geologic and Soils Engineering Investigation, Grading and Drainage*, by GeoConcepts, Inc., dated 5/18/00; *Supplemental Report 1*, by GeoConcepts, Inc., dated 8/21/01; *Geologic Report Update Letter*, by GeoConcepts, Inc., dated 4/5/02.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends **approval** of the proposed project with **6 Special Conditions** regarding (1) conformance to geologic recommendations for design and construction, (2) drainage and polluted run-off control, (3) landscaping and erosion control, (4) wildfire waiver of liability, (5) future improvements deed restriction, and (6) removal of excavated material.

The applicant is proposing to construct a two-story, 24 ft. above existing grade, 6,667 sq. ft. single-family residence with additional 1,385 sq. ft. of covered deck; one-story 325 sq. ft. detached studio; driveway; septic system; pool; and landscaping at 5920 Clover Heights Road. Grading of 2,076 cu. yds. (2,000 cut, 76 fill) is proposed. (Exhibits 3-11)

The subject site is a 75,968 sq. ft. vacant parcel located to the northwest of Point Dume, in a highly developed residential area in the City of Malibu (Exhibits 1-3). The site is accessed from Harvester Road and Clover Heights Road, public roads situated to the west and north of the subject site. Topography of the subject parcel consists of a relatively level parcel sloping gently to the southeast towards a minor drainage which parallels the eastern property line. Total gradient change over the subject site is on the order of approximately 40 ft.

Vegetation on the site is highly degraded due to fuel modification clearance associated with adjacent development (Exhibit 11). The project site is located in a residentially developed area of Point Dume in Malibu. No environmentally sensitive habitat area exists at the site and the proposed project will not be visible from any public viewing areas. The proposed project, as conditioned, is consistent with all applicable policies of the Coastal Act.

I. STAFF RECOMMENDATION

MOTION: *I move that the Commission approve Coastal Development Permit No. 4-02-092 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 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. 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.

SPECIAL CONDITIONS

1. **Plans Conforming to Geologic Recommendation**

All recommendations contained in the *Limited Geologic and Soils Engineering Investigation, Single Family Residence and Guesthouse*, by GeoConcepts, Inc., dated 4/5/99; *Limited Geologic and Soils Engineering Investigation, Grading and Drainage*, by GeoConcepts, Inc., dated 5/18/00; and *Supplemental Report 1*, by GeoConcepts, Inc., dated 8/21/01; shall be incorporated into all final design and construction including foundations, drainage, retaining walls, and sewage disposal. Final plans must be reviewed and approved by the project's consulting geotechnical engineer. 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.

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.

2. Drainage and Polluted Runoff Control Plans

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, 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. The plan shall be reviewed and approved by the consulting geotechnical engineer and engineering geologist to ensure the plan is in conformance with consultants' recommendations. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:

- (1) The plan shall be configured and designed to generally conform with the conceptual drainage plan shown on Exhibit 4.
- (2) Selected BMPs (or suites of BMPs) shall be designed to treat or filter stormwater from each runoff event, up to and including the 85th percentile, 24-hour runoff event for volume-based BMPs, and/or the 85th percentile, 1-hour runoff event, with an appropriate safety factor, for flow-based BMPs.
- (3) Runoff shall be conveyed off site in a non-erosive manner.
- (4) Energy dissipating measures shall be installed at the terminus of outflow drains.
- (5) 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.

3. Landscaping and Erosion Control Plans

Prior to issuance of a coastal development permit, the applicant shall submit landscaping and erosion control plans, prepared by a licensed landscape architect or a qualified resource specialist, for review and approval by the Executive Director. The landscaping and erosion control plans shall be reviewed and approved by the geotechnical consultants to ensure that the plans are in conformance with the consultants' recommendations. The plans shall identify the species, extent, and location of all plant materials and shall incorporate the following criteria:

A. Landscaping Plan

(1) All graded and 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 plant species which tend to supplant native species shall not be used. 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.

(2) All cut and fill slopes shall be stabilized with planting at the completion of final grading. Plantings 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.

(3) 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.

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

(5) Vegetation within 50 feet of the proposed house 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 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 Forestry Department of Los Angeles County. Irrigated lawn, turf and ground cover planted within the fifty foot radius of the proposed house shall be selected from the most drought tolerant species or subspecies, or varieties suited to the Mediterranean climate of the Santa Monica Mountains.

B. Interim Erosion Control Plan

(1) The 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 geofabric 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.

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 geotextiles 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.

4. Wildfire Waiver of Liability

Prior to 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, and 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 wildfire exists as an inherent risk to life and property.

5. Future Development Deed Restriction

This permit is only for the development described in Coastal Development Permit No. 4-02-092. Pursuant to Title 14 California Code of Regulations Section 13253(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(a) shall not apply to the 325 sq. ft. studio. Accordingly, any future structures, additions, or improvements related to the studio approved under Coastal Development Permit No. 4-02-092 will require a permit from the California Coastal Commission or its successor agency.

Prior to issuance of a coastal development permit, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director incorporating all of the above terms of this condition. The deed restriction shall include a legal description 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. Removal of Excavated Material

Prior to issuance of a coastal development permit, the applicant shall provide evidence to the Executive Director of the location of the disposal site for all excavated material from the site. Should the dumpsite be located in the Coastal Zone, a coastal development permit shall be required.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. Project Description and Background

The applicant is proposing to construct a two-story, 24 ft. above existing grade, 6,667 sq. ft. single-family residence with additional 1,385 sq. ft. of covered deck; one-story 325 sq. ft. detached studio; driveway; septic system; pool; and landscaping at 5920 Clover Heights Road. Grading of 2,076 cu. yds. (2,000 cut, 76 fill) is proposed. (Exhibits 3-11).

The subject site is a 75,968 sq. ft. vacant parcel located to the northwest of Point Dume, in a highly developed residential area in the City of Malibu (Exhibits 1-3). Topography of the subject parcel consists of a relatively level parcel, which slopes gently to the southeast towards a minor drainage paralleling the eastern property line. Total gradient change over the subject site is on the order of approximately 40 ft. (Exhibit 4). There are no environmentally sensitive habitat areas (ESHAs) located on the subject site.

Access to the project site is provided from Clover Heights Road by way of Harvester Road, a public road located to the north of the site (Exhibits 1-2). The proposed project, which is not visible from any public areas with the exception of Clover Heights Road, is consistent with the surrounding development, and will not result in any new impacts to visual resources.

The applicant has submitted Fuel Modification Plans with Final Approval by the County of Los Angeles Fire Department, Fuel Modification Unit, dated 5/14/02, for the proposed residence which indicates the extent of vegetation removal and/or thinning requirements required to reduce fire hazard for the proposed residence. The area will overlap significantly with areas previously disturbed by yearly fuel modification completed for adjacent developments (Exhibit 11). As such, the proposed development will not have additional adverse impacts on designated sensitive habitat areas or significant natural vegetation.

The site has been the subject of one previous Commission action. In 1998, the Commission waived permit requirements (4-98-278-W) for a minor lot line adjustment between the subject parcel and the neighboring parcel to the south. This resulted in the subject lot having additional frontage on Clover Heights Road, and the creation of a flag lot to the east of the subject site (Exhibit 2) which also takes access from Clover Heights Road.

B. Geology and Fire Hazard

Section 30253 of the Coastal Act states in pertinent 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, 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 on a gently sloping hillside in Malibu, an area which is generally considered to be subject to an unusually high amount of natural hazards. Geologic hazards common to the Malibu / Santa Monica Mountains area include landslides, erosion, flooding, and earth movement. In addition, fire is a persistent threat due to the indigenous chaparral community of the coastal mountains. Wildfires can denude hillsides in the Santa Monica Mountains of all existing vegetation, thereby contributing to an increased potential for erosion and landslides.

The prominent geomorphic features in the area are the Santa Monica Mountains to the north, and Point Dume and the Pacific Ocean to the south and southeast. The site is located on a near-level pad, which drains primarily by sheet flow runoff to the south and east; to low-lying areas via existing contours, and offsite. Maximum topographic relief on-site is approximately 40 feet. There is an existing minor drainage on site which parallels the eastern property line (Exhibit 4). The applicant proposes grade a total of 2,076 cu. yds. of soil (2,000 cu. yds. cut; 76 yds. fill) for the proposed project. An additional 1,910 cu. yds. of soil is proposed to be removed and recompacted pursuant to the consulting geologist's recommendations.

The applicant's geologic and engineering consultant has determined that the proposed project site is suitable from a soils and engineering standpoint for construction of the proposed project. The *Limited Geologic and Soils Engineering Investigation, Single Family Residence and Guesthouse*, by GeoConcepts, Inc., dated 4/5/99, in evaluating the various engineering geologic factors affecting site stability and existing site conditions, states:

It is the finding of this corporation, based upon the subsurface data, that the proposed project will be safe from landslide, settlement or slippage, and will not adversely affect adjacent property, provided this corporation's recommendations and those of the Los Angeles County Code are followed and maintained.

The *Limited Geologic and Soils Engineering Investigation, Grading and Drainage*, by GeoConcepts, Inc., dated 5/18/00 further states, states:

It is the finding of this corporation, based upon the subsurface data, that the proposed project will be safe from landslide, settlement or slippage, and will not adversely affect adjacent property, provided this corporation's recommendations and those of the Uniform Building Code are followed and maintained.

The Commission notes that the geologic and engineering consultants have included a number of recommendations which will increase the stability and geotechnical safety of the site. To ensure that these recommendations are incorporated into the project plans, the Commission finds it necessary to require the applicant, through **Special Condition 1**, to submit project plans certified by the geologic / geotechnical engineering consultant as conforming to their recommendations.

The project will increase the amount of impervious coverage on-site which may increase both the quantity and velocity of stormwater runoff. Interim erosion control measures implemented during construction will minimize short-term erosion and enhance site stability. However, long-term erosion and site stability must be addressed through adequate landscaping and erosion control plans. To ensure that runoff is conveyed off-site, in a non-erosive manner, the Commission finds it necessary to require the applicant, through **Special Conditions 2 and 3**, to submit landscape and erosion control plans, and drainage plans conforming to the recommendations of the consulting geotechnical engineer for review and approval by the Executive Director, to adequately control erosion during and after construction of the proposed project.

Erosion and sedimentation can also be minimized by requiring the applicant to remove all excess dirt from cut / fill / excavation activities. The applicant has estimated 2,076 cu. yds. of grading consisting of 2,000 cu. yds. of cut and 76 cu. yds. of fill. In addition, the project will require 1,910 cu. yds. of removal and recompaction. Much of the cut proposed (1,093 cu. yds.) is for the excavation and grading beneath the proposed residence, pool, and driveway areas. The disparity between cut and fill quantities will result in approximately 1,924 cu. yds. of excess cut material. The Commission has found that minimization of grading and exposed earth on-site can reduce the potential impacts of sedimentation in nearby creeks, stormwater conveyances, and the ocean. Therefore, **Special Condition 6** has been required to ensure that all excavated or cut material in excess of material proposed to be used for fill on the project site be removed and properly disposed of.

In addition to controlling erosion during construction operations, landscaping of the disturbed areas of the project will enhance the stability of the site. Long-term erosion can be minimized by requiring the applicant to revegetate 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 has found that such plant species do not serve to stabilize slopes and may adversely affect the overall stability of a project site. Native species, alternatively, tend to have a deeper root structure and aid in preventing erosion. Invasive, non-indigenous plant species tend to supplant species that are native to the Malibu / Santa Monica Mountains area. Increasing urbanization in this area has already caused the loss or degradation of major portions of native habitat and native plant seed banks through grading and removal of topsoil. Moreover, invasive and fast-growing trees and groundcovers originating from other continents, which have been used for landscaping in this area have seriously degraded native plant communities adjacent to development. Therefore, the Commission finds that in order to ensure

site stability, all disturbed areas on-site shall be landscaped with appropriate native plant species, as specified in **Special Condition 3**.

The Commission requires that new development minimize the risk to life and property in areas of high fire hazard while recognizing that new development may involve the taking of some risk. Vegetation in the coastal areas of the Santa Monica Mountains consists mostly of coastal sage scrub and chaparral, communities which have evolved in concert with, and continue to produce the potential for frequent wildfires. The warm, dry summer conditions of the local Mediterranean climate combine with the natural characteristics of the native vegetation to pose a risk of wildfire damage to development that cannot be completely avoided or mitigated. When development is proposed in areas of identified hazards, 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 the property.

Due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wildfire, the Commission can only approve the project if the applicant assumes the liability from these associated risks. Through the wildfire waiver of liability, as incorporated in **Special Condition 4**, 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. The Commission finds that the proposed project, as conditioned, is consistent with Sections 30250 and 30253 of the Coastal Act.

C. 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, runoff, erosion, and sedimentation, and 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 states:

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.

As described, the proposed project includes construction of a two-story, 24 ft. above existing grade, 6,667 sq. ft. single-family residence with additional 1,385 sq. ft. of covered deck; one-story 325 sq. ft. detached studio; driveway; septic system; pool; and landscaping. The project also proposes grading of 2,076 cu. yds. (2,000 cut, 76 fill). (Exhibits 3-11)

The proposed development will result in an increase in the amount of impervious surface on site, 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. 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.

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 85th 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 2** 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 measures 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 2** is necessary to ensure the proposed development will not adversely impact water quality of downstream coastal resources.

Finally, the proposed development includes the installation of an on-site septic system with a 3,000-gallon to serve the residence. The applicant's geologic consultants performed percolation tests and evaluated the proposed septic system. The City of Malibu Environmental Health Department has given in-concept approval of the proposed septic system, determining that the system meets the requirements of the plumbing code. The Commission has found that conformance with the provisions of the plumbing code is protective of resources.

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.

D. 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:

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.

Pursuant to Coastal Act §30250 and §30252 cited above, new development raises issues relative to cumulative impacts on coastal resources. The construction of a second unit on a site where a primary residence exists intensifies the use of the subject parcel. The intensified use creates additional demands on public services, such as water, sewage, electricity, and roads. Thus, second units pose potential cumulative impacts in addition to the impacts otherwise caused by the primary residential development. The applicant is proposing to construct a pool cabana/study; the structure could potentially be converted for residential use in the future.

Based on the requirements of Coastal Act §30250 and §30252, the Commission has limited the development of second units on residential parcels in the Malibu and Santa Monica Mountain areas to a maximum of 750 sq. ft. 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 intended only for occasional use by guests, 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, and electricity) than an ordinary single family residence or residential second units. Finally, the Commission has found in past permit decisions that a limit of 750 sq. ft. encourages the units to be used for their intended purpose—as a guest unit—rather than as second residential units with the attendant intensified demands on coastal resources and community infrastructure.

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 forms which in large part consist of: 1) a second unit with kitchen facilities including a granny unit, caretaker's unit, or farm labor unit; and 2) a guesthouse, with or without separate kitchen facilities. Past Commission action has consistently found that both second units and guesthouses inherently have the potential to cumulatively impact coastal resources. Thus, conditions on coastal development permits and standards within LCPs have been required to limit the size and number of such units to ensure consistency with Chapter 3 policies of the Coastal Act in this area.

The applicant proposes to construct a detached, one-story, 16 ft. high, 325 sq. ft. studio (see Exhibits 3,6,8, and 11). The unit is comprised of a single open room with no plumbing fixtures. The structure is proposed livable square footage, and could potentially be converted for residential use in the future. Therefore, the Commission finds it necessary to ensure that no additions or improvements are made to the studio in the future that may enlarge or further intensify the use of this structure without due consideration of the cumulative impacts that may result. Therefore, the Commission finds it necessary to require the applicants to record a future improvements deed restriction, as specified in **Special Condition 5**, which will require the applicant to obtain an amended or new coastal permit if additions or improvements to the 325 sq. ft. studio are proposed in the future. As conditioned to minimize the potential for cumulative impacts resulting from the proposed development, the Commission finds that the proposed project is consistent with §30250 and §30252 of the Coastal Act.

E. Local Coastal Program

Section 30604 of the Coastal Act states:

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

F. California Environmental Quality Act

Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(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.

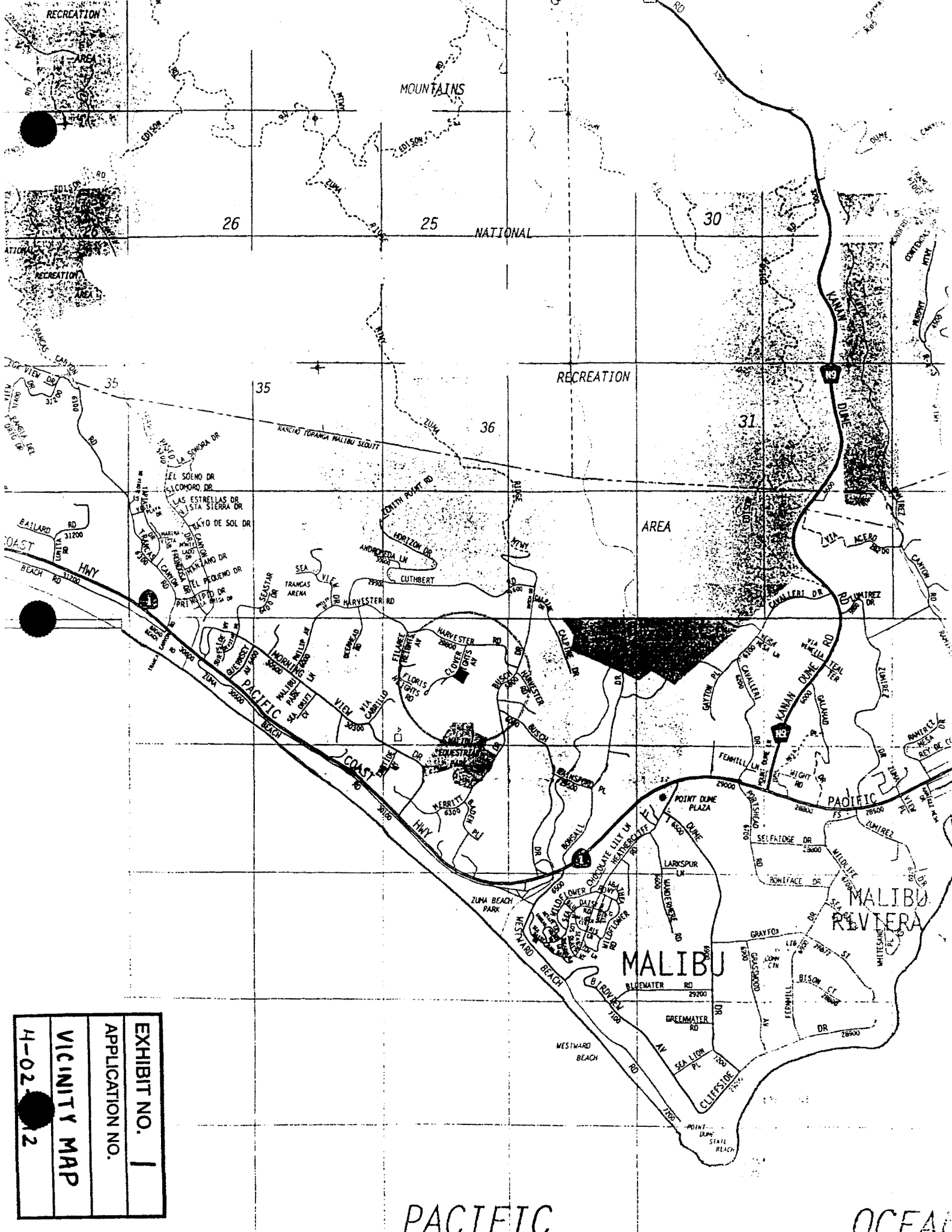


EXHIBIT NO. 1
APPLICATION NO.
VICINITY MAP
H-02-12

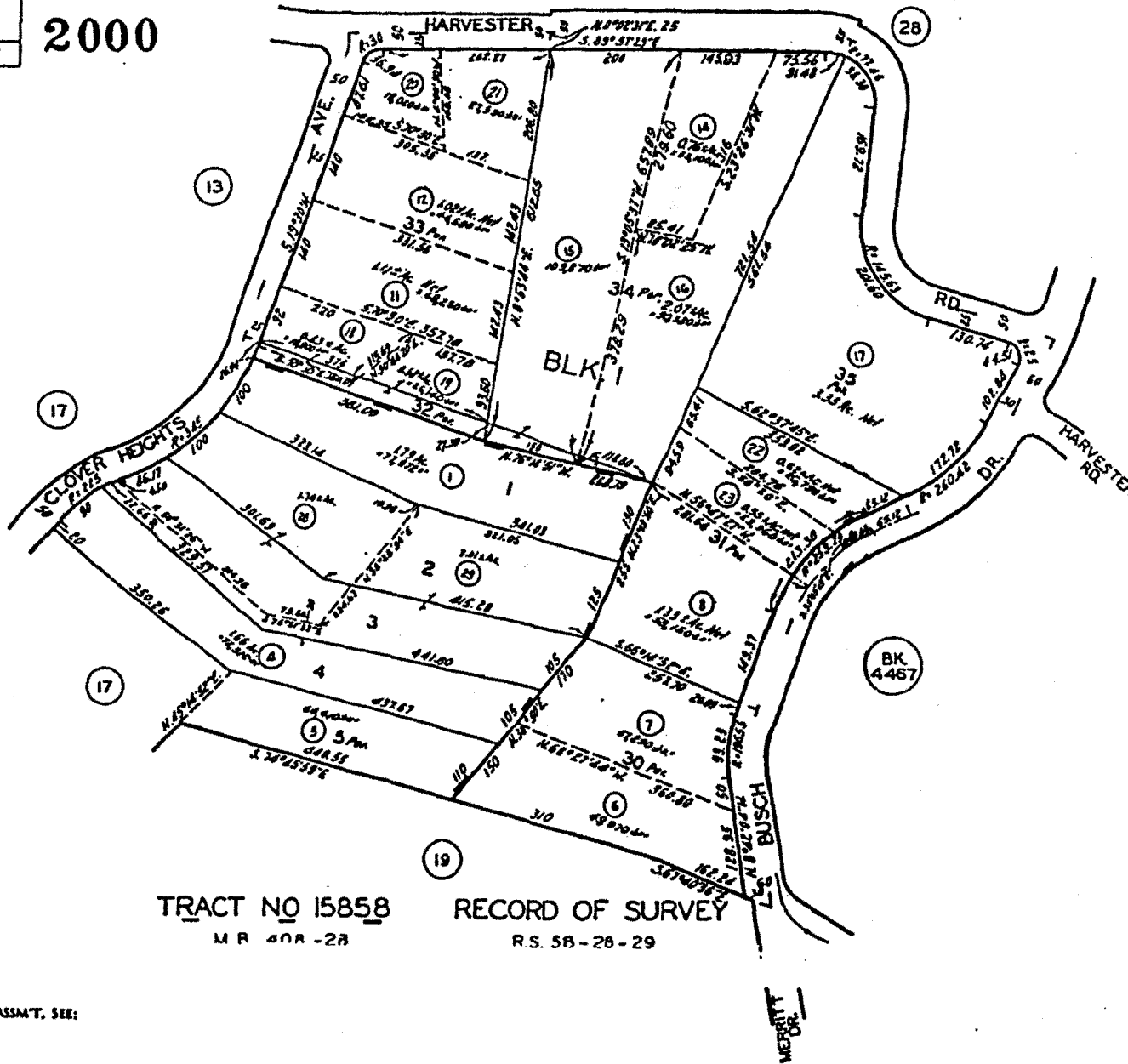
PACIFIC

OCEAN

4469 | 12
SCALE 1" = 150'

2000

R-3-63
67011
630211
720111
711103
216805
192000-41003001-01
196000-408003004-07
Revised
9-21-62
170216.00



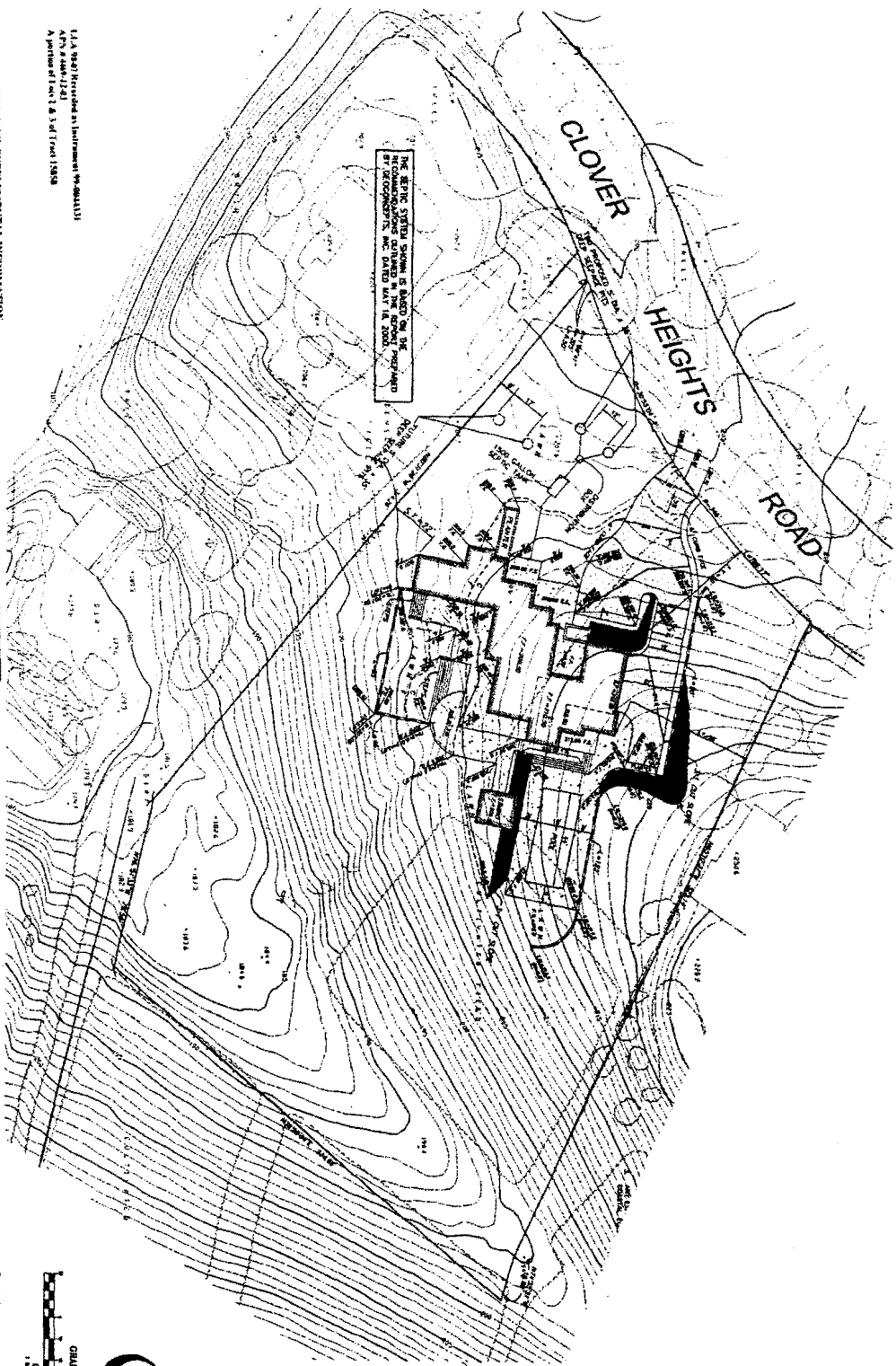
CODE
106.53

TRACT NO 15858
M R 408-28

RECORD OF SURVEY
R.S. 58-28-29

FOR PREV. ASSMT. SEE:
4469-12

EXHIBIT NO. 2
APPLICATION NO.
PARCEL MAP
4-02-092



1/4 Acre Parcel as shown on Instrument No. 08-04131
 Acreage: 0.2500
 A portion of lot 1 & 3 of Tract 18838

THE CUD OF MAJORITY SUPERSEDES THE INFORMATION

Property: 10000 Clover Heights Road
 Parcel No: 10000
 Map No: 10000

1. **Street Size**
- A. 10' x 13' 0" N x 17' 0" E = 1,400 SF
 - B. 10' x 13' 0" N x 17' 0" E = 1,400 SF
 - C. 10' x 13' 0" N x 17' 0" E = 1,400 SF
 - D. 10' x 13' 0" N x 17' 0" E = 1,400 SF
 - Total: 5,600 SF

2. **Structure Size Summary**
- A. Foot Print: 1,400 SF
 - B. Second Floor: 1,400 SF
 - C. Total: 2,800 SF
 - D. Total: 2,800 SF

3. **Alternative Impermeable Coverage**
- See Area: 1714 Acres x 0.500 SF = 759,450 SF
 - Permeable: 24,478 SF

4. **Impermeable Coverage (24,478 SF Allowed)**
- A. First Floor (House, Garage, and Sundeck): 4,386 SF
 - B. Terrace (Front and Side): 2,819 SF
 - C. Pool Deck: 2,800 SF
 - D. Walks and Drives: 2,800 SF
 - Total: 14,205 SF

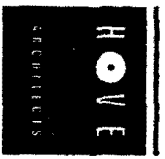
5. **20' Road**
- Second Floor House Allowed: 2,793 SF (67% of 4,100)
 - Allowed: 2,793 SF

6. **20' Road**
- Minimum House Foot Print, including Garage, Front and Covered Pool: 4,501 SF
 - Minimum House Second Floor including 2nd Floor Deck: 2,796 SF (67% of 4,100)
 - Allowed: 2,796 SF

7. **Walls, Roof and Terrace Area**
- Total: 1,333 SF



Weingarten Residence



Schematic Design Submittal

Geotechnical:
 Geotechnical, Inc.
 Phone: (410) 994-8995 Fax: (410) 994-4590
 Attn: Robert L. Soud

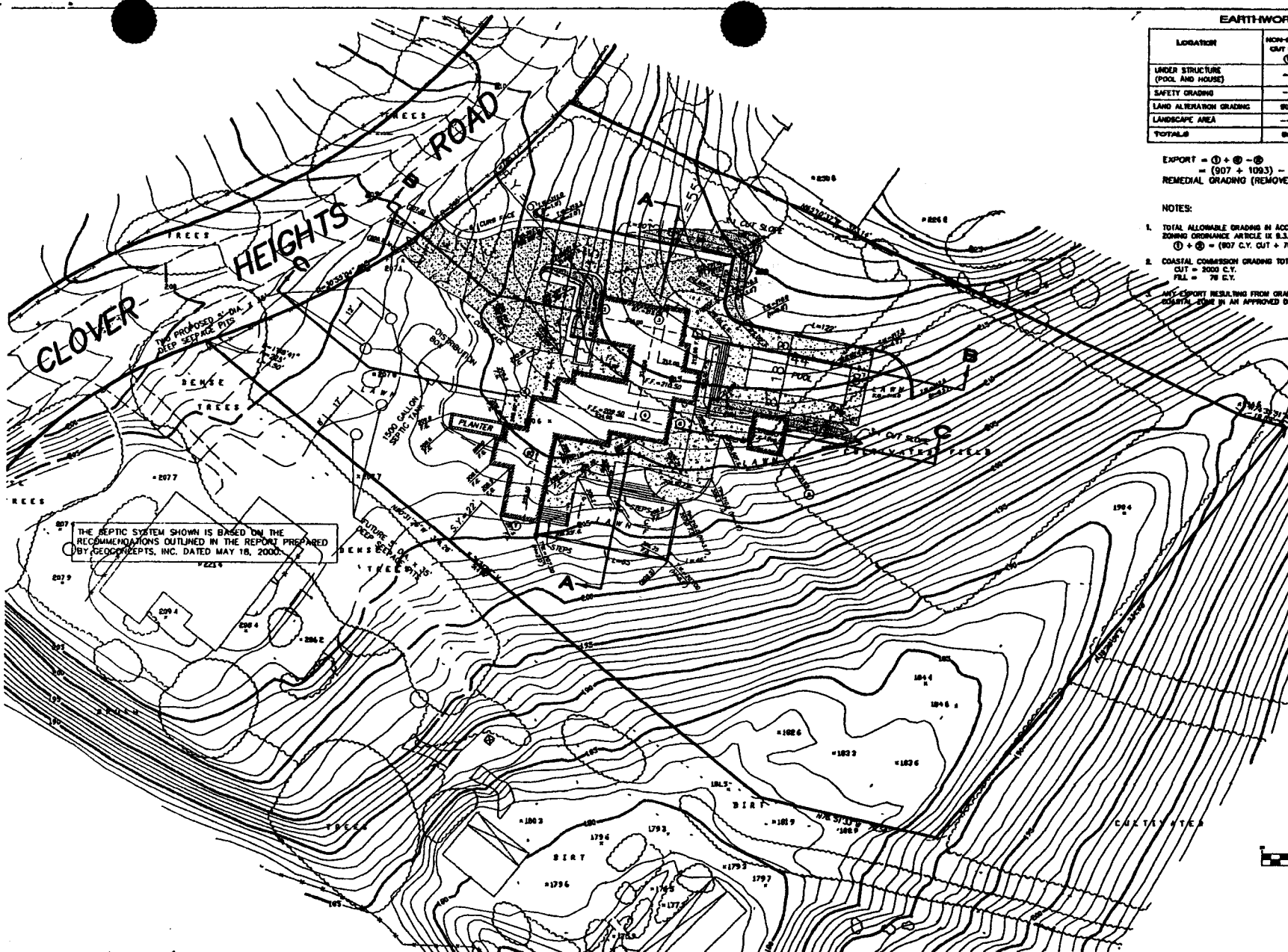
Civil/Structural:
 RT Quinn & Associates
 Phone: (301) 294-4125 Fax: (301) 294-4135
 Attn: Robert T. Quinn

Architect:
 HOVE Design Alliance, Inc.
 Phone: (410) 760-0812 Fax: (410) 760-1701
 Attn: Philip A. Demaree

Design Assist:
 James Harris
 Phone: (301) 453-4455

Structural:
 Chris Wilson
 Phone: (814) 991-1104

EXHIBIT NO. 3
APPLICATION NO.
SITE PLAN
 4-02-12



EARTHWORK SUMMARY			
LOCATION	NON-EXEMPT CUT (CY)	EXEMPT CUT (CY)	TOTAL
UNDER STRUCTURE (POOL AND HOUSE)	0	771	771
SAFETY GRADING	---	---	322
LAND ALTERATION GRADING	907	36	---
LANDSCAPE AREA	---	40	---
TOTALS	907	79	986

EXPORT = ① + ② - ③
 = (907 + 1003) - 78 = 1924 C.Y.
 REMEDIAL GRADING (REMOVE AND REPLACE VOLUME): 1910 C.Y.

- NOTES:
- TOTAL ALLOWABLE GRADING IN ACCORDANCE WITH THE CITY OF MALIBU INTERIM ZONING ORDINANCE ARTICLE 18.3.03.A.96
 ① + ② = (907 C.Y. CUT + 79 C.Y. FILL) = 983 C.Y.
 - COASTAL COMMISSION GRADING TOTALS:
 CUT = 2000 C.Y.
 FILL = 78 C.Y.
- ALL EXPORT MATERIAL FROM GRADING WILL BE DISPOSED OF OUTSIDE OF THE LOCALITY IN AN APPROVED DISPOSAL SITE.

- LEGEND:
- B.B. BACK OF WALK
 - C.B. CATCH BASIN
 - C.F. CURB FACE
 - C.M.B. CRUSHED AGGREGATE BASE
 - C.O. CEMENT
 - E.O. EDGE OF CUTTER
 - F.F. FINISHED FLOOR
 - F.A. FINISHED GRADE
 - F.L. FLOOR LINE
 - F.S. FINISHED SURFACE
 - F.Y. FRONT YARD
 - G.B. GRADE BREAK
 - G.F. GARAGE FLOOR
 - H.P. HIGH POINT
 - H.W. HOLEY
 - P.C.C. PORTLAND CEMENT CONCRETE
 - S.B. SUBGRADE
 - S.Y. SIDE YARD
 - T.C. TOP OF CURB
 - T.G. TOP OF GRADE
 - T.S. TOP OF SWAP
 - T.W. TOP OF WALL
 - T.F. TOP OF FOOTING
 - EXISTING CONTOUR
 - (---) EXISTING ELEVATION
 - RETAINING WALL

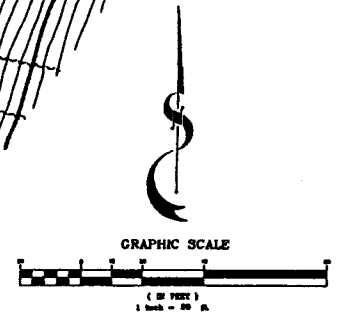
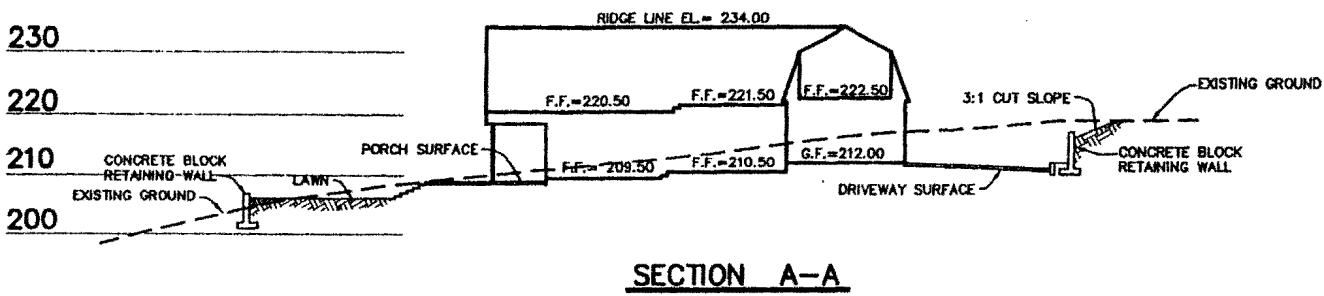
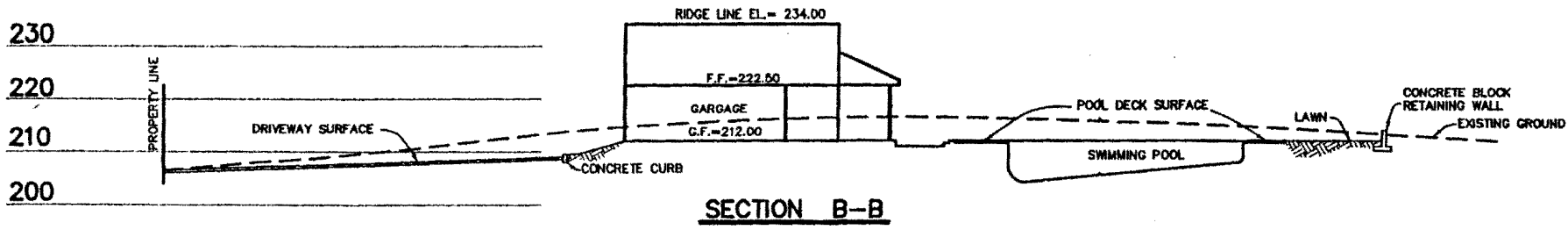
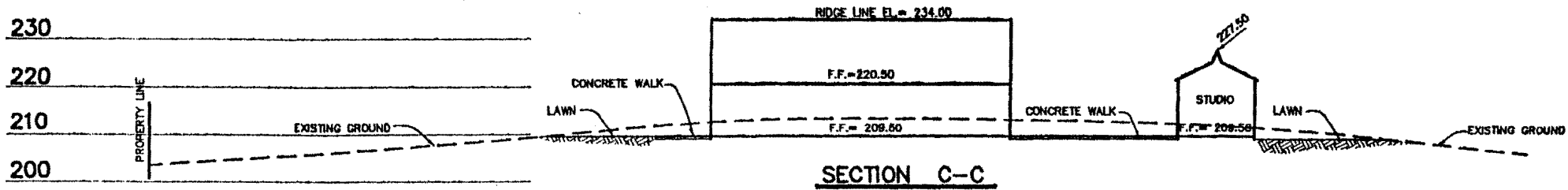


EXHIBIT "A"

SOIL ENGINEER GEO CONCEPTS, INC. 14401 GILMORE STREET, STE 200 VAN HUYE, CA 91401 PHONE: (818) 994-8885 ATTN: SCOTT J. WALKER ROBERT L. SOUSA		PLANS PREPARED BY: R.T. QUINN & ASSOCIATES 1355 W. REDONDO BEACH BOULEVARD GARDENA, CALIFORNIA 90247 (310) 328-4125 FAX (310) 328-4135 SIGNATURE: ROBERT T. QUINN S.C.E. 24988 DATE: 08-22-00 JOB # 20001 DRAWN BY: CHY	REVISIONS	PLANS PREPARED FOR: MARC AND LYNN WEINGARTEN 2631 MICHOLS CANYON ROAD LOS ANGELES, CA 90048 PHONE: (323) 851-2105	PROJECT: PRELIMINARY	SHEET TITLE:								
			<table border="1"> <thead> <tr> <th>#</th> <th>DATE</th> <th>BY</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>11/30/00</td> <td>JFM</td> <td>REVISED DRIVEWAY ACCESS, LANDSCAPE GRADING AND EARTHWORK SUMMARY</td> </tr> <tr> <td>2</td> <td>08-07-01</td> <td>JFM</td> <td>REVISED FINISHED FLOOR ELEVATIONS, LANDSCAPE GRADING AND EARTHWORK SUMMARY</td> </tr> </tbody> </table>		#	DATE	BY	DESCRIPTION	1	11/30/00	JFM	REVISED DRIVEWAY ACCESS, LANDSCAPE GRADING AND EARTHWORK SUMMARY	2	08-07-01
#	DATE	BY	DESCRIPTION											
1	11/30/00	JFM	REVISED DRIVEWAY ACCESS, LANDSCAPE GRADING AND EARTHWORK SUMMARY											
2	08-07-01	JFM	REVISED FINISHED FLOOR ELEVATIONS, LANDSCAPE GRADING AND EARTHWORK SUMMARY											

EXHIBIT NO. 4
 APPLICATION NO.
GRADING PLAN
 4-02-092



SCALE: HORIZ: 1"=30'
VERT.: 1"=30'

DESIGNER
GEO CONCEPTS, INC.
14401 CLAREMONT STREET, STE. 200
VAN NUYS, CA 91401
PHONE: (818) 994-8895
ATTN: SCOTT J. WALKER
ROBERT L. SOUSA

PLANS PREPARED BY:
R. T. QUINN & ASSOCIATES
1550 W. Redondo Beach Boulevard
Gardena, California 90247
(310) 328-4125 Fax (310) 328-4138
E-Mail Address: r1q@aol.com
ROBERT T. QUINN
A.C.E. 1988
DATE: 03-20-02 JOB # 200011 DRAWN BY: CRT



REVISIONS		
#	DATE	DESCRIPTION

PLANS PREPARED FOR:
MARC AND LYNN
WEINGARTEN
2831 MICHEL CANYON ROAD
LOS ANGELES, CA 90048
PHONE: (323) 851-2105

PROJECT TITLE: PRELIMINARY TRACT NO. C

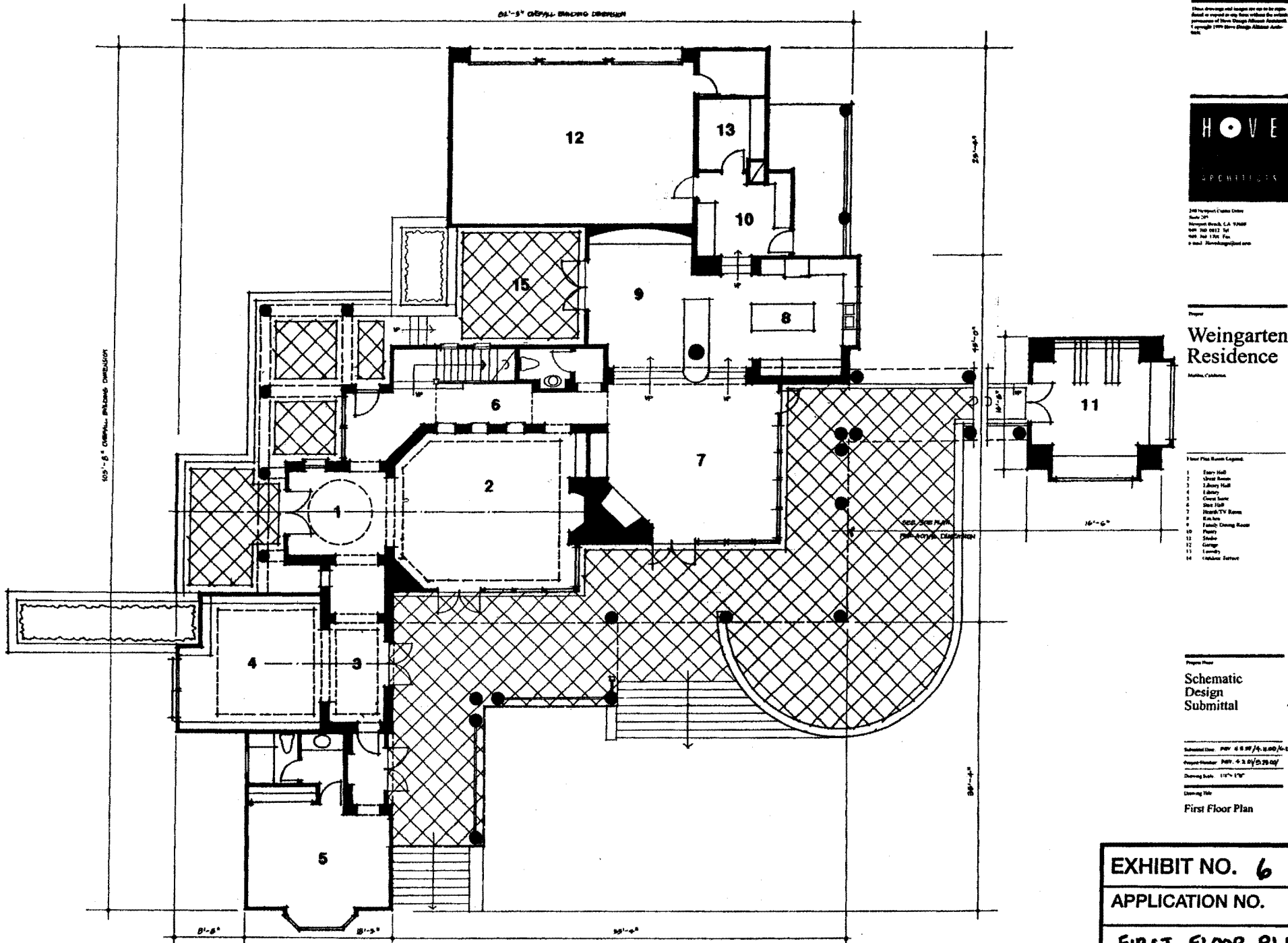
EXHIBIT NO. 5

APPLICATION NO.

GRADING CROSS SECTION

4-092

EXHIBIT "B"



These drawings and designs are not to be reproduced or copied in any form without the written permission of Howe Design Alliance Architects. Copyright 1999 Howe Design Alliance Architects.



248 Vermont Center Drive
Suite 201
Beverly Hills, CA 90210
909.478.0012 Tel.
909.478.1300 Fax
www.hovearchitects.com

Weingarten Residence

Malibu, California

Room Name Legend

- 1 Entry Hall
- 2 Great Room
- 3 Library
- 4 Dining Room
- 5 Kitchen
- 6 Family Dining Room
- 7 Break TV Room
- 8 Kitchen
- 9 Bath
- 10 Hall
- 11 Laundry
- 12 Stair
- 13 Garage
- 14 Closets

Schematic Design Submittal

Submitted Date: 04/05/06, 05/05/06, 06/05/06
Project Number: 092 - 4-2-02-29-09
Drawing Scale: 1/8" = 1'-0"
Drawing Title:

First Floor Plan

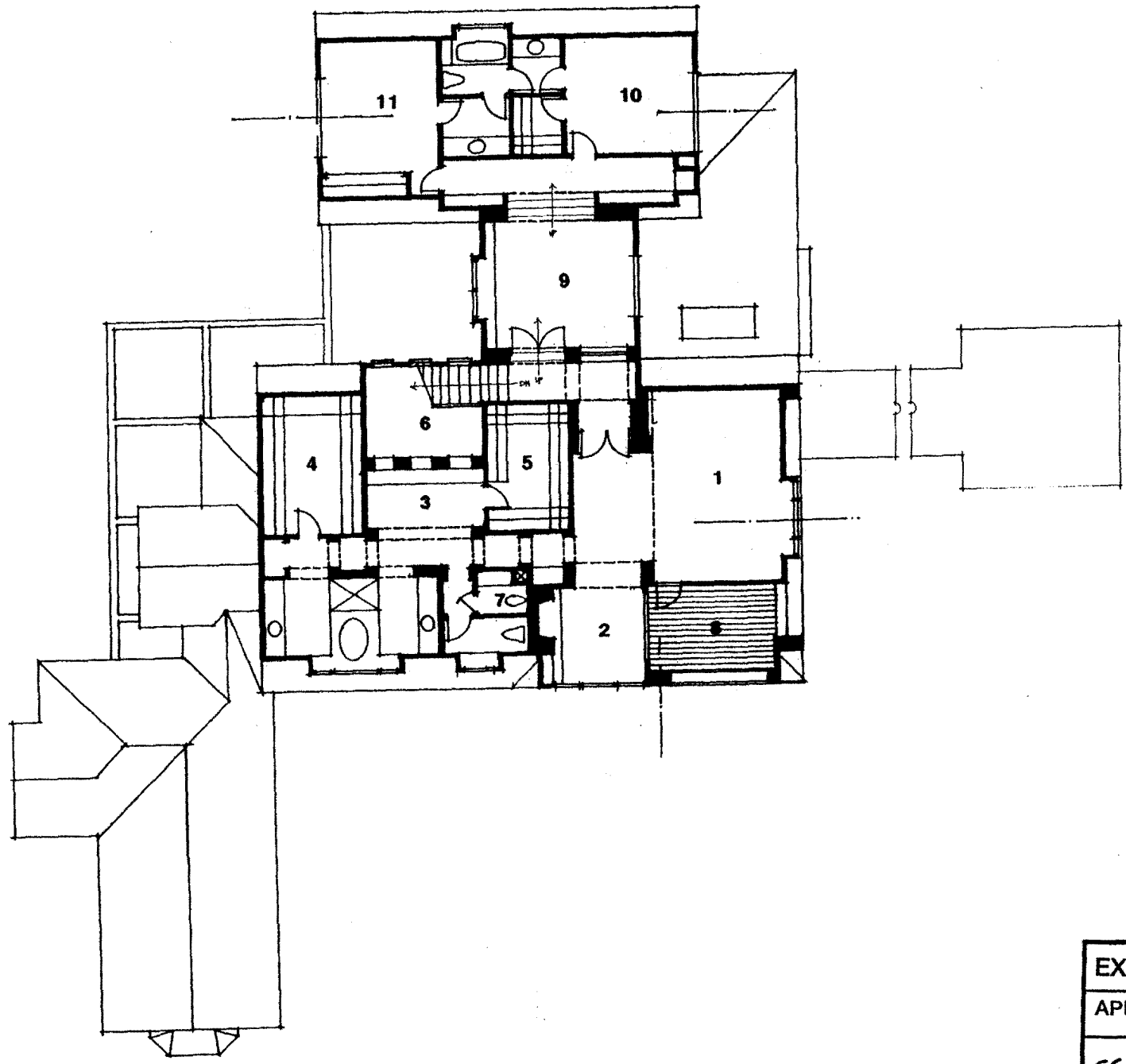
EXHIBIT NO. 6
APPLICATION NO.
FIRST FLOOR PLAN
4-02-092

These drawings and designs are not to be reproduced or copied in any form without the written permission of Howe Design Architects. Architects Copyright 1999 Howe Design Architects. All rights reserved.



2400 Prospect Center Drive
 Suite 200
 Morgan Hill, CA 95037
 Tel: 408 942 2144
 Fax: 408 939 7100
 Email: howehd@aol.com

Project:
Weingarten Residence
 Athol, California



- Floor Plan Room Legend
- 1 Master Bedroom
 - 2 Dining/Living Area
 - 3 Breakfast Room
 - 4 Kitchen
 - 5 Children's Bathroom
 - 6 Bathroom
 - 7 Play Room
 - 8 Children's Terrace
 - 9 Children's Play Room
 - 10 Child's Bedroom
 - 11 Child's Bedroom

Project Name:
Schematic Design Submittal

Submitted Date: 08/11/00
 Project Number: REV 9.0.01
 Drawing Number: 102-1100
 Drawing Title:
Second Floor Plan

EXHIBIT NO. 7
APPLICATION NO.
SECOND FLOOR PLAN
4-02-92

These drawings and reports are to be used only as a guide and are not to be construed as a warranty of any kind or as a representation of the accuracy of the information contained herein. Weingarten Design Alliance Architects, Copyright 1997 Weingarten Design Alliance Architects.



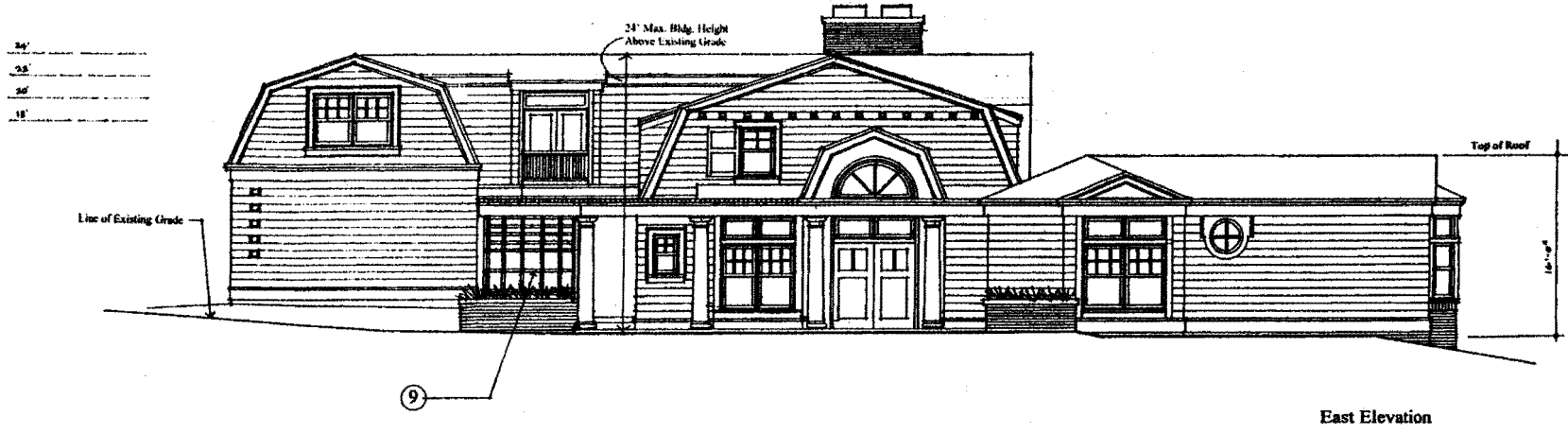
200 Weingarten Center Drive
Suite 200
San Francisco, CA 94108
415 775 8112 Fax
415 775 1370 Fax
www.hovedesign.com

Project:
Weingarten Residence
1677-16th

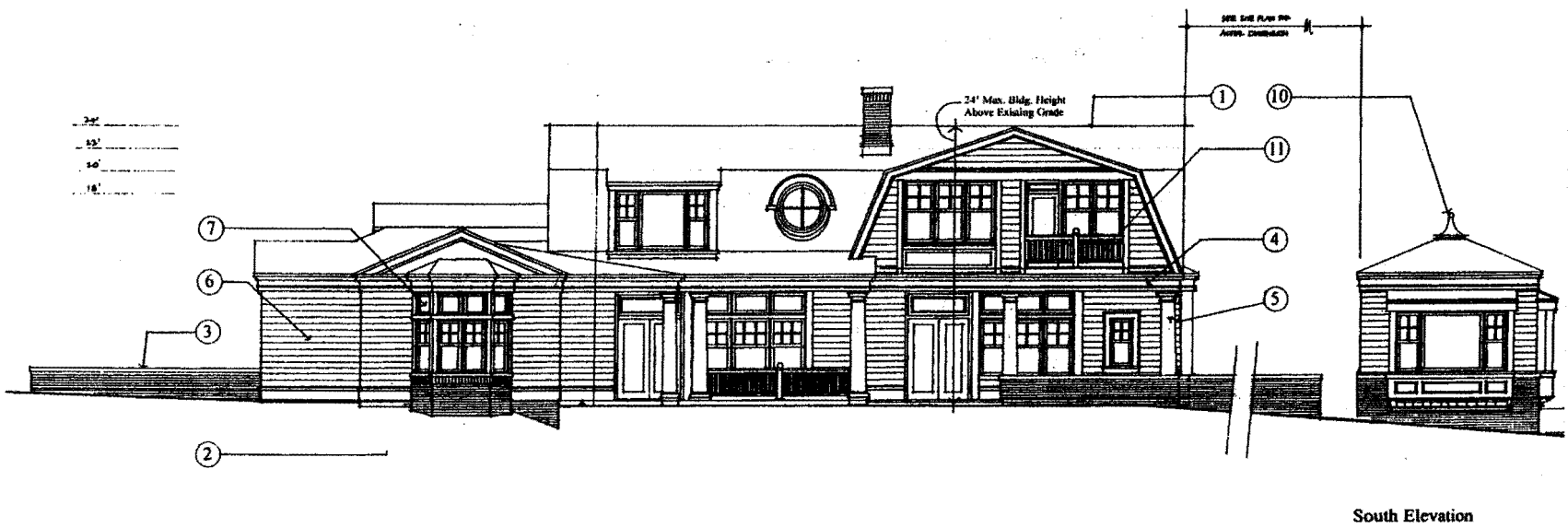
- Division Materials Legend
1. Sheetrock Composite Sheetrock
 2. Brick Veneer
 3. Cast Stone Wall Cap
 4. Smooth Painted Wood Siding
 5. Painted Wood Veneer Columns
 6. Cedar Siding 1" x 4" - weather
 7. Wood Shakes or Wood Shake Alternatives
 8. Standard Charcoal Stain/Finish
 9. 200 Traffic Paint/Finish
 10. Copper Clapboard
 11. 1x1 Painted Wood Balustrade

Project Name:
Schematic Design Submittal

Issued Date: 08/14/02 / 10/14/02 - 01/04/03
REV: 0-2-01
Drawing Scale: 1/4" = 1'-0"
Drawing Title:
Elevations



East Elevation



South Elevation

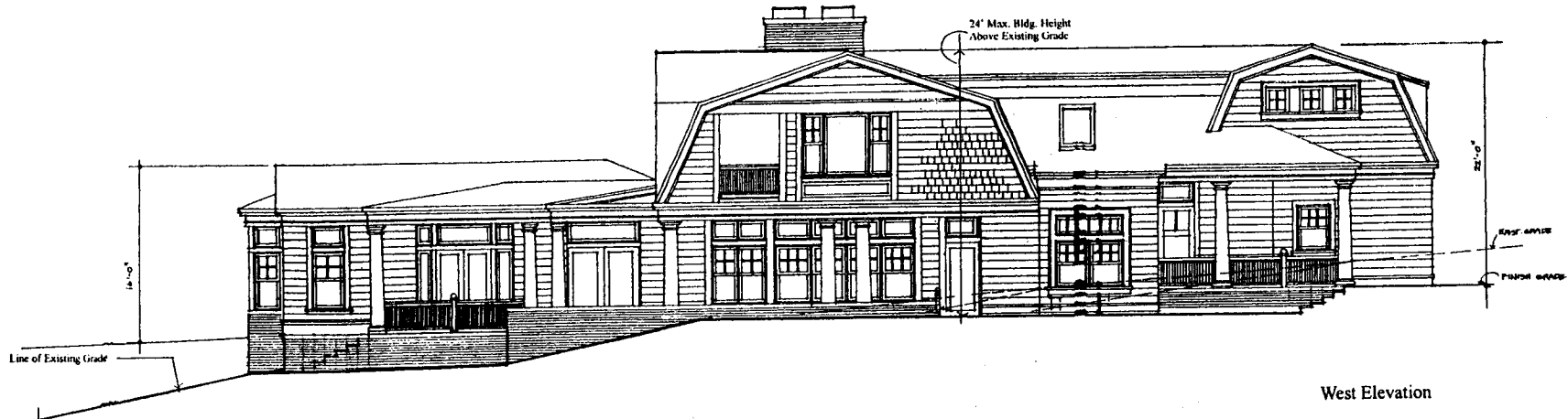
EXHIBIT NO. 8
APPLICATION NO.
ELEVATIONS 1
4-02-092

These drawings and project are not to be reproduced or copied in any form without the written permission of Howe Design Alliance Architects. Copyright 1995 Howe Design Alliance Architects.

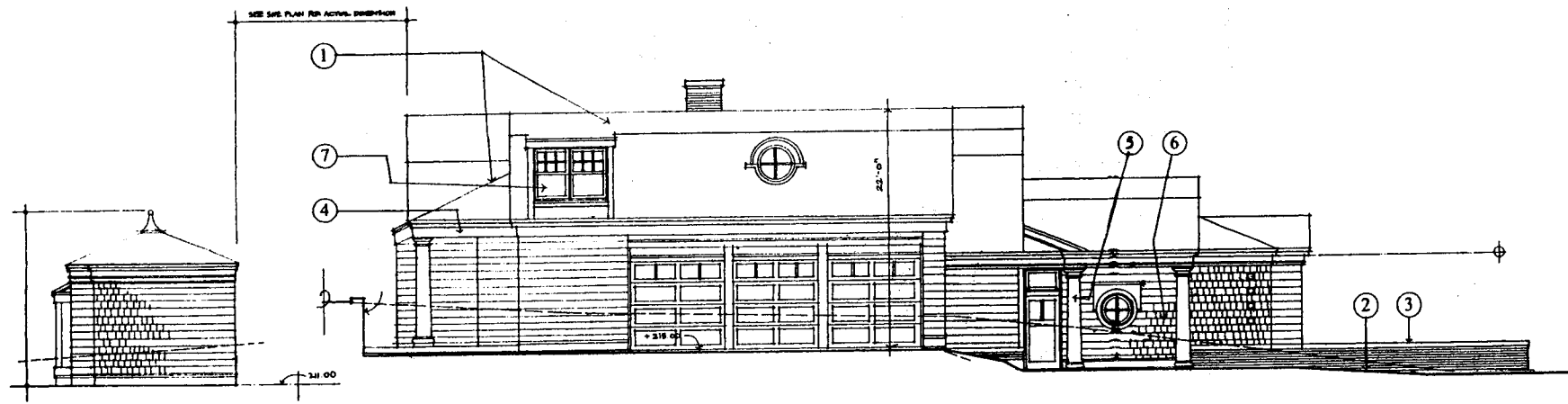


240 Newport Center Drive
Suite 202
Newport Beach, CA 92660
949 566 8812 Tel
949 566 1181 Fax
e-mail: howehome@aol.com

Project:
Weingarten Residence
Mailing Address:



West Elevation



Studio
North Elevation

North Elevation

- Elevation Materials Legend:
- 1 Dimensional Composite Shingles
 - 2 Brick Veneer
 - 3 Cast Stone Wall Cap
 - 4 Smooth Painted Wood Trim
 - 5 Painted Wood Trim/Columns
 - 6 Cedar Shingles 4" in width
 - 7 Stained Wood or Vinyl Clad Windows
 - 8 Tonedwood Concrete Siding/Clad
 - 9 2x2 Treated Joist
 - 10 Concrete Curbs
 - 11 1x1 Painted Wood Balustrade

Project Phase:
Schematic Design Submittal

Submitted Date: **REV 12.9.99 / 4.13.00/C-36.0**
REV 4.2.00

Drawing Scale: 1/4" = 1'-0"

Drawing Title:
Elevations

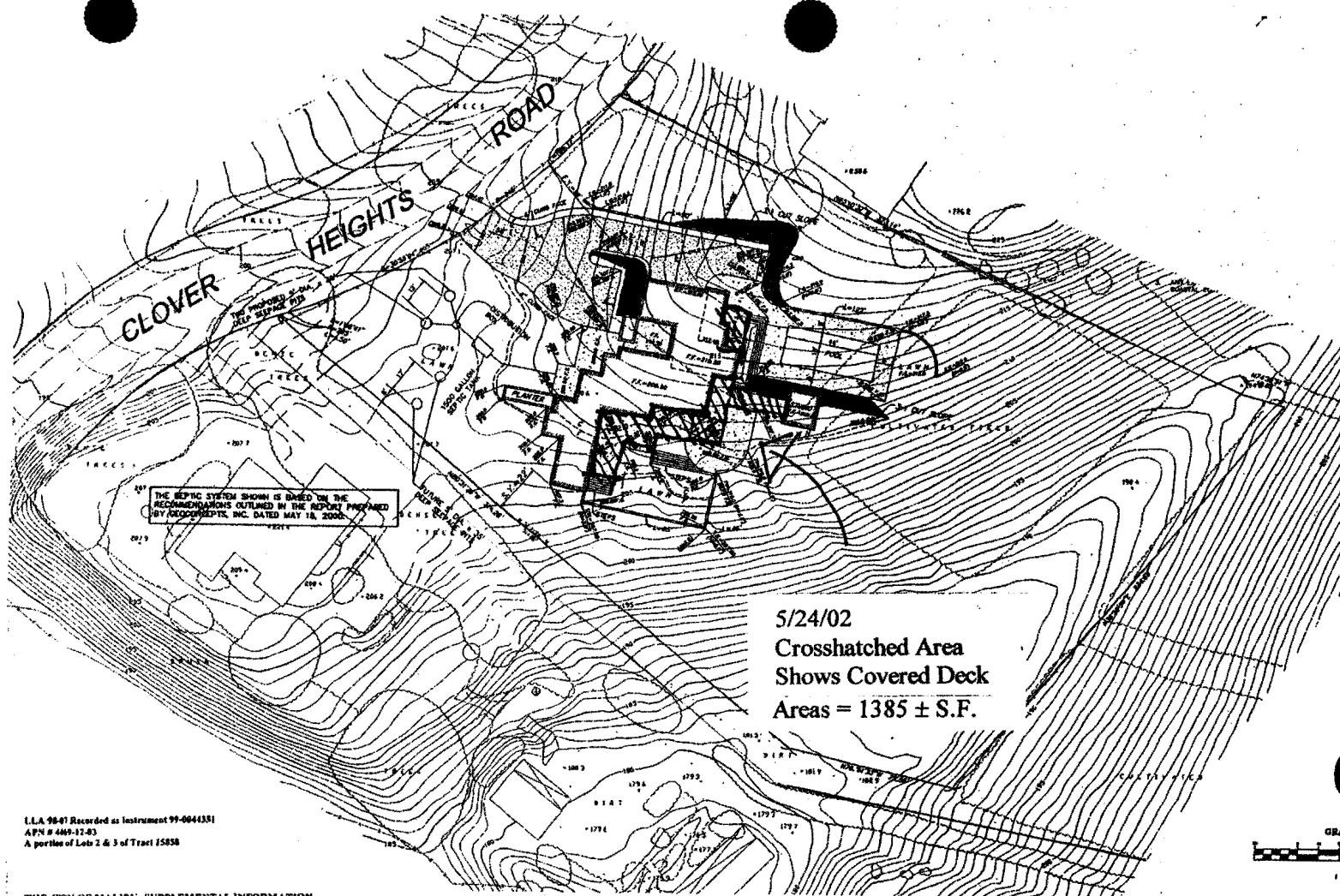
EXHIBIT NO. 9
APPLICATION NO.
ELEVATIONS II
4-02-092

Drawings and designs are not to be relied upon for any legal liability without the approval of the Design Alliance Authority.
Copyright 1999 Davis Brody Bond Architects, Inc.



300 Westport Coast Drive
Suite 207
Westport Beach, CA 90888
949-766-0828 Fax
949-766-1701 For
Email: hovearchitects@aol.com

Project:
Weingarten Residence
Malibu, California



THE SEPTIC SYSTEM SHOWN IS BASED ON THE RECOMMENDATIONS OBTAINED IN THE REPORT PREPARED BY GEOCONCEPTS, INC. DATED MAY 18, 2000.

5/24/02
Crosshatched Area
Shows Covered Deck
Areas = 1385 ± S.F.

L.L.A. 99-87 Recorded as Instrument 99-0044331
APN # 4469-12-03
A portion of Lots 2 & 3 of Tract 15838

THE CITY OF MALIBU: SUPPLEMENTAL INFORMATION

Property: 5920 Clover Heights Road
Gross/Net Area: 1.744 Acres (75,968.6 SF)
No Slopes 1:1 or Greater

1. Structure Size

1/2 AC x 43,560 SF x 17.7% =	4,855.06 SF
1/4 - 1 AC x 43,560 SF x 10% =	2,178.00 SF
1.0 - 1.5 AC x 43,560 SF x 7% =	1,089.00 SF
1.5 - 1.744 AC x 3% x 43,560 SF =	212.00 SF
(Per Allowable, City of Malibu)	Total: 8,334.00 SF

2. Structure Size Summary

Proposed	Allowed
A. First Floor	3,961 SF
B. Second Floor	2,706 SF
C. Covered Decks	1,345 SF
D. Studio	322 SF
Total:	8,052 SF

3. Allowable Impermeable Coverage
Site Area = 1.744 Acres x 43,560 SF = 75,968.64 SF
X 20% = 24,474 SF
Permeable Coverage Total = 24,474 SF

4. Impermeable Coverage (24,474 SF allowed)

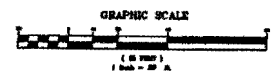
A. First Floor (House, Garage, and Studio)	4,266 SF
B. Terraces (covered and open)	2,819 SF
C. Pool Deck	2,498 SF
D. Walks and Drives	3,890 SF
Total:	14,793 SF

5. 2/3 Rule

Second Floor Footage Allowed	3,783 SF (67% of 1 st Floor Allowed)
Main House First Floor, including Garage, Porch, and Covered Patio	3,671 SF
Main House Second Floor including 2 nd Floor Deck	2,266 SF (49% of 1 st Floor Actual)

6. Solid Roofed and Terraced Areas

Decks	1,385 SF
-------	----------



Geologist:
Geo Concepts, INC.
Phone: (818) 994-8895 Fax: (818) 994-8599
Attn: Robert J. Souza

Civil Engineer:
RT Quinn & Associates
Phone: (310) 329-4125 Fax: (310) 329-4135
Attn: Robert F. Quinn

Architect:
HOVE Design Alliance, INC.
Phone: (949) 760-0812 Fax: (949) 760-1701
Attn: Philip M. Hove

Owners' Agent:
Jaime Harnish
Phone: (310) 457-6550

Successor:
Chris Nelson
Phone: (818) 991-1040

Project Plan:
Schematic Design Submittal

Submitted Date: 05/20/02
Rev: 6/19/02

Drawing Date:
Drawing Title:

Site Plan

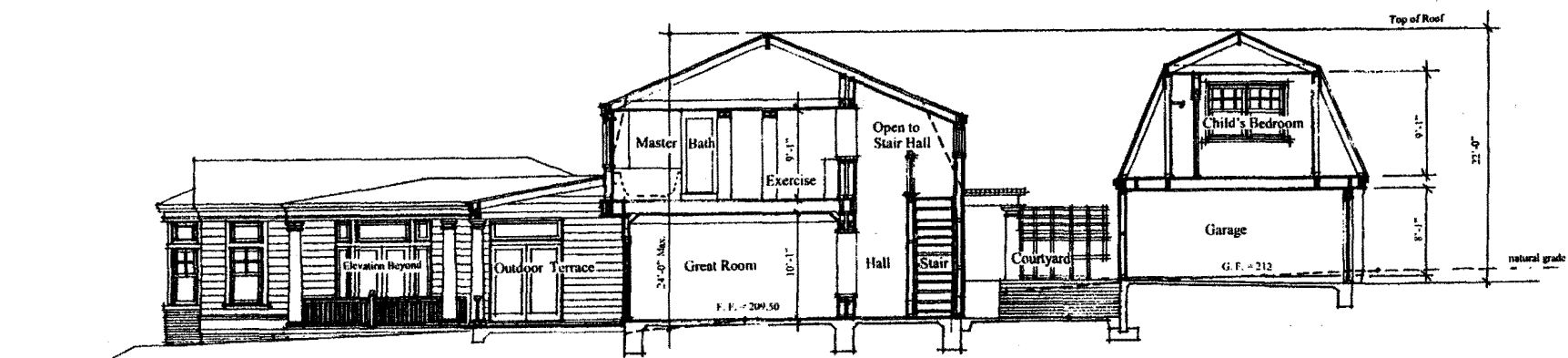
EXHIBIT NO. 10
APPLICATION NO.
COVERED DECK AREAS
4-02-092

These drawings and contract are not to be reproduced or copied in any form without the written permission of Hov Design Architects. Copyright 1999 Hov Design Architects. All rights reserved.



140 Alvarado Center Drive
 Suite 202
 Menlo Park, CA 94025
 650.326.8832 Tel
 650.346.1791 Fax
 e-mail: hove@hovdesign.com

Project Name:
Weingarten Residence
 1400 California



Section A-A

Project Name:
Schematic Design Submittal

Submittal Date: **08/21/01 (10/16/01)**

Drawing Title:
Building Section

Sheet Number:
A7